DEPARTMENT OF ECOLOGY
State of Washington

State of Washington
REPORT OF EXAMINATION FOR WATER RIGHT CHANGE

Changed Place of Use

PRIORITY DATE	WATER RIGHT NUMBER
October 5, 1990	G3-28882(B)

MAILING ADDRESS	SITE ADDRESS (IF DIFFERENT)
COLUMBIA RIVER RESERVE 342 SILICA ROAD NW QUINCY, WA 98848	

Total Quantity Authorized for Withdrawal or Diversion

WITHDRAWAL OR DIVERSION RATE	UNITS	ANNUAL QUANTITY (AF/YR)
1100	GPM	1759

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)
Municipal Water Supply Purposes	1100		GPM	1759		01/01 - 12/31

PUBLIC WATER SYSTEM INFORMATION	
WATER SYSTEM ID	CONNECTIONS
PWS ID AB1846	294

Source Location

COUNTY	WATERBODY	TRIBUTARY TO	WATER RESOURCE INVENTORY AREA
GRANT	GROUNDWATER		41-LOWER CRAB

SOURCE FACILITY/DEVICE	PARCEL	WELL TAG	TWP	RNG	SEC	QQ Q	LATITUDE	LONGITUDE
A well	050068203	ACK546	19N	23E	31	SWNW	47.096437	119.996978

Datum: NAD83/WGS84

Place of Use (See Attached Map)

PARCELS (NOT LISTED FOR SERVICE AREAS)

LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE

A portion of Section 31, T. 19 N., R. 23 East and a portion of the East Half of Section 36, T. 19 N., R. 22 E.W.M., Grant County Washington, more particularly described as follows:
Beginning at the SE corner of said Sec. 36, taken to be coincidental with the SW corner of said Sec. 31; thence along the South line of the SE¼ of said Sec. 36, N. 89°49'21" W., 1552.65 ft.; thence N. 32°35'19" E. 1367.77 ft; thence N. 29°30'38" E. 644.77 ft.; thence N. 20°27'31" E. 291.76 ft.; thence,

N. 23°56'25" E. 1009.90 ft., to a point of intersection with the East line of the NE¼ of said Sec. 36; thence along said E. line of the NE¼ of said Sec. 36, N. 00°26'09" W., 2506.81 ft., to the NE corner of said Sec. 36, taken to be coincidental with the NW corner of said Sec. 31; thence along the N. line of the NW¼ of said Sec. 31, S. 89°58'37" E., 2072.29 ft., to the NW corner of a parcel of land as shown on the Record of Survey dated June 27, 1994, and recorded as Grant County Auditor's File No. 940627030 in Book 30, Pgs. 63 and 64 (hereinafter referred to as the "940627030 Parcel"); thence, along the Westerly and Southerly boundary of said "940627030 Parcel" as follows: S. 46°37'42" W. 447.72 ft.; S. 19°32'15" W., 74.71 ft.; S. 72°00'38" E., 174.37 ft.; S. 01°39'16" E., 125.94 ft.; S. 62°57'44" E., 741.18 ft.; S. 35°31'27" E., 437.79 ft.; S. 00°12'11" W., 1570.74 ft.; N. 88°46'59" E., 2290.35 ft.; N. 28°48'45" E., 128.73 ft.; S. 88°00'47" E., 188.36 ft., to a point of intersection with the West line of the Right-of-Way for Silica Road, taken to be a line offset 30.00 ft. Westerly from, and parallel with, the East line of said Section 31; thence, along said W. line of the Right-of-Way for Silica Road, S. 00°09'52" W., 2624.73 ft., to a point of intersection with the South line of said SE¼ of Sec. 31; thence, along said S. line of said SE¼ of Sec. 31, S. 88°35'52" W., 2617.39 ft., to the S¼ corner of said Sec. 31; thence, along the S. line of the SW¼ of said Sec. 31, S. 88°37'19" W., 2711.44 ft., to the **POINT OF BEGINNING**; **TOGETHER WITH** a portion of land located in the NW¼ of the NE¼ of Sec. 31, T. 19 N., R. 23 E.W.M., Grant County Washington, and being more particularly described as follows: Commencing at the NE corner of said Sec. 31; thence N. 89°58'55" W. along the N. line of said NE¼, a distance of 1319.30 ft. to the NE corner of the NW¼ of said NE¼ said point also being the **POINT OF BEGINNING;** thence S. 00°12'25" W. along the east line of the NW¼ of said NE¼, a distance of 424.33 ft. to the Southerly line as described in Parcel No. 5 in a Statutory Warranty Deed, dated April 3, 1995 recorded under Auditor's File No.950404037;

Thence along the Southerly and Westerly line of said Deed the following twelve (12) courses:

1. N. 44 10'20" W., a distance of 2.14 ft.;
2. S. 85°08'14" W., a distance of 63.19 ft.;
3. S. 75°42'54" W., a distance of 100.92 ft.;
4. S. 56°56'36" W., a distance of 76.04 ft.;
5. S. 51°15'44" W., a distance of 72.14 ft.;
6. S. 47°18'02" W., a distance of 89.37 ft.;
7. S. 71°25'19" W., a distance of 63.77 ft.;
8. S. 52°09'24" W., a distance of 63.99 ft. to the North line of Farm Unit 17 Irrigation Block 77 Columbia Basin Project;
9. N. 89°58'55" W. along said North line, a distance of 439.20 ft.;
10. N. 01°32'23" W., a distance of 282.21 ft.;
11. N. 17°43'03" W., a distance of 308.35 ft.;
12. N. 39°12'24" W., a distance of 108.69 ft. to the North line of the NE¼ of said Sec. 31;

Thence S. 89°58'55" E. along said N. line, a distance of 1069.79 ft. to the **POINT OF BEGINNING.**

TOGETHER WITH a portion of S. 32, T. 19 N., R. 23 E.W.M., Grant County, Washington, more particularly described as follows: Commencing at the SW corner of said Sec. 32; thence N 44°36'52" E., 42.84 ft., to the point of intersection of the North line of the Right-of-Way for West Baseline Road, taken to be a line offset 30.00 ft. Northerly from, and parallel with, the S. line of the SW¼ of said Sec. 32, with the East line of the Right-of-Way for the aforesaid Silica Road, taken to be a line offset 30.00 ft. Easterly from, and parallel with, the W. line of said Sed. 32, said W. line of Sec. 32 taken to be coincidental with the aforesaid E. line of Sec. 31, and said point of intersection being the **POINT OF BEGINNING**; thence along said E. line of the Right-of-Way for Silica Road, N. 00°09'52" E., 1499.06 ft.; thence perpendicularly, S. 89°50'08" E., 391.87 ft., to a point of intersection with the Southerly

boundary of United States Bureau of Reclamation Farm Unit 18, Irrigation Block 77, Columbia Basin Project; thence, along said Southerly boundary of Farm Unit 18 as follows: N. 38°44'02" W., 259.99 ft.; N. 54°15'02" W., 234.43 ft.; 35.60 ft. along the arc of a 57.30 ft. radius curve concave to the SW, having a central angle of 35°36'00" and a long chord bearing N. 72°02'36" W., 35.03 ft., to a point of tangency; N. 89°51'02" W., 4.61 ft., to a point of intersection with said East line of the Right-of-Way for said Silica Road; thence along said E. line of the Right-of-Way for said Silica Road, N. 00°09'52" E., 2908.41 ft., to a point of intersection with the Northerly boundary of said Farm Unit 18; thence along the Northerly and Easterly boundaries of said Farm Unit 18, as follows: S. 85°33'08" E., 181.09 ft.; S. 13°41'52" W., 244.47 ft.; S. 33°21'08" E., 538.84 ft.; S. 25°06'08" E., 430.95 ft.; S. 11°36'08" E., 581.24 ft.; S. 38°54'08" E., 529.24 ft.; S. 71°43'08" E., 290.97 ft.; S. 48°28'08" E., 845.21 ft.; S. 67°40'08" E., 815.41 ft.; S. 29°16'08" E., 307.77 ft.; S. 75°31'08" E., 1004.49 ft.; S. 05°11'34" W., 2.00 ft., to a point of tangent curvature; 140.31 ft. along the arc of a 82.10 ft. radius curve concave to the NW, having a central angle of 97°55'00" and a long chord bearing S. 54°09'04" W., 123.85 ft., to a point of tangency; N. 76°53'26" W. 298.34 ft.; S. 73°25'34" W., 56.54 ft., to a point of tangent curvature; 80.83 ft. along the arc of a 143.55 ft. radius curve concave to the SE, having a central angle of 32°05'00" and a long chord bearing South 57°23'04" W., 79.34 ft., to a point of tangency; S. 41°20'34" W., 33.78 ft., to a point of tangent curvature; 87.45 ft. along the arc of a 95.74 ft. radius curve concave to the NW, having a central angle of 52°20'00" and a long chord bearing S. 67°30'34" W., 84.44 ft., to a point of tangency; N. 86°19'26" W., 255.33 ft.; S. 78°18'34" W., 239.89 ft.; S. 52°40'3" W., 96.14 ft.; 88.07 ft. along the arc of a 143.55 ft. radius curve concave to the SE, having a central angle of 35°09'00" and a long chord bearing S. 35°06'04" W., 86.69 ft., to a point of tangency; S. 17°31'34" W., 104.66 ft.; S. 11°13'26" E., 138.74 ft., to a point of tangent curvature; 91.68 ft. along the arc of a 95.74 ft. radius curve concave to the NE, having a central angle of 54°52'00" and a long chord bearing S. 38°39'26" E., 88.21 ft., to a point of tangency; S. 66°05'26" E., 101.05 ft., to a point of tangent curvature; 79.87 ft. along the arc of a 44.21 ft. radius curve concave to the W., having a central angle of 103°31'00" and a long chord bearing S. 14°19'56" E., 69.44 ft., to a point of tangency; S. 37°25'34" W., 98.04 ft., to a point of tangent curvature; 86.14 ft. along the arc of a 143.55 ft. radius curve concave to the NW, having a central angle of 34°23'00" and a long chord bearing S. 54°37'04" W., 84.86 ft., to a point of tangency; S. 71°48'34" W., 179.04 ft., to a point of tangent curvature; 137.88 ft. along the arc of a 114.88 ft. radius curve concave to the SE, having a central angle of 68°46'00" and a long chord bearing S. 37°25'34" W., 129.76 ft., to a point of tangency; S. 03°02'34" W., 23.66 ft., to a point of tangent curvature; 82.04 ft. along the arc of a 114.88 ft. radius curve concave to the NE, having a central angle of 40°55'00" and a long chord bearing S. 17°24'56" E., 80.31 ft., to a point of tangency; S. 37°52'26" E., 36.89 ft., to a point of tangent curvature; 36.84 ft. along the arc of a 57.44 ft. radius curve concave to the SW, having a central angle of 36°45'00" and a long chord bearing S. 19°29'56" E., 36.22 ft., to a point of tangency; S. 01°07'26" E., 4.59 ft., to a point of intersection with the aforesaid N. line of the Right-of-Way for West Baseline Road; thence along said N. line of the Right-of-Way for West Baseline Road, S. 89°03'52" W., 2439.45 ft., to the **POINT OF BEGINNING.**

EXCEPT the S. 30.00 ft. for West Baseline Road, also known as School House Road or County Road #490, and being parallel with and 30 ft. distant from, when measured at right angles to the South lines of the SE and SW¼s of said Sec. 31. Containing a total area of 707.85 acres, more or less.

TOGETHER WITH a portion of the SE¼ S. 30, SW¼ S.29 and the N½ S.31, all within T.19N., R23 E.W.M., Grant County Washington, more particularly described as follows: BEGINNING at the NW corner of the NW ¼ of the SW ¼ S.29, T.19N., R23 E.W.M; THENCE N87-32-23E 562.019 ft; THENCE S61-57-34E 213.495 ft; THENCE S61-57-34E 176.806 ft; THENCE S38-24-10E 415.274 ft; THENCE S26-58-58E 323.237 ft; THENCE S12-48-47E 456.071 ft; THENCE S9-55-12W 528.423 ft; THENCE S28-34-55W

139.483 ft; THENCE S36-0-0W 372.472 ft; THENCE S45-40-45W 259.682 ft; THENCE S58-24-34E 325.915 ft; THENCE S75-59-57E 278.158 ft; THENCE S88-23-3W 904.272 ft; THENCE S88-32-4W 237.264 ft; THENCE S86-40-39W 50.506 ft; THENCE S86-40-39W 185.119 ft; THENCE S0-26-50E 48.635 ft; THENCE S4-47-22E 158.542 ft; THENCE S10-54-27W 17.964 ft; THENCE S7-7-30W 26.935 ft; THENCE S4-0-34W 27.027 ft; THENCE S1-27-29W 21.056 ft; THENCE S1-19-32W 3.361 ft; THENCE S1-34-41W 2.835 ft; THENCE S0-31-21W 352.517 ft; THENCE S0-30-41W 21.829 ft; THENCE S0-22-28W 7.432 ft; THENCE S0-22-55W 10.237 ft; THENCE N88-45-34W 659.078 ft; THENCE S1-41-2W 416.355 ft; THENCE S44-50-53W 251.896 ft; THENCE S31-29-49W 860.544 ft; THENCE S2-12-54E 184.717 ft; THENCE N88-55-26E 1273.295 ft; THENCE S1-7-44W 276.358 ft; THENCE S0-0-0W 0.058 ft; THENCE N86-34-35W 166.857 ft; THENCE N86-43-58W 1.025 ft; THENCE S18-30-5W 209.491 ft; THENCE S88-16-25E 2.592 ft; THENCE S88-22-33E 229.545 ft; THENCE S2-6-0W 73.628 ft; THENCE N87-47-54W 192.699 ft; THENCE S32-5-45W 128.946 ft; THENCE S86-40-20W 191.291 ft; THENCE S88-22-49W 1982.686 ft; THENCE N0-6-52E 472.777 ft; THENCE N0-3-7W 344.506 ft; THENCE N0-8-13E 771.105 ft; THENCE N35-17-44W 90.544 ft; THENCE N34-1-2W 1.88 ft; THENCE N38-52-3W 404.764 ft; THENCE N62-57-44W 741.187 ft; THENCE N1-39-11W 125.937 ft; THENCE N72-0-37W 174.373 ft; THENCE N19-32-8E 74.714 ft; THENCE N54-3-10E 519.022 ft; THENCE N89-59-46E 579.861 ft; THENCE S81-11-37E 179.605 ft; THENCE S37-37-22E 116.939 ft; THENCE S17-43-7E 299.532 ft; THENCE S2-27-14E 264.108 ft; THENCE S8-23-25E 24.299 ft; THENCE S8-3-2E 33.732 ft; THENCE S23-52-1E 79.947 ft; THENCE S88-37-22E 212.771 ft; THENCE N68-8-25E 78.219 ft; THENCE N53-27-30E 57.453 ft; THENCE N55-50-41E 78.191 ft; THENCE N27-50-26E 6.466 ft; THENCE N52-9-36E 63.987 ft; THENCE N71-25-15E 63.772 ft; THENCE N51-46-38E 237.021 ft; THENCE N75-42-46E 100.924 ft; THENCE N86-11-49E 84.293 ft; THENCE N85-43-13E 17.748 ft; THENCE N0-11-21W 448.671 ft; THENCE S89-35-36E 811.217 ft; THENCE N2-0-28W 44.277 ft; THENCE N47-41-8W 572.094 ft; THENCE N47-11-5W 248.797 ft; THENCE N34-0-30W 486.725 ft; THENCE N7-55-34W 265.516 ft; THENCE N10-12-9E 935.982 ft; THENCE N47-46-44E 326.739 ft; THENCE N51-13-52E 322.488 ft; THENCE N69-23-0E 157.924 ft; THENCE S88-58-9E 561.952 ft to the POINT OF BEGINNING.

Proposed Works

A well, Municipal Water Supply System including non-agricultural irrigation

Development Schedule

BEGIN PROJECT	COMPLETE PROJECT	PUT WATER TO FULL USE
Begun	April 1, 2023	April 1, 2028

Measurement of Water Use

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

Provisions

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.

It should be noted that the authorized well may not be able to physically produce sufficient water for the proposed project. Many of the projects within the "gray area" of the Quincy Basin do not physically have sufficient water for larger scale projects such as irrigation or large community water systems.

The well, is identified as 12" x 905 feet deep. The well was constructed in 1995. The well static water level was described as 512 feet below land surface and the land surface elevation is 1250 feet above mean sea level. The well is cased to a depth of 542 feet with a 20 foot surface seal.

Any reconstruction, replacement or installation of additional wells shall be conducted in compliance with Chapter 18.104 RCW and Chapter 173-160 WAC. Any cascading water encountered shall be precluded by casing and sealing, and no interaquifer transfer of water shall be allowed. When the well is reconstructed or replaced, the reconstructed or replacement well shall be cased and sealed a minimum of 200 feet into competent basalt. If this well is reconstructed the casing shall be sized so that it is a minimum of four-inches in diameter smaller than the borehole section in which it is installed. If it is possible the borehole diameter may be reamed to accommodate a larger diameter casing. The casing diameter shall still be limited to four-inches in diameter less than the borehole in which it is installed. If this well is replaced the replacement well shall have a borehole constructed that is a minimum of four-inches greater in diameter than the permanent casing string, to be contained within that section of borehole. The permanent casing is then to be placed or set into the borehole. Sealing shall be accomplished by pressure grouting with neat cement from the bottom to the top until undiluted sealing material returns to the surface.

The existing wells within the lands owned by Columbia River Reserve constructed under the domestic exemption shall be decommissioned in accordance with the water system plan.

Measurements, Monitoring, Metering and Reporting

An approved measuring device shall be installed and maintained for each of the sources identified herein in accordance with the rule "Requirements for Measuring and Reporting

Water Use", Chapter 173-173 WAC. Water use data shall be recorded weekly. The data will be maintained by the property owner for a minimum of five years, and shall be promptly submitted to Ecology upon request.

The rule above describes the requirements for data accuracy, device installation and operation, and information reporting. It also allows a water user to petition Ecology for modifications to some of the requirements. Installation, operation and maintenance requirements are enclosed as a document entitled "Water Measurement Device Installation and Operation Requirements".

Department of Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the records of water use that are kept to meet the above conditions, and to inspect at reasonable times any measuring device used to meet the above conditions.

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.

If water from facilities of any legally formed irrigation district is used on any or all of the irrigated lands described herein as the place of use, the quantities of water withdrawn under this authorization shall be proportionately reduced to correspond to the acreage for which district water is not available.

RCW 90.44.510 confirms that should water be supplied to these lands and replaced with Columbia Basin Project Water, the permit or certificate shall be designated as a standby or reserve water right. The total number of acres irrigated must not exceed the quantity of water authorized by the Bureau of Reclamation and the number of acres under the permit.

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 contracting with a Certified Water Rights Examiner to confirm 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.

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.

Department of Health Requirements
Prior to any new construction or alterations of a public water supply system, the State Board of Health rules require public water supply owners to obtain written approval from the Office of Drinking Water of the Washington State Department of Health. Please contact the Office of Drinking Water prior to beginning (or modifying) your project at DOH/Division of Environmental Health, 16201 E. Indiana Avenue, Suite 1500, Spokane Valley, WA 99216, (509) 329-2100.

Findings of Facts
Upon reviewing the investigator's report, I find all facts, relevant and material to the subject application for change, have been thoroughly investigated. Furthermore, I concur with the investigator that the applicant holds 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. G3-28882(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 Xth day of XXXXX, 2014.

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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.

BACKGROUND

An application for change was submitted by Columbia River Reserve, (Vince Bryan) to the Department of Ecology on April 22, 2014. The applicant proposes to change a portion of the place of use of the underlying permit.

A notice of application was published on July 17 and 24, 2014, in the Quincy Valley Post Register in accordance with RCW 90.03.280 and no protests or objections were received.

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.

- 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;
- It is a groundwater right application for more than 2,250 gallons per minute;

This application is exempt from the provisions of the State Environmental Policy Act (SEPA) of 1971, Chapter 43.21C RCW.

INVESTIGATION

In considering the proposed application for change/transfer, the investigation included, but was not limited to, research and review of (1) appropriate rules and statutes; (2) Ground Water Permit No. G3-28882(B) and other water rights/claims/applications in the vicinity; (3) water well reports and other wells in the vicinity; (4) USGS topographic maps; (5) discussions with Department of Ecology regional program staff; including review by Ecology hydrogeologists.

Ground Water Permit No. G3-28882(B) authorizes the withdrawal of 1100 gallons per minute, 1759 acre-feet per year for municipal water supply purposes including non-agricultural irrigation. The authorized place of use included portions of the SE¼ of Section 36, T. 19 N., R. 22 E.W.M. (DNR), portions of the W½ and SE¼ of Section 31 and a portion of the SW¼ of Section 32 T. 19 N., R. 23 E.W.M. A detailed description is available in the permit.

The applicant proposes to increase the place of use to include additional lands in the NE¼ of Section 31 and the W½SW¼ of Section 29 and the E½SE¼ of Section 30, T.19 N., R. 23 E.W.M. A more detailed description is identified in the summary of this report. No other changes were requested. These lands are owned by Istar Blues or operated by Live Nation and Mr. Hansen. The property includes the Gorge Amphitheater, parking areas and campgrounds. These lands have historically been supplied water for concert events by means of exempt wells and storage

tanks. The Department of Health required a water right for future events. Columbia River Reserve will expand their area of service to include these lands for domestic water and sanitation primarily for event weekends.

A Temporary Authorization was granted May 15, 2014 to meet the Department of Health requirements for the summer of 2014. Upon approval of the permanent change, this Temporary Authorization will be terminated.

The current water system plan consists of a Winery, Lodge, Restaurant, Inns, privately owned residences, guest houses, pools, golf course, clubhouse conference rooms and other associated facilities for worker's housing and recreational uses. The permittee has constructed some of the facilities, including the Winery, Inn, restaurant, maintenance facilities and some rental facilities. Limited non-agricultural irrigation of lawns and landscaping is around these facilities. The majority of this permit/project is still undeveloped.

Wells serving the original project in the NW¼ of Section 31 include the permitted well and multiple wells constructed under the domestic exemption. The exempt wells in the NW¼ of Section 31 do not meet the requirements of the permit and are not authorized for the permitted use. The permittee has agreed to decommission these exempt wells and tie the existing system into the authorized well. The systems are currently intertied according to the water system plan. The schedule for compliance and decommissioning the exempt wells is addressed in their water system plan approved August 28, 2008.

In addition to this authorization, the permittee also has Ground Water Permit G3-29381(B) authorizing 50 acres of agricultural irrigation. The agricultural land is primarily developed in small scattered vineyard tracts in between the domestic development of the Project. These two permits overlap in their place of use.

Ground Water Permit G3-29101(C) is also authorized from this source well. G3-29101(C) authorized the use of 588 gpm, 140 acre-feet per year for agricultural irrigation of 40 acres. The authorized place of use is within the SE¼ of Section 31, T. 19 N., R. 23 E.W.M.

Evaluation of the Permit 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), held that Ecology must determine the extent and validity of a water right that is eligible for change before the Department can approve a change or transfer of the 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. In R.D. Merrill Co. v. Pollution Control Hearings Board, 137 Wn.2d 118, 969 P.2d 458 (1999), the Supreme Court held that the place of use and point of withdrawal of an inchoate ground water permit may be changed pursuant to RCW 90.44.100.

Ground Water Permit No. G3-28882(B) authorizes the withdrawal of 1100 gallons per minute, 1759 acre-feet per year for municipal water supply purposes including non-agricultural irrigation. This right is in good standing and available for change or transfer. The original intent of this project is to construct a large master planned resort for recreational development.

Maps provided by the permittee and aerial photographs were used to help verify the extent of development and beneficial use of the permit. This water right has been partially put to use for domestic supply and some recreational use as described above.

This permit is primarily inchoate and in good standing. The purpose of use was changed to municipal water supply purposes consistent with RCW 90.03.560.

As with any water right in the permit/construction phase it is required that "due diligence (RCW 90.03)" must be shown in proceeding with development of the project. It is also required that any requests for extensions to the development schedule of a permit, must be evaluated based on the "good faith" of the applicant under RCW 90.03.320. The filing of a change application is not considered to demonstrate due diligence to complete the project that was originally authorized under the permit. This permit will be reevaluated as it pertains to any development extensions that may be requested to determine if the project is being developed with due diligence and that the permit holder is acting in good faith.

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.

The proposed project lies within the boundaries of the Quincy Ground Water Management Subarea as defined in Chapter 173-124 WAC. This Subarea covers the northern portion of the Columbia Basin project (developed by the US Department of Interior, Bureau of Reclamation), and lies mostly within Grant County.

The shallow water management unit is defined as the ground water hydraulically continuous between land surface and a depth of 200 feet into the Quincy basalt zone and includes all of the

Quincy unconsolidated zone (WAC 173-134A-040(9)). This area is subject to artificial recharge of ground water. This recharge results from leakage associated with the Bureau of Reclamation's Columbia Basin Irrigation Project which is comprised of a series of canals used for irrigation. Most of the canal system is unlined and significant leakage from this canal system recharges the shallow groundwater table. Deep percolation of applied irrigation water also contributes to groundwater recharge in the Subarea. Therefore, much of the water in the shallow management unit is artificially stored and is under the jurisdiction of the Bureau of Reclamation.

The deep water management unit is defined as all ground waters underlying the shallow management unit (WAC 173-134A-040(4)). The basalt aquifers of the Quincy Ground Water Management Subarea are part of a large ground water reservoir occurring in a thick series of basalt flows known as the Columbia River Basalt Group. The thickness of these basalts varies from a few hundred feet at the Spokane River to over 10,000 feet in the Pasco Basin. These flows include several identified formations, or groups of basalt flows, known as the Saddle Mountains Basalt Formation; Wanapum Basalt Formation; and Grande Ronde Basalt Formation.

Since the application does not request a change in source, a determination of the same body of ground water is not required. However, provisions from previous permits and recommendations from the water system plan review have been carried forward that address potential future well construction.

Impairment Analysis

"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 flows 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). Demonstration of impairment would require evidence of a substantial and lasting or frequent impact reflecting such conditions.

This proposed change in the place of use shall not increase the amount of water authorized from the aquifer nor will it increase or expand the right. The change in place of use will not impair existing water rights.

No other changes are requested of the permit.

Existing Water Rights

Ground Water Permit G3-29381(B) authorized the withdrawal of 500 gallons per minute, 177 acre-feet per year: 175 acre-feet for agricultural irrigation of 50 acres and 2 acre-feet for continuous domestic supply and recreational supply. The authorized well is the same. The

place of use of this permit overlaps with the subject application. The three permits authorize different purposes of use and the beneficial uses will need to be separately identified upon filing of a Proof of Appropriation.

Ground Water Permit G3-29101(C) authorized the withdrawal of 588 gallons per minute, 140 acre-feet per year for agricultural irrigation of 40 acres. The authorized well is the same. The three permits authorize different purposes of use and the beneficial uses will need to be separately identified upon filing of a Proof of Appropriation.

Some of the property within the proposed place of use of these permits lies within the boundary of the Columbia Basin Project and within delivery of the irrigation district. The applicant may pursue additional water service contracts with the irrigation district to expand the development within the place of use of this permit. The area proposed for expansion of the system is also served by deliveries from the irrigation district, although the proposed expansion of the potable water is not intended for irrigation of new lands.

The district contracts should not identify the same lands as identified and perfected under the permit for irrigation purposes to avoid overlap. Should additional contracts be issued by the district that include lands developed under this permit for irrigation, the irrigated lands will be subject to RCW 90.44.510.

If water from facilities of any legally formed irrigation district is used on any or all of the lands described and developed herein as the place of use, the quantities of water withdrawn under this authorization shall be proportionately reduced to correspond to the acreage for which district water is not available.

RCW 90.44.510 confirms that should water be supplied to these lands (agricultural or non-agricultural) and replaced with Columbia Basin Project Water, the permit or certificate, or portion thereof shall be designated as a standby or reserve water right. The total number of acres irrigated must not exceed the quantity of water authorized by the Bureau of Reclamation and the authorized number of acres under the permit.

FINDINGS

There is a water right permit available for change/transfer under Ground Water Permit No. G3-28882(B).

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:
There has been no documented history of pumping interference between existing wells in this area, and it is not anticipated that the proposed change/transfer would cause impairment to existing water 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 any detrimental impact to the public welfare through issuance of the proposed change/transfer.

No Enhancement of the Original Right:
No withdrawal of water over and above what has been authorized for beneficial use would be authorized through approval of this change.

Same Source of Water:
As there is no request to change the point of withdrawal, the ground water to be withdrawn is supplied by the same body of public water.

CONCLUSION

It is the conclusion of this examiner that, in accordance with Chapters 90.03 and 90.44, this application for change to change a portion of the place of use as granted under Ground Water Permit No. G3-28882(B) will not enlarge the quantity of water authorized, nor will it impair existing rights or be detrimental to the public welfare provided the terms and conditions are followed.

RECOMMENDATIONS

Based on the above investigation and conclusions, I recommend that the request to change the place of use be approved in the amounts and within the limitations listed below and subject to the provisions.

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:

1100 gallons per minute, 1759 acre-feet per year for Municipal Water Supply purposes.

Kevin Brown, Report Writer Date

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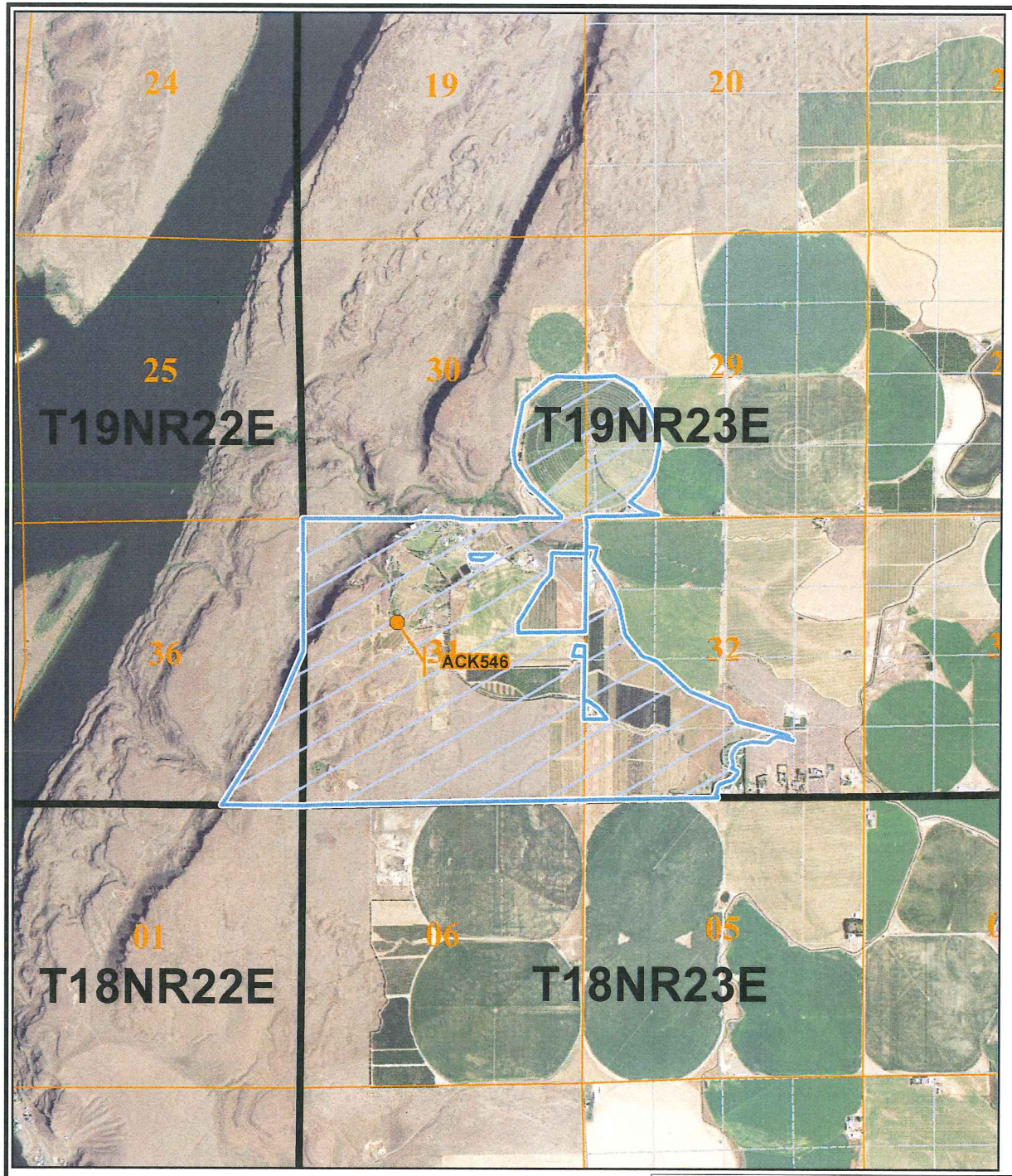
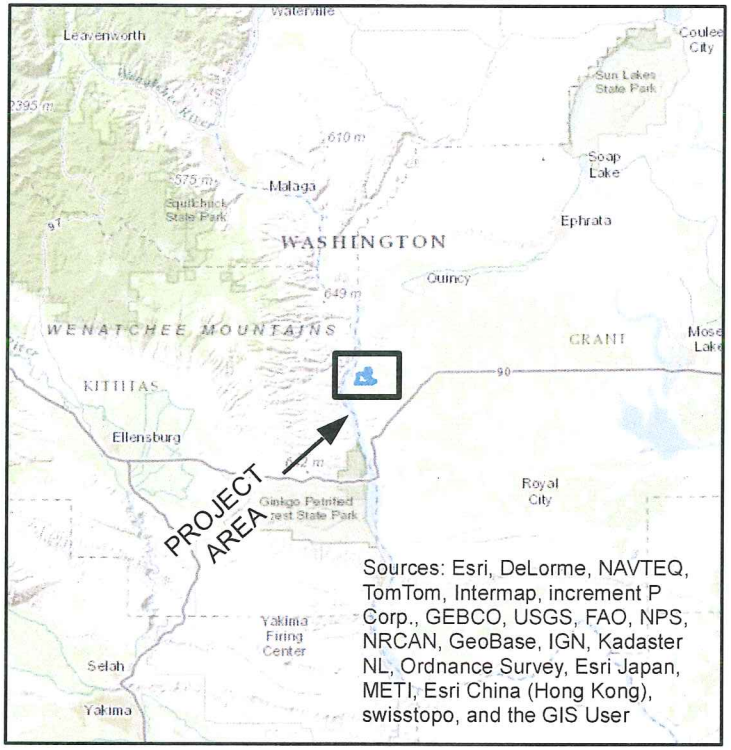
Columbia River Reserve
G3-28882(B)
T19N/R23E





Basemap - (ESRI US Topographic Maps)

Legend

Authorized Place of Use

Townships

Sections

Authorized Point of Withdrawal

Feet
0 660 1,320 2,640 3,960 5,280 6,600
Basemap - (NAIP 2011 1m color)

DEPARTMENT OF ECOLOGY State of Washington

Map Date: 9/17/2014

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