



Chelan County
WATER CONSERVANCY BOARD
Application for Change/Transfer
Record of Decision

For Ecology Use Only
Received: RECEIVED
SEP 12 2022
Dept. of Ecology Central Regional Office
Reviewed by: _____
Date Reviewed: _____

Applicant: Deanna Creveling

Application Number: CHEL-21-06

This record of decision was made by a majority of the board at an open public meeting of the Chelan County Water Conservancy Board held **SEPTEMBER 8, 2022**.

☒ **Approval:** The Chelan County Water Conservancy Board hereby **grants** conditional approval for the water right transfer described and conditioned within the report of examination on **SEPTEMBER 8, 2022** and submits this record of decision and report of examination to the Department of Ecology for final review.

☐ **Denial:** The Chelan County Water Conservancy Board hereby **denies** conditional approval for the water right transfer as described within the report of examination on **SEPTEMBER 8, 2022** and submits this record of decision to the Department of Ecology for final review.

Signed:

Karin Whitehall

Karin Whitehall, Member
Chelan County Water Conservancy Board

Date: Sept 8, 2022

Approve ☒
Deny ☐
Abstain ☐
Recuse ☐
Other ☐

Taylor Dayton, Member
Chelan County Water Conservancy Board

Date: _____

Approve ☐
Deny ☐
Abstain ☐
Recuse ☐
Other ☒

absent

Tim Larson

Tim Larson, Member
Chelan County Water Conservancy Board

Date: 9-8-22

Approve ☐
Deny ☐
Abstain ☐
Recuse ☐
Other ☐

John Yale, Alternate Member
Chelan County Water Conservancy Board

Date: _____

Approve ☐
Deny ☐
Abstain ☐
Recuse ☐
Other ☐

Chelan County Water Conservancy Board

Date: _____

Approve ☐
Deny ☐
Abstain ☐
Recuse ☐
Other ☐

Mailed to the Department of Ecology Central Regional Office of Ecology, via certified mail, and other interested parties on _____.

If you have special accommodation needs or require this form in alternate format, please contact 360-407-6607 (Voice) or 711 (TTY) or 1-800-833-6388 (TTY).

Ecology is an equal opportunity employer
040-105(03/03)

Record of Decision No. (WR Change App Number)



Board Name: **CHELAN**

RECEIVED

SEP 12 2022

WATER CONSERVANCY BOARD

Application for Change/Transfer

OF A RIGHT TO THE BENEFICIAL USE OF THE PUBLIC WATERS OF
THE STATE OF WASHINGTON

Dept. of Ecology
Water Resources Office

REPORT OF EXAMINATION

NOTE TO APPLICANT: Pursuant to WAC 173-153-130(8), the applicant is not permitted to proceed to act on the proposal until Ecology makes a final decision affirming, in whole or in part, the board's recommendation. It is advised that the applicant not proceed until the appeal period of Ecology's decision is complete.

NOTE TO AUTHOR: Read the instructions for completing a water conservancy board report of examination. Use the Tab key to move through the form or with your mouse, select the fields to enter information.

☒ Surface Water

☐ Ground Water

Date Application Received	December 9, 2021	Water Right Document Number (i.e., claim, permit, certificate, etc.)	CS4-09550C@11(B)
Water Right Priority Date	June 9, 1965	Board-Assigned Change Application Number	CHEL-21-06
Name: Deanna Creveling	Phone: (509) 322-3796	Email: deanna@chelanrealty.com	
Address (street): P.O. Box 1947	City: Chelan	State: WA	Zip: 98816
Changes Proposed: <input type="checkbox"/> Change purpose <input type="checkbox"/> Add purpose <input type="checkbox"/> Add irrigated acres <input type="checkbox"/> Change point of diversion/withdrawal <input checked="" type="checkbox"/> Add point of diversion/withdrawal <input type="checkbox"/> Change place of use <input type="checkbox"/> Other (Temporary, Trust, Interties, etc.)			
SEPA: The board has reviewed the provisions of the State Environmental Policy Act of 1971, Chapter 43.21C RCW and the SEPA rules, chapter 197-11 WAC and has determined the application is: <input checked="" type="checkbox"/> Exempt <input type="checkbox"/> Not Exempt			

BACKGROUND AND DECISION SUMMARY

Please include a map(s) reflecting all referenced existing and proposed point(s) of diversion or withdrawal and place(s) of use (RCW 90.03.260(7); WAC 173-153-070 (6)(c).

Existing Right (Tentative Determination)							
Maximum cub ft/second	0.02	Maximum gal/minute					
Maximum acre-ft/yr	0.5	Describe Type(s) of use, and period(s) of use	Continuous Domestic				
Source	Lake Chelan		Tributary of (if surface water)			Chelan River	
At a Point Located: Parcel No.	282133230050	1/4	SW	1/4	NW	Section	33
Township N.	28	Range	21 EWM	WRIA	47	County	Chelan
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS USED							
Type detailed legal description of the place of use: Parcel A (Chelan County Parcel No. 282133230050): All of the un-platted portion of Government Lot 2 in Section, 33, Township 28 North, Range 21 East of the Willamette Meridian, Chelan County, Washington, lying between the present 25 Mile Creek County Road and the ordinary high water line of Lake Chelan (elevation 1,079 feet above sea-level, said elevation line being in the Easterly limits of said Government Lot 2) which is Southerly of a line 100 feet Southerly of and parallel to the Southerly line of Lot 22, first addition to Granite Falls Beach Chelan County, Washington according to the plat thereof recorded in Volume 4 of plats, page 77, extending from said Twenty Five Mile Creek Road to the Easterly limit of Government Lot 2, EXCEPT the Southerly 120 feet of said Government Lot 2.							

Parcel B (Chelan County Parcel No. 282133230060): The Southerly 120 feet of Government Lot 2, Section 33, Township 28 North, Range 21 East of the Willamette Meridian, Chelan County, Washington, lying Easterly of Lakeshore Road and Westerly of the line of ordinary high water (1,079-foot level) of Lake Chelan

Parcel no.	282133230050 282133230060	¼	SW SW	¼	NW NW	Section	33 33
Township N.	28 28	Range	21 EWM 21 EWM	WRIA	47 47	County	Chelan Chelan

Proposed Use

Maximum cub ft/second	No change	Maximum gal/minute						
Maximum acre-ft/yr	No change	Describe Type(s) of use, and period(s) of use	No change					
Source	Lake Chelan		Tributary of (if surface water)			Chelan River		
At a Point Located:	282133230050		SW		NW		33	
Parcel No.	282133230060	1/4	SW	1/4	NW	Section	33	
	28		21 EWM		47		Chelan	
Township N.	28	Range	21 EWM	WRIA	47	County	Chelan	
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS USED								
Type detailed legal description of the place of use: No change.								
Parcel no.		1/4		1/4		Section		
Township N.		Range		WRIA		County		

Board's Decision on the Application

Maximum cub ft/second		0.02		Maximum gal/minute			
Maximum acre-ft/yr		0.5		Describe Type(s) of use, and period(s) of use		Continuous Domestic	
Source	Lake Chelan			Tributary of (if surface water)		Chelan River	
At a Point Located:	282133230050		SW		NW		33
Parcel No.	282133230060	1/4	SW	1/4	NW	Section	33
	28		21 EWM		47		Chelan
Township N.	28	Range	21 EWM	WRIA	47	County	Chelan
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS USED							
Type detailed legal description of the place of use: Parcel A (Chelan County Parcel No. 282133230050): All of the un-platted portion of Government Lot 2 in Section, 33, Township 28 North, Range 21 East of the Willamette Meridian, Chelan County, Washington, lying between the present 25 Mile Creek County Road and the ordinary high water line of Lake Chelan (elevation 1,079 feet above sea-level, said elevation line being in the Easterly limits of said Government Lot 2) which is Southerly of a line 100 feet Southerly of and parallel to the Southerly line of Lot 22, first addition to Granite Falls Beach Chelan County, Washington according to the plat thereof recorded in Volume 4 of plats, page 77, extending from said Twenty Five Mile Creek Road to the Easterly limit of Government Lot 2, EXCEPT the Southerly 120 feet of said Government Lot 2.							
Parcel B (Chelan County Parcel No. 282133230060): The Southerly 120 feet of Government Lot 2, Section 33, Township 28 North, Range 21 East of the Willamette Meridian, Chelan County, Washington, lying Easterly of Lakeshore Road and Westerly of the line of ordinary high water (1,079-foot level) of Lake Chelan							
Parcel no.	282133230050 282133230060	1/4	SW SW	1/4	NW NW	Section	33 33
Township N	28 28	Range	21 EWM 21 EWM	WRIA	47 47	County	Chelan Chelan

RECEIVED

Description of Proposed Works

Description of water diversion/withdrawal, conveyance, and distribution system: **The proposed additional point of diversion at Parcel 282133230060 will consist of a 1 horsepower submersible pump set on the lake bottom and 1-inch conveyance pipeline to supply domestic water to a proposed single-family residence at said parcel that is currently undeveloped.**

Development Schedule

Begin project by this date (At least 75 days after Board's ROD issuance):	December 31, 2022
Complete project by this date:	December 31, 2024
Complete change & put water to full use by this date:	December 31, 2025

RECEIVED

SEP 12 2022

**Dept. of Ecology
Central Regional Office**

Report

NOTE TO AUTHOR: This form reflects the minimum regulatory requirements as required in WAC 173-153-130(6). In accordance with WAC 173-153-130(5), "It is the responsibility of the water conservancy board to ensure that all relevant issues identified during its evaluation of the application, or which are raised by any commenting party during the board's evaluation process, are thoroughly evaluated and discussed in the board's deliberations. These discussions must be fully documented in the report of examination." **Completion solely of the minimum regulatory requirements may not constitute a fully documented decision.**

BACKGROUND [See WAC 173-153-130(6)(a)]

On Month December, day 9th, year 2021.

Name of applicant: Deanna Creveling of City: Chelan State: Washington filed an application

for change (to do what e.g., POU, POD, POW, etc) to add a point of diversion under (Water right number, e.g., certificate, permit,

claim, superseding document #, cert of change #): Superseding Certificate No. CS4-09550C@11(B). The application was accepted at an open public meeting

on Month: December, day: 9th, year: 2021, and the board assigned application number(XXXX-YR-##): CHEL-21-06.

Attributes of the water right as currently documented

Name on certificate, claim, permit: Deanna Creveling

Water right document number (e.g., cert #, claim #, permit #, superseding document #): Superseding Certificate No. CS4-09550C@11(B)

As modified by certificate of change number: _____

Priority date, first use Date of priority or claimed date water was originally first put to beneficial use : June 9, 1965

Water quantities: Qi (Instant qty): 0.02 cfs Qa (Annual qty): 0.5 acre ft./ year

Source (well, river, etc): Lake Chelan

Point of diversion/withdrawal (Distance from ¼¼, Section, Township, Range EWM):

SW 1/4 NW 1/4 of Section 33, T. 28 N., R. 21 E.W.M.

Purpose of use: Domesitc Number of Acres if Irrigation: _____

Period of use: Continuous

Place of use: Parcel Nos. 282133230050 and 282133230060 in SW ¼ NW ¼ of Section 33, T. 28 N., R. 21 E.W.M.

Parcel A (Chelan County Parcel No. 282133230050): All of the un-platted portion of Government Lot2 in Section, 33, Township 28 North, Range 21 East of the Willamette Meridian, Chelan County, Washington, lying between the present 25 Mile Creek County Road and the ordinary high water line of Lake Chelan (elevation 1,079 feet above sea-level, said elevation line being in the Easterly limits of said Government Lot 2) which is Southerly of a line 100 feet Southerly of and parallel to the Southerly line of Lot 22, first addition to Granite Falls Beach Chelan County, Washington according to the plat thereof recorded in Volume 4 of plats, page 77, extending from said Twenty Five Mile Creek Road to the Easterly limit of Government Lot 2, EXCEPT the Southerly 120 feet of said Government Lot 2.

Parcel B (Chelan County Parcel No. 282133230060): The Southerly 120 feet of Government Lot 2, Section 33, Township 28 North, Range 21 East of the Willamette Meridian, Chelan County, Washington, lying Easterly of Lakeshore Road and Westerly of the line of ordinary high water (1,079-foot level) of Lake Chelan

Existing provisions (family farm act, interruptable, etc.):

The amount of water granted is a maximum limit that shall not be exceeded and the water user shall be entitled to that amount of water within the specified limit that is beneficially used and required.

RECEIVED

This authorization shall in no way excuse the permittee from compliance with any applicable federal, state, or local statutes, ordinances, or regulation including those administered by other programs of the Department of Ecology.

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", Chapter 173-173 WAC

Department of Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the records of water use that are kept to meet the above conditions, and to inspect at reasonable times any measuring device used to meet the above conditions.

The consumptive use, associated with present change authorization, shall not exceed 0.5 af to ensure that there is no enlargement of the this right and which the permittee shall demonstrate compliance as part of annual metering submittals.

The purpose of use for this portion of water right CS4-09550C granted is changed from municipal to domestic use and is no longer protected from relinquishment by Determined Future Development or municipal water law. Policy 1280 addresses Ecology's interpretation of development schedules and the applicability of relinquishment under RCW 90.14.

Water use data shall be recorded monthly. The maximum rate of diversion/withdrawal and the annual total volume shall be submitted to Ecology by January 31st of each calendar year. To set up and Internet reporting account, access <https://fortress.wa.gov/ecy/wrx/wrx/Meteringx/>. If you have questions or need forms, contact the Central Regional office.

This authorization is subject to Washington Department of Fish and Wildlife juvenile salmon and gamefish screening criteria (pursuant to RCW 77.55.040).

The applicant must obtain Hydraulic Project Approval from the Washington Department of Fish and Wildlife for all construction activities occurring within the high-water mark of Lake Chelan and its tributaries. Please contact the Department of Fish and Wildlife, 3960 Chelan Hwy N, Wenatchee, WA 98801-9625 or by telephoning (509) 662-0452.

Tentative determination of the water right

The tentative determination is provided on the front page of this report.

History of water use

Describe the historical water use information that was considered by the board:

Bear Mountain Water District submitted an application for change to the Chelan County Water Conservancy (Board) on December 8, 2016 to add purpose of use, add points of diversion, and change the place of use for underlying Water Right Certificate S4-09550C to support transfer of a portion of the water right to the Lakeview Utilities Company and the applicant under this report, Ms. Creveling (also referred to as Applicant).

Water Right Change Authorization CS4-09550C@11 having a priority date of June 9, 1965, was issued by Ecology on April 4, 2017, as a Final Order letter modifying the Board's Record of Decision for Application for Change/Transfer under Water Right Certificate CS4-09550C@10 (CHEL-16-11) dated March 9, 2017. When issuing Change Authorization CS4-09550C@11, Ecology split it into A and B portions. Ms. Creveling's is the 'B' portion designated as Change Authorization CS4-09550C@11(B).

RECEIVED

Ms. Creveling filed a Proof of Appropriation for Change Authorization CS4-09550C@11(B) on November 15, 2021 attesting that the full quantity under the Authorization had been put to beneficial use during the 2021 "Proof Year". A Proof Report of Examination (Certified Water Right Examiner's Report, CWRE) was submitted to Department of Ecology (Ecology) by Bill Sullivan, LHG, CWRE, of American Land and Water Consulting, recommending certification for the full quantity authorized under Change Authorization CS4-09550C@11(B). Ecology issued a Recommendation for Certification of Water Right on January 5, 2022 confirming the recommendations in the CWRE Report and approving issuance of a superseding certificate for diversion of 0.02 cubic feet per second (cfs) and 0.5 acre-feet per year (ac-ft/yr) for continuous domestic use in Parcel Nos. 282133230050 and 282133230060 (Appendix B). Ecology has not yet issued a superseding certificate.

In September 2021, the Applicant sold Parcel 282133230050 to Steve and Trudy Maloof and retained ownership of Parcel 282133230060 where she proposes to build a new single-family residence on this currently undeveloped parcel. Parcel 282133230050 contains the existing single-family residence. Upon closing of the property sale, the owners of both parcels within the place of use signed and submitted a Request for Administrative Confirmation of Division of a Water Right to divide the authorized quantities equally among Parcels 282133230050 and 282133230060 (0.01 cfs and 0.25 ac-ft/yr for each). On June 9, 2022 Ecology issued a letter rejecting the requested administrative division on the basis that Change Authorization CS4-09550C@11(B) was not perfected using indoor domestic water use on both parcels.

On December 9, 2021, Ms. Creveling submitted an application to the Chelan County Water Conservancy Board (Board) requesting to add a point of diversion to CS4-09550C@11(B) located in Parcel 282133230060 to supply a proposed single-family residence (Appendix A). The application is the subject of this report. The application was accepted by the Board and assigned Application No. CHEL-21-06. The source of the proposed diversion is Lake Chelan, at a point located about 300 feet north of the existing authorized point of diversion (see Figure 2 in Appendix A). Prior to submitting this request, the Applicant studied the feasibility of using the existing authorized point of diversion at Parcel 282133230050 to supply the proposed residence at Parcel 282133230060. The Applicant concluded that the site's steep topography would prohibit construction of an underground conveyance pipeline and that it is impractical to extend a conveyance pipeline 300 feet along the lake bottom.

The Board notes that the Applicant was made aware that domestic supply to Parcel 282133230060 could also be made available through Chelan County's Water Mitigation Program (Chapter 13.30, Chelan County Code) as an alternative to adding a point of diversion under CS4-09550C@11(B).

Evaluation of Beneficial Use:

Perfection of quantities put to beneficial use under Change Authorization CS4-09550C@11(B) was confirmed by Ecology on January 5, 2022 in the amount of 0.02 cfs and 0.5 ac-ft/yr for continuous domestic use. Quantities authorized under CS4-09550C@11(B) continue to be put beneficial use for domestic use at the present time.

The existing water system comprising the existing authorized point of diversion was constructed in 2019. It consists of a 3/4-horsepower Grundfos 15 SQE07-180 submersible pump set on the lake bottom connected to a 1-inch HDPE mainline extending from the pump to the existing residence at Parcel 282133230050 (see Figure 2 in Appendix A). Water from the residence extends outdoors to yard spigots. Garden hoses and potable impact sprinklers are used to irrigate landscaping/native vegetation within Parcel Nos. 282133230050 and 282133230060. A flow meter is installed inside the existing residence.

Previous changes

Describe any previous change decisions associated with the water right:

Ecology approved a previous change to underlying Water Right Certificate S4-09550C to add purpose of use, add points of diversion, and change the place of use for to support transfer of a portion of the water right to the Lakeview Utilities Company and Ms. Creveling. This change resulted in Change Authorization CS4-09550C@11(B) being issued to Ms. Creveling on April 4, 2017. There have been no changes authorized under CS4-09550C@11(B).

RECEIVED
SEP 12 2022
Ecology
Central Regional Office

SEPA

The board has reviewed the proposed project in its entirety (Provide a detailed explanation of how the board complied with the State Environmental Policy Act):

The Board has reviewed the proposal in its entirety. It determined that SEPA review is not required for the proposed change because the application is categorically exempt under WAC 197-11-800(4) based on the water right authorizing less than 1.0 cfs for domestic purpose.

Other

Provide any other pertinent information relative to the background of this water right:

Not applicable.

The information or conclusions in this section were authored and/or developed by (Name of Person): Bill Sullivan, American Land and Water Consulting

COMMENT AND PROTESTS [See WAC 173-153-130(6)(b)]

Public notice of the application was given in the (Name of Publication(s): Wenatchee World

on Dates Published: April 6 and 13, 2022. Protest period ended on (end date of protest period): May 13, 2022

There were # or no ☒ protests received during the 30 day protest period. In addition, no ☒ or # oral and written comments were received at an open public meeting of the board or other means as designated by the board.

Date (protest/comment received):

This was recognized by the board as a ☐ Protest ☐ Comment

Name/address of protestor/commenter:

Issue (describe issues raised):

Board's analysis (board's response to the protest/comment):

NOTE to author: *Repeat this table as necessary to describe each protest or comment (attach a separate sheet if needed)*

Other

Provide any other pertinent information relative to the comments and protests receive:

Not applicable.

The information or conclusions in this section were authored and/or developed by (Name of Person): Bill Sullivan, American Land and Water Consulting

RECEIVED
SEP 17 2022
Dept. of Ecology
Central Regional Office

INVESTIGATION [See WAC 173-153-130(6)(c)]

The following information was obtained from a site inspection conducted by (person(s)): Tim Larson, Chelan County Water Conservancy Board and Bill Sullivan, American Land and Water Consulting on (date of field exam): August 30, 2022, technical reports, research of department records (list other references, if any) Ecology's Water Rights Tracking System (WRTS) database, Ecology's Water Rights Map Search online tool, aerial imagery and conversations with the applicant and/or other interested parties.

Proposed project plans and specifications

Describe proposed use of water to include # of connections, method of irrigation, type of crop, commercial use, etc. Also describe any issues related to development, such as the proposed development schedule and an analysis of the effect of the proposed transfer on other water rights, pending change applications & instream flows established under state law.

Locations of existing and proposed points of diversion and the place of use are shown in Figures 1 and 2 of Appendix A.

The proposed point of diversion will consist of a 1-horsepower submersible pump set on the lake bottom at Parcel 282133230060. Water will be conveyed via 1-inch mainline to a proposed residence at Parcel 282133230060. A flow meter will be installed to measure flow from the proposed point of diversion.

The existing water system comprising the existing authorized point of diversion was constructed in 2019. It consists of a 3/4-horsepower Grundfos 15 SQE07-180 submersible pump set on the lake bottom connected to a 1-inch HDPE mainline extending from the pump to the existing residence at Parcel 282133230050 (see Figure 2 in Appendix A). Water from the residence extends outdoors to yard spigots. Garden hoses and potable impact sprinklers are used to irrigate landscaping/native vegetation within Parcel Nos. 282133230050 and 282133230060. A flow meter is installed inside the existing residence.

The quantities authorized under CS4-09550C@11(B) of 0.02 cfs and 0.5 ac-ft/yr will be shared among the existing and proposed single-family residences in the amount of 0.01 cfs and 0.25 ac-ft/yr for each residence. This quantity is sufficient to provide each residence with 200 gallons per day (gpd) continuously for indoor use as recommended by the Washington State Department of Health Water System Design Manual (200 gpd = 0.22 ac-ft/yr). The extent of outdoor use associated with each residence will be adjusted to ensure that total water use remains within authorized quantities.

Other water rights appurtenant to the property (if applicable)

Describe any other water rights or other water uses associated with both the current and proposed place of use and an explanation of how those other rights or uses will be exercised in conjunction with the right proposed to be transferred.

No water rights share the existing authorized point of diversion. No water rights will share the proposed diversion. One water right overlaps the place of use for CS4-09550C@11(B):

S4-33250, Permit, Chelan County Natural Resources Department, Priority Date 2/6/2020:

This Larger Area Permit authorizes 5,000 gpm and 1,000 ac-ft/yr continuously from sources within the Lake Chelan basin to mitigate uses under RCW 90.44.050.

Additionally, one application for new water right overlaps the Lake Chelan basin including the subject place of use:

G4-33251, Chelan County Natural Resources Department, Priority Date 2/6/2020

Public Interest (groundwater only)

The proposed transfer is subject to RCW 90.44.100 and therefore, cannot be detrimental to the public interest, including impacts on any watershed planning activities. Provide an analysis of the transfer as to whether it is detrimental to the public interest, including impacts on any watershed planning activity. Public interest is not considered if the proposed water right is authorized under RCW 90.03.380 exclusively.

Not applicable.

Tentative Determination

In order to make a water right change decision, the Board must make a tentative determination on the validity and extent of the right. The Board has made the tentative determination as displayed upon the first page of this report. There are several circumstances that can cause the board's tentative determination to differ from the stated extent of the water right within water right documentation. Water right documents attempt to define a maximum limitation to a water right, rather than the actual extent to which a water right has been developed and maintained through historic beneficial use. Additionally, except for a sufficient cause pursuant to RCW 90.14.140, water rights, in whole or in part, not put to a beneficial use for five consecutive years since 1967 may be subject to relinquishment under Chapter 90.14.130 through 90.14.180 RCW. Water rights may additionally be lost through abandonment. The Board's tentative determination was based upon the following findings. Describe any information indicating that an existing water right or portion of a water right has been relinquished or abandoned due to nonuse and the basis for the determination.

The tentative determination is provided on the front pages of this report. The Board has determined that Superseding Certificate CS4-09550C@11(B) is tentatively determined to be valid for diversion of 0.02 cfs and 0.5 ac-ft/yr for continuous domestic use.

Geologic, Hydrogeologic, or other scientific investigations (if applicable)

Describe the results of any geologic, hydrogeologic, or other scientific investigations that were considered by the board and how this information contributed to the board's conclusions.

Not applicable.

Other

Provide any other pertinent information relative to the investigation of this application.

Not applicable.

The information or conclusions in this section were authored and/or developed by (Name of Person): Bill Sullivan, American Land and Water Consulting

CONCLUSIONS [See WAC 173-153-130(6)(d)]

Tentative determination (validity and extent of the right)

Describe whether, and to what extent, a valid water right exists.

The Board tentatively determined that a valid water right exists for the following quantities: 0.02 cfs and 0.5 ac-ft/yr for continuous domestic use.

Relinquishment or abandonment concerns

Describe any relinquishment or abandonment of the water right associated with the water right transfer application as discussed in the investigation section of this report.

The Board has determined that no portion of the water right has been relinquished or abandoned. The quantities authorized under CS4-09550C@11(B) were confirmed by Ecology when it issued its Recommendation for Certification of a Water Right on January 5, 2022. This date lies within the 5-year statutory period for relinquishment or abandonment established under RCW 90.14.160-180.

RECEIVED
SEP 12 2022
Ecology
Central Regional Office

Hydraulic analysis

Describe the result, as adopted by the board, of any hydraulic analysis done related to the proposed water right transfer.

Lake Chelan is the source for the existing authorized and proposed points of diversion. The Board is not aware of any documented history of interference between points of diversion on Lake Chelan.

Consideration of comments and protests

Discuss the board's conclusions of issues raised by any comments and protests received.

No comments or protests were received by the Board or Ecology.

Impairment

Describe how or if the transfer proposal will impair existing rights of others.

The Board has determined that the proposed additional point of diversion on Lake Chelan will not result in impairment of existing rights based on 1) the proposed request will not enlarge authorized quantities, and 2) the proposed additional point of diversion is not located in proximity to other lake diversions.

Public Interest

If the proposed transfer is authorized pursuant to RCW 90.44.100, describe whether it is detrimental to the public interest. Public interest shall not be considered if the proposed transfer is authorized pursuant to RCW 90.03.380 exclusively.

There have been no public expression, protest, or concern regarding the subject proposal, and no findings through this investigation indicate that there would be any detrimental impacts to the public welfare through issuance of the proposed change.

The proposal to add a point of diversion will enable continued domestic use under the subject right and will not result in enlargement of authorized quantities. According to RCW 90.54.020(1), domestic use is a beneficial use of water.

Other

The board also considered the previous provisions associated with the water right as identified in the background section of this report when making its decision. Provide any other pertinent information relative to the board's conclusions.

Not applicable.

DECISION [See WAC 173-153-130(6)(e)]

Provide a complete description of the board's decision, fully and comprehensively addressing the entire application proposal.

The Board has determined that the proposal to add a point of diversion to the water right authorization will not enlarge authorized quantities nor impair existing rights and is not detrimental to the public interest provided that attached provisions are followed. The Board has tentatively determined that there has been no abandonment or relinquishment of authorized quantities and that there is sufficient authorization under the right to fulfill the applicant's request. The Board therefore recommends approval of the change in accordance with RCW 90.03.380 and RCW 90.44.100.

Provide any other pertinent information relative to the board's decision.

RECEIVED

SEP 12 2022

**Dept. of Ecology
Central Regional Office**

The Board requested and received a signed statement from Steve and Trudy Maloof stating that they understand water use in Parcel 282133230050 will need to be reduced to accommodate the proposed water use in Parcel 282133230060 ensuring that there will be no enlargement of authorized quantities.

The information or conclusions in this section were authored and/or developed by (Name of Person): **Bill Sullivan, American Land and Water Consulting**

PROVISIONS [See WAC 173-153-130(6)(f)]

Conditions and limitations

Identify any conditions and limitations recommended as part of an approved transfer, and/or any other corrective action necessary to maintain the water use in compliance with state laws and regulations.

The amount of water granted is a maximum limit that shall not be exceeded and the water user shall be entitled to that amount of water within the specified limit that is beneficially used and required.

This authorization shall in no way excuse the permittee from compliance with any applicable federal, state, or local statutes, ordinances, or regulation including those administered by other programs of the Department of Ecology.

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", Chapter 173-173 WAC

Department of Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the records of water use that are kept to meet the above conditions, and to inspect at reasonable times any measuring device used to meet the above conditions.

The consumptive use, associated with present change authorization, shall not exceed 0.5 af to ensure that there is no enlargement of the this right and which the permittee shall demonstrate compliance as part of annual metering submittals.

The purpose of use for this portion of water right CS4-09550C granted is changed from municipal to domestic use and is no longer protected from relinquishment by Determined Future Development or municipal water law. Policy 1280 addresses Ecology's interpretation of development schedules and the applicability of relinquishment under RCW 90.14.

Water use data shall be recorded monthly. The maximum rate of diversion/withdrawal and the annual total volume shall be submitted to Ecology by January 31st of each calendar year. To set up and Internet reporting account, access <https://fortress.wa.gov/ecy/wrx/wrx/Meteringx/>. If you have questions or need forms, contact the Central Regional office.

This authorization is subject to Washington Department of Fish and Wildlife juvenile salmon and gamefish screening criteria (pursuant to RCW 77.55.040).

The applicant must obtain Hydraulic Project Approval from the Washington Department of Fish and Wildlife for all construction activities occurring within the high-water mark of Lake Chelan and its tributaries. Please contact the Department of Fish and Wildlife, 3960 Chelan Hwy N, Wenatchee, WA 98801-9625 or by telephoning (509) 662-0452.

RECEIVED

SEP 12 2022

Mitigation (if applicable)

Describe any requirement to mitigate adverse effects of the project. Mitigation may be proposed by the applicant or the board and be required in the board's decision.

Not applicable.

Construction Schedule

Provide a schedule for development and completion of the water right transfer, if approved in part or in whole that includes a definite date for completion of the transfer and application of the water to an authorized beneficial use.

Beginning of Construction: December 31, 2022

Completion of Construction: December 31, 2024

Full Beneficial Use: December 31, 2025

Other

Provide any other pertinent information relative to provisions

None.

The information or conclusions in this section were authored and/or developed by (Name of Person): Bill Sullivan, American Land and Water Consulting

The undersigned board commissioner certifies that he/she understands the board is responsible "to ensure that all relevant issues identified during its evaluation of the application, or which are raised by any commenting party during the board's evaluation process, are thoroughly evaluated and discussed in the board's deliberations. These discussions must be fully documented in the report of examination." [WAC 173-153-130(5)] The undersigned therefore, certifies that he/she, having reviewed the report of examination, knows and understands the content of this report and concurs with the report's conclusions.

Signed at Entiat, Washington
This 8th day of Sept, 2022
Date (Day) (Month) (Year)

Name of Board Representative: Karin Whitehall

Name of Water Conservancy Board: Chelan County

Signature: Karin Whitehall

RECEIVED

SEP 12 2022

ECY 040-106 (03/2017) To request ADA accommodation including materials in a format for the visually impaired, call Ecology Water Resources Program 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.

**Dep. of Ecology
Central Regional Office**