



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

15 W Yakima Ave, Ste 200 • Yakima, WA 98902-3452 • (509) 575-2490

July 5, 2012

Bear Mountain Water District
C/O Mark Peterson
1227 First Street
Wenatchee WA, 98801-1913

RE: Water Right Change Application No. CS4-09551C (CHEL-08-12)

Department of Ecology has **AMENDED** the previous Water Conservancy Board Modification Order issued on June 7, 2012, to correctly state the Water Right Change Application No. above.

In accordance with RCW 90.80.080 the Department of Ecology (Ecology) has reviewed the Record of Decision (ROD), Report of Examination (ROE), and all comments, protests, objections and other relevant information submitted by the Chelan County Water Conservancy Board (the Board) for the above referenced application for change.

Ecology has **modified** the decision of the Board and the proposed change/transfer of water right is **approved** under the following conditions:

Summary of Ecology's Final Order

MAXIMUM CUB FT/ SECOND	MAXIMUM GAL/MINUTE	MAXIMUM ACRE-FT/YR	TYPE OF USE, PERIOD OF USE				
0.0877 (BMWD)	39.37 (BMWD)	20.5 (BMWD)	Continuous Municipal Supply. Continuous Domestic Supply and Irrigation.				
0.0223 (Reynolds)	10 gpm (Reynolds)	0.5 (Reynolds)					
Note: The annual consumptive quantity (ACQ) under the BMWD portion of the right shall not exceed 16.2 acre-feet. Note: The annual consumptive quantity (ACQ) under the Reynolds portion of the right shall not exceed 0.5 acre-feet.							
SOURCE						TRIBUTARY OF (IF SURFACE WATER)	
Lake Chelan						Chelan	
AT A POINT LOCATED: PARCEL NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE	WRIA	COUNTY.
272208705125 (1: BMWD)	SE	SW	8	27	22 E	47	Chelan
272216220050 (1: BMWD)	NW	NW	16	27	22 E		
292128320155 (2: Reynolds)	NW	SW	28	29	21 E		
2160 feet north of SW corner of Section 28							

FILE COPY



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

(1) **BMWD:** The place of use shall be 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). RCW 90.03.386 may have the effect of expanding the place of use of this water right. 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, then the place of use of this water right reverts to the service area described in that document.

The place of use for the BMWD portion of this water right is expected to conform to any subsequently approved Bear Mountain Water District Water System Plan. Until such approval is obtained, the place of use of this water right shall be confined to the existing approved plan of the 2005 Lakeview Utilities Company Water System Plan as amended in 2006.

(2) **Reynolds:** Parcel 292128320155 in the NW ¼ of the SW ¼ of Section 28, and the NE ¼ of the SE ¼ of Section 29, T. 29 N., R. 21 E.W.M., described more specifically as follows:

“Lot 2, Certificate of Exemption 2005-018 filed under Auditor’s File Number 2203177, Chelan, County, Washington. Except therefrom that portion of said lot 2 lying Easterly of the following described line A; Beginning at a brass cap W.P.M.C., said point being on the West line of said section, thence South 72 29’ 35” East a distance of 112.27 feet to the True Point of Beginning for said described Line A; thence South 11 05’ 23” West a distance of 135.24 feet, more or less, to the Northerly right of way for C.R.P. 480, said road being known as South Lake Shore Road, said point being the end of described line A. Line A shall extend northerly to the line of the high water mark.”

PARCEL NO.	SECTION	TOWNSHIP N.	RANGE.
Multiple (BMWD)	7, 8, 16, 17	27	22 E
292128320155 (Reynolds)	28, 29	29	21 E

DEVELOPMENT SCHEDULE

BEGIN PROJECT BY THIS DATE:	COMPLETE PROJECT BY THIS DATE:	WATER TO PUT TO FULL USE BY THIS DATE:
Begun (BMWD)	12/31/2024	12/31/2029
12/31/2015 (Reynolds)	12/31/2016	12/31/2017

Ecology has **MODIFIED** the decision of the Board as follows:

1. On the following pages of the Report of Exam, reference to “Certificate 4590” will be replaced with “Certificate 9551”:
 - The last sentence of paragraph 5, on page 12.
 - The first sentence of the second bullet of paragraph 2, on page 16.
 - The last sentence of paragraph 3, on page 16.

YOUR RIGHT TO APPEAL

You have a right to appeal this Decision to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this Decision. 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).

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To appeal you must do all of the following within 30 days of the date of receipt of this Decision:

- File your appeal and a copy of this Decision 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 Decision on 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.

ADDRESS AND LOCATION INFORMATION

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 Road SW, Suite 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://www.leg.wa.gov/CodeReviser>



Mark Kemner, Section Manager
Water Resources Program
Central Region Office

MK:ST:ss/120701

Enclosures: *Your Right to Be Heard*

By Certified Mail: 7009 2250 0004 4952 1767

cc: Bear Mountain Water District
Janet Rajala, Department of Ecology, Easter Region Office (email pdf)
Lisa De Vera, Chelan County Conservancy Board
Philip Rigdon, Director Natural Resources Division Yakama Nation
Lois Trevino, Water Administrator, Colville Confederated Tribes

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Sent To: ~~1001 W. Main St. Bear Mt. WA 99551~~
 Street, Apt. No.,
 or PO Box No. *MARK PETERSON, Attorney for*
 City, State, ZIP+4
Bear Mt. WA Dist CS4-09551C

PS Form 3800, August 2006 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 		<p>A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p><i>Mark Peterson</i></p>	
<p>1. Article Addressed to:</p> <p>MARK PETERSON PETERSON & MARQUIS LAW OFFICE 1227 FIRST ST WENATCHEE WA 98801-1913</p> <p>WR/ss CS4-09551C</p>		<p>B. Received by (Printed Name) <i>Mark Peterson</i></p> <p>C. Date of Delivery <i>7/13/2012</i></p>	
<p>2. Article Number (Transfer from service label)</p> <p>7009 2250 0004 4952 1767</p>		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If YES, enter delivery address below:</p>	
<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>		<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
<p>PS Form 3811, February 2004</p>		<p>Domestic Return Receipt</p>	
		<p>102595-02-M-1540</p>	

