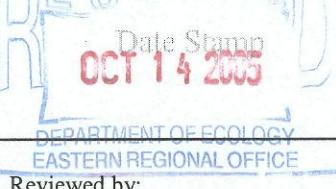


Received:



Reviewed by: _____

Date Reviewed: _____

**Franklin County
WATER CONSERVANCY BOARD
Application for Change/Transfer
Record of Decision**

Applicant: City of MesaApplication Number: FRAN-05-10 (1755-A)

This record of decision was made by a majority of the board at an open public meeting of the Franklin County Water Conservancy Board held on October 6, 2005.

Approval:

The Franklin County Water Conservancy Board hereby **grants** conditional approval for the water right transfer described and conditioned within the report of examination on October 6, 2005 and submits this record of decision and report of examination to the Department of Ecology for final review.

Denial:

The Franklin County Water Conservancy Board hereby **denies** conditional approval for the water right transfer as described within the report of examination on _____, 2005 and submits this record of decision to the Department of Ecology for final review.

Signed:

R. Henry Johnson, Chair
Franklin County Water Conservancy Board

Date: 10-6-05

| | |
|---------|-------------------------------------|
| Approve | <input checked="" type="checkbox"/> |
| Deny | <input type="checkbox"/> |
| Abstain | <input type="checkbox"/> |
| Recuse | <input type="checkbox"/> |

John Griffin, Vice Chair
Franklin County Water Conservancy Board

Date: 10/6/05

| | |
|---------|-------------------------------------|
| Approve | <input checked="" type="checkbox"/> |
| Deny | <input type="checkbox"/> |
| Abstain | <input type="checkbox"/> |
| Recuse | <input type="checkbox"/> |

Larry Rogers, Treasurer
Franklin County Water Conservancy Board

Date: 10-6-05

| | |
|---------|-------------------------------------|
| Approve | <input checked="" type="checkbox"/> |
| Deny | <input type="checkbox"/> |
| Abstain | <input type="checkbox"/> |
| Recuse | <input type="checkbox"/> |

Mailed to the Department of Ecology Eastern Regional Office of Ecology, via certified mail, and other interested parties on 10-10-05.



FRANKLIN COUNTY
WATER CONSERVANCY BOARD
Application for Change/Transfer
OF A RIGHT TO THE BENEFICIAL USE OF THE PUBLIC WATERS OF
THE STATE OF WASHINGTON

RECEIVED
CCT 14 2005
DEPARTMENT OF ECOLOGY
EASTERN REGIONAL OFFICE

Report of Examination

NOTE TO APPLICANT: Pursuant to WAC 173-153-130(8), the applicant is not permitted to proceed to act on the proposal until Ecology makes a final decision affirming, in whole or in part, the board's recommendation. It is advised that the applicant not proceed until the appeal period of Ecology's decision is complete.

| <input type="checkbox"/> Surface Water | <input checked="" type="checkbox"/> Ground Water | |
|---|--|---|
| DATE APPLICATION RECEIVED July 7, 2005 | WATER RIGHT DOCUMENT NUMBER (i.e., claim, permit, certificate, etc.) 1755-A | WATER RIGHT PRIORITY DATE September 24, 1953 |

| | | | |
|----------------------------------|----------------|---------------|---------------------|
| NAME City of Mesa | (CITY) Mesa | (STATE) WA | (ZIP CODE) 99343 |
| ADDRESS (STREET) P.O. Box 146 | | | |

Changes Proposed: Change purpose Add purpose Add irrigated acres Change point of diversion/withdrawal
 Add point of diversion/withdrawal Change place of use Other (Temporary, Trust, Interties, etc.) _____

SEPA

The board has reviewed the provisions of the State Environmental Policy Act of 1971, Chapter 43.21C RCW and the SEPA rules, chapter 197-11 WAC and has determined the application is: Exempt Not exempt

BACKGROUND AND DECISION SUMMARY

Existing Right (Tentative Determination)

| | | | | | | | |
|--|---------------------------|--------------------|---------------|---|---------------------------------|------------|---------------------|
| MAXIMUM CUB FT/ SECOND 1,000 | MAXIMUM GAL/MINUTE 336 | MAXIMUM ACRE-FT/YR | | TYPE OF USE, PERIOD OF USE Continuous from January 1 through December 31, each year for Municipal use. | | | |
| SOURCE 2 Wells | | | | | TRIBUTARY OF (IF SURFACE WATER) | | |
| AT A POINT LOCATED: NO. 1 2 | ¼ NE | ¼ SE | SECTION 26 | TOWNSHIP N. 13 N. | RANGE 30 EWM | WRIA 36 | COUNTY. Franklin |
| LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS USED | | | | | | | |
| Water service area as defined by the City of Mesa's most recent comprehensive water system plan dated June 2002. | | | | | | | |
| PARCEL NO. | ¼ | ¼ | SECTION | TOWNSHIP N. | RANGE, | | |

Proposed Use

| | | | | | | | |
|--|---------------------------|--------------------|---------------|---|---------------------------------|------------|---------------------|
| MAXIMUM CUB FT/ SECOND 1,000 | MAXIMUM GAL/MINUTE 336 | MAXIMUM ACRE-FT/YR | | TYPE OF USE, PERIOD OF USE Continuous from January 1 through December 31, each year for Municipal use. | | | |
| SOURCE 3 Wells | | | | | TRIBUTARY OF (IF SURFACE WATER) | | |
| AT A POINT LOCATED: NO. 1 2 3 | ¼ NE | ¼ SE | SECTION 26 | TOWNSHIP N. 13 N. | RANGE 30 EWM | WRIA 36 | COUNTY. Franklin |
| LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS USED | | | | | | | |
| Water service area as defined by the City of Mesa's most recent comprehensive water system plan dated June 2002. | | | | | | | |
| PARCEL NO. | ¼ | ¼ | SECTION | TOWNSHIP N. | RANGE, | | |

Board's Decision on the Application

| | | | | | | | | |
|--|---------------------------------|---------------------------------|---|--|-------------------------------------|------------------------|---|--|
| MAXIMUM CUB FT/ SECOND 1,000 | MAXIMUM GAL/MINUTE 336 | MAXIMUM ACRE-FT/YR | TYPE OF USE, PERIOD OF USE Continuous from January 1 through December 31, each year for Municipal use. | | | | | |
| SOURCE 3 Wells | | | | TRIBUTARY OF (IF SURFACE WATER) | | | | |
| AT A POINT LOCATED: | | | | | | | | |
| NO. 1 2 3 | $\frac{1}{4}$ NE NE SW | $\frac{1}{4}$ SE SW NW | SECTION 26 36 36 | TOWNSHIP N. 13 N. 13 N. 13 N. | RANGE 30 EWM 30 EWM 30 EWM | WRIA 36 36 36 | COUNTY. Franklin Franklin Franklin | |
| LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS USED | | | | | | | | |
| Water service area as defined by the City of Mesa's most recent comprehensive water system plan dated June 2002. | | | | | | | | |
| PARCEL NO. | $\frac{1}{4}$ | $\frac{1}{4}$ | SECTION | TOWNSHIP N. | RANGE, | | | |

DESCRIPTION OF PROPOSED WORKS

Drill a new well for an additional point of withdrawal and install infrastructure for municipal water delivery to the water service area of the City of Mesa (easements, pipes, pumps, and necessary appurtenances).

DEVELOPMENT SCHEDULE

| | | |
|--|--|---|
| BEGIN PROJECT BY THIS DATE: January 1, 2006 | COMPLETE PROJECT BY THIS DATE: June 1, 2009 | COMPLETE CHANGE AND PUT WATER TO FULL USE BY THIS DATE: June 1, 2011 |
|--|--|---|

REPORT

This form reflects the minimum regulatory requirements as required in WAC 173-153-130(6). In accordance with WAC 173-153-130(5), "It is the responsibility of the water conservancy board to ensure that all relevant issues identified during its evaluation of the application, or which are raised by any commenting party during the board's evaluation process, are thoroughly evaluated and discussed in the board's deliberations. These discussions must be fully documented in the report of examination."

BACKGROUND [See WAC 173-153-130(6)(a)]

On July 7, 2005 the City of Mesa of Mesa, WA filed an application for change to add an additional point of withdrawal under Water right certificate number 1755-A. The application was accepted at an open public meeting on July 7, 2005, and the board assigned application number FRAN-05-10.

Attributes of the water right as currently documented

Name on certificate, claim, permit: City of Mesa

Water right document number: Certificate number 1755-A

As modified by certificate of change number: Change application number CG3-*03382C

Priority date, first use: September 24, 1953

Source: 2 wells

Point of diversion/withdrawal:

| AT A POINT LOCATED: | | | | | | | |
|---------------------|-----|-----|---------|-------------|--------|------|----------|
| NO. | 1/4 | 1/4 | SECTION | TOWNSHIP N. | RANGE | WRIA | COUNTY. |
| 1 | NE | SE | 26 | 13 N. | 30 EWM | 36 | Franklin |
| 2 | NE | SW | 36 | 13 N. | 30 EWM | 36 | Franklin |

Purpose of use: Municipal use.

Period of use: Continuous from January 1 through December 31

Place of use: Water service area as defined by the City of Mesa's most recent comprehensive water system plan dated June 2002.

Tentative determination of the water right

The tentative determination is provided on the front page of this report.

History of water use

The subject water right was perfected and a Certification of Ground Water Right was issued on February 10, 1954. The field
040-106(0505) 2 Report of Examination

examination performed by Mark Nielson confirmed the withdrawal and delivery facilities are maintained in good operating condition. The City of Mesa's Comprehensive Water System Plan shows the current population at 440 persons and 128 connections to the municipal supply system. A determination has been made that Certificate 1755-A is being put to beneficial use for the authorized purpose of municipal supply.

Previous changes

The City of Mesa previously submitted a change application to the board on October 4, 2001 to change the place of use and to add a second point of withdrawal. Change request number CG3-*03382C was approved by the board with a record of decision dated July 2, 2002. Ecology approved the change request with modifications in a letter dated August 15, 2002. The approved change allowed for the additional point of withdrawal and a change in the place of use as described in the current application.

SEPA

The board has reviewed the proposed project in its entirety. The project received federal and state funds to connect a new well to the water system, a new reservoir, a new booster pump station and water main lines. The proposed water transfer in conjunction with the entire project is not categorically exempt from SEPA. The City of Mesa was the lead agency for both a SEPA and NEPA review. Per a phone conversation with the City of Mesa's consulting Engineer, Alan Rainey of Spink Engineering, both the SEPA and NEPA review processes were completed and no public comments or protests were received. Therefore, in regards to this water right transfer application, the applicant and board have complied with all SEPA requirements.

COMMENT AND PROTESTS [See WAC 173-153-130(6)(b)]

Public notice of the application was given in the Franklin County Graphic on July 28, 2005 and August 4, 2005. The protest period ended on September 3, 2005. There were no protests received during the 30 day protest period. In addition, no oral and written comments were received by the board.

INVESTIGATION [See WAC 173-153-130(6)(c)]

The following information was obtained from a site inspection conducted by Mark Nielson on September 29, 2005, technical reports, research of department records, and conversations with the applicant and/or other interested parties.

The City of Mesa currently operates a single municipal well with a water right for a maximum instantaneous withdrawal rate of 1,000 gpm with a yearly allocation of 336 acre feet (Certificate of Ground Water Right No. 1755-A). Said well is located within the NE ¼ SE 1/4 of Section 26, T13N, R30E. W.M., Franklin County. Said well must continue to operate on demand, 24 hours per day, 7 days per week, 52 weeks per year, providing water for the city until the pump or some other problem renders the well inoperable. Maintenance must then be performed on an emergency basis and for the duration of the outage the city's residents, businesses and school are without water for domestic use or fire fighting.

In an effort to add an additional point of withdrawal for the city's water system the city entered into an agreement with the WA Department of Natural Resources (DNR) to lease in perpetuity an existing well owned by DNR located in the NE ¼ SW ¼ of Section 36, T13N, R30E. W.M. The city obtained an easement across DNR owned land to extend a water transmission line from said well into the city's water system designed such that water can be withdrawn from either well without shutting down the water system. The Washington State Department of Transportation (WSDOT) also has a water right (G3-28955P) from the DNR well for 250 gpm and 10 acre feet per year for seasonal mining and continuously for highway construction and maintenance. WSDOT was supportive of the city's additional point of withdrawal from the DNR well.

The City of Mesa submitted a change/transfer request to the Franklin County Water Conservancy Board on October 4, 2001 to add the DNR well as a point of withdrawal to Ground Water Certificate 1755-A. The Board approved the change on July 2, 2002 and Ecology approved the change, with modifications, on August 15, 2002.

Subsequent to the approved water transfer, the City of Mesa began further investigations on the DNR well in preparation of in tying the well into the City's water system. A measurement of the well depth was conducted by Spink Engineering. They determined the depth to be greater than 800 feet deep. This depth was not consistent with the available construction information which indicated a completed well depth of 133 feet. The Department of Ecology does not have any records of this well and DNR does not have any records of the well being deepened. Because there are no records of the modifications to the DNR well, Spink Engineering recommended the DNR well not be used and that the City should seek an additional point of withdrawal.

The proposed transfer does not involve any increase in the amount of water pumped as permitted under Certificate of Ground Water Right No. 1755-A. The effect of the additional point of withdrawal will be to withdraw the permitted water approximately 3,300 feet south, and to continue the use of the water within the city's water system.

Impairment Analysis

The effect of adding the new well as an additional point of withdrawal to the municipal water system would be to provide a water source from the same aquifer approximately 3,300 feet south of the active withdrawal point currently used by the City. The current permitted locations are located within the NE ¼ SE 1/4 of Section 26, T13N, R30 E.W.M. and the NE ¼ SW ¼ of Section 36, T13N, R30 E.W.M. The proposed well is located in the SW ¼ NW ¼ of Section 36, T13N, R30 E.W.M.

An assessment of the probable pumping effects of a new well on the Pasco gravel aquifer in the surrounding area was made by Kevin Lindsey, Ph.D which included the potential interference with nearby water supply wells also withdrawing water 040-106(0505)

from the Pasco gravel aquifer. The maximum cone of depression radius around the new well, at a pumping rate of 1100 gpm and a drawdown of 7 feet (data from JUB 1980), is estimated to be approximately 900 feet.

The conclusion of the assessment were that no other water supply wells in the same aquifer were found in WDOE and USBR records reviewed for the assessment to be within the 900 feet radius and therefore no impairment of any existing wells would occur.

A review of existing water rights shows that 3 water right claims and 2 additional water right certificates exist within Section 26, T13N, R30E.W.M. One ground water certificate and one ground water permit exists in section 36. There are no pending applications within Section 26 or 36 other than the applicant's. The aquifer in this area is not known to be experiencing water level declines, and there are no known well interference problems in the area. No impairment of any water right holder down gradient should occur because neither the total volume nor instantaneous pumping rate will exceed the permitted usage.

Public Interest (groundwater only)

The proposed transfer is subject to RCW 90.44.100 and therefore, cannot be detrimental to the public interest, including impacts on any watershed planning activities. Water right changes/transfers are anticipated and provided for in the state water code to accommodate modifications to existing water rights, which become necessary or desired in the course of developing and operating a municipal water system. The subject application for a change/transfer is consistent with public policy objectives of the Department of Ecology and the city to provide multiple opportunities for municipal water sources to provide for the safe, efficient management of the water system. There are no apparent detrimental effects to the public interest associated with the requested additional point of withdrawal and change in the place of use.

CONCLUSIONS [See WAC 173-153-130(6)(d)]

Tentative determination (validity and extent of the right)

A valid water right exists and the water right is eligible for an additional point of withdrawal. The proposed additional point of withdrawal will not enlarge the right. The valid water right that exists is tentatively determined to be for continuous municipal use from January 1 through December 31 in the quantities of 1,000 gallons per minutes not to exceed 336 acre feet per year.

Relinquishment or abandonment concerns

The water right has a priority date of September 24, 1953 and was certificated in February of 1956. A field examination confirmed the water distribution facilities are maintained in good operating condition. The board has found no evidence indicating a period of non-use. A tentative determination has been made that at least a portion of the water right is being put to beneficial use and therefore a valid water right exists for the purpose of this change/transfer request.

Hydraulic analysis

The hydraulic analysis prepared by Dr. Kevin Lindsey of Kennedy/Jenks Consultants, Inc. concludes that the source of water for the current and proposed wells are from a shallow sand and gravel aquifer formation referred to as the Pasco Gravel and Hanford formations. The report further concludes that no impairment of existing water rights will occur by adding the additional point of withdrawal. The board hereby adopts these conclusions.

Consideration of comments and protests

There were no comments or protests received by the board.

Impairment

The proposed additional point of withdrawal will not impair existing rights.

Public Interest

The proposed additional point of withdrawal will not be detrimental to the public interest.

DECISION [See WAC 173-153-130(6)(e)]

It is the board's recommendation that a certification of change be issued for the requested additional point of withdrawal as described herein.

Certificate of Ground Water Right 1755-A

Name: City of Mesa

Priority Date: September 24, 1953

Quantities and Uses: 1,000 gpm, 336-acre feet/yr for continuous municipal supply.

Source: Well # 1 located within the NE ¼ SE ¼ of Section 26, T13N, R30 E.W.M.; WRIA 36; Franklin County.
Well # 2 located within the NE ¼ SW ¼ of Section 36, T13N, R30 E.W.M.; WRIA 36; Franklin County.
Well # 3 located within the SW ¼ NW ¼ of Section 36, T13N, R30 E.W.M.; WRIA 36; Franklin County

Place of Use: City of Mesa water service area as defined by the City of Mesa's most recent comprehensive water system plan dated June 2002.

PROVISIONS [See WAC 173-153-130(6)(f)]

The following provisions shall apply to the change/transfer authorization.

Any future pump test data for the new well shall be submitted as it is obtained to the Department of Ecology.

The amount of water granted is a maximum limit that shall not be exceeded and the water user shall be entitled only to that amount of water within the specified limit that is beneficially used and required.

Nothing in this authorization shall be construed as satisfying other applicable federal, state, or local statutes, ordinances, or regulations.

An approved measuring device shall be installed and maintained for each of the sources identified herein in accordance with the rule "Requirements for Measuring and Reporting Water Use", Chapter 173-173 WAC. Water use data shall be recorded monthly and maintained by the property owner for a minimum of five years, and shall be promptly submitted to Ecology upon request.

The rule above describes the requirements for data accuracy, device installation and operation, and information reporting. It also allows a water user to petition Ecology for modifications to some of the requirements.

Department of Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the records of water use that are kept to meet the above conditions, and to inspect at reasonable times any measuring device used to meet the above conditions.

This authorization to make use of public waters of the state is subject to existing rights, including any existing rights held by the United States for the benefit of Indians under treaty or otherwise.

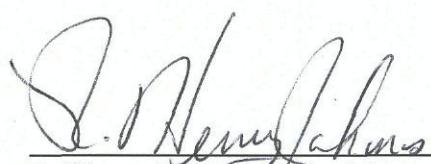
Installation and maintenance of an access port as described in Ground Water Bulletin No. 1 is required. An airline and gauge may be installed in addition to the access port.

All water wells constructed within the state shall meet the minimum standards for construction and maintenance as provided under RCW 18.104 (Washington Water Well Construction Act of 1971) and Chapter 173-160 WAC (Minimum Standards for Construction and Maintenance of Water Wells).

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

This well is subject to closure at any time the above provisions are not complied with to the satisfaction of the Department of Ecology.

Signed at Pasco, Washington
This 6th day of October, 2005



R. Henry Johnson, Board Representative
Franklin County Water Conservancy Board

If you have special accommodation needs or require this form in alternate format, please contact 360-407-6607 (Voice) or 711 (TTY) or 1-800-833-6388 (TTY).

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