



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

November 5, 2013

Attn: Robert M. West
Don West Family Properties, LLC
421 23rd Street NE
East Wenatchee, WA 98802-4062

**RE: Superseding Modification Order for Water Right Change Application
No. CS4-WRC001265@3 (CHEL-09-12)**

Dear Mr. West:

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.

On October 22, 2013, Ecology issued a Modification Order for the decision of the Board on the proposed change/transfer of water right. On October 24, Ecology received email notification from Marc Marquis of Peterson and Marquis Law Offices that data had been inadvertently omitted during the calculation for the tentative determination made by the Board. Based on the additional metering records provided by Mr. Marquis, the Modification Order issued on October 22 is replaced by the following **Superseding Modification Order for Water Right Change Application No. CS4-WRC001265@2 (CHEL-09-12).**

Summary of Ecology's Final Order

MAXIMUM CUB FT/ SECOND	MAXIMUM GAL/MINUTE	MAXIMUM ACRE-FT/YR	TYPE OF USE, PERIOD OF USE				
0.067	30	2.19	Continuous Municipal				
SOURCE			TRIBUTARY OF (IF SURFACE WATER)				
Two Wells							
AT A POINT LOCATED Parcel No.	¼	¼	SECTION	TOWNSHIP N.	RANGE	WRIA	COUNTY.
2716134100050 47° 50' 12.8" N; 120° 47' 7.35" W	NE	SE	13	27	16 EWM	45	Chelan
271718400050	NW	SE	18	27	17 EWM	45	Chelan

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LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED AS APPROVED BY THE BOARD					
The place of use (POU) of this water right is the service area described in the most recent Water System Plan/Small Water System Management Program approved by the Washington State Department of Health, so long as <u>Lake Wenatchee Water District</u> is and remains in compliance with the criteria in RCW 90.03.386(2). RCW 90.03.386 may have the effect of revising the place of use of this water right.					
PARCEL NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE,
DEVELOPMENT SCHEDULE					
BEGIN PROJECT BY THIS DATE:		COMPLETE PROJECT BY THIS DATE:		WATER TO PUT TO FULL USE BY THIS DATE:	
Project started		2022		2032	

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

- 1) The following paragraph is added to the discussion of the SEPA process described on page 4 of the ROE:

The determination of MDNS was published in the Leavenworth Echo and Cashmere Valley Record October 23, 2012. Addendum Number 1 to the SEPA Checklist was prepared by the Lake Wenatchee Water District and received electronically by Ecology July 19, 2013. The Addendum provides additional clarification regarding the water rights proposed for change to municipal use as part of the “Lake Wenatchee Water District System Consolidation” project. When considered individually, each of the proposed water right transfers fall below the SEPA threshold; however, SEPA requires an agency to look beyond a single permit decision and identify the proposal, including all sufficiently defined components when determining whether SEPA is required. The lead Agency, Lake Wenatchee Water District, determined that the water right changes should not result in any significant adverse impacts to the environment, and no changes were made to the original SEPA determination of MDNS.

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).

To appeal you must do 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.

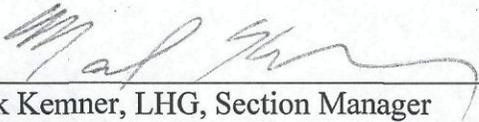
You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

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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, Ste 301 Tumwater WA 98501	Pollution Control Hearings Board PO Box 40903 Olympia WA 98504-0903

For additional information visit the Environmental Hearings Office Website: <http://www.eho.wa.gov>
To find laws and agency rules visit the Washington State Legislature Website: <http://www.leg.wa.gov/CodeReviser>


Mark Kemner, LHG, Section Manager
Water Resources Program
Central Region Office

MK:MD:ba
131103

Enclosures: *Your Right to Be Heard*

By Certified Mail: 7009 2250 0004 4950 3107

cc: Mark Dunbar, Department of Ecology, Central Region Office (email pdf)
Chelan County Water Conservancy Board
Lois Trevino, Colville Confederated Tribe
Philip Rigdon, Yakama Nation Tribe

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Sent To	<i>Don West Properties</i>
Street, Apt. No.; or PO Box No.	
City, State, ZIP+4	<i>CS4-WRC001265@3</i>

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>1. Article Addressed to:</p> <div style="border: 1px solid black; padding: 5px; margin: 5px 0;"> <p>ATTN: ROBERT M. WEST DON WEST FAMILY PROPERTIES, LLC 421 23RD STREET NE EAST WENATCHEE WA 98802-4062</p> <p>WR/ba CS4-WRC001265@2 (CHEL 09-12)</p> </div> <p>2. Article Number <i>(Transfer from service label)</i></p>	<p>A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p><i>X Janice West</i></p> <p>B. Received by (Printed Name) C. Date of Delivery</p> <p><i>Janice West</i> <i>11-5</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
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