DEPARTMENT OF ECOLOGY
State of Washington

State of Washington
REPORT OF EXAMINATION
FOR WATER RIGHT APPLICATION

PRIORITY DATE	WATER RIGHT NUMBER
July 9, 2012	G3-30668

MAILING ADDRESS
Stevens County Public Utility District No. 1
PO Box 592
Loon Lake, WA 99148-0592

SITE ADDRESS (IF DIFFERENT)

Quantity Authorized for Withdrawal

WITHDRAWAL RATE	UNITS	ANNUAL QUANTITY	UNITS
95	GPM	0	AF/YR

Purpose

PURPOSE	WITHDRAWAL RATE	ANNUAL QUANTITY	PERIOD OF USE (mm/dd)
Municipal	95 GPM	0 AF/YR	01/01 - 12/31

PUBLIC WATER SYSTEM INFORMATION	WATER SYSTEM ID	CONNECTIONS
VALLEY	05520F	78

Source Location

Source Name	Parcel #	Well Tag	Twp	Rng	Sec	QQ	Latitude	Longitude
Well S01	0254301	ABT-268	31 N.	40 E.	23	NW¼SE¼	48.17159°N	117.72237°W
Well S02	0254301	ACG-570	31 N.	40 E.	23	NW¼SE¼	48.17162°N	117.72224°W

Datum: WGS84

Place of Use (See Attached Map)

LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE

Area served by Stevens County Public Utility District No. 1. The place of use (POU) of this water right is the service area described in the most recent Stevens County PUD No. 1 Water System Plan approved by the Washington State Department of Health, so long as the water system is and remains in compliance with the criteria in RCW 90.03.386(2). RCW 90.03.386 may have the effect of revising the place of use of this water right.

Proposed Works

2 wells, pumps, reservoir and distribution system

Development Schedule

BEGIN PROJECT	COMPLETE PROJECT	PUT WATER TO FULL USE
Begun	September 1, 2015	September 1, 2017

Measurement of Water Use

How often must water use be measured?	Weekly
How often must water use data be reported to Ecology?	Upon Request by Ecology
What volume should be reported?	Total Annual Volume
What rate should be reported?	Annual Peak Rate of Withdrawal (gpm)

Provisions

Total amount authorized from Water Right Claim No. 074064 and this authorization (G3-30668) shall not exceed 545 gallons per minute and 358 acre-feet per year, continuously, for municipal supply.

This authorization to make use of public waters of the State is subject to existing rights, including any existing rights held by the United States for the benefit of Indians under treaty or otherwise

Nothing in this authorization shall be construed as satisfying other applicable federal, state, or local statutes, ordinances, or regulations.

Wells, Well Logs and Well Construction Standards
All wells constructed in the state shall meet the construction requirements of WAC 173-160 titled "Minimum Standards for the Construction and Maintenance of Wells" and RCW 18.104 titled "Water Well Construction". Any well which is unusable, abandoned, or whose use has been permanently discontinued, or which is in such disrepair that its continued use is impractical or is an environmental, safety or public health hazard shall be decommissioned.

All wells shall be tagged with a Department of Ecology unique well identification number. If you have an existing well and it does not have a tag, please contact the well-drilling coordinator at the regional Department of Ecology office issuing this decision. This tag shall remain attached to the well. If you are required to submit water measuring reports, reference this tag number.

Installation and maintenance of an access port as described in WAC 173-160- 291(3) is required.

Measurements, Monitoring, Metering and Reporting
An approved measuring device shall be installed and maintained for each of the sources identified herein in accordance with the rule "Requirements for Measuring and Reporting Water Use", Chapter 173-173 WAC. Water use data shall be recorded weekly and maintained by the property owner for a minimum of five years, and shall be promptly submitted to Ecology upon request.

Recorded water use data shall be submitted via the Internet. To set up an Internet reporting account, contact the Eastern Regional Office. If you do not have Internet access, you can still submit hard copies by contacting the Eastern Regional Office for forms to submit your water use data.

WAC 173-173 describes the requirements for data accuracy, device installation and operation, and information reporting. It also allows a water user to petition the Department of Ecology for modifications to some of the requirements.

Department of Health Requirements

Prior to any new construction or alterations of a public water supply system, the State Board of Health rules require public water supply owners to obtain written approval from the Office of Drinking Water of the Washington State Department of Health. Please contact the Office of Drinking Water prior to beginning (or modifying) your project at DOH/Division of Environmental Health, 16201 E. Indiana Avenue, Suite 1500, Spokane Valley, WA 99216, (509) 329-2100.

Water Use Efficiency

The water right holder is required to maintain efficient water delivery systems and use of up-to-date water conservation practices consistent with RCW 90.03.005.

Proof of Appropriation

The water right holder shall file the notice of Proof of Appropriation of water (under which the certificate of water right is issued) when the permanent distribution system has been constructed and the quantity of water required by the project has been put to full beneficial use. The certificate will reflect the extent of the project perfected within the limitations of the permit. Elements of a proof inspection may include, as appropriate, the source(s), system instantaneous capacity, beneficial use(s), annual quantity, place of use, and satisfaction of provisions.

Schedule and Inspections

Department of Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the project location, and to inspect at reasonable times, records of water use, wells, diversions, measuring devices and associated distribution systems for compliance with water law.

Findings of Facts

Upon reviewing the investigator's report, I find all facts, relevant and material to the subject application, have been thoroughly investigated. Furthermore, I concur with the investigator that water is available from the source in question; that there will be no impairment of existing rights; that the purpose of use is beneficial; and that there will be no detriment to the public interest.

Therefore, I ORDER approval of Application No. G3-30668, subject to existing rights and the provisions specified above.

Your Right To Appeal

You have a right to appeal this Order to the Pollution Control Hearings Board (PCHB) within 30 days of the date of receipt of this Order. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal you must do the following within 30 days of the date of receipt of the Order.

File your appeal and a copy of this Order with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.

- Serve a copy of your appeal and this Order on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.

- You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

Street Addresses	Mailing Addresses
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503 **Pollution Control Hearings Board** 1111 Israel Road SW Ste 301 Tumwater, WA 98501	**Department of Ecology** Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608 **Pollution Control Hearings Board** PO Box 40903 Olympia, WA 98504-0903

Signed at Spokane, Washington, this 22nd day of October, 2013.

Keith L. Stoffel, Section Manager

For additional information visit the Environmental Hearings Office Website: http://www.eho.wa.gov. To find laws and agency rules visit the Washington State Legislature Website: http://www1.leg.wa.gov/CodeReviser.

INVESTIGATOR'S REPORT
Application for Water Right – Stevens County Public Utility District No. 1
Water Right Control Number G3-30668

BACKGROUND

This report serves as the written findings of fact concerning Water Right Application Number G3-30668. Stevens County Public Utility District No. 1 (PUD) submitted an application to increase the instantaneous rate of withdrawal from two existing wells for municipal use for the Valley Water System in Valley, Washington.

Applicant Name:	Stevens County Public Utility District No. 1
Date of Application:	July 9, 2012
Place of Use:	Area served by Stevens County Public Utility District No. 1

County	Water Body	Tributary To	WRIA
Stevens	Groundwater	---	59- Colville

Purpose	Rate	Unit	Ac-ft/yr	Begin Season	End Season
Municipal	95	GPM	0	01/01	12/31

Source Name	Parcel #	Well Tag	Twp	Rng	Sec	QQ	Latitude	Longitude
Well S01	0254301	ABT-268	31 N.	40 E.	23	NW¼SE¼	48.17159°N	117.72237°W
Well S02	0254301	ACG-570	31 N.	40 E.	23	NW¼SE¼	48.17162°N	117.72224°W

Datum: WGS84

GPM = Gallons Per Minute; Ac-ft/yr = Acre-feet per year; Sec. = Section; QQ Q = Quarter-quarter of a section; WRIA = Water Resource Inventory Area; E.W.M. = East of the Willamette Meridian; Datum: WGS84.

Public Notice

RCW 90.03.280 requires that notice of a water right application be published once a week, for two consecutive weeks, in a newspaper of general circulation in the county or counties where the water is to be stored, diverted and used. Notice of this application was published in the *Chewelah Independent* on August 8 and 15, 2013.

State Environmental Policy Act (SEPA)

A water right application is subject to a SEPA threshold determination (i.e., an evaluation whether there are likely to be significant adverse environmental impacts) if any one of the following conditions are met.

(a) It is a surface water right application for more than 1 cubic foot per second, unless that project is for agricultural irrigation, in which case the threshold is increased to 50 cubic feet per second, so long as that irrigation project will not receive public subsidies;
(b) It is a groundwater right application for more than 2,250 gallons per minute;
(c) It is an application that, in combination with other water right applications for the same project, collectively exceed the amounts above;
(d) It is a part of a larger proposal that is subject to SEPA for other reasons (e.g., the need to obtain other permits that are not exempt from SEPA);
(e) It is part of a series of exempt actions that, together, trigger the need to do a threshold determination, as defined under WAC 197-11-305.

Because this application does not meet any of these conditions, it is categorically exempt from SEPA and a threshold determination is not required.

INVESTIGATION

A field investigation was conducted by Gene Drury on July 23, 2013 and included discussions with Dick Price, Manager of the PUD. It was noted that the project has started as the PUD has pumped water from the existing wells for municipal supply purposes for the Valley Water System. This project is located in Valley, Washington which is on State Route 231 approximately 8.5 miles north of Springdale, WA.

The Valley Water System currently provides municipal water supply from two (2) existing wells drilled in the mid 1990's. The wells were authorized under a change to Claim No. 074063 on February 16, 1996. The water system currently serves 78 connections and is approved for 150 connections.

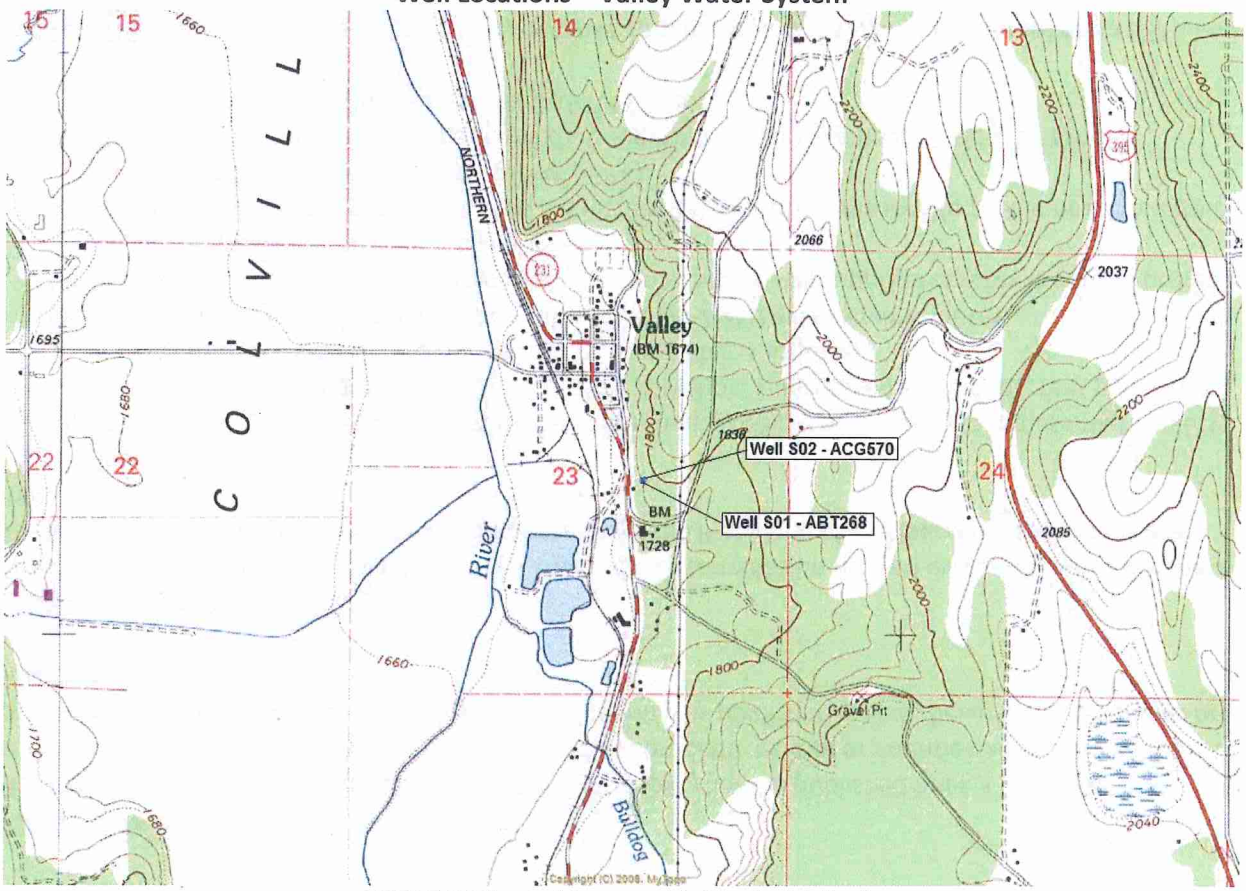
PUD Valley Water System Well Information

Well#	Unique ID#	Size	Static Water Level (ft)	Pump Hp.	Well Capacity
Well 1 (S01)	ABT-268	8" x 195'	69'	25	246 gpm
Well 2 (S02)	ACG-570	8" x 198'	71'	25	245 gpm

PUD Valley System Water Use

2012 = 12,400,000 gallons (38 acre-feet)
2011 = 12,300,000 gallons (38 acre-feet)
2010 = 9,800,000 gallons (30 acre-feet)
2009 = 10,100,000 gallons (31 acre-feet)

Well Locations – Valley Water System



USGS 7.5 Minute (Topographic Map) - "Valley"

Proposed Use and Basis of Water Demand

RCW 90.03.386(3) requires a municipal water supplier to apply cost-effective water conservation measures as part of its water system planning. The water supplier must also evaluate the effects of delaying the use of inchoate water rights before it may increase use of those inchoate rights. RCW

90.03.320 requires Ecology to consider the public water supplier's use of conserved water when establishing a surface or ground water right construction schedule.

The applicant has asked for an increase in authorized instantaneous rate of 95 gallons per minute with no increase in annual quantity. The current water system has two existing operating wells used for municipal supply purposes.

Other Rights Appurtenant to the Place of Use

Water Right Claim No. 074063

Recorded Name:	Public Utility District No. 1 of Stevens County
Priority Date:	1909
Instantaneous Quantity:	450 gallons per minute
Annual Quantity:	358 acre-feet per year
Source:	2 wells (S01, S02)
Purpose of Use:	Municipal
Points of Withdrawal:	NW¼SE¼, Sec. 23, T. 31 N., R. 40 E.W.M.
Place of Use:	Area served by Public Utility District No. 1 of Stevens County.

Impairment Considerations

Impairment is an adverse impact on the physical availability of water for a beneficial use that is entitled to protection. A water right application may not be approved if it would:

- Interrupt or interfere with the availability of water to an adequately constructed groundwater withdrawal facility of an existing right. An adequately constructed groundwater withdrawal facility is one that (a) is constructed in compliance with well construction requirements and (b) fully penetrates the saturated zone of an aquifer or withdraws water from a reasonable and feasible pumping lift.
- Interrupt or interfere with the availability of water at the authorized point of diversion of a surface water right. A surface water right conditioned with instream flows may be impaired if a proposed use or change would cause the flow of the stream to fall to or below the instream flow more frequently or for a longer duration than was previously the case.
- Interrupt or interfere with the flow of water allocated by rule, water rights, or court decree to instream flows.
- Degrade the water quality of the source to the point that the water is unsuitable for beneficial use by existing users (e.g., via sea water intrusion).

The PUD has requested an increase in instantaneous quantity only, with no additional consumptive water use. Because this requested appropriation is non-additive with respect to annual quantity, and would not result in increased water consumption, this application has no tangible effect on other pending requests and can be processed prior to older pending applications.

The existing wells have been in use since 1996 with no reported well interference issues. A review of Ecology records was also conducted for other water rights in the vicinity of the PUD point of withdrawal. The additional instantaneous quantity is available for withdrawal and will not impair existing water rights.

Water Availability

For water to be available for appropriation, it must be both physically and legally available.

Physical availability

For water to be physically available for appropriation there must be ground or surface water present in quantities and quality and on a sufficiently frequent basis to provide a reasonably reliable source for the requested beneficial use or uses. In addition, the following factors are considered:

- Volume of water represented by senior water rights, including federal or tribal reserved rights or claims;
- Water right claims registered under Chapter 90.14 RCW;
- Ground water uses established in accordance with Chapter 90.44 RCW, including those that are exempt from the requirement to obtain a permit; and
- Potential riparian water rights, including non-diversionary stock water.
- Lack of data indicating water usage can also be a consideration in determining water availability, if the department cannot ascertain the extent to which existing rights are consistently utilized and cannot affirmatively find that water is available for further appropriation.

Legal availability

To determine whether water is legally available for appropriation, the following factors are considered:

- Regional water management plans – which may specifically close certain water bodies to further appropriation.
- Existing rights – which may already appropriate physically available water.
- Fisheries and other instream uses (e.g., recreation and navigation). Instream needs, including instream and base flows set by regulation. Water is not available for out of stream uses where further reducing the flow level of surface water would be detrimental to existing fishery resources.
- The Department may deny an application for a new appropriation in a drainage where adjudicated rights exceed the average low flow supply, even if the prior rights are not presently being exercised. Water would not become available for appropriation until existing rights are relinquished for non-use by state proceedings.

The PUD has requested an increase in instantaneous quantity only, with no additional consumptive water use. The PUD holds adequate annual acre-feet per year under existing water rights. The increase of 95 gallons per minute from the existing municipal supply system will be for operational purposes only as no additional consumptive water is being withdrawn. The 95 gallons per minute is available for withdrawal.

Beneficial Use

The proposed municipal use of water is defined in statute as a beneficial use (RCW 90.54.020(1)).

Public Interest Considerations

Consideration of Protests and Comments

There has been no public expression of protest or concern regarding the subject proposal, and no findings through this investigation indicate that there would be any detrimental impact to the public welfare through issuance of the proposed appropriation.

Conclusions

It is the conclusion of this examiner that: (1) public groundwater is available for appropriation for an instantaneous withdrawal of 95 gallons per minute, continuously, for municipal supply purposes; (2) this is a beneficial use; (3) it will not impair existing rights; and (4) it will not be detrimental to the public welfare.

RECOMMENDATIONS

Based on the above investigation and conclusions, I recommend that this request for a water right be approved in the amounts and within the limitations listed below and subject to the provisions listed above.

The amount of water recommended is a maximum limit and the water user may only use that amount of water within the specified limit that is reasonable and beneficial:

Quantity
95 gallons per minute; 0 acre-feet per year

Note: This authorization is for an additional 95 gallons per minute for the Valley Water System from Wells S01 and Well S02. Claim No. 074063 already authorizes 450 gallons per minute and 358 acre-feet per year. Total amount under Claim No. 074063 and this authorization shall not exceed 545 gallons per minute and 358 acre-feet per year, continuously, for municipal supply.

Purpose of Use
Municipal Supply

Point of Withdrawal
Well S01 and S02: NW¼SE¼, Section 23, Township 31 North, Range 40 E.W.M.

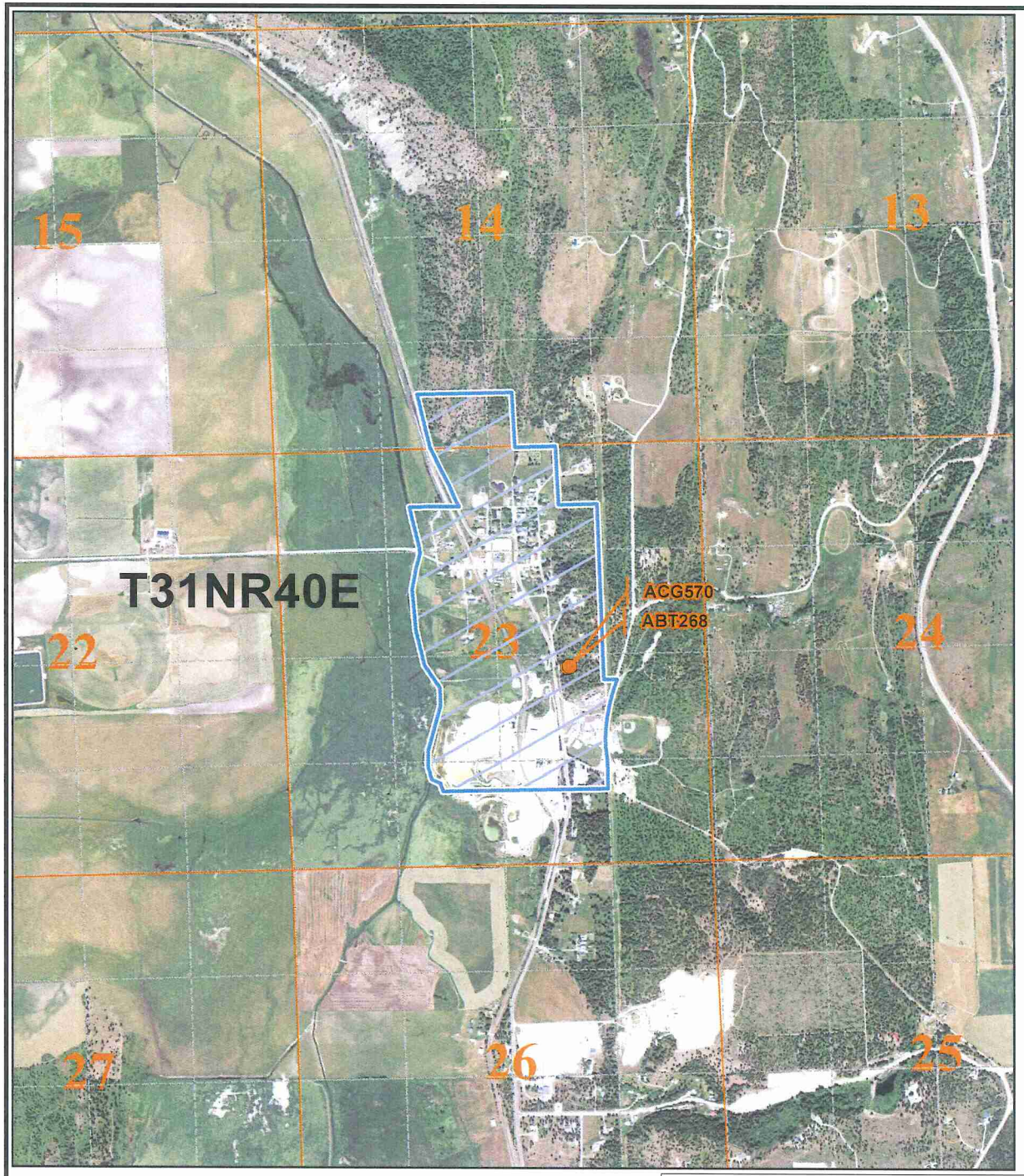
Place of Use
Area served by Stevens County Public Utility District No. 1. The place of use (POU) of this water right is the service area described in the most recent Stevens County PUD No. 1 Water System Plan approved by the Washington State Department of Health, so long as the water system is and remains in compliance with the criteria in RCW 90.03.386(2). RCW 90.03.386 may have the effect of revising the place of use of this water right.

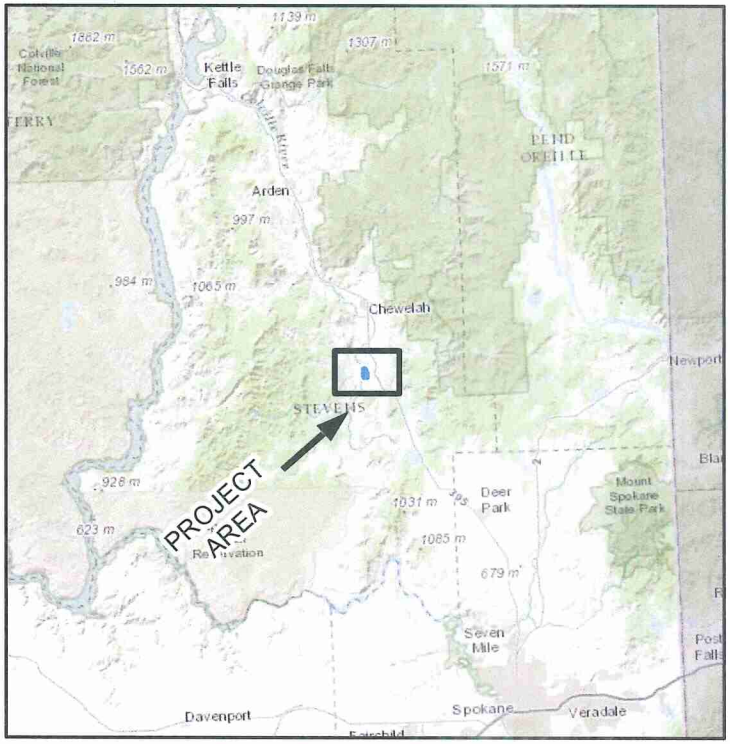
10/22/13

Gene Drury, Report Writer *Date*

If you need this publication in an alternate format, please call the Water Resources Program at (360) 407-6600. Persons with hearing loss can call 711 for Washington Relay Service. Persons with a speech disability can call 877-833-6341.

Stevens County PUD No. 1
G3-30668
T36N/R38E





Basemap - (ESRI US Topographic Maps)

Legend

- Authorized Place of Use
- Townships
- Sections
- Authorized Point of Withdrawl

0 660 1,320 2,640 3,960 5,280 6,600 Feet

Basemap - (NAIP 2011 1m color)

DEPARTMENT OF ECOLOGY State of Washington

Map Date: 9/27/2013

Comment:
Place of use and source locations are as defined within the Report of Examination cover sheet for the document identfied in the header above.

ATTACHMENT 1