



SUSQUEHANNA RIVER BASIN COMMISSION

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Docket No. 20030205

Approval Date: February 6, 2003

MARSHLAND LINKS, L.L.C.—THE LINKS AT HIAWATHA LANDING

Surface-Water Withdrawal of Up to 0.499 mgd from the Susquehanna River, and a
Consumptive Water Use of Up to 0.499 mgd, for Golf Course Irrigation,
Town of Owego, Tioga 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, §803.42, relating to the consumptive use of water, and §803.44, relating to surface-water withdrawals. The Commission received the application for the consumptive use of water on January 19, 2001, and the application for the surface-water withdrawal on September 10, 2002.

Description

Purpose. The purpose of the application is to request approval for a surface-water withdrawal and the consumptive use of that water for irrigation of greens, tees, and fairways at an existing 21-hole golf course.

Location. The project is located in the Upper Susquehanna Subbasin, HUC 02050103, Susquehanna River Watershed, Town of Owego, Tioga County, New York.

Project Features. The project sponsor has requested approval for a maximum daily withdrawal of up to 0.499 million gallons per day (mgd) of water from the Susquehanna River and a consumptive use of water of up to 0.499 mgd. The project sponsor calculates the project's maximum average 30-day consumptive water use to be 0.233 mgd and its peak-day consumptive water use to be 0.322 mgd in 2001. The primary water source is an existing surface-water withdrawal from the Susquehanna River.

The project was opened in 1993 as a fully-irrigated, 18-hole golf course. The project was expanded to 21 holes in 1996, with the addition of the fully-irrigated, "Junior Golf Academy" course. As part of the original project, the project sponsor constructed two off-stream ponds in 1992 that provide on-site water storage. The total acreage of the storage ponds is approximately 8.5 acres and, with an average depth of approximately 8 feet, has a total estimated capacity of 22.16 million gallons of water when full. The project sponsor has sufficient storage on-site to

meet the project's irrigation demands for 95 days, based on the documented maximum 30-day average use of 0.233mgd.

The storage pond system is filled with water pumped from the Susquehanna River. The surface-water withdrawal is accomplished via a pumping station located adjacent to the river, and is not currently equipped with a totalizing meter. Water is pumped from the storage ponds to the golf course using a metered system capable of producing 900 gallons per minute (gpm).

Findings

The project is subject to Commission approval and reporting requirements, as per Commission Regulations §803.42 and §803.44.

All water evaporated from the two storage ponds, as well as all water used for golf course irrigation, is considered to be used consumptively. Water evaporated from the storage ponds will be calculated by the project sponsor employing a methodology acceptable to the Commission. The irrigation system is equipped with a meter that measures the quantity of water pumped to the system.

The project sponsor has requested a consumptive water use approval of up to 0.499 mgd. Based on an analysis of irrigation records supplied by the project sponsor and design data for the irrigation system installed at the course, Commission staff is recommending approval of the requested amount. The single peak-day use during 2001-02 was significantly lower than the design demand of the irrigation system and that required by the "links" layout of the golf course. The requested amount is about the same as the approved quantities of similar golf courses in the Susquehanna River Basin and should accommodate the peak usage days likely to occur over the 25-year duration of this approval. Should the project's future consumptive water use exceed or be expected to exceed 0.499 mgd, the project sponsor must apply for a modification to this docket at that time.

The project's consumptive use of water is subject to water compensation requirements, as per Commission Regulation §803.42. To satisfy these requirements, the project sponsor proposes to use its own storage during low flow periods. Commission staff has determined that the quantity of storage is sufficient to supply the golf course during drought conditions. In order for this storage to be an acceptable method of compliance with Commission Regulation §803.42, the project sponsor must cease withdrawals from the river and be limited to using water stored in the on-site ponds during periods of low flow or upon notice by the Commission.

The storage ponds collectively store an estimated 22.16 million gallons of water when at full capacity. This volume should provide approximately 95 days of irrigation, based on the maximum 30-day average use of 0.233mgd. The project sponsor will need to maintain sufficient water storage in order to meet the project's demand for irrigation water. Commission staff recommends that the project sponsor validate and submit on-site storage documentation to Commission staff every five years.

The project's primary source of water for irrigation is an unmetered withdrawal from the Susquehanna River. Commission staff recommends that the withdrawal be metered in accordance with the requirements of Commission Regulation §803.44. Commission staff has calculated the 7-day, 10-year low flow (Q7-10 flow) of the Susquehanna River to be 339.7 cubic feet per second (cfs), or 152,457 gallons per minute (gpm) at the point of withdrawal. The project's requested surface-water withdrawal of 0.499 mgd is less than 10 percent of the Q7-10 flow (15,245 gpm) at the point of withdrawal; therefore, Commission staff finds no passby flow is required.

Further, Commission staff recommends the use of U.S. Geological Survey (USGS) stream gage 01515000, located on the Susquehanna River at Waverly, N.Y., as a reference gage for this project and recommends that the surface-water withdrawal from the Susquehanna River cease when flows at the gage reach Q7-10, which is 387.7 cfs, or 173,999 gpm.

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

The project sponsor has paid the appropriate application fee pursuant to 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 required by 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 withdrawn and consumed in violation of Commission Regulations §803.42 and §803.44 prior to January 1, 2001.

Decision

The project's surface-water withdrawal from the Susquehanna River of up to 0.499 mgd, and the consumptive use of water of up to 0.499 mgd are 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, and surface-water withdrawal reporting requirements, as per Commission Regulation §803.44.

b. 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. The daily quantity of water consumptively used shall be the quantity of evaporative loss from the two

storage ponds plus the quantity pumped to the irrigation system. The project sponsor shall maintain metering on the irrigation system, accurate to within five (5) percent. Commission staff shall review and approve the method of calculation of evaporative loss from the storage ponds.

c. Within sixty (60) days of the date of this approval, the project sponsor shall install and maintain metering on the surface-water intake, accurate to within five (5) percent. The project sponsor may propose alternative monitoring to the Commission for staff review and approval.

d. The project sponsor shall keep daily records of the project's surface-water withdrawal and shall provide the results to the Commission quarterly, and as otherwise required. The project sponsor also shall keep daily records of readings from the U.S. Geological Survey (USGS) stream gage 01515000, located on the Susquehanna River at Waverly, N.Y., during the irrigation season, and shall provide the results to the Commission quarterly, and as otherwise required.

e. To satisfy the Commission's current compensation requirements for consumptive water use set forth in Commission Regulation §803.42, the project sponsor shall cease withdrawal from the Susquehanna River when flow at the USGS stream gage 01515000, located on the Susquehanna River at Waverly, N.Y., is less than 387.7 cfs, or 173,999 gpm, and upon notice from the Commission during periods of low flow, the project sponsor shall cease withdrawals from the Susquehanna River and shall use water stored in the on-site ponds. The project sponsor shall provide the Commission with documentation every five (5) years certifying that sufficient water storage exists in its on-site storage ponds.

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

g. The project sponsor is eligible to participate in the Commission's Compliance Incentive Program. Therefore, the project sponsor is not subject to penalties for its prior noncompliance.

h. 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.

i. 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.

j. 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.

k. 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.

l. 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.

m. This approval is effective until February 6, 2028. The project sponsor shall submit a renewal application by August 6, 2027, and obtain Commission approval prior to continuing operation beyond February 6, 2028.

n. 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: February 6, 2003



John T. Hicks, Chairman
New York Commissioner