File NR CS3-CV2P589
WR Doc ID 5002234

DEPARTMENT OF ECOLOGY
State of Washington

State of Washington
AMENDED REPORT OF EXAMINATION FOR WATER RIGHT CHANGE

Add or Change Purpose of Use | X Change Place of Use | X Add or Change Point of Diversion/Withdrawal
X Change Season of Use | Add Irrigation Acres

PRIORITY DATE	WATER RIGHT NUMBER
August 29, 1919	Certificate of Change No. 589-Certificate No. 1841

MAILING ADDRESS
Cass Gebbers
PO Box 735
Brewster WA 98812

SITE ADDRESS (IF DIFFERENT)

Total Quantity Authorized for Withdrawal or Diversion

WITHDRAWAL OR DIVERSION RATE	UNITS	ANNUAL QUANTITY (AF/YR)
0.58	cfs	118.1

Purpose

PURPOSE	WITHDRAWAL OR DIVERSION RATE ADDITIVE	WITHDRAWAL OR DIVERSION RATE NON-ADDITIVE	UNITS	ANNUAL QUANTITY (AF/YR) ADDITIVE	ANNUAL QUANTITY (AF/YR) NON-ADDITIVE	PERIOD OF USE (mm/dd)
Irrigation	0.58		cfs	118.1		04/01-10/31

IRRIGATED ACRES ADDITIVE	IRRIGATED ACRES NON-ADDITIVE	PUBLIC WATER SYSTEM INFORMATION WATER SYSTEM ID	PUBLIC WATER SYSTEM INFORMATION CONNECTIONS
60		NA	

Source Location

COUNTY	WATERBODY	TRIBUTARY TO	WATER RESOURCE INVENTORY AREA
Okanogan	Columbia River	Pacific Ocean	50

SOURCE FACILITY/DEVICE	PARCEL	WELL TAG	TWN	RNG	SEC	QQ Q	LATITUDE	LONGITUDE
Pump	3025340008		30N	25E	34	SWNE	48.058377	-119.67375

Datum: NAD83

Place of Use (See Attached Map)

PARCELS (NOT LISTED FOR SERVICE AREAS)

3025260008P and 3025350014P

LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE

E½ E½ W½ and the E½ of Section 26 except the SE¼ NE¼ of Section 26 and the E½ E½ NW¼ and the NE¼ of Section 35, T. 30 N., R. 25 E.W.M., Okanogan County

Proposed Works

This project is intended to utilize an existing surface water pumping station located on the Columbia River near Brewster. This existing pumping station is currently used for agricultural irrigation under other existing water rights, which are discussed under **Other water rights appurtenant to the place of use.** New pipelines will be constructed from the existing pumping station on the Columbia River to convey water to other pumping stations to be constructed at various locations on the proposed golf course for distribution of water to the fairways, greens and tee areas that will be irrigated.

Development Schedule

BEGIN PROJECT	COMPLETE PROJECT	PUT WATER TO FULL USE
July 1, 2013	July 1, 2015	July 1, 2018

Measurement of Water Use

How often must water use be measured?	Weekly
How often must water use data be reported to Ecology?	Annually, (Jan 31)
What volume should be reported?	Total Annual Volume
What rate should be reported?	Annual Peak Rate of Withdrawal (gpm or cfs)

Provisions

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", WAC 173-173, 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 for modifications to some of the requirements.

Recorded water use data shall be submitted via the Internet. To set up an Internet reporting account, contact the Central Regional Office. If you do not have Internet access, you can still submit hard copies by contacting the Central Regional Office for forms to submit your water use data.

This golf course project would be irrigated from a pump station that enjoys multiple water rights for agricultural uses and some of which are subject to minimum instream flows under Chapter 173-563 WAC. To evaluate the actual water use under this authorization, the golf course needs to be metered separately from the agricultural irrigation system. Although the pump station is currently metered, the design of this facility shall include a separate flow meter(s) to record the amount of water being diverted to and used at the golf course separate from the agricultural system. The metered data shall be taken weekly and submitted annually during the development and use of this golf course.

This golf course proposal includes a small pond. If the pond exceeds ten acre-feet of storage, a reservoir permit will be required to be obtained from Ecology. Since water may be diverted into the pond, then diverted for irrigation on the golf course, the flow meters shall be installed prior to any discharge to the pond or use on the golf course.

Department of Fish and Wildlife Requirement(s)

The intake(s) must be screened in accordance with Department of Fish and Wildlife screening criteria (pursuant to RCW 77.57.010, RCW 77.57.070, and RCW 77.57.040). Contact the Department of Fish and Wildlife, 600 Capitol Way N, Olympia, WA 98501-1091. Attention: Habitat Program,
Phone: (360) 902-2534 if you have questions about screening criteria.
http://www.wdfw.wa.gov/reg/regions.htm

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 change 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.

Proof of Appropriation

The water right holder must 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 superseding 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.

The proposed golf course includes 18 holes and a driving range. The proposed area of the golf course to be irrigated is from 106 to 125 acres. This authorization will only be enough to irrigate up to 60 acres of the proposed golf course. Multiple water rights will be required to fully cover the proposed golf course. Upon completion of the development, the applicant shall be required to identify the maximum of 60 acres subject to this authorization in order to clarify the number of acres that are associated with the priority date of this water right. If a lesser amount of acreage is developed due to the water duty allowed under this right, the place of use and acres authorized will be reduced at the time of proof examination to reflect the actual use of water on the appropriate number of acres.

Schedule and Inspections

Department of Ecology personnel, upon presentation of proper credentials, will 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.

Real Estate Excise Tax

This decision may indicate a Real Estate Excise Tax liability for the seller of water rights. The Department of Revenue has requested notification of potentially taxable water right related actions, and therefore will be given notice of this decision, including document copies. Please contact the state Department of Revenue to obtain specific requirements for your project.
The contact information is: Department of Revenue, Real Estate Excise Tax, PO Box 47477, Olympia WA 98504-7477; Phone: (360) 570-3265; Internet: http://dor.wa.gov/ ; E-mail: REETSP@DOR.WA.GOV .

Findings of Facts

Upon reviewing the investigator's report, I find all facts, relevant and material to the subject application, have been thoroughly investigated. Furthermore, I concur with the investigator that the water right is valid to the extent stated in the investigator's report and this change authorization and that there will be no impairment of existing rights.

Therefore, I ORDER approval of Change Application No. CS3-CV2P589 subject to existing rights and the provisions specified above.

Your Right To Appeal

You have a right to appeal this Order to the Pollution Control Hearings Board (PCHB) within 30 days of the date of receipt of this Order. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal you must do the following within 30 days of the date of receipt of the Order.

File your appeal and a copy of this Order with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.

- Serve a copy of your appeal and this Order 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 111 Israel RD SW STE 301 Tumwater, WA 98501	**Pollution Control Hearings Board** PO Box 40903 Olympia, WA 98504-0903

Signed at Yakima, Washington, this 1 day of February 2013.

Mark Kemner, LHG, Section Manager
Water Resources Program/CRO

BACKGROUND

This application for change requests authorization to change the point of diversion, place of use, and purpose of use from agricultural irrigation in Stevens County to irrigation of a proposed golf course in Okanogan County. The existing point of diversion is from Sheep Creek, tributary of the Colville River, near the community of Loon Lake, and the proposed point of diversion is from the Columbia River, near the community of Brewster.

Attributes of this application for change are described below in Table 1. The existing water right is Certificate of Change No. 589 to Surface Water Certificate No. 1841, which was issued to Arthur A. Miller for 1.0 cubic feet per second (cfs), for a change in point of diversion for irrigation, with no specified number of acres or annual quantity. The original Certificate No. 1841 was issued for 4.68 cfs for irrigation of a total of 281 acres, to five different parties, doing business as the Lockwood Ditch Company, with one of the parties being Arthur A. Miller. The place of use described on this Certificate was comprised of five different parcels of land, with an acreage assigned to each of the parcels.

This application for change for 60 acres of irrigation shows that the existing place of use (S½ NE¼ Section 21, T. 30 N., R. 40 E.W.M.), is the same place of use as one of the five parcels described on Certificate No. 1841 and that is shown to be for irrigation of 60 acres. This would imply that the existing Certificate of Change No. 589 is for 60 acres of irrigation even though there is no specified number of acres of irrigation on this Change Certificate. The applicant appears to have made this conclusion since this application is for irrigation of 60 acres of land. The applicant also is requesting a specified annual quantity of 295.52 acre-feet per year (af/yr) for the irrigation of the 60 acres. This annual quantity was based on a calculation involving the use of 1.0 cfs on a continuous basis during the entire irrigation season of April 1-October 31.

Table 1: Attributes of the Existing Water Right and Proposed Change

Attributes	Existing	Proposed
Name	Arthur A. Miller	Cass Gebbers
Priority Date/ Change Application Date	August 29, 1919	November 8, 2011
Instantaneous Quantity	1.0 cubic feet/second (cfs)	1.0 cfs
Annual Quantity	Not specified	295.52 af/yr
Purpose of Use	Irrigation	Irrigation of 60 acres
Period of Use	Not specified	April l-October 31
Place of Use	Not specified	Portions of Sec. 26 and 35, T. 30 N., R. 25 E.W.M.
Point of Diversion/ Withdrawal	SW¼ of NE¼ Section 21, T. 30 N., R. 40 E.W.M. from Sheep Creek, tributary of the Colville River	SW¼ of NE¼ Section 34, T. 30 N., R. 25 E.W.M. from Columbia River

LEGAL REQUIREMENTS FOR PROPOSED CHANGE

The following is a list of requirements that must be met prior to authorizing the proposed change.

Public Notice

Notice of this application was published in The Chewelah Independent on March 22 and 29, 2012, and in the Omak-Okanogan County Chronicle on March 21 and 28, 2012. There were no protests filed to either of these notices.

State Environmental Policy Act (SEPA)

A water right application is subject to a SEPA threshold determination (i.e., an evaluation whether there are likely to be significant adverse environmental impacts) if any one of the following conditions are met.

(a) It is a surface water right application for more than 1 cubic feet per second, unless that project is for agricultural irrigation, in which case the threshold is increased to 50 cubic feet per second, so long as that irrigation project will not receive public subsidies;

(b) It is a groundwater right application for more than 2,250 gallons per minute;

(c) It is an application that, in combination with other water right applications for the same project, collectively exceed the amounts above;

(d) 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);

(e) 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.

Because this application does not meet any of these conditions, it is categorically exempt from SEPA and a threshold determination is not required.

Water Resources Statutes and Case Law

Based on the provisions of RCW 43.21A.690 and RCW 90.03.265, this application has been processed by HDR Engineering, Inc. under Ecology Cost Reimbursement Work Assignment No. HDR007 signed February 21, 2012 under Master Contract No. C1000189.

INVESTIGATION

Site Visit

Jerry Louthain of HDR conducted a site visit and meeting at the existing point of diversion on March 22, 2012 with the applicant's representative, Mr. Gene St. Godard, to observe the existing point of diversion and place of use and to discuss the history of water use for the existing certificate of change. The existing pumping station was observed to be in place along Sheep Creek, as well as numerous sections of irrigation pipe, so it was evident that irrigation of the property likely occurred during the 2011 irrigation season. Mr. St. Godard also provided a copy of the pump specifications for the existing pump station, which showed a maximum pumping capacity of 15,600 gallons per hour, or 260 gallons per minute. The site visit confirmed that there has been historic water use on approximately 60 acres of the property upon which the water right that is proposed for transfer has been utilized.

A separate site visit and meeting was conducted with Jerry Louthain of HDR and Mr. Tory Wulf, Project Manager for Gebbers Farms, on March 23, 2012 to view the proposed point of diversion and place of

use and to discuss the proposed project. The existing, large pumping station on the Columbia River was observed as well as two-18-inch diameter pipelines from the pumping plant to the orchard areas that have been irrigated under existing water rights. Pipelines will be extended up the hill to the proposed golf course where smaller underground distribution pipelines and sprinklers will be installed throughout the proposed golf course area for irrigating greens, tee areas, fairways, driving range, etc. This proposed golf course will be a "links style" course, with a minimum of earth moving due to the natural terrain, and existing sandy soils. Much of the course will be left as natural areas, with clearing, planting of fescue grass seed, and irrigation occurring only in selected areas of the golf course. Water use is planned to be less on this course than in some other golf courses due to the limited areas to be irrigated and less watering typically applied in a dunes-style golf course.

History of Water Use and Discussion of Extent and Validity

Mr. Gene St. Godard, of the Water & Natural Resource Group prepared a letter report dated October 5, 2011 titled *Preliminary Evaluation for Extent and Validity Of Water Right Certificate No. 1841, Change Vol. 2, p 589.* This report contained a detailed analysis of the history of water use under this certificate and more specifically this certificate of change. The following are some key points contained in this report related to the history of water use on this property.

- The subject irrigated property is located in Parcel No. 2496200, currently owned by Mr. and Mrs. Albert H. Johnson, which comprises 80 acres. Mr. and Mrs. Johnson also own an adjacent Parcel No. 2496800, which comprises 20 acres and which has not been irrigated.
- Anecdotal information and a sworn affidavit signed by Mr. Johnson relating to historic water use was reviewed, with the following significant points:
  - Irrigation has occurred on the property since the early 1900's.
  - To the best of his knowledge, the water right has never gone five years with non-use since the water right was issued in 1919.
  - No meter was installed on the pumping system to record amount of water use.
  - Water is conveyed from the pumping system to the irrigation system through a 4-inch steel pipe.
  - The property has been irrigated for alfalfa and pasture since purchasing the property in 1975.
  - Approximately 60 acres of the 80-acre parcel have been irrigated.
  - For the past 5 years, the dominant irrigated crop grown in the authorized place of use has been alfalfa in the eastern most field in the area of the farm house and native pasture grasses for grazing in the lower fields east and west of Sheep Creek.
  - The irrigation system consisted of one diversion with varying lengths of hand lines and number of sprinklers depending on what land was being irrigated.
  - During the past five years most of the irrigation was for pasture in the lower fields with some irrigation for alfalfa in the upper fields, primarily after the first cutting.
- The irrigation system is powered by a 20 horsepower Griswold 3-phase pump, with a capacity rating of 15,600 gallons per hour. The pump connects to a 4-inch metal distribution piping that supplies the irrigation system through 3-inch laterals to Nelson F33 sprinkler heads.

- Since there are no actual meter records available, a pump metering analysis was done using annual electrical use data from 2005 through 2010, which showed the maximum electrical usage and the calculated water usage in 2008 of 118.15 acre-feet.
- Table 3 in this report showed that there was some water usage every year during the pump analysis period from 2005 through 2010.
- Aerial photos from 1995 and 2009 show irrigated lands at the site. Aerial photos from other years were not readily attainable.
- Figure 3 in Mr. St. Godard's October 5, 2011 report is a 2009 aerial photo of the 80-acre Johnson Parcel No. 2496200 which shows the calculated irrigated acreages of 17.51 acres on the west side of Sheep Creek, and 5.56, 18.32, and 20.27 acres on the east side of Sheep Creek for a total of 61.66 irrigated acres.
- The 17.51 and 5.56 irrigated acreage areas are pasture and the 18.32 and 20.27 irrigated acreage areas are alfalfa.
- A consumptive use (Cu) analysis was performed which showed a total Cu of 81.16 acre-feet for irrigation of 37 acres of alfalfa and 53.66 acre-feet for irrigation of 23 acres of pasture for a total Cu of approximately 135 acre-feet for the 60 acres of irrigated land.

Other Water Rights Appurtenant to the Proposed Place of Use

There are two other water rights that utilize the same pumping facility as is planned to be used for the proposed place of use: Surface Water Certificate No. S4-26413C, together with an approved change to this water right; and Surface Water Permit No. S4-30952P.

Certificate No. S4-26413C and the approved change issued to REPO LLC, is for 2.22 cfs and 245.5 acre-feet per year from the Columbia River for irrigation and frost protection. Certificate No. S4-26413C is appurtenant to property in Section 34, instead of Sections 26 and 35, which is the proposed place of use for this change application, so this right is not appurtenant to the proposed place of use.

Permit No. S4-30952P, issued to Edward L. Pariseau, is for 15.28 cfs and 2,617 acre-feet per year from the Columbia River for irrigation of 624 acres. Permit No. S4-30952P is appurtenant to portions of Sections 34 and 35, so this right is appurtenant to a portion of the proposed place of use described on this application. Even though this right is appurtenant to a portion of the proposed place of use, this Permit was issued in 1994 for agricultural irrigation of an orchard.

In addition, two other water rights were approved in 2011 for transfer from the Colville River to the same point of diversion and same place of use as is proposed under this application (Ecology File No. CS3-07877C for Surface Water Certificate No. 3376, and Ecology File No. CS3-09566C for Surface Water Certificate No. 4239). Each of these transfers was approved by a Report of Examination dated July 27, 2011 for the proposed golf course. The transfer for File No. CS3-07877C was for 0.50 cfs and 125.5 af/yr, for irrigation of 50 acres; and File No. CS3-09566C was for 0.3 cfs and 50.2 af/yr, for irrigation of 20 acres. Each of these transfers was approved for an annual consumptive use of 2.51 acre-feet per acre. Therefore, there is a total of 175.7 af/yr and 70 acres under these two irrigation water rights already approved for the proposed golf course.

A records search was performed to determine if there any other water rights appurtenant to the property proposed as the place of use for this application and no other existing water rights were found to be appurtenant to this property.

Proposed Use

The proposed use of water is to be for an 18-hole golf course to be constructed on a high bench of land lying above the Columbia River approximately five miles southeast of the community of Brewster. The majority of the property would remain in native vegetation with areas of irrigation for the driving range, tee areas, fairways, and greens for a total proposed irrigation area of 106 to 125 acres. The proposed place of use for the golf course is within the boundaries of the Colville Indian Reservation. A Conditional Use Permit (CUP) has been obtained from the Colville Tribe for this development. A copy of the CUP, cultural use survey, and staff report was included with the October 2011 report by Mr. St. Godard. The applicant intends that the only use for the water proposed to be transferred to this property will be for irrigation of the proposed golf course, since domestic water supply for the development is being arranged for through the Colville Tribal Water Resource Department.

Irrigation water requirements for a typical 18-hole golf course vary based on the location of the golf course and the amount of irrigated acreage. A 2009 report published by Ohio State University entitled *Golf Course Environmental Profile Measures Water Use, Source, Cost, Quality, and Management and Conservation Strategies,* based on a 2006 study performed by the Golf Course Superintendents Association of America, reported on the results of a national survey done for golf course water use in 2003, 2004, and 2005. The results of the study showed that the national average 18-hole golf course was 150 acres, with an average of 81 acres irrigated. The results of the study were broken down by region, the Upper West/Mountain Region being the Region where this proposed golf course is located. For this Region, the average irrigated acreage was 103 acres and the average annual water use was 300 acre feet, or 2.9 acre-feet per acre of irrigated acreage.

The irrigated acreage associated with the water right proposed for change to this site is for a maximum of 60 acres, so 60 acres is the maximum number of acres that could be approved for irrigation under this change application.

The golf course proposal includes a small pond. If the pond exceeds 10 acre-feet of storage, a reservoir permit will be required. Since water may be diverted into the pond, then diverted for irrigation on the golf course, flow meters shall be installed prior to any discharge to the pond or use on the golf course.

With the two recently approved existing water rights for the proposed golf course amounting to a total of 175.7 af/yr for irrigation of 70 acres, and if this subject application were to be approved for the requested 60 acres at the same rate of 2.51 acre-feet per year, this amount of water and acreage would be more than sufficient for the proposed golf course.

Evaluation of Extent and Validity and Quantity Available for Transfer

The material presented by Mr. St Godard in his October 2011 report was reviewed and analyzed.

Based on the rated capacity of the existing pump that has been used for irrigation on the Johnson property, and the fact that there are no other data available to document what the maximum pumping rate has been at the existing irrigation diversion, the maximum instantaneous rate that this application can be approved for is the pumping capacity of 15,600 gallons per hour, which is equivalent to 260 gallons per minute or 0.58 cubic feet per second.

No metering records are available to document annual historic water use on this site. Aerial photos from two different years, along with the power records for the pump, and the signed affidavit by the property owner, Mr. Albert Johnson, serve as documentation that irrigation has occurred on this property over the years and that there has not been any periods of five consecutive years of non-use. Information provided with the application shows that 60 acres of land have been irrigated (37 acres of alfalfa and 23 acres of pasture).

The consumptive use analysis performed by Mr. St Godard showed a total of 81.16 acre feet for the 37 acres of alfalfa and 53.66 acre feet for the 23 acres of pasture, or a total of 134.82 acre-feet.

Electrical power records were provided and reviewed for the time period of 2005-2010, which showed that the highest annual electrical usage was during 2008.

An estimate of water use was calculated for the year 2008. Quantities of water diverted using the power consumption data was calculated using the methods described in WAC 173-173-160(2).

The following formula, which is included in WAC 173-173-160(2), using electrical power consumption, was used for calculation of the estimated volume of water pumped;

V=318,600 (kWh) (Peff) (Meff)/TDH.

With a pump efficiency (Peff) of 90%, a motor efficiency (Meff) of 90%, and a Total Dynamic Head (TDH) of 100 feet, the total volume of water pumped was calculated for 2008, the highest year of water use. The calculated amount was 39,498,286 gallons or 118.1 acre-feet.

Since the available power records are the only means available for determining the highest annual amount of water that has been put to beneficial use within the last five years, and since this amount is less than the consumptive use analysis of 134.82 acre-feet, the maximum amount of water available for transfer is 118.1 acre-feet. For the 60 acres of irrigation, this is a rate of 1.97 acre-feet per acre.

Impairment Considerations

Approval of this change application would not result in any impairment to existing water rights. The existing right is for a diversion from Sheep Creek, tributary to the Colville River, near the town of Springdale in Stevens County. Transferring this right from Sheep Creek downstream to the Columbia River, would reduce the impact to stream flow in Sheep Creek downstream of the existing point of diversion and also reduce the impact to stream flow in the Colville River downstream of the mouth of Sheep Creek.

The existing water right is located on Sheep Creek in the upper Colville River Basin, and is proposed to be transferred to a location in the Wells Pool between Chief Joseph Dam and the Wells Dam on the Columbia River. The Colville River Basin is currently closed to new appropriations due to low flows in the Colville basin tributaries. The proposed transfer would move the diversion point for this water use downstream out of the Colville basin to the Wells Pool. This would result in a benefit to flows and fish habitat in the Colville Basin in the summer months. Current withdrawal from Sheep Creek under this existing water right occurs from May through November of each year, when flows are at the lowest in the basin. The new withdrawal would be during essentially the same time period each year from the Wells Pool which would have a negligible effect on flows in the Columbia River.

No other existing water rights would be impaired by this downstream transfer.

Public Interest Considerations

The public interest aspect of this project has been thoroughly addressed by the Confederated Tribes of the Colville Reservation through the Conditional Use Permit process, with the public being provided ample opportunity to express any concerns they have for this development. Copies of the staff report, and the Land Use Review Board decision on May 28, 2009 for issuance of a Conditional Use Permit were included with the October 2011 report from Mr. St. Godard. A copy of a July 7, 2009 letter was also included which stated that the review of the Cultural Resource Survey showed that the project would

not result in any adverse effects on historic properties and that no further cultural resource investigations would be necessary.

Through this public process, and because there were no protests or comments filed in response to the public notice for this application, it is determined that this project is not detrimental to the public interest.

Therefore, approval of this application would not be detrimental to the public interest.

CONCLUSIONS

In accordance with RCW 90.03.380, the writer confirms through a tentative determination a valid right exists under Surface Water Certificate No. 1841, and Certificate of Change No. 589 in the amount of 0.58 cubic feet per second and 118.1 acre-feet per year and is eligible for transfer. Approval of a change to this water right will not enhance the right nor impair existing water users.

RECOMMENDATIONS

Based on the above investigation and conclusions, I recommend that the request to change the point of diversion, place of use, and purpose of use be approved in the amounts and within the limitations listed below and subject to the provisions described in the Order for Report of Examination for Change beginning on Page 2.

Purpose of Use and Authorized Quantities

The amount of water recommended is a maximum limit and the water user may only use that amount of water within the specified limit that is reasonable and beneficial:

Amounts
0.58 cfs
118.1 acre-feet per year
Non-agricultural irrigation of up to 60 acres of a proposed golf course from April 1 through October 31 of each year

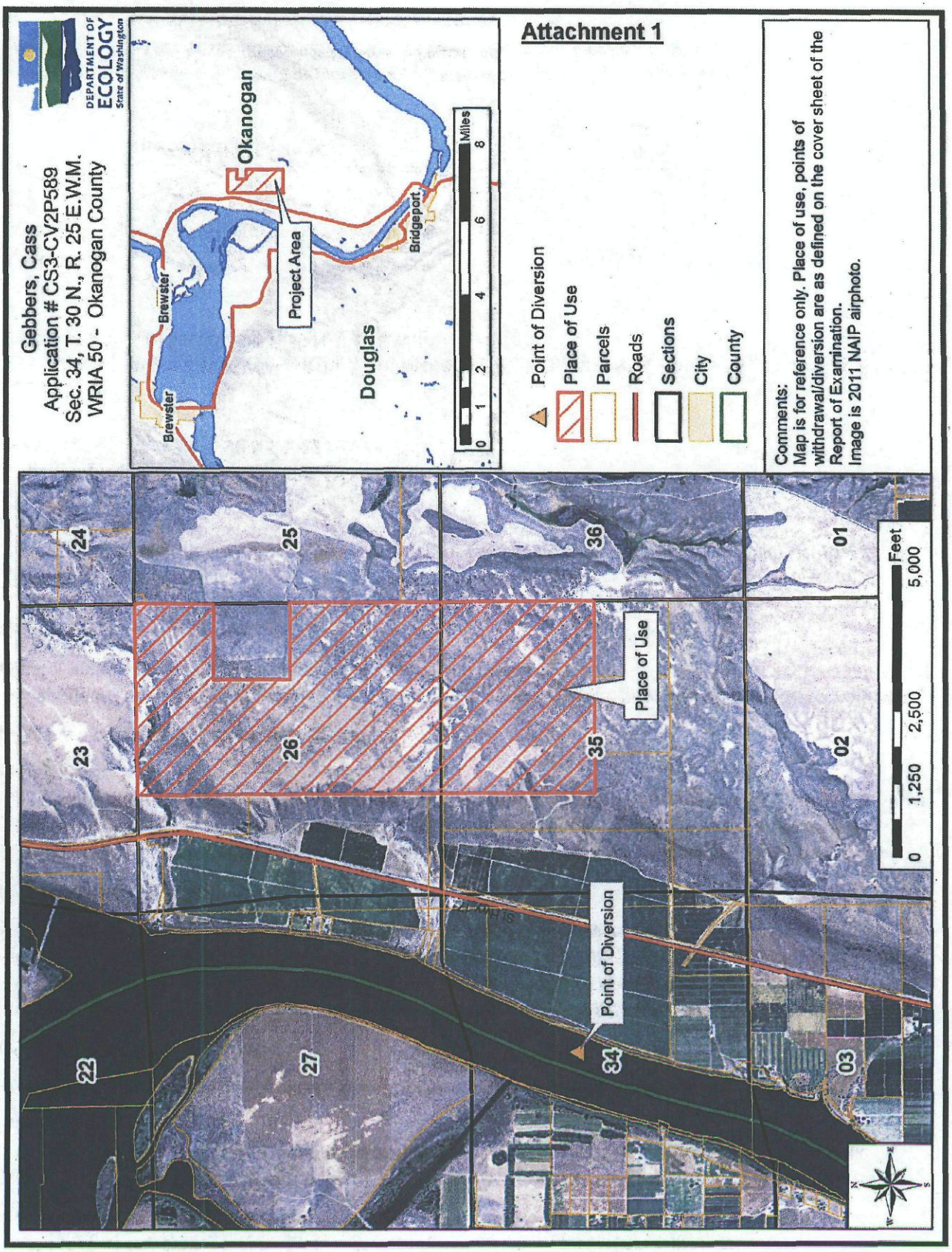
Point of Diversion
SW¼ NE¼ Section 34, T. 30 N., R. 25 E.W.M.

Place of Use
60 acres within the E½ E½ W½ and the E½ of Section 26 except the SE¼ NE¼ of Section 26 and the E½ E½ NW¼ and NE¼ of Section 35, T. 30 N, R 25 E.W.M.

Report by: Jerry L Louthain — February 1, 2013
Jerry Louthain, PE, HDR Engineering — Date

Reviewed by: [signature] — 2/1/2013
Trevor Hutton, Ecology — Date

If you need this document in an alternate format, please call the Water Resources Program at 509-575-2490. Persons with hearing loss can call 711 for Washington Relay Service. Persons with a speech disability can call 877-833-6341.


Gebbers, Cass
Application # CS3-CV2P589
Sec. 34, T. 30 N., R. 25 E.W.M.
WRIA 50 - Okanogan County
DEPARTMENT OF ECOLOGY
State of Washington
Okanogan
Brewster
Brewster
Project Area
Douglas
Bridgeport
Miles
0 1 2 4 6 8
Attachment 1
Point of Diversion
Place of Use
Parcels
Roads
Sections
City
County
Comments:
Map is for reference only. Place of use, points of withdrawal/diversion are as defined on the cover sheet of the Report of Examination.
Image is 2011 NAIP airphoto.
24
25
36
01
23
26
35
02
22
27
34
03
Place of Use
Point of Diversion
Feet
0 1,250 2,500 5,000