



STATE OF WASHINGTON
DRAFT
REPORT OF EXAMINATION
FOR WATER RIGHT APPLICATION

WR Doc ID 6802976

PRIORITY DATE	WATER RIGHT APPLICATION NUMBER
March 24, 2020	R1-29263

NAME AND MAILING ADDRESS	SITE ADDRESS (IF DIFFERENT)
Avalon Golf Links 19345 Kelleher Rd Burlington, WA 98233	

Total Rate and Quantity Authorized for Storage	
WITHDRAWAL RATE (gpm)	ANNUAL QUANTITY (ac-ft/yr)
N/A	65

gpm = Gallons per Minute; ac-ft/yr = Acre-feet per Year

Attention: Existing water right G1-25592 authorizes the withdrawal of 450 gpm and 78 ac-ft/yr from groundwater for irrigation at the Avalon Golf Links site. The subject ROE requests the storage of 65 ac-ft/yr of the total withdrawn annually under G1-25592.

Associated Water Right(s)			
DOCUMENT NUMBER	INSTANTANEOUS RATE (gpm)	ANNUAL QUANTITY (ac-ft/yr)	REMARKS
G1-25592	450 gpm	78	--

Purpose(s)			
PURPOSE	WITHDRAWAL RATE (gpm)	ANNUAL QUANTITY (ac-ft/yr)	PERIOD OF USE
Storage	N/A	65	4/1 to 10/31

IRRIGATED ACRES	PUBLIC WATER SYSTEM INFORMATION	
N/A	WATER SYSTEM NAME and ID	CONNECTIONS
	N/A	N/A

Source Location			
COUNTY	WATERBODY	TRIBUTARY TO	WATER RESOURCE INVENTORY AREA
Skagit	Groundwater	N/A	3 – Lower Skagit-Samish

SOURCE NAME	PARCEL	WELL TAG	TOWNSHIP	RANGE	SECTION	QQ Q	Latitude	Longitude
Irrigation Well 1	P35951	--	35 N	4 E	8	NE SW	48.536636	-122.326588

QQ Q = Quarter Quarter

Datum: NAD83/WGS84

Place of Use
PARCEL(S)
P35950, P35951, P35952, and P35954

LEGAL DESCRIPTION OF THE AUTHORIZED PLACE OF USE
East ½ of West ½ of Section 8; also the NW¼ of the SW¼ of Section 8, Township 35N, Range 4E, W.M., Skagit County.
NE¼ of the NW¼ lying north of the county road, in Section 17, Township 35N, Range 4E, W.M., Skagit County.

Proposed Works
Water is withdrawn from Irrigation Well 1, then transferred to a series of six connected in-ground irrigation impoundments that collect or store the water. From there, water is delivered to the place of use described above and on existing groundwater permit G1-25592.

Development Schedule		
BEGIN PROJECT BY THIS DATE	COMPLETE PROJECT BY THIS DATE	PUT WATER TO FULL USE BY THIS DATE
Begun	Completed	Completed

Attention: These dates represent deadlines that must be met or risk cancellation of this authorization. Submittal of formal documentation for each stage is required. Extensions may be requested.

Measurement of Water Use	
HOW OFTEN MUST WATER USE BE MEASURED AND RECORDED?	Weekly
HOW OFTEN MUST WATER USE DATA BE REPORTED TO ECOLOGY?	Annually by January 31
WHAT QUANTITY SHOULD BE REPORTED?	Total annual quantity in acre-feet
WHAT RATE SHOULD BE REPORTED?	Annual peak rate of withdrawal in gpm
WHAT ADDITIONAL METERING REQUIMENTS EXIST FOR THIS WATER RIGHT?	Telemetry and Automated Metering, See Provisions.

Provisions

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.

Specifically, WAC 173-173-080 allows the Department of Ecology to modify reporting requirements on a case-by-case basis. This provision is written justification and notification to the water user. **The Department of Ecology is requiring automated data collection and transmission for the groundwater source specified in this water right, because water use from this source is subject to low flows specified in water right G1-25592, and daily water use recording requirements specified in G1-25592 (Exhibit A).**

Water withdrawn from Irrigation Well 1 must be recorded by an automated system and reported to the Department of Ecology via cellular-based telemetry. Ecology shall have full access to this data via the internet. Data shall, at a minimum, record peak instantaneous (Qi) and total (Qa) withdrawals on a daily basis, and at a minimum, transmit data daily. This method of reporting water use shall replace the existing annual reporting requirement for G1-25592. Automated data collection and transmission will allow the Department of Ecology to quickly assess the water users' compliance with the low-flow provisions of G1-25592.

A copy of the "Telemetered Meters", Department of Ecology publication 19-11-083, is included with this Report of Examination (Exhibit B).

Water withdrawn from the irrigation impoundment(s) for irrigation must be recorded and reported to the Department of Ecology. Irrigation water diverted from of the irrigation ponds must not exceed the annual quantity of water withdrawn from Irrigation Well 1. The water right holder has the option of using conventional meters and rely on manual meter readings or using an automated system that reports water use data to Department of Ecology via cellular-based telemetry. If the water user elects to use conventional meters for metering of these irrigation impoundments, the water user must follow the requirements established in the "Measurement of Water Use" section of this document, and recorded water use data shall be submitted electronically by January 31 each year.

The water user must demonstrate, to the satisfaction of the Department of Ecology, that this telemetered data collection and transmission system is installed, in operation, and accessible to the Department of Ecology before the water user begins withdrawing water from Irrigation Well 1, and before July 1, 2022. The water user must also demonstrate to the satisfaction of the Department of Ecology that functioning and accessible meters are installed to meter water used for irrigation before water use from these impoundments may commence.

Conservation

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

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). In order to verify the extent of water use under this permit, 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.

Authority to Access Project

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 Fact and Order

Upon reviewing the investigator's report, I find all facts, relevant and material to the subject application, have been thoroughly investigated.

Therefore, I ORDER **APPROVAL** of Application No. R1-29263, 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 to 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 RD SW, Ste 301 Tumwater, WA 98501	Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903

For additional information, visit the Environmental Hearings Office Website: <http://www.eho.wa.gov>. To find laws and agency rules, visit the Washington State Legislature Website: <http://www1.leg.wa.gov/CodeReviser>.

Authorizing Signature

Signed at Shoreline, Washington, this _____ day of _____, 2022.

Ria Berns, Section Manager
Water Resources Program/Northwest Regional Office
Department of Ecology

INVESTIGATOR'S REPORT

Water Right Application No.: R1-29263 (Avalon Golf Links)

Investigator: Jason Shira, LHG, Aspect Consulting

Reviewed by: Chelsea Jefferson, LHG, Ecology

BACKGROUND

This report serves as the written findings of fact concerning Water Right Application Number R1-29263.

An application to construct a reservoir and store water was submitted on March 24, 2020, by Avalon Golf Links (Avalon) and assigned Reservoir Application Number R1-29263 (Exhibit C). An amendment to Application Number R1-29263 was submitted to Ecology in October 2020 identifying additional impounding structures that store 10 acre-feet or more of water for irrigation purposes (Exhibit D).

Avalon is located on the north side of Burlington, WA, about five miles north of the Skagit River. The gold course spans Sections 8 and 17 of Township 35 North, Range 4 E, W.M., in Skagit County.

There are a total of six in-ground impounding structures within the Avalon place of use, connected through both pressurized and gravity-fed pipes, three of which are the subject of this report. These three reservoirs are capable of storing 65 acre-feet of water. The irrigation impoundments are constructed to impound water below ground surface.

A reservoir permit is required when a reservoir is formed by a dam or dike storing water to a depth of 10 or more feet at its deepest point, or one that will retain 10 or more acre-feet of water (WAC 508-12-260). The subject application requests authority for the storage capacity of the three reservoirs capable of holding 10 acre-feet or more, consistent with RCW 90.03.370, RCW 90.03.380, and WAC 508-12-260. The storage capacity of the three remaining impounding structures is not included as a part of this application as they individually are not capable of storing more than 10 acre-feet per year (ac-ft/yr). Table 1 identifies the attributes of subject Application Number R1-29263.

Table 1. Summary of Requested Water Right

Applicant Name	Avalon Golf Links
Priority Date	March 24, 2020
County	Skagit
WRIA	3 – Lower Skagit-Samish
Water Source	Groundwater
Place of Use	East ½ of the West ½ of Section 8 and the NW ¼ of the SW ¼ of Section 8; NE ¼ of the NW ¼ lying north of the county road, in Section 17, all in Township 35N, Range 4 East, W.M., in Skagit County.

Purpose	Instantaneous Rate (gpm)	Annual Quantity (ac-ft/yr)	Begin Season	End Season
Storage	N/A	65	April 1	October 31

Source Name	Parcel	Well Tag	Township	Range	Section	QQ Q	Latitude	Longitude
Irrigation Well 1	P35951	--	35 N	4 E	8	NE SW	48.536636	-122.326588

WRIA = Water Resource Inventory Area; gpm = Gallons per Minute; ac-ft/yr = Acre-feet per Year; QQ Q = Quarter Quarter

Datum: NAD83/WGS84

Note: Irrigation Well 1 refers to Avalon’s irrigation well, which has been documented in files related to Groundwater Permit G1-25592 and subject Application R1-29263 as either “well” or “irrigation well”. Ecology understands that there is also a domestic well at Avalon, which currently supplies potable water to the clubhouse under Groundwater Certificate G1-25690C. Avalon’s irrigation well is named Irrigation Well 1 in this document.

Table 2 below shows the depths and volumes of each irrigation impoundment, with those capable of storing 10 acre-feet or more in bold. Figure 1 shows the Avalon storage and distribution system to describe the connection between Irrigation Well 1 and the associated reservoir ponds.

Table 2. Impounding Structures

Impounding Structure	Storage Volume (Acre-Feet)	Depth	Area (acres)	Location (QtrQtr)
Reservoir	30	25	0.89	SE NW
6 North	25	15	1.65	NE NW
9 North (Small Pond)	2.5	10	0.25	SE NW
9 North (Irrigation)	10	20	0.50	SE NW
1 West (North)	2.3	10	0.23	SE NW
1 West (South)	2.7	10	0.27	SE NW

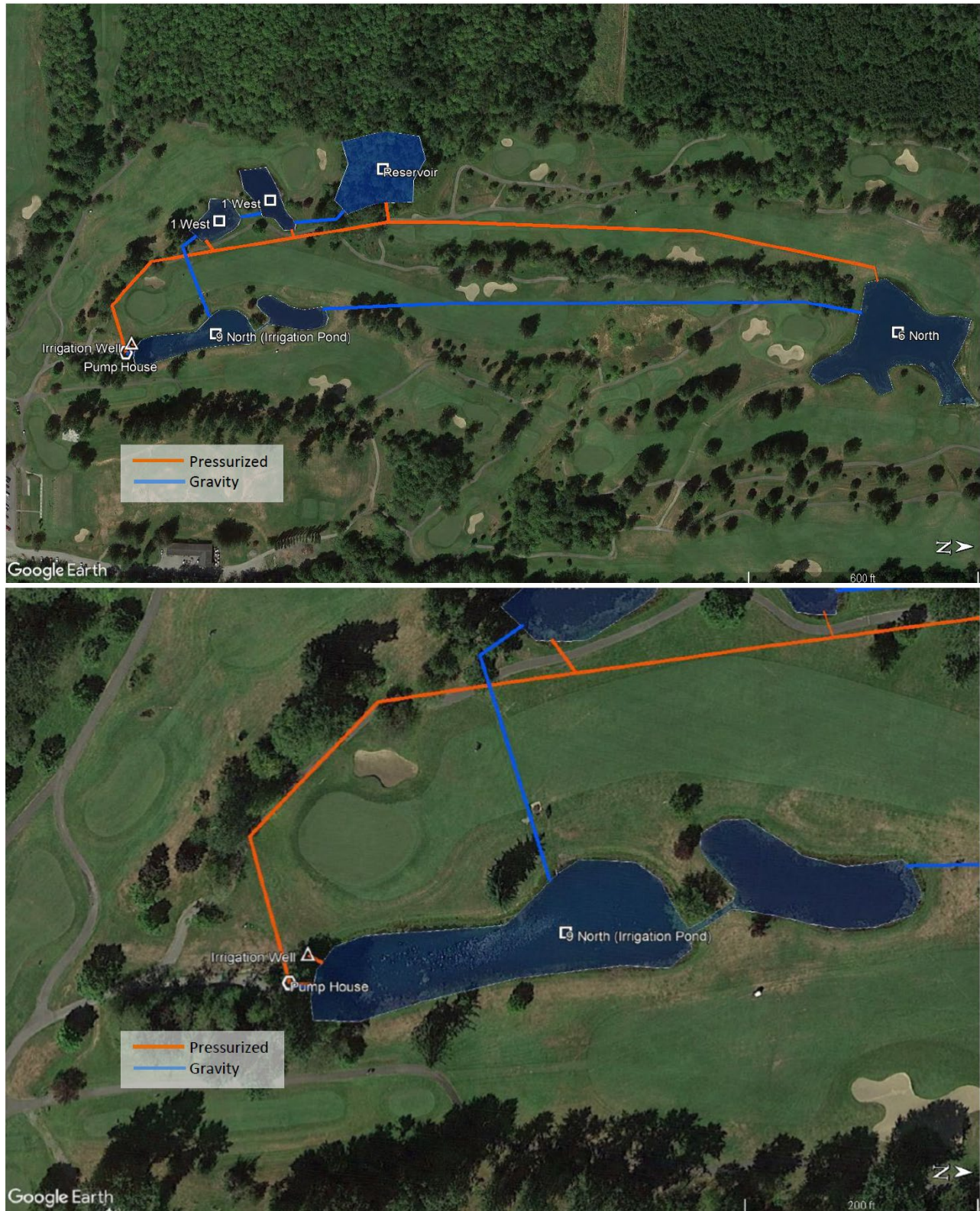


Figure 1. Avalon Storage and Distribution
 Map prepared by Aspect Consulting, July 2020

Cost Reimbursement

This application is being processed under a cost reimbursement agreement between the applicant and the Department of Ecology. This report has been prepared by Aspect Consulting, LLC and reviewed by Chelsea Jefferson with the Department of Ecology's Water Resources Program.

Priority Processing

This application qualifies for expedited processing under RCW 90.03.370(1)(b)(i): "(b)The department shall expedite processing applications for the following types of storage proposals: (i)Development of storage facilities that will not require a new water right for diversion or withdrawal of the water to be stored." This reservoir will be filled with groundwater as authorized by and subject to the provisions of Groundwater Permit G1-25592.

INVESTIGATION

The investigation relied on documents, data, and design drawings provided by Avalon and on aerial photo review. No onsite investigation work was conducted.

Proposed Use and Basis of Water Demand

Site Description

Avalon operates a golf course in Burlington, WA. The golf course is the place of use for existing Groundwater Permit G1-25592, and subject Application Number R1-29263. Avalon spans Sections 8 and 17 of Township 35 North, Range 4 E, W.M., in Skagit County (Attachment 1). Irrigation Well 1 and irrigation impoundments are all located in Section 8. A site visit was not conducted during this investigation process due to COVID restrictions.

Water System Description

The water stored in the three irrigation impoundments under subject Application Number R1-29263 will be used as a component of the golf course irrigation approved under G1-25592. Groundwater permit G1-25592 authorizes the withdrawal of 450 gallons per minute, 78 acre-feet per year for irrigation of Avalon Golf Links. The irrigation impoundments will be used for water storage; each will be filled between April 1 and October 31, consistent with the period of use, and subject to provisions of Groundwater Permit G1-25592.

History of Water Use

Water is used by Avalon Golf Links for their golf course irrigation as authorized under existing water right permit G1-25592.

Proposed Use

Water withdrawn under existing Groundwater Permit G1-25592 is diverted to the irrigation impoundments requested under subject Application R1-29263. The three impoundments store greater than 10 acre-feet individually and are subject to reservoir permitting. The reservoirs can store up to a collective 65 ac-ft/yr and are used from April through October to store water for irrigation.

Other Rights Associated with Project or Place of Use

Water stored in the irrigation impoundments is authorized by existing Groundwater Permit G1-25592. Subject Application R1-29263 and Groundwater Permit G1-25592 share the same place of use and season of use. Of the 78 ac-ft/yr authorized for withdrawal under G1-25592, 65 ac-ft/yr is requested for storage within the three irrigation impoundments that hold more than 10 ac-ft of water. The water stored is used to irrigate the golf course, annually between April 1 and October 31st.

Other water rights appurtenant to the place of use include permits and certificates held by the Public Utility District (PUD) No. 1 of Skagit County, and a single claim filed by Martin Roy (G1-090758CL) for domestic supply and stockwater. Avalon Golf Links is located within the service area of PUD No. 1 but does not currently receive domestic service from the PUD. Avalon Golf Links uses a domestic well for potable water to the clubhouse under Groundwater Certificate G1-25690C. Claim G1-090758CL was filed on May 23, 1974 and appears to assert a place of use that has since been developed by Avalon. PUD water rights and the claim described above are not related to the storage or irrigation at the Avalon Golf Links place of use.

ANALYSIS

Under Washington State law (RCW 90.03.290), each of the following four criteria must be met for an application for a new water right permit to be approved:

- Water must be available for appropriation.
- Water withdrawal and use must not cause impairment of existing water rights.
- The proposed water use must be beneficial.
- Water use must not be detrimental to the public interest (public welfare).

Water Availability

For any new appropriation, water must be both physically and legally available.

Physical Availability

For water to be physically available for appropriation, water must be present in quantities and quality and on a sufficiently frequent basis to provide a reasonably reliable source for the requested beneficial use or uses. An analysis of physical availability is required for both surface water and groundwater applications. Water is physically available, subject to provisions, under Groundwater Permit G1-25592.

Legal Availability

To meet the legal availability test, the proposed appropriation may not withdraw and use water that is already “spoken for”, such as water from sources that are protected by administrative rule or court order.

Water is legally available under RCW 90.03.370 and the provisions of Groundwater Permit G1-25592.

Impairment

In analyzing impairment, Ecology must make a determination as to whether existing water rights, including adopted instream flows, may be impaired by the withdrawal and proposed use. A water right application may not be approved if it would:

Because the water used to fill the proposed irrigation impoundments has been authorized under Groundwater Permit G1-25592, impairment to existing rights through approval of the subject application is not expected.

Beneficial Use

The proposed appropriation must be for a beneficial use of water.

Irrigation is considered a beneficial use of water under RCW 90.54.020(1).

Public Interest

The withdrawal and associated use must not be detrimental to the public interest. At a minimum, the following are considered when making this assessment.

Notification to the Washington Department of Fish and Wildlife

Per RCW 90.03.280 and 77.57.020, Ecology must give notice to the Washington Department of Fish and Wildlife (WDFW) of applications to divert, withdraw, use, or store water.

WDFW was provided notice of this water right application on October 28, 2020. As of the date of the draft Report of Exam for Application Number R1-29263, no comment was received.

State Environmental Policy Act (SEPA)

Under chapter 197-11 WAC, a water right application is subject to a SEPA threshold determination (i.e., an evaluation of whether there will be significant adverse environmental impacts) if any of the following conditions are met:

- It is a surface water right application for more than 1 cfs, unless that project is for agricultural irrigation, in which case the threshold is increased to 50 cfs, so long as that irrigation project will not receive public subsidies;
- It is a groundwater right application for more than 2,250 gpm;
- It is an application that, in combination with other water right applications for the same project, collectively exceed 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, together, trigger the need to do a threshold determination, as defined under WAC 197-11-305.

Skagit County issued an optional determination of nonsignificance (ODNS) on September 17, 2019 regarding the construction of these irrigation impoundments.

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 Skagit Valley Herald on January 21 and January 28, 2021 (Exhibit E).

Consideration of Protests

No protests to this water right application were received.

Other Public Interest Concerns

No other public interest concerns were identified.

Conclusions

I find that:

- Water is physically and legally available.
- The appropriation will not impair existing rights.
- The proposed storage is a beneficial use.
- Approval of this application will not be detrimental to the public interest.

RECOMMENDATIONS

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

Recommended Quantities, Purpose of Use, and Project Location

The rate and quantity of water recommended are maximum limits. The permit holder may only withdraw water at a rate and quantity within the specified limits that are reasonable and beneficial:

Table 3. Recommended Limits and Location

Maximum Instantaneous Rate (gpm)	N/A
Maximum Annual Quantity (ac-ft/yr)	65
Purpose(s) of Use	Irrigation Water Storage
Point of Withdrawal	NE¼, SW¼, Section 8, Township 35 North, Range 4E, W.M.
Place of Use	East ½ of West ½ of Section 8; also the NW¼ of the SW¼ of Section 8, Township 35N, Range 4E, W.M., Skagit County. NE¼ of the NW¼ lying north of the county road, in Section 17, Township 35N, Range 4E, W.M., Skagit County.

Jason Shira, LHG, Aspect Consulting, Report Writer

Date

Chelsea Jefferson, LHG, Ecology Reviewer

Date

To request ADA accommodation including materials in a format for the visually impaired, call Ecology Water Resources Program at 360-407-6872. Persons with impaired hearing may call Washington Relay Service at 711. Persons with speech disability may call TTY at 877-833-6341.

DRAFT REPORT OF EXAMINATION



EXHIBIT A

Superseding Permit G1-25592

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

SUPERSEDING PERMIT
TO APPROPRIATE PUBLIC WATERS OF THE STATE OF WASHINGTON

- ☐ Surface Water (Issued in accordance with the provisions of Chapter 117, Laws of Washington for 1917, and amendments thereto, and the rules and regulations of the Department of Ecology.)
- ☒ Ground Water (Issued in accordance with the provisions of Chapter 263, Laws of Washington for 1945, and amendments thereto, and the rules and regulations of the Department of Ecology.)

PRIORITY DATE January 18, 1990	APPLICATION NUMBER G1-25592	PERMIT NUMBER G1-25592 P	CERTIFICATE NUMBER
-----------------------------------	--------------------------------	-----------------------------	--------------------

NAME Avalon Links, Inc.			
ADDRESS (STREET) 1717 Kelleher	(CITY) Burlington	(STATE) Washington	(ZIP CODE) 98233

The applicant is, pursuant to the Report of Examination which has been accepted by the applicant, hereby granted a permit to appropriate the following described public waters of the State of Washington, subject to existing rights and to the limitations and provisions set out herein.

PUBLIC WATERS TO BE APPROPRIATED

SOURCE Well		
TRIBUTARY OF (IF SURFACE WATERS) N/A		
MAXIMUM CUBIC FEET PER SECOND	MAXIMUM GALLONS PER MINUTE 450	MAXIMUM ACRE FEET PER YEAR 78

QUANTITY, TYPE OF USE, PERIOD OF USE

Irrigation of Golf Course/during irrigation season

LOCATION OF DIVERSION/WITHDRAWAL

APPROXIMATE LOCATION OF DIVERSION--WITHDRAWAL
15 feet south and 700 feet west of center of Section 8.

LOCATED WITHIN (SMALLEST LEGAL SUBDIVISION) NE1/4 SW1/4	SECTION 8	TOWNSHIP N. 35	RANGE, (E. OR W.) W.M. 4E	W.R.I.A. 3	COUNTY Skagit
--	--------------	-------------------	------------------------------	---------------	------------------

RECORDED PLATTED PROPERTY

LOT	BLOCK	OF (GIVE NAME OF PLAT OR ADDITION)
-----	-------	------------------------------------

LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED

East 1/2 of West 1/2 of Section 8; also the NW1/4 of the SW1/4 of Section 8, Township 35N, Range 4E, W.M., Skagit County.

NE1/4 of the NW1/4 lying north of the county road, in Section 17, Township 35N, Range 4E, W.M., Skagit County.

DESCRIPTION OF PROPOSED WORKS

Well 8" x 358'

DEVELOPMENT SCHEDULE

BEGIN PROJECT BY THIS DATE Begun	COMPLETE PROJECT BY THIS DATE Complete	WATER PUT TO FULL USE BY THIS DATE August 15, 2002 2004 07 - 8/15/09 ¹⁴
-------------------------------------	---	--

PROVISIONS

An approved metering device shall be installed and maintained in accordance with RCW 90.03.360, WAC 508-64-020 through 040 (installation, operation, and maintenance requirements). Meter readings shall be recorded at least monthly and this data shall be maintained and be made available to the Department of Ecology upon request.

Static Water Level (SWL) and pumping water level shall be measured at least once each month. Measurements of SWL shall be taken after the pump has been shut off and the water level in the well has been stabilized. The data shall be maintained and made available to Ecology upon request. However, Ecology's Water Resources Section (NWRO) shall be notified if the SWL is determined to be below the level normally recorded at that time of year.

The permittee or successor(s) shall provide the results of a drinking water analysis for the well authorized by this permit, with analysis performed by a state certified laboratory once per year for three years. The sample should be collected between September 15 and October 15. The analysis is to be performed according to EPA method 524 to verify that the water is in compliance with Federal drinking water standards. Written results for the sampling event shall be submitted to the Department of Ecology, Northwest Regional Office, Water Resources Program as part of an annual report. Depending on the results of this data collection, withdrawal of ground water under this permit may be limited or other action required.

The amount of water granted is a maximum limit that shall not be exceeded. Upon perfection of the water right, a certificate will be issued only for that amount of water that is beneficially used under the terms of the permit.

All diversion shall cease when the flow of Samish River falls below the following interim low flow regime:

January	100 cfs
February	100 cfs
March	140 cfs
April	180 cfs
May	180 cfs
June	120 cfs
July	110 cfs
August	110 cfs
September	120 cfs
October	120 cfs
November	100 cfs
December	100 cfs

Water Right Permit No. G1-25592P is further conditioned, as of February 2002, to daily meter readings during the months of June, July, August, and September. These records will be made available to Ecology upon request.

Flows are to be measured in SW1/4 SE1/4 Section 6, Township 35N, Range 4E. This flow has been tentatively established from recommendation of the Department of Fish and Wildlife. At such time as flows are established on this stream in accordance with chapter 90.22 RCW or chapter 90.54 RCW, this permit shall be conditioned to the extent of the new setting.

The permittee is required to participate in collecting flow data for the Samish River by contributing to a Basic Data Fund (RCW 43.21A.067). The maximum annual contribution shall be no more than \$7500.00 per year. The purpose of the fund shall be to obtain additional basic information on stream flow in the Samish River.

The permittee shall submit to the Department of Ecology, Northwest Regional Office, Water Resources Program, an annual report which shall include the following data:

1. Monthly record of static water level
2. Monthly record of pumping water level, during irrigation season
3. Copy of annual laboratory sample analysis, with sample collected between September 15 and October 15
4. Meter readings

This permit shall be subject to cancellation should the permittee fail to comply with the above development schedule and/or fail to give notice to the Department of Ecology on forms provided by that Department documenting such compliance.

Given under my hand and the seal of this office at Bellevue, Washington, this 5th day of FEBRUARY, 2002.

Engineering Data
OK _____

Department of Ecology

By Daniel Swenson

Daniel L. Swenson, Section Supervisor, Water Resources

EXHIBIT B

Ecology Telemetered Meter Options

DRAFT

Telemetered Metering Options

Benefits of cellular-based telemetered meters

Cellular-based telemetry is a technology that allows measurements to be taken at the installed water meter and be transmitted via cellular technology, like a text message, to a secure data storage facility. Telemetry has multiple benefits and can be both time and cost efficient for the meter owner. Telemetry allows for:

- Water use monitoring in near real time using a personal computer or smart phone.
- Real-time leak detection and notification, if desired, and system performance monitoring.
- Reduced time spent manually entering and recording data. Data is automatically stored and the owner can easily retrieve data. Additionally, depending on your choice of a meter supplier, Ecology staff can also access data.
- May satisfy Ecology's recording and reporting requirements, depending on your choice of a meter supplier.

If you choose to have a cellular-based telemetered meter installed, please notify your regional Ecology Metering Coordinator for technical assistance.

Selecting a meter that works for you

There are multiple companies that offer cellular-based telemetered meters. The choice of who you purchase a meter from is up to you.

Through a competitive process, Ecology has an agreement with Metron-Farnier, that allows us access to the water quantity data collected by their telemetered meter. Specific information on Metron-Farnier meters as well as other metering providers is provided. If you decide to order a Metron-Farnier meter please make sure you tell Metron-Farnier that you are installing the meter as required by the state.

When selecting your supplier and meter type, note that it is the sole responsibility of the water right holder to ensure that their meter is installed correctly and is in working order throughout the life of the meter.

If you have additional questions regarding the benefits of telemetered meters, or about your metering requirements in general, please contact your Ecology Metering Coordinator.

More information

Visit the Ecology website for information about [metering your water use](https://ecology.wa.gov/Water-Shorelines/Water-supply/Water-rights/Metering-water-use).

<https://ecology.wa.gov/Water-Shorelines/Water-supply/Water-rights/Metering-water-use>

Metron-Farnier Meter Capacities, Costs, and Contact Information

	Residential 5/8 to 1 inch 0.0625 to 70 gpm	Small Commercial 1.5 to 2 inch 0.25 to 165 gpm	Large Commercial 3 to 6 inch 0.5 to 1,100 gpm	Turbine Meters 2 – 8 inch 2.5 to 2,800 gpm
Telemetered	\$345 to \$495	\$750 to \$950	\$1,375 to \$3,075	\$1,200 to \$5,000
Manual-read	\$195 to \$345	\$600 to \$800	\$1,225 to \$2,925	\$1,050 to \$4,850

Note: All prices are approximate at the time of this publication; should you choose to order a Metron-Farnier meter, contact Metron-Farnier for a price quote. Pricing for Metron-Farnier telemetered meters includes 10 years of Verizon Wireless cellular coverage that is used to transmit meter information. Contact other vendors for their pricing information.

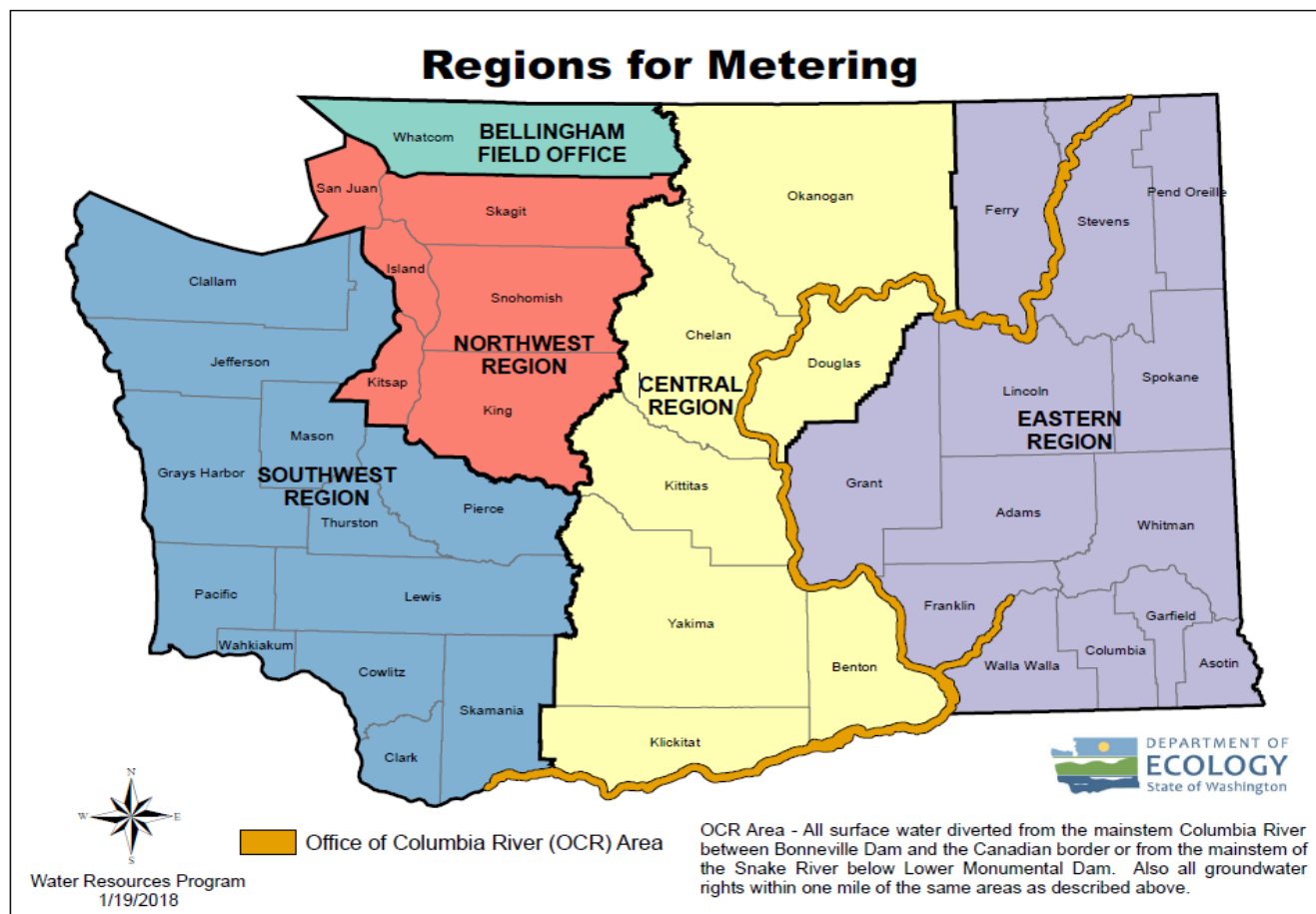
Company	Contact Information
Metron-Farnier www.metronfarnier.com	Charlie Prosch 303-449-8833 Charliep@metronfarnier.com

Other Telemetered Meter Suppliers

Company	Contact Information
McCrometer www.mccrometer.com	Brad Lung 509-590-5042 BradL@mccrometer.com
General Pacific, Inc (Badger) www.generalpacific.com	Jason Vancleave 503-907-2900 jvancleave@genpac.com

For more information on the specifications of these suppliers' meters, contact the supplier directly. Warranty information can be obtained from the meter supplier.

Ecology Metering Coordinator Contact Information



Regions for metering map

Region	Name	Phone	E-mail
Bellingham Field Office	Kelly Hamilton	360-255-4385	kelly.hamilton@ecy.wa.gov
Central Region	Nigel Kingsbury	509-454-7887	nigel.kingsbury@ecy.wa.gov
Eastern Region	Tracy Band	509-329-3538	tracy.band@ecy.wa.gov
Northwest Region	Andrea Lauden	425-649-7081	andrea.lauden@ecy.wa.gov
Office of Columbia River	Philip Lefler	509-454-4255	philip.lefler@ecy.wa.gov
Southwest Region	Eva Richards	360-407-6643	eva.richards@ecy.wa.gov

ADA Accommodations

To request ADA accommodation, including this document in a different format, call Ecology at 360-407-6831 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.

EXHIBIT C

Original Application



For Ecology Use
(Date Stamp)

Water Resources Program Application for a Reservoir Permit

20 MAR 24 08:23

**A\$50 non-refundable minimum statutory
filing fee is required to be sent with this
application to:**

DEPARTMENT OF ECOLOGY
CASHIERING SECTION
PO BOX 47611
OLYMPIA, WA 98504-7611

FOR OFFICIAL USE ONLY

APPLICATION NO.: _____
WRIA: _____
COUNTY: _____
PRIORITY DATE: _____
TIME: _____
ACCEPTED: _____

1. Applicant Information

Applicant Name: Avalon Golf Links

Phone No: 360-757-1900

Other No: _____

Address: 19345 Kelleher Road

City: Burlington

State: WA

Zip: 98233

Email Address (optional): _____

Date and Place of Incorporation, if Applicant is a Corporation: 6/16/89 - Shaght City

2. Sources, Use, and Capacity of Reservoir

Name of Proposed Reservoir: Avalon Pond

Name of Stream or Other Sources for Reservoir Supply: NA

Tributary of: NA

Use(s) to be Made of Impounded Water (irrigation, power, fish propagation, etc.): Irrigation

Number of Acre Feet to be Stored at Maximum Operating
Level: 30

Months of Year During Which Reservoir to be
Filled: Oct - Dec + Jan - Apr

Number of Acres to be Irrigated, if Used for Irrigation: 60

Type and Capacity of Diversion Works is Water is to be Withdrawn: Well Permit A 61-25502 B

Department of Ecology

MAR 24 2020

Water Resources Program

3. Location of Point of Diversion or Withdrawal:

On accompanying plats or maps, accurately mark and identify each point of diversion. Give measured distance and bearing, or North-South and East-West distances from nearest section corner.

Complete Either A or B	A	The Reservoir is to be Located in the Channel of (name of stream): <u>N/A</u>		
	B	The Reservoir is to be Filled Through a Feeder Canal (or pipeline) Having it's Point of Diversion (intake) Located as Follows: <u>Well permit #: 61-25592 P</u>		
Distance and Bearing to Section Corner:				
Located Within (smallest legal subdivision):	Section: <u>8</u>	Township N.: <u>35</u>	Range: <u>4</u> <input checked="" type="checkbox"/> E or <input type="checkbox"/> W	County: <u>S. Kag. &</u>

4. If This is Within the Limits of a Recorded Platted Property, Complete This Section

Lot:	Block:	Of (give name of plat or addition):
------	--------	-------------------------------------

5. Location of Impounding Structure:

Impounding Structure Located Within (smallest legal subdivision):	Section: <u>8</u>	Township N.: <u>35</u>	Range: <u>4</u> <input checked="" type="checkbox"/> E or <input type="checkbox"/> W
Legal Subdivision of Lands in Which the Submerged Area is to be Located (the outline of this land is to be shown on the map to accompany this application):			
Do You Own This Property: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	If No, Have You Secured Flood Rights For he Lands to be Inundated: <input type="checkbox"/> Yes <input type="checkbox"/> No		

6. Construction of Impounding Structure

Height of Dam (feet): <u>N/A</u>	Length of Top (feet): <u>N/A</u>	Length of Bottom (feet): <u>N/A</u>	Width on Top (feet): <u>N/A</u>
Slope of Front or Water Side (number of feet horizontal to one foot vertical): <u>N/A</u>		Slope of Back Side (number of feet horizontal to one foot vertical): <u>N/A</u>	
Height of Dam Above Water Line at Maximum Flood Flow (feet): <u>N/A</u>			
Type of Construction of Dam and Material of Which it is to be Built: <u>N/A</u>			
Location and Dimensions of Spillways: <input type="checkbox"/> Over, <input type="checkbox"/> Around, or <input type="checkbox"/> Through Dam <u>N/A</u>			
Number of Acres to be Submerged by Reservoir When Full: <u>1</u>	Maximum Depth (feet): <u>27 Ft</u>	Approximate Average Depth (feet): <u>27 Ft</u>	
Estimated Cost of Proposed Work: <u>\$600,000</u>			

Construction Will Begin on or Before This Date: <u>Nov 10, 2019</u>	Construction Will be Completed on or Before This Date: <u>Dec 1, 2019</u>
Size and Type of Outlet Structure: <u>No Outlet - Water to Pumped</u>	

7. Legal Description of Property on Which Water is to be Used (if different than above):
Also, outline this property on the maps or plats submitted with this application

Copy legal description from deed or attach copy of deed (tax statement descriptions are not acceptable.):

SE 1/4 NW 1/4, Section 8, Township 35 N, Range E 4 East, W.M.

Do You Own This Property?

☒ YES ☐ NO

If No, Owner Name:

Owner Address:

I, Ronald L. Huss, and _____ do certify that I/we have
(print name) (print name)

I have examined the foregoing application together with the accompanying maps and data, and return the same for correction or completion as follows:

In order to retain its priority, this application must be returned to the Department of Ecology, with corrections, on or before: / /

Ronald L. Huss
Applicant Signature

Applicant Signature

3/7/2020
Date

State of: California
County of: Riverside } §

Signed and sworn to (or affirmed) before me on this 10th day of March, 2020.



(Notary Signature)

JAIME GARDUNO
(Notary Printed Name)

EXHIBIT D

Application Amendment Letter

DATE 9/30/20

Kellie Gillingham
Water Resources Program
WA State Department of Ecology
3190 160th Ave SE
Bellevue, WA 98008-5452

Received
Department of Ecology
OCT 05 2020
Water Resources Program
NWRO

Re: Avalon Golf Links Application Amendment
Project No. 200315

Dear Kellie:

Avalon Golf Links (Avalon) submitted a reservoir application, File No. R1-29263, on March 24, 2020. The application requested 30 acre-feet per year for storage of water from October through April, withdrawn for the purpose of irrigation under File No. G1-25592.

As requested by Ecology on August 6, 2020, Avalon is modifying the water right application to include all ponds on the property use for storage of irrigation water. Ponds capable of storing 10 acre-feet or more are described in Table 1 below:

Table 1: Avalon Storage Pond Location and Volume

Reservoir/Pond	Application Status	Location	Acre-Feet
New Reservoir	Existing	Section 8, T. 35 N., R. 4 E.W.M.	30
6 North Pond	Amendment	Section 8, T. 35 N., R. 4 E.W.M.	25
9 North Pond (South)	Amendment	Section 8, T. 35 N., R. 4 E.W.M.	10

TOTAL

65

Aspect has already prepared and submitted a draft public notice to Ecology. We understand that Ecology will amend the notice and provide it to use for publication. We look forward to working with Ecology in completing this project.

Sincerely,



Ron Hass
Avalon Golf Links

cc: Carl Einberger, Aspect Consulting, LLC (ecc)
Chelsea Jefferson, Department of Ecology (ecc)

EXHIBIT E

Public Notice Affidavit



1215 Anderson Road • Mount Vernon • WA • 98274 • t: 360.424.3251 • f: 360.424.5300

Heather Hernandez, Publisher

Affidavit of Publication in the matter of SVH-2042145

*In the Superior Court of the State of
Washington In and For Skagit County*

STATE OF WASHINGTON
County of Skagit ss

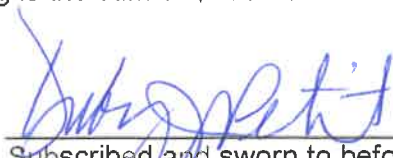
The undersigned, being first duly sworn on oath deposes that he/she is principal clerk of the Skagit Valley Herald, a daily newspaper. That said newspaper has been approved as a legal newspaper by the Superior Court of Skagit County and is now and has been for more than six months prior to the publication hereinafter referred to, published in the English language continually as a daily newspaper in Skagit County, Washington, and it is now and during all of said time was printed at an office maintained at the aforesaid place of publication of said newspaper.

That the annexed is a true copy of an advertisement, with publication dates, as it was published in regular issues (and not in supplemental form) of said newspaper commencing with the issue of January 21, 2021 and ending with the issue of January 28, 2021.

That such newspaper was regularly distributed to its subscribers during all of said period and the full amount of the fee charged for the foregoing is the sum of \$193.68.


Clerk

Date: January 28, 2021


Subscribed and sworn to before me this
28th day of January, 2021
Notary Public and for the State of Washington
Clerk's filing stamp

