

State of Washington  
 Department of Ecology  
 Office Of Columbia River  
 Report of Examination for Lake Roosevelt  
 Incremental Storage Releases Water Permit

<b>PRIORITY DATE</b> January 12, 1993	<b>APPLICATION NUMBER</b> G3-29350
<b>MAILING ADDRESS</b> Sunland Estates Maintenance Co. 799 Boyer Avenue SW Quincy WA 98848	<b>SITE ADDRESS (IF DIFFERENT)</b>

**Quantity Authorized for Withdrawal or Diversion**

WITHDRAWAL OR DIVERSION RATE	UNITS	ANNUAL QUANTITY (AF/YR)
1000	GPM	435

Combined withdrawals for GWC5830-A, G3-26141C, G3-28769C, and G3-29350 shall not exceed 2000 gpm and 435 acre-feet per year.

**Purpose**

PURPOSE	WITHDRAWAL OR DIVERSION RATE			ANNUAL QUANTITY (AF/YR)		PERIOD OF USE (mm/dd)
	ADDITIVE	NON-ADDITIVE	UNITS	ADDITIVE	NON-ADDITIVE	
Municipal	1000		GPM	75	360	01/01 - 12/31

**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
WELL #1	413000047244	AFA136	18N	22E	02	SE¼SE¼	47.07558°	-120.02805°
WELL #2	413000047244	AFA137	18N	22E	02	SE¼SE¼	47.07547°	-120.02864°
WELL #4	413000027092	BAL807	18N	22E	12	NW¼NW¼	47.07025°	-120.02464°

Datum: NAD83/WGS84

**Place of Use (See Attached Map and Attached)**

PARCELS (NOT LISTED FOR SERVICE AREAS)

Area served by the Sunland Estates Maintenance Co.

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**

Three 10-inch wells drilled to depths between 131 and 160 feet, each fitted with a 30 to 50 HP pump and connected to an integrated distribution system required to supply water to municipal water supply customers.

**Development Schedule**

BEGIN PROJECT	COMPLETE PROJECT	PUT WATER TO FULL USE
February 1, 2015	February 1, 2019	February 1, 2020

**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 rate should be reported?	Annual Peak Rate of Withdrawal (gpm)
What volume should be reported?	Total Annual Volume

**Provisions**

**Water Service Contract**

Use of water under this permit or certificate is contingent upon the applicant's compliance with a water service contract with Ecology for recovery of costs associated with the Lake Roosevelt Incremental Storage Releases Program. Failure to comply with the terms of the water service contract will result in cancellation of the permit or revocation of the certificate.

**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. 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.

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.

**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.

**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.

**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.

**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).

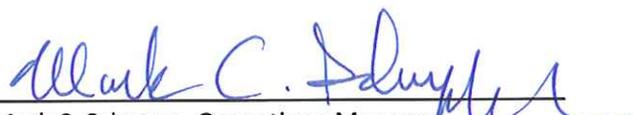
To appeal you must do the following within 30 days of the date of receipt of the Order.

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

Signed at Yakima, Washington, this 13<sup>th</sup> day of *December* 2011.

  
 Mark C. Schuppe, Operations 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

Application for Water Right -- Sunland Estates Maintenance Co  
Water Right Control Number G3-29350  
Eastern Region Office, Department of Ecology

### BACKGROUND

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#### Description and Purpose of Proposed Application

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On January 12<sup>th</sup>, 1993, the Washington State Department of Ecology (Ecology) accepted Water Right Application Number G3-29350 submitted by Sunland Estates Maintenance Company. Attributes of the application are presented below in Table 1.

On February 26<sup>th</sup>, 2010, the applicant was notified of the availability of mitigation water for this application, developed by the Office of Columbia River as part of the Lake Roosevelt Incremental Storage Releases Program (Program). On March 6<sup>th</sup>, 2010, the applicant indicated its intent to receive water under the program.

Lands covered by the proposed place of use fall within the Sunland Estates service area. The lands upon which the proposed points of withdrawal are located are within the boundaries of Sunland Estates.

The proposed water use is associated with an upgrade to the pumps. Current capacity for all of Sunland Estates' active wells is 1,650 gallons per minute. The home owners association has not determined at this time which wells will receive the upgrade in order to achieve the requested instantaneous quantity.

Table 1 Application Summary

<b>Name</b>	Sunland Estates Maintenance Co.
<b>Priority Date</b>	1/12/1993
<b>Instantaneous Quantity</b>	2000 gpm
<b>Annual Quantity</b>	246 af/yr
<b>Purpose(s) of Use</b>	Community Domestic Supply for 560 homes
<b>Period of Use</b>	Continuous
<b>Place(s) of Use</b>	Area served by Sunland Estates Maintenance Company

Table 2 Proposed Sources of Withdrawal or Diversion

Source Name	Parcel	Well Tag	Tw	Rng	Sec	QQ Q	Latitude	Longitude
WELL #1	413000047244	AFA136	18N	22E	02	SE¼SE¼	47.07558°	-120.02805°
WELL #2	413000047244	AFA137	18N	22E	02	SE¼SE¼	47.07547°	-120.02864°
WELL #4	413000027092	BAL807	18N	22E	12	NW¼NW¼	47.07025°	-120.02464°

#### Legal Requirements for Approval of Appropriation of Water

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Chapters 90.03 and 90.44 RCW authorize the appropriation of public water for beneficial use and describes the process for obtaining water rights. Laws governing the water right permitting process are contained in RCW 90.03.250 through 90.03.340 and RCW 90.44.050. In accordance with RCW 90.03.290, determinations must be made on the following four criteria in order for an application for

water rights to be approved:

- Water must be available
- There must be no impairment of existing rights
- The water use must be beneficial
- The water use must not be detrimental to the public interest

#### *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* during the weeks of February 11 and February 18, 1993. No protests or letters of concern were received following this notification.

#### *Consultation under WAC 173-563-020*

Under WAC 173-563-020(4), consultation is required before issuance of new Columbia River permits:

*The instream flows established and implemented by this chapter for instream and out-of-stream uses, and the average weekly flows applied by this chapter to out-of-stream uses do not apply to any application for water from the main stem Columbia River on which a decision is made by the department of ecology on or after July 27, 1997. Any water right application considered for approval or denial after that date will be evaluated for possible impacts on fish and existing water rights. The department will consult with appropriate local, state, and federal agencies and Indian tribes in making this evaluation. Any permit which is then approved for the use of such waters will be, if deemed necessary, subjected to instream flow protection or mitigation conditions determined on a case-by-case basis through the evaluation conducted with the agencies and tribes.*

On December 14, 2009, Ecology contacted local, state, and federal agencies and Indian tribes requesting consultation and comments on issuing new municipal and industrial permits from the Columbia River mitigated by 13,527 acre-feet of water under the Program. On November 5, 2010, Ecology consulted with local, state, and federal agencies and Indian tribes again to update the quantity of water released, to 37,500 acre-feet of water released for municipal/industrial uses and associated instream releases.

From these consultations, Ecology received written responses from the WDFW, Bonneville Power Administration, U.S. Fish and Wildlife Service, Confederated Tribes of the Colville Reservation, the Confederated Tribes of the Umatilla Indian Reservation, and the United States Forest Service. Ecology also had several meetings with stakeholders, including the Columbia River Policy Advisory Group (PAG) where it received oral comments.

Copies of the written comments received are available in the file and PAG meeting notes are available on-line at: [http://www.ecy.wa.gov/programs/wr/cwp/cr\\_pag.html](http://www.ecy.wa.gov/programs/wr/cwp/cr_pag.html). The comments generally identified that the Program was adequate mitigation for up to 25,000 acre-feet of new municipal, domestic and industrial permits.

#### State Environmental Policy Act (SEPA)

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Pursuant to the State Environmental Policy Act (SEPA) (Chapter 43.21C RCW) and the SEPA Rules (Chapter 197-11 WAC), the Program was addressed in the Final Programmatic Environmental Impact Statement (FPEIS) for the Columbia River Management Plan. A Final Supplemental Environmental

Impact Statement (FSEIS) was released on August 29, 2008 and an Addendum to the FSEIS was released on December 29, 2009; both documents address the Program in detail. On June 12, 2009, the United States Bureau of Reclamation (Reclamation) issued an Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) for the project under the National Environmental Policy Act (NEPA).

The above described SEPA Documents are available online:

FPEIS - <http://www.ecy.wa.gov/programs/wr/cwp/eis.html>

FSEIS & FSEIS Addendum - [http://www.ecy.wa.gov/programs/wr/cwp/cr\\_lkroos.html](http://www.ecy.wa.gov/programs/wr/cwp/cr_lkroos.html)

EA & FONSI - [http://www.ecy.wa.gov/programs/wr/cwp/cr\\_lkroos\\_envirostudies.html](http://www.ecy.wa.gov/programs/wr/cwp/cr_lkroos_envirostudies.html).

#### *Project specific SEPA compliance*

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 feet per second. If the project is for agricultural irrigation, the threshold is increased to 50 cubic feet per second, so long as the project will not receive public subsidies;
- It is a groundwater right application for more than 2,250 gallons per minute;
- It is an application combined with other water right applications for the same project, and exceeds the amounts above;
- It is a part of a larger proposal that is subject to SEPA for other reasons (e.g., the need to obtain other permits that are not exempt from SEPA);
- It is part of a series of exempt actions that, considered 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 relative to any water resource issues; therefore, a threshold determination is not required. Also, there is no new project associated with this application. Should a new project be initiated, it will fall to the lead agency to determine if a SEPA review is necessary.

## **INVESTIGATION**

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Ecology employees Leigh Bedell, Dan Tolleson, and Jeff MacLennan met with Mr. Phil Meenach, Sunland Estates Home Owners Association President, on July 18, 2011 to discuss Sunland Estates' water right application G3-29350 and make a site visit of the project. The Washington State Department of Health (DOH) has approved 568 connections for Sunland Estates which is the original intent of this project. According to Mr. Meenach, the development has approximately 480 connections in use at this time. There are currently three groundwater rights (GWC5830-A, G3-26141C, and G3-28796C) providing community domestic water to the project at 1,000 gpm and 360 acre-feet per year. Actual water usage is currently higher than the instantaneous and annual quantities of these three rights. The goal of this application is to provide enough water to satisfy current needs including fire flow and to prepare for future needs as the development grows toward its original intent of 568 connections.

While the application calls for 2,000 gpm, Mr. Meenach made it clear that an additional 1,000 gpm for a total of 2,000 gpm for all rights is what is needed. At the present time, Sunland Estates is not capable of producing an instantaneous withdrawal of 2,000 gpm. According to DOH documentation, Sunland Estates can pump water at a maximum rate of 1,650 gpm from its four active wells. Mr. Meenach

explained the home owners association is aware there is a short fall and that the short fall will have to be addressed to reach 2,000 gpm. Except for the pumps, the distribution system is in place.

The cost recovery requirements of a water service contract for Lake Roosevelt mitigation associated with the issuance of a permit were presented to Mr. Meenach. To accommodate the cost impacts, two possible scenarios were presented: 1) a permit providing enough water to meet current and future requirements and 2) splitting the application into parts A and B. A permit would be issued on part A to allow enough water to meet current needs. Part B, the remaining portion of the application, would be withdrawn from the program and maintained as an application with its current priority date for future use. Mr. Meenach indicated the home owners association would most likely want to acquire enough water to meet its current and future needs as soon as possible.

Site visits were made to each well location identified in the application. GPS location measurements were made for each well.

## Water Availability

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For water to be available for appropriation, it must be both physically and legally available.

### *Legal Availability*

The Program involves releases of water stored in Lake Roosevelt under the U.S. Bureau of Reclamation's 1938 storage right (Reservoir Certificate Number 11793) to provide municipal, domestic and industrial water supply, provide water to replace some groundwater in the Odessa Subarea, enhance stream flows in the Columbia River to benefit fish, and provide drought relief for interruptible water right holders.

Surface Water Permit Number S3-30556 was issued on December 1, 2008 to the U.S. Bureau of Reclamation, authorizing a maximum of 305 cubic feet per second, 37,500 acre-feet per year for instream purposes in Lake Roosevelt and below Grand Coulee Dam with a priority date of May 16, 1938. Surface Water Permit Number S3-30556 is considered the "secondary" water use permit authorizing use of water stored under Reservoir Certificate Number 11793.

On December 21, 2010, Ecology issued Superseding Certificate of Trust Water Right S3-30556, accepting 305 cubic feet per second, 37,500 acre-feet per year to the Washington State Trust Water Right Program (TWRP) for the purpose of instream flow. Under Superseding Certificate of Trust Water Right S3-30556, water is held in the TWRP to mitigate the impacts of 25,000 acre-feet of new state water rights issued under the Program's municipal and industrial water right permitting; the remaining 12,500 acre-feet is reserved exclusively for instream flows. In June 2011, Ecology provided notice under RCW 90.42.040(5) that it would modify Superseding Certificate of Trust Water Right S3-30556 to allow for mitigation of domestic uses as well as municipal and industrial uses. No comments from this notification were received, and Ecology issued a second Superseding Certificate of Trust Water Right S3-30556 on August 17, 2011.

### *Physical Availability*

Municipal, domestic, and industrial water uses associate with the Program will divert and/or withdraw water from the Columbia River or tributary groundwater on a continuous, year-round basis. In the preferred Alternative 1C, identified in the SEIS, mitigation releases from Lake Roosevelt will occur during time periods that will provide the greatest benefit to fish populations. These releases will occur during the months in which increased flow in the Columbia River will benefit fish the most, generally during

April through September. The exact quantities and timing of the mitigation releases will be determined annually by the Fish Flow Releases Advisory Group (FFRAG). The membership of the FFRAG agrees that mitigation releases should be scheduled to help restore normative flows in the Columbia River. Since flows in October through March are higher than normative, mitigation for withdrawals under the Program are not seen as critical by FFRAG, leaving water available for release during the critical April through September period. This strategy was also supported in the consultations for the Program.

The subject application is being investigated under the mitigation framework established under the Program. In order to mitigate the impacts of any new appropriation of water on the Columbia River, hydrologic evidence must indicate that impacts on the Columbia River associated with the proposed water use would be successfully mitigated by the Lake Roosevelt mitigation releases. Additionally, it must be possible to manage the impacts on the Columbia River of proposed pumping in a manner that avoids carry-over of impacts across mitigation cycles.

Mr. John Covert, a licensed Ecology staff hydrogeologist provided the following hydrogeologic analysis for this application. Based on existing well logs and topographic maps, the three existing wells proposed for this project tap into water that can be successfully mitigated by releases from Lake Roosevelt during a single mitigation release cycle, avoiding carry-over impacts across mitigation cycles. These wells are all completed at a depth of 130 to 160 feet in unconsolidated sands and gravels. The static water level elevations for these wells are all within a few feet of each other and all reflect the pool elevation of the river above Wanapum Dam.

## Impairment Considerations

### *Columbia River Water Rights*

An investigation of a water right application includes an analysis of whether the proposed water use will impair other existing water rights. The impairment analysis involves identifying how the proposed water use may impact the current water rights regime.

In considering impacts to existing water right holders and the instream flow rule, an analysis must consider actual river operation, particularly in drought years when water availability issues are most acute. In the context of this application, there are four classes of water uses that must be considered:

- Water right holders with priority dates senior to May 16, 1938.<sup>1</sup>
- Uninterruptible water rights with priority dates junior to May 16, 1938.
- Interruptible water rights with priority dates junior to May 16, 1938.
- The June 24, 1980 Instream Flow Rule (WAC 173-563).

A detailed analysis of the current water rights regime on the Columbia River was issued in the Report of Examination (ROE) for S3-30556.

Under the current Program, 37,500 acre-feet per year of mitigation water is held in the TWRP for instream purposes under Superseding Trust Water Certificate S3-30556 with a priority date of May 16, 1938, 25,000 acre-feet of which may be used for mitigation of new out-of-stream uses. Under the State's priority system, the mitigation water is senior to all water rights issued after May 16, 1938. The mitigation water rights are specifically exempted from the Columbia River instream flow rule (WAC 173-

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<sup>1</sup> Although the priority date of this application is 1/12/1993 based on the date of filing with Ecology, the application is backed by mitigation with a priority date of May 16, 1938, which is how it will be managed if regulation of Columbia River water rights is required.

563-020(5)). Additionally, the mitigation water is protected under the TWRP from diversion by junior water right holders who may be curtailed during low-flow years. These junior users total approximately 379 interruptibles who are curtailed based on a forecast methodology outlined in WAC 173-563. Although junior to the mitigation that is available for this application, no conflict is expected between the applicant's diversions and interruptible water users because of the mitigation provided by Lake Roosevelt.

*Water Rights in the Vicinity of the Proposed Place of Use*

There are eight other water rights in the area. Four of the rights are owned by the applicant and are described below. Of the eight rights, four rights are diversions from the Columbia River and four rights are groundwater withdrawals. The closest point of withdrawal is approximately 1145 feet southeast from the proposed points of withdrawal.

**Table 3 Other Municipal Water Rights Appurtenant to the Place of Use**

File Number	Applicant	Priority Date	Purpose	Qi (gpm)	Qa (Ac-ft/yr)
GWC5830-A	Sunland Estates	3/2/1966	Multiple Domestic	300	114
G3-26141C	Sunland Estates	1/1/1979	Multiple Domestic	700	114*
G3-28769C	Sunland Estates	4/17/1990	Multiple Domestic	1000**	246
<b>TOTAL CURRENT RIGHTS</b>				<b>1000</b>	<b>360</b>

\*G3-26141C Qa is non-additive to GWC5830-A

\*\*G3-28769C Qi is non-additive to existing rights

**Table 4 Other Non-Municipal Water Rights Appurtenant to the Place of Use**

File Number	Applicant	Priority Date	Purpose	Qi	Qa (Ac-ft/yr)
S3-28130C	Sunland Estates	12/18/1985	Irrigation	0.223 cfs	12.4
S3-136072CL	McIntire	5/1/1968	Single Domestic	10 gpm	2

**Table 5 Other Nearby Water Rights**

File Number	Applicant	Priority Date	Purpose	Qi	Qa (Ac-ft/yr)
S3-079220CL (Short Form)	Hayes		Irrigation, Single Domestic		
S3-067069CL	WA Dep Nat. Res.	6/1/1951	Stock Water, Wildlife Propagation	0.02 cfs	1
G3-29235 (Permit)	Smith	6/29/1992	Multiple Domestic	95 gpm	19

**Table 6 Total Municipal Rights (Table 4 with G3-29350)**

File Number	Priority date	Purpose	Qi (gpm)	Qa (Ac-ft/yr)
Total Current Rights		Multiple Domestic	1000	360
G3-29350	1/12/1993	Municipal Domestic	1000	75
<b>TOTAL</b>	<b>MU for 568 Connections</b>		<b>2000</b>	<b>435</b>

In Mr. Covert's hydrogeologic analysis, he pointed out that the transmissivity of the aquifer in this location is on the order of 6,000 ft<sup>2</sup> per day. With such high permeability, water table wells with static water levels at the nearby pool elevation of the Columbia River will cause minimal drawdown in adjacent wells.

**Beneficial Use**

The use of water for municipal purposes is defined in statute as a beneficial use (RCW 90.54.020(1)). Beneficial use encompasses two principal elements of a water right:

1. Beneficial use refers to the purpose for which water may be used.

2. Beneficial use determines the measure of a water right. The owner of a water right is entitled to the amount of water necessary for the purpose to which it has been used.

To determine the amount of water necessary for a beneficial use, courts have developed the principle of "reasonable use". Reasonable use of water is determined by analysis of the factors of water duty and waste. Currently, Sunland Estates Maintenance Co. holds a total of three municipal water rights. These water rights authorize the use of 1,000 gallons per minute, 360 acre-feet per year. The homeowners association needs an increase in its water rights in order to complete the original project. From the Water Facilities Inventory Report provided by the Department of Health, Sunland Estates is authorized 568 connections. According to Mr. Phil Meenach, Homeowners Association President, Sunland Estates currently has 480 active connections and its water usage in 2009 was 119,287,000 gallons (366 acre-feet). From this the following calculations can be made to derive a reasonable increase in water rights to meet the original intent of the project.

- DOH authorized 568 connections
- 2009 water usage was 366 AF
- Currently have about 480 connections:  $366 \text{ AF} / 480 \text{ connections} \approx 0.76 \text{ AF/connection}$
- Total AF required for build out:  $568 \text{ connections} \times 0.76 \text{ AF/connection} \approx 432 \text{ AF}$
- Estimated AF needed to complete project:  $432 - 360 = 72 \text{ AF}$

According to Sunland Estates' 2010 Water Use Efficiency Report submitted to the Department of Health (DOH), the system is not yet metered. Considering much of this system has been in place since the 1970s, there is a high likelihood of significant leakage. Recognizing Sunland Estates is working toward increasing conservation, it is not possible to accurately calculate what its future usage will be when all potential conservation measures have been put in place. Because of this, the most reasonable prediction of need must be based on current usage. Assuming Sunland Estates complies with all DOH conservation requirements, the annual usage per unit may be some value less than 0.76 acre-feet per year. This should be evident during the Proof of Examination and will be adjusted on the final certificate.

It is Sunland Estates management's desire to have sufficient flows to meet both peak service capacity and fire flow demand simultaneously. According to Mr. Meenach, peak summer flow is about 1,300 gpm; 300 gpm above current water rights. It is conceivable peak flow will reach about 1,500 gpm when the project is built out. An increase of instantaneous withdrawal rate from 1,000 gpm to 2,000 gpm will meet this demand. This instantaneous rate would apply to all withdrawals. Therefore, the annual withdrawals under Sunland's current rights are included as non-additive.

### Public Interest Considerations

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Analysis of whether this application meets the requirements of RCW 90.03.290 that the proposed use of water will not be detrimental to the public welfare involves analysis of how the approval of the proposed use of water will affect the range of values that are encompassed the public interest.

Several sections of statute list the legislative policies that guide the consideration of the public interest during the allocation of water, including sections of the 1971 Water Resources Act (Chapter 90.54 RCW) and Chapter 90.90 RCW titled "Columbia River Basin Water Supply".

An analysis of the public interest considerations for the Program is contained in the Report of Examination for Application Number S3-30556, the “secondary use” permit for the Lake Roosevelt releases.

The public interests associated with the Program’s municipal, domestic, and industrial permitting are specifically cited in several sections of Chapter 90.90 RCW.

- RCW 90.90.005(1) states “The legislature finds that a key priority of water resource management in the Columbia river basin is the development of new water supplies that includes storage and conservation in order to meet the economic and community development needs of people and the instream flow needs of fish”.
- RCW 90.90.005(2) directs Ecology to “aggressively pursue the development of water supplies to benefit both instream and out-of-stream uses”.
- RCW 90.90.20(3)(b) instructs Ecology to focus on “Sources of water supply for pending water right applications”.
- RCW 90.90.20(3)(d) instructs Ecology to focus on “New municipal, domestic, industrial, and irrigation water needs within the Columbia river basin”.
- RCW 90.90.060(3) states that Lake Roosevelt releases “will bolster the state economy and will meet the following critical needs” including “new water supplies for municipalities with pending water right applications”.

The Program’s municipal, domestic, and industrial permitting achieves the statutorily mandated public interest requirements by allowing new state water rights to be issued while mitigating the impacts to fish.

If the subject application is approved, the public welfare may be affected in several ways:

- Economic activity is likely to result from the use of water for commercial/industrial purposes, as the associated construction and operation activities generate increased economic and social opportunities.
- The use of water for municipal purposes is not expected to affect local cultural, recreational, or environmental resources.
- The adaptive management strategy for mitigation releases will ensure releases occur at times that are most beneficial for Endangered Species Act-listed salmon and steelhead species in the Columbia River, thus assuring effective mitigation for this appropriation of water.

#### *Consideration of Protests and Comments*

In regards to this application, there were no letters of protest or concern filed during the period following the public notice.

#### **Conclusions**

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##### **Beneficial Use**

The proposed use of water for municipal purposes is considered to be a beneficial use. Therefore this application meets the first criterion of RCW 90.03.290 that the requested water be put to beneficial use.

**Water Availability**

The analysis provided above demonstrates that water is physically and legally available for the proposed use of water.

**Impairment**

The proposed beneficial use of water will not impair any existing water rights.

**Public Interest**

The proposed use of water would not be detrimental to the public welfare.

**RECOMMENDATIONS**

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Based on the above investigation and conclusions, I recommend that 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**

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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:

1000 gpm

75 acre-feet per year, additive; 360 acre-feet per year, non-additive

Municipal water supply

**Points of Withdrawal:**

Well #1: 139 feet W., 1134 feet N. of the SE Corner; in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 2, Township 18 N., Range 22 E.W.M.

Well #2: 280 feet W., 1094 feet N. of the SE Corner; in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 2, Township 18 N., Range 22 E.W.M.

Well #4: 721 feet E., 806 feet S. of the NW Corner; in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ , Section 12, Township 18 N., Range 22 E.W.M.

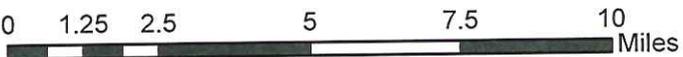
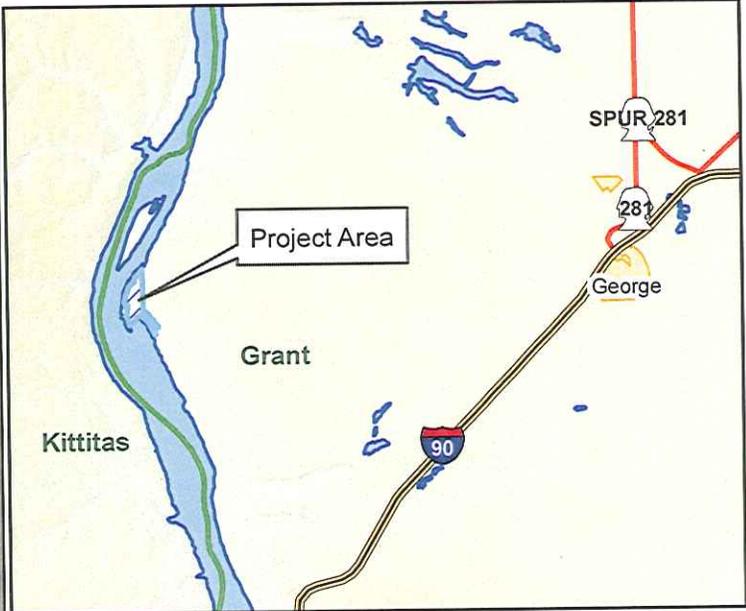
**Place of Use:**

Area served by Sunland Estates Maintenance Company within the E $\frac{1}{2}$  of Section 2, the NE $\frac{1}{4}$  of Section 11, and the NW $\frac{1}{4}$  of Section 12, all within Township 18 N., Range 22 E. W.M.

  
Report Writer

12/13/11  
Date

*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.*



-  Authorized Place of Use
-  Authorized Point of Withdrawal
-  Highway
-  County
-  Section

Comments:  
Map is for reference only. Place of use, points of withdrawal/diversion are as defined on the cover sheet of the Report of Examination.  
Image is 2009 NAIP airphoto.