DEPARTMENT OF ECOLOGY
State of Washington

State of Washington
DRAFT
REPORT OF EXAMINATION FOR WATER RIGHT CHANGE

Added or Changed Point of Withdrawal/Diversion

PRIORITY DATE
August 17, 1990

WATER RIGHT NUMBER
G3-28837(B)

MAILING ADDRESS
GEORGE LIVINGSTON
42031 QUAIL RUN NORTH
DAVENPORT WA 99122

SITE ADDRESS (IF DIFFERENT)

Total Quantity Authorized for Withdrawal or Diversion

WITHDRAWAL OR DIVERSION RATE	UNITS	ANNUAL QUANTITY (AF/YR)
500	GPM	240

Purpose

PURPOSE	WITHDRAWAL OR DIVERSION RATE ADDITIVE	WITHDRAWAL OR DIVERSION RATE NON-ADDITIVE	UNITS	ANNUAL QUANTITY (AF/YR) ADDITIVE	ANNUAL QUANTITY (AF/YR) NON-ADDITIVE	PERIOD OF USE (mm/dd)
non-agricultural irrigation of 96 acres	500		GPM	240		04/01 - 10/31

Source Location

COUNTY	WATERBODY	TRIBUTARY TO	WATER RESOURCE INVENTORY AREA
LINCOLN	GROUNDWATER		53-LOWER LAKE ROOSEVELT

1) 300 feet north of the S¼ corner of Section 31, T. 28 N., R. 36 E.W.M.
2) 2000 feet north and 1000 feet west from the SE corner of Section 36, T. 28 N., R. 35 E.W.M.
3) 1700 feet north and 700 feet west from the SE corner of Section 36, T. 28 N., R. 35 E.W.M.
4) Authorized to be drilled within the NE¼SE¼ of Section 36, T. 28 N., R. 35 E.W.M.
5) SW¼NW¼ of Section 6, T. 27 N., R. 36 E.W.M.

Place of Use (See Attached Map)

PARCELS (NOT LISTED FOR SERVICE AREAS)

2835902000202, 2736708000010

LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE

Beginning at the SW corner Section **06,** Township **27** North, Range **36** East Willamette Meridian and heading N 2-2-17 W 3,107.94 ft to the point of beginning for this legal description; thence along a non-tangent curve with a Radius 81.9 , Central Angle 61-25-38, Chord N 25-27-33 W, with a curve to the right; thence N 1-44-38 W 537.995 ft; thence along a non-tangent curve with a Radius 61.489 , Central Angle 68-36-39, Chord N 24-42-9 E, with a curve to the Right; thence N 57-40-49 E 73.021 ft; thence along a non-tangent curve with a Radius 208.89, Central Angle 44-16-14, Chord N 36-52-12 E, with a curve to the Left; thence N 24-54-56 E 430.464 ft; thence N 15-28-43 E 169.878 ft; thence N 10-10-32 E 99.8 ft; thence along a non-tangent curve with a Radius 79.02, Central Angle 95-7-39 , Chord N52-0-59 E, with a curve to the Right; thence N 88-36-47 E 520.267 ft; thence S 87-18-58 E 80.687 ft; thence along a non-tangent curve with a Radius 277.352, Central Angle 62-4-4, Chord S 51-36-58 E, with a curve to the Right; thence S 10-27-17 E 645.431 ft; thence S 17-42-2 E 310.656 ft; thence S 25-49-44 E 263.037 ft; thence S 18-41-14 W 90.402 ft; thence S 0-56-58 W 455.95 ft; thence N 83-42-32 W 220.962 ft; thence S 1-5-15 E 623.779 ft; thence S 24-14-51 W 334.252 ft; thence S 39-58-48 W 542.097 ft; thence S 58-31-40 W 439.249 ft; thence S 64-8-13 W 352.349 ft; thence N 1-1-34 W 689.726 ft; thence N 1-7-51W 151.654 ft; thence along a non-tangent curve with a Radius 259.175, Central Angle 38-11-3, Chord N 15-4-7 E, with a curve to the Right; thence N 28-8-4 E 205.646 ft; thence N 25-21-38 E 17.531 ft; thence N 64-42-22 W 50.446 ft; thence N 64-56-54 W 107.317 ft; thence N 38-38-12 E 139.162 ft; thence N 54-42-31 W 188.376 ft; thence N 58-8-7 E 69.134 ft; thence N 40-42-41 E 85.179 ft; thence N 28-56-44 W 70.794 ft; thence S 63-35-38 W 59.225 ft; thence S 81-13-18 W 140.305 ft; thence N 1-25-55 W 413.177 ft to the point of beginning

Proposed Works

Adding one new well to serve the golf course

Development Schedule

BEGIN PROJECT	COMPLETE PROJECT	PUT WATER TO FULL USE
Started	March 1 2018	March 1, 2020

Measurement of Water Use

How often must water use be measured?	Weekly
How often must water use data be reported to Ecology?	Upon Request by Ecology
What volume should be reported?	Total Annual Volume
What rate should be reported?	Annual Peak Rate of Withdrawal (gpm)

Provisions

Total quantity of water being applied for under this permit for the irrigation of 96 acres may be reduced by an amount equal to any water being applied to the lands described in this permit under the rights, if any, granted by Certificate No. 11008. It appears Certificate 11008 has relinquished for non-use. If a Voluntary Relinquishment is signed, this permit will be considered a primary irrigation right.

The golf course well will be required to be metered independently of the domestic system to determine the quantity of water pumped from the well into the pond and applied to the golf course. If the pond is not adequately sealed, a significant amount of water may be lost to the system. The pond shall be required to be sealed. If the initial pond construction included lining or sealing the applicant shall provide sufficient information to confirm the sealing. Actual metering data will need to be evaluated to properly confirm the amount of water applied to the golf course area, not to exceed 500 gallons per minute, 240 acre-feet per year.

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.

Use of water under this authorization can be expected to be curtailed at least once in every 20 years.

Wells, Well Logs and Well Construction Standards
All wells constructed in the state must meet the construction requirements of WAC 173-160 titled "Minimum Standards for the Construction and Maintenance of Wells" and RCW 18.104 titled "Water Well Construction". Any well which is unusable, abandoned, or whose use has been permanently discontinued, or which is in such disrepair that its continued use is impractical or is an environmental, safety or public health hazard must be decommissioned.

All wells must be tagged with a Department of Ecology unique well identification number. If you have an existing well and it does not have a tag, please contact the well-drilling coordinator at the regional Department of Ecology office issuing this decision. This tag must remain attached to the well. If you are required to submit water measuring reports, reference this tag number.

Installation and maintenance of an access port as described in WAC 173-160- 291(3) is required.

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.

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
The water right holder is required to maintain efficient water delivery systems and use of up-to-date water conservation practices consistent with RCW 90.03.005.

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.

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.

This authorization to make use of public waters of the state is subject to existing rights, including any existing rights held by the United States for the benefit of Indians under treaty or otherwise.

This authorization for permit is subject to the following minimum flow provisions as specified in WAC 173-563-040 and WAC 173-563-050 and the following table. It is subject to regulation by the Department of Ecology for protection of instream resources whenever the March 1 forecast of April-September runoff at The Dalles is 60 MAF or less, and when gaged flows are predicted by the BPA 30-Day Power Operation Plan to violate the following minimum flow provision at:

		Primary Control Station Chief Joseph River Mile 397.0 - 745.0					
Minimum Average Weekly Flow Columbia River Projects (1,000 cubic feet/second)							
	CHIEF JOSEPH*	WELLS & ROCKY REACH*	ROCK ISLAND & WANAPUM*	PRIEST RAPIDS	MCNARY	JOHN DAY	THE DALLES
Jan	30	30	30	70	60	60	60
Feb	30	30	30	70	60	60	60
Mar	30	30	30	70	60	60	60
Apr 1-15	50	50	60	70	100	100	120
16-25	60	60	60	70	150	150	160
26-30	90	100	110	110	200	200	200
May	100	115	130	130	220	220	220
June 1-15	80	110	110	110	200	200	200
16-30	60	80	80	80	120	120	120
July 1-15	60	80	80	80	120	120	120
16-31	90	100	110	110	140	140	140
Aug	85	90	95	95	120	120	120
Sep	40	40	40	40	60	85	90
Oct 1-15	30	35	40	40	60	85	90
16-31	30	35	40	70	60	85	90
Nov	30	30	30	70	60	60	60
Dec	30	30	30	70	60	60	60

*For the reach from Grand Coulee through Wanapum, minimum average weekly flows shall be as shown above, or as necessary to maintain minimum flows (subject to low runoff adjustment) at Priest Rapids, whichever, is higher. As provided in WAC 173-563-505(1), the minimum average weekly flows set forth in this subsection are subject to a reduction of up to 25 percent during low flow years, except that in no case shall the outflow from Priest Rapids Dam be less than 36,000 cubic feet per second.

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 is a valid water right; that there will be no impairment of existing rights; that the purpose(s) of use are beneficial; and that there will be no detriment to the public interest.

Therefore, I ORDER approval of Application for Change No. CG3-28837(B)@2, 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 Hearings 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	**Department of Ecology** Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
Pollution Control Hearings Board 1111 Israel Road SW Ste 301 Tumwater, WA 98501	**Pollution Control Hearings Board** PO Box 40903 Olympia, WA 98504-0903

Signed at Spokane, Washington, this day of 2013.

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

BACKGROUND

The original Ground Water Permit G3-28837 issued for 2500 gallons per minute, 1500 acre-feet per year for community domestic supply, commercial use and non-agricultural irrigation of 250 acres. The permit was issued for a large project including a golf course. On April 2, 2013, the permittees requested the authorization be divided. Ecology divided the permit as requested and issued two Superseding Permits.

Superseding Ground Water Permit G3-28837(A) issued to Deer Meadows Water Company in the amount of 2000 gallons per minute, 1260 acre-feet per year. This right was conformed to municipal water supply purposes consistent with RCW 90.03.560.

Superseding Ground Water Permit G3-28837(B) issued to George Livingston for 500 gallons per minute, 240 acre-feet per year for irrigation of 96 acres.

An application for change/transfer was submitted by George Livingston to the Department of Ecology on March 16, 2009. The applicant proposed to add a well to Ground Water Permit G3-28837 for the purposes of irrigating the golf course separately from the domestic water system. On April 2, 2013, Ground Water Permit G3-28837 was requested to be divided between the permittees. Mr. Livingston retained G3-28837(B) in the amount of 500 gallons per minute, 240 acre-feet per year for irrigation of 96 acres of the golf course area. Once the division was completed the application for change was acted on.

A notice of application to add a well was duly published in accordance with RCW 90.03.280 in the Davenport Times on April 23 and 30, 2009 and no protests were received.

This application for change under Ground Water Permit G3-28837 was filed prior to the division of the permit and was not categorically exempt from the provisions of the State Environmental Policy Act (SEPA) of 1971, Chapter 43.21C RCW. A SEPA checklist was submitted for the requested change application. A Determination of Non-significance was published for this project by the Lincoln County Planning Department on February 21 and 28, 2002. The project has not changed since this determination was made and the existing Determination of Non-significance was accepted as adequate. Although the permit is itself exempt from SEPA.

INVESTIGATION

The original project is in the early stages of development. Most of the land has been parceled out with roads and water delivery systems. The golf course and clubhouse is partially developed. Three wells are constructed under the existing authorization and provide water to the entire water system. The three wells are approved for use by the Department of Health (DOH) for the Deer Meadow Development. All three authorized wells are within the NE¼SE¼ of Section 36, T. 28 N., R. 35 E.W.M. The applicant proposes to construct a new well near the golf course for the primary purpose of irrigating the golf course and reduce the physical demand from the Deer Meadows domestic water system. The water would be pumped into a pond and the use of a separate pump station would irrigate the golf course at peak times. No other changes are requested of the permit.

The applicant will operate the golf course irrigation and the domestic water system will be operated by Deer Meadows Water Company. The original water sources 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 and facilities.

The new well will be required to be metered independently of the domestic system to determine the quantity of water pumped from the well into the pond and applied to irrigate up to 96 acres of the golf course. If the pond is not adequately sealed, a significant amount of water may be lost to the system. If the pond is used, the pond shall be required to be sealed. If the initial pond construction included lining or sealing the applicant should provide sufficient information to confirm the sealing. The applicant has indicated he may need to add additional wells in the future to meet the authorized 500 gallons per minute. RCW 90.44.100 allows for the construction of additional wells provided the wells remain within the advertised legal description and the permittee submits a Showing of Compliance Form under RCW 90.44.100.

The existing water system currently serves multiple residences, domestic supply, commercial use and irrigation of lawns and the golf course. The golf course lies mostly within the W½W½ of Section 6, south of Deer Meadows Road, North and west of Sunday Bay Road and east of Beethoven Road. This authorization once approved will serve only the non-agricultural irrigation of up to 96 acres of the golf course area described under G3-28837(B).

Evaluation of the Water Right And Beneficial Use Analysis

The Washington State Supreme Court, in Okanogan Wilderness v. Town of Twisp and Department of Ecology, 133 Wn.2d 769, 947 P.2d 732 (1997), found that applications for change may be granted only to the extent the water has been historically put to beneficial use, as beneficial use determines the measure of a water right. They also found that the existence and quantification of a water right must be determined, including whether or not the water right has been lost for non-use before the Department can approve a change or transfer of the water right.

This permit is in good standing and available for change or transfer.

Hydrogeologic Analysis

Applications for change of water right permits and certificates are governed by RCW 90.44.100, which states in part: the holder of a valid right to withdraw public ground waters may, without losing his priority of right, construct wells at a new location in substitution for, or in addition to, those at the original location, or he may change the manner or the place of use of the water. Such amendment shall be issued by the Department only on the conditions that; (1) the additional or substitute well or wells shall tap the same body of public ground water as the original well or wells; (2) use of the original well or wells shall be discontinued upon construction of the substitute well or wells; (3) the construction of an additional well or wells shall not enlarge the right conveyed by the original permit or certificate; and (4) other existing rights shall not be impaired. The Department may specify an approved manner of construction and shall require a showing of compliance with the terms of the amendment.

Well #1 is located in the SE¼SW¼ of Section 31, T. 28 N., R. 36 E. It was constructed in 1987 originally to a depth of 305 feet with no water and soon thereafter it was deepened to 640 feet and is eight inches in diameter. The static water level at the time of deepening was 300 feet below land surface. Yield at the time of drilling was air tested at 25 gpm. The well was drilled through a series of sand and basalt layers. It was cased to a depth of 289 feet with a surface seal down to a depth of 20 feet. Based on a land surface elevation of 1879 feet above sea level, this well is completed in an aquifer that is 300 feet above the level of Lake Roosevelt. This well has not been approved as a source well for the municipal water system.

Well #2 is located within the NE¼SE¼ of Section 36, T. 28 N., R. 35 E. It was constructed in 1987 to a depth of 196 feet and is eight inches in diameter. The static water level at the time of drilling was 82 feet below land surface. Yield at the time of drilling was air tested at over 750 gpm. The well was drilled through a series of sand and gravel layers. It was cased to a depth of 176 feet with a surface seal down to a depth of 20 feet.

Well #3 is located within the NE¼SE¼ of Section 36, T. 28 N., R. 35 E. It was constructed in 1994 to a depth of 203 feet and is twelve inches in diameter. The static water level at the time of drilling was 95 feet below land surface. Yield at the time of drilling was bailer tested at over 1000 gallons per minute. The well was drilled through a series of sand and gravel layers. It was cased to a depth of 203 feet with a surface seal down to a depth of 18 feet.

A fourth well is authorized to be drilled within the NE¼SE¼ of Section 36, T. 28 N., R. 35 E. It is unclear if this well has been constructed.

The well proposed to be added to this water right is Well #5, located in the SW¼NW¼ of Section 6, T. 27 N., R. 36 E. It was constructed in 2009 to a depth of 418 feet and is eight inches in diameter. The static water level at the time of drilling was 303 feet below land surface. Yield at the time of drilling was 200 gpm. The well was drilled through a series of sand, gravel, clay and basalt layers. It was sealed to a depth of 30 feet.

Water level elevations for three wells (#2, #3, and #5) at their respective times of drilling were compared with the pool elevation of the adjacent Lake Roosevelt. All three wells appear to be withdrawing water that is in bank storage with the mainstem of the Columbia River. As such, all three wells are withdrawing water from the same body of public groundwater.

Existing Rights

Surface Water Certificate 11008 issued in 1970 for 6.6 cubic feet per second, 1840 acre-feet per year for the irrigation of 460 acres. The authorized place of use included portions of Section 36, T. 28 N., R. 35 E.W.M. and portions of Sections 1, T. 27 N., R. 35 E.W.M and Section 6, T. 28 N., R. 36 E.W.M.

The original Report of Examination for Permit G3-28837 did not find evidence of irrigation under the surface water system. The applicant confirmed the land was not irrigated when they applied for this permit. Surface water pumps have not been reconstructed. The original Report of Examination in 1992 indicated the applicant was going to submit a Voluntary Relinquishment for this surface water certificate. A Voluntary Relinquishment was not submitted. If the Voluntary Relinquishment is signed, this permit will be considered as a primary right and the provision relating to the non-additive nature of the right will be removed.

Water Quantities

Superseding Permit G3-28837(B) issued on April 24th, 2013. The quantities of the permit are described as 500 gallons per minute, 240 acre-feet per year for non-agricultural irrigation of 96 acres.

The authorized wells are operated by the Deer Meadows Water Company for municipal water supply purposes. The applicant is requesting to add a well for the purpose of irrigating the golf course area and reducing the demand on the domestic water system.

The proposed well has been drilled and a well log was submitted by the applicant. An air test conducted by the driller describes the well capacity at 200 gallons per minute.

Impairment Considerations

"Impair" or "impairment" means to: 1) adversely impact the physical availability of water for a beneficial use that is entitled to protection, and/or, 2) to prevent the beneficial use of the water to which one is entitled, and/or, 3) to adversely affect the flow of a surface water course at a time when the flows are at or below instream flow levels established by rule (POL-1200), and/or, 4) degrade the quality of the source to the point that water is unsuitable for use by existing water right holders (WAC 173-150).

Several wells already exist in the vicinity of the proposed location. The instantaneous rate of withdrawal for new wells at the proposed location(s) will not exceed what is authorized. There has been no documented history of pumping interference problems between existing wells in this area, and it is not anticipated that the proposed change would cause any impairment to existing water rights.

There are some exempt wells that have been constructed within the project area. The existing and proposed wells are in continuity with the Columbia River and may fluctuate significantly based on normal pool operations.

CONCLUSIONS

There is a water right available for change/transfer under Ground Water Permit G3-28837(B). Ground water has been authorized and partially beneficially used under this permit for non-agricultural irrigation.

When considering an application for change to a water right, Ecology must determine that the proposed change can be made without detriment or injury to existing water rights. Factors considered when determining potential impact include the following:

No Impairment to Existing Rights:

The proposed change will not increase the volume of water currently authorized from the aquifer nor is it found to impair existing rights.

No Detriment to the Public Welfare:

There has been no public expression of protest or concern regarding the subject proposal, and no findings through this investigation indicate that there would be detrimental impact to the public welfare through issuance of the proposed change.

No Enhancement of the Original Right:

No increase in permitted water use would be authorized through approval of this change.

Same Source of Water:

The wells associated with this change application are producing water from this aquifer system and as such, are producing water from the same body of public groundwater.

RECOMMENDATIONS

Based on the above investigation and conclusions, I recommend that the request for change to add a well be approved in the amounts and within the limitations listed below and subject to the provisions beginning on Page 2.

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:

- 500 gpm
- 240 acre-feet per year
- Non-agricultural irrigation of 96 acres

Points of Withdrawal

- 300 feet north of the S¼ corner of Section 31, T. 28 N., R. 36 E.W.M.
- 2000 feet north and 1000 feet west from the SE corner of Section 36, T. 28 N., R. 35 E.W.M.
- 1700 feet north and 700 feet west from the SE corner of Section 36, T. 28 N., R. 35 E.W.M.
- Authorized to be drilled within the NE¼SE¼ of Section 36, T. 28 N., R. 35 E.W.M.
- SW¼NW¼ of Section 6, T. 27 N., R. 36 E.W.M.

Place of use:
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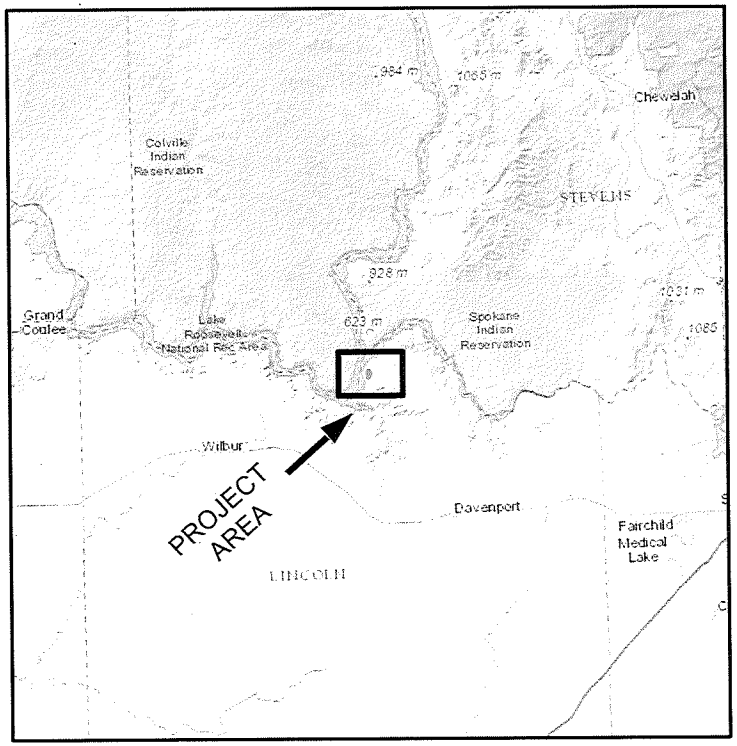
Report by: _____ _____
Kevin Brown Date

If you need this publication in an alternate format, please call the 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.

George Livingston
G3-28837(B)
T27N/R36E, T28N/R35E, T28N/R36E



Basemap - (ESRI US Topographic Maps)

Legend

Authorized Place of Use

Townships

Sections

Authorized Point of Withdrawl

0 660 1,320 2,640 3,960 5,280 6,600 Feet

Basemap - (NAIP 2011 1m color)

DEPARTMENT OF ECOLOGY State of Washington

Map Date: 5/10/2013

Comment:
Place of use and source locations are as defined within the Report of Examination cover sheet for the document identfied in the header above.

ATTACHMENT 1