



STATE OF WASHINGTON DRAFT REPORT OF EXAMINATION FOR WATER RIGHT CHANGE

PRIORITY DATE	WATER RIGHT NUMBER
May 13, 1987	G3-28331
NAME AND ADDRESS	
City of Deer Park 316 East Crawford Deer Park, WA 99006	

Quantity Authorized for Withdrawal

WITHDRAWAL RATE	UNITS	ANNUAL QUANTITY (AF/YR)
350	GPM	95.75

Total withdrawals from all sources must not exceed the total quantity authorized for withdrawal listed above.

Purpose

PURPOSE	WITHDRAWAL OR DIVERSION RATE			ANNUAL QUANTITY (AF/YR)		PERIOD OF USE (mm/dd)
	ADDITIVE	NON-ADDITIVE	UNITS	ADDITIVE	NON-ADDITIVE	
Municipal Water Supply	330		GPM		93.75	4/01 - 10/01
Municipal Water Supply	20		GPM	2		1/1 - 12/31
PUBLIC WATER SYSTEM INFORMATION						
WATER SYSTEM ID				CONNECTIONS		
185006				Municipal		

Source & Location

SOURCE	COUNTY	WATERBODY	WATER RESOURCE INVENTORY AREA
Thirteen (13) wells	Spokane	Groundwater	55 — Little Spokane Watershed

Source Name	Parcel	Well Tag	Twp	Rng	Sec	QQ Q	Latitude	Longitude
Well 2 (West) SO1		AHC911	28 N.	42 E.	3	SE¼NE¼	47.955828	-117.478372
Well 3 (South) SO2	28023.1502	ABR216	28 N.	42 E.	2	NW¼SW¼	47.951635	-117.475650
Well 4 (Swinyard) SO3	28023.1701	AHC914	29 N.	42 E.	2	NW¼SW¼	47.952066	-117.473416
Well 5 (North) SO4	29353.0301	AHC912	29 N.	42 E.	35	SE¼SW¼	47.963313	-117.471913
Well 6 (North Dalton1) SO5	29262.9027	AHC913	29 N.	42 E.	26	NE¼NW¼	47.98577	-117.474201
Well 7 (North Dalton2) SO8	29262.9027	BJG860	29 N.	42 E.	26	E¼NW¼	47.986912	-117.474227
Well 8 (South Dalton 1)	28112.0006	AFA255	28 N.	42 E.	11	NW¼NW¼	47.945808	-117.471866
Well 10 (Airport)	39310.0001		29 N.	42 E.	31	NW¼SW¼	47.964987	-117.433743

Well 11 (Boyle)	29233.9049		29 N.	42 E.	23	SE¼SW¼	47.989949	-117474065
Well 12 (South Dalton #2) SO6	28112.0006		28 N.	42 E.	11	NW¼NW¼	47.945804	-117.471869
Well 13 (proposed)			28 N.	42 E.	11	N½		
Well 14 (Perrins) SO7	28022.1102	BCH024	28 N.	42 E.	2	SW¼NW¼	47.954791	-117.473836
Well 15 (proposed)			28 N.	42 E.	10	SW¼NW¼		

Datum: WGS84

Place of Use (See Attached Map)

LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE

The place of use (POU) of this water right is the service area described in the most recent 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

13 wells, pumps, for the distribution water system

Development Schedule

BEGIN PROJECT	COMPLETE PROJECT	PUT WATER TO FULL USE
Begun	January 1, 2027	January 1, 2030

Measurement of Water Use

HOW OFTEN MUST WATER USE BE MEASURED AND RECORDED?	Daily
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

Ground Water Certificate Nos. 86-D, 303-A, G3-00489C, G3-00142, G3-22546C, G3-24591C, G3-25385C, G3-26674C, G3-293569C and G3-28331 shall not exceed 66530 gallons per minute and 3060.85 acre feet for municipal supply.

Measurements, Monitoring, Metering, and Reporting

An approved measuring device must 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", chapter 173-173 WAC, which 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 (Ecology) for modifications to some of the requirements.

Easement and Right-of-Way

The water source and/or water transmission facilities are not wholly located upon land owned by the applicant. Issuance of a water right change authorization by this Department does not convey a right of access to, or other right to use, land which the applicant does not legally possess. Obtaining such a right is a private matter between applicant and owner of that land.

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.

Municipal Place of Use

If the criteria in RCW 90.03.386(2) are not met and a Water System Plan/Small Water System Management Program was approved after September 9, 2003, the place of use of this water right reverts to the service area described in that document. If the criteria in RCW 90.03.386(2) are not met and no Water System Plan/Small Water System Management Program has been approved after September 9, 2003, the place of use reverts to the last place of use described by the Department of Ecology in a water right authorization.

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.

Any new well must be properly constructed in accordance with the well drilling statutes (RCW 18.104 and WAC 173-160). Particularly, any construction of these wells or new construction shall ensure that production comes from the sands and gravels of the unconsolidated sediment unit.

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.

Abandoned Well #9 shall be property decommissioned in accordance with WAC 173-160-381, *Minimum Standards for the Construction and Maintenance of Wells*. Well No. 9 is located at Section 35, T.29N., R.42 E.W.M. (Latitude 47.965068/117.478607)

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

Consistent with the development schedule given in this report (unless extended by Ecology), the water right holder must file a Notice of Proof of Appropriation (PA) of Water with Ecology. The PA documents the project is complete and all the water needed has been put to full beneficial use (perfected). In order to verify the extent of water use under this permit, an inspection of water use is typically required, known as a “proof exam”. After filing the PA, the water right holder’s next step is to hire a Certified Water Rights Examiner (CWRE) to conduct this proof exam. A list of CWREs is provided to the water right holder upon filing the PA with Ecology. The final water right document, a water right certificate, then may issue based upon the findings of the CWRE. Statutory county and state filing fees may apply prior to certificate issuance.

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.

This Change Authorization Subject to Cancellation

This Change Authorization shall be subject to cancellation should the permittee fail to comply with the above development schedule and/or to give notice to the Department of Ecology on forms provided by the Department documenting such compliance.

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. Furthermore, I find the change of water right as recommended will not be detrimental to existing rights or the public welfare.

Therefore, I ORDER approval of Water Right Change Application No. CG3-29359, 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 to 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 RD 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

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>.

Authorizing Signature

Signed at Spokane, Washington, this _____ day of _____, 2022.

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

INVESTIGATOR'S REPORT

Application for Water Right – City of Deer Park

Water Right Control Number CG3-28331

Ground Water Certificate Number G3-28331C

Eric Davis, Department of Ecology

BACKGROUND

This report serves as the written findings of fact concerning Water Right Change Application Number CG3-28331. The City of Deer Park withdrawn their application for change with the Water Conservancy Board and submitted an application for change with Ecology. The change application is to add this water right to the City of Deer Park water system.

EXISTING Water Right Attributes

Name on Certificate :	Robert L. Dyck
Priority Date:	May 13,1987
Place of Use	<p>NW¼SW¼ of Section 35, T. 29 N., R. 42 E.W.M. Spokane County, Washington, Except the following described parcels:</p> <p>Parcel 1: Aportion of the SW¼NW¼SW¼ of Sec. 35, T.29N, R. 42 E.W.M., Spokane County, Washington, described as follows: Commencing at a point 1146.9 feet south of as measured along the west line of said SW¼, and 30 feet of the NW corner of the SW¼ of Sec. 35; thence S 89°38'10" E, a distance of 200 feet; thence S 00°21'50"W, a distance of 171 feet; thence N 89°38'10" W a distance of 200 feet; thence N 00°21'50" E, a distance of 171 feet to the point of beginning.</p> <p>Parcal2: the north 150 feet of the west 190 feet of the SW¼NW¼SW¼ of Sec. 35, T. 29 N, R. 42 E.W.M., Except the west 30 feet thereof. ALSO that portion of said SW¼NW¼SW¼ described as follows: Commencing at the NW corner of said subdivision, thence east along the north line of said subdivision a distance of 190 feet; thence S 00°21'50" west a distance of 80 feet to the true point of beginning; thence S 89°15'05" E a distance of 40 feet; thence S 00°21'50" W a distance of 21 feet; thence N 89°15'05" W a distance of 40 feet; thence SN 00°21'50" E a distance of 21 feet to the true point of beginning.</p> <p>Parcel 3: A portion of the SW¼NW¼SW¼ of Sec. 35, T. 29 N., R. 42 E.W.M., Spokane county, Washing, described as follows: Commencing at a point on the of said Sec. 35, 1018.5 feet south of the NW corner of the NW¼SW¼; thence north to a point 210 feet south of the NW corner of the SW¼NW¼SW of Sec 35; thence east on a line parallel to and 210 feet south of the north line of said SW¼NW¼SW a distance of 190 fee; thence south parallel with the west line of said Sec.35 to point 1018.5 feet south of the north line of the NW¼SW; thence west parallel with the north line of the SW¼NW¼SW 190 feet to the point of beginning; Except the west 30 feet thereof.</p>

County	Waterbody	Tributary To	WRIA
Spokane	Ground Water		55 - Little Spokane watershed

Purpose	Rate	Unit	Ac-ft/yr	Begin Season	End Season
Irrigation	350	GPM	134	4/1	10/1
Domestic supply			2	1/1	12/31

Source Name	Parcel	Well Tag	Twp	Rng	Sec	QQ Q	Latitude	Longitude
Well			29 N.	42 E.	35	NW¼SW¼		
Well			29 N.	42 E.	35	NW¼SW¼		

CFS = Cubic Feet per Second; 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 in NAD83/WGS84.

REQUESTED Water Right Attributes

Applicant Name:	City of Deer Park
Date of Application:	October 6, 2017
Place of Use	Area served by the City of Deer Park

County	Waterbody	Tributary To	WRIA
Spokane	Ground Water		55- Little Spokane

Purpose	Rate	Unit	Acre-feet/yr	Begin Season	End Season
Municipal Supply	350	GPM	134	4/1	10/1
Municipal Supply			2	1/1	12/31

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INVESTIGATION

In considering the proposed application, the investigation included, but was not limited to, research and review of:

- Appropriate rules and statutes;
- Other water rights, permits, and claims;
- USGS topographic maps, aerial photographs and other GIS data;
- State of Washington Irrigation Guide (Natural Resources Conservation Service 1997);
- Guidance for Determining Irrigation Efficiency and Consumptive Use (GUID 1210);
- Department of Health Sentry website and Water System Plan information;
- Proposed points of withdrawal and delivery system;
- Proposed place of use and existing system;
- Evaluation of the water right memorandum submitted by WNR Group (WNR Report);
- Spokane County Assessors site and land ownership;
- Authorized point of withdrawal and place of use
- Historical irrigation system, and
- Discussions with Department of Ecology regional program staff.

The onsite field investigation was conducted on August 19, 2019 by Gene Drury and Eric Davis of Ecology with Roger Krieger representing the City of Deer Park. The existing place of use is within the City of Deer Park service area. The historical authorized place of use has been developed with homes. Water service lines from the City of Deer Park installed to provide water for this residential use.

The Development and Annexation Agreement dated April 18, 2007 indicates that Water Right G3-28331 will transfer to the City of Deer Park for municipal supply purposes with this change.

The City of Deer Park originally submitted this application for change/transfer to the Spokane County Water Conservancy Board on June 26, 2017. The City of Deer Park subsequently withdrew the application from the Water Conservancy Board and requested that Ecology continue processing the change.

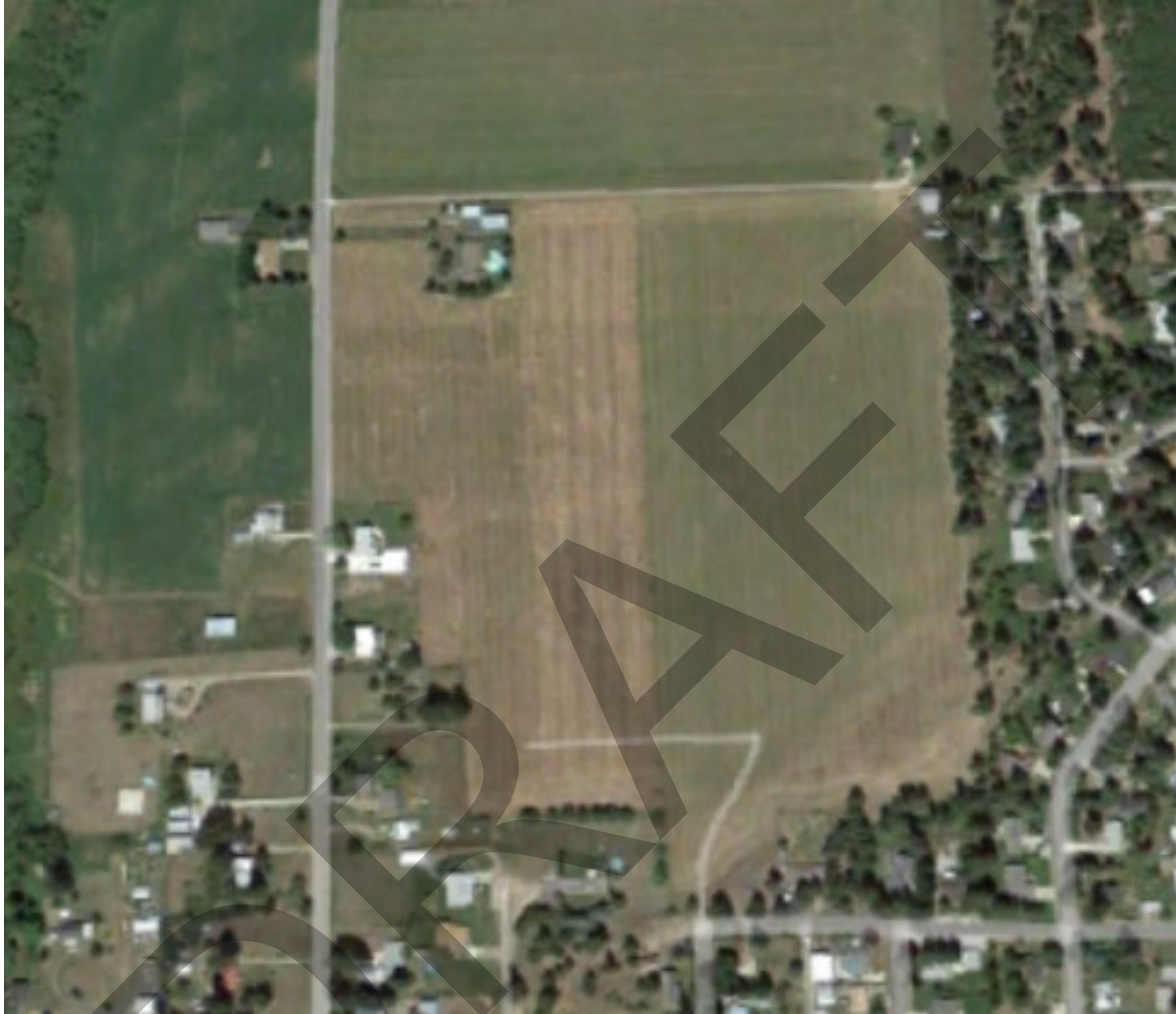
Family Farms Water Act RCW 90.66, allows for change in purpose of use if the Family Farm provisioned water right listed is within the boundary of a municipality. Certificate G3-29359, is located within the boundary of the City of Deer Park, meaning the purpose of use can be changed as requested in the application.

History of Water Use

Ground Water Certificate No. G3-28331 issued on March 26, 1993, with a priority date of May 13, 1987. The water right was developed with two wells and pipeline for pasture irrigation and domestic supply.

Site Description

The site is located north of the city of Deer Park and is adjacent to Robert Dyck groundwater certificate No. G3-29359 that is on a separate well and pipelines.

History use photo of G3-29359**Water System Description and Water use**

The historically utilized irrigation system consisted of wheel lines and hand lines used to irrigate approximately 35 acres of pasture and domestic supply. The authorized and historically utilized source was a well located in NW¼SW¼ of Section 35, Township 29 N., Range 42 E.W.M.

Proposed Use

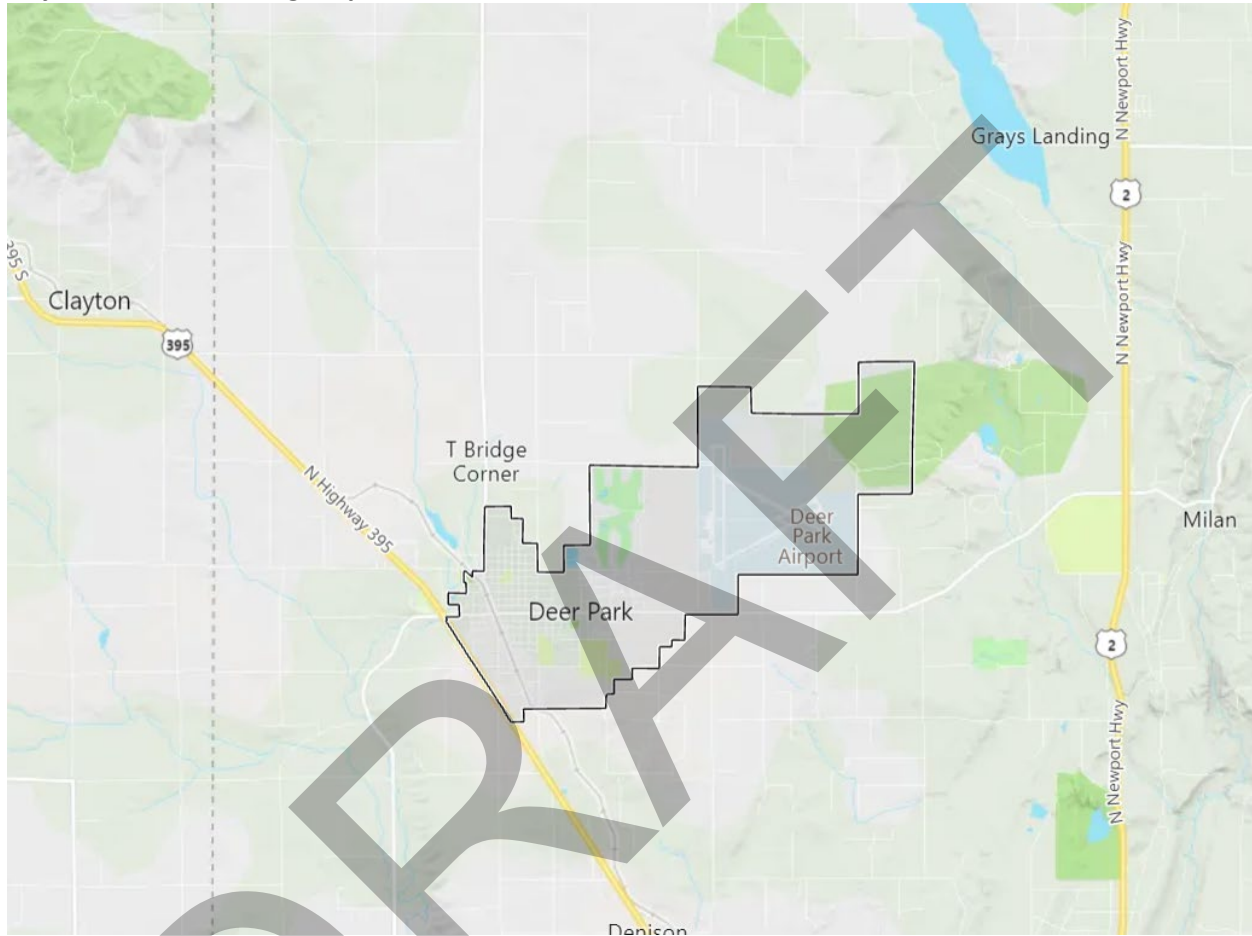
The applicant proposes to change Certificate G3-28331 from seasonal irrigation and domestic supply to municipal supply for the City of Deer Park, a water purveyor in northern Spokane County.

City of Deer Park is changing two point of withdrawal and adding 12 points of withdrawal for (13 wells) in this application.

Proposed Site and System Description

The proposed place of use is the service area by the City of Deer Park, which is defined in their most recently, approved Water System Plan. The proposed system includes a deliver system, storage tanks, pumps and 13 municipal wells.

City of Deer Park Zoning Map:



Proposed Project Water Requirements

The City of Deer Park is a growing municipality (DOH Id Number 185006) that is estimated to have sufficient water for near term growth. This water right is being acquired for long term growth of the municipality. The City of Deer Park presently has a service population of approximately 4,080. Their projected 20-year population is 5500.

This water use will be added to the City of Deer Park water delivery system described in the most recent Water System Plan approved by the Washington State Department of Health. Source meters and booster station meters are read daily; monthly and annual tabulations are then prepared. City of Deer Park provided annual water use data for years 2015-2019:

Year	GALLONS PUMPED	ACRE-FEET PUMPED
2015	533,542,567	1637.382
2016	505,145,300	1550.234
2017	483,844,300	1484.864
2018	505,423,900	1551.089
2019	473,494,700	1453.102

Other Rights Associated with Project or Place of Use

A review of Ecology records were conducted for existing water right certificates, permits, and claims appurtenant to this project. The search focused primarily Sections 2, 3, 10, & 11 of Township 28 N., Range 42 E.W.M. and Sections 34 & 35 of Township 29 N., Range 42 E.W.M. The review of records shows the following water rights appurtenant to the project.

Ecology records shows numerous Certificates and Claims within the area served by Deer Park. These are separate water rights that are not connected to the Deer Park system, nor are they related to this project.

The following table is a summary of the City of Deer Park's existing water rights portfolio:

Table 1 City of Deer Park – Total Water Rights for Municipal Supply

CERT NUMBER	PRIORITY DATE	QI	QA	Inchoate	Season of USE
86-D	1919	450 GPM	140 AF		Continuously
303-A	1/14/1946	400 GPM	650 AF		Continuously
G3-00489C	6/24/1971	200 GPM	40 AF		Continuously
G3-00142	6/24/1971	1205 GPM	1210 AF		Continuously
G3-22546C	2/14/1974	1600 GPM	1104 AF	X	May 1 – October 31
G3-24591C	9/22/1975	1500 GPM	579 AF	X	April 1 - October 31
G3-25385C	5/23/1977	400 GPM	0 AF	X	Continuously
G3-26674C	9/16/1980	1000 GPM	1210 AF	X	Continuously

G3-28331 G	5/13/1987	350 GPM	95.25 AF	X	April 1 - October 31
G3-29359C	11/13/1992	275 GPM	31.92 AF	X	April 1 – October 31
RESERVOIR WATER RIGHTS					
R3-27542	4/15/1983		20 AF		
R3-27543	4/15/1983		172 AF		

Note:

The provisions documented in each individual water right record limit the water rights listed in the table above and totals are not all additive.

Hydrologic / Hydrogeological Evaluation

The hydrogeological analysis for the City's applications was provided by Chris Beard and Patrick Cabbage, Hydrogeologists for Ecology's Water Resources Program.

This project proposes to change Ground Water Certificate No. G3-28331 by changing the purpose of use, place of use, and place of withdrawal by integrating it into the water rights portfolio of the City of Deer Park. This project is located within Spokane County, Washington. The existing wells associated with this change application and currently in use are all producing water from the same aquifer system. Any future wells to be drilled should be consulted with Ecology for approval of depth so that they are all producing water from the same body of public groundwater. It is my conclusion that this request be approved.

Analysis

Applications for change/transfer of water right permits and certificates are governed by RCW 90.44.100, which states in part that: the holder of a valid right to withdraw public ground waters may, without losing their priority of right, construct wells at a new location in substitution for, or in addition to, those at the original location, or they may change the manner or the place of use of the water. Such amendment shall be issued by the Department only on the conditions that: (1) the additional or substitute well or wells shall tap the same body of public ground water as the original well or wells; (2) use of the original well or wells shall be discontinued upon construction of the substitute well or wells; (3) the construction of an additional well or wells shall not enlarge the right conveyed by the original permit or certificate; and (4) other existing rights shall not be impaired. The Department may specify an approved manner of construction and shall require a showing of compliance with the terms of the amendment.

Well Construction

The currently authorized wells under the City of Deer Park's water right portfolio include 11 wells that are being utilized, one well that has been offline for the past several years due to high iron content in the well, and 2 wells that are planned to be drilled in the future.

The currently utilized wells in the cities distribution system are Well S01 (West), Well S02 (South), Well S03 (Swinyard), Well S04 (North), Well S05 (North Dalton 1), Well S08 (North Dalton 2), Well S06 (South Dalton 1), Well 10 (Airport), Well 11 (Boyle), Well 12 (South Dalton 2), and Well S07 (Perrins). These wells are located in sections 2, 3, and 11 of T. 28 N., R. 42 E.W.M.; sections 23, 26, and 35 of T. 29 N., R. 42 E.W.M., or section 31 of Township 29 N., Range 43 E.W.M. They are all completed in the shallower sand and gravel aquifer with completion depths ranging from 28 to 192 feet below ground surface with all wells but one (Airport) being shallower than 90 feet bgs.

There are two proposed wells to be added to the distribution system. One well to be located in the N $\frac{1}{2}$ of Section 11, T. 28 N., R. 42 E.W.M., and another to be located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 10, T. 28 N., R. 42 E.W.M.

Well 9 has not been in use for several years due to high iron content. The tentative plan is to remove this well from the well network permanently and potentially drill a replacement well. If this well is removed from use permanently, it will need to be properly decommissioned according to WAC 173-160. Any replacement well should be drilled in accordance with WAC 173-160.

The currently authorized well for Ground Water Certificate No. G3-29359 is located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 35, T. 29 N., R. 42 E.W.M. This well was drilled in 1992 to a depth of 43 ft below ground surface. It was completed in sands and clays. Based on the depth of completion, lithology, and location of the Dyck well it can be concluded that it is in the same body of public groundwater as the proposed network of Deer Park wells.

Impairment

At the time of this analysis, Ecology does not employ any shallow sedimentary wells for the area in question. This change proposes to integrate the water right in question into 11 other wells (or as many as 13 or 14 in the future). This change does not propose to add any additional withdrawal to the system. It can generally be assumed that taking a withdrawal from a singular point and spreading it over several other points of withdrawal should decrease any opportunity to impact or impair any wells in the general proximity of the original singular point of withdrawal. Because this water right has no known historical issues with impairing nearby users, it can be assumed that spreading it out among several other points of withdrawal should not cause impairment of other water rights holders.

This change does not add additional withdrawal to the current right and will spread out pumping over a larger geographical area. Any current wells that are decommissioned or replaced should be done so according to WAC 173-160. This change proposes to move from one point of withdrawal to several others, all of which are in the same body of public groundwater. It is unlikely that the proposed change will impair existing water rights, and I recommend that this change be approved.

ANALYSIS

Under Washington State statutory (RCW 90.03.380 and 90.44.100) and case law, in evaluating a water right change application, Ecology is required to determine whether, and to what extent, a water right is valid and eligible to be changed. Further, the following criteria must be assessed for a change to a groundwater certificate.

- The existing right must not be enlarged.
- The proposed change and resulting water use must not cause impairment of existing rights.
- Water must be physically available at the new point of withdrawal.
- Water use must continue to be beneficial.
- The proposed change and resulting water use must not be detrimental to the public interest (public welfare).

The Washington Supreme Court has held that Ecology, when processing an application for change to a water right, is required to make a tentative determination of extent and validity of the claim or right. This is necessary to establish whether the claim or right is eligible for change. *R.D. Merrill v. PCHB* and *Okanogan Wilderness League v. Town of Twisp*.

Tentative Determination of Validity and Extent

A tentative determination of the validity and extent of a water right must be performed for any proposed water right change. Ecology must evaluate the historical use of the subject right and other factors to determine the rate and quantity of water that may be changed.

The nature of the right

- The historical use evaluation performed in the investigation above
- Periods of non-use that may result in relinquishment/abandonment
- Changes under RCW 90.03.380 require a tentative determination of the extent and validity of the water right proposed for transfer or change.

Tentative Determination of Validity and Extent

A tentative determination of the validity and extent of a water right must be performed for any proposed water right change. Ecology must evaluate the historical use of the subject right and other factors to determine the rate and quantity of water that may be changed.

Ecology has reviewed the request of the application by the City of Deer Park, and the season of use will remain the same as projected and the change of beneficial use from irrigation to municipal supply. The City of Deer Park has confirmed the season of use April 1 to October 1 is when the City will be using this water right and is in agreement with Ecology.

The maximum authorized water duty of Certificate No. G3-28331 is 136 acre-feet per year for the seasonal irrigation of 35 acres. The State of Washington Irrigation Guide (WA210-VI-WAIG) states that 2.35 acre-feet (82.25), per acre, for pasture is required in the Spokane area. Given the irrigation system of wheel and hand lines it is estimated that water deliver was about 75% efficient. At this rate of application, the water duty for crop listed above is up to a maximum of 3.15 acre feet per year, per acre. This results in an allocation of 110.25-acre feet per year for the irrigation of 35 acres.

Since the applicant proposes to change the purpose of use, only the consumptive use is available for change to the new use. An estimate of the consumptive water will be derived from Guidance GUID-1210. According to this Guidance, an irrigation system taken into consideration of sprinklers efficiency, evaporation rate, and an average return flow of 15%. The calculation for consumptive use is:

$$110.25 \text{ less } 15\% \text{ return flows} = 93.75 \text{ acre-feet}$$

The maximum instantaneous water quantity authorized for Certificate No. G3-28331 is 350 gallons per minute. Since limited data existing on pump capacity, actual use has been estimated. The typical allocation irrigation is 10 gpm per acre of irrigation. Often with smaller irrigation systems additional instantaneous water quantity is required for system efficiency. Actual use appears to be consistent with the information provided and the request to transfer the full instantaneous quantities. Therefore, it appears that 350 gallons per minute was historically utilized under this water right.

Therefore, the total consumptive use for Certificate No. G3-28331 is 350 gallons per minute and 93.75 acre-feet per year for irrigation and 2 acre-feet per year for domestic supply

Impairment Considerations

“Impair” or “impairment” means to 1) adversely impact the physical availability of water for a beneficial use that is entitled to protection, not including earlier filed applications, 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, 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).

The proposed change to add up to 13 points of withdrawal under Ground Water Certificate No. G3-28331 will not enlarge the annual quantity of water authorized to be withdrawn from the aquifer. The instantaneous rate of withdrawal for the new wells will not exceed what is already authorized and in good standing. There has been no documented history of pumping interference problems between existing wells in the area, and it is not anticipated that the proposed change would cause any impairment to existing water rights. In the unforeseen event that the new wells will cause impairment to these existing rights, they will be treated as a junior appropriator and regulated accordingly.

Beneficial Use

Municipal supply is considered a beneficial use of water under RCW 90.54.020(1).

Public Interest Consideration

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

The following is a list of requirements that must be met prior to authorizing the proposed change:

Public Notice

RCW 90.03.380 requires that notice of a water right application for change/transfer 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 pursuant to RCW 90.03.280. Notice of this application was published in the Deer Park Tribune on November 14th and November 21st, 2018 and no protests were received.

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.

Conclusions

In accordance with Chapters 90.03 and 90.44, approval of this application to add additional points of withdrawal and change place of use under Ground Water Certificate No. G3-28331, will not enlarge the quantity of water authorized, nor will it impair existing rights or be detrimental to the public welfare provided the terms and conditions above are followed. The authorized and proposed wells withdraw water from the same body of public water.

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.

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:

350 gallons per minute
93.75 acre-feet per year
Municipal Supply Purposes (April 1- Oct 1)
2 acre-feet per year
Municipal Supply Purposes (continuous)

Points of Withdrawal:

See pages 1 and 2

Place of Use:

See page 2

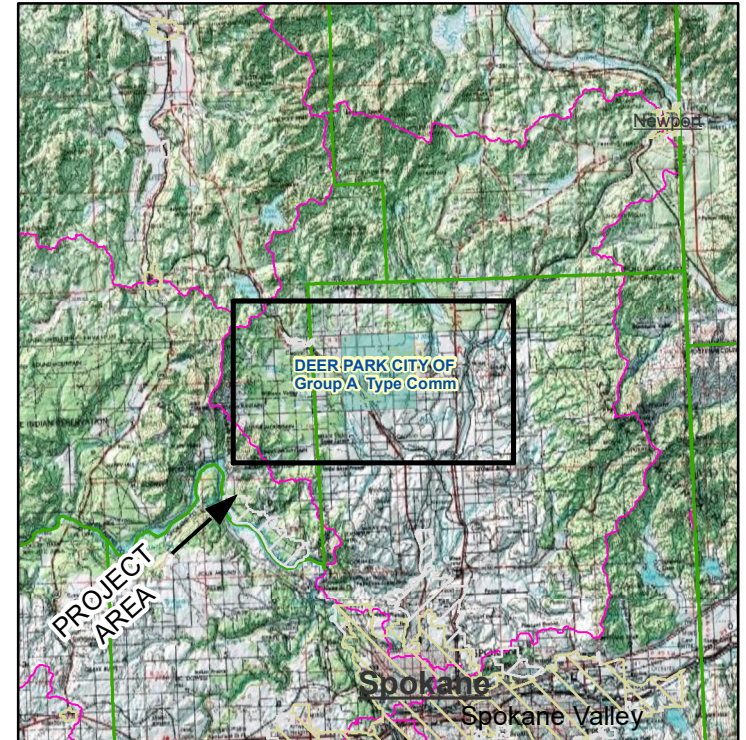
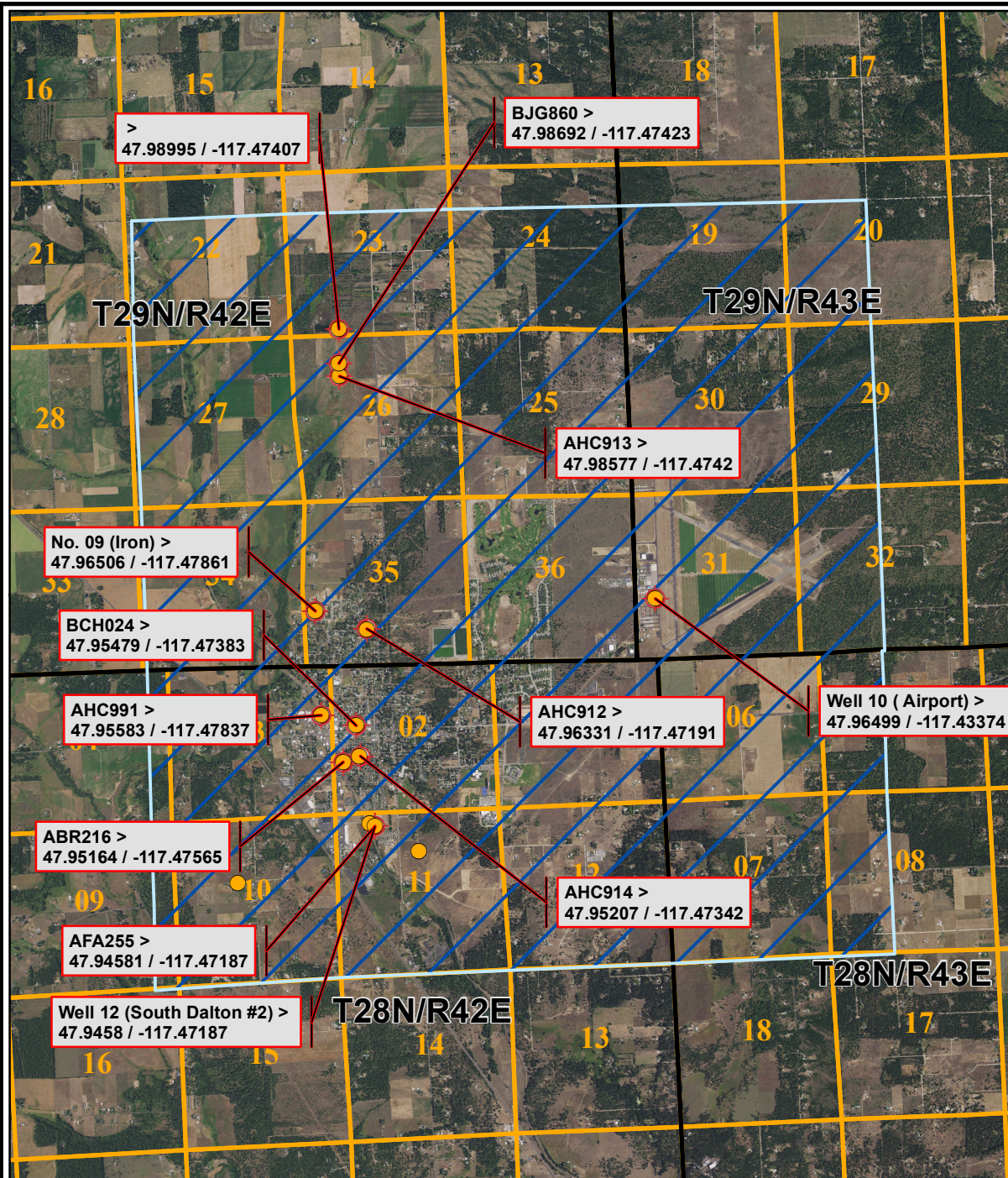
Eric Davis, Report Writer

Date

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Deer Park City
Water Right Number G3-28331
WRIA 55 / SPOKANE County

ATTACHMENT 1



Legend



Authorized Place of Use

Townships

Sections

Water Right Sources

Well



Lat Long GCS_North_American_1983_HARN

(Source locations may vary in their accuracy and precision as stated within the body of the report.)

Comment:

Place of use and source locations are as defined within the Report of Examination for the Water Right specified in the header above.

0 2,640 5,280 10,560 Feet

Basemap - (NAIP 2019 Air Photo)



Map Date: 4/29/2022

