



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

15 W Yakima Ave, Ste 200 • Yakima, WA 98902-3452 • (509) 575-2490

October 4, 2012

Dick Ewing
Twin Lakes Aquifer Coalition
25B Snowberry Lane
Winthrop, WA 98862

Re: Amendments to Water Right Application No. G4-34915

Dear Mr. Ewing:

Pursuant to your request of August 31, 2012, Water Right Application No. G4-34915 has been amended. The specific application amendments are:

- Reduce the instantaneous rate requested from 4,500 gpm to 2,000 gpm.
- Reduce the annual volume requested from 2,000 acre-feet/year to 800 acre-feet/year. Twin Lakes Aquifer Coalition (TLAC) further clarifies that, based on model projections, maintenance pumping may be able to be reduced to approximately 550 acre-feet/year after 10 years of project operation.
- The intent to increase stream flow in Thompson Creek is removed. The following additional intent is added: "Create new water supplies for use by Ecology's Office of Columbia River in benefitting instream flow and mitigation for new out-of-stream uses".

None of these amendments substantively increase the scope of the original application, and two of these amendments decrease the quantities being requested. As such, the priority date of your application, October 7, 2003, will remain the same.

If you have any questions regarding this application please call me at (509) 454-4238 or email at msch461@ecy.wa.gov.

Sincerely,

Mark C. Schuppe
Operations Manager
Office of Columbia River

MCS:gh/121009

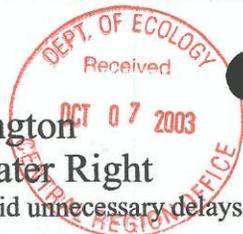
cc: Dan Haller, Aspect Consulting





State of Washington
Application for a Water Right

Please follow the attached instructions to avoid unnecessary delays.



For Ecology Use
Fee Paid 10⁰⁰
Date 10/7/03
CK # 121

Section 1. APPLICANT - PERSON, ORGANIZATION, OR WATER SYSTEM

Name Twin Lakes Aquifer Coalition Home Tel: (509) 996-2098
Mailing Address P.O. Box 92 Work Tel: () - same
City Winthrop State WA Zip+4 98862+ FAX: (509) 996-3754

Section 2. CONTACT - PERSON TO CALL ABOUT THE APPLICATION

Same as above
Name Dick Ewing Home Tel: (509) 996-2098
Mailing Address 25B Snowberry Lane Work Tel: () - same
City Winthrop State WA Zip+4 98862+ FAX: (509) 996-2098
Relationship to applicant Chair of TLAC

Section 3. STATEMENT OF INTENT

The applicant requests a permit to use not more than 4500 (gallons per minute or cubic feet per second) from a surface water source or ground water source (check only one) for the purpose(s) of See P. 4 of application. ATTACH A "LEGAL" DESCRIPTION OF THE PLACE OF USE. (See instructions.) NOTE: A tax parcel number or a plat number is not sufficient. See attached Description of Place of use.
Estimate a maximum annual quantity to be used in acre-feet per year: 2,000 acre feet per year
 Check if the water use is proposed for a short-term project. Indicate the period of time that the water will be needed:
From ___/___/___ to ___/___/___

Section 4. WATER SOURCE

If SURFACE WATER						If GROUNDWATER		
Name the water source and indicate if stream, spring, lake, etc. If unnamed, write "unnamed spring," "unnamed stream," etc.:						A permit is desired for <u>up to 2</u> well(s).		
Number of diversions: _____								
Source flows into (name of body of water):						Size & depth of well(s): <u>Depth - up to 150 ft with up to 18 inch casing or a shallow interceptor well</u>		
LOCATION								
Enter the north-south and east-west distances in feet from the point of diversion or withdrawal to the nearest section corner: <u>well #1 2700 feet south and 1000 feet east of the northwest corner</u> <u>well #2 2720 feet south and 1400 feet east of the northwest corner</u>								
1/4 of	1/4 of	Section	Township	Range(E/W)	County	If location of source is platted, complete below:		
						Lot	Block	Subdivision
#1 NW	SW	3	34	21	OKanogan			
#2 NE	SW	3	34	21	OKanogan			
For Ecology Use		Date Received: <u>OCTOBER 7, 2003</u>		Priority Date: <u>OCTOBER 7, 2003</u>		<u>OKANOGAN</u>		
SEPA: Exempt/Not Exempt		FERC License #		Dept. Of Health #		<u>48</u>		
Date Accepted As Complete		<u>10/08/03</u>		By <u>[Signature]</u>		Date Returned		By <u>[Signature]</u> WRIA:

interceptor well see FR2 Assessment Attached.

Appl. No.: 64-34915

Section 5. GENERAL WATER SYSTEM INFORMATION

- A. Name of system, if named: Twin Lakes Environmental and Aquifer Enhancement System
- B. Briefly describe your proposed water system. (See instructions.)
See Attachment titled: Section 5 Part B Water System Description
- C. Do you already have any water rights or claims associated with this property or system? YES NO
PROVIDE DOCUMENTATION.

Section 6. DOMESTIC / PUBLIC WATER SUPPLY SYSTEM INFORMATION
(Completed for all domestic/public supply uses.)

- A. Number of "connections" requested: _____ Type of connection _____
(Homes, Apartment, Recreational, etc.)
- B. Are you within the area of an approved water system? YES NO
If yes, explain why you are unable to connect to the system. *Note: Regional water systems are identified by your County Health Department.*

Complete C. and D. only if the proposed water system will have fifteen or more connections.

- C. Do you have a current water system plan approved by the Washington State Department of Health? YES NO
If yes, when was it approved? _____ Please attach the current approved version of your plan.
- D. Do you have an approved conservation plan? YES NO
If yes, when was it approved? _____ Please attach the current approved version of your plan.

Section 7. IRRIGATION/AGRICULTURAL/FARM INFORMATION
(Complete for all irrigation and agriculture uses.)

- A. Total number of acres to be irrigated: _____
- B. List total number of acres for other specified agricultural uses:
Use _____ Acres _____
Use _____ Acres _____
Use _____ Acres _____
- C. Total number of acres to be covered by this application: _____
- D. Family Farm Act (Initiative Measure Number 59, November 3, 1977, as amended by Chapter 237, Laws of 2001)
Add up the acreage in which you have a controlling interest, including only:
‡ Acreage irrigated under water rights acquired after December 8, 1977;
‡ Acreage proposed to be irrigated under this application;
‡ Acreage proposed to be irrigated under other pending application(s).
1. Is the combined acreage greater than 6000 acres? YES NO
2. Do you have a controlling interest in a Family Farm Development Permit? YES NO
If yes, enter permit no: _____
- E. Farm uses:
Stockwater - Total # of animals _____ Animal type _____ (If dairy cattle, see below)
Dairy - # Milking _____ # Non-milking _____

Section 8. WATER STORAGE

Will you be using a dam, dike, or other structure to retain or store water?

YES NO

NOTE: If you will be storing 10 acre-feet or more of water and/or if the water depth will be 10 feet or more at the deepest point, and some portion of the storage will be above grade, you must also apply for a reservoir permit. You can get a reservoir permit application from the Department of Ecology.

Section 9. DRIVING DIRECTIONS

Provide detailed driving instructions to the project site. From Winthrop heading towards Twin on highway 20 turn onto Twin Lakes Road just after crossing the Methow River. After about 1.2 miles turn right onto Wolf Creek Road. Drive to the Methow River Spring Chinook Hatchery. The well sites are east of the hatchery along the Foghorn Ditch. To get to the places of use: From Winthrop turn onto Twin Lakes Rd as noted above. After 1.6 miles turn left onto the drive to Eagle Pine Chalet. Keep straight following the bike trail signs through the fence. Barneley Lake is over the hill, south. To access Big Twin proceed another 1.3 miles on Twin Lakes Road to Big Twin Campground. Ask at office for location of lake inflow point.

Section 10. REQUIRED MAP

A. Attach a map of the project. (See instructions.)

Section 11. PROPERTY OWNERSHIP

A. Does the applicant own the land on which the water will be used?

YES NO

If no, explain the applicant's interest in the place of use and provide the name(s) and address(es) of the owner(s):

The places of use are the introductory points for putting water in Barneley, Big Twin lake and the aquifer.
See attachment Section 11 for names and addresses of owners

B. Does the applicant own the land on which the water source is located?

YES NO

If no, submit a copy of agreement:

I certify that the information above is true and accurate to the best of my knowledge. I understand that in order to process my application, I grant staff from the Department of Ecology access to the site for inspection and monitoring purposes. Even though I may have been assisted in the preparation of the above application by the employees of the Department of Ecology, all responsibility for the accuracy of the information rests with me.

Richard E Ewing, Jr
Applicant (or authorized representative)

9/30/2003
Date

Harc Builders Enterprises Trust
by: [Signature] Attorney
Landowner for place of use (if same as applicant, write "same")
Barneley Lake

10/1/03
Date

[Signature]
Landowner Big Twin Lake

9-28-03
Date

[Signature]
Landowner infiltration points

9/28/03
Date

Use this page to continue your answers to any questions on the application. Please indicate section number before answer.

Section 3 Purpose of Use

General Statement: Restore Barnoley and Twin Lakes and associated aquifer
 For the following specific purposes of use:

- 1) Restore and maintain Twin Lakes Aquifer levels
- 2) Restore and maintain recreational trout fishery in Big and Little Twin Lakes
- 3) Restore and maintain riparian and lowland habitat for aquatic species and mammals that use Barnoley and Twin Lakes
- 4) Water storage enhancement for increasing stream flows in mainstem Methow River and Thompson Creek during low flow periods
- 5) Restore natural aesthetic appeal of lake areas
- 6) Increase recreational opportunities
- 7) Maintain or enhance water quality for trout fishery and recreation

We are returning your application for the following reason(s):	
_____ Examination fee was not enclosed	APPLICANT PLEASE RETURN TO CASHIER, PO BOX 5128, LACEY, WA 98509-5128
_____ Section number(s) _____ is/are incomplete	APPLICANT PLEASE RETURN TO THE APPROPRIATE REGIONAL OFFICE
Explanation:	
Please provide the additional information requested above and return your application by _____ (date).	

Ecology staff _____ Date _____

Ecology is an Equal Opportunity and Affirmative Action employer.

To receive this document in alternative format, contact the Water Resources Program at (360) 407-6604 (Voice) or (360) 407-6006 (TDD).

DESCRIPTION OF THE PLACE OF USE
Twin Lakes Aquifer Coalition
Application for a Water Right

There are four places of use:

- 1) **Barnsley Lake** which is located primarily in the Southeast quarter of the Northwest quarter, section 10, Township 34, Range 21 and partially in the Northeast corner of Northwest quarter of Section 10, Township 34, Range 21.
- 2) **Big Twin Lake** which is located in the Southwest quarter of the Northeast quarter of section 15, Township 34, Range 21 and in the Northwest quarter of the Southeast quarter of Section 15, Township 34, Range 21. The lake extends partially into the Southeast quarter of the Northeast quarter of Section 15, Township 34, Range 21 and partially into the Northeast quarter of the Southeast quarter of Section 15, Township 34, Range 21
- 3) **Infiltration Galleries positioned along the pipeline:** To facilitate introduction of water into the aquifer infiltration galleries are proposed alongside the pipe on Lupine Drive in the Sun Mountain Ranch Club. The road begins in the Southeast quarter of the Southwest quarter of Section 10 Township 34 Range 21 and runs through the Northeast quarter of the Northwest quarter of Section 15, Township 34 and Range 21.
- 4) **Twin Lakes Aquifer:** The aquifer boundary is noted on the attached map and denotes the extent to which the introduced water will potentially infiltrate and restore the original groundwater levels.

SECTION 5. GENERAL WATER SYSTEM INFORMATION
PART B WATER SYSTEM DESCRIPTION
Twin Lakes Aquifer Coalition Application for a Water Right

Development of the project will proceed according to these phases: identifying well location and type of well (deep cased well or shallow interceptor well), construction of up to two wells, testing of well production capacity, final engineering of pump sizes and type and delivery system based upon well productivity, construction, operation and monitoring of the system. The delivery system will be buried pipe with outflows into Barnsley and Big Twin Lakes. The outflows into the lakes will be short stream segments designed to aerate the water before entry into the lakes. Along the pipe route, where practical, ground water injection points will be constructed to introduce water into Twin Lakes Aquifer to facilitate its recovery. Water will be taken from the Methow River aquifer during the period when river flows exceed base flows established in WAC 178-548. The pumped water will be stored in Twin and Barnsley Lakes. Seepage from the lakes will also introduce water into the aquifer which will also flow into the Methow River. This seepage and outflow benefits the recreational trout fishery in Twin Lakes and endangered fish in the Methow River. It is anticipated that customary aquifer levels will be achieved in about five years. Once customary water levels are restored the monitoring program will identify the water needed to maintain aquifer and lake levels. For complete details on well construction refer to the Twin Lakes Aquifer Recharge Project Final Conceptual Design Report by IRZ Consulting, June 30, 2003.

SECTION 11. PROPERTY OWNERSHIP
PART A. OWNERS OF PLACE OF USE
Twin Lakes Aquifer Coalition Application for a Water Right

- 1. Owner of Barnsley Lake**
Haub Brothers Enterprises Trust
C/O John Barline, Agent
Williams, Kastner, Gibbs PLLC
1301 A Street, Suite 900
Tacoma, WA 98402-4200
- 2. Owner of Big Twin Lake**
Johnson Family Trust
C/O Ben Johnson
210 Twin Lakes Road
Winthrop, WA 98862
- 3. Owner of easement for infiltration points for aquifer**
Sun Mountain Ranch Club Property Association
P.O. Box 24
Winthrop, WA 98862

SECTION 11. PROPERTY OWNERSHIP, PART B AGREEMENT
AGREEMENT OF GENERAL UNDERSTANDING
BETWEEN TWIN LAKES AQUIFER COALITION AND HAUB BROTHERS
ENTERPRISES TRUST

Haub Brothers Enterprises Trust (Haub) is in general agreement with the intentions of the application submitted by the Twin Lakes Aquifer Coalition. (TLAC). Haub supports the stated environmental beneficial uses contained in the application. Haub agrees in principal to allow use of a portion of its properties for well construction and pipeline easements, subject to mutually acceptable written agreements described below hereafter being negotiated and entered into by the parties. No such agreements now exist.

TLAC and Haub understand that the purpose of this Agreement of General Understanding is to provide assurance to Ecology that both are committed to the restoration of Twin Lakes, so that a water right for said project may be secured. Once the water right is obtained separate agreements will be negotiated between Haub and TLAC or the proposed entity that will be created to maintain the Twin Lakes Environmental and Aquifer Enhancement System (TLEAS). Said agreements will be in the following order, dependent upon one another and as described as follows: 1) Test Well Access Agreement - for the purposes of siting and drilling test wells; 2) Well and Pipeline Construction and Easement Agreement – for the purpose of constructing and operating a well(s) on Haub property, and building and maintaining a delivery pipeline across Haub property. Any and all such agreements must be mutually agreed to by all parties.

Haub understands that TLAC may require three attempts to find a suitable interceptor well. If the interceptor well does not work then TLAC will need to drill test wells to determine where to locate the two production wells in the process of securing the necessary water for the project. TLAC understands that these well tests are to be located within a 100 foot wide strip parallel to and bordering the Foghorn Canal and within the area described in the TLAC permit application. In any and all of the cases TLAC agrees to obtain consent from Haub regarding location of the proposed attempts and the final production well(s) and entry onto Haub properties for any and all purposes. However, until the water right is approved for the project specific agreements will not be drawn up regarding these points and TLAC's or TLEAS' responsibilities to see that the project is completed and operated in an orderly fashion and the Haub properties restored to their original condition after project completion. TLAC and Haub are merely expressing their mutual agreement that both will use their best efforts to work these points out in good faith between them so the project can be completed.

TLAC specifically acknowledges that Haub will require any and all agreements for access to, over, or under the Haub properties for all steps of this project contain, among other things: 1) assurances that the system will be used,

operated and maintained at all times in good working condition and in a manner consistent with protecting Haub's property and interests; 2) indemnities to Haub by the Operating Entity for any and all damages directly or indirectly caused by the system; 3) insurance and bonding to insure the indemnity; and 4) financial assurance that the obligations of the Operating Entity are capable legally and financially of being achieved. Haub makes no warranty as to the quality of the water for the intended use. Nor will Haub restrict its current or future use of its property in any manner by reason of the planned wells and pipelines.

TLAC is committed to creating the necessary public entity that will eventually hold the water right, operate the wells, and pipeline that will be accountable legally and financially on behalf of the landowners (beneficiaries of the agreement) in the Twin Lakes area. The creation of this entity will follow development of the wells and the determination of their adequacy for the restoration project.

Both TLAC and Haub understand that any water right that may come from this application is limited to the beneficial uses stated in the application.


Signature of Agent Representing Haub Brothers Enterprises

Haub Brothers Enterprises Trust

Address:

90 John D. Baalline, Attorney
Williams, Kastner & Gibbs PLLC
1301 A Street, Suite 900

TACOMA, WA. 98402

Contact Information #253-552-4081 jbaalline@wkg.com

II.


Signature of Chair, TLAC

25 B Snowberry Lane

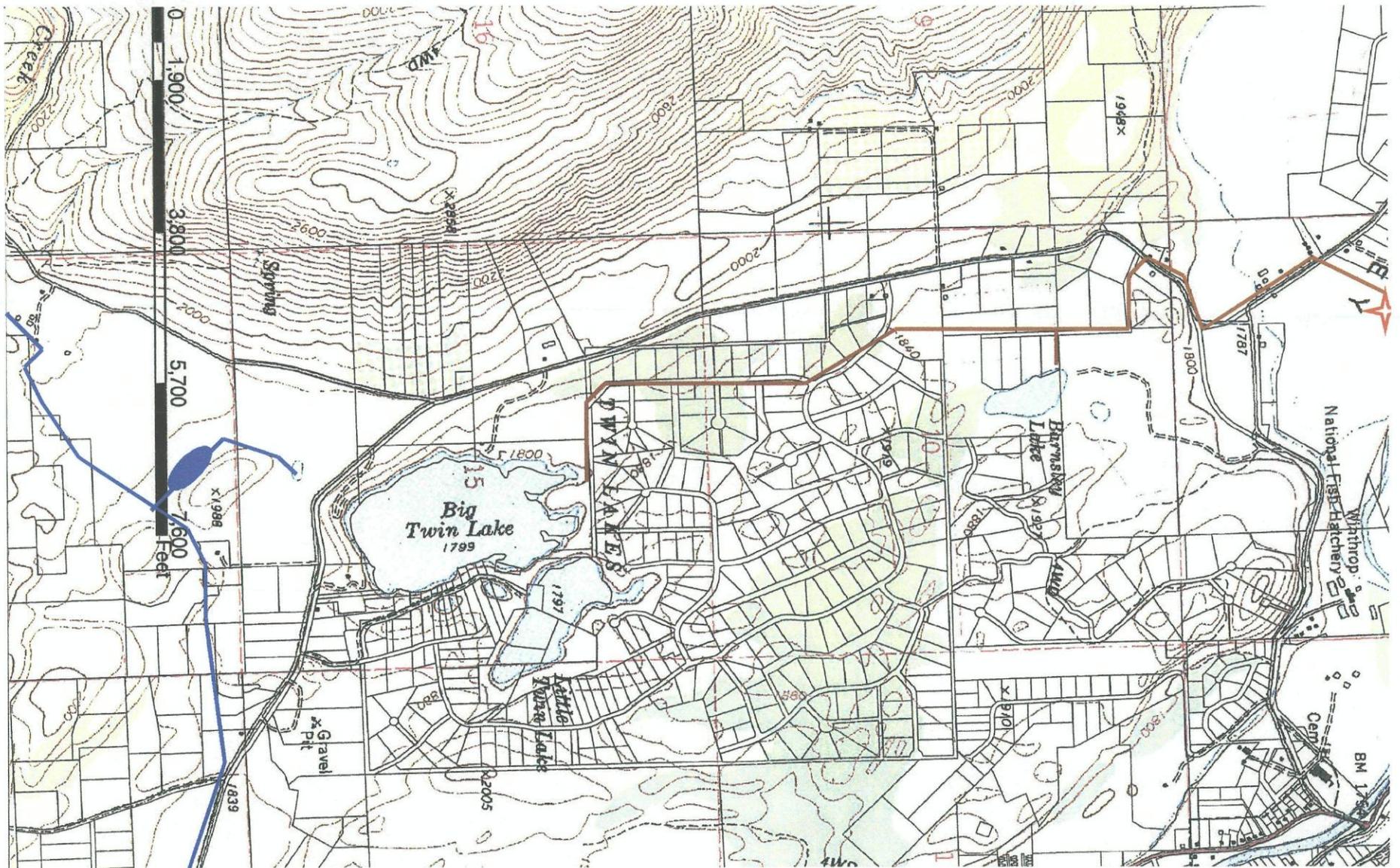
Address

PO Box 92

Winthrop, WA 98862

509 996 2098 Fawn@mgmethew.com
Contact Information

METHOW WELL AND PIPE LOCATION



1.0 PROJECT ACTIVITIES SINCE THE INTERIM REPORT

The purpose of this section is to describe project activities since the completion of the Final Interim Report in January 2003 and how these activities led to the development of this conceptual design report. These include the review of the Interim Report by the affected organizations, additional field work, and conceptual design activities. Many of the geographic areas or engineering features discussed in this report are shown on Figure 1.

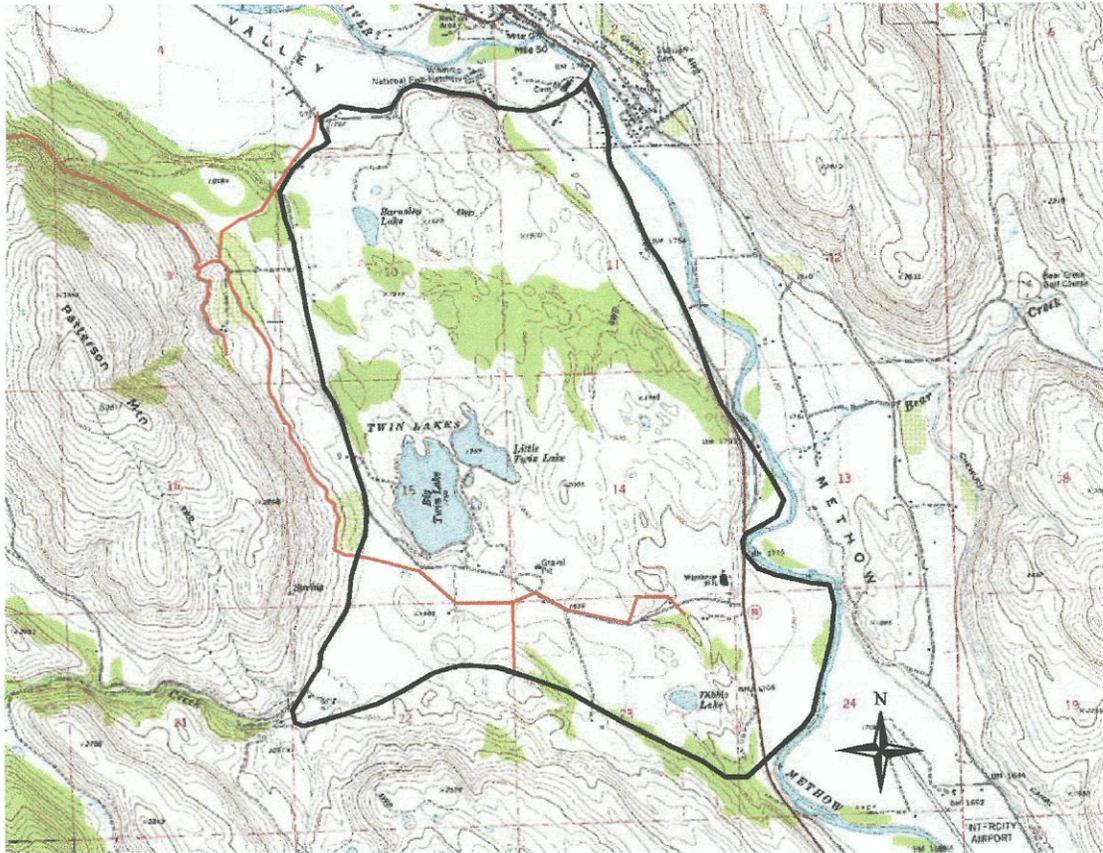


Figure 1. Location Map of Twin Lakes Aquifer (approximate boundary shown by heavy black line) and the Wolf Creek Reclamation District's Delivery System (red line).

1.1 Review of the Interim Report by Affected Organizations

The Final Interim Report (IRZ, 2003) was a feasibility study that reviewed seventeen options to add water to the Twin Lakes Aquifer (Aquifer). The seventeen options were generally lumped as approaches that added more water to the Aquifer by pumping or gravity. These options were evaluated through a spreadsheet matrix that considered costs, quantity of water that could be added, and acceptance of the option by the affected parties. Based on a meeting in December 2002, IRZ revised the matrix to provide additional weight to the regulatory community acceptance.