DEPARTMENT OF ECOLOGY
State of Washington

STATE OF WASHINGTON
FINAL
REPORT OF EXAMINATION
FOR WATER RIGHT APPLICATION

WR Doc ID 6807133

PRIORITY DATE	WATER RIGHT APPLICATION NUMBER
June 11, 2025	G3-31020

NAME AND MAILING ADDRESS
Teck-Pend Oreille Operations c/o Bruce Howard P.O. Box 7 Metaline Falls, WA 99203

Total Rate and Quantity Authorized for Withdrawal

WITHDRAWAL RATE (gpm)	ANNUAL QUANTITY (ac-ft/yr)
30	28

cfs = Cubic Feet per Second; ac-ft/yr = Acre-feet per Year

Purpose(s)

PURPOSE	WITHDRAWAL RATE (gpm)	ANNUAL QUANTITY (ac-ft/yr)	PERIOD OF USE
Dust control and Fire protection	30	28	April 1 – Oct 31

Source Location

COUNTY	WATERBODY	TRIBUTARY TO	WATER RESOURCE INVENTORY AREA
Pend Oreille	A well	---	62 – Pend Oreille River

SOURCE NAME	PARCEL	TOWNSHIP	RANGE	SECTION	QQ Q	LATITUDE	LONGITUDE
A well	433915460001	39 N.	43 E.	15	SW¼NW¼	48.88247°N	-117.36390°W

QQ Q = Quarter Quarter

Datum: WGS84

Place of Use

PARCEL(S)
433910500002, 433911330001, 433914220001, 433915110001, 433915400004, 433915410001, 433915460001, 433915460002, 433915460005, 433915460006, 433915460007, 433915460012, 433915460013, 433915460021, 433915460024, 433915460031

LEGAL DESCRIPTION OF THE AUTHORIZED PLACE OF USE
The Pend Oreille Mine site located east of the Pend Oreille River and within portions of the SE¼ of Section 10, SW¼ of Section 11, NW¼ of Section 14 and Section 15, ALL IN Township 39 N., R. 43 E.W.M., Pend Oreille County, WA.

Proposed Works
Well pump, reservoirs

Development Schedule		
BEGIN PROJECT BY THIS DATE	COMPLETE PROJECT BY THIS DATE	PUT WATER TO FULL USE BY THIS DATE
July 1, 2027	July 1, 2028	July 1, 2029

Measurement of Water Use	
HOW OFTEN MUST WATER USE BE MEASURED AND RECORDED?	Bi-weekly
HOW OFTEN MUST WATER USE DATA BE REPORTED TO ECOLOGY?	Upon request by Ecology
WHAT QUANTITY SHOULD BE REPORTED?	Total annual quantity in acre-feet
WHAT RATE SHOULD BE REPORTED?	Annual peak rate of withdrawal in gpm

Provisions

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 must 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 must be decommissioned.

All wells must 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 must 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.

Pend Oreille River Low Flow
All water use shall cease under G3-31020 when the flow of the Pend Oreille River falls below 7,700 cubic feet per second at U.S. Geological Survey (U.S.G.S.) gage #12395500, Pend Oreille River at Newport, located within Section 24, Township 56 N., Range 6 W.B.M.

Measurements, Monitoring, Metering, and Reporting
An approved measuring device must be installed and maintained to measure water used from each source identified in this water right. Chapter 173-173 WAC Requirements for Measuring and Reporting Water Use describes requirements for data accuracy, device installation and operation, information collection and reporting, and your right to request a variance.

For more information on how to follow the terms of this permit, including forms to complete and how to report water use, refer to our Recording and Reporting Water Use webpage: ecology.wa.gov/record-report-water-use. Contact a Metering Coordinator with questions about this provision email: wrero@ecy.wa.gov or call (509) 329-3400. Recorded water use data shall be submitted electronically by January 31 each year.

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.

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.

Real Estate Excise Tax
This decision may indicate a Real Estate Excise Tax liability for the seller of water rights. The Department of Revenue has requested notification of potentially taxable water right related actions, and therefore will be given notice of this decision, including document copies. Please contact the State Department of Revenue to obtain specific requirements for your project. Phone: (360) 570-3265. The mailing address is: Department of Revenue, Real Estate Excise Tax, POB 47477, Olympia WA 98504-7477 Internet: http://dor.wa.gov/. E-mail: REETSP@DOR.WA.GOV.

Findings of Fact and Order

Upon reviewing the investigator's report, I find all facts, relevant and material to the subject application, have been thoroughly investigated.

Therefore, I ORDER **APPROVAL** of Application No. G3-31020, subject to existing rights and the provisions specified above.

Your Right To Appeal

You have a right to appeal this decision to the Pollution Control Hearings Board (PCHB) within 30 days of the date of receipt. 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 all of the following within 30 days of the date of receipt of this decision:

- File your notice of appeal and a copy of this decision with the PCHB (see filing information below). "Filing" means actual receipt by the PCHB during regular business hours as defined in WAC 371-08-305 and -335. "Notice of appeal" is defined in WAC 371-08-340.
- Serve a copy of your notice of appeal and this decision on the Department of Ecology by mail, in person, or by email (see addresses below).

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

Filing An Appeal

Filing with the PCHB

For the most current information regarding filing with the PCHB, visit: https://eluho.wa.gov/ or call: 360-664-9160.

Service on Ecology

Street Address:

Department of Ecology
Attn: Appeals Processing Desk
300 Desmond Drive SE
Lacey, WA 98503

Mailing Address:

Department of Ecology
Attn: Appeals Processing Desk
PO Box 47608
Olympia, WA 98504-7608

E-mail Address:

ecologyappeals@ecy.wa.gov

Authorizing Signature

Signed at Spokane, Washington, on this 1st day of October 2026.

Jaime R. Short, Section Manager
Water Resources Program
Eastern Regional Office
Department of Ecology

JRS/GD/mw

INVESTIGATOR'S REPORT

Water Right Application No.: G3-31020 (Teck-Pend Oreille Operations)
Investigator: Gene Drury

BACKGROUND

This report serves as the written findings of fact concerning Water Right Application Number G3-31020. Teck-Pend Oreille Operations filed an application for use from an existing well for the purposes of seasonal dust control and fire protection.

Table 1. Summary of Requested Water Right

Applicant Name	Teck-Pend Oreille Operations
Priority Date	June 11, 2025
County	Pend Oreille
WRIA	62 – Pend Oreille
Water Source	A well
Tributary to	---
Place of Use	The Pend Oreille Mine site located east of the Pend Oreille River and within portions of the SE¼ of Section 10, SW¼ of Section 11, NW¼ of Section 14 and Section 15, ALL IN Township 39 N., R. 43 E.W.M., Pend Oreille County, WA.

Purpose	Instantaneous Rate (gpm)	Annual Quantity (ac-ft/yr)	Begin Season	End Season
Dust control & fire protection	30*	28**	April 1	October 31

SOURCE NAME	PARCEL	TOWNSHIP	RANGE	SECTION	QQ Q	LATITUDE	LONGITUDE
A well	33829510011000	39 N.	43 E.	15	SW¼NW¼	48.88247°N	-117.36390°W

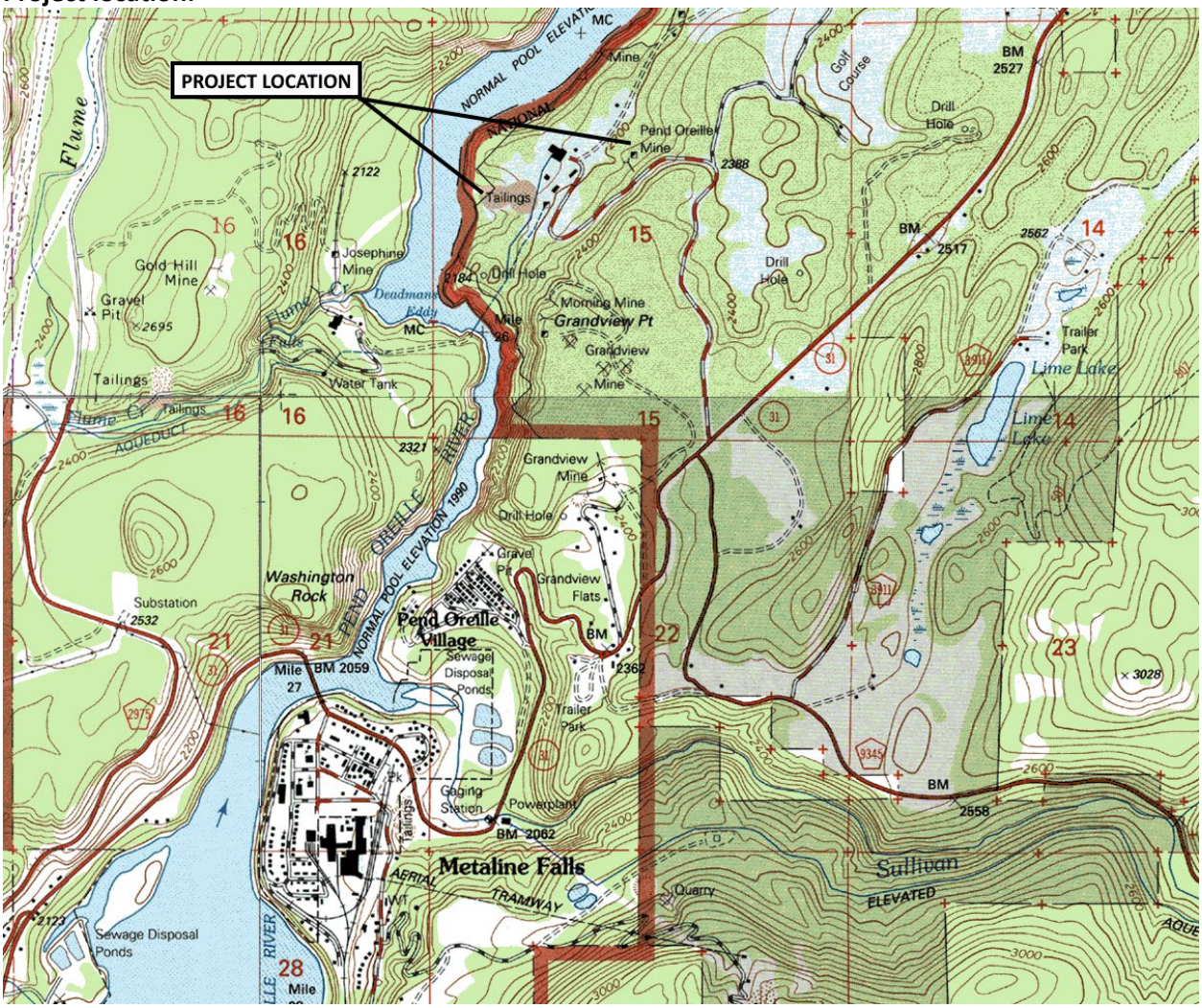
QQ Q = Quarter Quarter Datum: WGS84

*Original instantaneous rate requested was 340 gpm but was later reduced to 30 gpm.
**Original acre-feet requested was 550 but was later reduced to 28 acre-feet per year.

INVESTIGATION

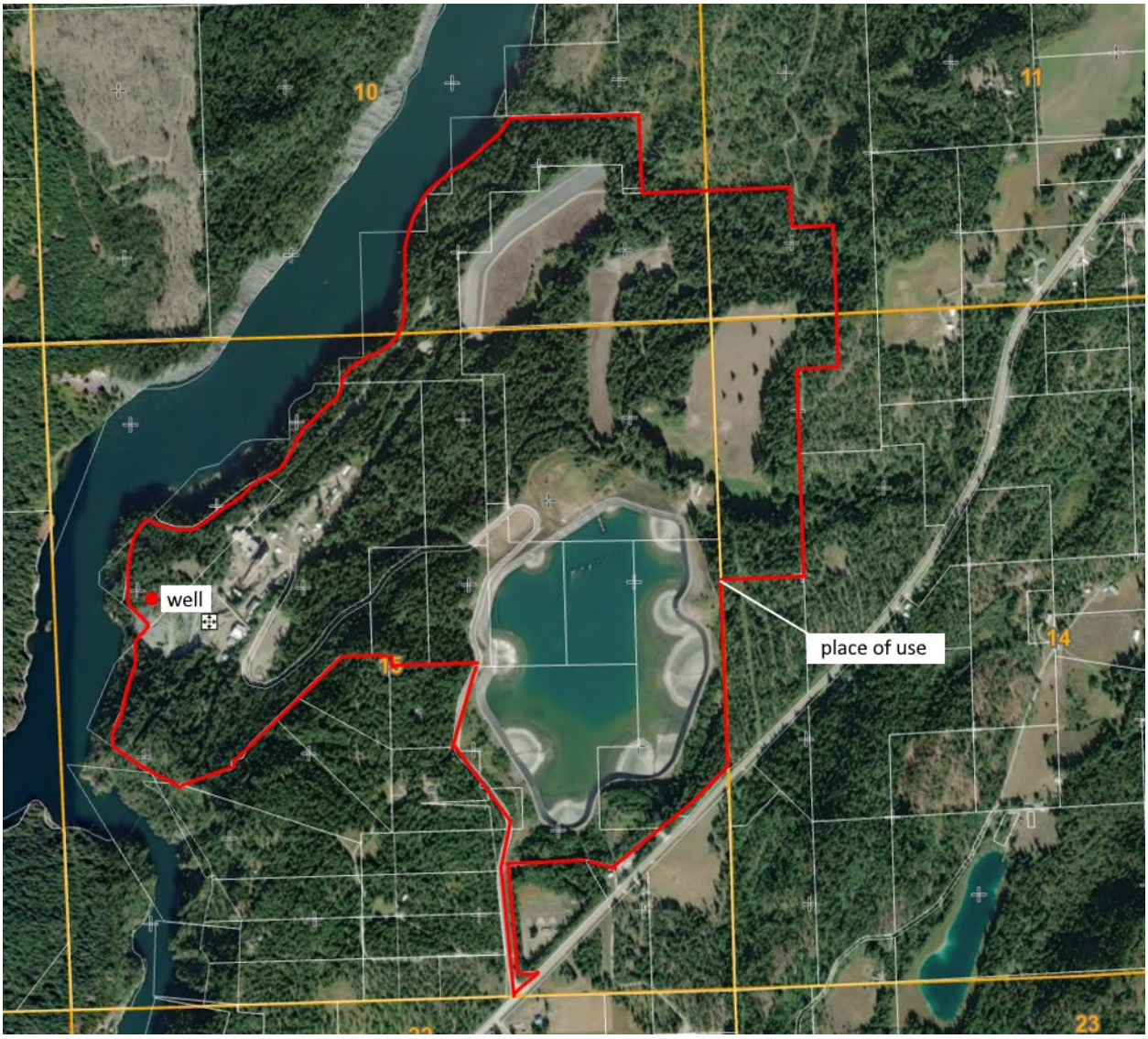
A site visit was conducted by Gene Drury on May 19, 2026 with Bruce Howard, Environmental Superintendent for Teck Washington Incorporated (Teck). The Pend Oreille Mine is located 2 miles north of Metaline Falls, Washington. The Pend Oreille Mine was an underground lead and zinc mine that operated from 1952 up until 2019 when active operations ceased. Teck is now in the process of closing the mine permanently and has started the permitting process for the cleanup operations. This application requests groundwater from an existing well for dust control and fire protection as part of the cleanup. The project will take several years to complete.

Project location:



This application originally had requested an instantaneous amount of 340 gallons per minute and 550 acre-feet per year for dust control and fire protection. However, after a site visit and discussions with Mr. Howard, it was determined the existing well produces around 30 gallons per minute. The request is therefore being reduced from 340 to 30 gallons per minute under this application as it is the maximum amount that can be pumped. No other wells are proposed to be drilled. The existing well was drilled 128 feet in 1989 by Fogle Pump. The well is currently authorized under Ground Water Certificate No. G3-30312 and is used continuously for domestic supply purposes. Water under this request will be used throughout the requested place of use for dust control and fire protection.

G3-31020 - Place of Use:



Other Rights Associated with Project or Place of Use

Teck holds Ground Water Certificate No. G3-30312 from the same well as this application. The water is used for domestic supply for the administrative building and other buildings at the site. The right is recorded as follows:

NO.	TYPE	PRIORITY	Qi	Qa	PURPOSE
G3-30312	Certificate	9/21/2000	30 gpm	7 af/yr	Domestic multiple

ANALYSIS

Under Washington State law (RCW 90.03.290), each of the following four criteria must be met for an application for a new water right permit to be approved:

- Water must be available for appropriation.
- Water diversion and use must not cause impairment of existing water rights.
- The proposed water use must be beneficial.
- Water use must not be detrimental to the public interest (public welfare).

Water Availability

An analysis of water availability must consider not only the physical limitations on the source of supply, but the legal availability as well. The existing well was drilled in 1989 and currently produces the requested amounts of water under this application. There are no other water wells in the surrounding area. The well is in direct hydraulic continuity with the Pend Oreille River and will need to be provisioned with the Pend Oreille River low flow of 7,700 cubic feet per second. This means that all water use shall cease when the flow of the Pend Oreille River falls below 7,700 cubic feet per second at U.S. Geological Survey (U.S.G.S.) gage #12395500, Pend Oreille River at Newport, located within Section 24, Township 56 N., Range 6 W.B.M. The purpose of use and quantity of water requested is available for this appropriation.

Hydrogeologic Evaluation

A hydrogeologic review of the well site was conducted by Keith Stoffel, Hydrogeologist for Ecology in 2003 under Ground Water Application G3-30312. The review concluded the following:

The Pend Oreille Mine is located on an uplands surface on the east side of the Pend Oreille River in Section 15, T. 39 N., R. 43 E.W.M. The uplands are underlain by a variable thickness of unconsolidated silt, sand, and gravel that were deposited beneath and/or adjacent to a lobe of the massive Cordilleran ice sheet that occupied the Pend Oreille River valley during the most recent continental glaciation approximately 12,000 to 15,000 years ago. The unconsolidated sediments overlie a thick assemblage of limestone, dolomite, and shale bedrock that were deposited in a shallow marine environment during the early Paleozoic Era between approximately 345 and 570 million years ago. The Paleozoic rocks are strongly deformed and contain a complex maze of folds and faults that formed during several mountain building events during the last 200 million years.

The existing water well that services the administration building at the Pend Oreille Mine is located on a bench approximately 80 feet above the Pend Oreille River. The driller's log for the well indicates it is 128 feet deep and is constructed entirely in unconsolidated sediments, chiefly sand and gravel. The well is cased from the surface to 126 feet below ground surface. It is open at the bottom.

The existing well is located roughly 500 feet east of the river at an elevation of approximately 2060 feet above mean sea level. At the time of drilling in February 1989, the static water level in the well was 90 feet below ground surface or approximately 1970 feet above mean sea level, which is roughly the same elevation as the pool elevation in the Pend Oreille River during the winter months. Therefore, it seems likely that the water in this Pend Oreille Mine well is in direct hydraulic continuity with the river. As a result, the well should be capable of yielding a large volume of water.

As noted above, the well produces about 30 gallons per minute.

Beneficial Use

The proposed appropriation must be for a beneficial use of water. Dust control and fire protection are considered beneficial uses of water.

Impairment

A review of Ecology records was conducted for existing water rights, permits, and claims on or near the applicant's project. Teck holds one water right for the Pend Oreille Mine recorded under Ground Water Certificate No. G3-30312C for domestic supply from the same well.

The review found no water rights that will be impaired by withdrawal of waters from the existing well for the intended use of dust control and fire protection.

Public Interest

The withdrawal and associated use must not be detrimental to the public interest. At a minimum, the following are considered when making this assessment.

State Environmental Policy Act (SEPA)

Under chapter 197-11 WAC, a water right application is subject to a SEPA threshold determination (i.e., an evaluation of whether there will be significant adverse environmental impacts) if any of the following conditions are met:

- It is a surface water right application for more than 1 cfs, unless that project is for agricultural irrigation, in which case the threshold is increased to 50 cfs, so long as that irrigation project will not receive public subsidies;
- It is a groundwater right application for more than 2,250 gpm;
- It is an application that, in combination with other water right applications for the same project, collectively exceed the amounts above;
- 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);
- 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.

Considering that none of the above conditions are met, the application under review is categorically exempt from a SEPA threshold determination.

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. A Notice of Application was published in the Newport Miner on February 4 and 11, 2026. A Notice of Amended Application was published in the Newport Miner on April 22 and 29, 2026. No protests to this water right application were received.

Conclusions

I find that:

- Water is physically and legally available.
- The appropriation will not impair existing rights.
- Dust control & fire protection are beneficial uses of water.
- Approval of this application will not be detrimental to the public interest.

RECOMMENDATIONS

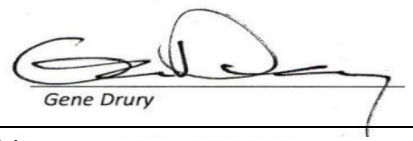
Based on the above investigation and conclusions, I recommend this request for a water right be **APPROVED** in the amounts and within the limitations listed below and subject to the provisions listed above.

Recommended Quantities, Purpose of Use, and Project Location

The rate and quantity of water recommended are maximum limits. The permit holder may only withdraw water at a rate and quantity within the specified limits that are reasonable and beneficial:

Recommended Limits and Location

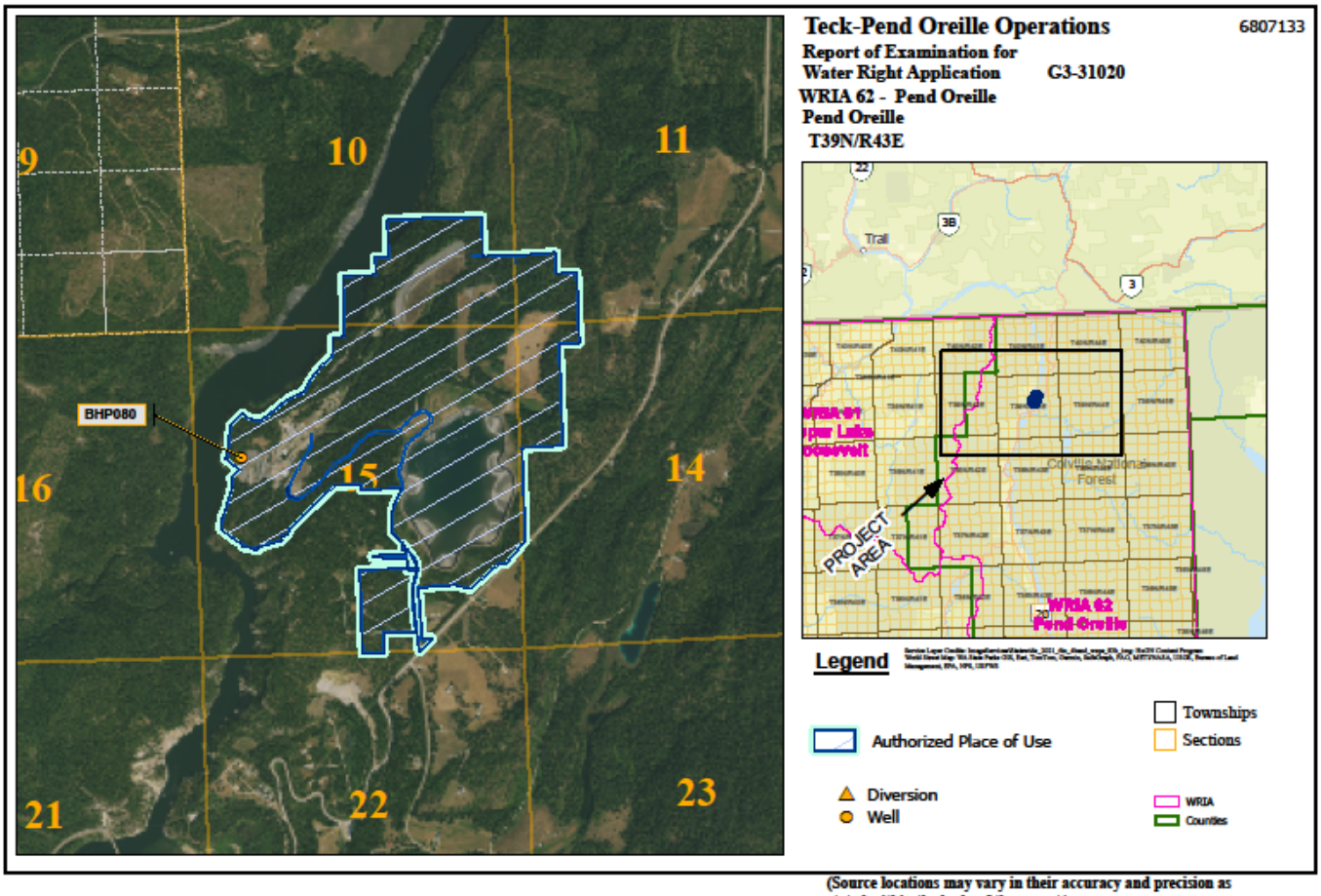
Maximum Instantaneous Rate (gpm)	30
Maximum Annual Quantity (ac-ft/yr)	28
Purpose(s) of Use	Dust control & fire protection
Seasonal	April 1 to October 31, each year
Source	A well
Point of Withdrawal	SW¼NW¼ of Section 15, Township 39 N., R. 43 E.W.M
Place of Use	The Pend Oreille Mine site located east of the Pend Oreille River and within portions of the SE¼ of Section 10, SW¼ of Section 11, NW¼ of Section 14 and Section 15, ALL IN Township 39 N., R. 43 E.W.M., Pend Oreille County, WA.



Report Writer

September 23, 2026
Date

To request ADA accommodation including materials in a format for the visually impaired, call Ecology Water Resources Program at 360-407-6872. Persons with impaired hearing may call Washington Relay Service at 711. Persons with speech disability may call TTY at 877-833-6341.


Teck-Pend Oreille Operations
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Report of Examination for
Water Right Application G3-31020
WRIA 62 - Pend Oreille
Pend Oreille
T39N/R43E
9
10
11
16
15
14
21
22
23
BHP080
Trail
3B
3
PROJECT AREA
WRIA 62
Pend Oreille
Legend
Authorized Place of Use
Diversion
Well
Townships
Sections
WRIA
Counties
(Source locations may vary in their accuracy and precision as stated within the body of the report.)
0
1,320
2,640
3,960
5,280
Foot
Map Date: 9/8/2026
Place of use and source locations are as defined within the Report of Examination