



Report of Examination

NOTE TO APPLICANT: Pursuant to WAC 173-153-130(8), the applicant is not permitted to proceed to act on the proposal until Ecology makes a final decision affirming, in whole or in part, the board's recommendation. It is advised that the applicant not proceed until the appeal period of Ecology's decision is complete.

<input checked="" type="checkbox"/> Surface Water		<input type="checkbox"/> Ground Water	
DATE APPLICATION RECEIVED 2/15/2012	WATER RIGHT DOCUMENT NUMBER SWC-11127	WATER RIGHT PRIORITY DATE 1/28/1966	BOARD-ASSIGNED CHANGE APPLICATION NUMBER LEWI-12-01
NAME City of Oakville			
ADDRESS (STREET) 204 Main Street (PO Box D)	(CITY) Oakville	(STATE) WA	(ZIP CODE) 98568

Changes Proposed: Change purpose Add purpose Add irrigated acres Change point of diversion/withdrawal
 Add point of diversion/withdrawal Change place of use Other (Temporary, Trust, Interties, etc.)

SEPA
 The board has reviewed the provisions of the State Environmental Policy Act of 1971, Chapter 43.21C RCW and the SEPA rules, chapter 197-11 WAC and has determined the application is: Exempt Not exempt

BACKGROUND AND DECISION SUMMARY

Existing Right (Tentative Determination)

MAXIMUM CUB FT/ SECOND 0.19	MAXIMUM GAL/MINUTE 85	MAXIMUM ACRE-FT/YR 25.88	TYPE OF USE, PERIOD OF USE Irrigation - June 1 to September 30				
SOURCE Chehalis River			TRIBUTARY OF (IF SURFACE WATER)				
AT A POINT LOCATED: PARCEL NO.	¼ SE	¼ SE	SECTION 3	TOWNSHIP N. 13	RANGE 5W	WRIA 26	COUNTY. LEWIS
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS USED							
<p>Within W ½ SW ¼ of Sec. 2, T. 13N., R 5 W.W.M. specifically: Lots 1 and 2, Block E of Plat of Doty; AND Lots 5, 6 and 7 of Plat of Toepelt's Addition of Doty; AND Lot 4 of Plat of Toepelt's Addition to Doty; AND that part of the SW4 SW4 of said section southwesterly of the south line of Block F of Plat of Toepelt's Addition to Doty and westerly of the east line extended southerly of Block F of the Plat of Toepelt's Addition to Doty, EXCEPT: beginning at the southeast corner of Lot 1 of Block F of the Plat of Toepelt's Addition to Doty; thence southwesterly along the east line extended southerly of said Block F, 112 feet; thence northwesterly, parallel to the south line of said Block F, 50 feet; thence northeasterly 112 feet to the southwest corner of said Lot 1; thence southeasterly along the south line of said Lot 1, 50 feet to the point of beginning, ALSO: that part of the SE4 SE4, Sec. 3, T13N., R5W WM lying easterly of the east bank of the Chehalis River; EXCEPT beginning at a point on the east line of said Sec. 3, 467.4 feet north of the southeast corner; thence north 59°43' west 228.7 feet; thence north 30°17' east 100 feet; thence south 59°43' east to the said east line of Sec. 3; thence south to the point of beginning; AND EXCEPT: beginning at a point on the east line of said Sec. 3, 633 feet north of the southeast corner; thence north 59°43' west 246.7 feet; thence north 30°17' east 100 feet; thence south 59°43' east to said east line; thence south to point of beginning; AND EXCEPT: beginning at a point on the east line of said Sec. 3, 633 feet north of the southeast corner; thence north 59°43' west 246.7 feet to the true point of beginning; thence continuing north 59°43' west 50'; thence north 30°17' east 100 feet; thence south 59°43' east 50'; thence south 30°17' west 100 feet to the true point of beginning.</p>							
PARCEL NO. 019916011001	¼ W 1/2	¼ SW 1/4	SECTION 2	TOWNSHIP N. 13	RANGE, 5W		

Proposed Use

MAXIMUM CUB FT/ SECOND 0.19	MAXIMUM GAL/MINUTE 85	MAXIMUM ACRE-FT/YR 50	TYPE OF USE, PERIOD OF USE Municipal - June 1 to September 30				
SOURCE Well			TRIBUTARY OF (IF SURFACE WATER)				
AT A POINT LOCATED: PARCEL NO. 6-33004 Tax 80	¼ SW	¼ SW	SECTION 30	TOWNSHIP N. 16	RANGE 4W	WRIA 26	COUNTY. Grays Harbor
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED							
Area served by the City of Oakville as described in their current Water System Plan approved by the Department of Health							
PARCEL NO.	¼	¼	SECTION	TOWNSHIP N. 16	RANGE, 4W		

Board's Decision on the Application

MAXIMUM CUB FT/ SECOND 0.19	MAXIMUM GAL/MINUTE 85	MAXIMUM ACRE-FT/YR 25.88	TYPE OF USE, PERIOD OF USE Municipal - June 1 to September 30				
SOURCE Well			TRIBUTARY OF (IF SURFACE WATER)				
AT A POINT LOCATED: PARCEL NO. 6-33004 Tax 80	¼ SW	¼ SW	SECTION 30	TOWNSHIP N. 16	RANGE 4W	WRIA 26	COUNTY. Grays Harbor
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED AS APPROVED BY THE BOARD							
Area served by the City of Oakville as described in their current Water System Plan approved by the Department of Health							
PARCEL NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE,		
				16	4W		

DESCRIPTION OF PROPOSED WORKS

City of Oakville Well

DEVELOPMENT SCHEDULE

BEGIN PROJECT BY THIS DATE: Started	COMPLETE PROJECT BY THIS DATE: Completed	COMPLETE CHANGE AND PUT WATER TO FULL USE BY THIS DATE: March 1, 2020
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REPORT

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

On 2/15/2012, City of Oakville, the Washington filed an application for change the purpose of use, place of withdrawal and place of use under CS2-SWC 11127. The application was accepted at an open public meeting on 2/15/2012, and the board assigned application number LEWI-12-01.

Exhibit "A" is a copy of the Application for Change No. LEWI-12-01, and **Exhibit "B"** is a copy of Surface Water Certificate 11127.

Table 1 - Attributes of the water right as currently documented

Name on certificate, claim, permit:	Hollis R. and Sally L. Cox
Water right document number:	SWC 11127
Priority date, first use:	January 28, 1966
Water quantities:	Qi: 0.19 cfs Qa: 50 acre ft./ year
Source:	Chehalis River
Point of diversion/withdrawal:	Within SE4, SE4, Sec. 3, T13N, R5W, WM (400' West and 390' North; OR 330' West and 1025' North; of the SE corner of Sec 3
Purpose of use:	Irrigation of 25 acres
Period of use:	June 1 through September 30
Place of use:	Within SE4, SE4, Sec. 3, T13N, R5W, WM; and W2, SW4, Sec. 2, T13N, R5W, WM; SW4, SW4, Sec. 2, T13N, R5W, WM;
Existing provisions:	<p>Diversion shall cease when the flow of the Chehalis River falls to 25 cfs.; as measured immediately below the point of diversion.</p> <p>Diversion intake shall be tightly screened at all times with wire having a mesh opening not greater than 0.124 (1/8) inch.</p> <p>No dam shall be constructed in connection with this diversion.</p> <p><i>Tentative determination of the water right</i></p> <p>The tentative determination is provided on the front page of this report and discussed in the body of this Report of Examination." Original acreage was reduced to reflect surveyed area and the sum of four very small land sales and for structures.</p> <p><i>History of water use</i></p> <p>Water right was certified in June of 1970.</p> <p>We have an affidavit from Sally Cox stating that they have irrigated their field for hay production and pasture since they acquired the water right except during a three year period following the flood of winter 2007, when they did not irrigate due to damage to the electrical service at the pump site and damage to the pastureland. Irrigation resumed for 2011.</p> <p>We also have electrical use records dating back to 1995 showing no 5 year period of non-use. Pump has a dedicated electrical power meter.</p> <p><i>Previous changes</i></p> <p>None</p>

SEPA

The board has reviewed the proposed project in its entirety. The quantities associated with the transfer are below the SEPA threshold and are consistent with Oakville's water system planning process which has undergone environmental review.

A water right application or if applicable an *Application for Change of Water Rights* 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.

- 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;

- It is a groundwater right application for more than 2,250 gpm
- It is an application that, in combination with other water right applications for the same project, collectively exceed the amounts above;
- 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);
- 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.

None of these situations applied to this application

The information or conclusions in this section were authored and/or developed by Barbara Burres.

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

Public notice of the application was given in the Chronicle on August 17th and August 24th 2013. Protest period ended on September 23, 2013. There were no protests received during the 30 day protest period. In addition, no oral and written comments were received at an open public meeting of the board or other means as designated by the board.

The original point of diversion associated with this water right is located near the community of Doty which is situated in Lewis County, because Oakville is situated just over the Lewis county line in Grays Harbor County a second public meeting was held in Oakville on October 1, 2013.

“Exhibit C” is the Affidavit of Publication.

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

The following information was obtained from a site inspection conducted by Bob Thode and Barbara Burres on 6/26/2013, technical reports, research of department records, PUD service records and conversations with the applicant and/or other interested parties.

The pump was not yet installed in the river during our visit. It is stored in the shed during winter and is a 5hp Century Electric Co. Jacuzzi and appears to be in good condition. All pipes were present on the property and it was evident that the field could be irrigated. Near the intake point there is an electrical connection for the pump and a dedicated meter. This is obviously a fairly new installation and could have been installed since the flood in 2007.

Proposed project plans and specifications

The intent of this Application for Change is to transfer an existing surface water right from a private owner – Mrs. Cox, to the City of Oakville for municipal supply. The right will be exercised as a ground water right and the new point of diversion is one of the City’s existing production wells. The City needs additional water to meet future demand and irrigation will be discontinued on the original site.

The information or conclusions in the previous section were authored and/or developed by Barbara Burres.

Other water rights appurtenant to the property

The City of Oakville is supplied by Wells #1 and #3. Both these wells are in a well field approximately 800 ft. apart. They are authorized to withdraw water at a rate of 525 gpm and 94 acre-feet per year as permitted under Certificates of Water Rights G2-20572C, 2725-A and Superseding Certificate G2-20153C. Table 2 details the City’s existing water rights.

Table 2 – City of Oakville Water Rights

Certificate	Source	Gallons per Minute	Annual Quantity (Acre-feet per year)	
			Primary	Non-Additive
2725	Well 1 (AAD790)	300	90	0
G2-20572	Well 3	500	0	90
CG2-20153	Well 3	25	4	0

City of Oakville Water System

Well #1 has a 10" casing and is 91 ft. deep. The well is equipped with a Crown model 7M340 submersible turbine pump coupled to a 40 HP 6" Franklin motor for operation on 460 volt, 3 phase power, complete with Subtrol motor protection assembly. The screened inlet is at 59 feet and discharges to a 4 inch pump column. The pump was installed in 1991. Pump capacity is 300 gallons a minute at 325 feet of static head. The pump is controlled by the water level in the reservoir tank #2 via telephonic interface.

Well #3 has an 8" casing and is 114 ft. deep. The well is equipped with a Peerless model 7HXB 19 stage bowl assembly, connected to a 50 HP US Motor using 460 volt, 3 phase power. This style pump assembly is called a Shaft Driven Turbine Pump. The screened inlet is at 74 feet and discharges to a 6 inch pump column. The pump was installed in 1997. Pump capacity is 325 gallons per minute at 325 feet of static head. The pump is also controlled by reservoir tank #2 water level using the same telephonic interface.

Both of the wells are connected to the distribution system. Well #3 is the primary supply source and begins pumping first as the reservoir tank calls for water. As the reservoir fills, the Well #1 pump is started if demand is high enough. When the reservoir tanks are completely filled to the set point adjusted for both of the pumps shut down.

Future Demand Projections

The City of Oakville operates a public water system serving over 1,000 residents and 28 commercial accounts. Currently the water system has 347 active service connections, one intertie and supplies irrigation water to the school district for their sports complex.

The system is currently approved to supply 479 connections as authorized by the Washington Dept. of Health's, Office of Drinking Water. The Oakville Water System Plan written in 2001 provides estimated growth rates for a 6 year and 20 year period (see WSP vol. 1 section II pg. 5). Based on average daily demand adjusted for conservation, Oakville will need to secure rights to approximately 177 acre-feet (ADD 158,070 in 2021) to serve its expected population in 2021. The City has demonstrated a demand and associated beneficial use for this proposed water right transfer.

Oakville has seen significant growth in the last 6 years due to the construction of the Lucky Eagle Casino/Hotel and the Great Wolf Lodge in Grand Mound, and has become the bedroom community for the employee's working at these businesses. The projected rate of population at 1.5% per year increase has proven true 12 years into the plan (see 2010 Census for Oakville). As outlined in the City's Comprehensive Plan (2006) the Downtown Improvement Project slated to begin in 2014 will overhaul six blocks along Hwy 12. The proposed impact of this project will bring 10 to 12 new businesses and with them additional people who will utilize the water system

The City is aware that the Cox right was issued as a seasonal water right. The Departments of Health and Ecology have a *Memorandum of Understanding* that addresses how and when seasonal water rights can be incorporated into municipal water right portfolios. In the case of the Cox water right the authorized period of use dovetails nicely with the City's higher summer water demand. Prior to securing DOH authorization to expand the total number of connections that can be supplied the City will need to revise their water system plan's water right self assessment and address how the seasonal water right will be utilized.

The information or conclusions in the previous section were authored and/or developed by Dan Thompson and Jill Van Hulle.

Public Interest

While this is a surface water right, the intent of this transfer is to exercise it as a groundwater source. While there is no clear guidance on whether public interest needs to be addressed in situations such as this; the WCB finds that since proposed transfer might be subject to RCW 90.44.100 we should considered whether this proposal is detrimental to the public interest. Ecology considers public interest to include the ramification of water right decisions on any watershed planning activities.

The 1971 Water Resources Act provides the most comprehensive list of legislative policies that guide the consideration of public interest in the allocation of water. These policies generally require a balancing of the state's natural resources and values with the state's economic well-being. Specifically, the policies require allocation of water in a manner that preserves instream resources, protects the quality of the water, provides adequate and safe supplies of water to serve public need, and makes water available to support the economic well-being of the state and its citizens.

We find that the proposed change, which will result in the downstream transfer of an already permitted source, is consistent with state policy without adversely impacting instream flows or other public needs and values. The State recognizes the needs of municipal systems to provide additional capacity, and a stated goal of the watershed planning process is for water users to utilize existing water rights. No detriment to public interest could be identified during the examination of the subject application.

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.

Applications for Change are governed, in part by RCW 90.03.380, which states that water rights that have been put to full beneficial use may be transferred to another place of use without loss of priority if such change can be made without detriment or injury to other existing rights.

When an *Application for Change* is filed, County Water Conservancy Boards are required by law to perform what is called a "tentative determination." This involves verifying that the right is in good standing and eligible to be changed ("good standing" means that Ecology can verify that water has been used within the last 5 years, that the water right has not been cancelled, and that development schedule has not lapsed and assessing the historical purposes of use.

Whole or partial relinquishment may occur when all or part of the authorized quantity has not been used for 5 years, respectively.

The Board's tentative determination was based upon the following findings:

1. The Cox property is located near Doty, Washington at the confluence of the Chehalis River and Elk Creek. Mr. and Mrs. Cox used this water right to irrigate their pasture adjoining the Chehalis River since acquiring the rights in the late 1960's. Pasture and hay have been the only crops grown on the site and the system consists of a 5-horsepower electric pump. The irrigation system is a Wade Rainbird System with 1,000 feet of 4-inch mainline, and 500 feet of 3-inch lateral lines.
2. The property was not irrigated during the summers of 2008, 2009 and 2010 due to extensive flooding that damaged the system during the winter of 2007. The last year of irrigation was 2011. Power records were submitted by the applicant, however without more detailed information regarding the installed infrastructure it is difficult to correlate water use with power use.
3. Water Right Certificate 11127 authorizes the withdrawal of 0.19 cfs for the irrigation of 25 acres. The withdrawal rate of 0.19 cfs correlates to about 85 gpm which is consistent with the installed capacity of the irrigation system. Based on conversations with Mrs. Cox the actual amount of property they owned was approximately 20 acres – not 25 as originally reported on the application for water right. Over the past decade several properties have been sold to other owners¹ and a boundary line adjustment has served to reduce the total acreage owned by Mrs. Cox to just over 14 acres. Based on aerial photographs and the Board's onsite visit it appears that 14.14 acres is the maximum extent of what can be shown to have been irrigated in the last five years.

While meter records are not available it is acceptable to assess water demand based on a combination of statements from owners, power record, and the Washington Irrigation Guide (WIG), which is frequently used to determine what a reasonable water duty would have been with the assumption being that property owners would have applied as much water as needed to maintain their lawns, gardens and pastures. This approach is consistent with standard Ecology methodology, as outlined in *Ecology Guidance Document Guide-1210*. Table 5 below provides an estimation of water use based on the irrigation of pasture using the type of system that Mrs. Cox owns.

Table 5 – Projected Water Use under SWC 11127

# acres	Crop Requirement in inches (WIG)	Crop Irrigation Requirement in Acre-feet	Total Irrigation Requirement in Acre-feet	App. Efficiency (%)	% Total Evaporated	Total Consumed in Acre-feet	Return Flow in Acre-feet
14.14	16.47	25.88	25.88	75	10	21.99	3.88

Of these calculations, the key quantity is the Total Irrigation Requirement which reflects the amount of water actually diverted and put to beneficial use. This quantity (25.88 acre-feet) is the measure of beneficial use under this water right and the maximum amount eligible to be transferred. While a portion of this volume (3.88 acre-feet) would have re-entered the hydrologic system as return flow, we note that the City of Oakville's use of the water also results in a combination of residential AND irrigation return flow as water re-enters the system either through septic drainfields or as irrigation return flow.

The primary user of irrigation water in Oakville is the school district which irrigates approximately 3 acres each year.

¹ Owners of property within the original place of use have provided acceptable documentation to the Board demonstrating that they do not hold an interest in the water right and have not used water from the diversion on their individual properties.

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

The primary surface water body of interest in this area is the Chehalis River. The Chehalis River flows approximately 125 miles in southwestern Washington north-northwesterly to Grays Harbor and the Pacific Ocean, draining an area of approximately 2,700 square miles. The Chehalis River Basin is the second largest basin in Washington State. It is bounded on the west by the Pacific Ocean, on the east by the Deschutes River Basin, on the north by the Olympic Mountains, and on the south by Cowlitz River Basin. The basin includes portions of Grays Harbor, Lewis, Mason, and Thurston Counties and the Cities of Aberdeen, Centralia, Chehalis, and Hoquiam, and the Confederated Tribes of the Chehalis Reservation.

This transfer involves moving the point of diversion from water right certificate 11127 from a direct division on the Chehalis River to a well situated about 2/3 of a mile west of the Chehalis River. The wells in this area are mostly shallow. A well log search shows eight well logs on file within a mile radius of this location. All are between 32 and 57 feet deep, and are completed in an unconfined aquifer of sand and gravel. The Chehalis River valley is filled primarily with alluvial deposits with pockets of glacial outwash. The Chehalis valley aquifer is in direct hydraulic connection with the Chehalis River. These wells capture ground water that provides base flow to the Chehalis River, thus the City's well is assumed to be completed in the same shallow aquifer that ultimately discharges to the river.

The Board reviewed recent hydrogeologic maps and reports in the immediate vicinity. *See also*, Hirschey and Sinclair (1992). Based on the information available, the Board concludes that the City of Oakville's wells are in hydraulic continuity with the Chehalis River, and this transfer constitutes a change in point of diversion to sources of water within the same body of public groundwater as discussed in 90.44.100 RCW.

Impairment of Instream Flows

Changes in point of diversion, place of use and purpose of use are allowed provided that the transfer does not impair instream flows, or existing water users. In evaluating the City's request the WCB looked specifically at impairment to instream flows, and other water users.

The intent of this application is to transfer a surface water right to an existing well owned by the City of Oakville. This change affects surface water in two ways; first the point that water is being diverted from the system is being moved downstream, secondly the manner of diversion is being changed to a well which tends to have a more diffuse effect on surface water flows. From a regional standpoint, this proposed transfer may have a positive result, since it means that there will be less water withdrawn in the upper portion of the Chehalis River basin - which will have a positive effect on stream flows in the Chehalis River basin, and less impact on stream flows overall resulting from use of a well instead of a direct diversion.

We note that this right was originally issued as being subject to regulation at when flows at the Cox's point of diversion fell below 25 cfs. While this regulatory approach works well for direct surface diversions it is more difficult to regulate ground water sources in favor of instream flows because wells have a less direct impact on stream flow and the timing of those impacts is not the same. Since this water right is being relocated to a point over 20 miles downstream there is no functional relationship between curtailing the use of the City's well and flows in the Chehalis River near Doty.

Further an evaluation of flow conditions in the Chehalis River near to original point of diversion indicates that it is unlikely that flows would ever fall below the target flow in a given year. The nearest active gage is located approximately 1 mile upstream from the diversion point on the Chehalis River. Gage 12020000 located near Doty has been active since 1940. Since there are no tributaries between this gage and the Cox property it appears to be a good indicator of instream flows near the diversion point. A review of monthly mean discharge records for the period of record indicates that since 1940 there are only two months where average monthly discharge fell below 25 cfs. This means that it is highly unlikely that this right will be subject to regulation to protect instream flows as provisioned. **Exhibit "D"** is a USGS generated report that list recorded stream discharge in the Chehalis River at Gage 12020000. Accordingly, we recommend that the superseding certificate be issued without instream flow provisions.

Impairment of Other Water Rights

The City of Oakville has a Water Right Certificates CG2-20153 and G2-20572, for their Well No. 3, for 525 gpm and 94 af/y for their municipal water use. Transferring an additional 85 gpm and 25.88 af/y to Oakville's existing water withdrawal would result in a negligible effect to any surrounding existing water right holders. **Exhibit "E"** is a list of water right records on file with Ecology within an approximate 4 mile radius of Oakville's wells. These include surface water rights, as well as water right claims that are generally associated with small, domestic users. There are no other water rights on file with Ecology in proximity to the City of Oakville that will be impacted by this transfer. Since some of the records on file with Ecology are for claims - which generally represent small exempt water users we also reviewed well logs for the area.

Table 6 shows well logs on file in the Department of Ecology's well database for Section 30 where Oakville's source is located. Based on conversations with Dan Thompson, there are three known domestic wells supplying homes outside City limits. These are the Wollen and Coles wells which are situated approximately one 1 mile NE from the City well field. Both of those wells are relatively deep and should experience no discernible effect from this transfer. The other wells listed on Table 6 are served by the City of Oakville.

Table 6 – Well Logs on File for Section 30, Township 16, Range 4 W.W.M.

Well Tag	Depth	Diameter	Owner	Twp.	Rng.	Sec.	¼	Date
	49	6	BILL HENRY	16	4 W	30		3/28/1982
	50	6	BOB HENRY	16	4 W	30		7/22/1977
	45	8	CITY OF OAKVILLE	16	4 W	30	SE SE	5/3/1995
AGF069	104	8	City of Oakville	16	4 W	30	SW SW	4/5/1996
ABE833	97	16	CITY OF OAKVILLE	16	4 W	30	SE SE	3/18/1995
	400	6	DAVE RICHARDS	16	4 W	30		5/2/1997
	135	6	DENNIS WOLLEN	16	4 W	30	NW	7/19/1982
	42	6	FRANK GWINN	16	4 W	30	SW SW	9/15/1973
	40	6	HAROLD INMAN	16	4 W	30		4/23/1974
	200	6	JANET COLE	16	4 W	30	NE SE	11/26/1997
ACO443	300	6	RICHARD HAGEN	16	4 W	30	NW NE	3/21/1997
	41	6	STANLY WITT	16	4 W	30	NW SW	10/29/1978
	79	12	TOWN OF OAKVILLE	16	4 W	30		9/13/1979

The Board therefore finds, after reviewing the information provided by the applicant and the information gathered in its site investigation, that the quantity and instantaneous water rights proposed for the municipal water systems operated by the City of Oakville will not impair the water rights of adjacent water right holders. No evidence was presented or obtained which indicates the water rights of nearby groundwater and surface water users will be impaired by approval of this application.

Public Interest

The Departments of Health and Ecology generally encourage the development of public water systems to provide for future growth, especially when the alternative for rural areas is often individual wells or smaller Group B “six-pack” type water systems. Municipal systems allows for better monitoring of the quantity and quality of water use. In addition, it is easier to enact conservation practices.

This transfer is consistent with the guidelines of the Chehalis River Watershed Plan which encourages the use of existing water rights to supply new development, if it can be done without impairment of instream flows or other water users.

The information or conclusions in this section were authored and/or developed by Jill Van Hulle.

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

Validity and Extent of Water Right.

The applicant has demonstrated that the existing water right is valid and that 85 gpm and 25.88 acre-feet have been beneficially used, of which 21.99 acre-feet have been consumptively used. Since Oakville’s use of the water is not more consumptive and in fact likely to result in additional return flows we see no legal reason that the entire 25.88 acre-feet should not be transferred.

Relinquishment/Abandonment.

There is no evidence of statutory relinquishment pursuant to RCW 90.14, nor is there any evidence of any intent of the current or past owners to abandon the water right. As the water right proposed for change is in a valid exercisable certificated status, the statutory forfeiture provisions of Chapter 90.14 RCW are inapplicable. In terms of abandonment, no intent by the certificate holder to abandon said right exists, nor is anything in the historical analysis to demonstrate an intent to abandon by a previous owner.

Hydrogeologic Analysis. See discussion above in the section entitled “Impairment of Other Existing Water Rights”.

Comments/Protests. The Board received no objections or comments during the public comment period.

Impairment of Other Water Rights.

There is no evidence that relocating the point of withdrawal will result in any impairment to other water right holders or surface water flows in the area.

Public Interest

Providing a single source of water for current and future development that is operated by a municipal water purveyor in accordance with the regulations of the State of Washington Department of Health appears to be in the public interest, from a public health perspective.

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

Based on conclusions above, the decision of the Board is to approve the water right transfer application to provide the following changes to Surface Water Certificate 11127:

1. The City of Oakville point of withdrawal shall be the existing Well #3, located in the SW ¼ of the SW ¼ of Section 30, Township 16 N, Range 4, W.W.M., Grays Harbor County Tax Parcel No. 16043033004, located in the City of Oakville, Washington.
2. The maximum water right transfer authorized to the municipal water system operated by the City of Oakville is 85 gallons per minute and 25.88 acre-feet per year.
3. The place of use shall be the existing and future service area of the municipal water system operated by the City of Oakville.

The information or conclusions in this section were authored and/or developed by Barbara Bures.

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

Metering Requirements:

An approved measuring device shall be installed and maintained for each of the sources authorized by this water right in accordance with the rule "Requirements for Measuring and Reporting Water Use", Chapter 173-173 WAC.
<http://www.ecy.wa.gov/programs/wr/measuring/measuringhome.html>

Water use data shall be recorded monthly. The maximum monthly rate of diversion/withdrawal and the monthly total volume shall be submitted to the Department of Ecology by January 31st of each calendar year.

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

Chapter 173-173 WAC 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.

Construction Schedule

The development schedule established by the Department of Ecology requires the filing of the Proof of Appropriation by March 1, 2023.

The information or conclusions in this section were authored and/or developed by Jill Van Hulle.

The undersigned board commissioner certifies that he/she 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/she, having reviewed the report of examination, knows and understands the content of this report and concurs with the report's conclusions.

Signed at Oakville, Washington
This 1st day of October, 2013

Barbara Burres, Board Representative

Robert Thode, Water Conservancy Board

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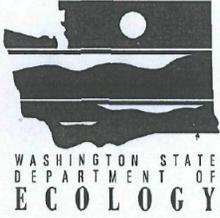
Exhibit "A" Application for Change No. LEWI-12-01,

Exhibit "B" Surface Water Certificate 11127.

Exhibit "C" Affidavit of Publication.

Exhibit "D" USGS generated report that list recorded stream discharge in the Chehalis River at Gage 12020000.

Exhibit "E" Water -right records on file with Ecology within an approximate 4 mile radius of Oakville's wells



Lewis County
WATER CONSERVANCY BOARD
Application for Change/Transfer
Record of Decision

For Ecology Use Only
Received: RECEIVED
Date Stamp: OCT 16 2013
Reviewed by: WA State Department of Ecology (SWRO)
Date Reviewed: _____

Applicant: City of Oakville

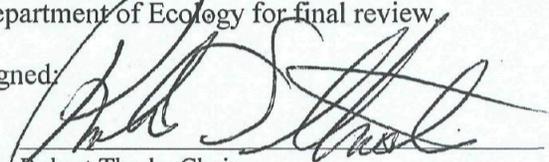
Application Number: LEWI-12-01

This record of decision was made by a majority of the board at an open public meeting of the Lewis County Water Conservancy Board held on October 1, 2013.

Approval: The Lewis County Water Conservancy Board hereby **grants** conditional approval for the water right transfer described and conditioned within the report of examination on October 1, 2013 and submits this record of decision and report of examination to the Department of Ecology for final review.

Denial: The (board name) Water Conservancy Board hereby **denies** conditional approval for the water right transfer as described within the report of examination on (date report of exam was signed) and submits this record of decision to the Department of Ecology for final review.

Signed:


 Robert Thode, Chair
 Lewis County Water Conservancy Board

Date: Oct 1, 2013 Approve
 Deny
 Abstain
 Recuse
 Other


 Barbara Burres, Commissioner
 Lewis County Water Conservancy Board

Date: Oct 1, 2013 Approve
 Deny
 Abstain
 Recuse
 Other

 John Moerke, Commissioner
 Lewis County Water Conservancy Board

Date: _____ Approve
 Deny
 Abstain
 Recuse
 Other not present

Mailed to the Department of Ecology Southwest Regional Office of Ecology, and other interested parties on October 14, 2013

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