



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Central Region Office
1250 West Alder St., Union Gap, WA 98903-0009 • 509-575-2490

February 2, 2026

Malaga-Colockum Community Council
c/o Vicky Malloy
PO Box 292
Malaga, WA 98828
Email: vickim@nwi.net

Re: Ecology Modifies the Chelan Board's Decision and Approves Application No.
CG4-24695@1 (CHEL-25-02) Malaga-Colockum Community Council

Dear Vicki Malloy:

Ecology reviewed the Record of Decision and Report of Exam (ROD-ROE), and all relevant information, submitted by the Chelan County Water Conservancy Board (the Board) for Application No. CG4-24695@1 (CHEL-25-02). A summary of Ecology's modified decision on the ROD-ROE is below and reflects the conditions for approval of the proposed change/transfer. The Board's ROD-ROE is attached here for reference.

Please note that a total of 27.77 ac-ft/yr has been determined to be valid under G4-24695. The temporary trust donation of G4-24695 must be revised or replaced to account for this change in annual quantity.

If you have any questions, please contact Ben Carr at 509-490-1936 or benjamin.carr@ecy.wa.gov.

Summary of Ecology's decision

Total rate and quantity authorized: 150 gpm and 27.77 ac-ft/yr.

Purposes of use:

Purpose of use	Period of use	Withdrawal rate (gpm)	Annual quantity (ac-ft/yr)
Irrigation of 6.4 acres	April 1 – October 31	150	27.55
Single Domestic	Continuous	150 (non-additive)	0.22

Source of supply: Groundwater

The authorized point of withdrawal is provided in the table below.

Source name	Parcel no.	Well tag	PLSS	Latitude	Longitude
Community Park Well	222128240050	TBD	SENW or SWNE S28 T22N R21EWM	TBD	TBD

Place of use: The place of use includes the Chelan County parcel: 222128240050

The legal description for the place of use is available from the Chelan County Auditor File No. 2333122 and describes the place of use as:

“That portion of the East half of the Southeast quarter of the Northwest quarter, Section 28, Township 22 North, Range 21 East, W.M., Chelan County, Washington, Lying Southerly of the Right of Way of County Road as located in 1935.

EXCEPT that portion described as follows:

Commencing at the Southeast corner of the Northwest quarter of Section 28 (Center of Section), Township 22 North, Range 21 East, W.M., Chelan County, Washington, a one-inch pipe; thence North 89°55'14" West along the South line of said Northwest quarter for 658.77 feet, to a 5/8" iron rod; thence North 0°05'41" East for 912.57 feet, to a 5/8"x2' iron rod, the True Point of Beginning; thence continuing North 0°05'41" East for 50.00 feet, to a 5/8"x2' iron rod; thence South 89°54'19" East for 50 feet, to a 5/8"x2' iron rod; thence South 0°05' 41" West for 50.00 feet, to a 5/8"x2' iron rod; thence North 89°54'19" West for 50.00 feet to a 5/8"x2' iron rod; the True Point of Beginning.

TOGETHER WITH that portion of Lot 1, Chelan County Short Subdivision No. 817, Maxine Anderson, as recorded in Book 788, at Pages 502-504, records of said county, according to the survey thereof recorded in Book 11 of Surveys at Page 93, records of said county, described as follows:

Beginning at a point on the northerly line of said Lot 1, which is South 84°45'00" East 666.53 feet from the Northwest corner thereof, the True Point of Beginning; thence South 05°15'00" West, 421.02 feet; thence North 88°15'33" West, 261.55 feet to the Northeast corner of Lot of said plat; thence North 89°58' 43" West, along the North line of said Lot 2, 364.30 feet to the Northwest corner of said Lot 2; thence North 00°03'45" East, along the Westerly line of said Lot 1, 472.18 feet to the Northwest corner of said Lot 1; thence along the Northerly boundary of said Lot 1 the following courses and distances; South 84°45'00" East, 231.95 feet; thence South 05°15'00" West, 5.00 feet; thence South 84°45'00" East, 300.00 feet; thence North 05°15'00" East 5.00 feet; thence South 84°45'00" East, 134.58 feet to the True Point of Beginning.

AND TOGETHER WITH the West 102 feet of Parcel "A" Boundary Line Adjustment 2004-021 recorded Auditor's File No. 2170000, records of said County, described as follows: Beginning at a point on the northerly line of said Lot 1, which is South 84°45'00" East 666.53 feet from the Northwest corner thereof; thence continuing South 84°45'00" East 102.00 feet; thence South 05°15'00" West 436.88 feet to the South line said Parcel "A"; thence North 75°54'37" West along said South line 103.23 feet to the Southwest corner said Parcel "A"; thence North 05°15'00" East along the West line said Parcel "A" 421.02 feet to the point of beginning.”

Begin Construction: December 31, 2027

Complete Construction: December 31, 2029

Complete Change: December 31, 2030

Review of modification(s):

Ecology finds that the subject water right was used for slightly less lawn irrigation than determined by the Board in the 1990s. Ecology revises the tentative determination of lawn irrigation to 0.3 acres, which changes the annual quantity required from 1.80 to 1.077 ac-ft/yr. See below for a revised version of Table 1 (page 11 of ROE).

Table 1 Revised: TIR Calculation

Crop	Acres	CIR (ft per acres)	TIR (ft per acre)	Irrigation Efficiency	Total AF
Cherries with cover	6.1	3.04	4.34	70%	26.47
Pasture/turf (lawn)	0.3	2.51	3.59	70%	1.08
Total	6.4				27.55

Ecology modifies the Board’s decision by adding the single domestic purpose of use and the associated quantities since they were determined to be valid by the Board.

Ecology modifies the Board’s decision by removing the purpose of use of instream flow for mitigation. Ecology communicated its concerns with this purpose of use to Malaga-Colockum Community Council (MCCC) and Chelan County on January 16, 2026:

The dual-purpose of irrigation and continuous instream flow for mitigation does not comport with Ecology’s Policy 1010. According to the authors of the ROE, the Malaga-Colockum Community Council (MCCC) hasn’t completed design plans for the park and therefore cannot ensure there will be water available to use for mitigation in the Chelan County water bank. There is a potential for enlargement of the water right when two separate and unquantified projects are pointing to the same water quantity.

Additionally, the ROE doesn’t consider what mitigated new uses would be served as required under RCW 90.42.110(2). The ROD-ROE approves year-round instream flow for mitigation when the secondary reach table shows that mitigation would only be available seasonally. There is no calculation of lag time between the historic consumptive use at the well and the Columbia River to show the potential for year-round mitigation. For these kinds of transfers, we typically consult with other agencies and tribes on changes in season of use to evaluate impairment to the Columbia River Instream Flow Rule, chapter 173-563 WAC.

Ecology thinks that there is a clear path forward in this situation. When the Malaga Community Park is completed, there will be a known quantity for the park and what is remaining. At that time, it would be appropriate to pursue another RCW 90.03.380

change to develop mitigation. The entire water right is currently in the trust program, and any excess quantities could remain donated until full build-out of the park.

With the removal of the instream flow for mitigation purpose, Ecology also removes all references in the ROE to this water right being managed in the Trust Water Rights Program (TWRP) and used for mitigation.

Ecology modifies the place of use legal description for the irrigation and domestic purposes of use above. Ecology appreciates the efforts of Kelsey Mach with Geosyntec to find a legal description that isn't dependent on the parcel number, which is subject to change by Chelan County.

Ecology modifies the development schedule to shorten the period to 5 years total. The previous development schedule was designed to allow for the dual purpose of use and completing the change may be accomplished in a quicker manner without it. If more time is needed for any part of the development schedule, an extension request with a fee can be sent to Ecology.

In the "Relinquishment or abandonment concerns" section on page 16-17, there is an inaccurate statement which is replaced with the following:

The original water right G4-24695 was issued for 150 gpm and 40 ac-ft/yr for irrigation of 10 acres and 150 gpm (non-additive) and 2 ac-ft/yr for continuous single domestic. There has been partial relinquishment of both purposes of use since the certificate issued in 1982.

In the Provisions section on pages 19-20:

- Ecology removes the Aquifer Completion, Water Banking Agreement, and Annual Consumptive Quantity provisions.
- Ecology replaces the Proof of Appropriation provision with the following:

Consistent with the development schedule given in this report (unless extended by Ecology), the water right holder must file a Notice of Proof of Appropriation (PA) of Water with Ecology*. The PA documents the project is complete and all the water needed has been put to full beneficial use (perfected). To verify the extent of water use under this authorization, an inspection of water use is typically required, known as a "proof exam". After filing the PA, the water right holder's next step is to hire a Certified Water Rights Examiner (CWRE) to conduct this proof exam. A list of CWREs is provided to the water right holder upon filing the PA with Ecology. The final water right document, a water right certificate, then may issue based upon the findings of the CWRE. Statutory county and state filing fees may apply prior to certificate issuance.

*Ecology is in the process of revising POL-1280 on development schedules. Please contact Ecology to determine the appropriate form to fill out when you have put the water to use.

Your right to appeal

You have a right to appeal this decision to the Pollution Control Hearings Board (PCHB) within 30 days of the date of receipt. 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 all of the following within 30 days of the date of receipt of this decision:

- File your notice of appeal and a copy of this decision with the PCHB (see filing information below). “Filing” means actual receipt by the PCHB during regular business hours as defined in WAC 371-08-305 and -335. “Notice of appeal” is defined in WAC 371-08-340.
- Serve a copy of your notice of appeal and this decision on the Department of Ecology by mail, in person, or by email (see addresses below).

You must also comply with other applicable requirements in chapter 43.21B RCW and chapter 371-08 WAC.

Filing an appeal

Filing with the PCHB

For the most current information regarding filing with the PCHB, visit: <https://eluhwa.gov/> or call: 360-664-9160.

Service on Ecology

Street Address:

Department of Ecology
Attn: Appeals Processing Desk
300 Desmond Drive SE
Lacey, WA 98503

Mailing Address:

Department of Ecology
Attn: Appeals Processing Desk
PO Box 47608
Olympia, WA 98504-7608

E-Mail Address:

ecologyappeals@ecy.wa.gov

More information

- **[Pollution Control Hearings Board Website](https://eluhwa.gov/)**
<https://eluhwa.gov/>
- **[Chapter 43.21B RCW – Environmental Hearings Office – Pollution Control Hearings Board](http://apps.leg.wa.gov/RCW/default.aspx?cite=43.21B)**
<http://apps.leg.wa.gov/RCW/default.aspx?cite=43.21B>
- **[Chapter 371-08 WAC – Practice And Procedure](http://apps.leg.wa.gov/WAC/default.aspx?cite=371-08)**
<http://apps.leg.wa.gov/WAC/default.aspx?cite=371-08>
- **[Chapter 34.05 RCW – Administrative Procedure Act](http://apps.leg.wa.gov/RCW/default.aspx?cite=34.05)**
<http://apps.leg.wa.gov/RCW/default.aspx?cite=34.05>
- **[Ecology’s Laws, Rules & Rulemaking](https://www.ecology.wa.gov/About-us/How-we-operate/Laws-rules-rulemaking#ws)**
<https://www.ecology.wa.gov/About-us/How-we-operate/Laws-rules-rulemaking#ws>

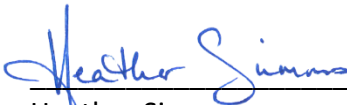
Americans with Disabilities Act information

Accommodation Requests

To request ADA accommodation including materials in a format for the visually impaired, call Ecology at 360-407-7668 or visit <https://ecology.wa.gov/accessibility>. People with impaired hearing may call Washington Relay Service at 711. People with speech disability may call TTY at 877-833-6341.

Signature

Sincerely,



Heather Simmons
Section Manager
Water Resources Program
Central Region Office

HS:BC:aa (260203)

Enclosures: **CG4-24695@1 (CHEL-25-02) ROD-ROE**

https://apps.wa.gov/ecology/docs/WaterRights/ScanToWRWS/CRO/pdf/6807127_101_1120202542506.pdf

Begin Construction

<https://stateofwa.sharepoint.com/sites/ECY-WRPermitWriters/Lists/Enclosures/DispForm.aspx?ID=2&e=3tcFK5>

cc: Lisa de Vera, Chelan County Water Conservancy Board
Kelsey Mach, Geosyntec Consultants
Dan Haller, Geosyntec Consultants
Mike Kaputa, Chelan County Natural Resources Department

Sent by Certified Mail: 9489 0090 0027 6571 5340 32