File NR G4-33045
WR Doc ID 5042138

DEPARTMENT OF ECOLOGY
State of Washington

State of Washington
REPORT OF EXAMINATION
FOR WATER RIGHT APPLICATION

PRIORITY DATE	WATER RIGHT NUMBER
12/12/2011	G4-33045

MAILING ADDRESS	SITE ADDRESS (IF DIFFERENT)
LAKE ENTIAT LODGE ESTATES ASSOCIATED HOA PO BOX 426 MANSON, WA 98831	

Quantity Authorized for Withdrawal or Diversion

WITHDRAWAL OR DIVERSION RATE	UNITS	ANNUAL QUANTITY (AF/YR)
319	GPM	366

Purpose

	WITHDRAWAL OR DIVERSION RATE			ANNUAL QUANTITY (AF/YR)		
PURPOSE	ADDITIVE	NON-ADDITIVE	UNITS	ADDITIVE	NON-ADDITIVE	PERIOD OF USE (mm/dd)
Municipal Water Supply	319		GPM	0	366	01/01 - 12/31

REMARKS

The annual quantity associated with this authorization shall not increase the total allowed withdrawals under the existing water rights portfolio held by Lake Entiat Lodge Estates Associated HOA. Annual quantities withdrawn under S4-SWC00072(B) remain subject to WAC 173-563-040(3) and are subject to curtailment between October 2 and February 29, as outlined in Ecology's January 3, 2002 modification order to the Douglas County Water Conservancy Board's change authorization.

IRRIGATED ACRES		PUBLIC WATER SYSTEM INFORMATION	
ADDITIVE	NON-ADDITIVE	WATER SYSTEM ID	CONNECTIONS
0	0	851249	361

Source Location

COUNTY	WATERBODY	TRIBUTARY TO	WATER RESOURCE INVENTORY AREA
DOUGLAS	GROUNDWATER		44-MOSES COULEE

SOURCE FACILITY/DEVICE	PARCEL	WELL TAG	TWP	RNG	SEC	QQ Q	LATITUDE	LONGITUDE
Well 3	26211130003	AGJ039	26N	21E.W.M.	11	NESW	47.7638	-120.16636
Proposed Well	*Well not yet drilled*		26N	21E.W.M.	11	NESW		

Datum: NAD83/WGS84

Place of Use (See Attached Map)

PARCELS (NOT LISTED FOR SERVICE AREAS)

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 POU of this water right.

Proposed Works

The applicant proposes to drill an additional well to increase aggregate pumping rates by 319 gpm. This would bring the total Instantaneous Quantity rate (Qi) authorized under all existing rights to 900 gpm. The impetus for this request is to better meet maximum demands on the system during summer days at peak occupancy. There is no additive annual quantity associated with this application.

Development Schedule

BEGIN PROJECT	COMPLETE PROJECT	PUT WATER TO FULL USE
November 1, 2012	November 1, 2013	November 1, 2016

Measurement of Water Use

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

Provisions

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 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.

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. G4-33045, 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

Signed at Yakima, Washington, this 28th day of November 2012.

Mark C. Schuppe
Operations Manager
Office of Columbia River

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 -- Lake Entiat Lodge Estates Associated HOA
Water Right Control Number G4-33045
Trevor Hutton, Department of Ecology

BACKGROUND

This application was submitted by Lake Entiat Lodge Estates Associated HOA (LELA) as a result of discussions with the applicant regarding the Lake Roosevelt Incremental Storage Releases Program (Program). The applicant currently holds another application (G4-32631) for additional instantaneous rate and annual quantity. However, through discussions with LELA, there appears to be no need for increased annual quantity at this time. Their updated Water System Plan (WSP), indicates that their existing water rights are adequate to supply the annual demand for the development at full build out. After the initial discussion, the applicant made the decision to withdraw from processing under the Program, but retain the application on file in the event that actual use increased beyond the scope of their current water right portfolio.

The consultant who prepared the WSP did note the need for an increased instantaneous rate (Qi), as the current system does not use optimum amounts of storage to provide water during peak periods of use. By increasing the maximum pumping rate, the system would be able to rapidly recharge its limited storage to maintain operational capacity during these periods of high demand. The development is comprised of many vacation homes which are utilized only during the summer months. The peak rate of withdrawal would likely only be necessary during temporary periods of high occupancy.

Priority Processing

This application is being priority processed because it qualifies as water budget neutral pursuant to the criteria under which an application may be processed prior to competing applications (WAC 173-152-050).

Table 1 Summary of Requested Water Right

Applicant Name:	Lake Entiat Lodge Estates Associated HOA
Date of Application:	12/12/2011
Place of Use	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.

County	Waterbody	Tributary To	WRIA
Douglas	Groundwater		44-Moses Coulee

Purpose	Rate	Unit	Acre-feet/yr	Begin Season	End Season
Municipal Water Supply	319	GPM	0 (additive)	01/01	12/31
			366 (non-additive)		

Source Name	Parcel	Well Tag	Twp	Rng	Sec	QQ Q	Latitude	Longitude
Well 3	26211130003	AGJ039	26N	21E.W.M.	11	NE SW	47.76380	-120.16636
Proposed Well			26N	21E.W.M.	11	NE SW	*Well not yet drilled*	

LELA currently holds three existing water rights for the purposes of domestic supply and irrigation within Lake Entiat Estates.

Table 2 Existing LELA Water Rights

Water right	Purpose	GPM	Acre-feet per Year	Acres	Authorized wells	Wells
G4-01242(A)	Domestic	160	256		2	NE¼SW¼ Sec 11, T. 26 N., R. 21 E.W.M.
CG4-GWC6693-A	Domestic - Clubhouse/pool	108	5		3	Located 3000'W and 650'S of east ¼ corner of Sec 11 (gov lot 7) , T. 26 N., R. 21 E.W.M.
	Irrigation		17.5	5		
S4-SWC00072(B)	Domestic	313	87.5		3	Located 3000'W and 650'S of east ¼ corner of Sec 11, T. 26 N., R. 21 E.W.M.

The system currently relies on three existing wells, one twelve inch diameter, 103 foot deep well and two older eight inch diameter, 48 foot deep wells. All are located within the NE¼SW¼ of Section 11, T. 26 N. R. 21 E.W.M. LELA plans to drill an additional well within the same quarter-quarter section and will seek to add the well to existing rights as an additional source via a showing of compliance with RCW 90.44.100(3). Ken Flynn, the managing agent for LELA, indicated that the shallow eight inch wells have some water quality issues and that subsequent to this approval, those wells will only be used for irrigation of the park area adjacent to the river. The subject application proposes to use only the existing 12 inch, 103 foot well (known as "Well 3") and the planned new well.

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 Douglas County Empire Press on March 8 and 15, 2012.

No comments were received.

Consultation with the Washington Department of Fish and Wildlife(WDFW)

Ecology must give notice to WDFW of applications to divert, withdraw or store water. Notice was sent to WDFW as a part of the consultation process under WAC 173-563-020 (see below). On August 2, 2012, WDFW submitted a letter stating that they would not oppose issuance of the rights, as Lake Entiat Lodge Estates is not increasing annual quantities.

Consultation under WAC 173-563-020

Under WAC 173-563-020(4), consultation is required before issuing a new groundwater right that has significant and direct impact to the Columbia River:

> *Any water right application considered for approval or denial after July 27, 1997 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.*

Notice was sent to appropriate parties on July 19, 2012. One response was received from the US Fish and Wildlife Service indicating that the proposal would be "of little consequence" to fish species under the purview of the US Fish and Wildlife Service.

State Environmental Policy Act (SEPA)

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.

(a) 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;
(b) It is a groundwater right application for more than 2,250 gallons per minute;
(c) It is an application that, in combination with other water right applications for the same project, collectively exceed the amounts above;
(d) 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);
(e) It is part of a series of exempt actions that, 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 and a threshold determination is not required.

INVESTIGATION

The author of this report visited the site on February 24, 2011, pursuant to the LELA application that was eligible to receive water under the Program. This site visit and subsequent correspondence indicated that there was likely no immediate need for additional annual quantity, and that existing rights appear to be adequate to meet the development's demands at full build out. However, there were issues brought forth by LELA's consultant regarding their authorized instantaneous rates. The consultant recommended that increased instantaneous pumping rate would allow for more efficient operation of the system to allow for greater capacity to meet peak demands. After the subject application was submitted, the author visited the site on February 3, 2012 to discuss possible well locations, system operation, and application processing procedures.

Proposed Use and Basis of Water Demand

The applicant proposes to drill an additional well to increase pumping rates by 319 gpm. This would bring the total Qi authorized under all existing rights to 900 gpm. The impetus for this request is to better meet maximum demands on the system during summer days at peak occupancy. There is no additive annual quantity associated with this application.

Other Rights in the Vicinity

The only water rights in the immediate vicinity of this application are held by LELA. These are listed in Table 2. The property is within the mapped POU for the United States Bureau of Reclamation held rights for the Bray's Landing unit of the Greater Wenatchee Irrigation District, but LELA does not receive water from the irrigation district. The next nearest non-LELA water rights are appurtenant to parcels located to the east of the LELA development, held by Apple Valley Lands and Frank Schwantes for the irrigation of adjacent orchard properties.

Impairment Considerations

Impairment is an adverse impact on the physical availability of water for a beneficial use that is entitled to protection. A water right application may not be approved if it would:

- Interrupt or interfere with the availability of water to an adequately constructed groundwater withdrawal facility of an existing right. An adequately constructed groundwater withdrawal facility is one that (a) is constructed in compliance with well construction requirements and (b) fully penetrates the saturated zone of an aquifer or withdraws water from a reasonable and feasible pumping lift.
- Interrupt or interfere with the availability of water at the authorized point of diversion of a surface water right. A surface water right conditioned with instream flows may be impaired if a proposed use or change would cause the flow of the stream to fall to or below the instream flow more frequently or for a longer duration than was previously the case.
- Interrupt or interfere with the flow of water allocated by rule, water rights, or court decree to instream flows.
- Degrade the water quality of the source to the point that the water is unsuitable for beneficial use by existing users (e.g., via sea water intrusion).

A separate technical memorandum regarding this application was produced by a staff licensed Hydrogeologist. This memorandum states in part:

> In 1997 GeoEngineers conducted a stepped-rate pumping test and a constant-rate pumping test on the 103 foot deep subject well. The well was pumped at an average rate of 628 gallons per minute (gpm) for 24 hours during the constant rate test. During the test water levels were monitored in the pumping well, the two nearby 48 foot deep subject wells, and Lake Entiat. During the constant-rate pumping test, drawdown of the water table was observed to be less than 1.5 feet in the pumping well and minimal in the two nearby 48 feet deep observation wells.
>
> In addition to the 1997 pumping tests, an evaluation of possible pumping interference with nearby wells as a result of the permitting action was accomplished using the Theis non-equilibrium equation, corrected for unconfined conditions, and the parameters listed below. Results indicate that pumping the authorized maximum instantaneous quantity of 900 gallons per minute (gpm) from a single well would exhaust the authorized annual quantity of 366 acre feet (af) in approximately 92 days and potentially drawdown the water table an estimated 1.5 feet at a distance of 20 feet from the pumping well. The subject wells are approximately 100 feet from the nearest identified water well. Estimated drawdown of the hydraulic head in the unconsolidated sand and gravel aquifer at a distance of 100 feet is estimated to be 1.1 feet. If the well is pumped in cycles or if it is pumped at less than the maximum instantaneous quantity, the predicted drawdown effect in the unconsolidated sand and gravel aquifer would be reduced.

The above analysis indicates that there appears to be no substantial risks of impairment to existing rights in the area and that the proposed project would not interrupt or interfere with established water users.

Water Availability

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

Physical availability
For water to be physically available for appropriation there must be ground or surface water present in quantities and quality and on a sufficiently frequent basis to provide a reasonably reliable source for the requested beneficial use or uses. In addition, the following factors are considered:

- Volume of water represented by senior water rights, including federal or tribal reserved rights or claims;
- Water right claims registered under Chapter 90.14 RCW;
- Ground water uses established in accordance with Chapter 90.44 RCW, including those that are exempt from the requirement to obtain a permit; and
- Potential riparian water rights, including non-diversionary stock water.
- Lack of data indicating water usage can also be a consideration in determining water availability, if the department cannot ascertain the extent to which existing rights are consistently utilized and cannot affirmatively find that water is available for further appropriation.

The proposed wells appear to be substantially connected to the Columbia River, and the Ecology staff Hydrogeologist's report indicates that the aquifer in the subject location has an extremely high transmissivity. This suggests that water is physically available to supply water for the proposed uses.

Legal availability
To determine whether water to be legally available for appropriation, the following factors are considered:

- Regional water management plans – which may specifically close certain water bodies to further appropriation.
- Existing rights – which may already appropriate physically available water.
- Fisheries and other instream uses (e.g., recreation and navigation). Instream needs, including instream and base flows set by regulation. Water is not available for out of stream uses where further reducing the flow level of surface water would be detrimental to existing fishery resources.
- The Department may deny an application for a new appropriation in a drainage where adjudicated rights exceed the average low flow supply, even if the prior rights are not presently being exercised. Water would not become available for appropriation until existing rights are abandoned or relinquished for non-use by state proceedings.

This application is water budget neutral and would not result in an increase in the consumptive use allowed under LELA's existing rights.

Beneficial Use

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

Public Interest Considerations

The proposed use of water is not detrimental to the public interest, and would allow LELA to continue buildout of their development without encountering future water supply problems. This concept aligns with RCW 90.54.020(8) in that the presence of an adequate water supply system would prevent the

need for landowners to find alternate means of water access, such as private wells and/or water distribution systems within the development.

Consideration of Protests and Comments

No protests were filed against this application.

Conclusions

As proposed in the subject application, water appears to be legally and physically available, with no expected impairment to existing rights, would be applied to a beneficial use, and is not contrary to the public interest.

RECOMMENDATIONS

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

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:

319 gpm
0 acre-feet per year (additive)
366 acre-feet per year (non-additive)
Municipal Water Supply purposes

Points of Withdrawal

NE¼, SW¼, Section 11, Township 26 North, Range 21 E.W.M.

Place of Use
As listed on page one of this Report of Examination

11/28/12

Report Writer *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.