File NR CS3-*09566C
WR Doc ID 4674558

DEPARTMENT OF ECOLOGY
State of Washington

State of Washington
REPORT OF EXAMINATION FOR WATER RIGHT CHANGE

Changed Place of Use
Added or Changed Purpose of Use
Added or Changed Point of Withdrawal/Diversion
Changed Season of Use

PRIORITY DATE
4/18/1950

WATER RIGHT NUMBER
Surface Water Certificate 4239

MAILING ADDRESS
CASS GEBBERS
PO BOX 735
BREWSTER, WA 98812

SITE ADDRESS (IF DIFFERENT)

Total Quantity Authorized for Withdrawal or Diversion

WITHDRAWAL OR DIVERSION RATE	UNITS	ANNUAL QUANTITY (AF/YR)
0.3	CFS	50.2

Purpose

PURPOSE	WITHDRAWAL OR DIVERSION RATE	UNITS	ANNUAL QUANTITY (AF/YR)	PERIOD OF USE (mm/dd)
non-agricultural irrigation	0.3	CFS	50.2	April 1 – Oct 31

IRRIGATED ACRES	PUBLIC WATER SYSTEM INFORMATION	
	WATER SYSTEM ID	CONNECTIONS
20		

Source Limitations

SOURCE FACILITY/DEVICE	A|S	WITHDRAWAL OR DIVERSION RATE	ANNUAL QUANTITY (AF/YR)	PERIOD OF USE (mm/dd)
COLUMBIA RIVER		0.30	50.2	April 1 – Oct 31

2300 feet south and 2500 feet west of the NE corner of Section 34

A|S: A=Alternate; S=Standby/Reserve

Source Location

COUNTY	WATERBODY	TRIBUTARY TO	WATER RESOURCE INVENTORY AREA
Okanogan			~~49~~ 50

SOURCE FACILITY/DEVICE	PARCEL	WELL TAG	TWN	RNG	SEC	QQ Q	LATITUDE	LONGITUDE
COLUMBIA RIVER	3025340003		30N	25E	34	GL 10	48.05377	119.67375

Datum: NAD83/WGS84

Place of Use (See Attached Map)

PARCELS (NOT LISTED FOR SERVICE AREAS)

3025350007, 3025260003

LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE

E½E½W½ and the E½ of Section 26 except the SE¼NE¼ of Section 26 and the E½E½NW¼ and the NE¼ of Section 35. T. 30 N., R. 25 E.W.M.

Proposed Works

This golf course project would be irrigated from a pump station that enjoys multiple water rights for agricultural uses and some of which are subject to minimum instream flows under WAC 173-563.

Development Schedule

BEGIN PROJECT	COMPLETE PROJECT	PUT WATER TO FULL USE
July 1, 2015	July 1, 2018	July 1, 2021

Measurement of Water Use

How often must water use be measured?	Weekly
How often must water use data be reported to Ecology?	Annually (Jan 31)
What volume should be reported?	Total Annual Volume
What rate should be reported?	Annual Peak Rate of Withdrawal (gpm or cfs)

Provisions

Measurements, Monitoring, Metering and Reporting

An approved measuring device must be installed and maintained for each of the sources identified by this water right in accordance with the rule "Requirements for Measuring and Reporting Water Use", WAC 173-173, which 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.

Recorded water use data shall be submitted via the Internet. To set up an Internet reporting account, contact the Central Regional Office. If you do not have Internet access, you can still submit hard copies by contacting the Central Regional Office for forms to submit your water use data.

This golf course project would be irrigated from a pump station that enjoys multiple water rights for agricultural uses and some of which are subject to minimum instream flows under WAC 173-563. The applicant has proposed to install special grasses to reduce water demand. To evaluate the actual water use under this authorization, the golf course needs to be metered separately from the agricultural irrigation system. Although the pump station is currently metered, the design of this facility shall include a separate flow meter(s) to record the amount of water being diverted to and used at the golf course separate from the agricultural system. The metered data shall be taken weekly and submitted annually during the development of the golf course.

The golf course proposal includes a small pond. If the pond exceeds ten acre-feet of storage, a reservoir permit will be required. Since water may be diverted into the pond, then diverted for irrigation on the

golf course, the flow meters shall be installed prior to any discharge to the pond or use on the golf course.

Department of Fish and Wildlife Requirement(s)
The intake(s) must be screened in accordance with Department of Fish and Wildlife screening criteria (pursuant to RCW 77.57.010, RCW 77.57.070, and RCW 77.57.040). Contact the Department of Fish and Wildlife, 600 Capitol Way N, Olympia, WA 98501-1091. Attention: Habitat Program, Phone: (360) 902-2534 if you have questions about screening criteria. http://wdfw.wa.gov/about/regions/

Easement and Right-of-Way
The water source and/or water transmission facilities are not wholly located upon land owned by the applicant. Issuance of a water right change authorization by this department does not convey a right of access to, or other right to use, land which the applicant does not legally possess. Obtaining such a right is a private matter between applicant and owner of that land.

Water Use Efficiency
Use of water under this authorization will be contingent upon the water right holder's maintenance of efficient water delivery systems and use of up-to-date water conservation practices consistent with established regulation requirements and facility capabilities.

Proof of Appropriation
The water right holder must file the notice of Proof of Appropriation of water (under which the certificate of water right is issued) when the permanent distribution system has been constructed and the quantity of water required by the project has been put to full beneficial use. The certificate will reflect the extent of the project perfected within the limitations of the water right. Elements of a proof inspection may include, as appropriate, the source(s), system instantaneous capacity, beneficial use(s), annual quantity, place of use, and satisfaction of provisions.

The proposed Golf Course design includes 18 holes and a driving range. The irrigated golf course design is approximately 106 to 125 acres. This authorization would only allow for up to 20 acres of development. Multiple water rights will be required to fully cover the proposed golf course. Upon completion of the development, the applicant shall be required to identify the 20 acres of land subject to this authorization in order to clarify the 20 acres subject to the priority of this right. If a lesser amount of acreage is developed due to the water duty allowed under this right, the place of use and acres authorized will be reduced at the time of proof examination to reflect the actual use of water on the appropriate number of acres.

Schedule and Inspections
Department of Ecology personnel, upon presentation of proper credentials, will 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.

Real Estate Excise Tax
This decision may indicate a Real Estate Excise Tax liability for the seller of water rights. The Department of Revenue has requested notification of potentially taxable water right related actions, and therefore will be given notice of this decision, including document copies. Please contact the state Department of Revenue to obtain specific requirements for your project. Phone: (360) 570-3265. The mailing address

is: Department of Revenue, Real Estate Excise Tax, PO Box 47477, Olympia, WA 98504-7477 Internet: http://dor.wa.gov/. E-mail: REETSP@DOR.WA.GOV.

Findings of Facts
Upon reviewing the investigator's report, I find all facts, relevant and material to the subject application, have been thoroughly investigated. Furthermore, I concur with the investigator that there will be no impairment of existing rights.

Therefore, I ORDER approval of Application for Change of Surface Water Certificate No. 4239, subject to existing rights and the provisions specified above.

Your Right To Appeal

You have a right to appeal this Order to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this Order. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal you must do the following within 30 days of the date of receipt of the Order.

File your appeal and a copy of this Order with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.

- Serve a copy of your appeal and this Order on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.

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

Street Addresses	Mailing Addresses
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503 **Pollution Control Hearings Board** 1111 Israel RD SW Ste 301 Tumwater, WA 98501	**Department of Ecology** Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608 **Pollution Control Hearings Board** PO Box 40903 Olympia, WA 98504-0903

- Please send a copy of your appeal to:

  Keith Stoffel, Section Manager
  Water Resources Program
  Eastern Regional Office
  N. 4601 Monroe
  Spokane WA 99205-1295

Signed at Spokane, Washington, this 27th day of July, 2011.

Keith L. Stoffel, Section Manager

For additional information visit the Environmental Hearings Office Website: http://www.eho.wa.gov. To find laws and agency rules visit the Washington State Legislature Website: http://www1.leg.wa.gov/CodeReviser.

INVESTIGATOR'S REPORT
Department of Ecology
Water Right Control Number C3-*09566
Surface Water Certificate 4239

BACKGROUND

Description and Purpose of Proposed Change

This application requests authorization to change the place of use, purpose of use, season of use and point of diversion from agricultural farm use in Stevens County to a proposed Golf Course in Okanogan County. The proposed place of use lies within the boundaries of the Colville Indian Reservation. This application was originally filed with the Stevens County Water Conservancy Board. The board could not act on the application due to the proposed location being within the Colville Indian Reservation. The application for change was forwarded to the Department of Ecology for processing. The Stevens County Conservancy Board requested Ecology consider the application for Priority Processing under WAC 173-152-050(3)(a) as they believed the proposal would enhance the quality of the natural environment and enhance instream flows in the Colville River. The request for Priority Processing was approved by Keith Stoffel, Water Resources Section Manager on April 28, 2010.

Attributes of the Existing Water Right and Proposed Change

Attributes	Existing	Proposed
Name	Sheely, Ray E.	Cass Gebbers
Priority Date	4/28/1950	4/28/1950
Change Application Date	01/18/2010	01/18/2010
Instantaneous Quantity	0.30cfs	0.30 cfs
Annual Quantity	N/A	88.66 af/yr
Purpose of Use	Agricultural irrigation of 20 acres	Non-agricultural irrigation of 20 acres
Period of Use	Un-defined	May 1 to October 31
Place of Use	S½NW¼ and E½SW¼ of Section 35, T. 31 N., R. 40 E.W.M. Stevens County	A portion of Sections 26 and 35 T. 30 N. R. 25 E.W.M. Okanogan County

Proposed Sources of Withdrawal or Diversion

Source Name	Parcel	Well Tag	Twn	Rng	Sec	QQ Q	Latitude	Longitude
COLUMBIA RIVER	3025340003		30N	25E	34	GL 10	48.058377	119.67375

Existing Sources of Withdrawal or Diversion

Source Name	Parcel	Well Tag	Twn	Rng	Sec	QQ Q	Latitude	Longitude
Colville River	2562600		31N	40E	35	SWNW	48.14574	117.73563

Legal Requirements for Proposed Change

The following is a list of requirements that must be met prior to authorizing the proposed change in purpose of use, season of use, point of diversion and place of use.

Public Notice

RCW 90.03.280 requires that notice of a water right application be published once a week, for two consecutive weeks, in a newspaper of general circulation in the area where the water is to be stored, diverted and used. Notice of this application was published in the Omak-Okanogan County Chronicle during the weeks of July 29, and August 5, 2010 and in the Chewelah Independent during the weeks of July 14 and 21, 2010. No protests were received.

State Environmental Policy Act (SEPA)

A water right application 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.

(a) It is a surface water right application for more than 1 cubic foot 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;
(b) It is a groundwater right application for more than 2,250 gallons per minute;
(c) It is an application that, in combination with other water right applications for the same project, collectively exceed the amounts above;
(d) 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);
(e) 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.

Because this application does not meet any of these conditions, it is categorically exempt from SEPA and a threshold determination is not required.

Water Resources Statutes and Case Law

RCW 90.03.380(1) states that a water right that has been put to beneficial use may be changed. The point of diversion, place of use, and purpose of use may be changed if it would not result in harm or injury to other water rights.

The Washington Supreme Court has held that Ecology, when processing an application for change to a water right, is required to make a tentative determination of extent and validity of the claim or right. This is necessary to establish whether the claim or right is eligible for change. *R.D. Merrill v. PCHB* and *Okanogan Wilderness League v. Town of Twisp*

INVESTIGATION

In considering the proposed application, the investigation included, but was not limited to, research and review of: (1) appropriate rules and statutes; (2) other water rights, claims, and applications in the vicinity; (3) USGS topographic maps; and (4) discussions with Department of Ecology regional program staff.

A field investigation was conducted on the lands in Stevens County on July 15, 2010, with Gene St. Godard, of the Water & Natural Resource Group, Inc (WNR Group, Inc.) consultant for the applicant. A second field exam was conducted in Okanogan County on August 18, 2010, with Tory Wulf from Gebbers Farms.

Mr. St. Godard, submitted a report to accompany the application. The report contains information to support evidence of the water right, irrigation, historical water use, sketches, diagrams, aerial photos, electrical records, pump analysis, and an evaluation of crop use.

The existing property is primarily in agricultural production. Two water rights are appurtenant to the property, Surface Water Certificates 3376 and 4239. These rights will be discussed later in the report. The subject property is approximately 95 acres in size of which the water rights authorized irrigation up to 70 acres. The property was irrigated from a 25 hp pump on the Colville River. The irrigation system is mobile mainlines, wheel lines and hand lines. During most years water was applied to the property depending on crop type and crop rotation. Typical crop types are grains and alfalfa. The land lies low in the river valley floor and adjacent to the Colville River.

Colville River Basin WAC 173-559

The Colville River Basin is managed under WAC 173-559. This basin plan established policies and base flow conditions to manage existing water rights and water resources within the basin. Since adoption of the base flow conditions, Ecology has issued numerous water rights within the Colville River Basin subject to base flow conditions. These rights are subject to regulation

when the flows in the Colville River drop below the required volumes or the conditions of their water rights are exceeded.

The rights subject to this application for change are not expressly subject to the base flow conditions of WAC 173-559, however, any changes to the use of water, conditions or impacts to junior or senior water users needs to be considered. Impacts and impairment concerns are addressed below.

There are approximately 24 water right holders in the Colville River Basin that are interruptable and subject to base flow limitations of WAC 173-559. Eight of these interruptable water users divert directly from the Colville River that are downstream of the applicant's point of diversion. The base flows are managed at two gage stations within the Colville River system and junior water users are notified of these base flow conditions when the flow falls below established rates.

The Colville River has dropped below the base flow conditions eight times since the adoption of the regulation in 1977. During these periods, junior water users are required to curtail pumping until the flows exceed the established minimum flow levels. The base flows are monitored by the Department of Ecology and a weekly hotline is typically established to notify water users of the regulation.

Water Rights Appurtenant to the Original Place of Use

There are two state issued water rights from the Colville River appurtenant to this property, Surface Water Certificate 3376 and Surface Water Certificate 4239. Applications for change have been filed on both of the surface water rights.

In total, four water right documents are appurtenant to the existing place of use and are described as follows:

Water Right Claim No. 062697 is a short form claim for domestic supply from a well. The claimed place of use is the SW¼NW¼ and NW¼SW¼ and all that part of the SE¼NW¼ and NE¼SW¼ lying west of the state highway of section 35, T. 31 N., R. 40 E.W.M.

Water Right Claim No. 062698 is a short form claim for stockwatering from a well. The claimed place of use is the SW¼NW¼ and NW¼SW¼ and all that part of the SE¼NW¼ and NE¼SW¼ lying west of the state highway of section 35, T. 31 N., R. 40 E.W.M.

Surface Water Certificate No. 3376 confirms a right of 0.50 cfs for the irrigation of 50 acres within the SW¼NW¼ and NW¼SW¼ of Section 35, T. 31 N., R. 40 E.W.M.

Surface Water Certificate No. 4239 confirms a right of 0.30 cfs for the irrigation of 20 acres within the S½NW¼ and N½SW¼ of Section 35, T. 31 N., R. 40 E.W.M. This right was issued in addition to Surface Water Certificate 3376.

History of Water Use

The field examination confirmed historic water use on the property. Review of the aerial photos confirmed water use has been without a period of non-use. The applicant's supporting documents indicate an irrigation season of May 15 through October 10. The season is confirmed in the Washington State irrigation Guide (WSIG) as being May 1 to October 31 for alfalfa and April 1 to September 30 for grains. This is consistent with the writer's knowledge of the area and other water users in the area. In general, the supporting documentation and calculations of water use are within the standard range of use.

No metered records are available for the project. The WSIG estimates consumptive water use for alfalfa at 23.93 inches. The system evaporation is calculated at 10%. The applicant's documents indicate a calculated total consumptive use of 26.3 inches (2.2 acre-feet per acre) or approximately 44 acre-feet for the 20 acres of irrigation. If the authorized instantaneous quantity of 0.30 cfs of water was pumped continuously throughout the 150 day irrigation season, it would pump approximately 89 acre-feet. Seasons may vary depending on the year.

Typically the water is turned off for weeks during cropping to allow for drying and baling of alfalfa or drying and combining grain. During periods of non-use this water would be available for junior water users. In addition to non-irrigation days, water that is described as return flows and non-use days under this certificate would be considered water available for appropriation for senior and regulated junior water users. This return flow water has historically been available for use in the Colville River Basin.

The applicant's documents used electrical records to estimate the amount of water pumped through the system. The calculated quantities for the entire property (70 acres) range between 1.75 to 3.19 acre-feet per acre of applied water duty. For example, if the maximum 3.2 acre-feet per acre is used to calculate the highest applied water duty for the 20 acres, 64 acre-feet would be applied over the irrigation season. The electrical records pumping calculation includes water applied to the land, that is not consumed by the crop, becoming return flow. The difference of the consumptive use (WSIG) and applied use values is 20 acre-feet of water that is return flow. The return flow that is returned to the Colville River Basin has been historically available for downstream water use for both junior and senior water users.

Additional analysis by the WNR Group, Inc. to determine the consumptive use for 2007
A Blaney-Criddle analysis was completed using the existing 2007 temperature and precipitation data as recorded by the Western Regional Climate Center at the Chewelah, WA Station No. 451395. The analysis was conducted using an alfalfa crop with a 10% evaporation for the irrigation system, which resulted in an annual consumptive use of 2.51 acre-feet per acre or 50.2 acre-feet for the 20 acres, approximately 79% of the application rate. Return flow for this year was estimated at 13.8 acre-feet based on 64 acre-feet of water diverted.

The calculated quantities of water use would indicate the pump runs between 60% to 100% of the time during irrigation season to apply the required gross water duty over the entire property. The remaining time the water is left in the river and available for other water users both senior and junior.

Based on the 2007 analysis of maximum beneficial use, approximately 64 acre-feet is diverted for beneficial use during a normal irrigation season, of which 50.2 acre-feet is consumed and 13.8 acre-feet returns to the basin for use by other water users and base flows as determined from site data.

Proposed Use and Existing Water Rights

The applicant proposes to transfer the water right downstream to a diversion point located in Okanogan County where it will be pumped from the Columbia River for use on a proposed golf course.

The proposal is to construct a Golf Course on a bench lying above the Columbia River. The design of the Golf Course is to remain primarily in native vegetation with small areas of irrigation of tees, fairways and greens. The map of the proposed golf course identifies proposed irrigation of approximately 106 to 125 acres within the E½E½W½ and E½ of Section 26 and the E½E½NW¼ and the NE¼ of Section 35. The remaining land within the proposed project area is described to remain in a natural state with small pathways between the irrigated plots.

A portion of the lands proposed for the golf course is currently authorized for agricultural irrigation under existing water right permits that are subject to the Family Farm Act, RCW 90.66. Although the applicant has installed two pivots on the upper bench within the proposed area of the golf course, the land has not been tilled or planted to any agricultural crop. The northerly pivot does not appear to operational or be constructed in a way that would allow for rotation due to the uneven ground. The southerly pivot appears to have been rotated as there are wheel tracks in the sand. It does not appear that the land was ever tilled, planted, leveled or developed into agricultural uses. The applicant claims to have irrigated these lands. If water was applied it does not appear to have been beneficial nor within the limitations of the agricultural authorization. The applicant indicated they do not intend to develop these properties in agricultural crops, nor till, grade or remove the natural vegetation from between the new proposed project Golf Course areas. The proposed areas of the Golf Course will include 106 irrigated acres within approximately 560 acres of lands. The applicant described the project is to leave the remaining lands in natural vegetation.

Surface Water Permit S4-30952 authorizes the diversion of 15.28 cfs, 2617 acre-feet per year: 12.48 cfs, 2496 acre-feet per year for agricultural irrigation of 624 acres and 121 acre-feet per year for frost protection from the pump station in Govt Lot 10 (SW¼NE¼) of Section 34, T. 30 N., R. 25 E.W.M.

Surface Water Permit S3-30952 authorized the use of water for irrigation of agricultural uses within portions of Section 34 and 35 and partially overlaps with this change application. Agricultural permit development has occurred on the lower bench of the property primarily in Section 34 and the W½W½ of Section 35 lying below the upper bench. The lower lands lying within the W½W½ of Section 35, lying below the upper bench are not identified as part of the proposed Golf Course design.

Pipe lines have been constructed from the orchard on the lower bench up the ravine located along the section line between sections 26 and 35 to the upper bench. Two pivots were placed on this upper bench. The southern pivot appears to have been operational as wheel tracks are evident on the ground. The northern pivot is not fully constructed nor can it rotate due to the uneven ground. None of the property has been leveled or tilled, nor does it appear to have been planted to agricultural crops. Mr. Wulf claimed they had irrigated with the pivots. The applicant proposes to transfer portions of these surface water permits to other lands after they receive authorization to change the project to a golf

course. If approved, Surface Water Certificate 4239 will remain as a primary right for the purpose of non-agricultural irrigation of a golf course within the areas authorized. The lands subject to this change authorization are no longer proposed for agricultural irrigation.

The change application described Sections 35 and 26 for the proposed place of use and parcel numbers for only a portion of these sections. Further review of the map of the proposed design of the golf course is much smaller than the application identified. The legal description for the proposed golf course will be reduced to reflect the golf course design area, reducing the overlap with existing water right permits and applications.

The proposed Golf Course design includes 18 holes and a driving range. The irrigated golf course design is approximately 106 to 125 acres. This authorization would only allow for up to 20 acres of development. Multiple water rights will be required to fully cover the proposed golf course. Upon completion of the development, the applicant shall be required to identify the 20 acres of land subject to this authorization in order to clarify the 20 acres subject to the priority of this right. If a lesser amount of acreage is developed due to the water duty allowed under this right, the place of use and acres authorized will be reduced at the time of proof examination to reflect the actual use of water on the appropriate number of acres.

The applicant claims they proposed to use a special type of turf for the irrigated areas that requires less water and believes they can irrigate and remain within the authorized quantities. In addition, the applicant proposes to install a state-of-the-art computerized irrigation system. This irrigation system will allow for an efficient application of water on the fairways and greens, inclusive of operation during evening and early morning reducing the evaporation loss of the sprinkler application system. The irrigation system will also consist of an on-site weather station, which will track solar radiation, wind velocity, ambient temperature, and relative humidity. This data will be sent to a central control computer system and allow the maintenance staff to make automatic daily adjustments to sprinkler application rates, allowing the new site to maximize the ability to maximize water management at the site.

This golf course project would be irrigated from a pump station that enjoys multiple water rights for agricultural uses and some of which are subject to minimum instream flows under WAC 173-563. The applicant has proposed to install special grasses to reduce water demand. To evaluate the actual water use under this authorization, the golf course needs to be metered separately from the agricultural irrigation system. Although the pump station is currently metered, the design of this facility shall include a separate flow meter to record the amount of water being diverted to and used at the golf course separate from the agricultural system. The metered data shall be taken weekly and submitted annually during the development of the golf course.

The golf course proposal includes a small pond. If the pond exceeds ten acre-feet of storage, a reservoir permit will be required. Since water may be diverted into the pond, then diverted for irrigation on the golf course, the flow meters shall be installed prior to any discharge to the pond or use on the golf course.

The lands for the proposed use lie on a bench above the Columbia River. A transfer of the consumptive use of the water right would allow for up to 50.2 acre-feet of water or 2.51 acre-feet per acre. The WSIG identifies a use of 2.5 acre-feet per year for pasture/turf and 2.6 acre-feet for consumptive use for

clover is required for sites near Chief Joseph Dam. The season of use near Chief Joseph Dam is described as April through October. This is close to the season of use at the Colville location. The season of use for irrigation is relatively the same at both locations and therefore no extension or change of the season of use is required.

Existing Water Rights for proposed place of use.

Surface Water Application S4-31460 requests authorization for 7000 gallons per minute, 3500 acre-feet per year for agricultural irrigation of 700 acres in addition to Surface Water Permit S4-30205. The proposed place of use includes a large portion of Section 26. Since the applicant is currently proposing to construct a golf course in Section 26, Surface Water Application S4-31460 should be reduced and/or modified to remove the lands proposed for the golf course in Section 26 from the proposed place of use or rejected.

Surface Water Permit S4-30205(B) authorized the diversion of 7.77 cubic feet per second, 1461.6 acre-feet per year for the agricultural irrigation of 350 acres and frost control. The authorized place of use includes portions of Section 26. Since the applicant is currently proposing to construct a golf course in Section 26, Surface Water Permit S4-30205(B) should be reduced and/or modified to remove the lands proposed for the golf course in Section 26 from the proposed place of use or rejected.

Impairment Considerations

If the water right transfer is approved, the historic diversion within the Colville River Basin would cease. The water used on this ranch would remain in the Colville River, then to the Columbia River to the point of diversion for the new project.

When this water right was exercised at the original location, adjacent to the Colville River, water in excess of the amount consumed by the crop would return to the aquifer and the Colville River as return flows. This water would then be available for other water users within the Colville River.

Historic water use was not continuous throughout the irrigation season. If the system pumped the authorized Qi for the season, the pump would be operating 75% of the time to pump the required amount of water. The remaining 25% of the time, the pump would be off and this water would be in the Colville River and available for other junior and senior water users.

The Colville River Basin is subject to potential regulation in the tributaries and mainstem conditions when water is not available to meet base flow conditions as described in WAC 173-559. Water that was historically return flows was available to junior and senior water rights. The applicant proposes to establish a Trust Water Right for the water transfer to benefit instream flows in the Colville River. To allow for return flow to be placed into Trust and remain unused in the Colville River at the expense of junior appropriators would impair their historical use of the return flows and affect seasonal water availability.

Therefore, only that amount that has been historically consumed is available for transfer and can be placed into Trust. The consumptive use of the water varied from year to year and by crop. It is difficult to quantify the amount of water to remain instream as a trust other than to average out the consumptive use over the entire irrigation season. As described above, the irrigation season is

approximately 150 days. This would calculate to 0.16 cfs, 0.32 acre-feet per day to remain instream to benefit the natural environment in the Trust Program without impairing existing water rights.

Consideration of Protests and Comments

No protests were filed against this application.

Conclusions

In accordance with RCW 90.03.380, the writer confirms through a tentative determination a valid right exists under Surface Water Certificate 4239 in the amount of 0.30 cfs, 89 acre-feet per year for the agricultural irrigation of 20 acres. Approval of a change to the consumptive use of this water right will not enhance the right nor impair existing water users. The maximum consumptive use of the right is determined to be 0.3 0 cfs, 50.2 acre-feet per year. Establishing a Trust Water Right for the consumptive use to average 0.16 cfs, 0.32 acre-feet per day will not impair existing water rights in the Colville River Basin.

RECOMMENDATIONS

Based on the above investigation and conclusions, I recommend that the request for change to change the place of use, purpose of use, and point of diversion be approved in the amounts and within the limitations listed below and subject to the provisions beginning on Page 2, and following.

Purpose of Use and Authorized Quantities

The amount of water recommended is a maximum limit and the water user may only use that amount of water within the specified limit that is reasonable and beneficial:

0.30 cfs
50.2 acre-feet per year
Non-agricultural irrigation for up to 20 acres of a proposed golf course

The amount of water recommended is a maximum limit and the water user may only use that amount of water within the specified limit that is reasonable and beneficial:

Point of Diversion

GL10 (SW¼NE¼), Section 34, Township 30 North, Range 25 E .W.M.
2300 feet south and 2500 feet west from the NE corner of Section 34

Place of Use

106 acres within the following:

E½E½W½ and the E½ of Section 26 except the SE¼NE¼ of Section 26 and the E½E½NW¼ and the NE¼ of Section 35. T. 30 N., R. 25 E.W.M.

Kevin Brown Kevin Brown *Date* 7/27/11
Report Writer

Y/ROEs/Brown/2011/4239 Gebbers

If you need this publication in an alternate format, please call Water Resources Program at (360) 407-6600. Persons with hearing loss can call 711 for Washington Relay Service. Persons with a speech disability can call 877-833-6341.