

Commissioners
Brian Sheldon – Gwen Brake – Glenn Ripley

January 26, 2015

Meeting Date:

January 26, 2014

Agenda Item:

6E – DOE Water Rights Change Application and Cost Reimbursement Program

Submitted By

Bill Neal

Recommended Action:

Information and Progress Report

Summary:

Wiegardt Wellfield Wells #1 through #3 will take more time and money than anticipated to show compliance with water rights statutory requirements.

RCW 90.44.100 allows the holder of a valid groundwater water right permit or certificate to amend their permit or certificate to replace or add a well(s). RCW 90.44.100(3) allows an amendment to a groundwater right permit or certificate to replace or add a well(s) be statutorily granted by a showing of compliance of specific statutory requirements. The statutory requirements are designed to verify that all of the conditions of the original permit are unchanged. If the specific statutory requirements are not met, then the amendment can only be acquired through the permitting process (water right change application). The specific statutory requirements are:

1. The well is an additional or replacement well(s) that will tap the same body of public ground water as the original well;
2. If a replacement well is constructed, the use of the original well(s) shall be discontinued and the original well(s) shall be properly decommissioned;

3. The combined withdrawal of water from the additional or replacement well(s) and the original well authorized by the water right certificate does not enlarge the water right conveyed by the original water right certificate to the extent the certificate has been developed (perfected) and maintained by use of water;
4. The construction and use-of the additional or replacement well(s) does not interfere with or impair water rights with an earlier priority date;
5. The additional or replacement well(s) is located no closer than the original well to a well or surface water body it might interfere with;
6. A specified manner of construction for the additional or replacement well(s) has been complied with, if required, and the new well was constructed in compliance with chapter 18.104 RCW and chapter 173-160 WAC
7. The additional or replacement well(s) is located within the area described as the point of withdrawal in the public notice published for the original application for water right, or the most current legal description published for the right.

If the replacement or additional wells meet all of the above conditions, showing of compliance requires the submission of a notarized affidavit along with supporting documentation. After a cursory review of the documentation the Department will grant an amendment to the water right permit or certificate.

In anticipation of the need to show compliance the District hired Robinson Noble, Inc during the well drilling and pump testing of the Wiegardt Wells to provide documentation for items 1, 4, 5, and 6.

The District plans to decommission South Wellfield well #1 and recommission South wells #2 and #4 as monitoring wells as part of the DWSRF loan project. That documentation will be needed for item 2.

Item 3 would be covered the District's Water System Plan.

That leaves item 7. The Wiegardt Wells are not located within the same area described in the point of withdrawal in the public notice published for the original application for the water right or the most current legal description published for the right. The original wells are located in the North 1/2 of the Northeast 1/4 of Section 33 Township 11N Range 11W. The Wiegardt Wells are in the South 1/2 of the Northeast 1/4 of Section 33 Township 11N Range 11W.

The District has applied for a water rights change. Currently DOE water right permit writers have backlogged work. A review of pending permits in WRIA 24 (includes Pacific County) shows pending permit application as far back as 1991.

In 2000 the legislature created a cost reimbursement alternative whereby a water rights applicant can enter into a contract with ecology to contract the work required to process a water right application. The work required is well described in the attached proposal from Mike Krautkramer, Robinson Noble. The legislature amended the cost reimbursement program in 2009 to make it more cost effective and less time consuming for water rights change applicants.

I am working with Ecology Staff at this time to draft a cost reimbursement agreement. It is my intention to have an agreement ready for the Boards consideration by the February 23, 2015 regular meeting.

Attachments:

Proposal, Mike Krautkramer - Robinson Noble, Inc.

DOE Willapa Watershed WRIA 24 Focus Paper

DOE Policy 1260 Policy to Replace an Existing Well or Add An Additional Well(s)

Maps

End of Report



January 13, 2015

Bill Neal, General Manager
North Beach Water District
PO Box 618
Ocean Park, WA 98640

Subject: Hydrogeologic services to support processing of water right changes

Dear Bill,

After our discussion of the pending application for changes to your wellfield water right yesterday, it is apparent that our expertise would be of value to the processing of the pending application. Although we originally discussed the potential work as a typical Phase 1/Phase 2 water right processing effort, it may be more efficient to handle it as a single Phase 2 contract through the Department of Ecology (Ecology). In general, Ecology prefers that Phase 1 and Phase 2 activities be performed by separate entities. Phase 1 can be accomplished by the applicant, the applicant's consultant, Ecology, or Ecology's cost-reimbursement (CR) contractor. Phase 2 can be accomplished by Ecology or the CR contractor, so long as that contractor was not involved in the Phase 1 work.

For your project, we think the best approach will be to request that Ecology allow work to proceed directly to Phase 2. The description of setting is straightforward and the research of senior applications in proximity to your proposed action has already been accomplished by the District. This could be submitted with the District's request to form a CR contract and the District can directly request that Robinson Noble be the Phase 2 contractor. If this approach is accepted by Ecology, we expect that a cost reimbursement contract should reach publication of a decision within about nine months (the 45-day appeal period would be added to that timeframe).

We see the following tasks as necessary to generate a proper Draft Report of Examination (ROE):

Task 1: Compile and Review Documents and Information from Pertinent Ecology Files

This task will involve compiling an information package that will serve as a source for analytical input and as a defensible basis for the analyses associated with the processing of the District's water right change application. If the review suggests amendment of the application is appropriate, recommendations for those amendments will be made as part of this task and the amendment process will be accomplished within this task.

Task 2: Describe/Assess Hydrogeologic Setting and Senior Water Rights Issues

We will use the work already accomplished by Robinson Noble and the District to describe a conceptual model of the peninsula and its aquifer. This will provide context for analyses related to processing of the application. This will include a review of existing documents to provide sufficient description of the hydrogeologic setting to facilitate the processing of the change application.

We will also assess the potential for well-hydraulics differences to impair neighboring water rights with particular attention to the difference in the well-hydraulics relationship with neighboring wells. Language generated from this task will be used directly in generating the Draft ROE (Task 4).

Task 3: Assess Potential for Impacts to Surface Water Features

Map- and air-photo-based studies of the greater wellfield area will be used to identify the surface waters in proximity to the wellfield. If surface waters of significance are identified, an assessment of the hydrologic implications of the proposed water right change will be accomplished. The findings of the task will be written to be directly importable to the Draft ROE.

Task 4: Generate Draft Report of Examination

The formal Draft Report of Examination will be generated using work from the previous tasks and in part from work needed within this task. The product will be a preliminary draft for review by the Department of Ecology and the District and a formal Draft ROE suitable for posting on the Department of Ecology web page.

Task 5: Contracting with Department of Ecology and Coordination with Other Agencies

Throughout the accomplishment of the proposed work, it will be necessary to maintain the contract with the Department of Ecology and to coordinate efforts with the Department of Health and the Department of Fish and Wildlife. Prior to the initiation of the Ecology Cost Reimbursement Agreement (CRA), it is assumed a pre-contract meeting will be accomplished with Ecology (and perhaps a WDOH representative) to make sure all understand the intended schedule and the implications of that schedule as well as to assure that the scope of work meets the needs of the agencies. We also assume a second meeting to present findings and discuss the form and content of the Draft ROE before it is written. It is possible that this aspect could be accomplished through emails or perhaps a conference call. In addition to the two meetings, routine contract-related communication with Ecology will be needed as the work progresses. It may also be necessary to coordinate our findings with Department of Health personnel as the work is accomplished to clarify the implications of various approaches to analysis and reporting.

Cost Estimate

Based on our understanding of the project and the conditions outlined in this scope, we estimate the cost of our services, as described above, to be \$16,800 as shown on the attached estimate.

Robinson Noble works on a time-and-expense basis according to the attached General Fee Schedule. This estimate will remain valid for 90 days from the date of this scope.

This project estimate does not include costs for any extra insurance, business licenses or fees, or applicable local taxes that might be necessary to complete the project. We will request that these additional costs be added to the above total estimate when they become known to us. Rental costs for our standard field equipment and any specialized equipment as detailed in this scope are included in the above estimate. Should additional equipment be deemed necessary or warranted in order to properly complete the project, we will submit a change in scope request with estimated costs based on the equipment rental schedule included in the General Fee Schedule.

Bill Neal
North Beach Water District
January 13, 2015
Page 3

Should the District decide to pursue some or all of the work discussed above, we will prepare a Professional Services Agreement outlining the specific tasks to be completed. We hope this scope of work and cost estimate is adequate for your needs. Please contact us if we can provide additional information or modify the scope of work to better assist the District. If at any time prior to or during this project you identify a concern or problem with our work or progress that cannot be resolved by the assigned Robinson Noble project manager, please contact Joseph Becker, our company President, and he will make every effort to resolve the issue to your satisfaction.

We appreciate the opportunity to propose services to the North Beach Water District through the Department of Ecology Cost Reimbursement Program. If there are questions regarding the proposal or our firm, please contact us. We look forward to assisting you with the processing of the water right change.

Respectfully submitted,
Robinson Noble, Inc.

A handwritten signature in cursive script that reads "F. Michael Krautkramer". The signature is written in black ink and is positioned to the left of the typed name.

F. Michael Krautkramer, LHG, RG, CPG
Principal Hydrogeologist

attachments

Project Estimate

Department of Ecology
 North Beach WD Water Right Change process Support
 January 13, 2015



ROBINSONSM
NOBLE

Estimated Labor Costs

Task	Total Estimated Hours	Estimated Labor Cost
TASK 1: Compile and Review Documents and pertinent Ecology Files	16.0	\$2,002.47
TASK 2: Describe/Assess Hydrogeologic Setting and Senior Rights Issues	20.5	\$2,423.80
TASK 3: Assess Potential Implications to Surface Water Features	21.0	\$2,998.25
TASK 4: Generate Draft Report of Examination (includes field visit)	46.0	\$6,818.09
TASK 5: Contracting with Ecology and Coordination with other Agencies	14.0	\$2,300.60
Labor Totals	117.5	\$16,543.20

Estimated Direct Costs

General Office Supplies	--		\$30.00
Lodging/per diem (per day)	\$0.00		\$0.00
Travel Mileage	\$0.51	380	\$193.80
Water Level Sounder (one-time)	\$30.00	1	\$30.00
		Direct Cost Subtotal	\$253.80
		Handling Fee	\$3.00
		Total Direct Costs	\$256.80

Estimated Subcontract Advancement/Reimbursements

		Advancements/Reimbursements for Subcontractors	\$0.00
		Handling Fee	\$0.00
		Total Subcontracted Costs	\$0.00

Total Estimated Project Costs \$16,800.00

See Attached Fee Schedule



General Fee Schedule

January 2015

Professional Positions		Fee per Hour
Principal Engineer, Hydrogeologist or Environmental Scientist		\$175
Associate Engineer, Hydrogeologist or Environmental Scientist		\$160
Senior Engineer, Hydrogeologist or Environmental Scientist		\$135
Senior Project Engineer, Hydrogeologist or Environmental Scientist		\$117
Project Engineer, Hydrogeologist or Environmental Scientist		\$105
Staff Engineer, Hydrogeologist or Environmental Scientist		\$95
Senior Field Staff		\$86
Field Staff		\$69
Legal Support/Expert Witness Services/Testimony		150% of above rates
Support Positions		
Senior GIS/CAD Specialist		\$91
Senior Technician		\$91
Senior Administrator		\$80
GIS/CAD Specialist		\$80
Technician		\$80
Administrator		\$69
Clerical Support		\$69
Other Fees and Costs		
Subcontracts/ Management Fee	Professional services	15%
	Outside laboratory services	15%
	Construction subcontracts	15%
Other Costs	Travel (auto)	\$0.62/mile
	Travel (other)	Cost +10%
	Per diem	Prevailing State rate +10%
	Other direct expenses	Cost +10%
Field and laboratory testing/equipment rental		See following pages

This fee schedule is subject to change according to contract or Professional Services Agreement conditions.

**Hydrogeologic Equipment Rental Schedule
January 2015**

<u>Equipment</u>	<u>Unit</u>	<u>Rate</u>
Water Level Transducer and Data Logger	Per day	\$25
Field Laptop Computer	Per day	\$40
Electric Water Level Sounder(s)	0 to 300 ft	Flat fee per project
	over 300 ft	Flat fee per project
		\$30
		\$60
DC Submersible Purge Pump (Single Stage)	Per pump	List price + 10%
DC Submersible Purge Pump (Dual Stage)	Per pump	List price + 10%
Double-Ring Infiltrometer	Per day	\$50
Schonstedt Gradient Magnetometer	Per day	\$75
Geonics EM-61 Metal Detector	Per day	\$500
Downhole Gamma/Resistivity/Temperature Logging Equipment	Per day	\$500
Downhole Caliper Logging Equipment	Per day	\$350
Draw Works	Per day	\$600
Mechanical Sieve Sample Equipment	Flat fee per well	\$50
2-inch Gasoline-powered Centrifugal Pump (includes hoses)	Per day	\$55
2-inch Submersible Pump + Controller	Per day	\$180
Generator	Per day	\$70
Survey Gear (laser level & rod)	Per day	\$85
FlowTracker Acoustic Doppler Velocimeter Stream Gaging Equipment	Per day	\$200
GPS	Per day	\$22.50
Other Equipment	Negotiated	Negotiated
Digital Camera	Per day	\$10

This fee schedule is subject to change according to contract or Professional Services Agreement conditions.

**Environmental Equipment Rental and Consumable Schedule
January 2015**

<u>Equipment</u>	<u>Unit</u>	<u>Rate</u>
Water Level Transducer and Data Logger	Per day	\$100
Field Laptop Computer	Per day	\$50
Electronic Water Level Sounder	Per day	\$30
Electronic Interface Probe	Per day	\$75
DC Operated Peristaltic Pump	Per day	\$45
2-inch Gasoline-powered Centrifugal Pump	Per day	\$100
2-inch Submersible Pump + Controller	Per day	\$350
Generator	Per day	\$100
Low-Flow Bladder Pump	Per day	\$175
Photoionization Detector	Per day	\$75
Combustible Gas Indicator	Per day	\$65
Water Quality Meter	Per day	\$200
Teflon Water Bailer	Per day	\$30
Soil Sampling Equipment (manual)	Per day	\$25
Mechanical Sieve Sample Equipment	Flat fee per project	\$25
Survey Gear (laser level & rod)	Per day	\$85
Soil Vapor Extraction System	Per month	\$750
Digital Camera	Per day	\$10
Other Equipment	Negotiated	Negotiated
<u>Consumable Items:</u>		
Polyethylene Purge/Sampling Tubing	Each 10 feet	\$2.50
DC Submersible Purge Pump (Single stage)	Per pump	List price + 10%
DC Submersible Purge Pump (Dual Stage)	Per pump	List price + 10%
Silicone Peristaltic Pump Head Tubing	Each foot	\$4.00
Bladders for Low-Flow Bladder Pump	Each	\$5.00
Water Sample Bailer	Each	\$10
Bailer Rope/String	Each 10 feet	\$1.00
Personal Protection Equipment	Per day per person	\$50

This fee schedule is subject to change according to contract or Professional Services Agreement conditions.

**Geotechnical Field and Laboratory Testing Schedule
January 2015**

<u>Test</u>		<u>Fee</u>
Portable Nuclear Density Gauge	Per Hour	\$5.00
Slope Inclinator	Per day	\$250
Direct Shear	Point	\$200
Moisture-Density Relationship Curves:	Each	1 pt \$120
	Each	Multiple pts \$200
Sieve Analyses (Gradations-Wet Sieve)	Each	\$150
Hydrometer Analysis	Each	\$175
Falling Head Permeability	Each	\$165
Atterberg Limits (Liquid Limit or Plastic Limit)	Each	\$100
Moisture Content	Each	\$10
Dynamic Cone Penetrometer Points	Day	\$225
	Each	\$20
Consolidation Test Incremental Loading (9 loads, 0.125 TSF to 32 TSF, 4 unloads)		\$550
		\$50/each additional load
Shelby Tube Extrusion/Sample Description		\$40

This fee schedule is subject to change according to contract or Professional Services Agreement conditions.

Willapa Watershed, WRIA 24

This focus sheet provides information on the availability of water for new uses in the Willapa Watershed. This information provides a starting point for potential water users in determining the best strategies for securing water for a future project or proposal in this area.

The Willapa Watershed, located on Washington's south coast, includes the Johns, Elk, North, Nemah, Naselle, and Bear River drainages.

Annual precipitation in the Willapa Watershed ranges from 60 inches per year along the coastal lowlands to 140 inches per year in the Willapa Hills. Most precipitation arrives during the winter months when overall water demands are the lowest. During the summer, snow pack is gone, there is little rain, and naturally low stream flows are dependent on groundwater inflow. This means that groundwater and surface water are least available when water demands are the highest.

Factors affecting water availability

Seawater intrusion is a real concern on the Long Beach Peninsula and other areas located near the Pacific Ocean. The peninsula is essentially a sand bar, and the water table is relatively shallow, not much above sea level. Use of jetted wells (drilling with high-pressure water) is common and it is difficult to properly install a surface seal on such wells. Susceptibility to contamination from septic discharges is also a real concern in this area.

There is also an adjudicated area (Black Lake & Tarlatt Slough), just north of Ilwaco.

Increased demands from population growth, low summer and early fall streamflow levels, and impacts from climate change add to the challenge of finding new water supplies in WRIA 24, especially during the summer months.

The state Department of Fish and Wildlife has recommended that Ecology not issue water rights in a large portion of this WRIA, in order to protect fish populations. See [RCW 77.57.020](#) for more information.

MORE INFORMATION



Definitions

Adjudication: A legal process conducted through a superior court to determine the extent and validity of existing water rights within a basin or basins.

Aquifer: An underground layer of sand and gravel that acts as a reservoir for groundwater.

Mitigation plan: A scientifically-sound plan to offset the impacts of a proposed water use.

Seawater intrusion: The movement of salt water into freshwater aquifers.

WRIA: Water Resources Inventory Area; also known as a watershed or river basin. For environmental administration and planning purposes, Washington is divided up into 62 major watersheds, or WRIsAs.

Water supply available for new uses

Applicants seeking new water appropriations will likely need to mitigate the impacts their water use will have on surface water bodies.

Connecting to an established water supplier is generally the fastest and simplest option for obtaining new supplies of water.

This watershed has many small farms and permit-exempt domestic well uses. The groundwater permit exemption allows certain users of small quantities of ground water (most commonly, single residential well owners) to construct wells and develop their water supplies without obtaining a water right permit from Ecology. For more information about the groundwater permit exemption, refer to www.ecy.wa.gov/pubs/fwr92104.pdf.

Additional options for finding a water supply include processing a water right application through the Cost Reimbursement Program. www.ecy.wa.gov/pubs/0511016.pdf. The applicant may need to develop mitigation to offset the impacts of their water use to surface water.

For more information on these and other options, refer to “Alternatives for Water Right Application Processing” www.ecy.wa.gov/pubs/1111067.pdf.

Pending water right applications in this watershed

Washington water law is based on the “prior appropriation” system, often called “first in time, first in right.” Applications for water from the same source must be processed in the order they are received.

Ecology asks anyone who needs a water right (new, change, or transfer) to submit the pre-application consultation form and meet with us to review your water supply needs and project proposal.

- Apply for a New Water Right
<http://www.ecy.wa.gov/programs/wr/rights/newrights.html>
- Apply to Change or Transfer a Water Right or Claim
http://www.ecy.wa.gov/programs/wr/rights/change_transfer_use.html

The map in this document shows some of the factors that will be considered when evaluating water right permit applications. Here are some information sources to assist you with your research:

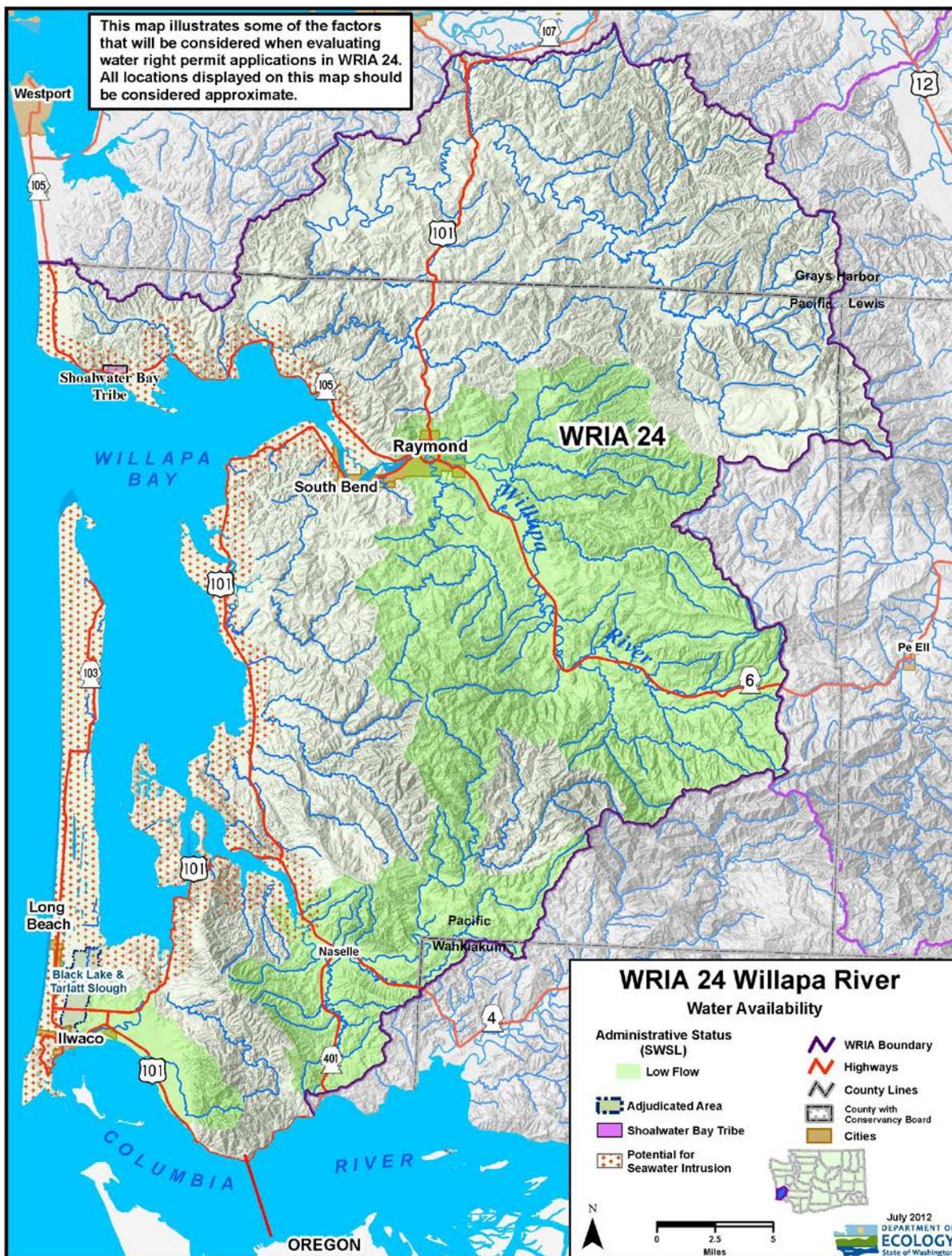
- Locate and research water rights on land parcels anywhere in the state (Water Resource Explorer) <http://www.ecy.wa.gov/programs/wr/info/webmap.html>
- Pending Water Right Applications by County
<http://www.ecy.wa.gov/programs/wr/rights/tracking-apps.html>

- Subscribe to a water right application RSS feed for a county or WRIA
http://www.ecy.wa.gov/programs/wr/rights/wr_app_rss.html
- WRIA map showing the total number of water right claims, certificates, permits and applications
http://www.ecy.wa.gov/programs/wr/rights/Images/pdf/waterright_wria_opt.pdf
- Search and view well reports using a variety of search tools
<http://apps.ecy.wa.gov/welllog/>

For more information

Ecology Southwest Regional Office
300 Desmond Drive
Lacey, WA 98503
360-407-6300

*If you need this document in a version for the visually impaired, call the Water Resources Program at 360-407-6872.
Persons with hearing loss can call 711 for Washington Relay Service. Persons with a speech disability can call 877-833-6341*



POLICY TO REPLACE AN EXISTING WELL OR TO ADD AN ADDITIONAL WELL(S)

Resource Contact: Policy and Planning Section

Effective Date: 09/30/99

Revised: NEW

References: Chapter 316, Session Law of 1997 (ESHB 2013, 1997 Regular Session) related to full and complete development of existing ground water right permits or certificates codified at RCW 90.44.100(3).

Purpose: To assist water right permit or certificate holders in complying with Chapter 316, Session Laws of 1997 and to state how Ecology will administer the law.

Applicability: To replace an existing well(s) or to add an additional well(s) to water right permits or certificates issued pursuant to chapter 90.44 RCW.

1. How can a ground water right permit or certificate be amended?

The ground water code provides the holder of a valid statutory water right permit or certificate two different ways to obtain an amendment to their water right permit or certificate to replace or add an additional well. The two different ways are:

- a. The water right permit or certificate holder may file an application for change of water right in accordance with RCW 90.44.100, or
- b. In certain circumstances, an amendment is statutorily granted (an application for change of water right is not required) upon a showing of compliance with RCW 90.44.100(3).

2. What is a Showing of Compliance with RCW 90.44.100(3)?

The showing of compliance documents the additional or replacement well(s) (see 3(a) through 3(g) of this policy statement) complies with the law regarding water rights and well construction requirements (See chapter 18.104 RCW and chapter 173-160 WAC).

An affidavit, with supporting information, signed by the water right permit or certificate holder and filed with the Department of Ecology's regional office would constitute a showing of compliance. See chapter 173-152 WAC for a description of the geographic areas served by each region.

3. How can a water right permit or certificate holder show compliance with RCW 90.44.100(3)?

A water right permit or certificate holder can show compliance with RCW 90.44.100(3) by sending a written affidavit to Ecology that identifies the water right permit or certificate proposed for amendment and addresses those attributes of the water right or well required by law to be the same for the new well(s) as the original well. The affidavit must document the instantaneous and annual use of water pursuant to the right from initial perfection of the right through the present. (Water rights are established by the actual application of water to a beneficial use.) In addition, the affidavit must include information about the well(s) constructed pursuant to the right, including the location (by Section, Township, Range); diameter and depth of the well(s); the length and position (in feet below land surface) and commercial specifications of all casing; static water elevation; and the length of screening and perforated zone in the casing for the well(s) to be replaced or that additional well(s) will be added to. The affidavit must verify that:

- a. The new well(s) or replacement well(s) taps the same body of public ground water as the original well(s);
- b. In the case of a replacement well(s), the use of the original well(s) has been discontinued and the original well(s) has been properly decommissioned as required under chapter 18.104 RCW and chapter 173-160 WAC;
- c. The combined withdrawal of water from a replacement well(s) or from a new additional well(s) and the original well(s) authorized by the water right certificate or permit has not enlarged the valid water right conveyed by the original water right certificate or permit to the extent it (the certificate) has been developed. In asserting the amendment will not enlarge a valid water right, meter data or other information demonstrating the use of water should be provided;
- d. The use of the new or replacement well(s) does not interfere with or impair water rights with an earlier priority date;
- e. The new or replacement well(s) is located no closer than the original well(s) to a well(s) or surface water body it might interfere with;
- f. The well(s) construction meets all construction requirements contained in the original water right including but not limited to depth, casing, sealing, and also shall be in compliance with chapter 18.104 RCW and chapter 173-160 WAC; and
- g. The new or replacement well(s) is located within the area described as the point of withdrawal in the public notice published for the original application for water right, or the most current published legal description in the file.

4. Does Ecology have a recommended format for a showing of compliance?

Yes. Ecology has a form entitled "Showing of Compliance with RCW 90.44.100(3)," the form has the number [ECY 040-74](#). You are not required to use the form. However, the statute requires the same information (as requested by the form) be submitted to Ecology to demonstrate compliance.

5. What will Ecology do in response to a showing of compliance?

If the showing of compliance conforms with the law, Ecology will make the affidavit attesting to compliance with RCW 90.44.100(3) a part of Ecology's public record associated with the water right permit or certificate. No superseding water right certificate will be issued to the certificate holder, because Ecology will not have evaluated the validity of the information supplied by the certificate holder or the historical development under the asserted right. A superseding permit will be issued to the holder of a water right permit who amends a permit pursuant to RCW 90.44.100(3).

If the showing of compliance does not appear to conform with the law, Ecology will return the affidavit along with an explanation of why the affidavit does not appear to comply with the law. The project proponent can clarify or change the affidavit and resubmit the affidavit to Ecology.

6. Can a water right permit or certificate holder request technical assistance from Ecology to show compliance with RCW 90.44.100(3)?

Yes. At the discretion of a person seeking to amend a water right permit or certificate pursuant to RCW 90.44.100(3), a written request for technical assistance in order to comply with the law may be filed with Ecology's regional office. See chapter 173-152 WAC for a description of the geographic areas served by each region. The written request for technical assistance should demonstrate why the water right permit or certificate holder believes a statutorily granted amendment under RCW 90.44.100(3) is appropriate and must provide supporting evidence (See RCW 90.44.100(3)(a) through RCW 90.44.100(3)(g)).

7. What issues need to be addressed in the notice or request to Ecology for technical assistance?

The issues to address in the request for technical assistance are the same as those listed in 3(a) through 3(g) of this policy. The proponent must identify the water right permit or certificate proposed for amendment and then address each of the points in 3(a) through 3(g).

8. What will Ecology do in response to a request for technical assistance?

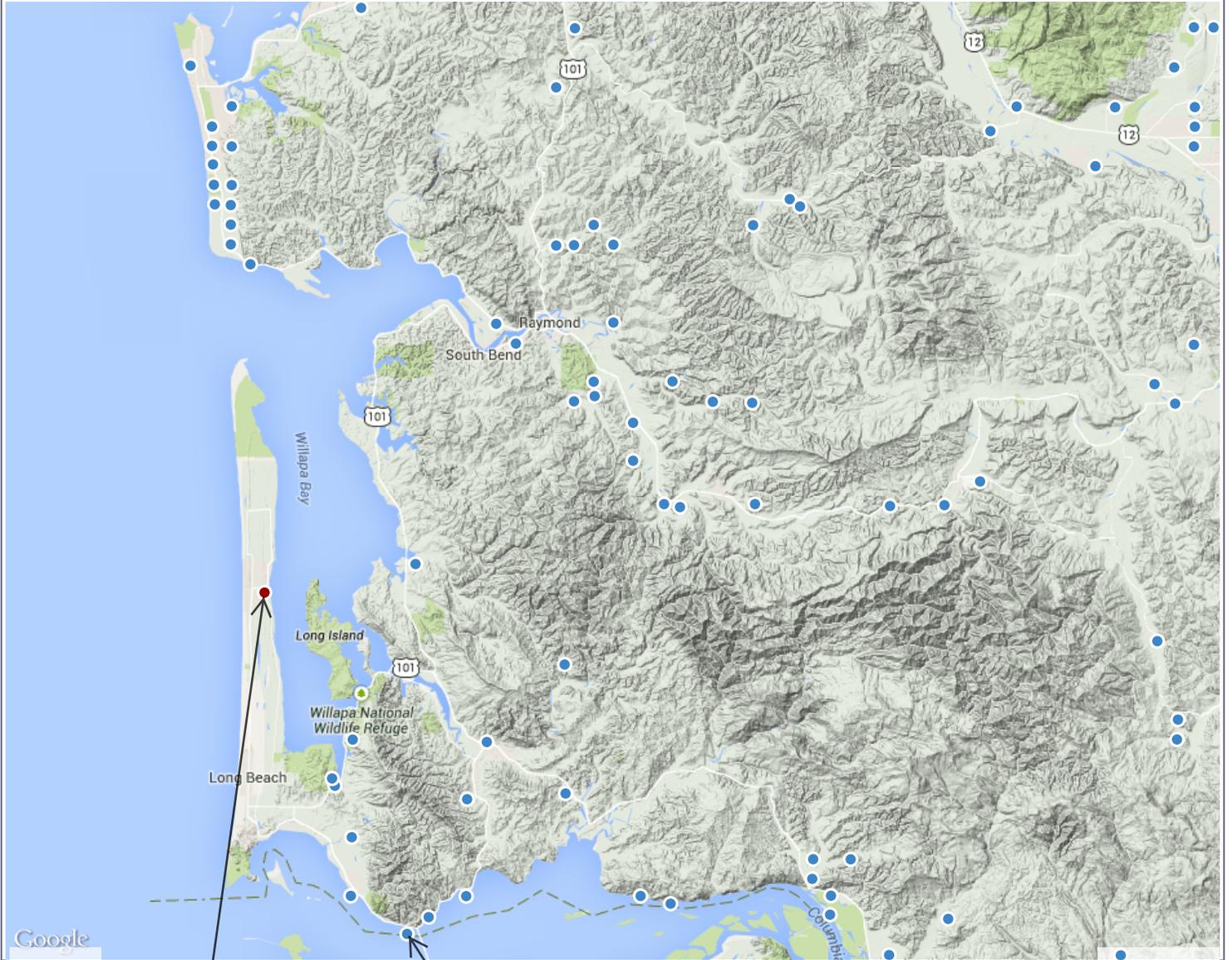
Ecology will review the information provided for the proposed new or replacement well(s) and will respond, either verbally or in writing, to the notification. Ecology's role in regard to technical assistance is to (a) advise, based on the information at hand, that it either does or does not appear the proposed amendment complies with the law and (b) specify the manner of well(s) construction if necessary to comply with the well construction statute (chapter 18.104 RCW). The burden to comply with the law rests with the water right permit or certificate holder asserting an amendment pursuant to RCW 90.44.100(3).

In providing technical assistance, Ecology will inform the proponent of the change that it can not advise as to whether the water right sought to be amended is valid. Any written correspondence will contain the following sentences: *Nothing in this correspondence should be construed by you as affirming the validity of any water right. Ecology is providing information as to whether or not the amendment appears to conform to the statutory mandates of RCW 90.44.100(3).*

Keith E. Phillips
Program Manager
Water Resources Program

Special Note: These policies and procedures are used to guide and ensure consistency among water resources program staff in the administration of laws and regulations. These policies and procedures are not formal administrative regulations that have been adopted through a rule-making process. In some cases, the policies may not reflect subsequent changes in statutory law or judicial findings, but they are indicative of the department's practices and interpretations of laws and regulations at the time they are adopted. If you have any questions regarding a policy or procedure, please contact the department.

Pending Water Right Applications – Washington State



Red Dot: NBWD Change Application

Blue Dot: New Water Right Application

North Beach Water District

Wiegart Wellfield and Regional Water Use

Pacific Ocean

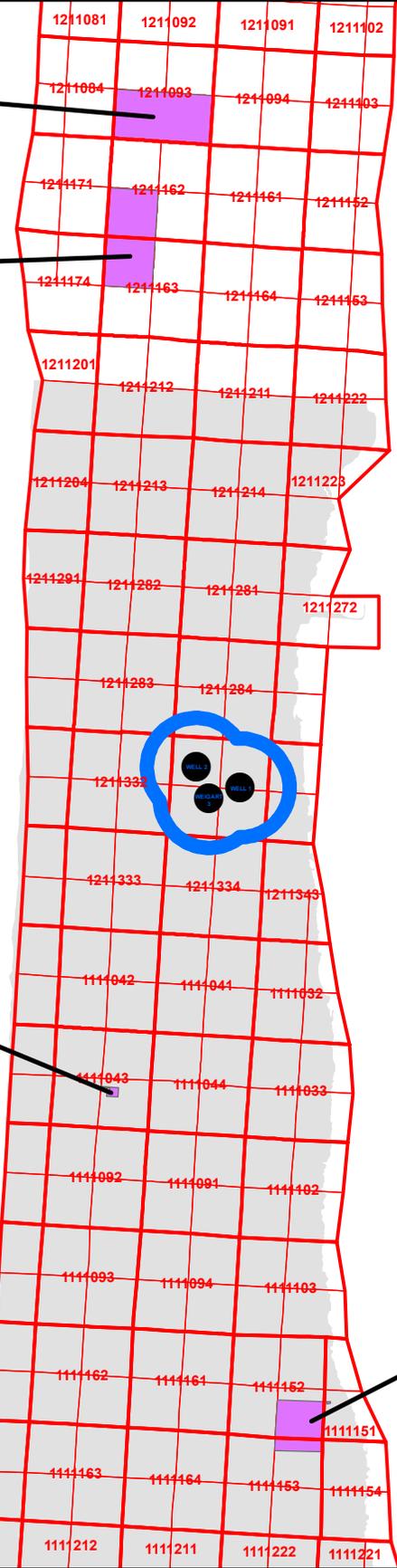
Willapa Bay

G2-24260

G2-24260

B2-200427CL

S2-29726



Map Legend

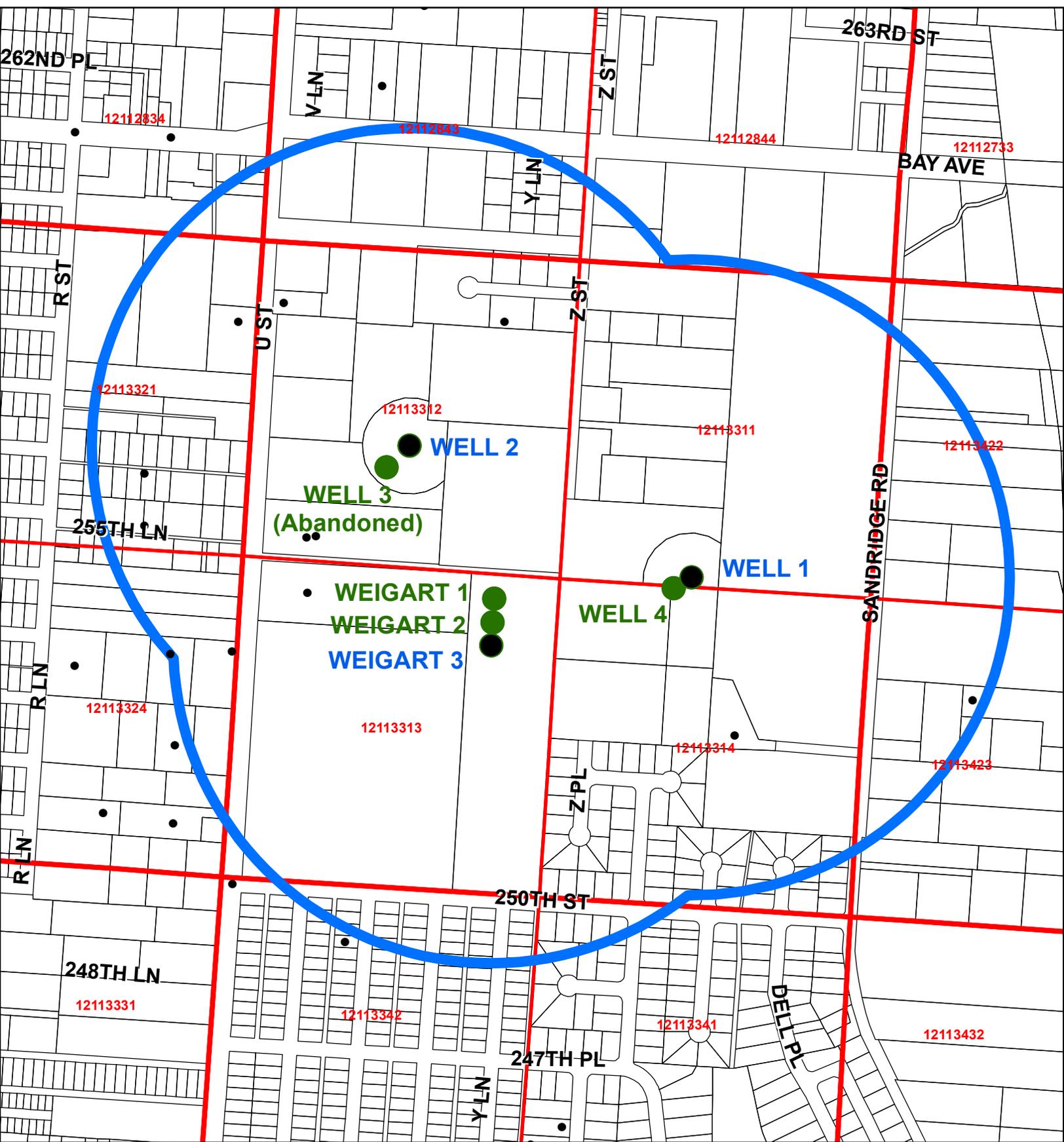


- Quarter Mile Radius Origin
- Quarter Mile Radius
- Water Places of Use

- North Beach Water District Boundary
- Public Land Survey 1/4 Section and 1/4 - 1/4 Sections

North Beach Water District

Wiegart Wellfield Quarter Mile Radius Map



Map Legend

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- Ecology Well Locations
 - Quarter Mile Radius Origin
 - Quarter Mile Radius
- Headworks Gravity Flow
 - Reservoir Dam
 - Well