



STATE OF WASHINGTON
DRAFT
REPORT OF EXAMINATION
FOR WATER RIGHT CHANGE

Added Points of Withdrawal

APPLICATION DATE	WATER RIGHT CHANGE APPLICATION NUMBER
February 22, 2022	CG3-*00559S

PRIORITY DATE OF CERTIFICATE PROPOSED FOR CHANGE	CERTIFICATE NUMBER PROPOSED FOR CHANGE
January 1, 1908	933-D

NAME AND MAILING ADDRESS	SITE ADDRESS (IF DIFFERENT)
Town of Malden 204 West Moreland Avenue Malden, WA 99149 townofmaldenwa@gmail.com	

Total Rate and Quantity Authorized for Withdrawal

WITHDRAWAL RATE (gpm)	ANNUAL QUANTITY (ac-ft/yr)
75	40

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

Purpose(s)

PURPOSE	WITHDRAWAL RATE (gpm)	ANNUAL QUANTITY (ac-ft/yr)	PERIOD OF USE
Municipal Supply	75	40	1/1 – 12/31

PUBLIC WATER SYSTEM INFORMATION

WATER SYSTEM NAME and ID	CONNECTIONS
505503	municipal

Source Location

COUNTY	WATERBODY	TRIBUTARY TO	WATER RESOURCE INVENTORY AREA
Whiteman	Groundwater		Palouse watershed – 34

SOURCE NAME	PARCEL	WELL TAG	TOWNSHIP	RANGE	SECTION	QQ Q	LATITUDE	LONGITUDE
Well 2 (SO1)	105800016240000	AEH239	20 N.	42 E.	13	NW¼SW¼	47.229°N	-117.471°W
Well 3 (proposed)			20 N.	42 E.	14	NE¼SE¼		
Well 4 (proposed)			20 N.	42 E.	14	NE¼SE¼		
Well 5 (proposed)			20 N.	42 E.	13	NW¼SW¼		
Well 6 (proposed)			20 N.	42 E.	13	NW¼SW¼		
Well 7 (proposed)			20 N.	42 E.	13	SW¼SW¼		
Well 8 (proposed)			20 N.	42 E.	13	SW¼SW¼		

QQ Q = Quarter Quarter

Datum: NAD83/WGS84

Place of Use

LEGAL DESCRIPTION OF THE AUTHORIZED PLACE OF USE

Town of Malden

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

Wells, pumps, and existing municipal delivery system

Development Schedule

BEGIN PROJECT BY THIS DATE	COMPLETE PROJECT BY THIS DATE	PUT WATER TO FULL USE BY THIS DATE
10/1/2025	10/1/2026	10/1/2045

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. 933-D and 934-D, shall not exceed 150 gallons per minute, 58 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 proposed wells shall be cased and sealed into competent basalt. In addition, any reconstruction of well No. 2 (SO1) shall ensure the well is properly cased and sealed into competent basalt.

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-*00559S (933-D), subject to existing rights and the provisions specified above. In addition, Temporary Change of Ground Water Certificate No. 933-D dated July 27, 2022, shall be canceled.

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	Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
Pollution Control Hearings Board 1111 Israel RD SW, Ste 301 Tumwater, WA 98501	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

Town of Malden

Water Right Change Application No.: CG3-*00559S (933-D)

Investigator: Dan Tolleson

BACKGROUND

This report serves as the written findings of fact concerning Water Right Change Application Number CG3-*00559S (933-D). The Town of Malden proposes to add up to 6 additional wells.

Table 1. Existing Water Right Attributes

Name on Water Right Document	Town of Malden
Certificate Number	933-D
Priority Date	The year 1908
County	Whitman
WRIA	Palouse watershed – 34
Water Source	A well
Place of Use	The Town of Malden, Whitman County, State of Washington

Purpose	Instantaneous Rate (gpm)	Annual Quantity (ac-ft/yr)	Begin Season	End Season
Municipal Supply	75	40	1/1	12/31

Source Name	Parcel	Well Tag	Township	Range	Section	QQ Q	Latitude	Longitude
Well			20 N.	42 E.	13	Lot 3, Block 87		

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

Applicant Name	Town of Malden
Date of Application	February 22, 2022
County	Whitman
WRIA	Palouse watershed – 34
Water Source	7 Wells
Place of Use	The Town of Malden

Purpose	Instantaneous Rate (gpm)	Annual Quantity (ac-ft/yr)	Begin Season	End Season
Municipal Supply	75	40	1/1	12/31

Source Name	Parcel	Well Tag	Township	Range	Section	QQ Q	Latitude	Longitude
Well 2 (SO1)	105800016240000	AEH239	20 N.	42 E.	13	NW¼SW¼	47.229°N	-117.471°W
Well 3 (proposed)			20 N.	42 E.	14	NE¼SE1/4		
Well 4 (proposed)			20 N.	42 E.	14	NE¼SE¼		
Well 5 (proposed)			20 N.	42 E.	13	NW¼SW¼		
Well 6 (proposed)			20 N.	42 E.	13	NW¼SW¼		
Well 7 (proposed)			20 N.	42 E.	13	SW¼SW¼		
Well 8 (proposed)			20 N.	42 E.	13	SW¼SW¼		

Datum: NAD83/WGS84

INVESTIGATION

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;
- Existing and Proposed points of withdrawal;
- Existing delivery system;
- Water System Plan & Ecology Comments;
- Existing place of use;
- Information submitted by the Town of Malden 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 Town of Malden is located approximately 30 miles south of Spokane, Washington. This area is located within the Pine Creek drainage of WRIA 34, the Palouse Watershed.

The Town of Malden is a small dispersed rural community of around 200 people. Much of the town was destroyed by a wildfire in 2020 and is still in the process of rebuilding. The current municipal system consists of one operational well, storage, and a delivery system with approximately 65 connections.

The Town of Malden proposes to construct at least one additional well within the six proposed locations. Any new well(s) are proposed to be connected to the existing municipal system. Additional wells will be constructed as need for capacity not to exceed this authorization.

Tentative Determination of Extent and Validity of Ground Water Certificate No. 933-D

Ground Water Certificate No. 933-D was originally issued to the Town of Malden, Washington for municipal supply. This right appears to have been issued based on the installed system capacity and estimated use at the time it was originally certificated.

Under Municipal Water Law (MWL), the Town of Malden qualifies as a “municipal water supplier” as defined under RCW 90.03.015(3), and Certificate No. 933-D 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. 933-D 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. 933-D

The Town of Malden was incorporated in 1909. The population reached its peak in 1920 at approximately 1000 people. That population decreased until the 1990s to a low of approximately 190 people and rebounded to 215 people in 2020.

Ground Water Certificates Nos. 933-D and 934-D were both issued to the Town of Malden on July 11, 1949 under a Declaration of Claims, for municipal supply. The population in 1950 was estimated at 332 people. A typical use calculation for that time is 200 gallons per day per person, which equates to approximately 74 acre feet in a year ($332 \text{ people} \times 200 \text{ gpd} \times 365 \text{ days} / 325851 = 74$). Given that water use was often historically lower and documented well production was limited to a capacity of 150 gallons per minute in total, it appears these water rights were issued based off of actual use at that time, which was 58 acre feet.

The Town’s municipal portfolio currently consist of two water rights that have the same authorized place of use, but different wells. See table below for the Town of Malden’s water right portfolio:

Table 3. Town of Malden Water Right Portfolio

Water Right	Priority date	Instantaneous Quantity	Annual Quantity	Source
933-D	1908	75	40	Well (basalt aquifer)
934-D	December 1939	75	18	Well (gravel aquifer)
Total		150	58	

In considering whether a municipal water supplier like the Town of Malden has exercised reasonable diligence in developing into its water rights, the Department recognizes that towns often grow/decline at uneven rates, and need to be able to serve their generally 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. In recent decades, the population within the Town of Malden service area has grown, although typically at a slow rate. The town has implemented a Water Use Efficiency Program, which meets the requirements of WAC 246-290-800.

Historically, Malden’s municipal system utilized 2 wells, with one being authorized under each of their water rights. The authorized sources for both Ground Water Certificate 933-D & 934-D were reportedly decommissioned. A replacement well was constructed for the system without authorization and put to use in 1970 according to DOH Sentry site. This replacement well, known as Well No. 2 (SO1) was added to Ground Water Certificate no. 933-D under a Showing of Compliance 90.44.100(3).

According to the available water meter data, the maximum annual quantity put to use in recent years under the Town of Malden system was approximately 47 acre feet in 2016. The years 2015 and 2016 were exceptional back to back drought years. Given the Town's generally slow growth rate in recent decades and Department of Heath requirements around continued conservation, the authorized quantities of 933-D appear to be sufficient for current use. Water for additional growth may be obtained with the development of a gravel well for Ground Water Certificate 934-D or by obtaining additional rights.

Table 4. Water Use Data

Year of Production	Acre Feet
2020	27.1
2019	21.2
2018	25.7
2017	33.1
2016	46.9
2015	40.6
2014	22.3
2013	39.8
2012	26.3
2011	29.4
2010	27.3

According to the data provided, Well 2 (SO1) can produce approximately 150 gallons per minute. Ground Water Certificate No. 933-D only authorizes 75 gallons per minute, which means production from this well will need to be decreased. In addition, with the construction of new well(s), the instantaneous capacity of the system will likely exceed the authorization. Well production will need to be coordinated so as to not exceed authorized quantities. Additional instantaneous quantities may need to be obtained to operate the system efficiently.

In recent years, all Malden's municipal water was physically pumped from source Well 2 (SO1). As indicated in the use data above, the entirety of Ground Water Certificate No. 933-D has been put to full use during the drought years of 2015 and 2016. Therefore, any inchoate portion of Certificate No. 933-D in recent years are "in good standing" and eligible for change. This is because the Town of Malden 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 in recent decades.

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 the project. The search focused primarily on Section 13, 14, and 24 T. 20 N., R. 42 E.W.M. The review of Ecology records shows several Certificates and Claims within the area served by the Town of Malden. 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

The following Hydrogeologic Evaluation was provided by Chris Beard, an Ecology Hydrogeologist.

This project proposes to change Ground Water Certificates No. 933-D under change application CG3-*00559S by adding up to six additional points of withdrawal and authorizing the currently utilized point of withdrawal. This project is located within Whitman County, Washington in WRIA 34. There is one authorized point of withdrawal for 933-D located in Lot 3, Block 87 of Sec. 13, T20N, R42E.W.M. This point of withdrawal (Well 1) has been decommissioned since 1970 and Well 2 (AEH239) has been utilized. Any future wells drilled relative to this change must be properly constructed into the basalt aquifer. There is minimal concern for impairment relative to this change. 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 point of withdrawal under 933-D is one well that has been decommissioned (Well 1). According to the Dept. of Health SENTRY site, this well was decommissioned in 1970 and a well with the well tag ID AEH239 has been utilized since then.

Well 1 is located in SW¼SW¼ of section 13 of T. 20N., R. 42 E.W.M. This well is authorized under Water Right Certificate 933-D. It was drilled in 1908 to a depth of 360 feet below ground surface (ft bgs). The static water level at the time of drilling was noted as 265 ft bgs. The well log does not give any details of materials encountered during drilling. However, a review of the geology of the area would indicate that this well was completed in the Grande Ronde formation of the Columbia River Basalt Group (CRBG). As previously mentioned, this well has been decommissioned, and both Water Rights of 933-D has been producing water from Well 2.

Well 2 (AEH239) is located in NW¼SW¼ of section 13 of T. 20N., R. 42 E.W.M. Although an Ecology issued well tag ID is associated with this well, there is no log associated with that tag number in the Ecology well log database. That said, the geologic materials encountered during drilling and construction details are unknown. Further, there is conflicting information about the depth of the well on the SENTRY website (184 ft bgs) and from the 2020 Water Use Efficiency Annual Performance Report (263 ft bgs). It is possible that the well has been deepened since being added to the Malden Water System Plan in 1970. Whichever the depth, the discrepancy between the two is inconsequential relative to this review. Whether the well is 184 or 263 ft bgs, either depth would place the completed well in

the Grande Ronde formation. The static water level noted in the 2020 Annual Performance Report is 114 feet from the top of the casing. Because this well and the original well authorized for 933-D are completed in the Grande Ronde, they are considered same body of public groundwater and Well 2 can be authorized as a replacement well.

The supporting document for these change applications was completed by GeoEngineers in February of 2022. This document states that any future wells drilled for this project will have a target completion zone within the CRBG. Generally, Ecology separates the different formations within the CRBG as separate bodies of public groundwater. It should not be a concern in the case of this change. Although both the Wanapum and Grande Ronde basalts exist in and around the vicinity of Malden, the Wanapum is either too thin or nonexistent in the proposed locations for additional wells. The six additional wells are proposed to be drilled in the NW¼SW¼ of Sect. 13, SW¼SW¼ of Sect. 13, or NE¼SE¼ of Sect. 14, T20N, R42E.W.M. Any future wells related to this project should be constructed in accordance with WAC 173-160 : Minimum Standards for Construction and Maintenance of Wells.

Impairment

This change proposes to change the water right in question to add up to 6 additional wells (including authorizing the well used since 1970). It 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, and there are not that many wells in the area to begin with, it can be assumed that spreading it out among several other points of withdrawal is unlikely to impair other water users. Further, because the Qi related to these water rights is relatively low, the modeled drawdown in nearby wells due to a change in location can be considered minimal.

This change does not add additional withdrawal to the current right and will potentially 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, which will all be required to produce water from the Columbia River Basalt Group. It is unlikely that the proposed change will impair existing water rights or surface water, and I recommend that this change be approved. This recommendations is based solely on a hydrogeological analysis, and no other consideration in the ROE.

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.
- 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

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 to impacts anticipated if the proposed change is authorized.

As indicated in the above Hydrogeologic Evaluation, the proposed additional wells sites are 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 Town of Malden will not cause impairment.

Beneficial Use

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

Public Interest

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.

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. Notice of this application was published in the Whitman County Gazette on March 17, 2022 and March 24, 2022. No protests or public comments were received regarding this notice.

Conclusions

I find that

- 75 gpm and 40 acre feet per year of water is valid and eligible for change.
- 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 physically available at the new point of withdrawal.
- Municipal Supply is a beneficial use.
- Approval of this change 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 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

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 5. Recommended Project Limits and Location

Maximum Instantaneous Rate (gpm)	75
Maximum Annual Quantity (acre feet/year)	40
Purpose(s) of Use	Municipal Supply
Point of Withdrawal	See Page 1
Place of Use	Town of Malden

Report by: _____

Dan Tolleson
Water Resources Program

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.