



State of Washington
**REPORT OF EXAMINATION
FOR WATER RIGHT APPLICATION**

PRIORITY DATE
2/7/2014

WATER RIGHT NUMBER
G3-30703

MAILING ADDRESS
STAHL HUTTERIAN BRETHREN TRUST
1485 N HOFFMAN ROAD
RITZVILLE WA 99169

SITE ADDRESS (IF DIFFERENT)

Quantity Authorized for Withdrawal

WITHDRAWAL OR DIVERSION RATE	UNITS	ANNUAL QUANTITY (AF/YR)
300	GPM	37.5

Purpose

PURPOSE	WITHDRAWAL RATE			ANNUAL QUANTITY (AF/YR)		PERIOD OF USE (mm/dd)
	ADDITIVE	NON-ADDITIVE	UNITS	ADDITIVE	NON-ADDITIVE	
Municipal Water Supply Purposes (includes Fire Protection as needed)	300		GPM	37.5		01/01 - 12/31

PUBLIC WATER SYSTEM INFORMATION

WATER SYSTEM ID	CONNECTIONS
07764	30

Source Location

COUNTY	WATERBODY	TRIBUTARY TO	WATER RESOURCE INVENTORY AREA
ADAMS	GROUNDWATER		41-LOWER CRAB

SOURCE FACILITY/DEVICE	PARCEL	WELL TAG	TWP	RNG	SEC	QQ Q	LATITUDE	LONGITUDE
SO1	2933070100001	AFL220	19 N.	33 E.	07	SW	47.15028	118.72102
SO3	2933070100001	AAN858	19 N.	33 E.	07	SW	47.14992	118.72466

Datum: NAD83/WGS84

Place of Use (See Attached Map)

PARCELS (NOT LISTED FOR SERVICE AREAS)

2933070100001

LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE

SW¼ of Section 7, T. 19 N., R. 33 E.W.M.

Proposed Works

Two wells, 1 primary, 1 backup to be used for municipal water supply purposes

Development Schedule

BEGIN PROJECT	COMPLETE PROJECT	PUT WATER TO FULL USE
July 1, 2014	July 1, 2016	July 1, 2020

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

A voluntary relinquishment of 37.5 acre-feet and 15 acres under Ground Water Certificate G3-01534 and G3-01535 shall be submitted prior to issuance of a permit.

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 by this water right in accordance with the rule "Requirements for Measuring and Reporting Water Use", WAC 173-173.

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.

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, contracting with a Certified Water Right Examiner (CWRE), 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(s) of use are beneficial; and that there will be no detriment to the public interest.

Therefore, I ORDER approval of Application No. G3-30703, 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	Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
Pollution Control Hearings Board 1111 Israel Road SW Ste 301 Tumwater, WA 98501	Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903

Signed at Spokane, Washington, this 11th day of September, 2014.



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>.

BACKGROUND

This report serves as the written findings of fact concerning Water Right Application Number G3-30703. A field investigation was conducted April 29, 2014 and the applicant was present.

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 Ritzville Adams County Journal on April 3 and 10, 2014 and no protests were received.

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

The property is currently developed into residential facility, housing the members of the Stahl Hutterian Brethren and agricultural irrigation. The facility consists of multiple residential units, school, laundry facilities, industrial facilities, shops, barns and other uses. The water used for the domestic uses has been historically provided under the Ground Water Exemption of RCW 90.44.050. The uses have been determined to be under the threshold for domestic supply (5000 gpd), industrial uses (5000 gpd), stockwatering (unlimited) and irrigation of ½ an acre of lawn and gardens.

The domestic and industrial uses have been determined to be close to the maximum allowed quantities for the exempt uses and the applicant has been advised by the Department of Health (DOH) to obtain a water right prior to any more connections being authorized under their approved water system and to meet future demands.

Two wells are authorized for use for the water system and are described below. The current DOH plan authorizes 30 connections and a residential population of 77. Discussions with DOH determined the requested 300 gpm, 37.5 acre-feet per year would be adequate for the long term growth of the facility.

The proposed application lies within the Odessa Subarea. The subarea is limited in the availability of new water rights. The applicant has removed a 15 acre ½ pivot in the N½SW¼SW¼ and agrees to relinquish the proportional share of the water right to mitigate the new appropriation. The pivot was removed and replaced with a new shop and parking area.

The water system may require fire protection in the future depending on the size of the community. This authorization for municipal water supply purposes will include fire protection as needed to meet their municipal water supply requirements and local fire code requirements.

Two wells are constructed and used for the facility. SO1 is described as being 640 feet in depth. SO3 is described as being 700 feet in depth. It appears that SO3 was deepened in 1993 to a depth of 785 feet.

Water Rights

Two water right certificates are appurtenant to the place of use and are described below:

Ground Water Certificate G3-01534 confirms a right of 3150 gallons per minute, 3600 acre-feet per year for the irrigation of 1440 acres.

Ground Water Certificate G3-01535 confirms a right of 3150 gallons per minute, 3600 acre-feet per year for the irrigation of 1440 acres. Total water use under both certificates shall not exceed 6300 gallons per minute, 3600 acre-feet per year for the irrigation of 1440 acres.

The proposed reduction of the 15 acre pivot will mitigate the proposed new appropriation in accordance with Ecology's Water Resources Program Policy POL-2035. The applicant agreed to voluntarily relinquish 15 acres, 37.5 acre-feet from both certificates as they are considered non-additive in the amount of acres authorized.

Quantities Proposed

The current uses at the property have been evaluated to determine limits of use under the ground water exemption. Uses have been close to the 5000 gallons per day for domestic and industrial uses. This would calculate to an established beneficial use of 11.2 acre-feet. Uses for stockwater would continue under the exemption and remain unlimited. The proposed uses under the subject application would be in addition to those uses established under the exemption for domestic and industrial uses.

Discussions with the Department of Health determined 300 gallons per minute, 37.5 acre-feet per year would be sufficient for the future system expansion.

Total annual use allowed would be 11.2 acre-feet plus 37.5 acre-feet for a total of 48.7 acre-feet.

Water Availability

The application is within the Odessa Subarea WAC 173-128A and is subject to the management policy of WAC 173-130A.

WAC 173-130A-100 requires all application for permit to be analyzed to ensure the conditions of WAC 173-130A-060 and 173-130A-070 will not be exceeded. Since the applicant plans to relinquish an equal amount of water from his agricultural certificates in return for a new authorization, the proposed appropriation will not have an effect on the conditions established under -060 and -070.

As such, water is available for the new appropriation as mitigated through the relinquishment of an equal volume of water.

Impairment Considerations

“Impair” or “impairment” means to 1) adversely impact the physical availability of water for a beneficial use that is entitled to protection and/or 2) to prevent the beneficial use of the water to which one is entitled, and/or 3) to adversely affect the flow of a surface water course at a time when the flows are at or below instream flows levels established by rule (POL-1200); and/or 4) degrade the quality of the source to the point that water is unsuitable for use by existing water right holders (WAC 173-150). Demonstration of impairment would require evidence of a substantial and lasting or frequent impact reflecting such conditions.

The proposed new appropriation is being mitigated by relinquishment of an equal quantity of water. Since the new appropriation is being mitigated, there should be no impairment to existing water rights or increased reductions in the ground water levels or an increase in declines within the Odessa aquifer.

Beneficial Use

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

Public Interest Considerations

The subject application is proposed to be fully mitigated with an equal quantity of water in accordance with Ecology’s Water Resources Program Policy POL-2035.. The new appropriation will not be contrary to the public interest.

Conclusions

In conclusion, Ecology may only approve water right applications if there is water available, the water will be put to a beneficial use, it will not impair existing rights, and it will not be detrimental to the public interest (RCW 90.03.290). Based on my investigation of this permit application, I conclude the following.

- The proposed use is beneficial.
- Water is physically and legally available for appropriation.
- Exercise of this water right is not detrimental to the public interest.
- Exercise of this water right will not impair existing rights or the public interest.

Purpose of Use and Authorized Quantities

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:

300 gallons per minute

37.5 acre-feet per year

Municipal Water Supply Purposes (includes Fire Protection as needed)

Points of Withdrawal

SW¼ of Section 7, Township 19 North, Range 33E.W.M.

Place of Use

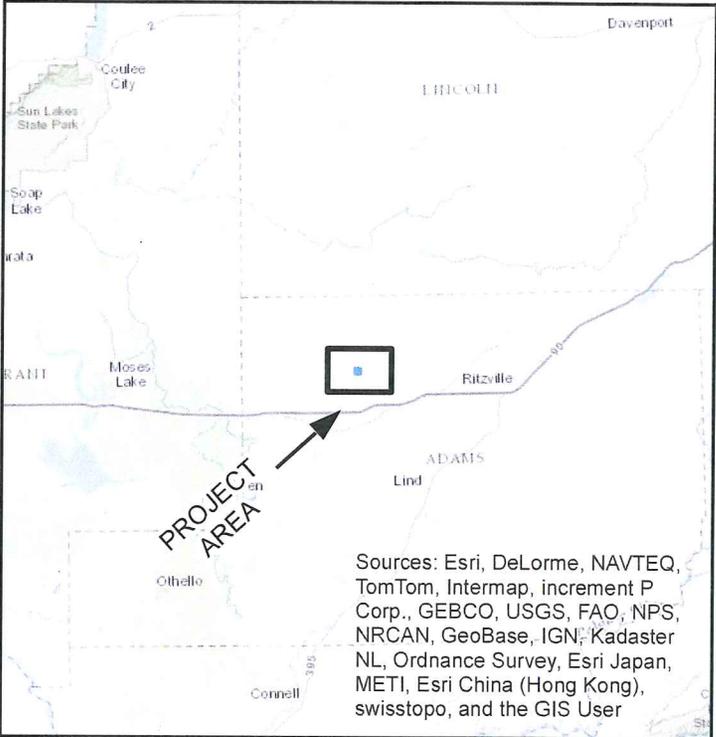
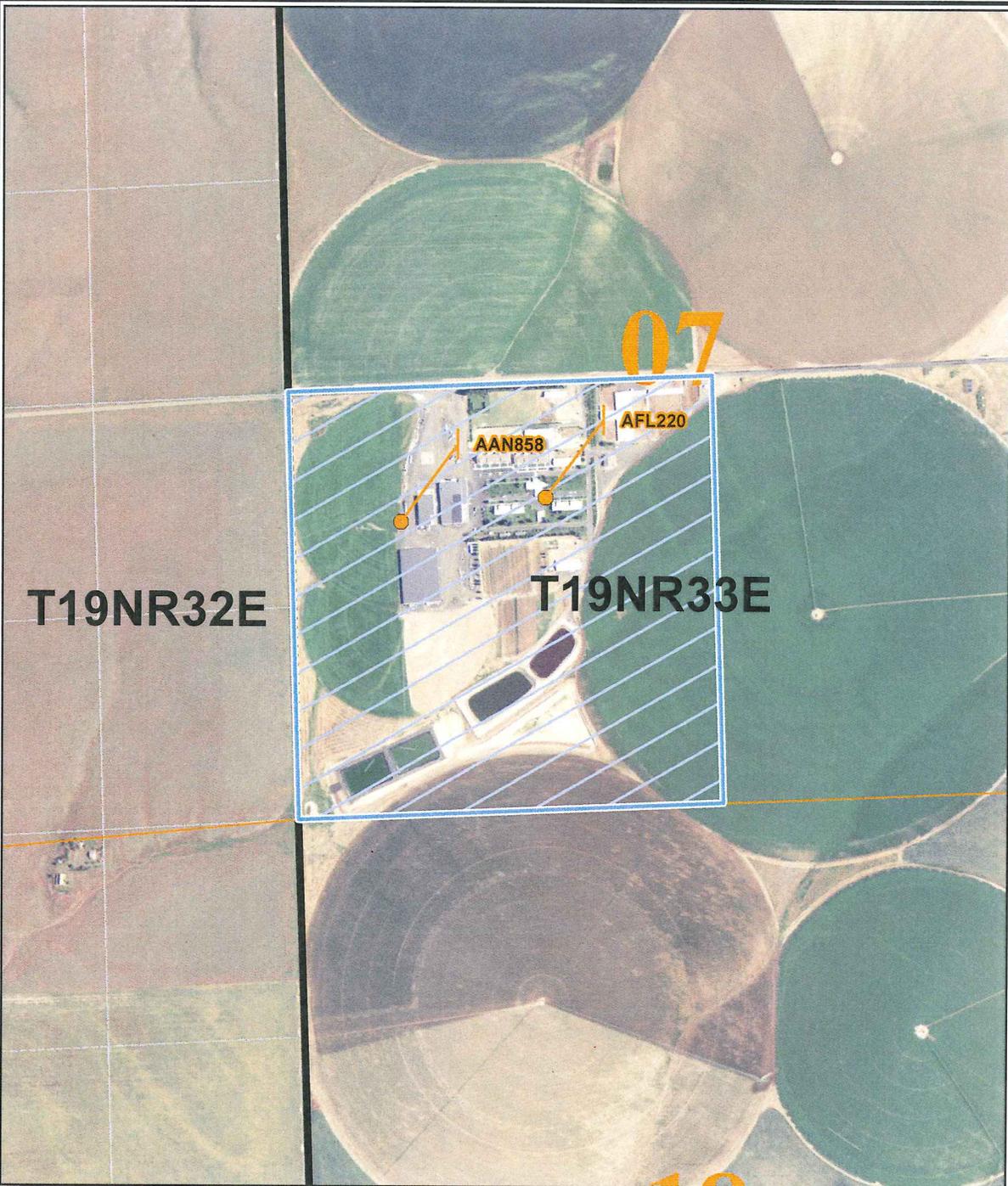
SW¼ of Section 7, T. 19 N., R. 33 E.W.M.


Kevin Brown, 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.

Stahl Hutterian Brethren Trust
 G3-30703
 T19N/R33E



Sources: Esri, DeLorme, NAVTEQ, TomTom, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, and the GIS User

Legend Basemap - (ESRI US Topographic Maps)

	Authorized Place of Use		Townships
	Authorized Point of Withdrawal		Sections

0 330 660 1,320 1,980 2,640 3,300 Feet

Basemap - (NAIP 2011 1m color)

Map Date: 7/18/2014

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