



### Proposed Use

MAXIMUM CUB FT/ SECOND	MAXIMUM GAL/MINUTE 1800	MAXIMUM ACRE-FT/YR 632	TYPE OF USE, PERIOD OF USE 620 ac-ft/yr for irrigation of 155 acres April 1 to October 15; and 12 ac-ft/yr for continuous community domestic supply to 14 residential service connections plus residential irrigation.				
SOURCE Two (2) wells			TRIBUTARY OF (IF SURFACE WATER)				
AT A POINT LOCATED: PARCEL NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE	WRIA	COUNTY.
20221210002	NW	NE	12	20 N	22 EWM	41	Douglas
<b>LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS USED</b>							
<p>NE1/4NW1/4; W1/2NE1/4; NW1/4SE1/4 Sec. 12, T. 20 N., R. 22 E.W.M.</p> <p>A portion of the SE1/4 of Section 1, T. 20 N., R. 22 E.W.M. described as follows:</p> <p>Beginning at the S1/4 corner of said Section 1, located at a point on a brass cap monument which bears N 87°14'21" W 2595.92 feet from a USBR brass cap monument marking the SE corner of the Section; thence N 00°13'09" E 1759.77 feet along the North-South mid-section line of said Section to an intersection with the as built centerline of Stuhlmiller Road; thence following the centerline of said road in a southeasterly direction to an intersection with the south boundary of said Section; thence N 87°14'21" W 891.03 feet following said south boundary to the point of beginning.</p> <p>AND a portion of the SE1/4 of said Section 1 lying easterly of the centerline of Stuhlmiller Road and southerly of the following described line:</p> <p>Beginning at a USBR brass cap monument marking the SE corner of the Section; thence N 03°37'19" E 1692.33 feet following the East boundary of said Section; thence N 87°34'19" W 2650.24 feet to an intersection with the as built centerline of Stuhlmiller Road; thence following the centerline of said road in a southeasterly direction to an intersection with the south boundary of said Section; thence S 87°14'21" E 1704.89 feet following said south boundary to the point of beginning.</p> <p>A portion of the E1/2 of Section 1, T. 20 N., R. 22 E.W.M. described as follows:</p> <p>Beginning at a USBR brass cap monument marking the SE corner of the Section; thence N 03°37'19" E 1692.33 feet following the East boundary of said Section to the True Point of Beginning; thence continuing N 03°37'19" E 776.69 feet to the E1/4 corner of the Section; thence continuing to follow said East boundary N 03°37'23" E 1966.87 feet; thence N 89°47'27" W 1392.93 feet; thence S 00°12'33" W 2691.04 feet; thence S 87°34'19" E 1230.50 feet to the True Point of Beginning. Parcel Nos. 20220110007, 10008, 10009, 10010.</p> <p>AND, Beginning at the USBR brass cap monument marking the S1/4 corner of the Section; thence N 00°13'09" E 3440.10 feet along the North-South mid-section line of said Section to the True Point of Beginning; thence continuing N 00°13'09" E 595.30 feet; thence S 89°47'27" E 1463.82 feet; thence S 00°12'33" W 595.30 feet; thence N 89°47'27" W 1463.93 feet to the True Point of Beginning.</p> <p>Parcel Nos.: 20221210002, 83300000500, 83300000400, 83300000300, 83300000204, 83300000203, 83300000202, 83300000201, 83300000104, 83300000103, 83300000102, 83300000101, 20220140003, 20220140004, 20220140005, 20220140006, 20220110004.</p>							
PARCEL NO. See above.	¼	¼	SECTION 12, 1	TOWNSHIP N. 20 N	RANGE 22 E		

### Board's Decision on the Application

MAXIMUM CUB FT/ SECOND	MAXIMUM GAL/MINUTE 1800	MAXIMUM ACRE-FT/YR 632	TYPE OF USE, PERIOD OF USE 620 ac-ft/yr for irrigation of 155 acres April 1 to October 15; and 12 ac-ft/yr for continuous community domestic supply to 14 residential service connections plus residential irrigation.				
SOURCE Two (2) wells			TRIBUTARY OF (IF SURFACE WATER)				
AT A POINT LOCATED: PARCEL NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE	WRIA	COUNTY.
20221210002	NW	NE	12	20 N	22 EWM	41	Douglas
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS USED							
<p>NE1/4NW1/4; W1/2NE1/4; NW1/4SE1/4 Sec. 12, T. 20 N., R. 22 E.W.M.</p> <p>A portion of the SE1/4 of Section 1, T. 20 N., R. 22 E.W.M. described as follows:</p> <p>Beginning at the S1/4 corner of said Section 1, located at a point on a brass cap monument which bears N 87°14'21" W 2595.92 feet from a USBR brass cap monument marking the SE corner of the Section; thence N 00°13'09" E 1759.77 feet along the North-South mid-section line of said Section to an intersection with the as built centerline of Stuhlmiller Road; thence following the centerline of said road in a southeasterly direction to an intersection with the south boundary of said Section; thence N 87°14'21" W 891.03 feet following said south boundary to the point of beginning.</p> <p>AND a portion of the SE1/4 of said Section 1 lying easterly of the centerline of Stuhlmiller Road and southerly of the following described line:</p> <p>Beginning at a USBR brass cap monument marking the SE corner of the Section; thence N 03°37'19" E 1692.33 feet following the East boundary of said Section; thence N 87°34'19" W 2650.24 feet to an intersection with the as built centerline of Stuhlmiller Road; thence following the centerline of said road in a southeasterly direction to an intersection with the south boundary of said Section; thence S 87°14'21" E 1704.89 feet following said south boundary to the point of beginning.</p> <p>A portion of the E1/2 of Section 1, T. 20 N., R. 22 E.W.M. described as follows:</p> <p>Beginning at a USBR brass cap monument marking the SE corner of the Section; thence N 03°37'19" E 1692.33 feet following the East boundary of said Section to the True Point of Beginning; thence continuing N 03°37'19" E 776.69 feet to the E1/4 corner of the Section; thence continuing to follow said East boundary N 03°37'23" E 1966.87 feet; thence N 89°47'27" W 1392.93 feet; thence S 00°12'33" W 2691.04 feet; thence S 87°34'19" E 1230.50 feet to the True Point of Beginning. Parcel Nos. 20220110007, 10008, 10009, 10010.</p> <p>AND, Beginning at the USBR brass cap monument marking the S1/4 corner of the Section; thence N 00°13'09" E 3440.10 feet along the North-South mid-section line of said Section to the True Point of Beginning; thence continuing N 00°13'09" E 595.30 feet; thence S 89°47'27" E 1463.82 feet; thence S 00°12'33" W 595.30 feet; thence N 89°47'27" W 1463.93 feet to the True Point of Beginning.</p> <p>Parcel Nos.: 20221210002, 83300000500, 83300000400, 83300000300, 83300000204, 83300000203, 83300000202, 83300000201, 83300000104, 83300000103, 83300000102, 83300000101, 20220140003, 20220140004, 20220140005, 20220140006, 20220110004.</p>							
PARCEL NO. See above.	¼	¼	SECTION 12, 1	TOWNSHIP N. 20 N	RANGE, 22 E		

---

**DESCRIPTION OF PROPOSED WORKS**

---

Add lands to the place of use for more economical and productive farmland development, to be served by a pressure irrigation system and including a public water supply.

---

**DEVELOPMENT SCHEDULE**

---

BEGIN PROJECT BY THIS DATE: Begun	COMPLETE PROJECT BY THIS DATE: July 1, 2017	COMPLETE CHANGE AND PUT WATER TO FULL USE BY THIS DATE: July 1, 2017
--------------------------------------	--	---

---

---

**REPORT**

---

**BACKGROUND** [See WAC 173-153-130(6)(a)]

On February 11, 2013 Painted Summer Hills, LLC filed an application for change to change/transfer the place of use under permit No. G4-29196P; Douglas County Water Conservancy Board (DCWCB or Board) number: DOUG-13-02. The Department of Ecology (Ecology) gave the application No. CG4-29196P@3.

Request is made to add lands to the place of use without increasing authorized water right acres for irrigation. Ownership of the entire water right permit is held by Painted Summer Hills, LLC.

*Attributes of the water right as currently documented*

Name on certificate, claim, permit: Painted Summer Hills, LLC.

Water right document number: Superseding Permit No. G4-29196P issued April 9, 2012.

As modified by certificate of change number: n/a.

Priority date, first use: February 3, 1987.

Water quantities: Qi: 1800 gallons per minute (gpm) Qa: 632 acre-feet/year (af/yr or ac-ft/yr).

Source: Two (2) wells.

Point of diversion/withdrawal: 880 feet south and 200 feet east from the north quarter corner of Section 12, T. 20 N., R. 22 E.W.M., within NW1/4NE1/4.

Purpose of use: 620 ac-ft/yr for irrigation of 155 acres April 1 to October 15; and 12 ac-ft/yr for continuous community domestic supply to 14 residential service connections plus residential irrigation.

Period of use: April 1 to October 15 for irrigation of 155 acres and year round for community domestic supply.

Place of use: NE1/4NW1/4; W1/2NE1/4; NW1/4SE1/4, within Section 12, T 20 N, R 22 EWM.

Existing provisions:

1. Domestic water may be supplied to no more than fourteen (14) residential service connections under this Superseding Permit. A hygiene wash station for agricultural workers' use will be counted as one of the fourteen residential service connections. Residential irrigation will be counted against the 12 acre-feet per year authorized for community domestic supply. The limitations on domestic use set forth in this provision do not preclude future changes or amendments, to the extent allowed by law, to a water right certificate issued upon proof of appropriation under this Superseding Permit.
2. Any domestic use initiated after the date of this Superseding Permit on property owned by Painted Summer Hills, LLC within the authorized place of use will be served by this permit or other permitted water rights. Ecology will not recognize groundwater permit-exempt wells to duplicate or supplement future water supply authorized under this permit.
3. That portion of this authorization relating to irrigation is classified as a FAMILY FARM PERMIT in accordance with the Family Farm Water Act, Chapter 90.66 RCW. Irrigation under this permit shall comply with all applicable provisions of the Family Farm Water Act, Chapter 90.66 RCW, as it exists now or may hereafter be amended. This means the land being irrigated under this authorization shall comply with the following definition: Family Farm - a geographic area including not more than 6,000 acres of irrigated agricultural lands, whether contiguous or noncontiguous, the controlling interest in which is held by a person having a controlling interest in no more than 6,000 acres of irrigated agricultural lands in the state of Washington which are irrigated under water rights acquired after December 8, 1977. Furthermore, the land being irrigated under this authorization must continue to conform to the definition of a family farm.

4. On or before July 1, 2017, Painted Summer Hills, LLC shall submit Proof of Appropriation for both the irrigation and community domestic portions of this Superseding Permit. Proof of Appropriation must be submitted on a form specified by Ecology, and accompanied by the following information: (a) the number and location of residential service connections constructed and served under the permit; (b) the square footage of lawn, garden, and landscaping served; (c) type and acreage of each crop irrigated under the permit; (d) copies of any signed lease agreements or other contracts for development of the permit; and (e) a map depicting the irrigated acres, lawn/garden irrigation and homes/buildings. Certification for both the irrigation and community domestic portions of the permit will be based upon actual beneficial use of the right.
5. No additional extensions to the development schedule will be granted for either the irrigation or community domestic portions of this Superseding Permit.
6. This Superseding Permit and any portion thereof shall be assignable and transferable to the extent allowed by law, including but not limited to RCW 90.03.310, RCW 90.66.065, RCW 90.66.070, RCW 90.44.100, and RCW 90.03.380.
7. An approved measuring device shall be installed and maintained for the domestic water supply well identified by this water right, in accordance with the rule "Requirements for Measuring and Reporting Water Use", Chapter 173-173 WAC. Water use data shall be recorded on forms to be provided by Ecology. Chapter 173-173 WAC describes the requirements for data accuracy, device installation and operation, and information reporting, as well as opportunities for a water user to petition Ecology for modifications to some of the requirements.
8. Installation and maintenance of an access port as described in Ground Water Bulletin No. 1 is required. An air line and gage may be installed in addition to the access port.
9. All water wells constructed within the state shall meet the minimum standards for construction and maintenance as provided under Chapter 18.104 RCW (Washington Water Well Construction Act of 1971) and Chapter 173-160 WAC (Minimum Standards for Construction and Maintenance of Water Wells).
10. Withdrawal of water under this right may be limited or otherwise regulated in favor of senior rights.
11. This project may fit the definition of a Public Water System as defined in Chapter 246-291 WAC. The Chelan-Douglas Health District requires a well site inspection and water quality sampling schedule for public water supplies.
12. Use of water under this authorization shall be contingent upon the water right holder's utilization of up-to-date water conservation practices and maintenance of efficient water delivery systems consistent with established regulation requirements and facility capabilities.
13. Department of Ecology personnel, upon presentation of proper credentials, must have access at reasonable times to the records of water use that are kept to meet the above provisions, and to inspect any measuring device used to meet the above provisions.

#### This Permit Subject to Cancellation

This permit shall be subject to cancellation should the permittee fail to comply with the above development schedule and/or to give notice to the Department of Ecology on forms provided by the Department documenting such compliance.

#### *Tentative determination of the water right*

The tentative determination is provided on the front page of this report.

#### *History of water use*

Along with application materials provided to the Board, the applicant's consultant Tim Reiersen provided water use history information, including a memorandum to the Board dated March 1, 2013. Richard Freese was the original applicant and landowner for the place of use for Permit No. G4-29196P. He filed the application on February 3, 1987 however the permit

Continued

didn't issue until June 13, 1991. He subdivided eight five-acre lots on the south end of the property and put them up for sale, selling the real estate only with no assignment of any interest in the application No. G4-29196. The first lot was sold July 10, 1987 and the last on April 15, 1988, all on contract. After the original permit issued to Mr. Freese in 1991, two water delivery agreements relating to the divided lots have been verified. Under their terms, both expired in 2003. One with Tim Hull (January 4, 1998) and one with Corky and Vickie Brissey (December 9, 1998). As of March 2013 the domestic water system owned by Painted Summer Hills was delivering to Tim Hull only, as the Brisseys are no longer receiving water from the system. According to the agreements located, this continued service is at the sole discretion of Painted Summer Hills. The prior agreements stated that the landowners had the option to secure their own separate water source for such use. There are no binding obligations for delivery of water to these subdivided lots from the Painted Summer Hills system.

According to permit file documents, by 2004 Mr. Freese had irrigated approximately 68 acres of orchard from the irrigation well. Beginning in 2005, however, these plantings were removed in phases due to a downturn in the fruit market which began around 2003.

In 2006, Mr. Freese sold the remaining land to Burke de Briere (Painted Summer Hills, LLC). The sale conveyed the entire water right permit under terms of the real estate contract. Next in 2012, Painted Summer Hills, LLC and all lands and water rights it owned at the site were sold to Mike Jones and/or Assigns. Currently Painted Summer Hills intends to develop all 155 acres of agricultural irrigation within the time frame given on the permit which allows until July 1, 2017. In 2012 approximately 55 acres were irrigated by Painted Summer Hills. The total 155 acres for agricultural irrigation are planned to include the potential for irrigation on land owned by Jeff Jones which is subject of a separate change application before the Board, No. DOUG-12-02.

For use of the domestic water, Painted Summer Hills intends to carry through a two-phase major subdivision on lands that it now owns, pursuant to the cluster provision of Douglas County Code Chapter 18.16. On April 14, 2008, the Douglas County Hearing Examiner conditionally approved the Painted Summer Hills preliminary plat (major subdivision) No. P # 07-02. The Hearing Examiner concluded that the plat is consistent with Douglas County comprehensive plan policies and goals for the Rural Resource 5 land use designation, and consistent with allowable density and all other applicable zoning requirements.

#### *Previous changes*

On April 14, 2008 Painted Summer Hills, LLC filed an application for change in the manner of use, No. DOUG-08-01. The application has been decided, which led to the issuance of the current superseding permit now subject of change.

#### *SEPA*

The Board has reviewed the proposed project in its entirety. The requested change involves less than 2250 gpm and is considered categorically exempt (WAC 197-11-800(4)). The entire community domestic project has been reviewed under SEPA by Douglas County as the lead agency. Douglas County issued a Determination of Non-significance on March 11, 2008 for the Painted Summer Hills major subdivision proposal. The Board has determined that SEPA compliance is satisfied.

#### *Other*

See Investigation Section describing proposed plans and specifications.

**The information or conclusions in this section were authored and/or developed by Tim Reierson.**

#### **COMMENT AND PROTESTS** [See WAC 173-153-130(6)(b)]

Public notice of the application was given in the *Douglas County Empire Press* on May 30, 2013 and June 6, 2013. The protest period ended on or around July 6, 2013. There were no protests received during the 30 day protest period. In addition, no oral or written comments were received at an open public meeting of the Board or other means as designated by the Board.

Continued

Date: n/a.

This was recognized by the Board as a  Protest  Comment n/a.

Name/address of protestor/commenter: n/a.

Issue: n/a.

Board's analysis: n/a.

*Other*

n/a.

**The information or conclusions in this section were authored and/or developed by Tim Reierson.**

**INVESTIGATION** [See WAC 173-153-130(6)(c)]

The following information was obtained from a site inspection conducted by Don Popoff on June 25, 2013, technical reports, research of department records, and conversations with the applicant and/or other interested parties.

*Proposed project plans and specifications*

Proposal Summary. As between Painted Summer Hills and Jeff Jones, the combined agricultural irrigation out of the 155 water right acres identified on the permit, will be limited to 155 acres, with an expected maximum of 16 acres to be irrigated at the Jeff Jones site. The permit also allows for irrigation associated with the community domestic development, which is to be accounted separately and is drawn from the 12 af/yr volume allotted for the purpose of community domestic supply.

Estimate of Beneficial Use. The full face value of the water right permit is eligible for transfer because it is a groundwater permit in good standing, with no added purpose of use or additional irrigation acres requested.

The transferable quantities are: 1800 gpm; 620 ac-ft/yr for irrigation of 155 acres April 1 to October 15; and 12 ac-ft/yr for continuous community domestic supply to 14 residential service connections plus residential irrigation.

Groundwater Source. No change in source location is requested under the subject change application No. DOUG-13-02.

Effect on Pending Change Applications and Instream Flows. The authorized amount of water withdrawn from the aquifer on an annual basis will not be increased due to the requested change, nor will there be any change in source location or purpose of use. The proposal is within a confined basalt formation aquifer and will not involve any difference in effect with respect to surface waters such as the Columbia River, and therefore no impairment to surface water rights will occur due to the changes. There is no indication that approval of the change would cause any undue effect or conflict with any other pending applications for change. Jeff Jones has filed a separate application for change on this permit, No. DOUG-12-02. Collectively, all permitting authorities stemming from G4-29196P will be limited to the quantities given on the permit.

Development Schedule. The applicant proposes a completion of construction phase to July 1, 2017 and proof of appropriation phase also to July 1, 2017. This is consistent with the current permit schedule which allows until July 1, 2017 for proof of appropriation.

*Other water rights appurtenant to the property (if applicable)*

On December 10, 2012 Jeff Jones filed a water right change application with the Board on this same permit, requesting to add land to the place of use without increasing the number of irrigation acres permitted, and requesting to add a well site. The Board assigned this application No. DOUG-12-02. There is no conflict posed by this application, understanding that the total permit quantities can't be exceeded among all authorizations stemming from the permit.

Continued

Application No. G4-31532 was filed by Jeffrey M. Trimble on November 5, 1992. The place of use overlaps with the lands being added under the Jeff Jones application but does not overlap with lands requested to be added under the subject application DOUG-13-02. This application also poses no conflict because it remains in a pending status.

Current state law also authorizes water use for certain purposes and quantities within a statutory exemption from the permitting requirement. See Revised Code of Washington 90.44.050.

*Public Interest (groundwater only)*

The proposed transfer is subject to RCW 90.44.100 and therefore cannot be detrimental to the public interest, including impacts on any watershed planning activities. During its review, the Board did not encounter any evidence to suggest that approval of the requested changes would be detrimental to the public interest, including impacts on any watershed planning activities.

*Tentative Determination*

In order to make a water right change decision, the Board must make a tentative determination on the validity and extent of the right. The Board has made the tentative determination as displayed upon the first page of this report. There are several circumstances that can cause the Board's tentative determination to differ from the stated extent of the water right within water right documentation. Water right documents attempt to define a maximum limitation to a water right, rather than the actual extent to which a water right has been developed and maintained through historic beneficial use. Additionally, except for a sufficient cause pursuant to RCW 90.14.140, water rights, in whole or in part, not put to a beneficial use for five consecutive years since 1967 may be subject to relinquishment under Chapter 90.14.130 through 90.14.180 RCW. Water rights may additionally be lost through abandonment. The Board's tentative determination was based upon the following findings:

The full face value of the water right permit is eligible for transfer, because it is a groundwater permit in good standing with no added purpose of use requested.

In summary, the quantities tentatively determined to be valid are: 1800 gpm; 12 af/yr for year-round community domestic supply to 14 residential service connections plus residential irrigation and 620 af/yr for irrigation of 155 acres from 4/1-10/15.

*Geologic, Hydrogeologic, or other scientific investigations (if applicable)*

n/a.

*Other*

n/a.

**The information or conclusions in this section were authored and/or developed by Tim Reierson.**

**CONCLUSIONS** [See WAC 173-153-130(6)(d)]

*Tentative determination (validity and extent of the right)*

The Board has tentatively determined that a valid transferable right exists in the following quantities:

1800 gpm; 12 af/yr for year-round community domestic supply to 14 residential service connections plus residential irrigation and 620 af/yr for irrigation of 155 acres from 4/1-10/15.

*Relinquishment or abandonment concerns*

n/a.

*Hydraulic analysis*

n/a.

Continued

*Consideration of comments and protests*

None.

*Impairment*

The requested change/transfer will not impair existing rights, including surface water rights.

*Public Interest*

The proposed change/transfer will not be detrimental to the public interest.

*Other*

The Board also considered the previous provisions associated with the water right as identified in the Background section of this report when making its decision. It is the Board's understanding that the current provisions found on Superseding Permit G4-29196P were established under a settlement agreement between Ecology and Painted Summer Hills, LLC and the requested change will be bound under the same conditions. In this decision the Board is carrying the provisions forward without change.

The Board offers clarification that the Family Farm Water Act provision would apply to the 155 acres of irrigation; which includes the lands to be irrigated by Jeff Jones, but which does not include the non-agricultural irrigation associated with the community domestic supply purpose. The Board received signed statements of compliance with the Family Farm Water Act from Painted Summer Hills and Jeff Jones during the application review process, which are a part of the record in this matter.

The Board notes that DOUG-12-02 and DOUG-13-02 request changes on the same permit, however because they were made as separate requests, the Board has decided them separately. The Board does not intend that its separate decisions would preclude Ecology from joining the resulting authorizations in a single superseding permit if appropriate.

**The information or conclusions in this section were authored and/or developed by Tim Reierson.**

**DECISION** [See WAC 173-153-130(6)(e)]

The Board's decision is to conditionally recommend approval of the requested change/transfer proposal, in full description as follows:

1. The recommended quantification of valid water rights is:

MAXIMUM GAL/MINUTE 1800	MAXIMUM ACRE-FT/YR 632	TYPE OF USE, PERIOD OF USE 12 af/yr for year-round community domestic supply to 14 residential service connections plus residential irrigation and 620 af/yr for irrigation of 155 acres from 4/1-10/15.
----------------------------	---------------------------	---

2. The recommended quantification of the right as changed is:

MAXIMUM GAL/MINUTE 1800	MAXIMUM ACRE-FT/YR 632	TYPE OF USE, PERIOD OF USE 12 af/yr for year-round community domestic supply to 14 residential service connections plus residential irrigation and 620 af/yr for irrigation of 155 acres from 4/1-10/15.
----------------------------	---------------------------	---

3. The source locations as changed are:

SOURCE Two (2) wells				TRIBUTARY OF (IF SURFACE WATER)			
AT A POINT LOCATED: PARCEL NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE	WRIA	COUNTY.
20221210002	NW	NE	12	20 N	22 EWM	41	Douglas

4. The place of use as changed is:

**LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS USED**

NE1/4NW1/4; W1/2NE1/4; NW1/4SE1/4 Sec. 12, T. 20 N., R. 22 E.W.M.

A portion of the SE1/4 of Section 1, T. 20 N., R. 22 E.W.M. described as follows:

Beginning at the S1/4 corner of said Section 1, located at a point on a brass cap monument which bears N 87°14'21" W 2595.92 feet from a USBR brass cap monument marking the SE corner of the Section; thence N 00°13'09" E 1759.77 feet along the North-South mid-section line of said Section to an intersection with the as built centerline of Stuhlmiller Road; thence following the centerline of said road in a southeasterly direction to an intersection with the south boundary of said Section; thence N 87°14'21" W 891.03 feet following said south boundary to the point of beginning.

AND a portion of the SE1/4 of said Section 1 lying easterly of the centerline of Stuhlmiller Road and southerly of the following described line:

Beginning at a USBR brass cap monument marking the SE corner of the Section; thence N 03°37'19" E 1692.33 feet following the East boundary of said Section; thence N 87°34'19" W 2650.24 feet to an intersection with the as built centerline of Stuhlmiller Road; thence following the centerline of said road in a southeasterly direction to an intersection with the south boundary of said Section; thence S 87°14'21" E 1704.89 feet following said south boundary to the point of beginning.

A portion of the E1/2 of Section 1, T. 20 N., R. 22 E.W.M. described as follows:

Beginning at a USBR brass cap monument marking the SE corner of the Section; thence N 03°37'19" E 1692.33 feet following the East boundary of said Section to the True Point of Beginning; thence continuing N 03°37'19" E 776.69 feet to the E1/4 corner of the Section; thence continuing to follow said East boundary N 03°37'23" E 1966.87 feet; thence N 89°47'27" W 1392.93 feet; thence S 00°12'33" W 2691.04 feet; thence S 87°34'19" E 1230.50 feet to the True Point of Beginning. Parcel Nos. 20220110007, 10008, 10009, 10010.

AND, Beginning at the USBR brass cap monument marking the S1/4 corner of the Section; thence N 00°13'09" E 3440.10 feet along the North-South mid-section line of said Section to the True Point of Beginning; thence continuing N 00°13'09" E 595.30 feet; thence S 89°47'27" E 1463.82 feet; thence S 00°12'33" W 595.30 feet; thence N 89°47'27" W 1463.93 feet to the True Point of Beginning.

Parcel Nos.: 20221210002, 83300000500, 83300000400, 83300000300, 83300000204, 83300000203, 83300000202, 83300000201, 83300000104, 83300000103, 83300000102, 83300000101, 20220140003, 20220140004, 20220140005, 20220140006, 20220110004.

5. In conditionally approving the subject applications, the Board must by statute advise the applicant that they are not permitted to proceed to effect the proposed changes until a final decision is made by the director of the Department of Ecology.

**The information or conclusions in this section were authored and/or developed by Tim Reierson.**

**PROVISIONS** [See WAC 173-153-130(6)(f)]

*Conditions and Limitations*

1. Domestic water may be supplied to no more than fourteen (14) residential service connections under this Superseding Permit. A hygiene wash station for agricultural workers' use will be counted as one of the fourteen residential service connections. Residential irrigation will be counted against the 12 acre-feet per year authorized for community domestic supply. The limitations on domestic use set forth in this provision do not preclude future changes or amendments, to the extent allowed by law, to a water right certificate issued upon proof of appropriation under this Superseding Permit.

2. Any domestic use initiated after the date of this Superseding Permit on property owned by Painted Summer Hills, LLC within the authorized place of use will be served by this permit or other permitted water rights. Ecology will not recognize groundwater permit-exempt wells to duplicate or supplement future water supply authorized under this permit.
3. That portion of this authorization relating to irrigation is classified as a FAMILY FARM PERMIT in accordance with the Family Farm Water Act, Chapter 90.66 RCW. Irrigation under this permit shall comply with all applicable provisions of the Family Farm Water Act, Chapter 90.66 RCW, as it exists now or may hereafter be amended. This means the land being irrigated under this authorization shall comply with the following definition: Family Farm - a geographic area including not more than 6,000 acres of irrigated agricultural lands, whether contiguous or noncontiguous, the controlling interest in which is held by a person having a controlling interest in no more than 6,000 acres of irrigated agricultural lands in the state of Washington which are irrigated under water rights acquired after December 8, 1977. Furthermore, the land being irrigated under this authorization must continue to conform to the definition of a family farm.
4. On or before July 1, 2017, Painted Summer Hills, LLC shall submit Proof of Appropriation for both the irrigation and community domestic portions of this Superseding Permit. Proof of Appropriation must be submitted on a form specified by Ecology, and accompanied by the following information: (a) the number and location of residential service connections constructed and served under the permit; (b) the square footage of lawn, garden, and landscaping served; (c) type and acreage of each crop irrigated under the permit; (d) copies of any signed lease agreements or other contracts for development of the permit; and (e) a map depicting the irrigated acres, lawn/garden irrigation and homes/buildings. Certification for both the irrigation and community domestic portions of the permit will be based upon actual beneficial use of the right.
5. No additional extensions to the development schedule will be granted for either the irrigation or community domestic portions of this Superseding Permit.
6. This Superseding Permit and any portion thereof shall be assignable and transferable to the extent allowed by law, including but not limited to RCW 90.03.310, RCW 90.66.065, RCW 90.66.070, RCW 90.44.100, and RCW 90.03.380.
7. An approved measuring device shall be installed and maintained for the domestic water supply well identified by this water right, in accordance with the rule "Requirements for Measuring and Reporting Water Use", Chapter 173-173 WAC. Water use data shall be recorded on forms to be provided by Ecology. Chapter 173-173 WAC describes the requirements for data accuracy, device installation and operation, and information reporting, as well as opportunities for a water user to petition Ecology for modifications to some of the requirements.
8. Installation and maintenance of an access port as described in Ground Water Bulletin No. 1 is required. An air line and gage may be installed in addition to the access port.
9. All water wells constructed within the state shall meet the minimum standards for construction and maintenance as provided under Chapter 18.104 RCW (Washington Water Well Construction Act of 1971) and Chapter 173-160 WAC (Minimum Standards for Construction and Maintenance of Water Wells).
10. Withdrawal of water under this right may be limited or otherwise regulated in favor of senior rights.
11. This project may fit the definition of a Public Water System as defined in Chapter 246-291 WAC. The Chelan-Douglas Health District requires a well site inspection and water quality sampling schedule for public water supplies.
12. Use of water under this authorization shall be contingent upon the water right holder's utilization of up-to-date water conservation practices and maintenance of efficient water delivery systems consistent with established regulation requirements and facility capabilities.
13. Department of Ecology personnel, upon presentation of proper credentials, must have access at reasonable times to the records of water use that are kept to meet the above provisions, and to inspect any measuring device used to meet the above provisions.

This Permit Subject to Cancellation

This permit shall be subject to cancellation should the permittee fail to comply with the above development schedule and/or to give notice to the Department of Ecology on forms provided by the Department documenting such compliance.

Continued

*Mitigation (if applicable)*

No mitigation requirements apply.

*Construction Schedule*

Construction has begun. Completion of Construction (pumps and mainline installed and equipped with capability to deliver the permitted water) shall occur by July 1, 2017. Beneficial use of water within the parameters of this change shall occur by July 1, 2017.

**The information or conclusions in this section were authored and/or developed by Tim Reierson.**

The undersigned Board commissioner certifies that he understands the Board is responsible "to ensure that all relevant issues identified during its evaluation of the application, or which are raised by any commenting party during the Board's evaluation process, are thoroughly evaluated and discussed in the Board's deliberations. These discussions must be fully documented in the report of examination." [WAC 173-153-130(5)] The undersigned therefore, certifies that he, having reviewed the report of examination, knows and understands the content of this report and concurs with the report's conclusions.

Signed at Waterville, Washington

This 11 day of Nov, 2013.



---

Lee Hemmer, Chair  
Douglas County Water Conservancy Board

---

*If you have special accommodation needs or require this form in alternate format, please contact 360-407-6607 (Voice) or 711 (TTY) or 1-800-833-6388 (TTY). Ecology is an equal opportunity employer*