

April 17, 2024

Ms. Christine Austin-Peters, Owner  
JP & CP Properties, LLC  
D/B/A Chemung Golf Course, Inc.  
389 County Road 60  
Waverly, NY 14892

Re: Notice of Transfer of Approval;  
from Chemung Golf Course, Inc. to JP & CP Properties, LLC;  
Town of Chemung, Chemung County, New York;  
Commission Docket Nos. 20030602 and 20030602-1

Dear Ms. Austin-Peters:

The Susquehanna River Basin Commission (Commission) received a Request for Transfer of Approval (Commission Form #86) on February 7, 2024, for Commission Docket Nos. 20030602 and 20030602-1. This request indicated the change in ownership was effective January 1, 2024, from Chemung Golf Course, Inc. to JP & CP Properties, LLC (project sponsor). Upon review of the project and the submitted request for transfer, it was determined that the request is in compliance with the regulations and consistent with 18 CFR § 806.6(a). Therefore, the approvals listed above are hereby transferred effective April 17, 2024.

A copy of the above-referenced approvals are available on the Commission's Water Application and Approval Viewer (WAAV) at [www.srbc.gov/waav](http://www.srbc.gov/waav).

Please note that the project sponsor may operate under the terms and conditions of the transferred approvals not inconsistent with the conditions of this transfer, provided that:

1. The project sponsor submits an updated comprehensive metering plan meeting the requirements of 18 CFR § 806.30 to the Commission for review and approval by Commission staff that accounts for all withdrawals and consumptive use associated with this approval by July 16, 2024.
2. Due to the change in ownership, the pre-Compact consumptive use quantity of 0.029 million gallons per day (mgd) has become subject to the Commission's mitigation requirements and therefore, effective July 1, 2024, the project sponsor shall satisfy the Commission's mitigation requirements for the full quantity of consumptively used water.

3. Mitigation of the full quantity of consumptively used water as set forth in 18 CFR § 806.22 will continue to be satisfied by quarterly payments to the Commission.
4. In accordance with the Commission's Regulatory Program Fee Schedule, the facility is subject to the Annual Compliance and Monitoring fee (ACMF). The ACMF is contained in the Regulatory Program Fee Schedule, which may be modified over the term of the approvals. The ACMF will be invoiced separately.

Outstanding post-approval items should be submitted electronically via the Monitoring Data Website (MDW). If you have any questions regarding quarterly reporting or the submittal of post-approval conditions, please feel free to contact Steve McFeaters at (717) 238-0423, extension 1225, or via e-mail at [samcfeaters@srbc.gov](mailto:samcfeaters@srbc.gov).

Please be advised that, under 18 CFR § 808.11, you have a duty to comply with all provisions of the Susquehanna River Basin Compact (Compact), as well as the Commission's rules, regulations, orders, approvals, conditions of approval, and any other requirements of the Commission. It is your obligation to fulfill all conditions of this approval within the specified time limits and provide written notification to the Commission, as appropriate, and comply with all conditions set forth therein. Failure to meet any term or condition within the specified time may subject you to enforcement action and imposition of civil penalties pursuant to 18 CFR Part 808, Subpart B, and Section 15.17 of the Compact. Penalties range from \$50 to \$1,000 per day, per condition (which includes exceeding approved quantities), with every day being a separate offense.

Pursuant to 18 CFR § 808.2 relating to administrative appeals, any appeal to this action must be made to the Commission within 30 days of receipt of this notice. All appeals must be made in writing on the Commission's Notice of Appeal form and conform to the requirements of 18 CFR § 808.2. Pursuant to 18 CFR § 808.2(i), an appeal made under this section stays the commencement of the 90-day appeal period to Federal Court contained in Section 3.10(6) of the Compact.

Should you have any questions, please contact Todd Eaby, Manager of Project Review, at (717) 238-0423, extension 1234, or via e-mail at [teaby@srbc.gov](mailto:teaby@srbc.gov).

Sincerely,



Andrew D. Dehoff  
Executive Director

cc: Kim Merchant – New York State Department of Environmental Conservation



# SUSQUEHANNA RIVER BASIN COMMISSION

1721 North Front Street • Harrisburg, Pennsylvania 17102-2391

Phone (717) 238-0423 • Fax (717) 238-2436

Web <http://www.srbc.net>

Docket No. 20030602

Approval Date: June 12, 2003

## CHEMUNG GOLF COURSE, INC.

Consumptive Water Use of up to 0.090 mgd, for Golf Course Irrigation,  
Town of Chemung, Chemung County, New York

### Review Authority

This project is subject to review pursuant to Article 3, Section 3.10 of the Susquehanna River Basin Compact, P.L. 91-575, and Commission Regulations §803.4, relating to projects requiring review and approval, and §803.42, relating to the consumptive use of water. The Commission received the application for the consumptive use of water on February 1, 2001.

### Description

**Purpose.** The purpose of the application is to request approval for the consumptive use of water for the irrigation of an existing 18-hole golf course.

**Location.** The project is located in the Chemung Subbasin, HUC 02050105, Dry Brook Watershed, Town of Chemung, Chemung County, New York

**Project Features.** The project sponsor has requested approval for a maximum daily consumptive use of water of up to 0.090 million gallons per day (mgd). The project sponsor calculates the project's current maximum average 30-day consumptive water use to be 0.053 mgd, and current peak-day consumptive water use to be 0.078 mgd.

The project was constructed as a 9-hole golf course in 1960. The existing well and irrigation system for greens and tees was installed in 1965. The project was expanded to an 18-hole course in 1980, and includes irrigation for all greens and tees.

The project sponsor pumps water from the well to a storage pond (Pond 14) that was constructed in 1963. Water is withdrawn from Pond 14 to meet the irrigation needs of the golf course. The irrigation system is not equipped with a meter.

### Findings

The project is subject to Commission approval and reporting requirements, as per Commission Regulation §803.42.

All water used for golf course irrigation is considered to be used consumptively. The storage pond (Pond 14) predates the Commission's consumptive water use regulation, and therefore, evaporative losses from Pond 14 are exempt.

The irrigation system currently is not equipped with a meter to measure the quantity of water withdrawn from the pond and used for irrigation. Commission staff recommends that the project sponsor install appropriate metering and monitor the amount of water pumped to the irrigation system.

The primary source of water is an existing withdrawal from an on-site well. According to the project sponsor, the well was drilled in 1965 to a depth of approximately 220 feet, and is equipped with a 1.5 horsepower pump. The well is capable of producing approximately 25 gallons per minute (gpm). The withdrawal predates Commission Regulation §803.43, relating to ground-water withdrawals, the project sponsor has not increased its withdrawal by more than 0.100 mgd since July 13, 1978, and, therefore, is not subject to the regulation.

The project sponsor has requested approval for a consumptive water use of up to 0.078 mgd. Based on an analysis of the records system supplied by the project sponsor, Commission staff is recommending approval of up to 0.090 mgd, which represents an increase of approximately 15 percent of the requested amount, to allow for future project growth and possible estimating errors made by the project sponsor in determining its current water use. Should the project's future consumptive water use exceed or be expected to exceed 0.090 mgd, the project sponsor must apply for a modification to this docket at that time.

The project sponsor has agreed to the Commission staff's calculated pre-1971 consumptive water use of 0.029 mgd for the project and, for purposes of this docket, this quantity of water is considered "grandfathered" and is exempt from water compensation requirements.

The project's consumptive use of water for irrigation, in excess of the grandfathered quantity, is subject to water compensation requirements, as per Commission Regulation §803.42. To satisfy these requirements, the project sponsor proposes to make quarterly payments to the Commission in-lieu-of providing actual compensation water. The payment will be based on the daily quantity of water consumptively used for golf course irrigation, minus the pre-1971 consumptive use of 0.029 mgd. If the daily grandfathered quantity exceeds the project's calculated daily consumptive water use, that day's consumptive water use is considered to be zero.

The project is subject to water conservation requirements, as per Commission Regulation §804.20(c).

The project sponsor has paid the appropriate application fee in accordance with Commission Regulation §803.28 and in accordance with Commission Resolution 98-19, as amended by Commission Resolution 2000-06. The project sponsor has provided all proofs of notification, as called for in Commission Regulation §803.25.

The project is physically feasible, does not conflict with, or adversely affect, the Commission's Comprehensive Plan, and does not adversely influence the present or future use and development of the water resources of the basin.

### **Compliance Incentive Program**

Commission staff has determined that the project sponsor is eligible to participate in the Commission's Compliance Incentive Program (CIP). Therefore, the project sponsor would not be subject to penalties for water consumed in violation of Commission Regulation §803.42 prior to January 1, 2001. In accordance with the CIP, payment to the Commission as a method of compensation for the project's consumptive water use shall be effective and applicable to all consumptive water used by the project beginning January 1, 2001.

### **Decision**

The project's consumptive water use of up to 0.090 mgd is approved pursuant to Article 3, Section 3.10 of the Compact subject to the following conditions:

- a. The project sponsor shall comply with all Commission regulations, including consumptive water use reporting requirements, as per Commission Regulation §803.42.
- b. Within sixty (60) days from the date of this approval, the project sponsor shall install and then maintain a meter, accurate to within five (5) percent, on the irrigation system to measure the quantity of water pumped from the pond to the irrigation system.
- c. The project sponsor shall keep daily records of the project's consumptive water use, and shall report the data to the Commission quarterly, and as otherwise required. Quarterly monitoring reports are due within thirty (30) days after the close of the preceding quarter. The daily quantity of water consumptively used shall be the quantity pumped to the irrigation system. The project sponsor shall maintain metering on the irrigation system, accurate to within five (5) percent.
- d. The maximum instantaneous rate of production from the well shall not exceed 25 gpm.
- e. Within sixty (60) days from the date of this approval, the project sponsor shall install and maintain metering on the on-site well, accurate to within five (5) percent, to measure its ground-water withdrawal. The project sponsor shall keep daily records of the project's ground-water withdrawal and shall report the data to the Commission quarterly, and as otherwise required. Quarterly monitoring reports are due within thirty (30) days after the close of the preceding quarter. The project sponsor may propose alternative monitoring to the Commission for staff review and approval. If the ground-water withdrawal exceeds the threshold specified in Commission Regulation §803.43, the project sponsor shall submit the appropriate application for review and approval by the Commission.

f. To satisfy the Commission's current compensation requirements for consumptive water use set forth in Commission Regulation §803.42, the project sponsor shall make quarterly payments to the Commission based on the rate of \$0.14 per 1,000 gallons of water consumptively used by the project in excess of the grandfathered quantity. The daily quantity of water consumptively used shall be the quantity pumped to the irrigation system. Payment amounts shall be calculated by applying this rate to the daily amount of water used consumptively by the project, less the grandfathered quantity of 0.029 mgd. If the daily grandfathered quantity exceeds the project's daily consumptive water use, that day's consumptive water use is considered to be zero. Quarterly payments are due and payable within thirty (30) days after the close of the preceding quarter. The rate of payment, after appropriate notice to consumptive users of water using this method of compliance, is subject to change at the Commission's discretion.

g. The project sponsor shall comply with the water conservation requirements specified in Commission Regulation §804.20(c).

h. The project sponsor is eligible to participate in the Commission's Compliance Incentive Program (CIP). Therefore, the project sponsor is not subject to penalties for its prior noncompliance. In accordance with the CIP, payment to the Commission as a method of compensation for the project's consumptive water use shall be effective and applicable to all water consumptively used by the project beginning January 1, 2001. The project sponsor shall provide records of its consumptive water use and make a payment to the Commission based on the rate of \$0.14 per 1,000 gallons of water consumptively used in excess of the grandfathered quantity of 0.029 mgd during the period from January 1, 2001, until the effective date of this approval. This payment shall be calculated and included in the first quarterly payment made by the project sponsor in accordance with the requirements of condition (f) above.

i. Commission approval shall not be construed to exempt the project sponsor from obtaining all necessary permits and/or approvals required for the project from other federal, state, or local government agencies having jurisdiction over the project. The Commission reserves the right to modify, suspend, or revoke this action if the project sponsor fails to obtain or maintain such approvals.

j. The Commission reserves the right to inspect or investigate the project facility, and the project sponsor shall allow authorized employees or agents of the Commission, without advance notice or a search warrant, at any reasonable time and upon presentation of appropriate credentials, and without delay, to have access to and to inspect all areas where the project is being constructed, operated, or maintained. Such employees or agents shall be authorized to conduct tests or sampling, to take photographs, to perform measurements, surveys, and other tests, to inspect the methods of construction, operation, or maintenance, to inspect all measurement equipment, to audit, examine, and copy books, papers, and records pertinent to any matter under investigation, and to take any other action necessary to assure that the project is constructed, operated, or maintained in accordance with the terms and conditions of this approval or any other rule, regulation, or order of the Commission.



k. If the project sponsor fails to comply with any term or condition of this docket, the Commission may suspend, modify, or revoke its approval of same, and may impose appropriate fines and penalties. Upon written notice by the Commission, the project sponsor shall have thirty (30) days to correct such noncompliance, unless an alternate period is specified in the notice. Failure to comply within thirty (30) days, or within the alternate period identified in the notice, shall result in a ninety (90)-day suspension of approval of this docket. If the project sponsor fails to address the noncompliance to the satisfaction of the Commission within the suspension period, this approval may be revoked. Nothing herein shall preclude the Commission from exercising its authority to immediately modify, suspend, or revoke this approval where it determines exigent circumstances warrant such action, or from imposing fines and penalties, regardless of the period of noncompliance.

l. The Commission reserves the right to reopen any project docket or issue such additional orders, as may be necessary, to mitigate or avoid adverse impacts or otherwise to protect public health, safety, welfare, or the environment.

m. Commission approval confers no property rights upon the project sponsor. The securing of all rights necessary and incident to the project sponsor's development and operation of the project shall be the sole and exclusive responsibility of the project sponsor, and this approval shall be subject thereto.

n. This approval is effective until June 12, 2028. The project sponsor shall submit a renewal application by December 12, 2027, and obtain Commission approval prior to continuing operation beyond June 12, 2028.

o. If the project is discontinued for such a period of time and under such circumstances that an abandonment of the project may reasonably be inferred, the Commission may rescind the approval of the project unless a renewal is requested by the project sponsor and approved by the Commission.

By the Commission:

Dated: June 12, 2003

  
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John T. Hicks, Chairman  
New York Commissioner