



STATE OF WASHINGTON  
DRAFT  
REPORT OF EXAMINATION  
FOR WATER RIGHT CHANGE

Added Point of Withdrawal

<b>APPLICATION DATE</b>	<b>WATER RIGHT CHANGE APPLICATION NUMBER</b>
12/27/2019	CG3-23211C@1

<b>PRIORITY DATE OF CERTIFICATE PROPOSED FOR CHANGE</b>	<b>CERTIFICATE NUMBER</b>
5/13/1974	G3-23211C, together with Change ROE dated 6/11/2002

<b>NAME AND MAILING ADDRESS</b>	
City of Colfax PO Box 229 Colfax, WA 99111-0229	

Total Rate and Quantity Authorized for Withdrawal	
WITHDRAWAL RATE (gpm)	ANNUAL QUANTITY (ac-ft/yr)
670	600

gpm = Gallons per Minute; ac-ft/yr = Acre-feet per Year

**Attention:** Ground Water Certificate Nos. 660, 893-D, 894-D and G3-23211 shall not exceed 2,370 gallons per minute and 1,384 acre feet for municipal supply.

Purpose(s)					
PURPOSE	WITHDRAWAL RATE (gpm)		ANNUAL QUANTITY (ac-ft/yr)		PERIOD OF USE
	ADDITIVE	NON-ADDITIVE	ADDITIVE	NON-ADDITIVE	
Municipal Supply	670		600		1/1 – 12/31

PUBLIC WATER SYSTEM INFORMATION	
WATER SYSTEM ID	CONNECTIONS
140009	Municipal

Source Location			
COUNTY	WATERBODY	TRIBUTARY TO	WATER RESOURCE INVENTORY AREA
Whitman	Groundwater		Palouse watershed – 34

SOURCE NAME	PARCEL	WELL TAG	TOWNSHIP	RANGE	SECTION N	QQ Q	LATITUDE	LONGITUDE
Well 1 (Glenwood 1)		AGG331	17	43	32	NE¼NE¼	46.92953	-117.28214
Well 2 (Glenwood 2)		AGG332	17	43	32	NE¼NE¼	46.92962	-117.27945
Well 3 (Clay St)		AGG333	16	43	11	SE¼NE¼	46.89420	-117.35719
Well 4 (Fairview)		AGG334	16	43	14	SW¼SW¼	46.87162	-117.37094
Well 5 (Port)	200004316213490		16	43	21	SW¼SE¼	46.87548	-117.40952

QQ Q = Quarter Quarter

Datum: NAD83/WGS84

### Place of Use

LEGAL DESCRIPTION OF THE AUTHORIZED PLACE OF USE

Area Served by the City of Colfax

**Attention:** 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 is 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.

### Proposed Works

Five wells, pumps, storage and municipal deliver system

### Development Schedule

BEGIN PROJECT BY THIS DATE	COMPLETE PROJECT BY THIS DATE	PUT WATER TO FULL USE BY THIS DATE
Began	Completed	September 1, 2042

**Attention:** These dates represent deadlines that must be met or risk cancellation of this authorization. Submittal of formal documentation for each stage is required. Extensions may be requested.

### Measurement of Water Use

HOW OFTEN MUST WATER USE BE MEASURED AND RECORDED?	Weekly
HOW OFTEN MUST WATER USE DATA BE REPORTED TO ECOLOGY?	Upon request by Ecology
WHAT VOLUME 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. 660, 893-D, 894-D and G3-23211 shall not exceed 2,370 gallons per minute and 1,384 acre feet for municipal supply.

### 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.

#### **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 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.

#### **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.

#### **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.

#### **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.

Therefore, I ORDER **APPROVAL** of Change Application No. CG3-23211C@1 (G3-23211C, together with Change ROE dated 6/11/2002), 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.

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

DRAFT

# INVESTIGATOR'S REPORT

City of Colfax

Water Right Change Application No.: CG3-23211C@1 (G3-23211C, together with Change ROE dated 6/11/2002)

Investigator: Dan Tolleson

## BACKGROUND

This report serves as the written findings of fact concerning Water Right Change Application Number CG3-23211C@1 (G3-23211C, together with Change ROE dated 6/11/2002). The applicant proposes to add one well to the existing municipal system.

**Table 1. Existing Water Right Attributes**

<b>Name on Water Right Document</b>	City of Colfax
<b>Certificate Number</b>	G3-23211C, together with Change ROE dated 6/11/2022
<b>Priority Date</b>	5/13/1974
<b>County</b>	Whitman
<b>WRIA</b>	Palouse watershed – 34
<b>Water Source</b>	4 wells
<b>Place of Use</b>	Area Served by the City of Colfax

Purpose	Instantaneous Rate (gpm)	Annual Quantity (ac-ft/yr)	Begin Season	End Season
Municipal Supply	670	600	1/1	12/31

Source Name	Parcel	Well Tag	Township	Range	Section	QQ Q	Latitude	Longitude
Well 1 (Glenwood 1)		AGG331	17	43	32	NE¼NE¼	46.92953	-117.28214
Well 2 (Glenwood 2)		AGG332	17	43	32	NE¼NE¼	46.92962	-117.27945
Well 3 (Clay St)		AGG333	16	43	11	SE¼NE¼	46.89420	-117.35719
Well 4 (Fairview)		AGG334	16	43	14	SW¼SW¼	46.87162	-117.37094

WRIA = Water Resource Inventory Area; gpm = Gallons per Minute; ac-ft/yr = Acre-feet per Year; QQ Q = Quarter Quarter

Datum: NAD83/WGS84

**Table 2. Requested Water Right Attributes**

<b>Applicant Name</b>	City of Colfax
<b>Date of Application</b>	12/27/2019
<b>County</b>	Whitman
<b>WRIA</b>	Palouse watershed – 34
<b>Water Source</b>	5 Wells
<b>Place of Use</b>	Area Served by the City of Colfax

Purpose	Instantaneous Rate (gpm)	Annual Quantity (ac-ft/yr)	Begin Season	End Season
Municipal Supply	670	600	1/1	12/31

Source Name	Parcel	Well Tag	Township	Range	Section	QQ Q	Latitude	Longitude
Well 1 (Glenwood 1)		AGG331	17	43	32	NE¼NE¼	46.92953	-117.28214
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Well 5 (Port)			16	43	21	SW¼SE¼	46.87548	-117.40952

Datum: NAD83/WGS84

## INVESTIGATION

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

- Appropriate rules and statutes;
- Ecology water right file;
- Other water rights, permits, and claims;
- USGS topographic maps, aerial photographs and other GIS data;
- Department of Health Sentry website and Water System Plan information;
- Proposed point of withdrawal and delivery system;
- Existing municipal system;
- Information submitted by the City of Colfax in support of this application; and
- Discussions with Department of Ecology regional program staff.

Dan Tolleson conducted a remote exam utilizing the above listed information, which was determined to be sufficient for this requested change. The City of Colfax is located within the Palouse River drainage of WRIA 34.

The existing place of use is the area served by the City of Colfax which is described in their most recent Water System Plan. The existing municipal system consist of 4 productions wells, storage and a deliver system for a population of approximately 2,900 people. The Department of Health Sentry database, lists 1,470 connection for the system.

The proposed change includes adding the existing well utilized for the Port of Whitman (Port), which is located SW¼SE¼ of Section 21, T. 16 N., R. 43 E.W.M. This well was historically developed under the ground water permit exemption, per RCW 90.44.050. The existing Port system which was developed to provide industrial supply and domestic uses is being integrated into the City of Colfax water rights. The Port's location is to the southwest and outside of the area served by the City of Colfax. This area will be added in a Water System Plan update, after this change is approved.

### Tentative Determination of Extent and Validity of Ground Water Certificate G3-23211C, together with Change ROE dated 6/11/2002

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Ground Water Certificate No. G3-23211C was originally issued to the City of Colfax, Washington for community domestic supply. This right was issued based on the installed system capacity at the time ("pumps and pipes") and has been exercised to provide water for municipal use as the population of the area has increased. At the time Certificate No. G3-23211C was issued, it was a common practice of the State of Washington to issue certificates to public water purveyors that were quantified based on system capacity rather than actual beneficial use of water. In *Department of Ecology v. Theodoratus*,

135 Wn.2d 582, 957 P.2d 1241(1998), the Washington Supreme Court held that state statutory and common law did not allow the State to issue a vested water right certificate based on water system capacity. However, although the *Theodoratus* decision did not involve a municipality, the Court recognized that under Washington's statutes there are significant differences between municipal water use and other water uses. The Court stated in this decision that municipal water rights often receive separate treatment under water law. Notwithstanding this distinction, the *Theodoratus* decision cast uncertainty over the status of water right certificates that were issued to public water suppliers based on the "pumps and pipes" standard. In response to the *Theodoratus* decision, the legislature enacted Washington's Municipal Water Law (MWL), which became effective on September 9, 2003. In 2010, the Supreme Court upheld the constitutionality of MWL in *Lummi Indian Nation v. State of Washington*, 170 Wn.2d 247, 241 P.3d 1220 (2010).

Under Municipal Water Law (MWL), the City of Colfax qualifies as a "municipal water supplier" as defined under RCW 90.03.015(3), and Certificate No. G3-23211C, together with Change ROE dated 6/11/2002 qualifies as a water right for municipal supply purposes under RCW 90.03.015(4) because it has been continuously exercised to provide municipal water service.

RCW 90.03.330(3) provides that water rights for municipal water supply purposes documented by "pumps and pipes" certificates issued prior to September 9, 2003 are "rights in good standing." These water rights may include inchoate quantities that have not yet been exercised. Such rights may continue to be exercised to serve the municipal water supplier's reasonably anticipated future needs.

RCW 90.03.330(2) provides that Ecology cannot revoke or diminish certificated water rights for municipal water supply purposes, except under certain limited circumstances. One such circumstance is "for the issuance of certificates following the approval of a change, transfer, or amendment under RCW 90.03.380 or 90.44.100." Thus, Ecology may revoke or diminish a water right during the process of evaluating a groundwater right change application under RCW 90.44.100, based on the tentative determination of extent and validity of the water right, or to prevent impairment of other water rights or detriment to the public welfare.

Accordingly, in reviewing the application, Ecology must perform a tentative determination of the extent and validity of Certificate No. G3-23211C, together with Change ROE dated 6/11/2002 and first, determine, what quantity of water has been perfected through actual beneficial use. Then, Ecology must determine how much of the remaining inchoate quantity remains "in good standing" through reasonable diligence in perfecting the water right. *Cornelius v. Department of Ecology*, Washington Supreme Court No. 88317-3 (February 12, 2015).

#### Analysis of Historical Beneficial Use of Water under Certificate No. G3-23211C, together with Change ROE dated 6/11/2002

Ground Water Certificate No. G3-23211C was originally issued to the City of Colfax in 1975 for community domestic supply. In 2002, a change Report of Exam was approved integrating the city's four existing wells and changing the purpose of use to municipal supply. This change authorization was issued with a development schedule since it had not been put to full beneficial use. This approved change authorizes 670 gallons per minute, 600 acre feet for municipal supply within the service area of the City of Colfax. The authored sources are Well 1 (Glenwood 1), Well 2 (Glenwood 2), Well 3 (Clay St), and Well 4 (Fairview), see above Table 1 for location details.



The City’s municipal system consist of four integrated water rights that have the same authorized sources and place of use. The table below summarizes the City of Colfax’s municipal water right portfolio:

**Table 3. City of Colfax Water Right Portfolio**

Water Right	Priority date	Qi Additive	Qa Additive	Qa Non-Additive
660	May 12, 1949	500	284	116
893-D	1915	600	250	
894-D	1927	600	250	
G3-23211C	May 13, 1974	670	600	
<b>Total</b>		<b>2370</b>	<b>1384</b>	

In considering whether a municipal water supplier like the City of Colfax has exercised reasonable diligence in developing into its water rights, the Department recognizes that cities often grow at uneven rates, and need to be able to serve their growing populations. The actual use of water over time fluctuates due to many factors, which include but are not limited to year-to-year weather patterns, conservation measures, water price and general changes in water use practices. Over time, the population within the City of Colfax service area has grown, although typically at a slow rate. The City has implemented a Water Use Efficiency Program, which meets the requirements of WAC 246-290-800.

The availability of total annual quantity records for the City of Colfax are limited. The prior change Report of Exam, records a total water use of approximately 956 acre feet in 2001, for a population of approximately 2,850. According to the information provided for this application, typical water use for the system as a whole in recent years was documented in the 2017 data. This data indicated a use of approximately 650 acre feet, with a slightly increased population of around 2,900 people. The year 2001 was a declared drought and 2017 was a relatively average water year, which in part explains the changes in water use. In addition, a general reduction in overall use is common with modern requirement for conservation and leak reduction. This means that approximately 47% of their water right portfolio is currently being used on an average year, with approximately 53% or 734 acre feet being inchoate. Given the city’s generally slow growth rate and Department of Heath requirements around continued conservation, these inchoate quantities appear to be sufficient for many years of growth.

**Table 4. Water Use Data**

Year of Production	Acre Feet
2017	650
2001 (declared drought)	996

The existing sources for the City of Colfax consist of four municipal wells, with an estimated maximum production of 2,885 gallons per minute. Ground Water Certificate Nos. 660, 893-D, 894-D and G3-23211C authorize a maximum of 2,370 gallons per minute. This means withdrawals from the existing system will need to be coordinated in order to not exceed existing water right authorizations. Given this capacity the maximum authorized instantaneous quantity of 670 gallons per minute has historically been withdrawn under Certificate No. G3-23211C, together with Change ROE dated 6/11/2002. The following table below details maximum instantaneous production from each authorized source.

**Table 5. Instantaneous Withdrawal**

Water Source	DOH Source Number	Maximum Production in Gallons per Minute
Well 1 (Glenwood 1)	SO1	1,100
Well 2 (Glenwood 2)	SO4	500
Well 3 (Clay St)	SO2	585
Well 4 (Fairview)	SO3	700
<b>Total</b>		<b>2,885</b>

Note: Certificate Nos. 660, 893-D, 894-D and G3-23211C authorize a maximum of 2,370 gpm

All the City's municipal water rights share the same sources, meaning there is no way to attribute inchoate portions to a specific right, but only as a total for the portfolio. Therefore, the inchoate portion of Certificate No. G3-23211C, together with Change ROE dated 6/11/2002 is "in good standing" and eligible for change. This is because the City of Colfax has demonstrated reasonable diligence in perfecting the water right by continuing to upgrade its infrastructure, implementing conservation and providing water for new customers in a service area with a growing population.

### Other Rights Associated with Project

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A review of Ecology records were conducted for existing water right certificates, permits, and claims appurtenant to the project. The search focused primarily on Section 10, 11, 14, 15, 20, 21 & 23 all within T. 16 N., R. 43 E.W.M. The review of Ecology records shows a number of certificates and claims within the area served by the City of Colfax. However, these are separate water rights that are not connected to the municipal system, nor are they related to this project. The extent and validity of these overlapping rights is unknown.

### Hydrogeologic Evaluation

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The following Hydrogeologic Evaluation was provided by Patrick Cabbage, an Ecology Hydrogeologist.

This project proposes to change Ground Water Certificate Nos. 660, 894-D, 893-D, and G3-23211C by adding one (1) additional well to each of the water rights. This project is located within Whitman County, Washington.

#### Analysis

The existing wells associated with the City of Colfax water rights are all producing water from the same body of groundwater, as documented in a 2002 change ROE. The 2002 change ROE contains a hydrogeologic analysis conducted by John Covert. This analysis concludes that the four existing City of Colfax wells are all withdrawing from the same body of groundwater, namely the Columbia Plateau aquifer system. Groundwater is specifically being withdrawn from the Grande Ronde Formation of the Columbia River Basalt Group and associated sediments.

The proposed point of withdrawal is an existing well located in the SW¼ SE¼ of Section 21, T. 16 N., R. 43 E.W.M. The well log for this well indicates that basalt was encountered at 30 feet below ground surface (ft bgs), and the well was completed at a total depth of 288 ft bgs. I utilized the United States Geological Survey's 3-Dimensional Hydrogeologic Framework Model of the Columbia Regional Plateau Aquifer System (CPRAS) to determine the depth to the top of the Grande Ronde Formation at this location. According to the CPRAS the top of the Grande Ronde Formation at the location of the

proposed point of withdrawal is approximately 264 ft bgs. The existing well at this location is completed to a depth of 288 ft bgs, meaning this well is withdrawing groundwater from the Grande Ronde Formation. My determination is that the proposed point of withdrawal is withdrawing groundwater from the same body of groundwater as the existing City wells.

The nearest well completed in the Grande Ronde Formation is more than 1.5 miles to the west. A review of recorded well logs in this area was conducted as part of this analysis. A Theis solution drawdown analysis conducted (using literature values for the Grande Ronde Formation) indicates that after 180 days of pumping, drawdown at a distance of 1.5 miles from the pumping well would be approximately 1.9 feet. Based upon this review it is my conclusion that impairment of existing water users in the vicinity of the proposed point of withdrawal is not likely.

It is my conclusion that the proposed point of withdrawal is withdrawing from the same body of public groundwater as the City's existing wells. It is my conclusion that it is unlikely that approving this request will result in impairment of nearby water users. This recommendation is based solely on a hydrogeological analysis, and no other considerations included in the rest of the ROE.

## **ANALYSIS**

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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.
- The water source must not change.
- 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).

## **Impairment**

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In analyzing impairment, Ecology must make a determination as to whether existing water rights, including instream flows established by Ecology rules, may be impaired by the proposed change. The analysis will compare impacts that can occur under the existing water right against impacts anticipated if the proposed change is authorized.

As indicated in the above Hydrogeologic Evaluation the proposed additional well is within the same body of public ground water and will not cause impairment. The proposed change will not enlarge the annual and instantaneous quantities in good standing that are authorized to be withdrawn from the aquifer. There has been no documented history of pumping interference problems between existing wells in this area, and it is not anticipated that the proposed change would cause any impairment to existing water rights. In sum, the proposed change by the City of Colfax will not cause impairment.

## **Beneficial Use**

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

## Public Interest

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The proposed change, water withdrawal, and associated water use must not be detrimental to the public interest.

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

## Other Administrative Requirements

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The following must be considered when evaluating a proposed water right change.

### **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.

The subject application's request is part of a project that exceed the SEPA threshold. A determination of NonSignificance was issued by Ecology September 15, 2021.

### **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 Whitman County Gazette on February 27 and March 5, 2020. No protest or letters of concern were received.

## Conclusions

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I find that:

- The proposed change will not result in an enlargement of the subject water right.
- The proposed change will not impair existing rights.
- The existing and proposed points of withdrawal draw water from the same source.
- Water is available at the new point of withdrawal.
- Approval of this change application will not be detrimental to the public interest.

## RECOMMENDATIONS

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Based on the above investigation and conclusions, I recommend this request for a water right change 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

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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:

**Table 6. Recommended Project Limits and Location**

<b>Maximum Instantaneous Rate (gpm)</b>	670
<b>Maximum Annual Quantity (ac-ft/yr)</b>	600
<b>Purpose(s) of Use</b>	Municipal supply
<b>Point(s) of Withdrawal</b>	See Page 1
<b>Place of Use</b>	Area Served by the City of Colfax

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*Report Writer, Dan Tolleson*

*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.*