



State of Washington REPORT OF EXAMINATION FOR WATER RIGHT CHANGE

Added or Changed Point of Withdrawal

PRIORITY DATE
November 29, 1990

WATER RIGHT NUMBER
G3-28923

MAILING ADDRESS
DUNE LAKE LLC
8568 DUNE LAKE ROAD
MOSES LAKE, WA 98837

SITE ADDRESS (IF DIFFERENT)

Total Quantity Authorized for Withdrawal

WITHDRAWAL OR DIVERSION RATE	UNITS	ANNUAL QUANTITY (AF/YR)
1458	GPM	2352

Purpose

PURPOSE	WITHDRAWAL OR DIVERSION RATE			ANNUAL QUANTITY (AF/YR)		PERIOD OF USE (mm/dd)
	ADDITIVE	NON-ADDITIVE	UNITS	ADDITIVE	NON-ADDITIVE	
Municipal Water Supply Purposes	1458		GPM	2352		01/01 - 12/31

ADDITIVE	IRRIGATED ACRES		PUBLIC WATER SYSTEM INFORMATION	
	ADDITIVE	NON-ADDITIVE	WATER SYSTEM ID	CONNECTIONS
			NA	0

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
Existing Well 1	170071001	ACC173	18 N.	28 E.	10	NWNW	47.07204	119.29860
Existing Well 2	170081000	ACC174	18 N.	28 E.	09	SWNE	47.06583	119.30937
Proposed Well SO1			19 N.	28 E.	34	SWSW	47.08792	119.29496
Proposed well S02	120877000	ABR077	18 N.	28 E.	03	NENW	47.08444	119.29321
Proposed well S03	120168154	AFA248	18 N.	28 E.	03	SENW	47.08015	119.29032

Datum: NAD83/WGS84

Place of Use (See Attached Map)

PARCELS (NOT LISTED FOR SERVICE AREAS)

LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE

Parcel 1

That portion of the W½ of Sec. 3, and that portion of Sec. 4, T. 18 N., R. 28 E.W.M., Grant County, Washington, lying Southerly of a line described as follows:

Beginning at the center of said Sec. 3; thence Westerly along the East-West centerline to the intersection with the centerline of that certain easement described as Parcel "B" in deed recorded October 20, 1953, under Auditor's File No. 326843; thence S 54°52'38" W along said centerline to the terminus of a course described in said easement as S 54°52'38" W, a distance of 587.58 feet; thence N 68°05'16" W, a distance of 2000.82 feet, this point lying N 60°15'01" W from the W¼ corner of said Sec. 3 and the centerline of an existing pump house; thence in a Northwesterly direction along the centerline of an existing intake flume to the water line of Moses Lake, a distance of 26 feet, more or less.

EXCEPT that portion thereof conveyed to the Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints, described as follows:

Beginning at the Northeast Corner of said Sec. 3, and proceeding N 89°35'10" W, a distance of 30.00 feet along the North line of said Sec. 3; thence S 0°23'18" W, a distance of 40.00 feet to the intersection of the right of ways of Sunset Avenue and Potato Hill Road, the true point of beginning; thence S 0°23'18" West along the West right of way boundary of said Potato Hill Road, a distance of 2642.80 feet to a point 30.00 feet Westerly from the E¼ corner of said Sec. 3; thence continuing along the West right of way boundary of Potato Hill Road, S 0°21'53" W, a distance of 2665.69 feet to a point 30.01 feet Westerly of the Southeast corner of said Sec. 3, this point being the intersection of the West right of way boundary of Potato Hill Road and the South line of said Sec. 3, thence along said south line of Sec. 3, this line being also the centerline of a private road 20 feet wide, S 88°56'33" W, a distance of 2380.59 feet to the intersection with another private road of 20.00 feet in width; thence along the centerline of said second road, N 39°35'38" W, a distance of 604.75 feet; thence along a curve to the right, whose radius is 193.25 feet, a distance of 143.09 feet; thence continuing along said centerline of said second private road, N 2°49'46" E, a distance of 3084.20 feet; thence along a curve to the right whose radius is 450.56 feet, a distance of 148.64 feet; thence N 21°43'51" E, a distance of 1468.21 feet to the intersection of said second private road with the South right of way boundary of Sunset Avenue; thence along said South right of way boundary of Sunset Avenue, S 89°35'10" E, a distance of 106.06 feet; thence along a curve to the left whose radius is 1273.28 feet, a distance of 489.45 feet to a point of reverse curvature; thence along a curve to the right whose radius is 1193.28 feet, a distance of 458.70 feet; thence continuing along said South right of way boundary of Sunset Avenue, S 89°35'10" E, a distance of 1085.01 feet to the true point of beginning.

EXCEPT that portion of Sec. 3, T. 18 N., R. 28 E.W.M., Grant County, Washington, described as follows: Beginning at the E¼ corner of said Sec. 3; thence along the East-West mid-section line of said Section, S 89°37'39" W a distance of 2762.42 feet to the true point of beginning; thence S 02°45'45" W 125.77 feet; thence N 89°43'46" W 1384.46 feet; thence S 83°36'26" W 496.41 feet; thence N 67°40'26" W, 29.34 feet to an intersection with the centerline of that certain easement described as "Parcel B" in Deed recorded October 20, 1958, under Grant County Auditor's File No. 326843, records of Grant County, Washington; thence N 54°52'38" E, along said centerline 264.53 feet to an intersection with the East-West mid-section line of said Section; thence Easterly along said mid-section line a distance of 1694.64 feet to the true point of beginning.

Parcel 2

All that portion of Sec. 9, and that portion of the N½N½; the SW¼NE¼; the SW¼NW¼ of Sec. 10, lying Northerly of the centerline of County Road right of way described in Auditor's File No. 418112, recorded October 9, 1962, all in T. 18 N., R. 28 E.W.M., Grant County, Washington.

Parcel 3

That portion of the SE¼NW¼ of Sec. 10, T. 18 N., R. 28 E.W.M., Grant County, Washington, lying Northerly of that certain 60 foot right of way for County Road as described in Auditor's File No. 420150, recorded on November 9, 1962, (commonly known as Sand Dunes Road).

Parcel 4

Parcel A of Parcel 4: A tract of Land existing predominately within the E½ of Sec. 3, T. 18 N., R. 28 E.W.M., Grant County, Washington, described as follows:

Beginning at the Northeast corner of said Sec. 3 and proceeding N 89°35'10" W a distance of 30.00 feet along the North line of said Sec. 3; thence S 0°23'18" W a distance of 40.00 feet to the intersection of the right of way of Sunset Avenue and Potato Hill Road, the true point of beginning; thence S 0°23'18" W along the West right of way boundary of said Potato Hill Road a distance of 2642.80 feet to a point 30.00 feet Westerly from the E¼ corner of said Sec. 3; thence continuing along the West right of way boundary of Potato Hill Road S 0°21'53" W a distance of 2665.69 feet to a point 30.01 feet Westerly of the Southeast corner of said Sec. 3, this point being the intersection of the West right of way boundary of Potato Hill Road and the South line of said Sec. 3; thence along said South line of Sec. 3, this line being also the centerline of a private road 20 feet wide, S 88°56'33" W a distance of 2380.59 feet to the intersection with another private road of 20.00 feet in width; thence along the centerline of said second private road N 39°35'38" W a distance of 604.75 feet; thence along a curve to the right whose radius is 193.25 feet, a distance of 143.09 feet; thence continuing along said centerline of said second private road N 2°49'46" E a distance of 3084.20 feet; thence along a curve to the right whose radius is 450.56 feet a distance of 148.64 feet; thence N 21°43'51" E a distance of 1468.21 feet to the intersection of said second private road with the South right of way boundary of Sunset Avenue; thence along said South right of way boundary of Sunset Avenue S 89°35'10" E a distance of 106.06 feet; thence along a curve to the left whose radius is 1273.28 feet a distance of 489.45 feet to a point of reverse curvature; thence along a curve to the right whose radius is 1193.28 feet a distance of 458.70 feet; thence continuing along said South right of way boundary of Sunset Avenue S 89°35'10" E a distance of 1085.01 feet to the true point of beginning

EXCEPT right of way of Chicago, Milwaukee, St. Paul and Pacific Railway.

Parcel B of Parcel 4: (Water Line Easement)

Access and egress for the purposes of providing, maintaining and operating an irrigation water supply line is hereby conveyed for an easement for 20 foot wide, 10 feet on either side of the following described centerline:

Beginning at a point S 2°37'04" W 2252.54 feet from the N¼ corner of Sec. 3, T. 18 N., R. 28 E.W.M., this point being the true point of beginning of said easement centerline and proceeding thence S 81°04'45" W a distance of 920.11 feet; thence S 78°13'51" W a distance of 254.20 feet; thence S 71°25'33" W a distance of 326.94 feet; thence S 54°52'38" W a distance of 587.58 feet; thence N 68°05'16" W a distance of 2000.82 feet; this point lying N 60°15'01" W from the W¼ corner of said Sec. 3 and at the centerline of an existing pump house, thence in a Northwesterly direction along the centerline of an existing intake flume to the water line of Moses Lake, a distance of 26 feet more or less.

Proposed Works

Five wells and municipal water distribution system

Development Schedule

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

Measurement of Water Use

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

Provisions

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 for irrigation 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.

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.

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

The wells authorized under this authorization are subject to WAC 173-134A-080(2)(d). Wells were authorized to be deepened and are limited to the Wanapum formation. In addition, limitations exist for the authorized wells of the Pelican Point Water System. Any well construction or deepening of these wells shall require preconstruction discussions with the Department of Ecology prior to any well construction or modifications.

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.

Department of Health Requirements

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.

The operation of the water system is through the Pelican Point Water Company PWS #66800L, Grant County

Easement and Right-of-Way

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

Water Use Efficiency

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

Proof of Appropriation

The water right holder must file the notice of Proof of Appropriation of water (under which the certificate of water right is issued) when the permanent distribution system has been constructed and the quantity of water required by the project has been put to full beneficial use. The certificate will reflect the extent of the project perfected within the limitations of the water right. Elements of a proof inspection may include, as appropriate, contracting with a Certified Water Right Examiner (CWRE) to confirm 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: REETS@DOR.WA.GOV.

Findings of Facts

Upon reviewing the investigator’s report, I find all facts, relevant and material to the subject application, have been thoroughly investigated. Furthermore, I concur with the investigator that valid water right exists; 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. CG3-28923, 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

Ground Water Permit No. G3-28923 authorizes the withdrawal of 1458 gallons per minute, 2352 acre-feet per year for community domestic supply. The authorized place of use included portions of Section 3, 4, 9, and 10, T. 18 N., R. 28 E.W.M. A detailed description is available in the permit.

The applicant proposes to add three existing wells to the permitted wells. These three wells are source wells for the Pelican Point Water System. Pelican Point and Dune Lake LLC have partially overlapping places of use. Pelican Point is authorized to serve within the place of use of the Dune Lake LLC property. The water rights of Pelican Point are described below.

This permit/project is still undeveloped.

This authorization was issued subject to WAC 173-134A-080(1). This authorization limits the use of water to domestic and group domestic uses. Changes in purpose of use or place of use are expressly subject to WAC 173-134A-070.

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. G3-28923 authorizes the withdrawal of 1458 gallons per minute, 2352 acre-feet per year for community domestic supply. The original proposal included 554 single domestic units, 2264 multi-domestic units and campsites. Irrigation water is supplied to these lands from the Moses Lake Irrigation District.

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

This permit meets the requirements of municipal water supply purposes under RCW 90.03.015(4)(a) serving residential purposes through 15 or more residential service connections.

RCW 90.03.560 requires the department to amend the water right document and related records to reflect the purpose of use as municipal water supply purposes when processing a water right change or amendment.

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

Signed at Spokane, Washington, this 8th day of July, 2014.



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 Dune Lake LLC to the Department of Ecology on March 14, 2014. The applicant proposes to add three wells to the underlying permit. No other changes are proposed.

A notice of application was published on April 30 and May 5, 2014 in the Columbia Basin Herald 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. G3-28923 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.

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.

Two wells were constructed for the Dune Lake LLC project.

One well was described as constructed in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 3. The well log identifies the construction as a 12 inch well at a depth of 640 feet (ACC 173). This well is actually located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 10.

The second well is described as located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 3 on the well log. The actual location is in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 9. The well log identifies the construction as a 12 inch well at a depth of 640 feet (ACC 174).

This permit authorization was originally limited to the shallow water management unit. The wells were constructed beyond 200 feet into the basalt. The permittee at the time requested a well depth exemption. The well construction was evaluated and determined to be within the Wanapum basalt unit and did not penetrate the Grande Ronde basalt unit. The depth exemption was granted January 14, 1997.

The wells authorized under this authorization are subject to WAC 173-134A-080(2)(d). Wells were authorized to be deepened and are limited to the Wanapum formation. In addition, limitations exist for the authorized wells of the Pelican Point Water System. Any well construction, reconstruction or deepening of these wells shall require preconstruction discussions with the Department of Ecology prior to any well construction or modifications.

The proposed source wells are authorized under the water rights of Pelican Point Water Company.

PPWC SO1 – no well log is available. The well is currently authorized as a backup emergency well only and is disconnected from the delivery system. The water system plan described the well as an 8 inch well constructed to a depth of 135 feet. The Pelican Point WSP contemplates drilling a new well at this site. If a new well is constructed this existing well (SO1) shall be decommissioned.

PPWC SO2 (ABR 077) is described as a 16 inch well constructed to a depth of 468 feet.

PPWC SO3 (ABR 248) is described as a 16 inch well constructed to a depth of 450 feet.

Both wells SO2 and SO3 were authorized to be deepened into the Wanapum formation not to exceed 740 feet. If these wells are modified, preconstruction meetings shall be held with the department prior to any well construction.

Both the existing permitted wells and the proposed wells are constructed in the Wanapum formation and are in the same body of public ground water.

No additional quantity of water is requested under the proposed change. The right is not enlarged.

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 flow levels established by rule (POL-1200); and/or 4) degrade the quality of the source to the point that water is unsuitable for use by existing water right holders (WAC 173-150). Demonstration of impairment would require evidence of a substantial and lasting or frequent impact reflecting such conditions.

This proposed change in the point of withdrawal shall not increase the amount of water withdrawn from the aquifer nor will it increase the land proposed for irrigation or expand the right. The added well will not impair existing water rights.

No other changes are requested of the permit.

Existing Water Rights

The proposed wells enjoy the following water rights under the Pelican Point Water Company:

File #	Person	Doc	Priority Dt	Purpose	Qi	Qa
G3-25851ALCWRIS	Pelican Point Inc	Cert	2/16/1978	DM	600	120
G3-28419ALCWRIS	Pelican Point Water Co	Cert	10/5/1987	DM	300	100
G3-29334	Pelican Point Water Co	Pmt	11/9/1992	DM	500	180
G3-QB1313(C)	Pelican Point Water Co	QBPmt	3/3/1993	MU	67.5	31.5

The property of Dune Lake LLC is served irrigation water from the Moses Lake Irrigation District.

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 for irrigation purposes 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. G3-28923.

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:

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 add points of withdrawal as granted under Ground Water Permit No. G3-28923 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 for change to add three wells 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:

1458 gallons per minute, 2352 acre-feet per year for Municipal Water Supply Purposes.

Kevin Brown

Kevin Brown, Report Writer

7.8.14

Date

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