WASHINGTON STATE DEPARTMENT OF ECOLOGY

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

For Ecology Use Only

Received: DEPT OF ECOLOGY Received JUN 15 2012 CENTRAL REGION OFFICE (Date Stamp)

Reviewed by: _____

Date Reviewed: _____

Applicant: Bear Mountain Water District **Application Number: CHEL-12-02**

This record of decision was made by a majority of the board at an open public meeting of the Chelan County Water Conservancy Board held **June 14th, 2012**.

☑ **Approval:** The Chelan County Water Conservancy Board hereby **grants** conditional approval for the water right transfer described and conditioned within the report of examination on **June 14th, 2012** and submits this record of decision and report of examination to the Department of Ecology for final review.

☐ **Denial:** The Chelan County Water Conservancy Board hereby **denies** conditional approval for the water right transfer as described within the report of examination on **June 14th, 2012** and submits this record of decision to the Department of Ecology for final review.

Signed:

Don Phelps
Don Phelps, Chair
Chelan County Water Conservancy Board
Date: 6-14-12

Approve	☑
Deny	☐
Abstain	☐
Recuse	☐
Other	☐

_____
Waikele M. Frantz, Member
Chelan County Water Conservancy Board
Date: _____

Approve	☐
Deny	☐
Abstain	☐
Recuse	☐
Absent	☑

Karin Whitehall
Karin Whitehall, Member
Chelan County Water Conservancy Board
Date: 6/14/12

Approve	☑
Deny	☐
Abstain	☐
Recuse	☐
Other	☐

_____
(Name), (Title)
(Board Name) Water Conservancy Board
Date: _____

Approve	☐
Deny	☐
Abstain	☐
Recuse	☐
Other	☐

_____
(Name), (Title)
(Board Name) Water Conservancy Board
Date: _____

Approve	☐
Deny	☐
Abstain	☐
Recuse	☐
Other	☐

Mailed to the Department of Ecology Central Regional Office of Ecology, via certified mail, and other interested parties on _____.

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WASHINGTON STATE DEPARTMENT OF ECOLOGY

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

DEPT OF ECOLOGY Received JUN 15 2012

Report of Examination

X Surface Water ☐ Ground Water

DATE APPLICATION RECEIVED	WATER RIGHT DOCUMENT NUMBER	WATER RIGHT PRIORITY DATE	BOARD-ASSIGNED CHANGE APPLICATION NUMBER
4/18/2012	S4-09550C	6/9/1965	~~12-02~~ Chel 12-02

NAME
Bear Mountain Water District P.O. Box 3091 Chelan WA 98816

ADDRESS (STREET)	(CITY)	(STATE)	(ZIP CODE)
c/o Marc Marquis, Peterson & Marquis 1227 First Street	Wenatchee	WA	98801

Changes Proposed: Change purpose **X** Add purpose ☐ Add irrigated acres ☐ Change point of diversion/withdrawal
X Add point of diversion/withdrawal **X** 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: X Exempt ☐ Not exempt

BACKGROUND AND DECISION SUMMARY

Existing Right (Tentative Determination)

MAXIMUM CUB FT/ SECOND	MAXIMUM GAL/MINUTE	MAXIMUM ACRE-FT/YR	TYPE OF USE, PERIOD OF USE
0.44cfs	197.37gpm	104af	Municipal

SOURCE	TRIBUTARY OF (IF SURFACE WATER)
Lake Chelan	

AT A POINT LOCATED: PARCEL NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE	WRIA	COUNTY.
272208705125	SE	SW	8	27	22E	47	Chelan
272216220050	NW	NW	16				

LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS USED

The service area of the 2005 Lakeview Utilities Company Water System Plan as amended in 2006, so long as the water right holder is and remains in compliance with the criteria in RCW 90.03.386(2). The place of use for this water right is expected to conform to any subsequently approved Bear Mountain Water District Service Plan.

PARCEL NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE,
Multiple			7,8,16,17	27	22E

Proposed Use

MAXIMUM CUB FT/ SECOND	MAXIMUM GAL/MINUTE	MAXIMUM ACRE-FT/YR	TYPE OF USE, PERIOD OF USE
A)0.38cfs		A) 98.2af	A) Continuous Municipal (BMWD)
B)0.02cfs		B) 3.3af	B) Continuous Domestic (Burris)
C)0.02cfs		C) 1.5af	C) Continuous Domestic (Hanson)
D)0.02cfs		D) 1.0af	D) Continuous Domestic (Newbrey)

SOURCE	*TRIBUTARY OF (IF SURFACE WATER)*
Same	

AT A POINT LOCATED: PARCEL NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE	WRIA	COUNTY.
A)272208705125	SE	SW	8	27	22E	47	Chelan
A)272216220050	NW	NW	16	27	22E		
B)292013110075	SE	NE	13	29	20E		
C)292133515020	SE	SW	33	29	21E		
D)272204734045	NE	NW	04	27	22E		

LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED

A) The service area of the 2005 Lakeview Utilities Company Water System Plan as amended in 2006, so long as the water right holder is and remains in compliance with the criteria in RCW 90.03.386(2). The place of use for this water right is expected to conform to any subsequently approved Bear Mountain Water District Service Plan.

B) PART W1/2E1/2NE Chelan County, WA Parcel #292013110075 (Burris)

C) Lot 3, Corey's Rockacre Tracts, Chelan County WA, according to thereof recorded in Volume 4 of Plats, Page 95 Parcel #292133515020 (Hanson)

D) NORTH SHORE HOMES SECONDs LOT 7s LOTS 7 & 8 EXCEPT E 30's ACRES 0.7200 (Newbrey)

PARCEL NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE,
A) Multiple			7,8,16,17	27	22E
B)292013110075	SE	NE	13	29	20E
C)292133515020	SE	SW	33	29	21E
D)272204734045	NE	NW	04	27	22E

Board's Decision on the Application

MAXIMUM CUB FT/ SECOND	MAXIMUM GAL/MINUTE	MAXIMUM ACRE-FT/YR	TYPE OF USE, PERIOD OF USE
A)0.38cfs		A) 98.2af	A) Continuous Municipal (BMWD)
B)0.02cfs		B) 3.3af*	B) Continuous Domestic (Burris)
C)0.02cfs		C) 1.5af*	C) Continuous Domestic (Hanson)
D)0.02cfs		D) 1.0af*	D) Continuous Domestic (Newbrey)
		*consumptive	

SOURCE	TRIBUTARY OF (IF SURFACE WATER)
Lake Chelan	

AT A POINT LOCATED: PARCEL NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE	WRIA	COUNTY.
A) 272208705125	SE	SW	8	27	22E	47	Chelan
A) 272216220050	NW	NW	16	27	22E		
B) 292013110075	SE	NE	13	29	20E		
C) 292133515020	SE	SW	33	29	21E		
D) 272204734045	NE	NW	04	27	22E		

LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED AS APPROVED BY THE BOARD

A) The service area of the 2005 Lakeview Utilities Company Water System Plan as amended in 2006, so long as the water right holder is and remains in compliance with the criteria in RCW 90.03.386(2). The place of use for this water right is expected to conform to any subsequently approved Bear Mountain Water District Service Plan.

B) PART W1/2E1/2NE Chelan County, WA Parcel #292013110075 (Burris)

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B)292013110075	SE	NE	13	29	20E
C)292133515020	SE	SW	33	29	21E
D)272204734045	NE	NW	04	27	22E

DESCRIPTION OF PROPOSED WORKS

Owners of proposed places of use will utilize surface water diversions to provide for domestic water on the subject parcels.

DEVELOPMENT SCHEDULE

BEGIN PROJECT BY THIS DATE:	COMPLETE PROJECT BY THIS DATE:	COMPLETE CHANGE AND PUT WATER TO FULL USE BY THIS DATE:
A) Begun	12/1/24	12/1/29
B) December 31, 2015	December 31, 2016	December 31, 2017
C) December 31, 2015	December 31, 2016	December 31, 2017
D) December 31, 2015	December 31, 2016	December 31, 2017

REPORT

BACKGROUND

The BMWD filed an application for changes to the subject water right on 4/18/2012 and the application was accepted by the Board on that filing date and assigned the unique identifier CHEL-12-02. Public notice of the application was given in the Wenatchee World on 4/22/12 and 4/29/12. The 30 day comment and protest period ended on 5/29/2012. See attached Notice of Application for Changes to a Water Right together with its affidavit of publication. In addition to publication this notice was transmitted to the Washington State Department of Fish and Wildlife.

Attributes of the certificate and the proposed changes as recited in the notice are as follows:

Table 1: Attributes of the Water Right as Currently Documented

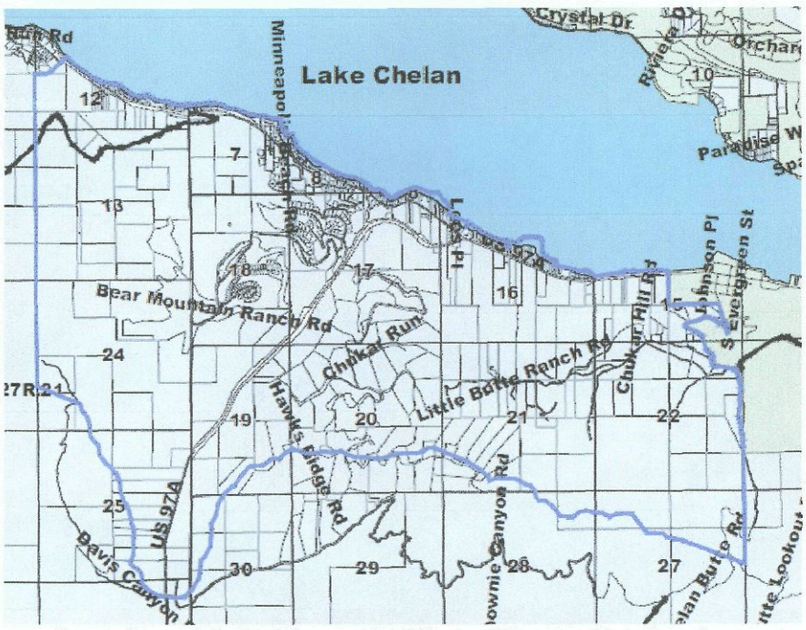
Name on certificate, claim, permit: Bear Mountain Water District
Water right document number: S4-09550C
As modified by certificate of change number: CS4-09550 (Chel-08-10)
Priority date, first use: *6/9/1965*
Water quantities: Qi:0.44cfs /197.37gpm Qa: 104af
Source: Lake Chelan
Point of diversion/withdrawal: SE1/4 SW1/4 Sec 8 T27 R22EWM and NW1/4 NW1/4 Sec. 16 T27 R22EWM
Purpose of use: Municipal
Period of use: Continuous
Place of use: Service area of Lakeview Utilities
Existing provisions: 1. Fishing Screening 2. Water metering and reporting 3. CU limitations 4. Withdrawals must be managed with withdrawals from other available water rights to avoid exceeding authorized quantities
Previous transfers associated with this water right: CHEL-08-10

Notice as published

Surface Water Certificate 9550 was originally issued to Charles Oliver Clark and Mary Lou Lewis with a priority date of 6/9/1965 authorizing the diversion of .44 cubic feet per second and 104 acre feet per year from Lake Chelan within Lot I, of Plat of Minneapolis Beach, Section 8. 0.04 cubic feet per second and 24 acre feet is for continuous domestic supply and 0.4 cubic feet per second and 80 acre feet is for the irrigation of 20 acres. Both uses are located in the NENW and south of Mowrey Road within the SENW and the East 150 feet of the SWNW of Section 17, all within T27N, R22 E.W.M., Chelan County, Washington for use during April 1 through October 31.

As per Chelan County Water Conservancy Board change application CHEL-08-10, Surface Water Certificate #9550 was changed to include multiple points of diversion from Lake Chelan, changed season of use to continuous and purpose of use to municipal, and changed the place of use to the service area of the Bear Mountain Water District.

Proposed changes to this right include transferring 0.02cfs, 3.3afy of water for diversion and domestic use at SENE Sec. 13, T29N, R20E; 0.02cfs, 1.5afy for diversion and domestic use at SESW Sec. 33, T29, R21E; and 0.02cfs, 1afy for diversion and domestic use at NENW Sec. 04, T27, R22E all within Chelan County, Washington. The balance of water not proposed for change shall be retained by the Water District.



Location of Bear Mountain Water District Service Area
(contains area formerly known as Lakeview Utilities)

Signatures:

All required signatures by the holder of the right, owner of current place of use, and owners of proposed places of use have been provided on the application.

Tentative Determination:

The source of water, location of diversion, place of use, and extent of beneficial use are as tentatively described on the front page of this report. Hearings were held in Chelan County by the Chelan County Water Conservancy Board which tentatively determined the extent and validity of the right as referenced above following investigation into the historical water use as described below. A full analysis of the Board's tentative determination is provided in the Investigation Section.

SEPA:

The change to transfer a portion of BWMD Certificate 9550 to Burris, Hanson, and Newbrey is exempt from the requirements of SEPA as the referenced surface water quantities are less than 1cfs pursuant to WAC 197-11-800(4). Similarly, all additional permits required for Burris and Hanson (e.g. county building permits) are similarly exempt.

Proposed Use:

The proposed change is as described on the front page of this report. The applicant seeks to transfer portions of the subject municipal right to three new places of use to provide for continuous domestic supply via surface water withdrawals located at the referenced locations. The balance of water not proposed for change shall be retained by the Water District.

History:

See Chel-08-10 which the Board fully incorporates by reference. In summary, BMWD previously acquired the subject right by deed. Change application Chel-08-10 was filed for the purposes of adding points of diversion from Lake Chelan, changing the season and purpose of use to continuous municipal, and changing the place of use to the Bear Mountain Water District Service area. This change was approved subject to Department of Ecology Modification Letter dated 8/22/2011 and included a nonuse portion which is protected by a determined future development.

COMMENT AND PROTESTS

There were no protests received during the 30 day protest period. In addition, no oral or written comments were received at an open public meeting of the board or other means as designated by the board.

INVESTIGATION: The contents of this section were authored, developed, and/or reviewed by Dan Haller, Marc Marquis, Mark Peterson, Don Phelps, Waikele Hampton and Karen Whitehall.

As referenced in the *History* section above, BMWD acquired the subject water right by deed and received approval for change application Chel-08-10 subject to Department of Ecology Modification Letter dated 8/22/11. This change authorized additional points of withdrawal from Lake Chelan, changed season and purpose of use to municipal, and changed the place of use to the Approved Service Area of the Bear Mountain Water District. In addition, the Record of Examination documented the existence of a period of nonuse which is protected by a Determined Future Development.

Development Schedule

BMWD has numerous planning and infrastructure issues associated with development of this water right including updating its water system plan, integrating infrastructure, and coordinating how it will manage its portfolio of water rights. In Chel-08-10, the Board previously authorized a development schedule for BMWD through 2029. The Burris and Hanson lots are currently undeveloped. In order to provide time for county permits to be obtained, financing for home construction, construction activities, and landscaping and amenities to be planted, the Board has selected a 5 year development schedule for the proposed changes. A similar schedule was adopted for Newbrey.

Tentative Determination

In order to make a water right change decision, the Board must make a tentative determination regarding the extent and validity of the right. The Board has made a tentative determination of 0.44cfs and 104af as indicated on the front page of this report subject to the following DFD analysis:

As per Chel-08-10, water right 9550 contains nonuse quantities that are protected by a DFD. As proposed, this change will not include the transfer of any quantities subject to the DFD. Rather, the applicant proposes to transfer perfected water from pre-existing home sites located within the District's service area. BMWD will continue to provide water service to these homes from other municipal rights within its portfolio. As such, the DFD will continue as previously envisioned and consistent with previous Board analysis conducted in Chel 8-09 and Chel 8-12 as excerpted below:

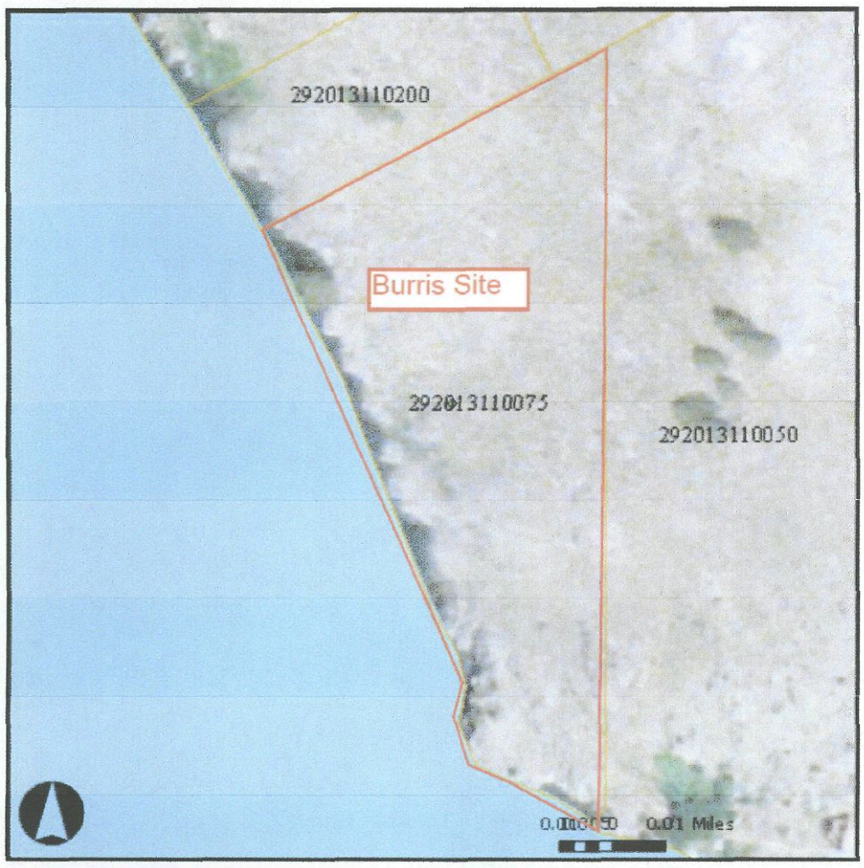
> "Lakeview / BMWD is transferring approximately 0.5 acre-feet of water to Tom and Karin Reynolds and their parcel up-lake. That 0.5 acre-feet will come out of the existing domestic use that has been perfected and remained in use (and not subject to the DFD and its need to remain fixed from 2008 to completion). BMWD manages several other water rights that have been transferred already that can now serve the Poirier house, including Certificate 5182, 9550, and 4590. A municipal water supplier can manage water rights in its common service area to best meet its customer needs. Water rights are commonly added (and in this case subtracted) from a municipal water supplier's portfolio which, along with other common infrastructure changes like adding wells or new transmission lines, may change which houses are served by which water rights. Such a practice is not speculative, but rather just normal operation of a municipal water system. While adding rights to municipalities is more common than selling them, there is no impairment that will result from reallocating this small use to another of the panoply of water rights managed by BMWD. The Board notes that this is analogous to BMWD's and Ecology's handling of the sale of small portions of Certificate 5182 to the "Coxes" and "Kellys" in 2011 on that water right transfer."

Annual Consumptive Quantities (ACQ):

ACQ analysis is required because domestic use will be added to the subject right. In pending change Chel-8-12, the Board determined BMWD contained a nonuse from 2005 to present which was excused by a DFD timely fixed in 2008. This nonuse is based upon one of the exemptions provided in RCW 90.10.140. Therefore, for the purposes of this ACQ analysis, the most recent 5 year period of continuous beneficial use would be 2000-2004. As per Chel-08-10, 68.2af has been designated as consumptive for water right 9550. BMWD proposes the sale of portions of these consumptive quantities to Burris, Hanson, and Newbrey.

The total area for the new proposed places of use is 5.22 acres. Once fully developed, more than one third of this area will consist of structures and assorted impermeable surfaces with modest landscaping equal to no more than 1.1 total acres. Washington Irrigator's Guide Appendix A Chelan Station indicates an irrigation requirement of 29.22 inches annually for turf. Assuming a future irrigation efficiency of 75%

results in a total irrigation requirement of 3.57af with approximately 0.75af remaining for domestic use by each of the subject properties. As proposed, limited domestic use with modest irrigation is consistent with similar lake front properties which will primarily serve as secondary residences for Burris, Hanson, and Newbrey. Aerial images from the Chelan County website are provided below.



For ease of administration, the Board assumes 100% consumptive use for current municipal connections. As proposed, this change reallocates the equivalent of domestic water service for three existing residences located within BMWD to the future residences and related structures on the Burris, Hanson, and Newbrey properties. As such, consumptive use will remain unchanged at 100%. Therefore, the Board finds the change will result in no increase of annual consumptive quantities as required by RCW 90.03.380(1). To ensure no enlargement of the right occurs, the authorized change shall include express provisions limiting consumptive use to authorized quantities of which the permittee's will document compliance as part of annual metering records submitted to the Department of Ecology.

Other Water Rights:

In addition to the subject right, BMWD currently administers a portfolio of overlapping water rights. The following narrative and Table 2 describe the BMWD systems, its portfolio of water rights (many of which are undergoing or have recently undergone transfers), and their interrelationships. BMWD has an upper system that depends on a well which is the authorized source of Ground Water Certificate 30959, which is not additive to the annual quantities in Surface Water Certificate 30541 and therefore must be deducted from the annual quantities in Surface Water Certificate 30541 to the extent it is utilized from the well. This upper system is not currently connected with the lower system but may be intertied at some point in the future.

The lower system is sourced from two authorized points of diversion. Only the westerly point of diversion has been developed for BMWD purposes so far. The easterly diversion is proposed to accommodate future growth and is the authorized point of diversion for Surface Water Certificates 30541 and 30277. The westerly point is the authorized point of diversion for Surface Water Rights 30501, 30502, 9550, 9551, and 4590 and 120592 which are all owned by BMWD and are all additive in instant and annual quantities. Finally, the BMWD will administrate additive instant and annual quantities within its service area under certificates numbered 27562, 22540 and 148 which are proposed to be sourced from the two proposed points of diversion discussed above in addition to retaining their original diversion points for non-potable purposes.

Table 2: Table of water rights owned or administrated by the Bear Mountain Water District:

Diversion/Withdrawal Points	Total gallons per minute	Total acre feet per year
A= Westerly Diversion	1434.5	780.5
B= Easterly Diversion	2735.5	1633.3 (less amounts diverted at A, C, D, E, F, G)
C= BMWD well	192.6	109.3
D= 120592 original diversion	157	46
E= 146 original diversion	108	46.8
F= 27562 original diversion	170	17.1
G=22540 original diversion	54	66.5

Water Right	Qi (gpm)	Qa (acre feet)	Points of Diversion /Withdrawal Authorized
5182	341	272.5	A,B
30501	148	140	A,B
30502	193	67.4	A,B
9551	49	22	A,B
9550	197	104	A,B
4590	17.5	8.2	A,B
120592	157	46	A,B, D
27562	170	17.1	A,B, F
22540	54	66.5	A,B, G
148	108	46.8	A,B, E
30541	507	214.3	B
30277	794	638.5	B
30959	192.6	109.3	C

To prevent the authorized instant demand rates of these rights from being exceeded at any time the installed capacity of the diversion/withdrawal points must be no greater than the total authorized from each point and the points must be administrated such that any combined demand does not exceed the combined total authorization. Since all of the rights are related to the easterly diversion point this means that after confirming the quantities diverted at all other points is within their respective authorizations these quantities are totaled and then subtracted from the easterly diversion total to determine the remaining authorization at that point.

Lastly, as is the case for most large municipal water suppliers, there are number other claims and rights within the District's service area. Other than those listed above which BMWD owns and purveys, these other rights and claims are unrelated to the subject right.

CONCLUSIONS

(i) Whether, and to what extent, a valid water right exists;

The water right proposed for change exists to the extent set forth above on page 1.

(ii) Any relinquishment or abandonment of the water right associated with the water right transfer application as discussed in subsection (6)(d)(i) of this section;

The water right authorized for change is in a valid exercisable status with regard to the amounts proposed for change, the statutory forfeiture provisions of Chapter 90.14 RCW are not met relative to the amounts requested for change. At no time was there intent by the water right holder(s) to abandon the rights authorized for change.

(iii) The result, as adopted by the board, of any hydraulic analysis done related to the proposed water right transfer;

No hydraulic analysis was required. The proposed changes will withdraw water from the same body of water and will not impair any existing water rights.

(iv) The board's conclusions of issues raised by any comments and protests received;

There were no comments or protests and the change is exempt from the requirements of SEPA.

(v) Whether the transfer proposal will impair existing rights of others;

The proposed changes can be made without injury or detriment to existing water rights.

The proposed change will not result in enlargement of the right and consumptive use is expressly limited to authorized quantities.

(vi) If the proposed transfer is authorized pursuant to RCW 90.44.100, whether it is detrimental to the public interest. Public interest shall not be considered if the proposed transfer is authorized pursuant to RCW 90.03.380 exclusively;

The public interest is served by this transfer of ground water as it facilitates land use in a manner consistent with the relevant planning policies. There are no detriments to the public interest resulting from the proposed changes.

Approval of this change will not enlarge the right.

DECISION (A)

Name on Water Right:	Bear Mountain Water District
Priority Date:	6/9/1965
Instantaneous Quantity:	0.38cfs
Annual Quantity:	98.2af
Source:	Lake Chelan
Point of Diversion:	SE1/4SW1/4 Sec 8, T27N, R22E Chelan Parcel 272208705125 NW1/4NW1/4 Sec 16, T27, R 22E Chelan Parcel 272216220050
Purpose of Use: (and number of acres irrigated)	Municipal
Period of Use:	Continuous
Place of Use:	The service area of the 2005 Lakeview Utilities Company Water System Plan as amended in 2006, so long as the water right holder is and remains in compliance with the criteria in RCW 90.03.386(2). The place of use for this water right is expected to conform to any subsequently approved Bear Mountain Water District Service Plan.

PROVISIONS (A)

The following provisions are to be included as a part of the application approval decision referred to in the preceding section:

1. This authorization shall in no way excuse the permittee from compliance with any applicable federal, state, or local statutes, ordinances, or regulations including those administered by other programs of the Department of Ecology.
2. The applicant shall have a development schedule for completion of the facilities related to the changes approved by this Final Order as set forth above. Provided that, for good cause shown, the dates for development set forth above may be extended by the Department of Ecology (hereinafter Ecology) upon request of the applicant.
3. Upon satisfaction of the development schedule, and notification thereof to the Department of Ecology, a superseding certificate shall be issued to the applicant by the Department of Ecology
4. An approved measuring device shall 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.
5. 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.
6. Chapter 173-173 WAC 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. Installation, operation and maintenance requirements are enclosed as a document entitled "Water Measurement Device Installation and Operation Requirements".
7. Water use data shall be recorded weekly. The maximum rate of diversion/withdrawal and the annual total volume shall be submitted to Ecology by January 31st of each calendar year. Reported water use data shall be submitted via the Internet or by using forms available at the Central Regional Office of the Department of Ecology in Yakima. To set up an Internet reporting account, access https://fortress.wa.gov/ecy/wrx/wrx/Meteringx/. If you have questions or need forms, contact the Central Regional office.
8. This authorization is subject to Washington Department of Fish and Wildlife juvenile salmon and game fish screening criteria (pursuant to RCW 77.55.040). 62.4
9. The consumptive use, associated with the present change authorization, shall not exceed ~~98.2~~ af to ensure that there is no enlargement of this right. Diversion up to the full tentative determination for municipal supply can be certificated at the time of Ecology's proof exam if the following conditions are satisfied: 1) the water right holder can clearly demonstrate that the historic return flow associated with consumptive and non-consumptive use of this right is being beneficially used and returned to Lake Chelan without any reduction in quantity; 2) the existence of a water district, or service of the subject area\project by a municipal purveyor with sufficient technical, operational, and financial capacity to manage the water system. Ecology will make this determination through the review of metering records, water and sewer planning documents, and other relevant information. These planning documents must describe the coordinated monitoring and management of the proposed water and sewer utilities to ensure that this consumptive use limit will be observed in perpetuity.
If the water right holder has not fulfilled the above noted return flow use conditions to Ecology's satisfaction, then Ecology shall certificate only that portion of the ~~98.2~~ acre-feet of historic consumptive use that has been put to beneficial use. 62.4

Furthermore, assuming certification at the time of proof exam, the future municipal purveyor or water district is required to continually demonstrate through Washington State Department of Health water system planning documents that the authorized non-consumptive portion of this water right is being returned to Lake Chelan without loss.

10. The subject right will be exercised in conjunction with other rights from the same points of diversion a set forth above. To prevent the authorized instant demand rates of these rights from being exceeded at any time the installed capacity of the diversion points must be no greater than the total authorized from each point and the two points must be administrated such that the combined demand does not exceed the combined total authorization. Further, any quantities utilized from the well withdrawal must not exceed the rights authorization and must be deducted from the eastern diversion total. Finally, any quantities utilized from the existing point of diversion for the subject right must be deducted from the other diversion points relying on the same right.

DECISION (B)

Name on Water Right:	Burris Family Enterprises, LLC
Priority Date:	6/9/1965
Instantaneous Quantity:	0.02cfs
Annual Quantity:	3.3af (100% consumptive)
Source:	Lake Chelan
Point of Diversion:	SE1/4NE1/4 Sec 13, T29N, R20E Chelan Parcel 292013110075
Purpose of Use: (and number of acres irrigated)	Domestic
Period of Use:	Continuous
Place of Use:	PART W1/2E1/2NE Chelan County, WA Parcel #292013110075

PROVISIONS (B)

The following provisions are to be included as a part of the application approval decision referred to in the preceding section:

1. 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.

2. This authorization shall in no way excuse the permittee from compliance with any applicable federal, state, or local statutes, ordinances, or regulations including those administered by other programs of the Department of Ecology.

3. An approved measuring device shall 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.

4. 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.

5. Chapter 173-173 WAC 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. Installation, operation and maintenance requirements are enclosed as a document entitled "Water Measurement Device Installation and Operation Requirements".

6. The consumptive use, associated with the present change authorization, shall not exceed 3.3af to ensure that there is no enlargement of this right and which the permittee shall demonstrate compliance as part of annual metering submittals.

7. Water use data shall be recorded monthly. The maximum rate of diversion/withdrawal and the annual total volume shall be submitted to Ecology by January 31st of each calendar year. To set up an Internet reporting account, access https://fortress.wa.gov/ecy/wrx/wrx/Meteringx/. If you have questions or need forms, contact the Central Regional office.

8. This authorization is subject to Washington Department of Fish and Wildlife juvenile salmon and gamefish screening criteria (pursuant to RCW 77.55.040).

9. The applicant must obtain Hydraulic Project Approval from the Washington Department of Fish and Wildlife for all construction activities occurring within the high water mark of Lake Chelan and its

tributaries. Please contact the Department of Fish and Wildlife, 3860 Chelan Hwy N., Wenatchee, WA 98801-9625 or by telephoning (509) 662-0452.

DECISION (C)

Name on Water Right:	Douglas Hanson
Priority Date:	6/9/1965
Instantaneous Quantity:	0.02cfs
Annual Quantity:	1.5af (100% consumptive)
Source:	Lake Chelan
Point of Diversion:	SE1/4NW1/4 Sec 33 T29N, 21E Chelan Parcel 292133515020
Purpose of Use: (and number of acres irrigated)	Domestic
Period of Use:	Continuous
Place of Use:	Lot 3, Corey's Rockacre Tracts, Chelan County WA, according to thereof recorded in Volume 4 of Plats, Page 95 Parcel #292133515020 (Hanson)

PROVISIONS (C)

The following provisions are to be included as a part of the application approval decision referred to in the preceding section:

1. 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.

2. This authorization shall in no way excuse the permittee from compliance with any applicable federal, state, or local statutes, ordinances, or regulations including those administered by other programs of the Department of Ecology.

3. An approved measuring device shall 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.

4. 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.

5. Chapter 173-173 WAC 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. Installation, operation and maintenance requirements are enclosed as a document entitled "Water Measurement Device Installation and Operation Requirements".

6. The consumptive use, associated with the present change authorization, shall not exceed 1.5af to ensure that there is no enlargement of this right and which the permittee shall demonstrate compliance as part of annual metering submittals

7. Water use data shall be recorded monthly. The maximum rate of diversion/withdrawal and the annual total volume shall be submitted to Ecology by January 31st of each calendar year. To set up an Internet reporting account, access https://fortress.wa.gov/ecy/wrx/wrx/Meteringx/. If you have questions or need forms, contact the Central Regional office.

8. This authorization is subject to Washington Department of Fish and Wildlife juvenile salmon and gamefish screening criteria (pursuant to RCW 77.55.040).

9. The applicant must obtain Hydraulic Project Approval from the Washington Department of Fish and Wildlife for all construction activities occurring within the high water mark of Lake Chelan and its tributaries. Please contact the Department of Fish and Wildlife, 3860 Chelan Hwy N., Wenatchee, WA 98801-9625 or by telephoning (509) 662-0452.

DECISION (D)

Name on Water Right:	Richard Newbrey
Priority Date:	6/9/1965

Instantaneous Quantity:	0.02cfs
Annual Quantity:	1.0af (100% consumptive)
Source:	Lake Chelan
Point of Diversion:	NE1/4NW1/4 Sec.4, T27N, R22E Chelan Parcel 272204734045
Purpose of Use: (and number of acres irrigated)	Domestic
Period of Use:	Continuous
Place of Use:	NORTH SHORE HOMES SECONDs LOT 7s LOTS 7 & 8 EXCEPT E 30's ACRES 0.7200 Chelan County, WA Parcel #2722044734045

PROVISIONS (D)

The following provisions are to be included as a part of the application approval decision referred to in the preceding section:

1. 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.

2. This authorization shall in no way excuse the permittee from compliance with any applicable federal, state, or local statutes, ordinances, or regulations including those administered by other programs of the Department of Ecology.

3. An approved measuring device shall 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.

4. 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.

5. Chapter 173-173 WAC 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. Installation, operation and maintenance requirements are enclosed as a document entitled "Water Measurement Device Installation and Operation Requirements".

6. The consumptive use, associated with the present change authorization, shall not exceed 1.0af to ensure that there is no enlargement of this right and which the permittee shall demonstrate compliance as part of annual metering submittals

7. Water use data shall be recorded monthly. The maximum rate of diversion/withdrawal and the annual total volume shall be submitted to Ecology by January 31st of each calendar year. To set up an Internet reporting account, access https://fortress.wa.gov/ecy/wrx/wrx/Meteringx/. If you have questions or need forms, contact the Central Regional office.

8. This authorization is subject to Washington Department of Fish and Wildlife juvenile salmon and gamefish screening criteria (pursuant to RCW 77.55.040).

9. The applicant must obtain Hydraulic Project Approval from the Washington Department of Fish and Wildlife for all construction activities occurring within the high water mark of Lake Chelan and its tributaries. Please contact the Department of Fish and Wildlife, 3860 Chelan Hwy N., Wenatchee, WA 98801-9625 or by telephoning (509) 662-0452.

Signed at Wenatchee, Washington.
June 14, 2012

Don Phelps, Chair
Chelan County Water Conservancy Board

Appendix:
1. Application with Maps
2. Copy of the Existing Water Right Document
3. Notice of Application declaration of publication
4. Notice of Application to Department of Fish and Wildlife and other parties