

State of Washington REPORT OF EXAMINATION FOR WATER RIGHT APPLICATION

PRIORITY DATE
February 18, 2011

WATER RIGHT NUMBER
G3-30655

MAILING ADDRESS
CRESCENT BAY RESORT HOMEOWNERS ASSN AND TIM COWIN
40 LAKE BELLEVUE DR STE 245
BELLEVUE WA 98005

REMARKS

This permit is being mitigated by Change Authorization No. CG4-GWC7601-A@3.

Quantity Authorized for Withdrawal or Diversion

WITHDRAWAL OR DIVERSION RATE	UNITS	ANNUAL QUANTITY (AC-FT/YR)
125	GPM	40

Purpose

PURPOSE	WITHDRAWAL OR DIVERSION RATE			ANNUAL QUANTITY (AC-FT/YR)		PERIOD OF USE (mm/dd)
	ADDITIVE	NON-ADDITIVE	UNITS	ADDITIVE	NON-ADDITIVE	
Municipal	125		GPM	40		01/01 - 12/31

PUBLIC WATER SYSTEM INFORMATION

WATER SYSTEM ID	CONNECTIONS
AB358H	44 (subject to change)

Source Location

COUNTY	WATERBODY	TRIBUTARY TO	WATER RESOURCE INVENTORY AREA		
GRANT	GROUNDWATER		41-LOWER CRAB		
SOURCE FACILITY/DEVICE	TWP	RNG	SEC	QQ Q	
Well in continuity w/Columbia River	20N	23E	18	NWSW	
				Datum: NAD83/WGS84	

Place of Use (See Attached Map)

LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE

The place of use (POU) of this water right is the service area described in the most recent Water System Plan/Small Water System Management Program approved by the Washington State Department of Health, so long as the water system is and remains in compliance with the criteria in RCW 90.03.386(2). RCW 90.03.386 may have the effect of revising the place of use of this water right.

Proposed Works

A 6 inch diameter well drilled to a depth of 96 feet connected to a Class A Municipal Water System.

Development Schedule

BEGIN PROJECT	COMPLETE PROJECT	PUT WATER TO FULL USE
Started	Completed	In Full Use

Measurement of Water Use

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

Provisions

General Provisions

This permit is valid only if it is mitigated by an equal amount of water held in the Trust Water Right Program under Authorization No. CS4-GWC7601-A@3.

Wells, Well Logs and Well Construction Standards

All wells constructed in the state shall 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 shall be decommissioned.

All wells shall 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 shall remain attached to the well. When submitting 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 shall 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.

WAC 173-173 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.

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.

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 authorization by the Department of Ecology 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 shall 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 permit. 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, shall have access at reasonable times, to the project location, and to inspect at reasonable times, records of water use, wells, diversions, measuring devices and associated distribution systems for compliance with water law.

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 water is available from the source in question; 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 No. G3-30655 and that a permit be issued 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 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

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://www.leg.wa.gov/CodeReviser>

Signed at Yakima, Washington, this 15 day of AUGUST 2012.



Mark Kemner, LHG, Section Manager
 Water Resources Program/CRO

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

Application for Water Right -- Crescent Bay Resort Homeowners Assn
Water Right Control No. G3-30655
Kelsey Collins, Department of Ecology

BACKGROUND

This report serves as the written findings of fact concerning Water Right Application No. G3-30655, which was submitted by Tim Cowin, TEC Homes, Inc. on behalf of the Crescent Bay Resort Homeowners Association on February 18, 2011.

Table 1 Summary of Requested Water Right

Applicant Name:	Crescent Bay Resort Homeowners Assn
Date of Application:	2/18/2011
Place of Use	SW¼ of Section 18, T. 20 N. R. 23 E.W.M.

County	Waterbody	Tributary To	WRIA
Grant	Groundwater		41-Lower Crab

Purpose	Rate	Unit	Acre-feet per year	Begin Season	End Season
Domestic multiple	125	GPM	40	01/01	12/31

Source Name	Parcel	Well Tag	Twp	Rng	Sec	QQ Q	Latitude	Longitude
Well in Continuity W/Columbia River	141285841	AKJ-974	20N	23E	18	NW SW	47.2241	-120.0009

Legal Requirements for Approval of Appropriation of Water

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 county or counties where the water is to be stored, diverted and used. Notice of this application was published in the Quincy Valley Post Register of Grant County on March 15th and March 22nd of 2012.

Release from the United States Bureau of Reclamation (USBR)

On February 21, 2012, Department of Ecology (Ecology) sent a letter requesting a release from USBR's reserve of all unappropriated waters of the Columbia River above Priest Rapids Dam. On February 28, 2012, Ecology received an e-mail from the USBR stating that a release was unnecessary if the new groundwater appropriations are mitigated by an existing water right.

Columbia River Consultation

Ecology is required to consult with appropriate entities for any project requesting new water rights from the Columbia River (WAC 173-563-020(4)). On February 22, 2012, Ecology sent letters providing a comment opportunity. The letter described this application and application No. CG4-GWC7601-A@3. Two comment letters were received, but they were specific to CG4-GWC7601-A@3. See the report for that application.

Consultation with the Department of Fish and Wildlife

According to RCW 77.57.020, Ecology must give notice to the Department of Fish and Wildlife (WDFW) of new applications to divert, withdraw or store water. On February 22, 2012, Ecology sent out letters to interested parties describing the Goroch Mitigation Project. This letter served two purposes:

1) WAC 173-563-020(4) requires that Ecology must consult with interested parties before issuing new water rights from the Columbia River, and 2) RCW 90.42.040(5) requires that Ecology send a notice to interested parties before any trust water right is created. Steve Boessow, Biologist from WDFW, responded to Ecology's February 22, 2012 letter by providing his own letter on March 23, 2012, stating that WDFW did not oppose issuance of new groundwater permits associated with the Goroch right as long as they are mitigated by senior water rights.

State Environmental Policy Act (SEPA)

Development of the Crescent Bay Resort is not exempt from environmental review under SEPA. The lead agency, Grant County Planning, issued a *Mitigated Determination of Non-Significance (MDNS)* on September 15, 2005. Ecology determined that the existing SEPA documentation adequately describes the project.

Water Resources Statutes and Case Law

Chapters 90.03 and 90.44 RCW authorize the appropriation of public water for beneficial use and describe the process for obtaining water rights. Laws governing the water right permitting process are contained in RCW 90.03.250 through 90.03.340.

INVESTIGATION

Proposed Use and Basis of Water Demand

Crescent Bay Resort proposes to use 40 ac-ft/yr for its water needs. In 2007, Ecology provided a total and consumptive water use analysis as part of its draft approval to transfer a portion of the Goroch water right directly to Crescent Bay Resort. The analysis was based on Crescent Bay Resort's 2005 water system plan and concluded that the resort would need a maximum of 32.3 ac-ft/yr total water needed to serve 44 connections. As of June 2012, the Department of Health's Water System Database shows the Crescent Bay Resort is approved for 44 connections with an effective date of February 3, 2009.

Ecology recognizes that a municipal system may change over time. For example, fewer homes being constructed in favor of more green space may increase the annual water duty. The actual amount put to beneficial use will be calculated in a proof of appropriation inspection before Ecology will certificate a permit based on this analysis.

An approval of water use for Crescent Bay Resort requires an equal or greater amount of mitigation to be held instream through Ecology's Trust Water Right Program. Under Application No. CS4-GWC7601-A@3, consumptively used water in the amount of 48 ac-ft/yr was transferred to instream flows for mitigation of this project. Ecology recognizes that at least 8 ac-ft/yr will not be needed for mitigation and will remain instream for environmental benefits.

Site Visit

A site investigation was conducted on March 17, 2006 by Ecology employees Melissa Downes, Anna Hoselton, and Phil Kerr, and Ed Kemp, the applicant's consultant. At that time there was no visible infrastructure. Following the site visit, information from department records and conversations with the applicant and consultant were used to better understand the project.

Other Rights Appurtenant to the Proposed Place of Use

Crescent Bay Resort is currently operating under USBR Miscellaneous Water Service Contract No. 04XX160001. Ecology's Eastern Region Office reviewed Crescent Bay Resort's water rights associated with their water system plan and advised that the applicant pursue permanent water rights that would be more appropriate for municipal use. Department of Health (DOH) has already approved the resort's water system plan based on the USBR contract. However, DOH recognizes that this water contract can be terminated at any time. In an effort to understand the nature of this contract, Ecology spoke with USBR's Amy Rodman. Ms. Rodman stated that the contract was issued for the interim and would be terminated as soon as a state-issued water right could be obtained by Crescent Bay Resort.

Other Ground Water Rights in the Vicinity

Leisure Time Resorts:

Certificate No. G3-28893C is for 150 gpm, 60 ac-ft/yr for group domestic use with a priority date of October 15, 1990. The point of withdrawal is located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 18, T. 20 N., R. 23 E.W.M.

William Bennett:

Permit No. G4-30364P is for 1000 gpm, 48 ac-ft/yr for irrigation of 20 acres and group domestic from a point within the N $\frac{1}{2}$ of Section 13, T. 20 N., R. 22 E.W.M.

Riverview LLC (Sunserra):

A combined use of 747.5 gpm, 184 ac-ft/yr from 6 water rights. The authorized place of use and points of withdrawal are located in Section 18, T. 20 N., R. 23 E.W.M. (A full description of their water rights can be found in their Water System Plan No. AA745A.)

Hydrologic/Hydrogeologic Evaluation

A *Technical Memorandum* was written for this project by Ecology technical staff in 2007, regarding Crescent Bay Resort's request to directly transfer a portion of the Goroch water right to their development. The application was later amended to request that the Goroch right be transferred to instream flows and be used for mitigation of downstream uses. The technical memorandum is still applicable in that it characterizes the effects of pumping from the proposed well. The proposed well has been drilled and been in use for several years. It was drilled to a depth of 96 feet in December of 2004.

The following discussion was extracted from the *Technical Memorandum* for File No. CG4-GWC7601-A@3. A copy of the memorandum is available upon request.

The nearest existing well to the proposed point of withdrawal was not field identified. However, property boundaries and air photos suggest that the closest possible distance for an existing well on adjacent properties may be in the range of approximately 240 feet; this distance was used to evaluate potential well interference. Although a maximum pumping rate of 125 gpm has been identified, it is more realistic that the system pumping demand will be distributed throughout the year in a peaking pattern that reflects minimal winter use, increasing demand as spring approaches, seasonal high use in the summer and fall, before tailing off again to winter lows. As such, a distributed and reduced pumping rate is considered in evaluating potential for well interference.

Using the lower range estimated aquifer parameters ($T \sim 7000$ to 10000 gpd/ft) and peak season (~ 72 gpm) water use characteristics discussed above, a conservative estimate of potential well interference was evaluated using the Theis non-equilibrium equation. Results suggest that at 240 feet from the subject well, additional drawdown due to the proposed change may be in the range of 5 feet or less. Since this method cannot account for recharge flowing into the aquifer from the Columbia River induced by pumping, it is an over-estimate of actual anticipated effects. Consequently, pumping at the proposed POW is unlikely to adversely interfere with existing area wells.

The proposed well, located 870 feet from the Columbia River, will capture water from a ground water body that displays ground water – surface water interaction characteristics with the Columbia River.

Public Interest Considerations

The proposed place of use is roughly 200 ft from the boundary of a wetland, according to the National Wetland Inventory Map published by the US Fish and Wildlife Service. The 0.52 acre wetland area is described as “Freshwater Forested/Shrub Wetland” designated with the wetland code PFO1AH. This wetland is located at the confluence of Trinidad Creek and the Columbia River. Withdrawal of ground water for this change should not adversely affect this wetland.

In regard to appropriating ground water in continuity with the Columbia River, it is reasonable to consider the impact to threatened salmon and steelhead in the Columbia River. For this project, equal or greater mitigation has been provided by Change Authorization CS4-GWC7601-A@3, which provides instream flows in the Okanogan and Columbia Rivers, between the original point of withdrawal and the new use proposed at Crescent Bay Resort. This scenario would provide more water for threatened species in the upper Columbia River System.

Impairment Considerations

The Hydrologic/Hydrogeologic Evaluation Section above states that it is unlikely pumping from this well will adversely interfere with existing area wells. Pumping at the proposed well will likely induce Columbia River water into the aquifer. The applicant proposes to fully mitigate for any impact to the Columbia River by providing instream flows from Change Authorization No. CS4-GWC7601-A@3.

Water Availability

Water is considered available since the wells are in connection to the Columbia River and the water use is being mitigated by an instream flow water right authorized under File No. CS4-GWC7601-A@3.

Beneficial Use

The proposed use of water for municipal purposes is defined in statute as a beneficial use in RCW 90.54.020(1)).

Consideration of Protests and Comments

No letters of protest were received concerning the use of water at Crescent Bay Resort.

RECOMMENDATIONS

Based on the above investigation and conclusions, I recommend this request for a water right be approved and that a permit be issued in the amounts and within the limitations listed below and subject to the provisions listed above.

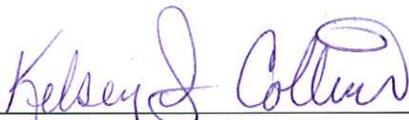
Purpose of Use and Authorized Quantities

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:

125 gpm, 40 ac-ft/yr for continuous municipal water supply purposes.

Point of Withdrawal

The point of withdrawal and place of use are located within the SW¼, SW¼, Section 18, Township 20 North, Range 23 E .W.M.



Kelsey Collins, Report Writer
Water Resources Program/CRO

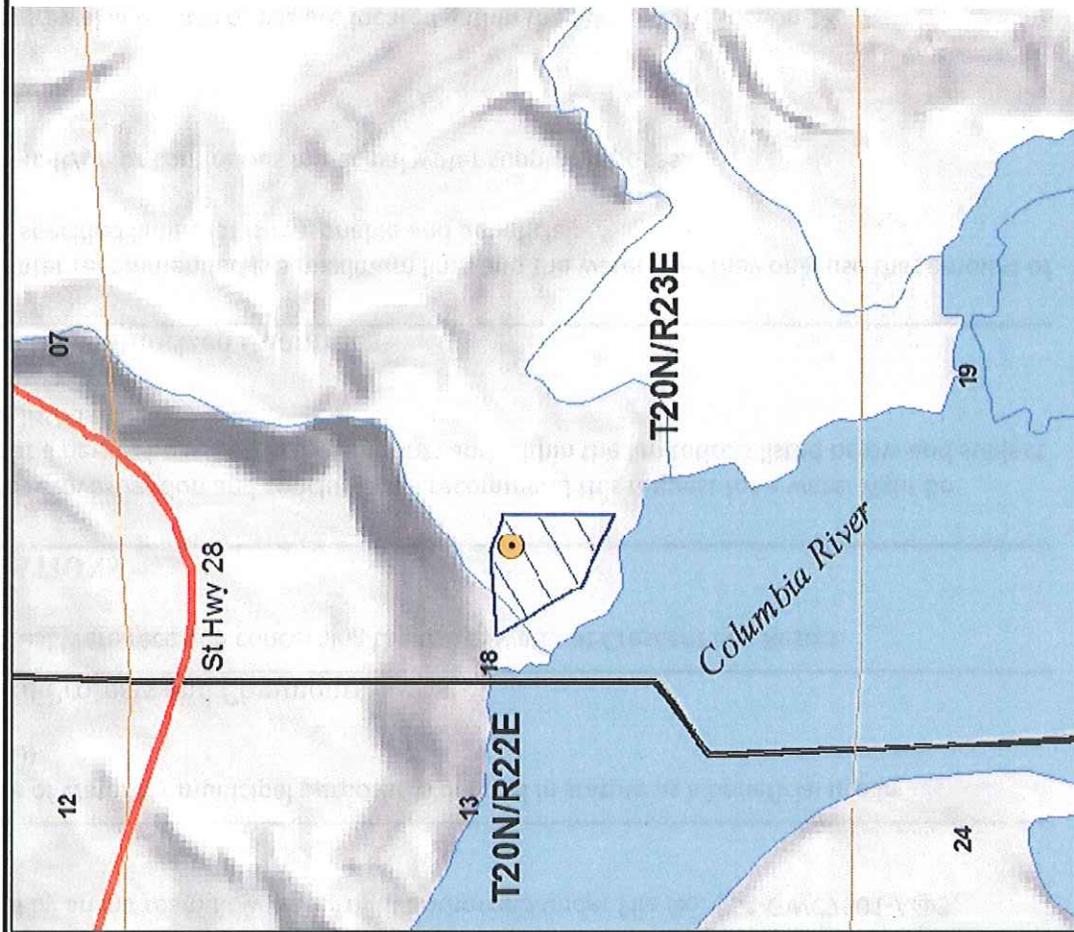
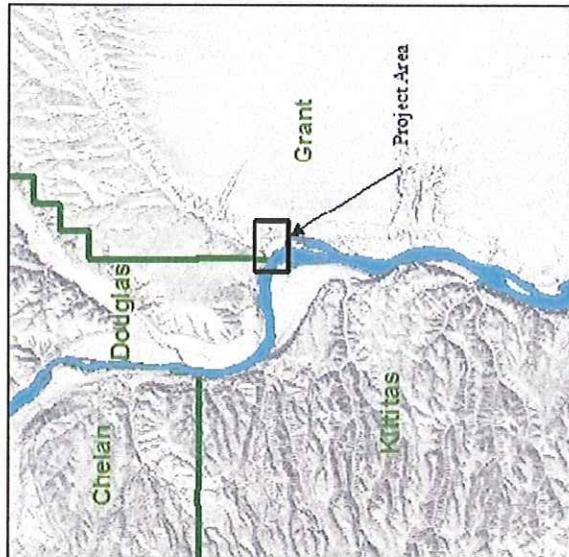
8/15/12

Date

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ATTACHMENT 1

Crescent Bay Resort Home Owners Association
 G3-30655
 Section 18, T20N/R23E
 WRIA 41 - Grant County



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