

LAW OFFICE OF
FLOWER & ANDREOTTI
SUITE 1, YAKIMA LEGAL CENTER
303 EAST 'D' STREET
YAKIMA, WA 98901
TELEPHONE: 509-248-9084

PATRICK ANDREOTTI
pandreotti@flower-andreottilaw.com

CHARLES C. FLOWER
1935-2017

December 7, 2017

Washington State Utilities and
Transportation Commission

Received
Records Management
12/07/17 12:41
State Of WASH.
UTIL. AND TRANSP.
COMMISSION

Re: Richardson Water Company, Docket UW-171068

Dear Commission Members:

I am writing in behalf of my client, Richardson Water Company, LLC, to request an exemption from WAC 480-110-255, Jurisdiction, because the company serves only two (2) customers and, because of the limitations imposed by the Ground Water Permit issued to the company by the Washington State Department of Ecology, it is and will be limited to serving those two (2) customers.

In about 1978, the Richardson family, through a family corporation, Richardson Enterprises, Inc., began the development of the Sun Country Estates planned unit development, a manufactured home development. At that time, Richardson Enterprises obtained a Ground Water Permit from the Department of Ecology and constructed a water system to provide domestic and irrigation water to the Sun Country Estates development, for a trucking business also owned by the Richardson family, and two (2) single-family residences adjacent to Sun Country Estates which had been provided domestic water by shallow wells.

The initial business plan for the Sun Country Estates development was to lease lots within Sun Country Estates to manufactured home owners who placed their homes on the lots and pay a monthly rental fee. This plan was followed through Phase 1 of the development. As additional phases (2, 2B, 3 and 4) were developed, the business plan changed and Richardson Enterprises began selling lots in the new phases rather than leasing them. At that point, the water delivery and other utility infrastructure within the Sun Country Estates development and the club house constructed by Richardson Enterprises were transferred to the Sun Country Estates Maintenance Association without charge. The separate Richardson Water Company was formed to take ownership of the wells, pumps and pipes which deliver water to the boundary of the Sun Country Estates development and the trucking company which is located on land now owned by Richardson Land & Investment Company Yakima, LLC, another Richardson family entity.

December 7, 2017

Richardson Water Company's Department of Ecology Ground Water Permit, Permit No. G4-30219P, is limited to areas specifically described in the permit and by the quantity of water which it is authorized to beneficially use. A copy of the Permit is attached.

The "service area" described in Permit G4-30219P, encompasses the Sun Country Estates development, the Richardson Land & Investment Company Yakima, LLC property, and the two (2) single-family residences originally served by the water system. The two (2) single-family residences have since connected to the Terrace Heights Water System and are no longer served by Richardson Water Company.

The Sun Country Estates development is fully developed and has 174 residential lots. At present 173 of those lots are connected to the Sun Country Estates Maintenance Association water system and receive water delivered to the Association by Richardson Water Company. When the remaining lot is sold, a home placed on the lot and connected to the Sun Country Estates Maintenance Association system, Ground Water Permit G4-30219P will be fully developed. Richardson Water Company will then file a Proof of Appropriation with the Department of Ecology which will, in due course, issue a Ground Water Certificate which will limit the quantity of water which may be withdrawn by Richardson Water Company to the quantity being beneficially used at the time of filing the Proof of Appropriation. No additional beneficial use or connections will be permissible.

Because of limitations imposed by the present Ground Water Permit G4-30219P and the further limitations which will be imposed on issuance of the Ground Water Certificate, Richardson Water Company is precluded from providing service to additional customers and is not, therefore, a "public utility" subject to the Commission's jurisdiction.

Based on the foregoing facts, Richardson Water Company requests the Commission determine it is not subject to Commission jurisdiction.

Please let me know if you have questions or need additional information.

Sincerely,



PATRICK ANDREOTTI

PA:pk

Attachment

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

SUPERSEDING PERMIT
TO APPROPRIATE PUBLIC WATERS OF THE STATE OF WASHINGTON
Supersedes Permit dated July 9, 1992

- 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 April 5, 1990 | APPLICATION NUMBER G4-30219 | PERMIT NUMBER G4-30219P | CERTIFICATE NUMBER |
|--------------------------------|--------------------------------|----------------------------|--------------------|

| | | | |
|---|---------------|---------------------|--|
| NAME Richardson Water Company | | | |
| ADDRESS (STREET) 608 Ferncrest Drive | | | |
| (CITY) Yakima | (STATE) WA | (ZIP CODE) 98901 | |

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

PUBLIC WATERS TO BE APPROPRIATED

| |
|----------------------------------|
| SOURCE Two (2) wells. |
| TRIBUTARY OF (IF SURFACE WATERS) |

| | | |
|-------------------------------|-----------------------------------|-----------------------------------|
| MAXIMUM CUBIC FEET PER SECOND | MAXIMUM GALLONS PER MINUTE 300 | MAXIMUM ACRE-FEET PER YEAR 190 |
|-------------------------------|-----------------------------------|-----------------------------------|

QUANTITY, TYPE OF USE, PERIOD OF USE
4 acre-feet per year for irrigation of one acre from April 1 to October 15; 5 acre-feet per year for a shop; 1 acre-foot per year for an office; 104.85 acre-feet per year for continuous municipal water supply purpose; and 75.15 acre-feet per year for industrial supply.

LOCATION OF DIVERSION/WITHDRAWAL

APPROXIMATE LOCATION OF DIVERSION-WITHDRAWAL
Well No. 1: 800 feet west and 100 feet south of the northeast corner of Section 28.
Well No. 2: 700 feet west and 500 feet south of the northeast corner of Section 28.

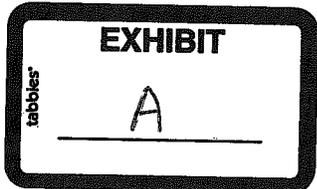
| | | | | | |
|--|---------------|-------------------|---------------------------------|----------------|------------------|
| LOCATED WITHIN (SMALLEST LEGAL SUBDIVISION) NE $\frac{1}{4}$ NE $\frac{1}{4}$ | SECTION 28 | TOWNSHIP N. 13 | RANGE, (E. OR W.) W.M. 19 E. | W.R.I.A. 37 | COUNTY Yakima |
|--|---------------|-------------------|---------------------------------|----------------|------------------|

RECORDED PLATTED PROPERTY

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

LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED

Those lands lying northeasterly of the Burlington Northern Railroad in the E $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 28, T. 13 N., R. 19 E.W.M.; and that portion of the NW $\frac{1}{4}$ of Section 27, T. 13 N., R. 19 E.W.M. lying south of the Union Gap Canal and north and west of the following described line: beginning at a point on the west line of said Section 27, 1494 feet south of the NW corner of said Section; thence S 89°85'30" E 163 feet; thence N 1°04'00" E 361 feet; thence N 15°15'00" E 386.15 feet; thence 1°08'00" W to the Union Gap Canal; and that portion of the SE $\frac{1}{4}$ of Section 21, T. 13 N., R. 19 E.W.M., lying north of Gun Club Road, east of Keys Road, and east and south of Scenic Crest Road, and south and west of a line described as follows: beginning at the NE corner of Lot 12, See Mount Addition as recorded in Volume G of Plats, Page 40, records of Yakima County, WA; thence southeasterly along the centerline of the Hubbard Canal to the NE corner of Lot 1 of that certain Short Plat recorded in Book B, Pages 43 and 44, Short Plat records of Yakima, WA; thence southerly along the eastern boundaries of Lots 1 and 3 of said Short Plat to the north right of way line of Gun Club Road.



DESCRIPTION OF PROPOSED WORKS

Pump from well to two storage tanks, then to domestic supply system.

DEVELOPMENT SCHEDULE

| | | |
|--------------------------------------|--|---|
| BEGIN PROJECT BY THIS DATE: Begun | COMPLETE PROJECT BY THIS DATE: July 1, 1999 | WATER PUT TO FULL USE BY THIS DATE: July 1, 2000 |
|--------------------------------------|--|---|

PROVISIONS

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.

An approved measuring device shall be installed and maintained for each of the sources identified by this water right in accordance with the rule "Requirements for Measuring and Reporting Water Use", Chapter 173-173 WAC.

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

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).

This well shall be cased and permanently sealed to a minimum depth of 170 feet below land surface. Such sealing shall be performed in accordance with the provisions and standards of WAC Chapter 173-160 (Minimum Standards for Construction and Maintenance of Water Wells).

Flowing wells shall be so constructed and equipped with valves to ensure that the flow of water can be completely stopped when not being used. Likewise, the well shall be so maintained as to prevent the waste of water through leaky casings, pipes, fittings, valves, or pumps -- either above or below land surface.

The well head should be protected in accordance with WAC 173-160-291 using the 100 year flood plain level projected in 1985 as a minimum. The potential energy head on the river (1% probability water) 100 year flood water at this same cross section is several feet higher now that the containment effect of the dike is included in the FEMA mapping and evaluation. This does not preclude the Department of Health from requiring a higher level of protection for the public water facility.

A proof inspection will be conducted prior to final certificate issuance. The certificate will reflect the extent of the project perfected within the limitations of the permit. Aspects will include as appropriate the source(s), system instantaneous capacity, beneficial use(s), annual quantity, acreage, home services designed, place of use, and satisfaction of provisions.

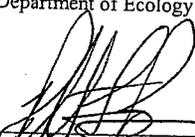
This public water system shall comply with all applicable provisions of the Interim Guidelines for Public Water Systems Regarding Water Use Reporting, or rules later adopted for implementing the interim guidelines by 1996. Failure to comply shall be grounds for cancellation of this permit.

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 that Department documenting such compliance.

Given under my hand the seal of this office at Yakima, Washington, this 10th day of June 2004.



Department of Ecology

by 
Robert F. Barwin, Section Manager

DATA REVIEW

OK 