



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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January 31, 2014

Lake Wenatchee Water District
c/o Marc Marquis
Peterson & Marquis Law Office
1227 First Street
Wenatchee WA 98801-1913

RE: Water Right Change Application No. CG4-030577CL (CHEL-12-10)

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	
		50		3.9		Municipal, continuous	
SOURCE					TRIBUTARY OF (IF SURFACE WATER)		
Three (3) wells							
¼	¼	SECTION	TOWNSHIP N.	RANGE	WRIA	COUNTY.	
NE	SE	14	27	16 EWM	45	Chelan	
NW	SE	18	27	17			
NE	SE	13	27	16			
AT A POINT LOCATED: PARCEL NO.							
271614700477							
271718400050							
271613410050							
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 <i>Lake Wenatchee Water</i> compliance with RCW 90.03.386(2).							
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:

The Board's decision has been modified as noted in the table above:

- 1) The Board's tentative determination is revised to reflect a maximum annual quantity (Qa) of 3.9 acre-ft/yr. The revision is based upon documentation provided by the Board and details provided in the 2011 Lake Wenatchee Water District Water System Plan.

Groundwater Claim 030577, filed by Ralph Zufall on May 15, 1973, claims the right to use up to 50 gpm for domestic supply for the Mountain Park Summer Homes. The document claims a date of first use of June 20, 1933. An annual quantity is not specified on the claim, and the actual instantaneous quantity being used at the time the claim was filed was reported as 25 gpm.

The 2011 Lake Wenatchee Water District (LWWD) Water System Plan (WSP) describes the Mountain Park water system as a Group B system serving one permanent and eight seasonal connections (pg. 1-9), for a total of nine connections. Ecology finds that the Mountain Park water system does not conform to the definition of a municipal water system as provided under RCW 90.03.560 and further defined in RCW 90.03.015, nor has the purpose of use for the water right been changed from domestic supply to a municipal purpose of use under RCW 90.03.380. RCW 90.03.380 authorizes the transfer of water that has been put to actual beneficial use within the terms and conditions of the water right. Therefore, the extent and validity of Groundwater Claim 030577 is limited by the extent to which the claim has been put to actual beneficial use, not to exceed a Qi of 50 gpm. There are no inchoate quantities that will be subject to future development.

Verifiable data on which to base a tentative determination of the Qa for Groundwater Claim 030577 appears to be unavailable. Only one partial year of metering records is provided with the Board's ROE. The record provided indicates that 101,948 gallons, or 0.3 acre-ft., were used during 2013, but the ROE does not explain the extent of this "partial" year so the Qa data is not useful. The LWWD WSP indicates that the Mountain Park system well pump is capable of producing a Qi of 50 gpm (pg. 1-9).

The LWWD WSP describes the average quantity of water used as 390 gallons per day per connection, for a total of 129 connections district-wide (pg. ES-2). Assuming each of the nine cabins connected to the Mountain Park system used the district-wide average of 390 gallons per day on a year-round basis, the system would have delivered 3.9 acre-ft/yr. This estimate likely errs on the high side because only one (1) of the nine cabins is reported to be utilized on a full time basis (LWWD WSP pg. 1-9).

Consideration of the available facts and data supports a best-estimate calculation based on the district-wide average of 390 gallons per day. Ecology's tentative determination of the extent and validity of the right is for a maximum instantaneous quantity (Qi) of 50 gpm and an annual quantity (Qa) of 3.9 acre-ft/yr.

FILE COPY

YOUR RIGHT TO APPEAL

You have a right to appeal this decision to the Pollution Control Hearings 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:

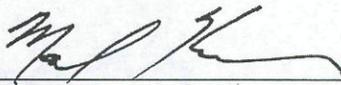
- File your appeal and a copy of this decision with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this decision on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.

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

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:ss/140131

Enclosures: Your Right to Be Heard
Construction Notice

By Certified Mail: 7010 0290 0000 7126 5688

cc: Mark Dunbar, Department of Ecology, Central Region Office (email pdf)
Lisa De Vera, Chelan County Conservancy Board
Lake Wenatchee Water District
Philip Rigdon, Director Natural Resources Division Yakama Nation
Lois Trevino, Water Administrator, Colville Confederated Tribes