APPENDIX B

WATER RIGHTS DOCUMENTS

Park well
260-170 gpm

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

CERTIFICATE OF WATER RIGHT

☐ 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	APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
July 27, 1977	G425406	G425406P	G425406C

NAME
TOWN OF BINGEN

ADDRESS (STREET)	(CITY)	(STATE)	(ZIP CODE)
Town Hall	Bingen,	Washington	98605

This is to certify that the herein named applicant has made proof to the satisfaction of the Department of Ecology of a right to the use of the public waters of the State of Washington as herein defined, and under and specifically subject to the provisions contained in the Permit issued by the Department of Ecology, and that said right to the use of said waters has been perfected in accordance with the laws of the State of Washington, and is hereby confirmed by the Department of Ecology and entered of record as shown, but is limited to an amount actually beneficially used.

PUBLIC WATER TO BE APPROPRIATED

SOURCE
A well

TRIBUTARY OF (IF SURFACE WATERS)

MAXIMUM CUBIC FEET PER SECOND	MAXIMUM GALLONS PER MINUTE	MAXIMUM ACRE-FEET PER YEAR
	260	420

QUANTITY, TYPE OF USE, PERIOD OF USE
To be used continuousl. for a municipal supply supplemental to existing rights.

LOCATION OF DIVERSION/WITHDRAWAL

APPROXIMATE LOCATION OF DIVERSION—WITHDRAWAL
2550 feet north and 925 feet west from the southeast quarter corner of Sec. 30.

LOCATED WITHIN (SMALLEST LEGAL SUBDIVISION)	SECTION	TOWNSHIP N.	RANGE E. OR W. W.M.	W.R.I.A.	COUNTY
NE¼ SE¼	30	3	11 E.	29	Klickitat

RECORDED PLATTED PROPERTY

LOT	BLOCK	OF (GIVE NAME OF PLAT OR ADDITION)

LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED

Area served by the Town of Bingen in Klickitat County.

EXCESS right over production 82 gpm

[illegible] to a voluntary Partial Relinquishment [illegible] the Kittitas County Auditor in Volume 222 [illegible] the City of Ellensburg relinquished all claim to [illegible] Water Certificate No. 69-[illegible] issued December 30, 1975.

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, except as provided in RCW 90.03.380, 90.03.390, and 90.44.020.

This certificate of water right is specifically subject to relinquishment for nonuse of water as provided in RCW

"MAPLE" STREET WELL

EST 70 -26 gpm ?

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

CERTIFICATE OF WATER RIGHT

☐ Surface Water

☒ Ground Water

CERTIFICATE NUMBER	PERMIT NUMBER	APPLICATION NUMBER	DATE
G4-01205C	10323	11078	July 20, 1970

NAME
TOWN OF BINGEN

MAILING ADDRESS
City Hall Bingen Washington 93605

This is to certify that the herein named applicant has made proof to the satisfaction of the Department of Ecology of a right to the use of the public waters of the State of Washington as herein defined, and under and subject to the provisions contained in the Permit issued by the Department of Ecology, and that said use of said waters has been perfected in accordance with the laws of the State of Washington and rules adopted by the Department of Ecology and entered of record as shown.

PUBLIC WATER TO BE APPROPRIATED

SOURCE
a well

TRIBUTARY OF (SURFACE WATER)

MAXIMUM CUBIC FEET PER SECOND	MAXIMUM GALLONS PER MINUTE	MAXIMUM ACRE-FEET PER YEAR
	130	185

QUANTITY, TYPE OF USE, PERIOD OF USE
To be used for municipal supply continuously.

LOCATION OF DIVERSION/WITHDRAWAL

APPROXIMATE LOCATION OF DIVERSION/WITHDRAWAL
520 feet east and 280 feet south of west quarter corner of Section 29.

LOCATED WITHIN (SMALLEST LEGAL SUBDIVISION)	SECTION	TOWNSHIP N.	RANGE E. OR W.	W.M.	COUNTY
	29	3	11 E.	29	Klickitat

RECORDED PLATTED PROPERTY

LOT	BLOCK	OFFICIAL NAME OF PLAT OR ADDITION
2	5	Plat of Sukedorf's First Addition to the Town of Bingen

LEGAL DESCRIPTION OF PROPERTY WATER TO BE USED ON

Area served by the Town of Bingen.

EXCESS Right over production 90 gpm

PROVISIONS

In that the applicant enjoys rights under Ground Water Certificate No. G4-01175C for 50 gallons per minute, not to exceed 80 acre-feet per year; Ground Water Certificate No. G4-01205C for 130 gallons per minute, not to exceed 185 acre-feet per year; and Ground Water Certificate No. G3-21957C for 475 gallons per minute, or 412 acre-feet per year; this permit shall issue as a supplemental andialternate supply to existing State Ground Water Certificates.

The water supply shall be adequate in quantity and of a safe sanitary quality in conformance with WAC 248-54, Public Water Supplies. Where a municipal supply of water of satisfactory quantity and quality is reasonably available, the health officer may require connection thereto, and its supply used exclusively. Where a satisfactory municipal supply is not reasonably available, an individual water supply system may be developed and used as approved by the healthiofficer.

Installation and maintenance of an access port as described in Ground Water Bulletin No. 1 is required. An air line and gage may be installed in addition to the access port.

All water wells constructed within the state shall meet the minimum standards for construction and maintenance as provided under RCW 18.104 (Washington Water Well Construction Act of 1971) and Chapter 173-160 WAC (Minimum Standards for Construction and Maintenance of Water Wells).

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, except as provided in RCW 90.03.380, 90.03.390, and 90.44.020.

This certificate of water right is specifically subject to relinquishment for nonuse of water as provided in RCW 90.14.180.

Vol. 229 of DEEDS Page 666-7
Request of DEPT OF ECOLOGY
On JANUARY 31, 11:01 a.m. 1985
Nancy G. Evans
Carrie White Deputy
Mail to CITY OF BINGEN

FEB 6 1985

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

CERTIFICATE OF WATER RIGHT

☐ 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	APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
December 23, 1983	G4-28360	G4-28360P	G4-28360C

NAME
City of Bingen

ADDRESS (STREET)	(CITY)	(STATE)	(ZIP CODE)
112 North Ash Street,	Bingen,	Washington	98605

INDEXED 496911

This is to certify that the herein named applicant has made proof to the satisfaction of the Department of Ecology of a right to the use of the public waters of the State of Washington as herein defined, and under and specifically subject to the provisions contained in the Permit issued by the Department of Ecology, and that said right to the use of said waters has been perfected in accordance with the laws of the State of Washington, and is hereby confirmed by the Department of Ecology and entered of record as shown, but is limited to an amount actually beneficially used.

PUBLIC WATER TO BE APPROPRIATED

SOURCE
A well

TRIBUTARY OF (IF SURFACE WATERS)

MAXIMUM CUBIC FEET PER SECOND	MAXIMUM GALLONS PER MINUTE	MAXIMUM ACRE-FEET PER YEAR
	140	226*

QUANTITY, TYPE OF USE, PERIOD OF USE
To be used for continuous municipal supply.

*The total annual withdrawal under all existing rights shall not exceed 450 acre-feet per year.

LOCATION OF DIVERSION/WITHDRAWAL

APPROXIMATE LOCATION OF DIVERSION—WITHDRAWAL
2350 feet south and 300 feet west from the northeast corner of Section 30.

LOCATED WITHIN (SMALLEST LEGAL SUBDIVISION)	SECTION	TOWNSHIP N.	RANGE, (E. OR W.) W.M.	W.R.I.A.	COUNTY
SE¼NE¼	30	3	11 E	29	Klickitat

RECORDED PLATTED PROPERTY

LOT	BLOCK	OF (GIVE NAME OF PLAT OR ADDITION)
6	1	Suksdorf's Northern Addition

LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED

Within the city limits of the city of Bingen.

RETAIN FOR YOUR FILES
(SEE REVERSE SIDE)

ECY 040-1-2 (Rev. 4-81)

VOL 229 PAGE 666

100

CERTIFICATE

PROVISIONS

Installation and maintenance of an access port as described in Groundwater Bulletin No. 1 is required. An air line and gage may be installed in addition to the access port.

All water wells constructed within the state shall meet the minimum standards for construction and maintenance as provided under RCW 18.104 (Washington Water Well Construction Act of 1971) and Chapter 173-160 WAC (Minimum Standards for Construction and Maintenance of Water Wells).

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, except as provided in RCW 90.03.380, 90.03.390, and 90.44.020.

This certificate of water right is specifically subject to relinquishment for nonuse of water as provided in RCW 90.14.180.

Given under my hand and the seal of this office at Yakima, *Washington, this* 24th *day of* January *19* 85.

DEPARTMENT OF ECOLOGY · STATE OF WASHINGTON

Department of Ecology

ENGINEERING DATA

OK M. Wilson

le

by Russell K. Taylor

RUSSELL K. TAYLOR, P.E., REGIONAL MANAGER

FOR COUNTY USE ONLY

G40111

"Reservoir" well

Est. 55 gpm

DEPARTMENT OF ECOLOGY

CERTIFICATE OF WATER RIGHT

[ ] Surface Water

[X] Ground Water

CERTIFICATE NUMBER	PERMIT NUMBER	APPLICATION NUMBER	PRIORITY DATE
04-[illegible]	10841	10845	May 6, 1970

NAME

CITY OF [illegible]

ADDRESS / STREET		STATE	ZIP CODE
City Hall	Bingen	Washington	[illegible]

This is to certify that the herein named applicant has made proof to the satisfaction of the Department of Ecology of a right to the use of the public waters of the State of Washington as herein defined, and under and specifically subject to the provisions contained in the Permit issued by the Department of Ecology, and that said right to the use of said waters has been perfected in accordance with the laws of the State of Washington and is hereby confirmed by the Department of Ecology and entered in [illegible] shown.

PUBLIC WATER TO BE APPROPRIATED

SOURCE

A well

MAXIMUM	MAXIMUM A.F. PER YEAR
50 50	80 80

To be used for a municipal supply.

LOCATION OF DIVERSION WITHDRAWAL

470 feet north and 180 feet east from the west quarter corner of Sec. 29.

[illegible]	29	3	11 E.	29	Klickitat

RECORDED PLATTED PROPERTY

LEGAL DESCRIPTION OF PROPERTY WATER TO BE USED ON

Area served by the City of Bingen.

PROVISIONS

The maximum annual withdrawal will be limited to 185 acre-feet, less any amount made available under existing rights.

Certificate holder shall maintain an access port as described in Ground Water Bulletin No. 1.

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, except as provided in RCW 90.03.380, 90.03.390, and 90.44.020.

This certificate of water right is specifically subject to relinquishment for nonuse of water as provided in RCW 90.14.180.

Given under my hand and the seal of this office at Olympia, Washington, this 23rd *day of* January, 19 76.

JOHN A. BIGGS, *Director*
Department of Ecology

STATE OF WASHINGTON

Dixy Lee Ray
Governor

DEPARTMENT OF ECOLOGY
2802 Main Street, Union Gap, Washington 98903 509/575-2800

SEP 26 1978

Town of Bingen
Town Hall
Bingen, WA 98605

RE: Ground Water Application No. G4-25406

Gentlemen:

Enclosed is a copy of our Report of Examination of your above-numbered application.

Your application has been approved and a permit will be issued according to this report upon payment of the statutory fee of $ 20.00 . Please make your check payable to the Department of Ecology.

The enclosed report constitutes our determination and order under the referenced application. Chapter 43.21B RCW provides that any person who feels aggrieved by an order, such as the one enclosed, may appeal to the Pollution Control Hearings Board of Washington within thirty (30) days from the transmittal date of the order. A copy of regulations outlining the procedures for requesting a hearing may be obtained from this department upon request.

Sincerely,

Russell K. Taylor

Russell K. Taylor
Regional Manager

Enclosure: Report of Exam
Groundwater Bulletin No. 1

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STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

REPORT OF EXAMINATION
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	APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
July 27, 1977	G4-25406		

NAME
TOWN OF BINGEN

ADDRESS (STREET)	(CITY)	(STATE)	(ZIP CODE)
Town Hall	Bingen,	Washington	98605

PUBLIC WATERS TO BE APPROPRIATED

SOURCE
A well

TRIBUTARY OF (IF SURFACE WATERS)

MAXIMUM CUBIC FEET PER SECOND	MAXIMUM GALLONS PER MINUTE	MAXIMUM ACRE-FEET PER YEAR
	475	420

QUANTITY, TYPE OF USE, PERIOD OF USE
To be used continuously for a municipal supply supplemental to existing rights.

LOCATION OF DIVERSION/WITHDRAWAL

APPROXIMATE LOCATION OF DIVERSION—WITHDRAWAL
2550 feet north and 925 feet west from the southeast quarter corner of Sec. 30.

LOCATED WITHIN (SMALLEST LEGAL SUBDIVISION)	SECTION	TOWNSHIP N.	RANGE, (E. OR W.) W.M.	W.R.I.A.	COUNTY
NE¼ SE¼	30	3	11 E.	29	Klickitat

RECORDED PLATTED PROPERTY

LOT	BLOCK	OF (GIVE NAME OF PLAT OR ADDITION)

LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED

Area served by the Town of Bingen in Klickitat County.

RETAIN FOR YOUR FILES

DESCRIPTION OF PROPOSED WORKS

Diameter of well to be determined later; depth approximately 330 feet; 75 H.P. pump.

DEVELOPMENT SCHEDULE

BEGIN PROJECT BY THIS DATE:	COMPLETE PROJECT BY THIS DATE:	WATER PUT TO FULL USE BY THIS DATE:
October 1, 1979	October 1, 1980	October 1, 1981

PROVISIONS

The field examination of your application was performed on April 6, 1978, by William W. Myers of the Central Washington Region.

The following quantities and provisions are recommended for approval:

The requested instantaneous quantity of 475 gallons per minute is recommended for approval for the purpose of continuous municipal supply.

The total annual quantity is recommended for approval as follows:

The water requirement for 1500 persons is 420 acre-feet per year based on an average daily consumption of 250 gallons per day per person.

"In that the applicant enjoys rights under Ground Water Certificate No. G4-01175C for 50 gallons per minute, not to exceed 80 acre-feet per year; Ground Water Certificate No. G4-01205C for 130 gallons per minute, not to exceed 185 acre-feet per year; and Ground Water Certificate No. G3-21957C for 475 gallons per minute, or 412 acre-feet per year; this permit shall issue as a supplemental and alternate supply to existing State Ground Water Certificates."

Use of the waters to be appropriated under this application will be for a public water supply. State Board of Health rules require every owner of a public water supply to obtain written approval from the Assistant Secretary, Division of Health, prior to any new construction or alterations of a public water supply. The applicant is advised to contact the Washington State Division of Health, Public Health Building No. 4, Thurston Airdustrial Center, Olympia, with regard to the need for compliance.

The applicant's attention is directed to provisions of Section 248-76-060 of the Washington Administrative Code which states in pertinent part that: "The water supply shall be adequate in quantity and of a safe sanitary quality in conformance with WAC 248-54, Public Water Supplies. Where a municipal supply of water of satisfactory quantity and quality is reasonably available, the health officer may require connection thereto, and its supply used exclusively. Where satisfactory municipal supply is not reasonably available, an individual water supply system may be developed and used as approved by the health office."

"The installation of an access port as described in attached Ground Water Bulletin No. 1 shall be required prior to issuance of final certificate of water right. The applicant may, for his own convenience, wish to install an airline and gage in addition to the access port."

Signed at Yakima, Washington
this 25th day of September, 1978.

William W. Myers

WILLIAM W. MYERS
Resource Management Division
Department of Ecology

le

Booth Gardner
Governor

Andrea W. Beatt
Director

MAR 28 1985

STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

3601 West Washington • Yakima, Washington 98903 • (509) 575-2800

MAR 26 1985

City of Bingen
P.O. Box 607
Bingen, WA 98605

RE: Application for Change under Ground-water Certificate No. G4-01205C

Dear Sirs:

The enclosed Report of Findings of Fact and Decision constitutes the department's determination and order for the above referenced application for change.

Any person feeling aggrieved by this order may obtain review thereof by application, within thirty (30) days of receipt of this order, to the Washington Pollution Control Hearings Board, Olympia, Washington 98504, with a copy to the Director, Department of Ecology, Olympia, Washington 98504, pursuant to the provisions of Chapter 43.21B of the Revised Code of Washington and the rules and regulations adopted thereunder.

Sincerely,

Russell K. Taylor

Russell K. Taylor, P.E.
Regional Manager

RKT:FR:ska

Enclosures: Report of Findings
Findings of Fact and Order

CERTIFIED MAIL

BEFORE THE
DEPARTMENT OF ECOLOGY
STATE OF WASHINGTON

IN THE MATTER OF APPLICATION FOR CHANGE UNDER GROUND WATER CERTIFICATE NO. G4-01205C	)))	FINDINGS OF FACT AND ORDER

Upon review of the Examiner's report, I find that all facts relevant and material to the subject application have been thoroughly investigated. Furthermore, in accordance with the Examiner's conclusions and recommendations, I find that said change will not impair existing rights or be detrimental to the public welfare.

IT IS ORDERED that a change to add a point of withdrawal be made under the aforesaid application authorizing appropriation of public waters in the amount, and for the use, and subject to the provisions set forth in the Examiner's report.

Any person feeling aggrieved by this order may obtain review thereof by application, within thirty (30) days of receipt of this order, to the Washington Pollution Control Hearings Board, Olympia, Washington 98504, with a copy to the Director, Department of Ecology, Olympia, Washington 98504, pursuant to the provisions of Chapter 43.21B RCW and the rules and regulations adopted thereunder.

Signed at Yakima, Washington this 25 day of March, 1985.

Russell K. Taylor

Russell K. Taylor, P.E., Regional Manager

DEPARTMENT OF ECOLOGY
YAKIMA, WASHINGTON

IN THE MATTER OF APPLICATION FOR CHANGE TO ADD A POINT OF WITHDRAWAL OF WATER TO RIGHTS AUTHORIZED BY GROUNDWATER CERTIFICATE NO. G4-01205C.	)	Findings of Fact, Conclusions and Recommendations

REPORT

Background

On December 17, 1984, the City of Bingen filed an application for change of the above-named water right. The application was accepted and public notice was made with no protests being received within the 30-day protest period.

Investigation

The following report is based upon information obtained during a site examination and interview with Mr. Tom Westre, superintendent of utilities, conducted by the writer on September 10, 1984; an interview with Mr. Westre and other officials of the City of Bingen, by Doug Clausing and the writer on December 4, 1984; and research of office records.

The City of Bingen proposes to add a point of withdrawal located within the city limits and described as being 2,350 feet south and 300 feet west of the northeast corner of Section 3, T. 3 N., R. 11 E.W.M. to an existing water right, Groundwater Certificate (GWC) No. G4-01205C.

The water right authorizes the withdrawal of 130 gallons per minute (gpm), 185 acre-feet per year, from a well referred to as the Maple Street Well, located 520 feet east and 280 feet south of the west quarter corner of Section 29, T. 3 N., R. 11 E.W.M. for continuous municipal supply within the town of Bingen.

The authorized well has been in use by the city since at least the early 1950's however an application for a water right was not filed until July 20, 1970. The date of filing an application is the date of priority once an authorized appropriation of water is perfected.

The appurtenant well has deteriorated in yield due to the continuous water demand of a municipal domestic system. Presently the well produces about 40 gpm but draws down to intake level after a few hours of continuous pumping and cannot be pumped again until the dynamic water level rises.

The proposed additional point of withdrawal is an 8 inch diameter well, referred to as the Dry Creek Well, that has recently undergone rehabilitation and now produces about 220 gpm. GWC No. G4-28360C is appurtenant to this well, authorizing the withdrawal of up to 140 gpm, up to 226 acre-feet per year. The total annual withdrawal under all existing rights held by the city is limited to 450 acre-feet per year.

The addition of the proposed point of withdrawal will allow the city flexibility in exercising the subject water right and the continued use of the majority of the water right should the Maple Street well be taken temporarily out of service for rehabilitation.

There are no groundwater rights within the project area that would be impaired by the proposed change.

Conclusions

Based upon the information obtained and presented, the following conclusions are made:

The proposed addition of a second point of withdrawal will not impair existing water rights nor result in an enhancement of the subject water right.

Recommendations

In light of the foregoing findings and conclusions, I respectfully recommend that the City of Bingen be authorized to add the requested point of withdrawal for the exercise of GWC No. G4-01205C.

Additionally, I recommend that a period of one year be provided for completing the change and that upon completion, a Superseding Certificate be issued reflecting the accomplished change.

REPORT BY: Fred Rajala DATE: 3-22-85
Fred Rajala

APPROVED BY: Doug Clausing DATE: 3/22/85
Doug Clausing, Regional Supervisor

ska

JOHN SPELLMAN
Governor

JUL 29 1983
RECEIVED

DONALD W. MOOS
Director

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
3601 West Washington • Yakima, Washington 98903 • (509) 575-2800

July 26, 1983

City of Bingen
c/o Icel J. Benson
P.O. Box 273
Bingen, WA 98605

Re: Ground Water Permit No. G4-25406P and Application for Change of Water Right on Ground Water Certificate No. G3-21957C

Gentlemen:

Having reviewed the water rights, pumping capabilities, water demands and the general confusion of the subject matter, I have made the following conclusions:

1. A proof of appropriation form should be completed and filed with this office on the park well, i.e., Permit No. G4-25406P for 260 gpm and 420 acre-feet per year.

2. Since Ground Water Certificates No. G4-01205C and No. G3-21951C are supplemental to No. G4-01175C, and Permit No. G4-25406P is an alternate source, the total primary water right appears to be only 260 gpm but with 605 acre-feet per year annual quantity.

3. From the information you have supplied, it appears that your instantaneous peak demand exceeds 400 gpm, which is about the same as your combined pumping capacity allowing no backup for peak demand.

Now, what do we do to ease the problem?

1. Once we have the proof of appropriation form on Permit No. G4-25406P, we can issue a certificate of water right for 260 gpm and 420 acre-feet per year.

2. Since the well authorized in Certificate No. G3-21957C has been abandoned by the City, I recommend that the City relinquish their portion of that water right and withdraw the pending application for change due to the problems of improper location of the well on the certificate and the fact that the SDS Lumber Company holds the primary water right on that document and the City has only a supplemental right authorized in that certificate.

3. Lastly, I recommend that the City file a new application to withdraw at least 140 gpm of primary water rights from the existing Dry Creek well to bring water rights up to pumping capacity. No additional annual quantity should be requested on this application since there appears to be rights far in excess of the City's annual needs.

I will wait to hear from you as to your decision on these matters. As soon as I know which direction you wish to go, I will be available to assist you with the paperwork needed.

Please feel free to contact me if you have any questions on these matters.

Sincerely,

Gary W. Weston

Gary W. Weston
Water Resource Management

GWW:mjj

File NR: G4-33106
WR Doc ID: 6008423

DEPARTMENT OF ECOLOGY
State of Washington

State of Washington
WATER RIGHT PERMIT

PRIORITY DATE	WATER RIGHT NUMBER
November 21, 2013	G4-33106

MAILING ADDRESS	SITE ADDRESS (IF DIFFERENT)
City of Bingen PO Box 607 Bingen, WA 98605-0607	

Quantity Authorized for Withdrawal or Diversion

WITHDRAWAL OR DIVERSION RATE	UNITS	ANNUAL QUANTITY (AF/YR)
200	gpm	223

Purpose

PURPOSE	WITHDRAWAL OR DIVERSION RATE			ANNUAL QUANTITY (AF/YR)		PERIOD OF USE (mm/dd)
	ADDITIVE	NON-ADDITIVE	UNITS	ADDITIVE	NON-ADDITIVE	
Continuous Municipal Supply	0	200	gpm	0	223	01/01 - 12/31

IRRIGATED ACRES		PUBLIC WATER SYSTEM INFORMATION	
ADDITIVE	NON-ADDITIVE	WATER SYSTEM ID	CONNECTIONS
N/A	N/A	06900J	412

Source Location

COUNTY	WATERBODY	TRIBUTARY TO	WATER RESOURCE INVENTORY AREA
KLICKITAT	GROUNDWATER		29-WIND-WHITE SALMON

SOURCE FACILITY/DEVICE	PARCEL	WELL TAG	TWP	RNG	SEC	QQ Q	LATITUDE	LONGITUDE
AEE294	03101000002100	AEE294	03N	10E	10	NWNE	45°46'3.1"N	121°31'58.1"W
AFK718	03100300000900	AFK718	03N	10E	03	SWSE	45°46'13.6"N	121°31'58.1"W

Datum: NAD83/WGS84

FILE COPY

Place of Use

LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE

Area served by the City of Bingen, including Port of Klickitat, described in its most recent approved Water System Plan. If the criteria in RCW 90.03.386(2) are not met and a Water System Plan was approved after September 9, 2003, the place of use of this water right reverts to the service area described in that document. If the criteria in RCW 90.03.386(2) are not met and no Water System Plan has been approved after September 9, 2003, the place of use reverts to the last place of use described by the Department of Ecology in a water right authorization.

Proposed Works

The City of Bingen will use existing wells, reservoirs, pipelines, and interties with the City of White Salmon to supply water. The City of Bingen holds a 20 percent interest in the regional municipal well field, the proposed water source, and also serves the Port of Klickitat's five percent interest in the well field.

Development Schedule

BEGIN PROJECT	COMPLETE PROJECT	PUT WATER TO FULL USE
Started	December 31, 2014	December 31, 2019

Measurement of Water Use

How often must water use be measured?	Weekly
How often must water use data be reported to Ecology?	Annually (January 31)
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.

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, 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 (Ecology) for modifications to some of the requirements.

Recorded water use data shall be submitted via the Internet. To set up an Internet reporting account, contact the Central Regional Office. If you do not have Internet access, you can still submit hard copies by contacting the Central Regional Office for forms to submit your water use data.

Water Use Limitations

This water right is non-additive to Bingen's four existing water right certificates. The total combined withdrawal under this permit, G4-33106, and the City's four certificates (G4-01250C, G4-01175C, G4-25406C, G4-28360C) shall not exceed 580 gallons per minute (gpm) up to 450 acre-feet per year (ac-ft/yr) for continuous municipal supply.

Combined withdrawals by the City of White Salmon and City of Bingen from Regional Well No. 1 and Regional Well No. 2 shall not exceed 1,795 gpm, 688 ac-ft/yr authorized for these wells under this permit, G4-33106, and the City of White Salmon's certificates 3474 and 7109, subject to future permitting decisions by Ecology.

Easement and Right-of-Way

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

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

Use of water under this authorization shall be contingent upon the water right holder's maintenance of efficient water delivery systems and use of up-to-date water conservation practices consistent with established regulation requirements and facility capabilities.

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.

This Permit Subject to Cancellation

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

Given under my hand and the seal of this office at

Yakima, Washington this 6th day of OCTOBER, 2014.

Department of Ecology

OK

by

Robert F. Barwin, P.E.,
Acting Section Manager

File No.: G4-33106
WR Doc ID: 6008423

DEPARTMENT OF ECOLOGY State of Washington

State of Washington
REPORT OF EXAMINATION
FOR WATER RIGHT APPLICATION

PRIORITY DATE
November 21, 2013

APPLICATION NUMBER
G4-33106

MAILING ADDRESS
City of Bingen
PO Box 607
Bingen, WA 98605

SITE ADDRESS (IF DIFFERENT)

Quantity Authorized for Withdrawal or Diversion

DIVERSION RATE	UNITS	ANNUAL QUANTITY (AF/YR)
200	gallons per minute (gpm)	223

Purpose

PURPOSE	WITHDRAWAL OR DIVERSION RATE ADDITIVE	WITHDRAWAL OR DIVERSION RATE NON-ADDITIVE	UNITS	ANNUAL QUANTITY (AF/YR) ADDITIVE	ANNUAL QUANTITY (AF/YR) NON-ADDITIVE	PERIOD OF USE (mm/dd)
Continuous Municipal Supply	0	200	gpm	0	223	Year-round

Source Location

WATERBODY	TRIBUTARY TO	COUNTY	WATER RESOURCE INVENTORY AREA
		Klickitat	29

SOURCE FACILITY/DEVICE	PARCEL	WELL TAG	TWN	RNG	SEC	QQ Q	LATITUDE	LONGITUDE
Well 1	03101000002100	AEE-294	3N	10E	10	NWNE	45°46'3.1"N	121°31'58.1"W
Well 2	03100300000900	AFK-718	3N	10E	3	SWSE	45°46'13.6"N	121°31'58.1"W

Datum: NAD 83

Place of Use (See Map, Attachment 1)

PARCEL

LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE

Area served by the City of Bingen, including Port of Klickitat, described in its most recent approved Water System Plan. If the criteria in RCW 90.03.386(2) are not met and a Water System Plan was approved after September 9, 2003, the place of use of this water right reverts to the service area described in that document. If the criteria in RCW 90.03.386(2) are not met and no Water System Plan has been approved after September 9, 2003, the place of use reverts to the last place of use described by the Department of Ecology in a water right authorization.

Proposed Works

The City of Bingen will use existing wells, reservoirs, pipelines, and interties with the City of White Salmon to supply water. The City of Bingen holds a 20 percent interest in the regional municipal well field, the proposed water source, and also serves the Port of Klickitat's 5 percent interest in the well field.

Development Schedule

BEGIN PROJECT	COMPLETE PROJECT	PUT WATER TO FULL USE
Started	December 31, 2014	December 31, 2019

Measurement of Water Use

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

Provisions

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.

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, 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 (Ecology) for modifications to some of the requirements.

Recorded water use data shall be submitted via the Internet. To set up an Internet reporting account, contact the Central Regional Office. If you do not have Internet access, you can still submit hard copies by contacting the Central Regional Office for forms to submit your water use data.

Water Use Limitations
This water right is non-additive to Bingen's four existing water right certificates. The total combined withdrawal under this permit, G4-33106, and the City's four certificates (G4-01250C, G4-01175C, G4-25406C, G4-28360C) shall not exceed 580 gallons per minute up to 450 acre-feet per year (ac-ft/yr) for continuous municipal supply.

Combined withdrawals by the City of White Salmon and City of Bingen from Regional Well No. 1 and Regional Well No. 2 shall not exceed 1,795 gallons per minute (gpm), 688 ac-ft/yr authorized for these wells under this permit, G4-33106, and the City of White Salmon's certificates 3474 and 7109, subject to future permitting decisions by Ecology.

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

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
Use of water under this authorization shall be contingent upon the water right holder's maintenance of efficient water delivery systems and use of up-to-date water conservation practices consistent with established regulation requirements and facility capabilities.

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. G4-33106, 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 Hearing Board (PCHB) within 30 days of the date of receipt of this Order. The appeal process is governed by chapter 43.21B RCW and chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal you must do the following within 30 days of the date of receipt of the Order.

- File your appeal and a copy of this Order with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this Order on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.

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

Street Addresses	Mailing Addresses
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	**Department of Ecology** Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
Pollution Control Hearings Board 111 Israel RD SW STE 301 Tumwater, WA 98501	**Pollution Control Hearings Board** PO Box 40903 Olympia, WA 98504-0903

Signed at Yakima, Washington, this 14th day of July 2014.

Robert F. Barwin, Acting Section Manager
Water Resources Program/CRO

If you need this document in a format for the visually impaired, call the Water Resources Program at 509-575-2490. Persons with hearing loss can call 711 for Washington Relay Service. Persons with a speech disability can call 877-833-6341.

BACKGROUND

Project Overview

Water right application G4-33106 requests a non-additive instantaneous withdrawal (Qi) of 200 gpm up to a non-additive annual quantity (Qa) of 223 ac-ft/yr from an existing well field developed by the City of White Salmon (White Salmon), the City of Bingen (Bingen), and the Port of Klickitat (Port) as a regional municipal water supply. The Regional Well Field consists of Well No. 1 and Well No. 2. Water would be conveyed from the Regional Well Field to the Bingen distribution system through an existing intertie.

Bingen owns a 20 percent interest in the Regional Well Field and also serves the Port's 5 percent interest from the Well Field. The only diversionary authority for the Well Field currently is White Salmon's water rights, and all use by Bingen and the Port is charged against White Salmon's authorizations. The parties have agreed to pursue this new, non-additive water right to account for Bingen's water use from the Regional Well Field under their water rights portfolio.

In addition to the Bingen's interest in the Well Field, the ability to supply water from two of its three active wells (Park Well and Dry Creek Well) is limited due to water quality concerns (secondary standards for taste and odor from hydrogen sulfide). Further, the presence of hydrogen sulfide consumes chlorine disinfectants, complicating management of the required chlorine residual in the Bingen water supply. The proposed water right would give Bingen greater flexibility in the sources of water supply to minimize taste and odor concerns without implementing prohibitively expensive water treatment options, and would allow Bingen's water use from the Regional Well Field to be tracked against its own water rights, rather than the White Salmon's water rights. A summary of the proposed water right application is provided in Table 1.

Table 1
Summary of Application No. G4-33106

Attributes	*Proposed*
Applicant	City of Bingen
Application Received	November 21, 2013
Instantaneous Quantity	200 gpm
Annual Quantity	223 acre-feet
Source	City of White Salmon Well Nos. 1 and 2
Purpose of Use	Continuous Municipal Supply
Period of Use	Year-Round
Place of Use	City of Bingen service area including Port of Klickitat

Legal Requirements for Application Processing
The following requirements must be met prior to processing a water right application:

- **Public Notice**
  Public notice of the application was given in *The Enterprise*, White Salmon, Klickitat County, Washington on January 23, 2014, and January 30, 2014. The protest period ended on March 1, 2014.

  There were no protests received by Ecology during the 30 day protest period. In addition, no oral or written comments were received.

- **State Environmental Policy Act (SEPA)**
  According to WAC 197-11-800 this application is categorically exempt, being a groundwater withdrawal of less than 2,250 gpm.

- **Water Resources Statutes and Case Law**
  RCW 90.44.060 specifies that new groundwater permits are processed in the same manner as in the surface water code, RCW 90.03.250 through RCW 90.03.340. Paramount among these statutes is the requirement in RCW 90.03.290 that a new permit can only issue if water is available, and the proposed use is beneficial, will not impair existing rights or be detrimental to the public welfare.

  RCW 90.03.250 specifies requirements for application content when filing for new groundwater rights. Aspect Consulting prepared an initial draft of this Report of Examination (ROE) as part of Ecology's front-loaded application process. Ecology reviewed and modified this ROE prior to reaching a final decision.

- **Expedited Processing**
  This water right application qualifies for expedited processing under the Hillis Rule, WAC 173-152-050(1)(a)(iii), public health and safety and WAC 173-152-050(2)(g), water budget neutral projects.

INVESTIGATION

Project Description
In 2001, Bingen, White Salmon, and the Port entered into an Interlocal Agreement, a copy of which is on file with Ecology. This agreement was established to provide regional solutions for addressing water supply needs through the construction, operation, maintenance, and use of water system improvements of a joint use well field, including Regional Well Nos. 1 and 2. The 2001 Interlocal Agreement contemplated that the regional system would receive new water rights for all three parties' water use. Instead, the Well Field was originally authorized as a change to the City of White Salmon's water rights (certificates 3474 and 7109) in 1999 under public health and safety priority processing.

In 2007, Bingen filed four change applications on their four existing water right certificates to add Regional Well Nos. 1 and 2 as additional points of withdrawal. Bingen invested considerable time and expense in pursuing these change applications which included a Hydrogeologic Evaluation of the Regional Well Field and the Bingen wells. Ecology, in reviewing the hydrogeologic information, responded that in their opinion there was not sufficient evidence to demonstrate that White Salmon

Well Nos. 1 and 2 are in the same body of public groundwater as Bingen's four production wells. Bingen subsequently withdrew their four water right change applications.
In 2011 the City of White Salmon received new permit S4-35068P, which included a mitigation requirement that White Salmon fulfilled via a lease with Klickitat Public Utility District. This new lease and associated expense renewed an interest among the regional parties to ensure that water use under the 2001 Interlocal Agreement was appropriately allocated to each party's water rights, instead of only to those of the City of White Salmon.

In 2013, Bingen and White Salmon entered into a Water Sales Agreement, which is also on file with Ecology. This agreement provides a commitment for Bingen to apply for water right authority for its use in the Regional Well Field. This application, G4-33106, the subject of this ROE, was filed by Bingen to fulfill this commitment.

City of Bingen's Water Rights
Bingen currently holds four water right certificates for continuous municipal supply. The following summarizes Bingen's existing water right certificates:

Certificates:

- G4-01205C, associated with Maple Street Well (S02) located in Section 29, T. 3 N., R. 11 E.W.M., having an instantaneous withdrawal (Qi) of 130 gallons per minute (gpm) and an annual withdrawal (Qa) of 185 ac-ft/yr, with a priority of July 20, 1970.
- G4-01175C, associated with the Reservoir Well (S03) located in Section 29, T. 3 N., R. 11 E.W.M, having a Qi of 50 gpm and a Qa of 80 ac-ft/yr, with a priority of May 6, 1970.
- G4-25406C, associated with the Park Well (S05) located in Section 30, T. 3 N., R. 11 E.W.M, having a Qi of 260 gpm and a Qa of 420 ac-ft/yr, with a priority of July 27, 1977.
- G4-28360C, associated with the Dry Creek Well (S06) located in Section 30, T. 3 N., R. 11 E.W.M, having a Qi of 140 gpm and a Qa of 226 ac-ft/yr, with a priority of December 23, 1983.

Total withdrawals authorized under all certificates are equivalent to a Qi of 580 gpm, however the Qa is limited to a total maximum of 450 ac-ft/yr.

Water Rights for the Regional Well Field
White Salmon has been supplying Bingen's share of the Regional Well Field production under two of White Salmon's water rights. Water right certificates 3474 and 7109 were originally issued for a surface water diversion from Buck Creek, but in 1999 White Salmon added Well No. 1 and Well No. 2 as points of withdrawal to these certificates, while maintaining the right to divert surface water from Buck Creek. These certificates are summarized as follows:

- Certificate 3474 authorizes a Qi of 2 cubic feet per second (cfs; equivalent to 897.6 gpm), with a priority of May 18, 1923. No Qa was specified on the certificate.
- Certificate 7109 authorizes a Qi of 2 cfs and a Qa of 688 ac-ft/yr, with a priority of February 13, 1957.

Ecology subsequently determined that these certificates are limited to a combined Qa of 688 ac-ft/yr.

Priority Processing
This water right application is being processed under the Hillis Rule, Washington Administrative Code, chapter 173-152 WAC. The City's proposal meets both the water budget neutral and the public health and safety criteria for priority processing.

WAC 173-152-050(2)(g) allows priority processing of "water budget neutral projects". "Water budget neutral project" is defined in WAC 173-152-020(18) as: *"a project where diversions or withdrawals of waters of the state are proposed in exchange for at least an equivalent amount of water from other water rights, the trust water program, a water bank, relinquishment of other water rights, or other mitigation projects that result in no diminishment of the source."*

The requested water right is non-additive, both to Bingen's water right portfolio and White Salmon's existing authorizations for the Regional Well Field. Withdrawals under Regional Well No. 1 or Well No. 2 would result in equal reductions of Bingen's existing wells, and therefore be water budget neutral to the Columbia River system. Additionally there would be no increase in authorized withdrawals from the aquifers tapped by the Regional Well Field or the White Salmon River/Columbia River system, therefore the proposed water right is water budget neutral with respect to these sources.

In 2003, the Washington State Legislature (Legislature) adopted a new standard for public health and safety in RCW 90.03.580; namely, *"a change in source is required to meet drinking water quality standards and avoid unreasonable treatment costs"*. Whereas previously, public health and safety emergencies were typically associated with issues such as well failures or contaminated groundwater, the Legislature now identified an economic lens through which to evaluate public health emergencies.

Ecology acted on the Legislature's intent in its 2010 amendments to the Hillis Rule, chapter 173-152 WAC by adopting the same standards for priority processing of new water rights in response to a public health and safety emergency. WAC 173-152-050(1)(a)(iii) specifies that an application can be processed ahead of senior applicants if "a *change in source is required to meet drinking water quality standards and avoid unreasonable treatment costs*".

Bingen's ability to exercise its existing water rights at its 4 production wells is limited due to issues with taste and odor from hydrogen sulfide. A 2013 study for Bingen (Gray and Osborne, 2013) noted the presence of hydrogen sulfide in water from the Park Well and Dry Creek Well, leading to customer complaints for taste and odor. The presence of hydrogen sulfide in these wells is variable and intermittent. Because hydrogen sulfide consumes chlorine used to treat the City's drinking water, the variable nature of the hydrogen sulfide impacts makes it difficult for the City to maintain stable chlorine residuals in the distribution system. Based on pilot treatment studies the estimated treatment costs to address taste and odor in the City's wells is on the order of $750,000, which is unreasonably expensive for a water system the size of Bingen.

City of Bingen Water Use
The City of Bingen is currently updating their 2009 Water System Plan (WSP). Information in the 2009 WSP indicates water use from Bingen's three active supply wells of about 200 ac-ft/yr over the preceding five years. Bingen's supply from the Regional Well Field over that same period ranged from 28 ac-ft in 2007 to 183 ac-ft in 2006, with an average of about 100 ac-ft/yr. Total combined water use from Bingen's wells and the Regional Well Field was about 250 to 300 ac-ft/yr over this five year period. The Department of Health approved a Group A water system plan (WSP) in 2009 for Public Water System ID # 06900J. In 2007 Bingen served a water service area population of 695, which equaled 551

equivalent residential units (ERUs), with a source production totaling 207 ac-ft. The 2009 WSP and this water right application both suggest the Bingen water service area population will increase to approximately 853 by the end of the 20-year planning period (2028), which equates to 679 ERUs and a projected Qa of 283 ac-ft.

The City has adequate water rights from its own sources to meet current and projected average day and average annual demands. Currently the City has a total source capacity of 307 gpm and if it relies completely on its own sources, the maximum day demand is projected to exceed the source capacity by 2016. Interties with the City of White Salmon and use of the Regional Well Field provide Bingen the flexibility in sources of water supply to minimize taste and odor concerns, increase its maximum day demand projections and maintain reasonable treatment costs.

Hydrogeologic Investigation

A separate hydrogeologic memorandum was provided by the applicant (Aspect, 2014); relevant information and conclusions from that memorandum are summarized in this section.

Bingen's water supply wells are completed in the upper portions of the Grande Ronde Basalt approximately ½ mile from the Columbia River. Based on the stratigraphy, water levels, and proximity to the river these wells are likely in hydraulic continuity with the river, and capture groundwater that would otherwise discharge to the river.

Regional Well No. 1 is also completed in the upper portions of the Grande Ronde Basalt, approximately ¼ mile from the former Northwestern Lake, a pool formed by the recently removed Condit Dam on the White Salmon River. Based on stratigraphy, water levels, proximity to the river, and results of pumping tests when the well was first completed, this well is likely in hydraulic continuity with the White Salmon River. Pumping of this well likely captures groundwater that would otherwise discharge to the White Salmon River, before flowing downstream approximately 3 miles to the confluence with the Columbia River.

Regional Well No. 2 is completed in the lower portion of the Grande Ronde Basalt, in a hydraulically confined, fault-bounded basalt block. This well is artesian, with a shut-in pressure (at time of drilling) of about 100 pounds per square inch (psi). Although the presence of low permeability faults bounding the aquifer tapped by Well No. 2 limits leakage to overlaying units, groundwater tapped by Well No. 2 would likely otherwise ultimately discharge to the shallower, upper portions of the basalt and then to either the Columbia River or the White Salmon River.

The Regional Well Field wells have exhibited decreases in static water levels/shut-in pressures and well yield since first coming on-line in 1999 and 2001. The capacity of the well field when first completed was about 2,400 gpm with yields of 1,000 gpm at Well No. 1 and 1,400 gpm at Well No. 2. Well No. 1 has shown moderate declines in yield, with a current sustainable yield of about 600 gpm. White Salmon has been able to maintain this level of production since 2009 with no further decreases in yield.

Well No. 2 has shown a much larger decrease in sustainable yield and shut-in pressure. The shut-in pressure decreased from about 100 psi when the well was first drilled to about 70 psi in 2009, or a decline of about 70 feet of head. Typically, White Salmon no longer actively pumps this well, but instead allows it to flow under artesian pressure into their distribution system, with an average flow rate of about 55 gpm. Under this reduced operation the shut-in pressure has recovered to about 80 psi, indicating that a yield of 55 gpm is sustainable over the long-term. Well No. 2 is currently also utilized

by the City of White Salmon for its aquifer storage and recovery (ASR) project. Well No. 2 is authorized under preliminary permits S4-33092, G4-33093, and R4-33094 for injection, storage, and recovery for municipal and instream flow uses.

The combined sustainable yield of 655 gpm reflects average yields. Higher short-term yields are achievable to meet peak demands, especially if Well No. 2 is pumped.

Other Groundwater Rights

Well No. 2 is the only well identified that taps the lower, hydraulically confined portion of the Grande Ronde Basalt aquifer. All other wells in the area appear to tap the shallower basalt tapped by Well No. 1. Review of Ecology's water rights database for groundwater rights within about one mile of Well No. 1 and Well No. 2 identified three certificates or permits, eleven water right claims, and three applications for new water rights (not including Cities of Bingen and White Salmon applications). The total withdrawals authorized by the certificates and permits are about 82 ac-ft/yr for municipal, domestic, and irrigation purposes. There has been no reported drawdown interference or impairment of these rights due to pumping of the Regional Well Field wells since they came on-line between 1999 and 2001.

Compliance with Instream Flow Rules

The proposed withdrawals from Regional Well No. 1 and Regional Well No. 2 will likely capture groundwater that would otherwise discharge to the White Salmon River and/or the Columbia River. No instream flows have been adopted by rule for the White Salmon River, however, an instream flow rule has been adopted for the Columbia River in chapter 173-563 WAC.

The proposed water right is non-additive to Bingen's existing water rights and is further provisioned so that combined withdrawals by Bingen and White Salmon from the Regional Well Field may not exceed White Salmon's existing authorization of 1,795 gpm, 688 ac-ft/yr, under certificates 3474 and 7109. Given that no additional withdrawals from the Well Field will occur beyond current permitted quantities, and that withdrawals from the Well Field under the requested water right would result in equal reductions in allowable withdrawals from Bingen's wells, there will be no impact to flows in the White Salmon River or Columbia River beyond the current authorization.

Four Statutory Tests

This ROE evaluates the application based on the information presented above. To approve the application, Ecology must issue written findings of fact and determine that each of the following four requirements of RCW 90.03.290 has been satisfied:

1. The proposed appropriation would be put to a beneficial use;
2. Water is available for appropriation;
3. The proposed appropriation would not impair existing water rights; and
4. The proposed appropriation would not be detrimental to the public welfare.

Beneficial Use

In the Supreme Court case *Ecology v. Grimes* (1993), the Court held that *"for the purposes of appropriated water rights, 'beneficial use' has two elements: (1) the purposes or types of activities for which the water may be used and (2) the amount of water that may be used as limited by the principle of 'reasonable use'."*

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

The City's requested non-additive quantity of water (200 gpm and 223 ac-ft/yr) is consistent with the City's existing water rights, for which Ecology already determined a beneficial use existed.

Availability

The basalt aquifers tapped by Well No. 1 and Well No. 2 have shown declines in water levels and yield since first coming on-line. In response, White Salmon has managed groundwater withdrawals and has established a sustainable yield from these wells of about 655 gpm. Under the interlocal agreement between Bingen, the Port, and White Salmon, Bingen is entitled to 25 percent of the yield from the Well Field (including the Port's share). To date, White Salmon has been providing Bingen's share under White Salmon's portfolio of water rights. The requested non-additive quantities would allow Bingen's use to be charged to Bingen's water rights, but would not result in increased withdrawals from Well No. 1 and Well No. 2 because White Salmon will shift an equivalent amount of its demand to the recently constructed water treatment plant on Buck Creek.

The Bingen wells and the Regional Well Field wells capture groundwater that would ultimately discharge to the Columbia River and/or the White Salmon River upstream of the Columbia River. As a non-additive right, the requested quantities will not impact flows or violate the established instream flow rule for the Columbia River.

Potential for Impairment

Impairment of existing water rights is unlikely. There are no other identified users of the lower Grande Ronde Basalt aquifer tapped by Well No. 2, and there have been no reports of well interference or impairment by other groundwater users relying on the shallower aquifer tapped by Well No. 1. The requested non-additive water right reflects ongoing withdrawals that are occurring under White Salmon's water rights and would not result in withdrawals beyond what is already authorized for these well sources. Withdrawals by White Salmon and Bingen from Regional Well No. 1 and Regional Well No. 2 will be no more than the quantities authorized by White Salmon's certificates 3474 and 7109 is included with this ROE to ensure that future withdrawals do not exceed the current permitted quantities. Further, as the most junior water right in the area tapping the Grande Ronde Basalt this permit, if approved, would be the first to be curtailed should a water shortage occur and regulation of groundwater users be necessary.

Public Welfare

This permit is requested to serve the entirety of Bingen's service area which includes the Port of Klickitat, consistent with the provision of the 2003 Municipal Water law (see RCW 90.03.386(2)). As stated in RCW 43.20.260, Bingen has a duty to serve high quality and reliable water service to customers within its retail service area.

Bingen is obligated to provide a reliable public water supply that meets drinking water standards. This proposed appropriation will not be detrimental to the public interest.

CONCLUSIONS

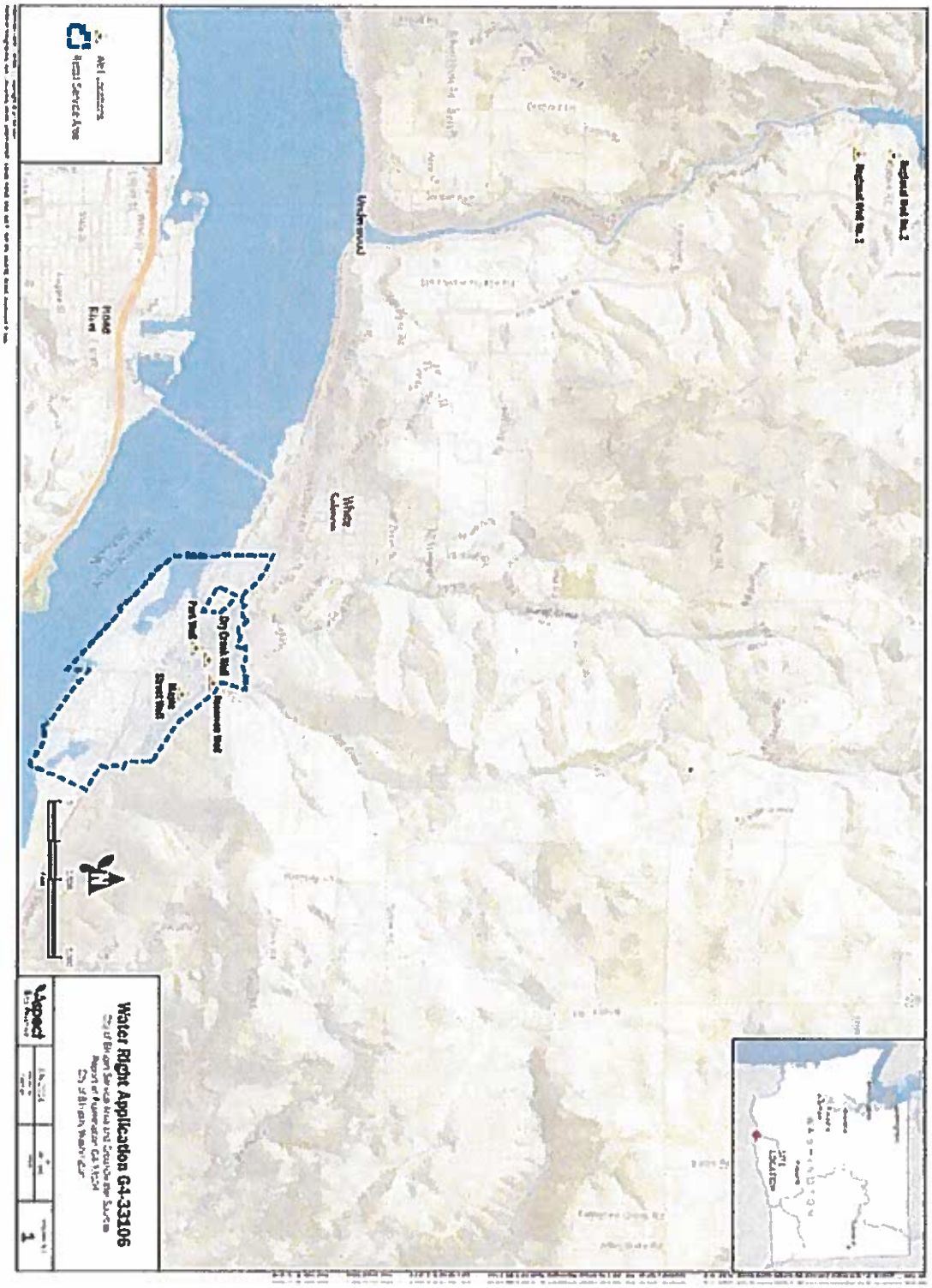
The conclusions based on the above investigation are as follow:

1. The proposed appropriation for municipal use is a beneficial use of water;
2. The non-additive 200 gpm, and non-additive 223 ac-ft/yr is available for appropriation;
3. The new appropriation will not impair existing water rights; and
4. The new appropriation will not be detrimental to the public interest.

RECOMMENDATION

Based on the information presented above, the author recommends that the request to appropriate 200 gpm up to 223 ac-ft/yr year be approved in the amounts described, limited, and provisioned on page one through three of this report.

Report by: _____ July 14, 2014
Joseph Morrice, LHG, Aspect Consulting, LLC — Date

Reviewed by: Melissa Downes 07-14-2014
Melissa Downes, LHG, Water Resources Program — Date

Attachment 1 – City of Bingen Service Area and Groundwater Sources