



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

15 West Yakima, Suite 200 • Yakima, Washington 98902 • (509) 575-2490

November 24, 1998

Michiel L West
26119 NE 147th Ave
Battle Ground, WA 98604-9764

RE: Water Right Application No. G4-32132

This letter is to inform you of recent issues associated with staff levels and proposed work areas. Three of the Central Regional Office Water Resource staff have taken jobs in other areas and are no longer working for the program. Due to budget issues and other commitments, evaluation of applications in the Horseheaven Hills area will be set aside at this time.

When staff levels are returned and time permits, we will continue with the evaluation of the applications at that time. When we are able to continue evaluating applications in your area, we will contact you again. I sincerely apologize for the delay and inconvenience that this may cause.

Sincerely,

Kevin Brown

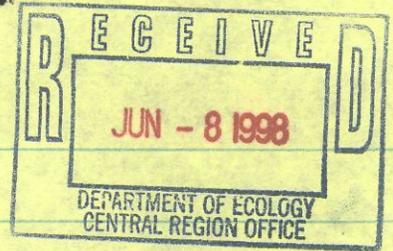
Kevin Brown
Water Resources Program

KB:gh
981109pf

FILE COPY



Date 6-4-98



ATT. Kevin Brown

RE. G4-32132 & D.O.E. Letter march 10, 98

Yes we wish to pursue a water right. Inclosed is the news paper affidavit & a copy of our April 13, 1994, State Health Dept. Approval For 10 connections as you requested.

Note our water right application is for 12 connections.

Some time back we requested an up grade to 12 connections

The Klickitat co Health Dept. inspector Darryl Elsephaler Visted the water system. He was satisfied 12 connection would be OK.

We submitted to the state Health Dept. For 2 more connection for a total of 12.

The state denied the request based on the lack of a water right. However the state will most likly grant the up date, when we accomplish the water right.

We are most anxious to see you this summer. Please give me a couple of weeks notice as I'm planning some vacationing this summer.

Thank you

Mike West

PH → 360-687-7662

FAX → 360-666-8192

26119 NE 147AVE.

Battle Ground WA

98604

Affidavit of Publication

STATE OF WASHINGTON
COUNTY OF KLICKITAT

} ss.

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
YAKIMA, WASHINGTON
NOTICE OF APPLICATION TO
APPROPRIATE PUBLIC WATERS

TAKE NOTICE:
That MICHEL L. WEST of Battle Ground, Washington, on July 25, 1994, under Application No. G4-32132 applied to appropriate public waters, subject to existing rights, from a well in the amount of 60 gallons per minute (gpm) each year, for the purpose of a continuous group domestic supply 12 homes and irrigation during irrigation season for 5 acres.
That the source of the proposed appropriation is located within NE 1/4 SE 1/4 of Section 31, Township 5 N., R. 18 E.W.M., Klickitat County, Washington.
MIKE WEST 360-687-7662
Protests or objections to approval of this application must include a detailed statement of the basis for objections. All letters of protest will become public record. Protests must be accompanied by a two dollar (\$2.00) recording fee and filed with the Department of Ecology, 15 W. Yakima Avenue, Suite 200, Yakima, WA 98902-3401, within thirty (30) days from: May 21, 1998 (2007, 2103)

Brent T. De La Paz, being first duly sworn on oath, deposes and says: That he is the Publisher of THE GOLDENDALE SENTINEL, a weekly newspaper, which has been established, published in the English language, and circulated continuously as a weekly newspaper in the City of Goldendale, and in said County and State, and of general circulation in said County for more than six (6) months prior to the date of the first publication of the Notice hereto attached, and that the said Goldendale Sentinel was on the 18th day of June, 1941, approved as a legal newspaper by the Superior Court of said Klickitat County, and that the annexed is a true copy.

**NOTICE OF APPLICATION TO APPROPRIATE PUBLIC WATERS:
Michael & Vi West**

.....
as it appeared in the regular and entire issue of said paper itself and not in a supplement thereof for a period of two consecutive week(s) commencing on the 14th day of May, 1998, and ending on the 21st day of May, and that said newspaper was regularly distributed to its subscribers during all of this period.

That the full amount of \$46.00 has been paid in full, at the rate of \$5.75 per column inch per insertion.

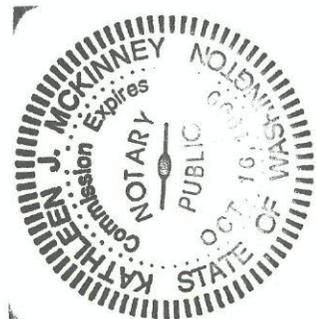
.....
Brent T. De La Paz
Publisher



Subscribed and sworn to before me this 21st day of May, 1998

.....
Kathleen J. McKinney
Kathleen J. McKinney
Notary Expires 10/16/99

Notary Public in and for the State of Washington
Residing at Goldendale



(2007, 2103)

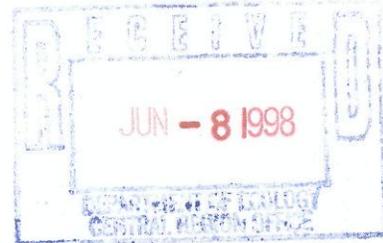


STATE OF WASHINGTON
DEPARTMENT OF HEALTH

West 924 Sinto Avenue • Spokane, Washington 99201-2595 • FAX (509) 456-2997

April 13, 1994

Michiel L. West
26119 NE 147th Avenue
Battleground WA 98604



RE: Approval of Golden Ranch Ten-Connection Public Water System Located at 248 Old Mountain Road, Goldendale and serving Lots 1A, 2A, ~~3A~~ and 4A of Short Plat 84-09; Lots 1B, 2B, 3B and 4B of Short Plat 84-08; and Lots 1C, 2C of Short Plat 84-07, Group B - Klickitat County, I.D. #03280H

OMIT LOT 3-A, Add LOT 1-D @ 248 Old Mt. Rd. Joan Welling
Dear Mr. West:

The Group B Water System Informational Package for the above referenced project received in this office on March 9, 1994, has been reviewed, and in accordance with the provisions of WAC 246-290, is hereby **APPROVED.**

PROVIDED, That: An application is filed with the Washington State Department of Ecology for a water-right permit at this time and a copy of the application is provided to this office.

A Water Facilities Inventory has been completed (copy enclosed), and an identification number assigned, **#03280H.** This number must be used on all future water samples to ensure proper credit toward your sampling requirements. At least one coliform drinking water sample every twelve months and one nitrate sample every thirty-six months is required to be submitted to a certified laboratory.

Regulations establishing a schedule of fees for review of planning, engineering, and construction documents were adopted June 29, 1983, (WAC 246-290-990). An itemized bill for \$200.00 is enclosed.

Sincerely,

Richard M. Benson
Richard M. Benson
Environmental Technician
(509) 456-3166

RMB:nar

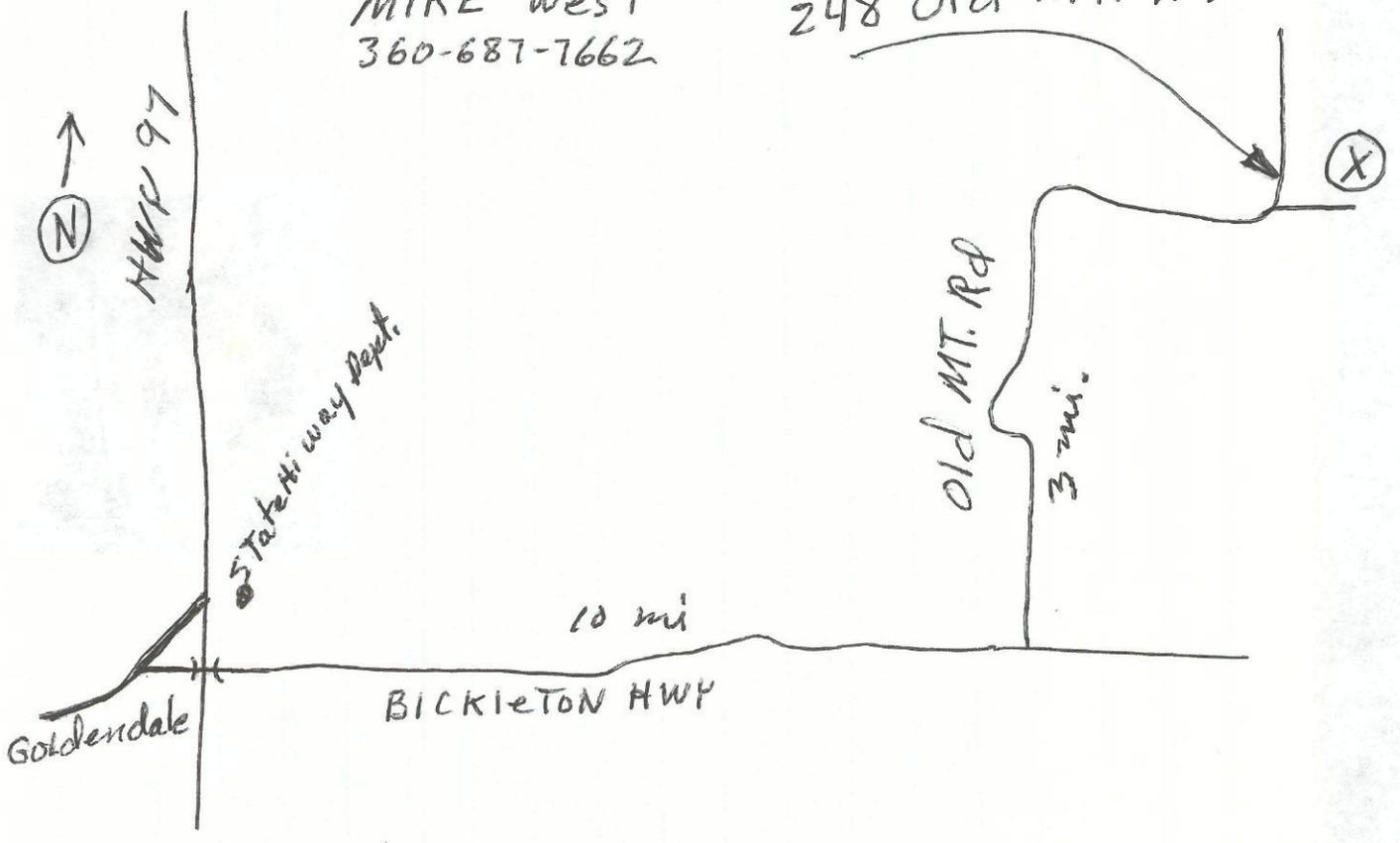
Enclosure

pc: Southwest Washington Health District (White Salmon office)
Goldendale Office



MIKE West
360-687-7662

248 Old Mt. Rd





STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

15 West Yakima, Suite 200 • Yakima, Washington 98902-3401 • (509) 575-2490

March 10, 1998

Carroll Palmer, Deputy Director
Natural Resources Division
Yakama Indian Nation
PO Box 151
Toppenish WA 98948-0151

Dear Mr. Palmer:

Re: Notification of Intent to Process Water Right Applications in the Horseheaven Hills Area – WRIA 31

I am writing this letter to inform you and the Yakama Indian Nation that I have assigned some of my staff the task of investigating water right applications in the south slope area of the Horseheaven Hills in Benton and Klickitat Counties. The recently published United States Geological Survey report summarizing a ground water study completed in the Horseheaven Hills will be used to support permit decisions for ground water applications generally located in T. 3 N., R. 19-21 E.W.M.; T. 4 N., R. 17-25 E.W.M.; T. 5 N., R. 17-29 E.W.M.; T. 6 N., R. 17-29 E.W.M.; T. 7 N., R. 20-28 E.W.M.; and T. 8 N., R. 23-27 E.W.M. Many of the applications have been pending since 1978. Applications for ground water outside the Horseheaven Hills Area will not be included in this initial effort.

Decisions are also scheduled to be made for applications filed to change existing ground and surface water rights in WRIA 31.

Within WRIA 31, there are approximately a dozen applications seeking rights for new diversions of water from the Columbia River. Ecology is not inclined to process these applications until the negotiated rule development process to amend Chapters 173-531A and 173-563 WAC has been completed and new rules are adopted, unless, we are specifically requested or required to do so. Any applications requesting new water rights from the Columbia River that are processed prior to rule adoption will require the applicant participate in a consultation process with appropriate agencies and Tribes involved in fisheries management in the Columbia River.

Kennewick Public Hospital District has filed a Writ of Mandamus requesting Benton County Superior Court to order Ecology to make a permit decision for Surface Water Application No. S4-30584. In order to process this application, Ecology must also



Carroll Palmer
March 10, 1998
Page 2

process applications requesting water from the Columbia River within WRIA 31 that are senior to the Hospital's application. Ecology has also been working with the Quad-Cities (Kennewick, Pasco, Richland, and West Richland) on the development of a regional water supply system capable of meeting the area's future municipal water supply needs for the next 50 years. As part of the process, the Quad-Cities are requesting Ecology approve additional water rights under Surface Water Application No. S4-30976. Keith Phillips, Water Resources Program Manager, has assigned Thom Lufkin the task of coordinating the consultation process for these applications. The Yakama Indian Nation will be invited to participate in the consultation process.

I have enclosed a spreadsheet summarizing all the applications pending water right decisions in WRIA 31. The applications for change of existing water rights are listed first followed by applications for new ground water withdrawals and then applications for new surface water diversions. The type of change to existing rights and the purposes of use requested for new rights are described under the column titled "Purposes". I have enclosed a key to the codes used to describe the requested purposes of use for new water rights. For applications to change existing water rights (cg->), the following codes apply:

ADD – adding wells, points of diversion, purposes of use or lands rather than changing
PL – place of use
POD/W- point of diversion/withdrawal
USE – purpose of use

You may be aware that Ecology has been developing a rule pursuant to the Supreme Court decision in *Hillis vs. Ecology*. It establishes the framework under which the Water Resources Program can organize its work, prioritize basins to be assessed, conduct basin assessments, prioritize investigations of water right applications by geographic areas, and establish criteria for change or transfer of existing water rights. This rule has recently been adopted. I will send you a copy as soon as the final document is available from the State Code Reviser's Office.

This rule establishes criteria for priority processing of competing applications. Two of the priorities are applications that resolve or alleviate a public health or safety emergency caused by a failing public water supply system currently providing potable water to existing users and applications that would substantially enhance or protect the quality of the natural environment. These criteria were adopted as an Emergency Rule until the permanent rule was adopted. We continue to process applications for change of existing rights or new water right applications (as appropriate) to meet public water supply system emergencies and to authorize water use for fish enhancement projects proposed by the Bonneville Power Administration and the Yakama Indian Nation. We are working with the Cities of Union Gap, Goldendale, West Richland, Grandview, Prosser, Twisp, and

Carroll Palmer
March 10, 1998
Page 3

White Salmon and public water suppliers in the Lake Chelan area regarding failing wells or water sources that do not meet Department of Health standards for drinking water. We will also continue to work with the Yakama Indian Nation on fisheries enhancement projects as staff time permits.

I welcome any comments or information the Tribe would like to provide for our consideration when making the water right permit decisions I have described. If you would like to obtain additional information or would like to discuss any of these efforts, please feel free to contact the following staff:

Investigations in WRIA 31, Horseheaven Hills – Kevin Brown (509) 454-7647
Public water supply emergencies – Darrell Monroe (509) 457-7143
Fisheries enhancement projects – John Monahan (509) 457-7112

If you or your staff would prefer to meet with us to discuss these applications, I will be glad to facilitate setting up a meeting at your convenience. Please let me know if you are interested in such a meeting. My telephone number is (509) 457-7123.

I look forward to the opportunity to work cooperatively in our mutual efforts to manage the water resources of Central Washington. Our efforts will benefit from a continued exchange of information, perspectives, and concerns. Please let me know if you have any suggestions of how we can more effectively accomplish our goals. I will provide you with copies of the Reports of Examination as decisions are made for these applications.

Sincerely,



Darlene M. Frye, Section Supervisor
Water Resources Program

DMF:KB:ska
980214

Enclosure(s): Active Application List
Key



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

15 West Yakima, Suite 200 • Yakima, Washington 98902-3401 • (509) 575-2490

March 10, 1998

Michiel L West
26119 NE 147th Ave
Battle Ground WA 98604-9764

Re: Ground Water Application No. G4-32132

We are scheduling work for 1998 in the Horseheaven Hills area and we need to know if you are still interested in pursuing your water right application. Your application for the appropriation of water has been assigned the above number. Please refer to it by number in future correspondence.

Community water systems are required to be approved by either the local health department or the Department of Health depending upon system size. If you have not already done so, we suggest that you contact either your local health department or the Department of Health, Eastern Drinking Water Operations, 1500 W. 4th Ave Suite 305, Spokane WA 99204-1639, for further information.

Enclosed is a notice of your application which must be published once a week for two consecutive weeks in a newspaper published in Klickitat County as provided in RCW 90.03.280. The newspaper should have general circulation in the locality where the water is to be appropriated and used and is qualified as a legal newspaper as provided in Chapter 65.16 RCW. The cost of publishing the notice is the responsibility of the water right applicant.

Please bring to the publisher's attention that the actual date of the second publication must appear in the space in the notice over the caption "last date of publication."

To assure accuracy, it is the responsibility of the applicant to check the notice carefully before having it published. If an error is detected, do not submit the notice for publication, but refer the error to this office for correction and/or resolution.

Please provide us with the original notarized affidavit of that publication. Publication should start within thirty (30) days and the affidavit must be received in this office within sixty (60) days from the date of this letter or rejection will be initiated. If you have any questions or concerns about any of this information, please call Kevin Brown at (509) 454-7647. Thank you for your attention to this matter.

Sincerely,

Kevin Brown

Kevin Brown
Water Resources Program

FILE COPY



Page 2
March 10, 1998

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Enclosures: Public Notice
Newspaper List
Q & A, Water Rights in Washington

HHpn-3.doc

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
YAKIMA, WASHINGTON

NOTICE OF APPLICATION TO APPROPRIATE PUBLIC WATERS

TAKE NOTICE:

That MICHEL L. WEST of Battle Ground, Washington, on July 25, 1994, under Application No. G4-32132 applied to appropriate public waters, subject to existing rights, from a well in the amount of 60 gallons per minute (gpm) each year, for the purpose of a continuous group domestic supply for 12 homes and irrigation during irrigation season for 5 acres.

That the source of the proposed appropriation is located within NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 31, Township 5 N., R. 18 E.W.M., Klickitat County, Washington.

Protests or objections to approval of this application must include a detailed statement of the basis for objections. All letters of protest will become public record. Protests must be accompanied by a two dollar (\$2.00) recording fee and filed with the Department of Ecology, 15 W. Yakima Avenue, Suite 200, Yakima, WA 98902-3401, within thirty (30) days from:

(last date of publication to be entered above by the publisher)



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

3601 W. Washington • Yakima, Washington 98903-1164 • (509) 575-2800

November 3, 1994

Michiel L. West
26119 NE 147th Ave
Battle Ground WA 98604-9764

RE: Ground Water Right Application No. G4-32132

We have received your Application for Permit to Appropriate Public Waters of the State of Washington and it has been assigned the application number indicated above. Please refer to it by number in future correspondence.

Due to the shortage of staff caused by recent budget cuts, new applications are being accepted and filed for future processing, but a public notice will not be sent at this time. Eventually you will be required to publish a public notice in a newspaper in the locality where the water will be diverted and used. This office will prepare the notice and send it to you at that time.

For this reason it is very important that you notify this office of any change in address or ownership of the property.

Please keep in mind that filing an application for water use does not authorize use of the water. With the many complexities of water law, senior rights, fish habitat, and river flow issues, favorable permit decisions are not always given. We regret that a decision on your application cannot be made sooner and we must advise against investing further in your project until such time as a water right permit is issued.

Sincerely,

Water Resources Program
Central Regional Office

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10/94

