



2006 Report to the Legislature

Water Conservancy Boards

December 2006

Publication No. 06-11-050

printed on recycled paper

This report is available on the Department of Ecology website at:
<http://www.ecy.wa.gov/biblio/0611050.html>

For additional copies of this publication, please contact:

Water Resources Program Publications
P.O. Box 47600
Olympia, WA 98504-7600
E-mail: WRPublications@ecy.wa.gov
Phone (360) 407-6600

Refer to publication number 06-11-050

If you need this publication in an alternate format, please call the Water Resources Program at (360) 407-6600. Persons with hearing loss can call 711 for Washington Relay Service. Persons with a speech disability can call (877) 833-6341.



2006 Report to the Legislature

Water Conservancy Boards

Prepared by
Janet L. Rajala
Department of Ecology
Water Resources Program
Eastern Regional Office
4601 N. Monroe Street
Spokane, WA 99205

December 2006

Publication No. 06-11-050

Executive Summary

This report has been prepared to comply with RCW 90.80.150, which requires the Department of Ecology (Ecology) to provide a report regarding water conservancy boards (boards) to the appropriate committees of the Legislature by December 31 of each even numbered year. The report covers the boards formed or sought to be formed under the authority of Chapter 90.80 RCW, the transfer applications reviewed, other activities conducted by the boards, and the funding of the boards.

The Legislature authorized counties to establish boards in order to assist Ecology with the backlog of water right change applications. The statute authorizes boards to process water right transfer applications and issue records of decision. Ecology must evaluate the records of decision for compliance with applicable water law. Ecology has final review authority of each record of decision made by a board, and must issue an administrative order to affirm, modify, or reverse the board's record of decision. The administrative order issued by Ecology is appealable to the Pollution Control Hearings Board (PCHB).

Twenty-one boards currently exist throughout the state. Five of those boards are on the West side and 16 are on the East side of the state. Existing boards were established between 1998 and 2002. A new board has not been established since September 2002. Pierce County is currently considering establishing a board.

Several issues have emerged in the last two years that are significant to board operations.

1. There is a significant increase in commissioner ineligibility. Board commissioners must participate in eight hours of continuing education each year to remain eligible to take action on water right change applications.
2. Four boards are inoperable due to commissioner ineligibility and vacancies, three of them for over one year (see chart 4).
3. Some counties are having difficulty recruiting board commissioners to fill vacancies.
4. For the first time, dissolution of some boards may be discussed.
5. Board operating by-laws remain out of date and not comprehensive.

In the last two years, there has been significant evolution in how boards operate. Applicants have the sole discretion whether to apply for a water right transfer directly to a board or to Ecology. The number of applications processed by any one board varies extensively. Due to legislative mandates requiring Ecology to reduce the backlog of water right change applications, the activities of boards have evolved. It appears the boards that established themselves in their community early in the process have a higher rate of activity than other boards. As a result, some applicants seem to prefer filing applications with a board rather than applying with Ecology simply because they are familiar with the commissioners and the operation of the board.

In addition the value of boards has also continued to evolve. Some boards process very few water right change applications but remain current on training in order to provide a valuable local informational resource to its community. Other boards have water right change applications but lack interest or ability to maintain the educational requirements.

During the two-year period beginning November 1, 2004 and ending October 31, 2006, water conservancy boards have accepted 220 water right change applications to process. The boards have issued 148 records of decision, approving all 148. Data indicates an increase of applications to boards over the last two years.

Some boards now require the applicant to investigate the impacts of the requested change, write the report of examination, and make recommendations for adoption of a record of decision. Generally, this requires the applicant to hire a consultant to provide this service for them. In contrast, some boards continue to do all the investigation and write their own reports of examination. As discussed in the 2004 Water Conservancy Board Report compiled by the Joint Legislative Audit and Review Committee (JLARC), boards that do all their own work tend to issue decisions that require less modification or are less likely to be reversed by Ecology.¹ This continues to be the case. The greater success of boards whose members conduct the investigation may be due to the experience gained through that activity and due to greater objectivity regarding the outcome of the investigation

In 2005, the Legislature amended Chapter 90.03 RCW, through Engrossed Substitute House Bill 2309. These amendments made it unnecessary for a water right user to pay the statutory state application fee when applying to a board that would otherwise be due to Ecology, as required under RCW 90.03.470.

Two boards were involved in two separate legal proceedings in the last two years. One of the proceedings was resolved through a settlement agreement with Ecology and the other resolved in the Court of Appeals.

Each board is an independently funded entity pursuant to RCW 90.80.060(2). They provide for their own funding through grants and adopting fees for processing water right transfer applications. Board fees range from \$250 (Benton County) to \$1450 (Thurston County). The use of funds by boards also varies depending on the needs of the boards. Some examples of uses include travel for training, copying, correspondence, administrative staff and legal support. Boards are audited by the state annually.

¹ *Water Conservancy Boards Review*, Report 04-12, Joint Legislative Audit and Review Committee, December 1, 2004.

Table of Contents

Executive Summary	i
Introduction.....	1
Background.....	1
<i>Board purpose</i>	1
<i>Reporting requirements</i>	2
Statutory changes	3
Status of boards.....	3
<i>Board composition</i>	4
<i>Jurisdiction</i>	6
<i>Inoperable boards and ineligible commissioners</i>	6
<i>Dissolution</i>	8
<i>Board commissioner turnover</i>	10
<i>Length of service</i>	12
Consultants.....	12
<i>Sitting board commissioners as consultants</i>	13
<i>General consultants</i>	13
Attorney General Opinion.....	14
New board commissioner training.....	16
Continuing education	18
Other education tools	21
Technical assistance to boards	21
Ecology staff guidance.....	21
Board activities	22
<i>Getting established</i>	22
<i>Board meetings</i>	23
<i>Water right transfer exchange</i>	23
<i>Contacting boards</i>	23
<i>Support staff</i>	23
<i>Differences between boards and Ecology operations</i>	24
<i>Litigation</i>	24
<i>Local resource to the community</i>	25
<i>Water right change applications processed</i>	25
Funding	29
<i>Use of funds</i>	30
Summary	31
Appendix.....	33
<i>A - Primary Contact and Fees Report</i>	
<i>B - Sample of Board Public Information Brochure</i>	
<i>C - Sample WCB Communicator</i>	
<i>D - Summary of Water Right Change Application Processing</i>	
<i>E - Reports Submitted by Boards</i>	

Introduction

This report has been prepared to comply with RCW 90.80.150, which requires the Department of Ecology (Ecology) to provide a report regarding water conservancy boards (boards) to the appropriate committees of the Legislature by December 31 of each even numbered year. The report covers the boards formed or sought to be formed under the authority of Chapter 90.80 RCW, the transfer applications reviewed, other activities conducted by the boards, and the funding of the boards.

This report covers the board activities, the Attorney General's Opinion (AGO) regarding Ecology's authority when reviewing a board's record of decision, consultants, eligibility of board commissioners, funding, board litigation, and the transfer applications reviewed by the boards from November 1, 2004 through October 31, 2006.

Background

Since the Legislature authorized the creation of boards through Chapter 90.80 RCW in 1997, there have been significant changes to the statute and the rule.

In 1998 Lewis and Benton Counties created the first two water conservancy boards. These two boards operated under a pilot (or draft) rule developed by Ecology. The boards then provided feedback to Ecology in the development of a permanent rule. The Water Conservancy Board rule, Chapter 173-153 WAC was subsequently adopted in November 1999. The number of established boards continued to increase during 1999 - 2002. Since September 2002, no new boards have been established, although Pierce County is currently considering establishing a board.

Chapter 173-153 WAC has been amended twice since the original rule was adopted. The Legislature significantly amended Chapter 90.80 RCW in 2001. In 2002, the rule was amended to be consistent with the statutory changes. The Legislature again amended Chapter 90.80 RCW in 2004 and Chapter 90.03 RCW during the 2005 Legislative session. As a result, parts of the administrative rule became obsolete or no longer reflected processes required by statute. The rule was amended in 2006 to reflect the statutory amendments adopted during 2004 and 2005.

Board purpose

The Legislature authorized boards to assist Ecology with the backlog of water right change applications. The statute authorizes boards to process water right transfer applications and make records of decision on the proposed applications. Ecology evaluates the records of decision for compliance with applicable water law. Ecology has final review authority of each record of decision made by a board, and issues an administrative order to affirm, modify, or reverse the board's decision. The administrative order issued by Ecology is appealable to the Pollution Control Hearings Board (PCHB).

RCW 90.80.050 identifies boards as a "public body corporate and politic and a separate unit of local government in the state." In addition, RCW 90.80.060 provides that boards are independently funded entities. Ecology reviews only those board activities directly associated

with the development of a board's record of decision. For instance Ecology has no regulatory authority whether a board has responded to a public records request or complied with the Open Public Meetings Act, as required by statute.

Reporting requirements

RCW 90.80.150 requires a board to provide information regarding its activities to Ecology in preparation of this report. Boards are asked to provide this information on an annual basis. WAC 173-153-170 outlines the information a board is required to include in its report.

Water right transfer application data:

1. Information about applications to the board, to include:
 - a. The number of applications filed with the board, identified by water resources inventory area (WRIA);
 - b. The number of records of decision withdrawn from ecology by the board;
 - c. The number of records of decision approving or partially approving an application;
 - d. The number of records of decision denying an application;
 - e. The number of records of decision remanded back to the board from ecology;
 - f. The number of applications received by the board, distinguishing between requests to transfer surface water and ground water;
 - g. The number of applications to transfer a water right documented by a claim;
 - h. The number of applications to transfer a water right documented by a certificate;
 - i. The number of applications proposing transfer related to trust water;
 - j. The number of applications filed directly with the board, and the number transferred from ecology to the board; and
 - k. The number of hearings held within other counties other than the county or counties which established the board, when water rights were proposed to be transferred from one county to another.

Operational information about the boards:

2. Information about the operations of the board, to include:
 - a. The chair of the board;
 - b. The primary contact of the board;
 - c. The board address, phone, and/or email;
 - d. The board commissioner's names and their terms of office;
 - e. The regular meeting location, if any;
 - f. The regular meeting schedule, if any;
 - g. Any changes in membership of the board, including background and contact information for any new commissioners;
 - h. Current fees and changes to previously set fees;
 - i. Training received other than from ecology;
 - j. Ownership of property by the board;
 - k. Water marketing activities;
 - l. Number of staff employed by the board, and number of volunteer staff; and
 - m. Any litigation in which the board is involved.

Statutory changes

Since the adoption of the original statute in 1997, the Legislature has amended the Water Conservancy Board statute, Chapter 90.80 RCW in 2001, and again in 2004. In 2004, the amendments were made through Engrossed Substitute Senate Bill 6125 and Substitute House Bill 2307. The amendments had limited direct impact on board process and a decision was made not to amend the existing rule, Chapter 173-153 WAC. In 2005, RCW 90.03.470 was amended through Engrossed Substitute House Bill 2309. The 2005 amendment of RCW 90.80.470 created a significant ambiguity within the rule's application process and Ecology's authority to recognize the application.

The following statutory amendments that impacted the Water Conservancy Board rule include:

- ESSB 6125 (2004) - Alternate board commissioners are defined and may now serve as a replacement for an absent or recused commissioner. When serving as a replacement, the alternate operates under the same requirements as a regular commissioner and may serve and vote as a regular commissioner, with some restrictions;
- SHB 2307 (2004) - Board eligibility requirements were changed to provide a broader definition of a non-water right holder; and
- ESHB 2309 (2005) – Section 2 of the bill, codified in RCW 90.03.470 (3)(c)(iii), no longer requires a board to collect the state examination fee when it processes an application.

As a result of the amendments to the statute, sections of the rule related to alternates became obsolete. The portion of ESHB 2309 codified in RCW 90.03.470(3)(c)(iii) conflicted with a process described in Chapter 173-153 WAC to allow “dual-filing” of an application with the board and Ecology. The purpose of this process is to allow the applicant to reserve a place in Ecology's line should a board decline to process the application. The conflict was compounded by requirements within another rule, WAC 508-12-140, which requires the state examination fee to be paid to establish a priority date for application processing by Ecology. This statutory amendment had a significant effect on the board rule and a decision was made to amend the rule. Ecology's intent to amend the rule was published in the State Register on January 18, 2006. Ecology adopted the rule amendments on September 6, 2006, and took effect October 7, 2006.

Status of boards

Twenty-one boards currently exist throughout the state. Five of those boards are on the West side and 16 are on the East side of the state. Most boards were established between 1998 and 2001. While the establishment of a new board has not occurred since then, there are counties that continue to inquire about the options of creating a board. (See map on page 6 for the location of all existing boards.)

All 21 boards were trained and operational as of November 15, 2002. The following list identifies existing boards by the date each board was approved to begin operating.

Benton – July 10, 1998
 Lewis – July 10, 1998
 Franklin – June 9, 1999
 Klickitat – July 1, 1999
 Yakima – July 12, 1999
 Grant – September 14, 1999
 Whatcom – December 7, 1999

Walla Walla – October 5, 1999
 Adams – October 12, 1999
 Thurston – November 17, 1999
 Chelan – November 23, 1999
 Lincoln – November 23, 1999
 Douglas – March 30, 2000
 Spokane – May 5, 2000

Okanogan – May 12, 2000
 Ferry – May 19, 2000
 Whitman – July 26, 2000
 Kittitas – October 16, 2000
 Island – August 6, 2001
 Stevens – January 25, 2002
 Mason – September 4, 2002

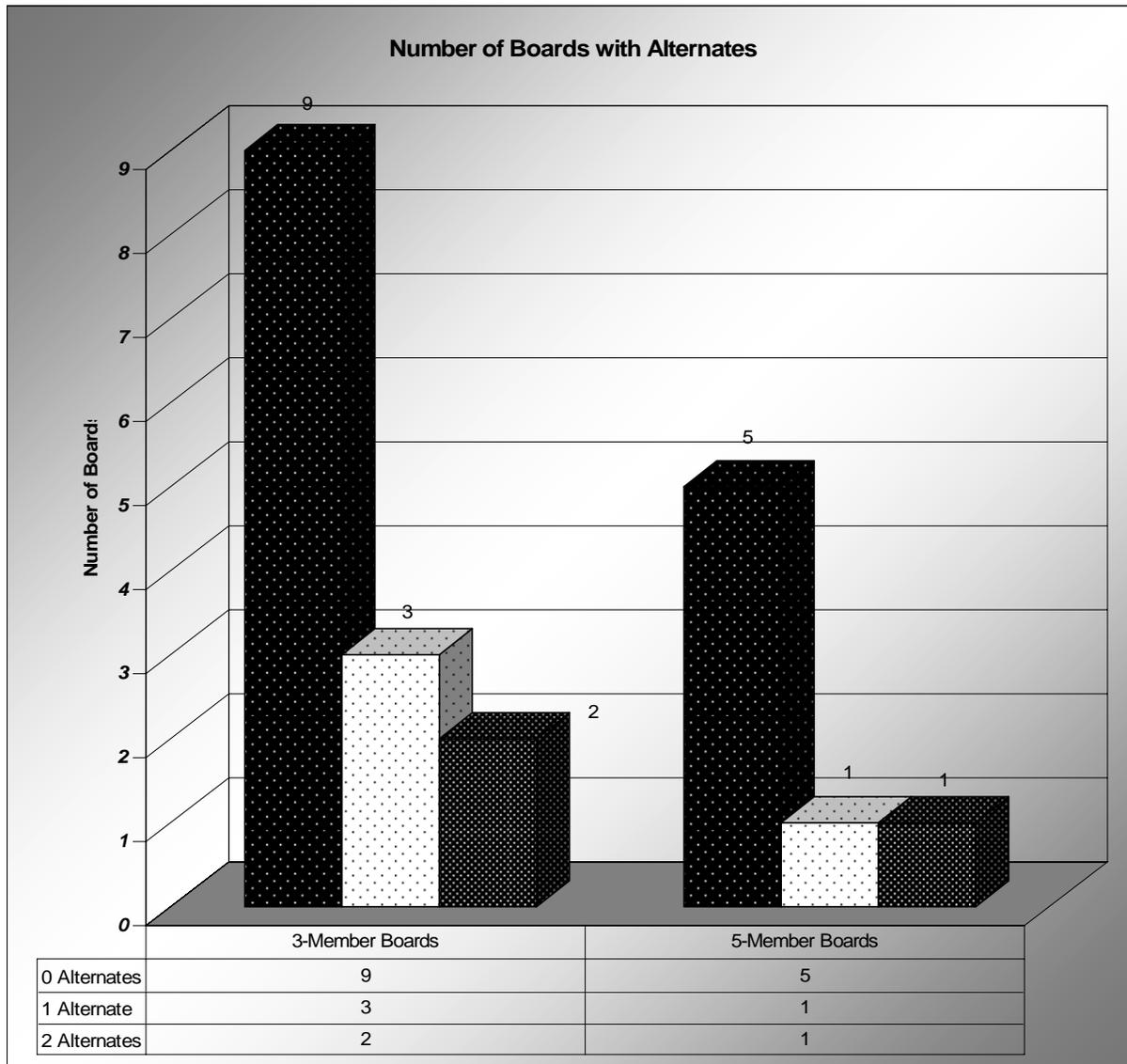


Chart 1 – Number of 3 and 5 member boards with alternates - Describes the number of alternates appointed to boards

Board composition

According to the original statute passed in 1997, all boards were composed of three commissioners appointed by the county for staggered six-year terms. The statutory amendments passed by the Legislature in 2001 allowed counties to create either five-member or three-member boards. By 2001, however, most boards were already established and some counties wanted to

make a change to the number of board commissioners. The statute does not address how a county may restructure an existing board so it became an operational necessity to provide a means for counties to implement amendments to the statute. A public process for restructuring a board was formalized in the 2002 amended administrative rule.

Since the statute was amended in 2001, seven counties have chosen to restructure their board from three to five members. Counties that have chosen to do so are Klickitat, Lewis, Mason, Okanogan, Stevens, Thurston, and Whitman.

The 2004 statutory amendment allows counties to appoint up to two alternates on a board. An alternate is appointed for a six-year term and can serve as a replacement for an absent or recused board commissioner. When serving as a replacement for a commissioner, the alternate may vote on decisions before the board, counts toward a quorum, and is subject to any requirement applicable to a commissioner, with certain additional requirements and restrictions.

Fourteen of the 21 boards are three-member boards and 7 are five-member boards. A total of 7 boards have chosen to add either one or two alternates to the board. Most of the boards with alternates are three-member boards. (See chart 1).

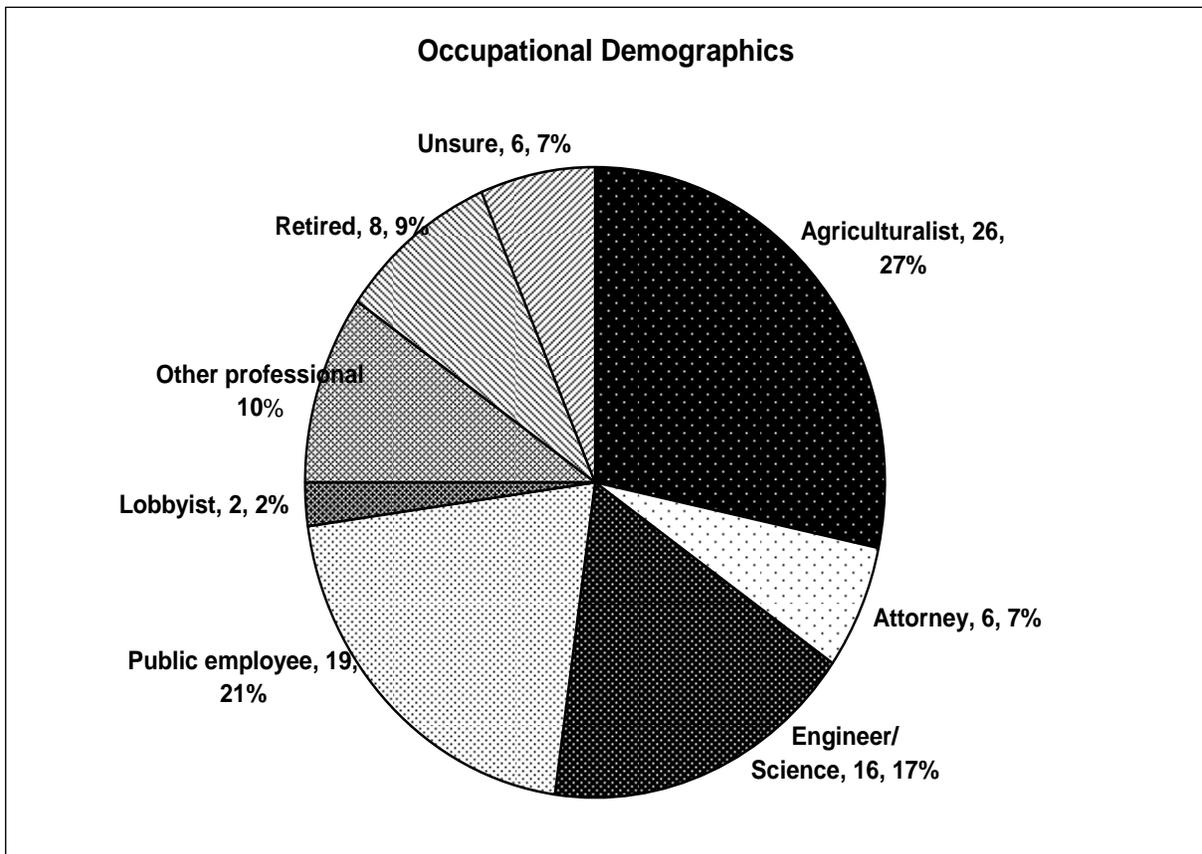


Chart 2 – Occupational demographics – Categories are identified as follows: Engineer/scientist includes engineers, well drillers and hydrogeologists; public employees include public utility district manager and employees, conservation district employees, county commissioner, former state agency director, city, county, state, and federal workers; other professional includes real estate, financial, sales, various others. The “unsure” category reflects Ecology’s lack of information regarding the occupation of some commissioners. Note: Numbers reflect higher than the 80 current filled positions because some board commissioners are included in more than one category.

Counties are required to appoint at least one water right holder and one non-water right holder to each board. This requirement may contribute to the variety of occupational backgrounds of the board commissioners and alternates. (See chart 2)

Jurisdiction

The geographical jurisdiction of a board was limited to processing water right transfer applications within a county when the Water Conservancy Board statute was first adopted. . Amendments in 2001 allow county legislative authorities to decide if a board's geographical jurisdiction will be within a single county, multi-counties, a water resource inventory area (WRIA) or multi-WRIAs. County legislative authorities that choose to create a board with a geographical jurisdiction crossing county boundaries must jointly work together to establish the board. A lead county must be designated to provide a single point of contact to communicate with Ecology. The counties must jointly appoint board commissioners when establishing a board and to fill vacancies as they occur. All boards currently established have jurisdiction within a single county.

As of the date of this report, Ecology has not received any request to establish or restructure a board to have geographic jurisdiction in more than one county or to establish a board based upon WRIA boundaries.

Inoperable boards and ineligible commissioners

RCW 90.80.040 requires board commissioners and alternates appointed to a board to comply with training requirements, including state water law and hydrology, prior to taking action on proposed water right transfers. As authorized by statute, Ecology set minimum training requirements in WAC 173-153-050. The requirements include an initial 32-hour training session sponsored by Ecology and 8-hours of continuing education during subsequent years of service. Board commissioners may receive continuing education from many sources and submit a request for credit from Ecology. Generally, these requirements have been in effect since the original administrative rule was adopted in 1999.

In the past two years the number of board commissioners who have not completed the required continuing education has risen substantially. As a result, four boards have become inoperable including Island, Lewis, Mason, and Whatcom Counties. According to Ecology's records, as of November 30, 2006, 25 percent (20 commissioners) of 80 currently held positions are ineligible to take action on proposed water right transfer applications. In addition, another 7 positions are currently vacant, making 87 total commissioner and alternate positions presently established. Thirteen of the 21 boards have at least one ineligible commissioner. Situations also occur where a vacancy plus one ineligible commissioner makes the entire board inoperable. It appears one ineligible commissioner can be a liability to an entire board. (See charts 3 and 4)

There have been several cases when a person appointed to a commissioner position has refused to attend the required 32-hour initial training or obtain the required 8 hours continuing education. There is no statutory authority to remove a volunteer commissioner or alternate from a board. As such, the person remains on the board unable to take action on water right change decisions until either the term ends or they resign. In some cases, the county has reappointed the ineligible commissioner.

Eligibility Status of Commissioners

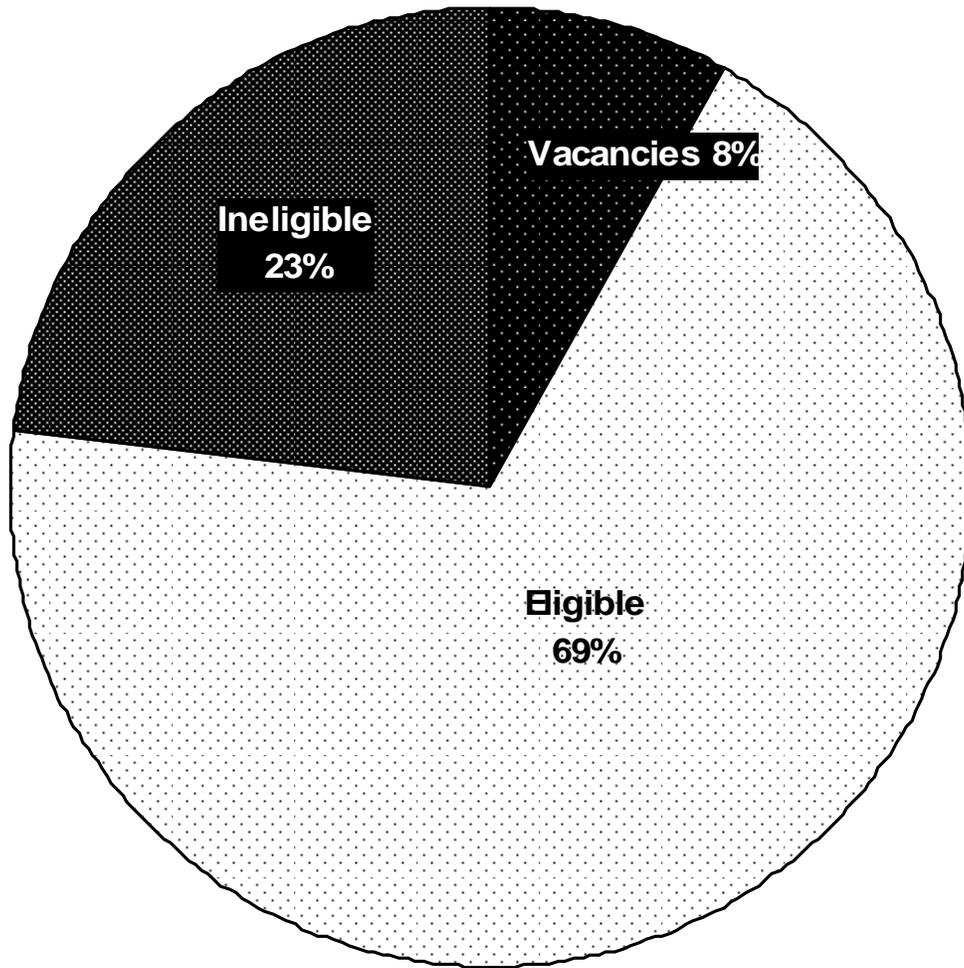


Chart 3 Eligibility Status of Commissioners – Ineligibility has become a liability for boards and vacancies appear to be difficult to fill for some counties. This chart is based on 87 available positions; 7 are vacant, 20 positions are held by ineligible commissioners/alternates, and 60 are held by eligible commissioners/alternates.

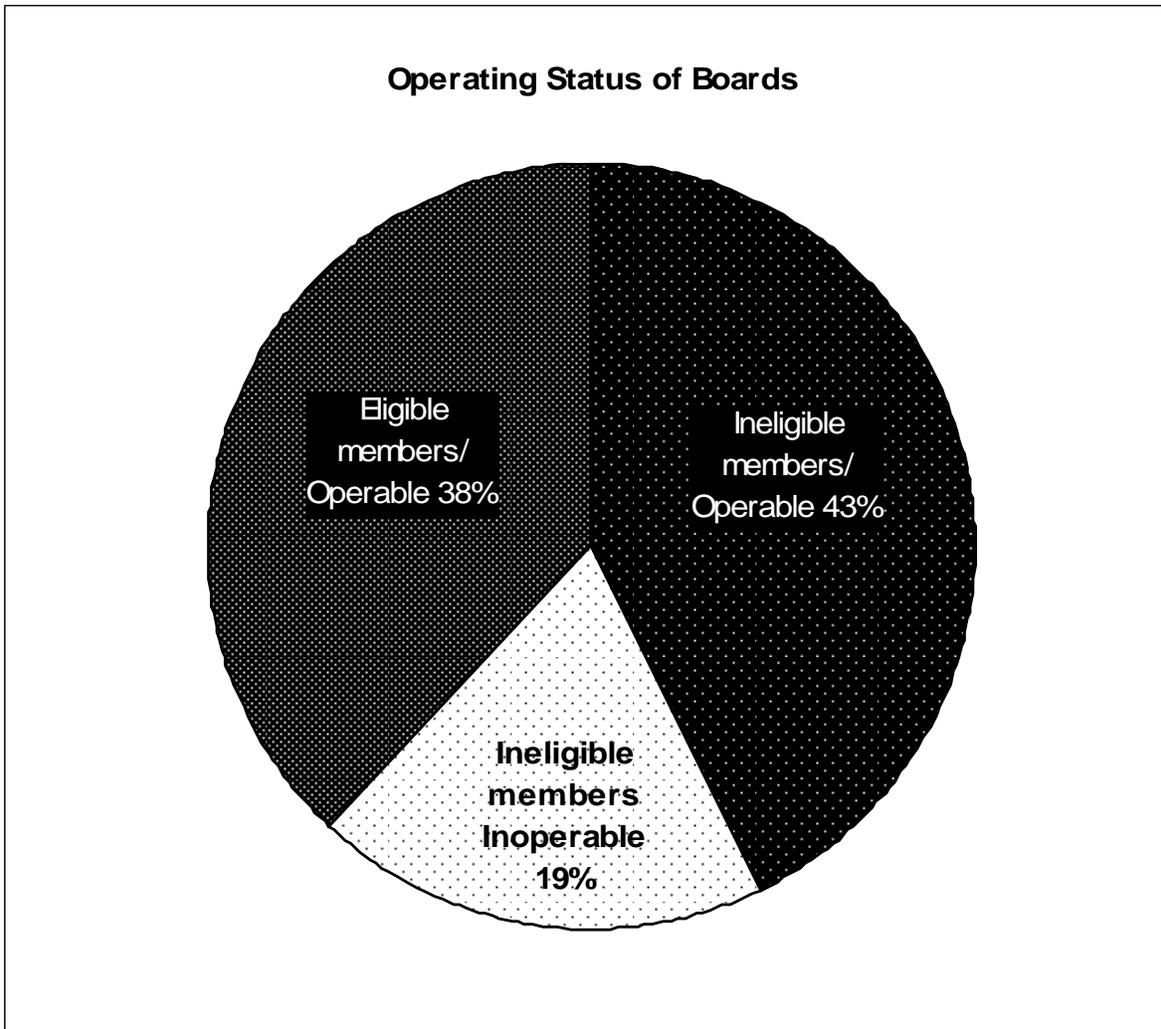
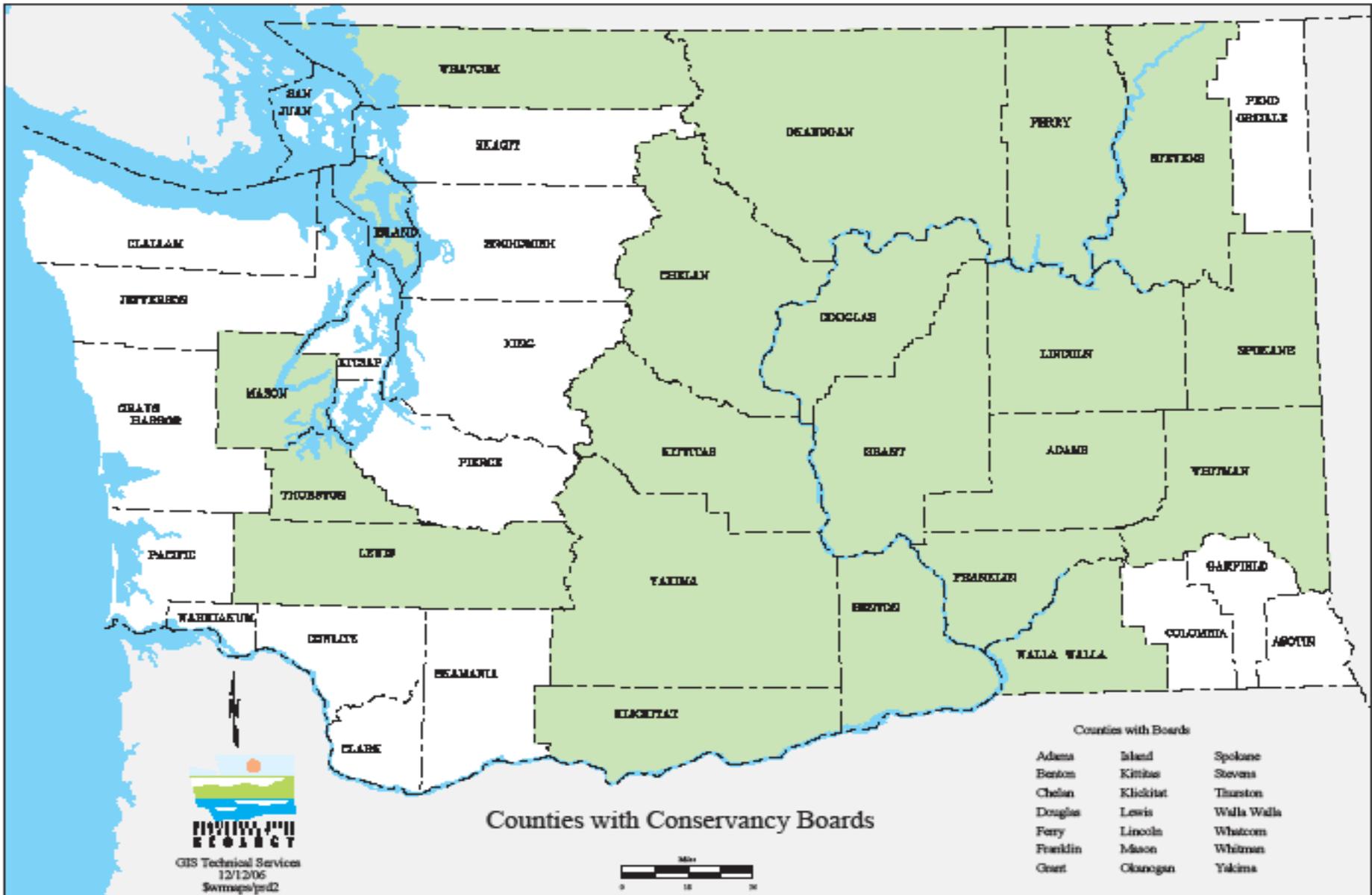


Chart 4 Operating Status of Boards – Ineligibility and vacancy have a significant impact on a board’s ability to process water right change applications. Boards in the category of ineligible but operable sometimes have difficulty with quorum or recusal issues.

Dissolution

Counties that have established boards are authorized in statute to dissolve a board. Ecology is authorized to petition the county legislative authority to request that a board be dissolved for repeated statutory violations or demonstrated inability to perform the functions for which the board was created.

Due to the increase in commissioner ineligibility and the number of inoperable boards (see chart 4), Ecology began contacting counties regarding the status of each board in November 2006. Ecology is encouraging the counties with inoperable boards to take a more active role toward the future success of the board within their county. Ecology is also requesting the counties to review the need for the board and to consider dissolution of ineffective boards. Ecology has not yet formally petitioned for dissolution of any board.



Board commissioner turnover

Board commissioners are appointed to six year terms. One exception occurs upon the creation of a board when the initial terms of three member boards are staggered two, four, and six years and terms of five member boards are staggered two, three, four, five, and six years. At the end of those terms each commissioner can be reappointed to the board for a six-year term or may be replaced.

There are a total of 87 commissioner and alternate positions currently identified among the 21 boards. Nineteen commissioners and alternates left water conservancy board service during the past two years. All 19 either resigned or left when their term expired. There are currently 7 unfilled positions. Following is a list of the boards and the turnover that occurred on each board.

<u>Board Name</u>	<u>Commissioner</u>	<u>Position</u>	<u>Date resigned</u>	<u>Reason for ending service</u>
Adams Co.	Doug Muscott	commissioner	02/07/05	Time constraint/level of responsibility
Ferry Co.	Bryan Hunt	commissioner	07/01/05	Never trained/time constraint
Island Co.	Greg Cane	commissioner	07/02/05	Term expired/never trained
Kittitas Co.	Tom Chini	commissioner	08/15/06	Personal family needs
	Mike Moeur	alternate	~04/15/05	Unknown/never trained
	Dennis Kelly	alternate	10/02/06	Moving out of area
	Gregg Hall	alternate	09/05/06	Reappointed to commissioner position
Lewis Co.	Marvin Courtney	commissioner	09/30/06	Term expired
Lincoln Co.	Penny Rosenberg	commissioner	12/05/05	Term expired
Okanogan Co.	Ken Long	commissioner	3/31/05	Term expired
Stevens Co.	Pat Hamilton	commissioner	10/21/05	Disagreement with board
	Linda Kiefer	alternate	10/31/05	Time constraint
	Greg Daniels	alternate	12/21/05	Reappointed to commissioner position
Whatcom Co.	Doug Clark	commissioner	12/31/05	Term expired
Whitman Co.	David Stanley	commissioner	05/15/06	Time constraints
	Gayle Startin	commissioner	07/16/06	Term expired
	Dretha Phillips	commissioner	07/16/05	Term expired
	Lynne Gearhart	commissioner	09/01/05	Personal
Yakima Co.	Steve Pickett	commissioner	09/06/05	Term expired

The numbers for the 2005-06 reporting period seem to be somewhat consistent with the turnover that occurred during the 2003-04 reporting period. There were 77 commissioner positions until June 2004 when the law defined alternate positions. Therefore all vacated positions were commissioner positions during the last reporting period.

The “2004 Report to the Legislature, Water Conservancy Boards” indicates only twelve commissioners separated from board service during 2003-04 due to resignation, term expiration, or death. However, improved data tracking indicates that 20 commissioners left board service for various reasons during that period.

While the overall numbers of departures remain relatively consistent with the last reporting period, there were fewer “regular” commissioners that left board service during the last year of this reporting period. (See chart 5)

The turnover rate declined dramatically in the last year. It is unclear why, but one reason may be the boards have become more experienced and comfortable in their roles.

It is remarkable to note that the Benton and Walla Walla County Water Conservancy Boards have never had any turnover since they were established. The Benton County Board was established in July 1998 and the Walla Walla County Board in October 1999. The original board commissioners continue to serve on each board and all of them have been reappointed to their positions for a second six year term.

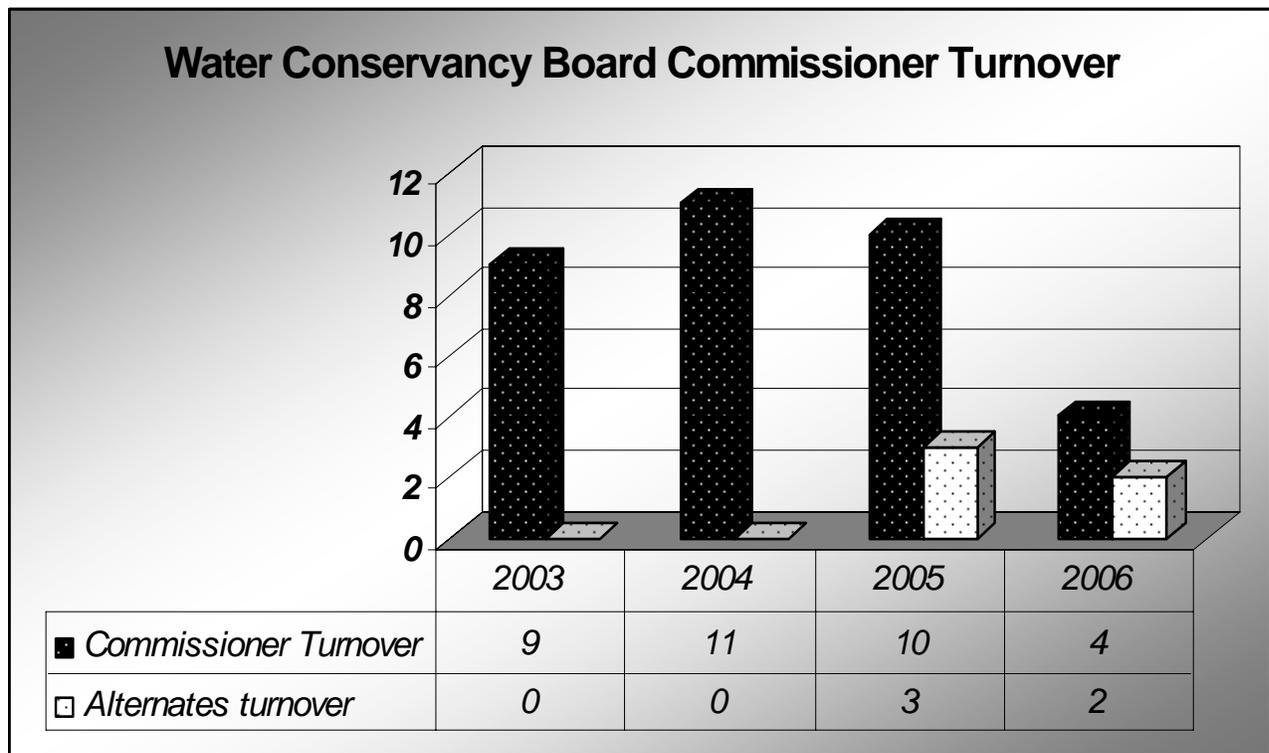


Chart 5 Water Conservancy Board Commissioner Turnover – Turnover on a board occurred more often as boards became established. It drastically declined in 2006. One reason may be the board commissioners have become more experienced and comfortable in their roles.

Length of service

The first boards were established in 1998. Most boards were created between 1999 through 2001, with the last two boards established in 2002. Initially board terms were staggered two, three, four, five, and six years. During 2006, many of the board commissioner positions appointed for the initial six year term are ending. It is to the boards' advantage when a person is willing to serve beyond their initial term since the commissioners have acquired substantial experience.

The average service time for a sitting commissioner is a little over 4 years. The longest serving commissioners are on the Benton County Board. The Benton County Board was the first established board and has had no turnover in the eight years of its existence.

It is important to remember that all commissioners and alternates are volunteers and they are to be commended for the length of service they have provided to their county and to the state.

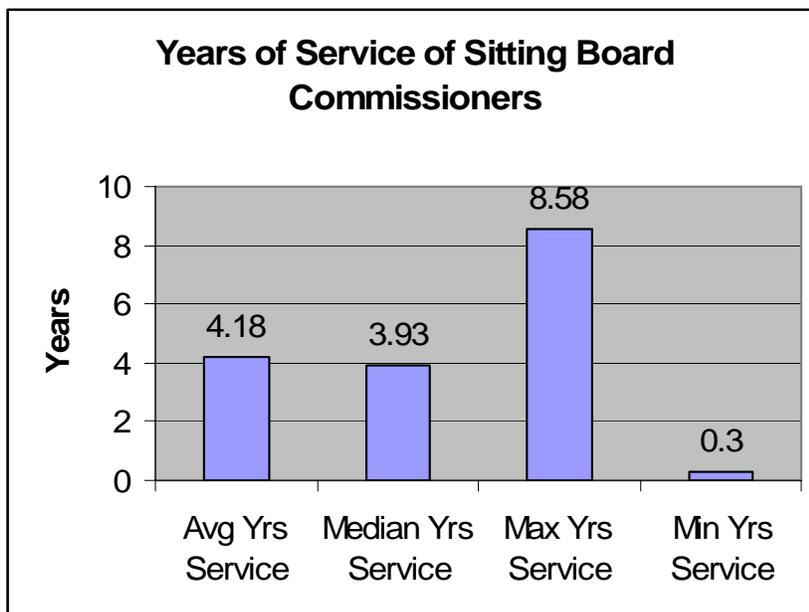


Chart 6 – Years of Service of Sitting Board Commissioners - Boards continue to gain a lot of experience processing water right change applications.

Consultants

Some boards require the applicant or the applicant's consultant to complete the application, investigate the proposed change, write the report of examination, and make recommendations for approval of the application. Some boards do some of the work and require the applicant to provide some of the information. There are two issues related to consultants that have been a topic of discussion within Ecology's Water Resources Program.

1. Sitting board commissioners who have their own consulting business sometimes represent applicants to a board.
2. General consultants hired by an applicant because the board requires the applicant to do the work for them.

Sitting board commissioners as consultants

The practice of sitting board commissioners hired to represent applicants to boards appears to be common among some boards. Chelan, Benton, Douglas, and Yakima boards all have commissioners who are consultants for an applicant either before their own board or before another board. Usually a commissioner will recuse him/herself when functioning as the consultant to an applicant. It is unclear in the law whether this procedure is a conflict of interest for board commissioners. There is potential for conflict of interest for board members who act as consultants to reciprocate the favor when processing an application for which the commissioner of another board is involved as a consultant.

General consultants

Boards that do most of their own investigation and evaluation of the water right change application generally work well with consultants. The practice by some boards of requiring the applicant or applicant's consultant to perform most or all of the investigation or work has resulted in some different board-Ecology dynamics such as:

1. The practice seems to increase the number of contacts directly from consultants to Ecology staff and regional supervisors. A few consultants have admitted to writing the board's report of examination in favor of their client. They realize that in order to get their client's application approved, it is Ecology that they must ultimately satisfy and not the board. In order to hasten the process for their client, the consultant will contact Ecology directly to obtain the information needed in order to get the decision approved. Generally, Ecology will suggest the consultant work through the board. At times, the board urges Ecology to work with the consultant as the board finds this an easier and less time-consuming process for them. Sometimes, it is in the applicant's best interest for Ecology to talk with the consultant. However, the board becomes irrelevant to the application evaluation and the process becomes simply a means to circumvent a backlog of applications before Ecology.

Consultants sometimes pursue their client's issues to a higher level than the regional staff. There are several instances where the regional supervisor has been pressed to become involved in the technical assistance to a board. Or, the consultant may disagree with Ecology or the board's advice as received through technical assistance and will contact the regional supervisor to encourage another interpretation of the law or a different decision by the agency. Sometimes the issue may be pushed through the management hierarchy, e.g., program manager, agency director. The recent request for an Attorney General's opinion regarding Ecology's authority to review board decisions involved the encouragement of a consultant working with the Klickitat County Board.

2. There appears to be a diminishment of commissioner knowledge and practical experience needed to complete the work themselves. Many volunteer board commissioners have limited time and have found consultants a means to process water right change applications more efficient with less cost to the board. When a board relies on consultants

to do all or most of the investigation, to work with Ecology, and write the final report of examination, the board misses out on the learning and experience that occurs with each new application processed.

Many boards admit that as volunteers it is sometimes difficult to disagree with or challenge an opinion of consultants who appear to be experts in the water rights field. Consultants include former board commissioners, attorneys, hydrogeologists, former Ecology employees, and other asserted experts. On some boards it has become easier to defer to the consultant. Generally, if the commissioners become more distanced from the fundamentals of their authority, the less experienced and confident they seem to become. The exception to this is the Yakima Board. They have board commissioners that have strong water resources backgrounds and are confident in their interactions with consultants; yet the board requires the applicant to do all investigation and analysis.

3. The use of consultants may increase the potential for appeals of Ecology's orders based on board decisions. Boards that rely on consultant are not invested in the decision since their records of decision are not appealable and are less of their own design. Ecology's order based on the board's record of decision is appealable. Therefore, if an appeal occurs, Ecology staff must defend the decision. As such, no board commissioner to date has been required to be a party in an appeal of a water right change decision based on a board record of decision. Consultants do not always agree with Ecology policy and have used the appeal process to challenge policy.

The Joint Legislative Audit and Review Committee issued a report dated December 1, 2004² regarding water conservancy boards. The report provides detailed data about boards that require the applicant to hire a consultant to conduct the entire investigation and analysis, boards that do most of the investigation, analysis, and write their own reports of examination, and the boards that operate somewhere between the two extremes. Based on the findings in the report from JLARC, boards that do all their own work tend to issue more decisions that are affirmed by Ecology. This might be because the commissioners are applying what they have learned in training and they are working closer and getting more technical assistance with difficult issues from Ecology. Also, boards, not consultants, are trained to process the applications based on Ecology's interpretation of water law. As a board receives additional applications, it will have more direct knowledge on which to rely. Most boards fall between the two described extremes.

Attorney General Opinion

Senator Jim Honeyford, and Representatives Bruce Chandler, Kelli Linville, Bill Hinkle, Bill Grant, and Dan Newhouse submitted a formal request for an AGO in June 2006 to the Attorney General's office. The basis for the request was the reading of the law as it relates to Ecology's authority when reviewing a water conservancy board record of decision. The final opinion was issued in September 2006.

² *Water Conservancy Boards Review*, Report 04-12, Joint Legislative Audit and Review Committee, December 1, 2004.

This request stemmed from some concerns by the Klickitat County Water Conservancy Board. The concerns increased over several years as a result of the Board's relationship with the Ecology Central Regional Office. The board issued a particular record of decision. Ecology reviewed the decision and issued a final order. The applicant, the Public Utility District #1 of Klickitat County (PUD), and the board were unhappy with the final result and each entity independently filed an appeal of Ecology's final order to the Pollution Control Hearings Board (PCHB).³ Further details regarding the appeal can be found under the section of the report entitled *Litigation*.

The applicant's consultant and the Klickitat County Board took their concerns to the Governor's office and the Director of Ecology seeking some clarity in the law. Still not satisfied, the board contacted interested legislators, resulting in the formal request for an AGO.

The questions presented in the formal request were:

1. Is Ecology authorized to go beyond the conservancy board record of decision and conduct an independent factual investigation in regard to the application?
2. Does Ecology have the authority to reject a board decision based on the findings of fact if the facts are supported by evidence in the record of decision?
3. Is a board given deference in regard to its findings of fact and interpretation of the laws?
4. Is a board required to follow Ecology's policies and guidelines if those policies and guidelines have not been adopted into rules or have not been adopted by the State Legislature in statute?
5. Can Ecology's guidelines and policies that have not been adopted into rule be applied to a board decision?

The following is a quote of the AGO synopsis of the formal opinion:

1. In reviewing a water conservancy board record of decision concerning a water right transfer application, the Department of Ecology is not limited to reviewing the record established by the water conservancy board but may base its decision upon an independent factual investigation.
2. In reviewing a water conservancy board record of decision concerning a water right transfer application, the Department of Ecology is not required to: 1) defer to the water conservancy board's findings of fact, or 2) defer to the board's interpretation of the law.
3. A water conservancy board, in making a decision concerning a water right transfer application, is not legally required to follow policies or guidelines of the Department of Ecology which have not been adopted as statutes or administrative rule; however, the Department of Ecology may refer to and follow its own policies or guidelines in reviewing the local board's decision.⁴

³ PCHB 05-132, Klickitat County Water Conservancy Board v. Dept. of Ecology, Filed 09/30/2005; PCHB 05-131, Public Utility District #1 of Klickitat Co. v. Dept. of Ecology, Filed 09/30/2005; and PCHB 04-142, Public Utility District #1 of Klickitat Co. v. Dept. of Ecology, Filed 10/29/04.

⁴ AGO 2006 No. 17, Sept. 25, 2006, Extent of Department of Ecology's discretion in reviewing decisions of local water conservancy boards.

New board commissioner training

Before a board commissioner can take action on a water right transfer application, the commissioner must receive a minimum of 32 hours of training sponsored by Ecology. The training includes hydrology, water law, water policy, administrative and judicial case law developments, field practices, evaluation of existing water rights, and practical experience working on water right transfer applications. The commissioners are also offered additional information and resources on topics such as SEPA, tribal issues, the Open Public Meetings Act, and the Public Records Act. The Water Administrator for the Colville Confederated Tribes has volunteered to attend portions of the training sessions of new commissioners and usually provides a presentation of tribal issues and concerns.

Between 1999 and 2002 an average of 3 to 5 trainings for new commissioners had been held annually. As the establishment of new boards declined, the need for training new commissioners averaged only twice annually since November 2002. Generally, Ecology offers this training in the spring and in the fall but scheduling also depends on the number of new board commissioners needing training and availability of agency staff. The training is held in various areas of the state determined by the location of the confirmed attendees. From November 2005 through October 2006, the number of training sessions for new commissioners has decreased due to the decrease in commissioner and alternate turnover (see chart #5). Only three 32-hour new commissioner trainings have been conducted by Ecology in the last two years:

- April 19-22, 2005 – Spokane
- September 13-16, 2005 – Moses Lake
- March 7-10, 2006 – Spokane

A fourth training was offered in August 2006. Only one person confirmed attendance so it was cancelled. Training is primarily interactive and not very beneficial for one person. During this two-year reporting period, Ecology has trained a total of ten new board commissioners and alternates. (See chart #8)

There were no new boards established during the current reporting period. Ecology made two separate presentations about establishing a board to the Pierce County Regional Water Association and to the Water Cooperative of Pierce County in November 2006. As of this writing it is unknown whether a petition will be presented to the Pierce County Board of Commissioners to create a board. (See chart #7)

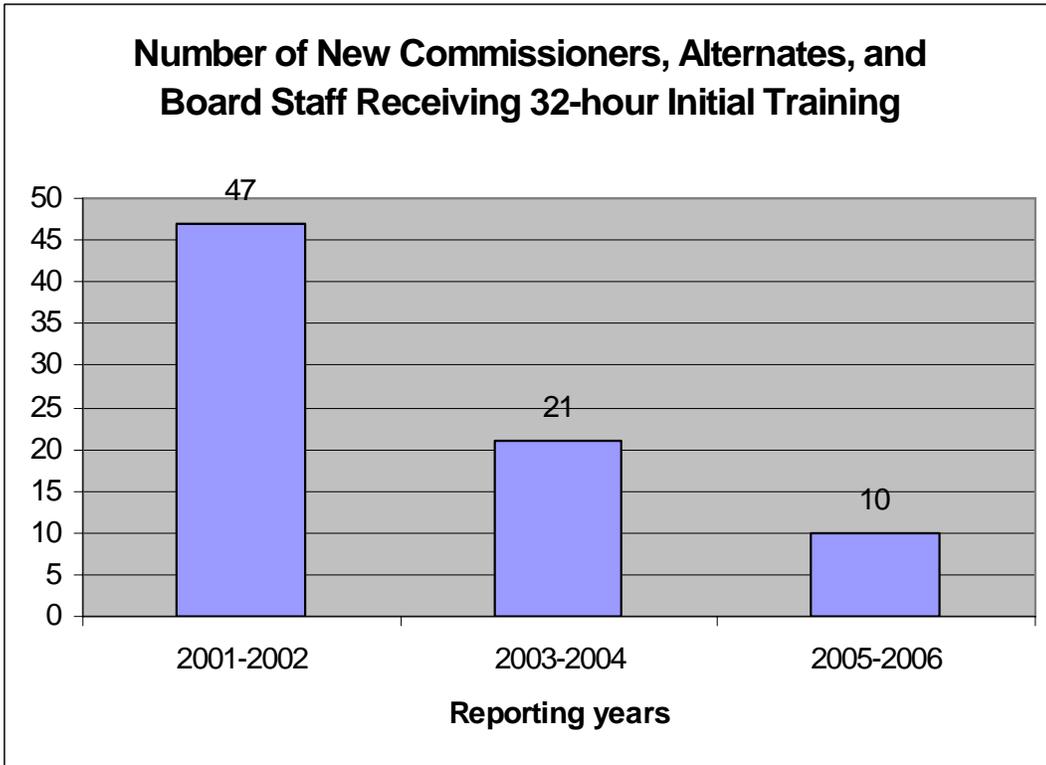


Chart 7 – Number of new commissioners, alternates, and board staff receiving 32-hour Initial Training – The chart shows the dramatic changes in the number of new commissioners trained.

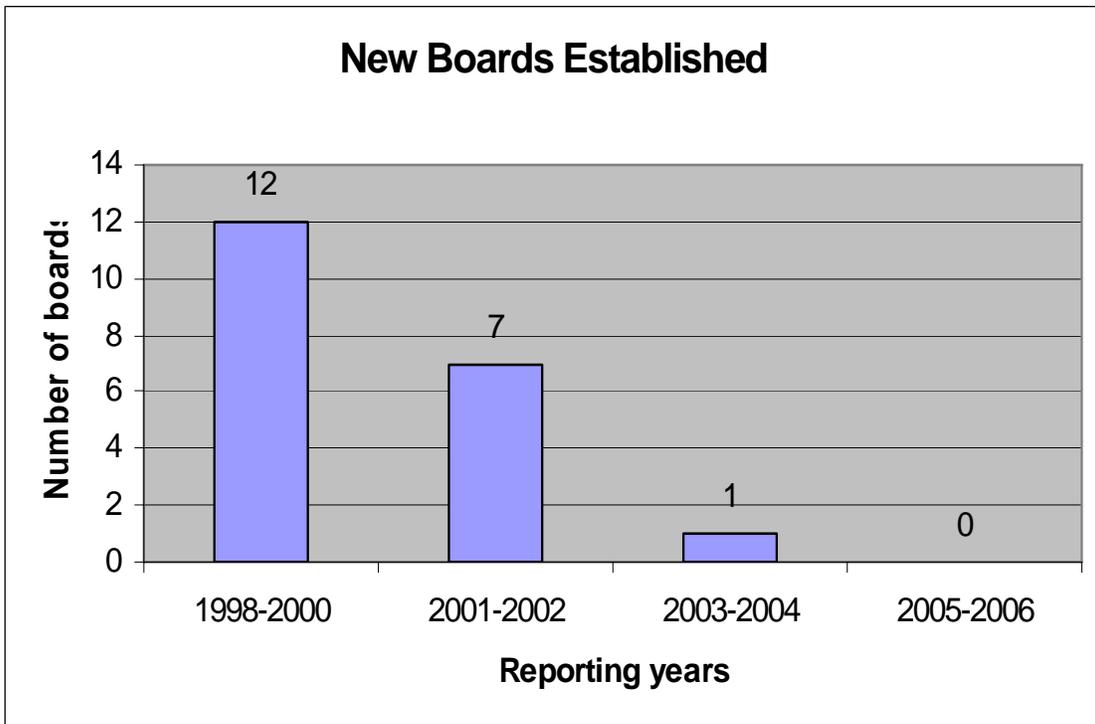


Chart 8 – New Boards Established – The chart shows the dramatic changes in the number of new boards established since 1998.

Continuing education

Water conservancy board commissioners are required by rule to participate in a minimum of eight hours of continuing education each year. The commissioners have flexibility in the training they receive, but it must either be sponsored or approved by Ecology in order to receive credit for the training. The training may include readings, seminars, conferences, field experiences, or classes covering subjects that directly relate to their work on the board. Commissioners are encouraged to report to Ecology any and all relevant training they receive beyond the minimum requirements.

Ecology sponsors periodic continuing education training for board commissioners. In the past two years, seven continuing education trainings have been offered. Every training session is open to all commissioners, alternate commissioners, and board staff. Board commissioners and alternates are invited to propose training topics and set the agenda.

1. February 15, 2005 – An 8-hour regional continuing education training was held Ecology Headquarters Office in Lacey. The boards were asked to set the agenda and the following topics were discussed:
 - Annual Consumptive Quantity – Is water automatically lost?
 - Transfer of non-consumptive water permit to consumptive
 - Beneficial use of water outside of permit area
 - Exceptions to five year relinquishment requirements
 - Partial relinquishment – When does it apply?
 - Order of processing applications
 - Municipal Water Law
 - State Environmental Policy Act
 - Irrigation efficiency documents
 - Current legislation

2. February 17, 2005 – An 8-hour regional board training was held in the Department of Labor and Industries Regional Office in Yakima. The boards were asked to set the agenda and the following topics were discussed:
 - What to do with outstanding applications – process for boards
 - Order of processing applications
 - Splitting existing water rights, points of diversion, certificates
 - Municipal Bill
 - Report of examination completion review including site visit form, hydrogeology analysis, verifying ownership/parcels/ maps, public notices, State Environmental Policy Act
 - What constitutes a determined future development?
 - WAC 173-150-100 – Protection of Withdrawal Facilities Associated with Ground Water Rights – How does it relate to change applications?
 - Irrigation efficiency document – Examples of applying new guidelines
 - Future of water rights, transfers and boards under new governor
 - Legislation

3. February 22, 2005 – An 8-hour regional board training was held at Ecology Eastern Regional Office in Spokane. The boards were asked to set the agenda and the following topics were discussed:

- Status of unperfected permits – Ecology’s policy
- Order of processing applications
- Sale of water rights away from a given piece of property
- How small cities/counties can plan for future water needs without relinquishment
- Short, 32-hour summary
- Municipal Bill
- Public notices
- Development schedules
- Review under the State Environmental Policy Act (SEPA)
- Irrigation efficiency document – implementation of the technical workshop outcomes
- Legislation

4. August 3, 2005 – An 8-hour statewide training meeting was held in Moses Lake. Ecology invited county commissioners to attend and five commissioners accepted the invitation. The primary purpose of this training was to provide the training recommended by JLARC 2004 Water Conservancy Board Review Report 04-12, December 1, 2004. The topics following were discussed:

- State Environmental Policy Act review
- Engrossed Substitute House Bill 2309 – Fees – How does this affect boards?
- Training – How much is necessary?
- Joint Legislative Audit and Review Committee 2004 Report Recommendations
 - What is Ecology doing to improve consistency?
 - Using consultants – Why or why not?
- Revised Report of Examination form – Is it helpful?
- Conflict of interest – Are you letting the public know?
- Bylaws – What good are they?
- Alternates – How have the use of alternates changed in statute? What is the county’s responsibility?
- Communication – Mail, email, meeting conduction, public notices, how can someone contact the board?
- County’s role with the board – How involved is your county?
- Funds – Who manages?
- Technical tips – Available websites for aerial photos,
- Requesting review on draft reports of examination
- Involving professional hydrogeologists
- Conducting peer review on public notices
- Municipal Water Law
- Irrigation efficiency guidance status

5. January 31, 2006 – An 8-hour regional training was held at Ecology’s Central Regional Office in Yakima. The purpose of this training was to discuss:
 - Updated RCWs/WACS
 - Water Conservancy Board Rule amendment work session
 - In depth annual consumption quantity (ACQ)
 - Return flows
 - Total irrigation requirements
 - Two sample reports of examination discussing ACQ
 - What constitutes a municipal use for purposes of defining a municipal water right?
 - Equation of estimating the instantaneous rate and annual quantity on a residential site carved out of agricultural area.
 - The moving target of water right transfer language.
 - Legislation
 - State Environmental Policy Act

6. February 2, 2006 – An 8-hour regional training was held at Sawyer Hall, Lacey. The purpose of this training was to discuss:
 - Updated RCWs/WACS
 - Water Conservancy Board Rule amendment work session
 - Crop irrigation requirements and ACQ
 - Sample reports of examination
 - Water conservancy board process review
 - The public interest determination related to lands zoned as agricultural that have water rights associated with them and the land owner/water right holder wants to sell/transfer all or a portion of his water right for a development, or just transfer the right to another parcel of land that isn't zoned as agricultural.
 - Legislation

7. February 7, 2006 – An 8-hour regional training was held at the Ecology Eastern Regional Office in Spokane. The purpose of this training was to discuss:
 - Updated RCWs/WACS
 - Water Conservancy Board Rule amendment work session
 - ACQ
 - Return flows/irrigation efficiency
 - Total irrigation requirements
 - Two sample reports of examination discussing ACQ
 - Jurisdiction limitations/Declining to process
 - Completing an application – What is required?
 - Legislation

Other education tools

At the suggestion of board commissioners, Ecology implemented another communication tool in 2004. The *WCB Communicator* is a newsletter to inform boards, counties, and Ecology staff about current board operations and processes. The response to this communication has been overwhelmingly positive. It provides a means of communicating a significant amount of information in one document that would otherwise be emailed separately as information developed.

Ecology has continued to publish the document to assist boards and counties with general information about water conservancy boards. The newsletter includes news of upcoming trainings, short biographies of selected board commissioners, turnover of commissioners, process reminders, explanations of Ecology's interpretation of various laws and regulations, and statute, rule, and policy updates. Topics are based on discussions with staff, boards, and counties relating questions or concerns that have recently surfaced. Four issues were distributed to counties and boards during this reporting period. Feedback indicates the format seems to be easy to read and the newsletter is appreciated by all entities. Appendix C provides a copy of the most recent issue.

Technical assistance to boards

Upon request by a board, Ecology is required to provide technical assistance. Ecology staff will meet with a board, depending on the availability of staff. Boards and Ecology staff continue to work towards balancing Ecology's assistance to boards while recognizing a board's status as an independent unit of local government. Ecology recognizes the board's need for guidance but also seeks to honor board autonomy. Ecology has met on frequent occasions with most boards. Assistance has been provided to board commissioners through one-on-one meetings, by invitation to board meetings, phone conversations, and written communication.

Each Ecology regional office has assigned staff to provide assistance to boards. The regional representative provides technical guidance regarding water right change application processing, as a board reviews and investigates an application, and develops its draft record of decision.

The statewide water conservancy board coordinator is available to all boards to coordinate, facilitate, and provide ongoing training, and technical assistance regarding board processes. The coordinator attended at least one meeting of 17 of the 21 boards. Island, Mason, and Whatcom boards have been inoperable for over a year and did not hold regular scheduled meetings. The Benton County Board does not hold regularly scheduled meetings.

Ecology staff guidance

Ecology developed internal guidance for employees that work directly with boards. The original guidance document was put into practice September 1, 2004 and endorsed by the Water Resources Program management team. Due to the recent statute and rule amendments, the guidance document was recently updated to reflect the changes. The Water Resources Program management team again endorsed it. Prior to program management approval, all staff that work with boards discussed the various changes to the guidance document. Staff and management agreed there was little clarity to what extent Ecology was authorized to "modify" a board's decision. Based on the Attorney General's Opinion referenced above and through ensuing internal discussion, consensus was reached.

This guidance document provides information about how the boards, counties, and Ecology work together as cooperative agencies as the boards process water right change applications. This guidance is based on the water conservancy board statute (Chapter 90.80 RCW) and administrative rule (Chapter 173-153 WAC). It explains current requirements, and does not set forth additional requirements or interpretation of law beyond what is currently required by the statute or rule.

The primary purpose of the document is to provide guidance to the Water Resources Program staff that work directly with boards and review the records of decision made by the boards. It also ensures statewide consistency and efficiency. Ecology recognizes the expertise of its staff in relation to boards is specific to water law and implementation of that law as it pertains to processing water right transfer applications. Ecology staff does not have expertise in local government operational laws and regulations and cannot provide specific guidance about internal board operations. Therefore, the guidance document does not address internal board operations.

Board activities

Getting established

Once a county creates a board, it generally takes some time to make operational decisions. Organizing a board can include adopting or amending bylaws, deciding meeting times, locating meeting facilities, establishing a board address and contact information, and adopting fees. The board must also determine if it will require administrative support and office space, how it will manage its funds, or how it will communicate with various entities and the public. Most board bylaws are out of date and do not reflect the board operations. Many bylaws fail to reflect amendments to Chapter 90.80 RCW or are only general in nature, not addressing the unique operating requirements of a particular board.

Board commissioners are volunteers and serve without compensation. Many commissioners bring resources with them that they provide for the board's use. Such resources may include office space, computers and software, a board address, and professional contacts such as an attorney that may donate time to the board. These resources are usually lost when the board commissioner who provides them resigns.

Boards that were created prior to the legislative changes to Chapter 90.03 RCW in 2001, seem to have become more established in their community and generally stay active. The legislative amendments allowed water right change applications and applications for permit to stand in different lines. It also provided funding for Ecology to focus on reducing the backlog of change applications. Since 2001, the statewide backlog of water right change decisions has been reduced from 2,000 to about 1,000 pending applications. Boards created later in 2001 and 2002 seemed to have a much lower application rate and as a result have had a more difficult time becoming established in their community.

On the other hand, the number of applications processed is not always the sign of a successful board. Some boards have very few water right change applications but remain current on training and provide a valuable local resource to the local community. Other boards have water right change applications but lack interest or ability to maintain the educational requirements.

The successful board appears to be those that have taken initiative to integrate into the needs of the local community and remain up-to-date on current issues. Others seem to be waiting for the applications to come to them. Without an application, they see no other reason to stay informed.

Board meetings

Boards generally meet once a month. In order to be more productive two boards have opted to meet three or four times a month.

All board meetings are open to the public, as required under the Open Public Meetings Act. The public is encouraged to contact the individual board to confirm meeting times prior to attending. Times may vary or be changed based on the needs of the board commissioners. A list of board contacts for each board is included in Appendix A.

Water right transfer exchange

RCW 90.80.055(1)(c) provides that boards may establish an exchange for water right transfer information through which all or part of a water right may be listed for sale or lease. The board may also accept and post notices in the exchange from persons interested in acquiring or leasing water rights. Two counties, Adams and Benton, currently maintain a water right transfer information exchange.

Contacting boards

Each board is required to provide Ecology a primary contact name, address, phone number, and, if available, an email address. The board must inform Ecology's water conservancy board coordinator of any changes as they occur. Ecology now maintains the primary contact list on their website at http://www.ecy.wa.gov/programs/wr/conservancy_boards/pdf/pcr04172006.pdf. A copy of the current list is included in appendix A.

Support staff

Some boards have hired staff to assist them. A number of other boards have contracted with the local conservation district office, or with private organizations or individuals to provide support. The assistance ranges from administrative help, such as fee collection, responding to public records requests, and copying and mailing services; to coordination of the board, including providing the board with an address, acting as the primary contact for the board, or for legal services.

Some boards have ongoing grants from their county that assist boards in obtaining the help they need. Boards with limited resources and administrative support have expressed frustration with some of the obstacles they face in terms of time commitment and resources.

Differences between boards and Ecology operations

Although both boards and Ecology process water right transfer applications, it is important to remember that the board's process may differ from Ecology's process. The table below offers some comparisons:

Boards	Ecology
1. May accept or decline to process an application submitted to the board.	1. Must process all applications submitted to the department.
2. Boards make records of decision reviewed by Ecology.	2. Ecology issues administrative orders based on board decisions appealable to the PCHB.
3. All decisions by boards must be made at an open public meeting.	3. Ecology does not make water right decisions at open public meetings.
4. Board commissioners are volunteers that must operate on their own "free" time.	4. Ecology staff is assigned to investigate application proposals as part of their work.
5. Boards must generate their own funds in order to obtain the equipment and support needed to process water right transfer applications.	5. Ecology staff is provided the tools and support needed to process water right transfer applications.
6. The board statute says the boards must publish the public notice. (The rule suggests the boards get applicant approval.)	6. Ecology prepares the public notice but has the applicant publish it.
7. Board fees for processing water right change applications are set by boards.	7. Ecology fees for processing water right change applications are set by statute.
8. Boards assign a number to the water right change application that is unique to each board.	8. Ecology assigns a number to the water right change application compatible with the database (WRTS).
9. All board decisions are posted on the Internet.	9. Ecology's decisions and administrative orders are not posted on the Internet.

Chart 9 – Comparison of Board and Ecology Operations – Boards and Ecology each operate as required by statute. Boards are required to process and make decisions on water right change applications with more direct public involvement than Ecology. That involvement includes operating under the Open Public Meetings Act and taking verbal comments regarding water right change proposals before them.

Litigation

During the last two years there have been no lawsuits filed against any individual board. The Klickitat County Water Conservancy Board filed an appeal to the Pollutions Control Hearings Board (PCHB) of Ecology's order, independent of the applicant, based on Ecology's modification of the record of decision issued by the board. Also, the final Court of Appeals decision on a case involving the Benton County Board was concluded.

- PCHB Case 01-033, City of West Richland v. Ecology. Although the appeal was originally filed in 2001, the final decision was not issued until this reporting period. The Benton County Water Conservancy Board participated as an intervenor in the case.

Ecology's motion for summary judgment was granted and the case was dismissed in August 2003. The case was appealed to the Benton County Superior Court. The Court overturned the PCHB decision and the case was appealed by Ecology to the Court of Appeals, Division III. Division III issued a decision favorable to Ecology by overturning the decision and stay order of the Benton County Superior Court and upholding the Pollution Control Hearings Board's summary judgment order.

3. PCHB Case 05-132, Klickitat County Water Conservancy Board v. Dept. of Ecology, Filed 09/30/2005. The Board and the applicant, Public Utility District #1 of Klickitat, separately appealed Ecology's modification of a water right change record of decision made by the Board. Parties settled the case based on agreement to reissue the decisions authorizing different water right quantities. The PCHB dismissed the appeals in December 2005.

Local resource to the community

Most boards have become a valuable local resource to disseminate information for water right change questions. An example of this resource is the Ferry County Water Conservancy Board. One of its commissioner's was asked to speak at a local meeting sponsored by the WSU Extension Office and the Ferry County Conservation District. As a result he fielded a number of individual questions regarding specific water rights and was able to research the questions using his resources, including consulting Ecology, to respond to those individuals.

Ecology asked the boards to provide the number of water right-related contacts to the board or a board commissioner that did not result in an application accepted by the board. This was in order to evaluate the board's activity beyond accepting and processing a water right change application. Boards reported over 500 contacts among the 21 boards.

Some of these contacts include persons that learn that changing their water right is not viable by conferring with the board. In other cases, local water users may be uncomfortable approaching Ecology to ask about their water right but trust their local board. This could be because the board has no regulatory authority or simply because the board commissioners are local community members.

Some of these contacts presented an application that the board declined to accept for processing. Many boards are experienced enough to recognize a change proposal that may result in denial. One reason that boards issue few denials of water right change applications may be because they have the authority to decline processing an application they determine not to be feasible. Therefore, it is important to note that while the data shows few denials by a board there appears to be a strong reason why.

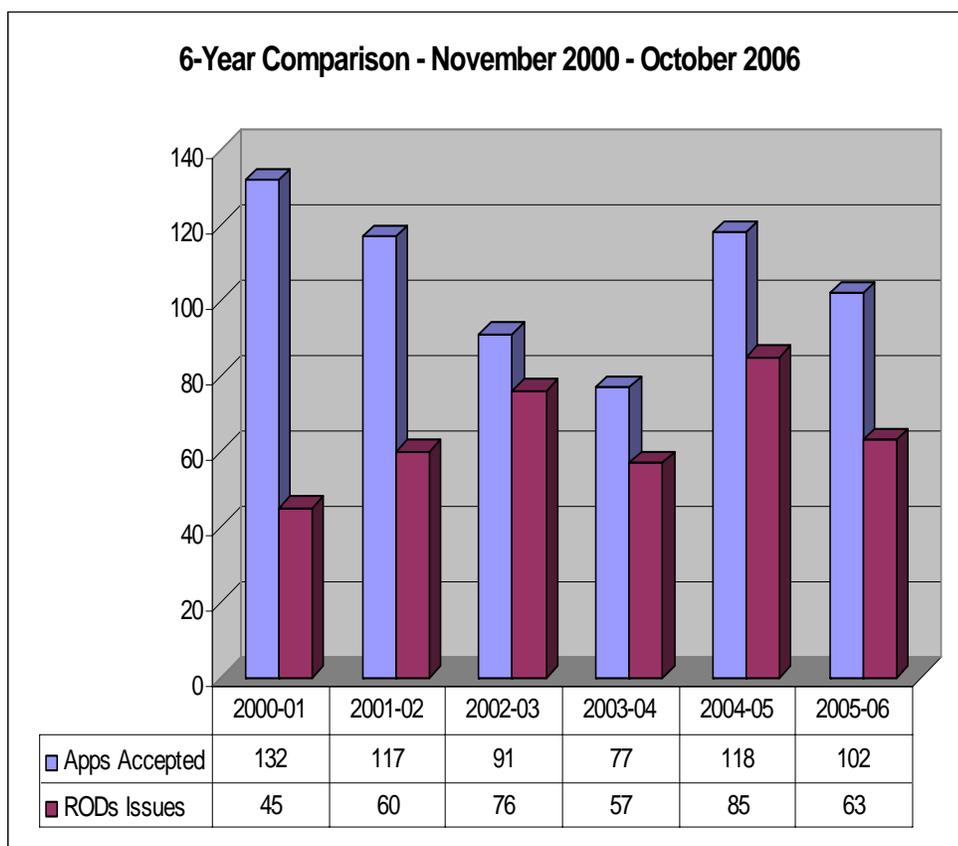
Water right change applications processed

For the purposes of this report, the data for this section will generally cover the period of November 1, 2004 through October 31, 2006. The numbers identified here reflect the data reported by boards. This data has not been reconciled with Ecology's water right database. A summary of the applications for water right changes processed by the boards during this period is found in Appendix D. Copies of the reports submitted by the boards is found in Appendix E.

The number of applications processed by any one board varies extensively. The backlog of water right change applications is not distributed evenly statewide. Some counties, regional areas, or water resources inventory areas (WRIAs) contain more demand than others. Requests for board processing may also depend on what area of the state Ecology is currently working on change applications. As a result, there are some areas where there is a higher likelihood of an applicant requesting a board, where available, process his or her application.

During the last two-year period, November 1, 2004 through October 31, 2006, water conservancy boards have accepted 220 water right change applications to process. The boards have issued 148 records of decision, approving all applications. It is important to note that while the data shows no denials by a board, it is believed they are refusing to process change applications that do not appear viable. Chart 12 provides a summary of all water right change applications processed by the individual water conservancy boards during this period.

Chart 10 breaks down by year the number of applications accepted by boards (input) and records of decisions made by boards (output) beginning November 1, 2000 through October 31, 2006.



The data shows a decline in the number of applications filed with boards during the first four years but has increased again in the last two. Applications submitted to Ecology seem to follow the same trend with an increase in 2005 and decrease in 2006. Applications submitted to boards steadily declined the first four years as the backlog of water right change applications diminished. That trend changed in 2005 when the applications to boards dramatically increased again.⁵

Chart 10 - 6-year Comparison of Accepted Applications – November 2000 – October 2006 - Although the number of applications steadily declined the first four years, the board have become established and continue to process water right changes although the backlog has substantially been reduced

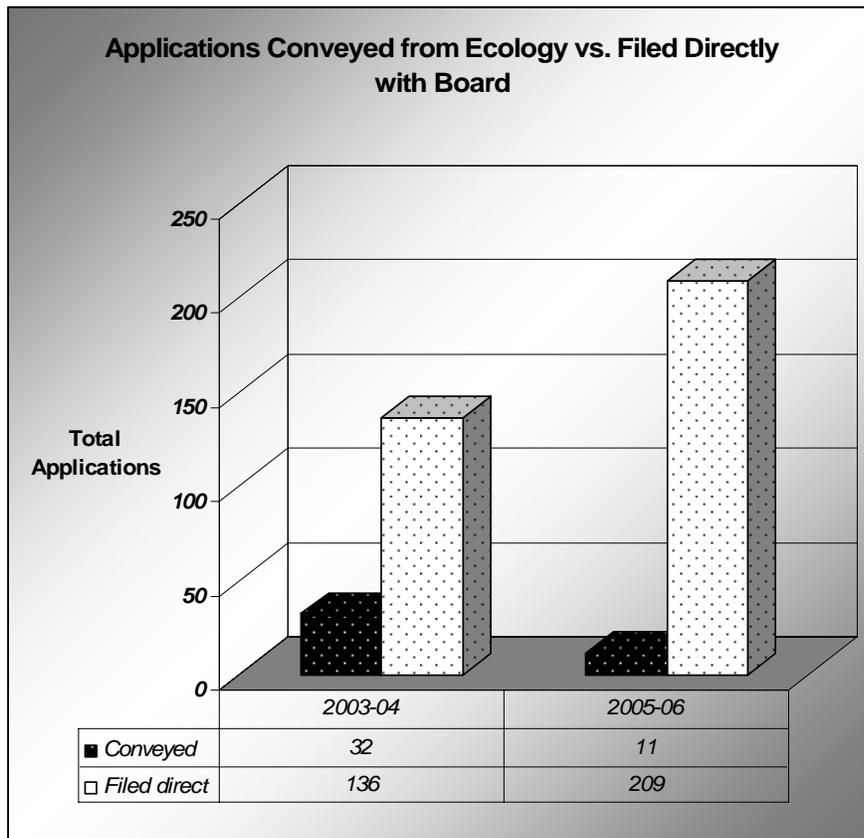
⁵ For more historical information refer to Ecology’s publications, 2003 Report to the Legislature, Water Rights Application Processing, publication no. 03-11-015 and 2004 Report to the Legislature, Water Rights Application Processing, publication no. 04-11-034.

This data might suggest that as the water right change application backlog at Ecology has become manageable the use of boards reduced. Currently, applicants in areas where Ecology is not currently working may be opting to apply directly to a board for quicker turnaround. It is important to remember that it is the applicant’s decision whether to file an application with a board or with Ecology.

As chart 10 indicates, output increased as new boards became established. Only two of the 21 boards did not accept any applications during this two-year reporting period, November 2004 through October 2006.

It is clear that the number of applications accepted by boards continue to outnumber the amount of output by the boards. Still, we note that thirty-seven of the 220 applications submitted to boards for processing were subsequently withdrawn by the applicant, resulting in no decision by the board. These 37 withdrawals are included in the 220 applications accepted by boards. Thirty-nine proposed transfers related to surface water, 129 to ground water, and 52 were surface to ground or ground to surface water transfers. Boards declined to work on 7 applications. The board processed changes to 154 water rights based on state-issued certificates, 26 based on water right claims, and 40 based on other documents such as court claims (Yakima adjudication, permits, etc.).

Of 220 water right change applications accepted for processing by boards, 11 were originally filed with Ecology and then conveyed to the board and 209 were filed directly with the board.



(See chart #11) Based on these numbers, it appears that the boards received fewer applications from Ecology this period than during the last reporting period. More water users are also applying directly to the board instead of filing with Ecology first. One incentive is the applicant no longer pays the state filing fee when applying with a board. It also appears that the boards are processing a greater number of applications that would otherwise be added to Ecology’s pending applications, helping Ecology continue to reduce the backlog.

Chart 11 – Applications conveyed from Ecology vs. Filed Directly with Boards – The number of applications filed directly with boards increased significantly.

Summary of Water Right Change Application Processing
As reported by the water conservancy boards (Appeals data tracked by Ecology)
November 1, 2004 – October 31, 2006

Board	Total apps accepted by Boards	Records of Decision				
		Approved/ Partially Approved	Denied	Returned w/o action	Withdrawn by applicant	Appealed
Adams Established 10/12/99	6	6	0	0	0	0
Benton Established 07/10/98	13	15	0	0	3	2
Chelan Established 11/23/99	27	29	0	0	12	1
Douglas Established 03/30/00	10	6	0	0	0	0
Ferry Established 05/19/00	1	0	0	0	1	0
Franklin Established 06/09/99	17	12	0	0	1	0
Grant Established 09/14/99	22	12	0	0	0	0
Island Established 08/06/01	0	0	0	0	0	0
Kittitas Established 10/16/00	32	25	0	1	1	0
Klickitat Established 07/01/99	8	8	0	0	1	2
Lewis Established 07/10/98	5	2	0	0	2	0
Lincoln Established 11/23/99	1	1	0	0	0	0
Mason Established 09/04/02	1	1	0	0	0	0
Okanogan Established 05/12/00	15	2	0	0	9	0
Spokane Established 05/05/00	5	4	0	0	0	1
Stevens Established 01/25/02	6	3	0	0	2	1
Thurston Established 11/17/99	3	10	0	0	2	0
Walla Walla Established 10/05/99	23	2	0	0	1	0
Whatcom Established 12/07/99	0	0	0	0	0	0
Whitman Established 07/26/00	3	4	0	0	1	0
Yakima Established 07/12/99	22	6	0	0	1	6
Totals	220	148	0	1	37	13

Chart 12

In some cases the quality of the records of decision has improved. Some boards have become more reliant on consultants and applicants to investigate the water right change proposal and write the records of decision. In contrast some boards continue to investigate and write their own reports of exam. Many boards appear to fall somewhere in between.⁶ As the JLARC preliminary report indicates, “no single approach is leading to the quickest decision-making for the boards.” However, there is some indication that boards that write their own reports of examination have had more approvals and less modification to their decisions by Ecology. Generally, boards do not communicate with each other and do not appear to know there is such a wide range in board operations. As recommended in the 2004 JLARC report, boards were trained August 2005 regarding the wide disparity as to who conducts the analyses to support board decisions.

Funding

Each board is an independently funded entity pursuant to RCW 90.80.060(2). They provide for their own funding through grants and adopting fees for processing water right transfer applications. The funds can be used to fund activities of the board. (See Appendix A for fees adopted by each board.)

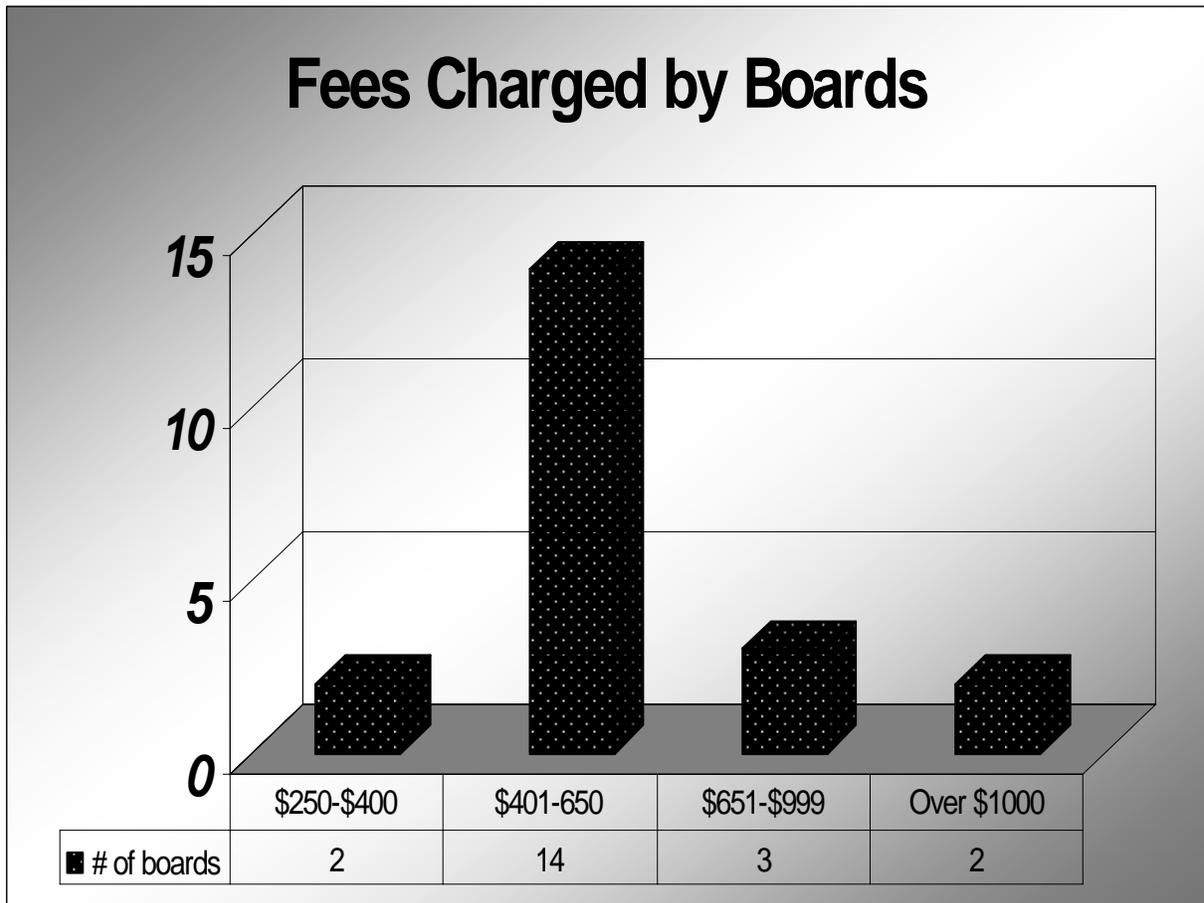


Chart 13 – Fees Charged by Boards - The board fees vary. Fees range from \$250 (Benton County) to \$1450 (Thurston County)

⁶ Joint Legislative Audit and Review Committee’s Water Conservancy Boards Review, December 2004.

The boards must take a number of items into consideration when setting fees such as:

- What the local economy and population can afford;
- The need for errors and omissions insurance;
- The board's operating costs (overhead) including meeting space, mail services, supplies, correspondence, or equipment;
- Costs directly associated with a water right transfer application such as public notice publication, copying costs, or responding to public information requests;
- Potential travel costs associated with training;
- Cost of support provided by outside resources such as counties, conservation districts, attorneys, or other entities; and
- The number of water right change applications pending within the geographical jurisdiction of the board.

Use of funds

Because boards operate independently, how the funds are used varies considerably. Generally, grants received and adopted fees are used to fund activities of the board, including:

- Travel costs for training
- Travel costs for investigation, field exams, etc. associated with board operations
- Public notice
- Copying
- Correspondence
- General office supplies
- Administrative support (some boards)

The Benton County Water Conservancy Board has interpreted this more broadly. The Board receives some donations as well. The Board reports using some start up monies to support the Board's participation in and review of state legal issues affecting Board operations including legal opinions and some related briefs. In addition, the Board has received donations of legal services and legal support from various entities including individual water right holders. The Board also states that they "require applicants to fund needed legal services affecting their water right change/transfer." They also receive "legal review interpretations of the water code from state agencies." They do not indicate from which state agencies they have received legal review. In addition, it is not clear what type of "legal support" is received or how the "funds needed for legal services" are collected by the Board.⁷

⁷ The Benton Co. Water Conservancy Board 2006 Legislative Report, page 3, October 30, 2006.

Summary

Now that boards have been in existence for over eight years, the pattern of successes and the challenges of boards are becoming more apparent.

Successes:

1. Boards have continued to gain experience and are becoming much more established and well known in some counties.
2. A board provides a valuable local resource, even when it is not actively processing applications.
3. Boards are able to provide assistance to each other in some instances.
4. The number of applications accepted by boards in the last two years increased, reversing the downward trend seen previously. This reflects the pattern experienced by Ecology.
5. Turnover on boards has decreased, maintaining experienced volunteers on the boards.
6. An Attorney General Opinion provided additional clarity regarding Ecology's authorities.

Challenges

1. The past two years has seen an increase in commissioner ineligibility.
2. Four boards are inoperable, three of them for over one year (see chart 4).
3. Some counties are having difficulty recruiting board commissioners to serve.
4. For the first time, dissolution of some boards may be considered.
5. Funding continues to be a difficulty for some boards.
6. Board operating by-laws remain out of date and not comprehensive.

Generally, boards have shown they can and are processing water right change applications successfully. Some boards are very productive and issue a significant number of records of decision. Some boards have very few water right change applications but remain current on training in order to provide a valuable local resource to its community.

Some boards continue to face a number of challenges. Boards with limited funding appear to face more obstacles as they manage their work. Some boards have water right change applications but lack either the interest or ability to maintain the educational requirements.

Over the past six years the number of applications accepted by boards steadily declined and then increased dramatically in 2005. During the 2000 reporting year, boards accepted 132 applications, more than any other year in the past six years. In contrast, only 77 applications were accepted in 2004, which was the lowest year. The trend has reversed and the number of applications accepted for processing jumped back up to 118 in 2005.

Board commissioners continue to face a number of challenges as they strive to improve upon their success. Some boards have been disappointed by the lack of applications submitted to them for processing; others maintain a steady workflow. Generally, boards are successful and have a good working relationship with Ecology. Ecology expects that in the next few years there will be clarity as to which boards are achieving the purposes of the water conservancy board statute.

Appendices

- A – Primary Contact and Fees Report
- B – Sample of Board Public Information Brochure
- C – Sample *WCB Communicator*
- D – Summary of Water Right Change Application Processing
- E – Reports Submitted by Boards

Appendix A

**Water Conservancy Boards
Primary Contact List and Fees
Updated: November 7, 2006**

Board Name	Board Address	Board Phone/Email	Primary Contact Name	Fees
Adams Co.	c/o Adams Co. Conservation District 402 E. Main Ritzville, WA 99169	(509) 659-1553 adamcd@ritzcom.net	Gary DeVore/Joyce McNeil	\$500 per application
Benton Co.	3030 W. Clearwater, Suite 205-A Kennewick WA 99336	(509) 783-1623 dolsenecon@aol.com	Dr. Darryll Olsen	\$250 per application
Chelan Co.	316 Washington Street, Suite 401 Wenatchee, WA 98801 Attn: Lisa de Vera	(509) 888-0461 donphelps@aol.com	Don Phelps	\$1000 fee plus 25%, unused balance refunded
Douglas Co.	P.O. Box 608 Waterville WA 98858	Phone: (509) 745-9160 Fax: (509) 745-8121 ccowling@crcwnet.com	Carol Cowling	\$300, plus public notice costs; additional fees may be charged
Ferry Co.	639 Kettle River Road Curlaw, WA 99118	Phone: (509) 779-4434 Fax: (509) 779-4278 usnwe@televar.com	Patrick Hamilton	\$50 non refundable appl fee; additional \$200 plus public notice costs
Franklin Co.	1620 Road 44 N. Pasco, WA 99301	Phone: (509) 545-8546 x 3 (Nielson) Phone: (509) 547-9751 (Johnson) Fax: (509) 545-5859 Cell: (509) 735-1473 (Nielson) henrycja@aol.com (Johnson)	Henry Johnson Mark Nielson	\$650 per applic with up to two permits; \$650 per permit thereafter
Grant Co.	3953 Airway Drive NE Moses Lake, WA 98837	Phone: (509) 765-8864 or (509) 766-7277 Cell: (509) 750-7589 rsrolfne@atnet.net	Robert Rolfness	\$500; \$100 filing fee + \$400 processing fee
Island Co.	P.O. Box 5000 Coupeville, WA 98239	(360) 678-6268 or wisewater@earthlink.net (Attwater) (360) 387-0680 or res0t6c3@verizon.net (Bach)	Bill Attwater Larry Bach	\$750; \$100 up front, non-refundable
Kittitas Co.	411 North Ruby, Suite 5 Ellensburg, WA 98926	(509) 899-4836 cheryvarnum@yahoo.com	Chery Varnum	\$100 non-refundable for submittal; \$500 acceptance fee + clerk time @ \$30/hr
Klickitat Co.	Klickitat Co. Planning Dept. 228 West Main St., MS-CH-17 Goldendale, WA 98620	Phone: (509) 894-4656 Fax: (509) 894-4965 cbeightol@bentonrea.com	Richard Beightol	\$500
Lewis Co.	P.O. Box 1345 Chehalis WA 98532	(360) 978-4358or chrischeney@earthlink.net	Chris Cheney	\$500

Board Name	Board Address	Board Phone/Email	Primary Contact Name	Fees
Lincoln Co.	P.O. Box 368 Davenport, WA 99122	Phone: (509) 257-2800 Cell: (509) 995-5242 waterboard@co.lincoln.wa.us	Rex Harder	\$500 per application
Mason Co.	1125 N 13th Street, Apt. D13 Shelton, WA 98584	(360) 432-7832 or george@dentaldiscounts.com	George Campbell	\$100 application plus \$800 processing fee
Okanogan Co.	41 B Wandling Road Winthrop, WA 98862	(509) 996-3302 or ntitcomb@methow.com	Nim Titcomb	\$100 application plus \$500 processing fee
Spokane Co.	P.O. Box 13496 Spokane, WA 99213-3496	(509) 922-5127 or dj876@comcast.net	Doug Rider	\$100 application fee; \$400 processing fee
Stevens Co.	PO Box 731 Kettle Falls, WA 99141	(509) 258-4041 or wpmccart@juno.com	Wes McCart	\$500 base fee, plus costs/publication
Thurston Co.	P.O. Box 1037 Olympia, WA 98507-1037	(360) 352-5090 or Jerry.Louthain@hdrinc.com	Jerry Louthain	\$1450 per application; \$300 filing fee + \$1150 processing fee
Walla Walla Co.	P.O. Box 1506 Walla Walla WA 99362	Phone: (509) 547-9312 (509) 544-6537 Cell: (509) 727-3446 Fax: (509) 547-4501 alankottwitz@bc.com	Alan Kottwitz	\$500
Whatcom Co.	600 Lakeway Drive Bellingham, WA 98225	Phone: (360) 676-6749 Fax: (360) 738-2451 atkinpi@dshs.gov	Pat Atkinson	\$150 application fee; \$600 processing fee plus any additional costs
Whitman Co.	2892 Belsby Road Cheney, WA 99004	Phone: (509) 235-8581 whitmanwb@earthlink.net	Nancy Belsby	\$300 application fee; \$300 for processing
Yakima Co.	2301 Fruitvale Boulevard Yakima WA 98901	Phone: (509) 574-2650 Fax: (509) 574-2651 sylvia.cervantes@co.yakima.wa.us	Sylvia Cervantes	\$100 non-refundable for submittal; \$500 acceptance fee

Appendix B

What is the Klickitat County Water Conservancy Board?

The Klickitat County Water Conservancy Board is a separate unit of local government and not part of County government. Its primary purpose is to process applications for change/transfer of existing water rights within Klickitat County. Decisions of the Water Conservancy Board are subject to review and approval by the Washington Department of Ecology (Ecology).

Pursuant to Chapter 90.80 of the Revised Code of Washington, the Water Conservancy Board can process applications for a change/transfer for existing water rights, only. It can not process an application for a new water right.

The Water Conservancy Board meets on the third Tuesday of each month at 7:00 P.M. in the Klickitat County Courthouse, Room 101.

What Types of Water Rights Changes/Transfers can the Water Conservancy Board Process?

The Water Conservancy Board can process the following types of changes/transfers:

- the point of withdrawal or diversion;
- the place of use;
- the time of use;
- the purpose of use, including the period of use;
- for storage rights, the location of storage;
- water rights documented by certificates, permits, or claims; and
- evaluate placing a water right in the State's trust water right program.

How Do You File a New Application for a Water Right Change/Transfer?

For a *new* (not already filed with Ecology) application for a water right change/transfer:

1. Obtain an "Application for Change/Transfer of Water Right" form from Ecology or the Water Conservancy Board.
2. Complete the application form* and submit it to the Water Conservancy Board with a \$50 preliminary application fee (make check payable to the Klickitat County Water Conservancy Board). Also submit with the application a \$10 application fee to Ecology (make check payable to the Washington Department of Ecology).
3. Upon the Water Conservancy Board's acceptance of the application for further processing, submit an additional \$450 fee to the Klickitat County Water Conservancy Board.
4. The Water Conservancy Board will obtain a copy of your water right file from Ecology and publish a public notice of your application.
5. Upon request from the Water Conservancy Board, and at the applicant's expense, submit:
 - additional evidence of the extent and validity of the water right;
 - evidence of the historic usage of the water right;
 - technical report regarding the feasibility of the proposed change/transfer; and/or
 - other technical or legal information, or professional engineer's report.

How Do You Move an Existing Application for a Water Right Change/Transfer from the Department of Ecology to the Water Conservancy Board for Processing?

For an *existing* application for water right change/transfer that is on file with Ecology to be processed by the Water Conservancy Board:

1. Obtain a copy of the existing application from Ecology. Submit it, or a copy, to the Water Conservancy Board along with a \$50 preliminary application fee.
2. Upon the Water Conservancy Board's acceptance of the application for further processing, submit an additional \$450 to the Klickitat County Water Conservancy Board.
3. The Water Conservancy Board will obtain a copy of your water right file from Ecology and publish a public notice of your application.
4. Upon request from the Water Conservancy Board, and at the applicant's expense, submit:
 - additional evidence of the extent and validity of the water right;
 - evidence of the historic usage of the water right;
 - technical report regarding the feasibility of the proposed change to the water right; and/or
 - other technical or legal information, or professional engineer's report.

* Note: Information on the application form will be used in the preparation of legal notice publications and in processing the change request as written. It is critical that the application be complete and correct. If in doubt, applicants should feel free to consult a water rights expert prior to submitting the application for processing.

What is the Timeline for Processing an Application for Water Right Change/Transfer?

The time it will take to process your application may depend on the complexity of the issues. However, the following timeline incorporates the time considerations prescribed by law.

- The Water Conservancy Board accepts the application at one of its regular meetings.
- The Water Conservancy Board will assign a unique number to the application to use throughout the application process.
- Within five working days of accepting the application, the Water Conservancy Board must send the original completed application to Ecology.
- Public notice must be published in a local newspaper of general circulation at least once a week for two consecutive weeks. The public notice must contain the aforementioned number assigned by the Water Conservancy Board.
- The Water Conservancy Board can not make a decision on the application prior to thirty days following the last date of publication of the public notice to allow for a formal protest period.
- The Water Conservancy Board must forward its record of decision to Ecology for review and approval.
- Ecology may affirm, reverse, or modify the Water Conservancy Board's record of decision. Ecology has forty-five days to act on the Water Conservancy Board's record of decision by issuing an administrative order. The forty-five day review period may be extended for thirty days, if approved by the Director of Ecology, or at the request of the Water Conservancy Board or the applicant.

What are the Four Tests Considered when Making a Decision on Your Application for Water Right Change/Transfer?

The following four tests are considered by the Water Conservancy Board when making a decision on an application for water right change/transfer:

- Is the water right that is subject of the application for change/transfer valid? One of the Water Conservancy Board's primary duties is to determine the extent and validity of the water right, as demonstrated by the extent to which it has been put to beneficial use.
- Would the proposed water right change/transfer, if approved, impair an existing water right?
- Would the proposed water right change/transfer, if approved, change the body of water from which the water is withdrawn? *This test applies only to ground water right changes/transfers.*
- Is the proposed change/transfer in the public interest? *This test applies only to ground water right changes/transfers.*

Who are the Klickitat County Water Conservancy Board Commissioners?

The following individuals serve as Commissioners on the Klickitat County Water Conservancy Board:

- Richard Beightol – Chairman
- Brooks Heard – Vice Chairman
- J.P. Enderby – Treasurer
- Robert Andrews
- Alan Cheney

Water Right Transfer Information

This brochure provides the basic information you will need to process an Application for Change/Transfer of Water Right with the Klickitat County Water Conservancy Board

For additional information contact:

Klickitat County Water Conservancy Board
Courthouse Annex 1
228 West Main Street, MS-CH-17
Goldendale, WA 98620

Phone: (509) 773-2481

Fax: (509) 773-6206



October 12, 2006

Topics:

- o The coordinator's corner
- o Upcoming trainings
- o Board commissioner corner - Chelan County
- o Comings and goings
- o Reminders and new developments
 - Adoption of rule amendment - WAC 173-153
 - Board eligibility
 - Straight talk about the Municipal Water Law
 - Formal Attorney General Opinion (AGO)
 - 2006 Legislative Report
- o Statute/ rule/ policy updates
 - Legislative bills passed
 - New policies and procedure



The Coordinator's Corner

There are many things happening with water conservancy boards statewide. Many of us are now reviewing the formal Attorney General Opinion regarding Ecology's authorities when reviewing a board's record of decision. Other issues include the municipal water laws and the recently filed lawsuit regarding those laws against the State of Washington, the Columbia River Bill, and how we work with applicants and their consultants, to name a few.

I have again traveled to many boards this summer in an attempt to learn first hand of the issues faced by boards. It is clear boards continue to face many challenges in their work.

You will find a new section in the "Communicator". It provides recognition of new board commissioners recently appointed by the county, commissioners that have transitioned from one position to another, as well as those who have made the decision to move on during the past year.

-- Janet



Upcoming trainings

New commissioner training (32-hour):

Tentatively scheduled for winter/spring 2006. Location is to be determined. Plan ahead!!

Continuing education by Ecology or other entity:

- Ecology sponsored: Tentatively scheduled for late January 2007 - Plan is to include all boards, county commissioners and Ecology management.
- Watershed Management Council conference October 16 - 20 in Walla Walla. <http://www.wvcc.edu/WEC/conf.cfm>
- Growth Management Act Conference November 13 & 14, 2006 Seattle, WA (Marion Oliver McCaw Hall) **Details:** [Growth Management Act Conference](#) or call (800) 854-8009
- 6th Washington Hydrogeology Symposium May 1-3, 2007 [Greater Tacoma Convention and Trade Center, Tacoma, WA](#) Web site: <http://www.ecy.wa.gov/events/hg> Registration will begin in January, 2007 Cost: Under \$200



Board commissioner corner

Chelan County Water Conservancy Board

The Chelan County Water Conservancy Board was established on November 23, 1999. The Board is a three-member board with no alternate positions currently established. This board has experienced turnover but has always enjoyed the consistent

Note: This document is intended to be guidance only to water conservancy board commissioners, their staff, and counties, regarding the department's understanding of water law. It is not intended to be legal advice, and not to set forth additional requirements beyond what is currently required by the statute or rule. Refer to referenced citations for more information.

participation from one original board commissioner, Don Phelps. Other original board commissioners included Jan Carpenter and Mark Peterson but both stepped down in spring 2002. Lonny Bauscher served for a short time, and was replaced by current commissioner Joel Teeley.

Don Phelps - Don has served on the Chelan Board since it was established in November 1999. He is a Water Resources Engineer, with a BS and MS from WSU in Civil Engineering along with an AAS in Forestry from the University of New Hampshire. Don has worked on water issues for over 25 years in Washington, Virginia, New Hampshire, and China. Presently he works as an independent consulting engineer in Chelan. His background includes 10 years with the US Forest Service in the Northwest, 7 years of teaching at the college level in Virginia and New Hampshire, and consulting engineering work with firms in New Hampshire and Washington. He loves puzzles and believes working with water rights is just combining Sudoku, Crosswords and MathCounts.

Don and his wife also have a winery, Balsamroot Winery and Vineyard, located in the Lake Chelan Valley, where they grow grapes and apples and make fine wine from the best grapes the Columbia Valley has to offer. They also raise Norwegian Fjord Horses that she likes to train and drive.

His interest in serving on the board stems from his long time interest in water resources. He paid close attention to the creation of the Boards and when it was announced in 1999 that Chelan was forming one he contacted his county commissioner and volunteered to serve on the board - as they say, the rest is history.

Pete Fraley - Pete was born and raised in Wenatchee. He obtained a Masters Degree in geology before going to law school. His law firm represents a number of municipal entities including cities, port districts, sewer districts, irrigation districts, etc. Pete witnessed the growth of the water right change application backlog in the late 1990's and saw it as a major problem. One of his clients, the Port of Chelan County, was instrumental in having Chelan County form a Water Conservancy Board and the firm assisted in processing the second application submitted to that Board for the benefit of the Peshastin community. When a board position was vacated, he was contacted and gladly volunteered.

Joel Teeley - Joel is the newest member of the board, serving since October 2003. He has served as the general manager of two public utilities in Chelan County for the last 15 years. Joel has a deep interest in water issues and stays active in the related activities in the area. Besides volunteering with the Chelan Co. Board, he was appointed by Governor Lowry and served on the five-member Chelan Co. Conservation District Board, including four years as chair. He also participated in the Entiat WRIA 46 Watershed Planning efforts.

Lisa deVera - This board is managed by Lisa. The board is fortunate to have an assistant with such a great background. She has worked for Chelan County Natural Resource Program (NRP) since June 2001. She currently consults for NRP and works for the Board part time as she raises her 2 and 5 year old daughters at home. Prior to her work at the County she worked for the Economic Development Council of Chelan and Douglas Counties. She has a Bachelor's Degree in Business Administration from Central Washington University, and is a licensed real estate agent. She has been the clerk for the Chelan Co. Board since June 2001, shortly after the inception of the program. She adds, "With the growth this 2-county area is recently undergoing it has been fun to see what type of applications come across our desk!"



Comings and goings

RETIRING BOARD COMMISSIONERS:

- Kittitas Co. - Tom Chini - commissioner
Dennis Kelly - alternate
Gregg Hall - alternate
(reappointed to commissioner)
- Lincoln Co. - Penny Rosenberg - commissioner
- Stevens Co. - Pat Hamilton - commissioner
Linda Kiefer - alternate
Greg Daniels - alternate
(reappointed to commissioner)
- Whatcom Co. - Doug Clark - commissioner
- Whitman Co. - David Stanley - commissioner
Gayle Startin - commissioner

NEW OR TRANSITIONAL BOARD COMMISSIONERS:

Ferry Co.

Eric Bracken - Appointed: July 20, 2005
Term expiration: Mar 31, 2008
Replaced: Bryan Hunt

Island Co.

Bob Cray - Appointed: Aug 15, 2005
Term expiration: July 2, 2011
Replaced: Greg Cane

Kittitas Co.

Gregg Hall - Appointed: Sep 6, 2006
Term expiration: Apr. 9 2009
Replaced: Tom Chini

Lincoln Co.

Pete Carstensen - Appointed: Dec 6, 2005
Term expiration: Dec 5, 2011
Replaced: Penny Rosenberg

Spokane Co.

Jerry Neff Appointed: Jan. 31, 2006
Term expiration: Jan. 30, 2012
New alternate position

Stevens Co.

Greg Daniels Appointed: Dec. 27, 2005
Term expiration: Mar 31, 2008
Replaced: Pat Hamilton

Whitman Co.

Joe Spoonemore - Appointed: May 15, 2006
Term expiration: July 16, 2011
Replaced: David Stanley

Ed Schulz - Appointed: July 17, 2006
Term expiration: July 16, 2012
Replaced: Gayle Startin



Reminders and new developments

Adoption of the rule amendment
[RCW 90.80; WAC 173-153; RCW 90.44.050; RCW 90.03.470]

The water conservancy board rule amendment is adopted. It was signed by Ecology director, Jay Manning (adopted and filed) on September 6, 2006 and became effective October 7, 2006. It is available at <http://apps.leg.wa.gov/WAC/default.aspx?cite=173-153>.

Background

The legislature made several amendments to the Water Conservancy Board statute, RCW 90.80, as well as changes to RCW 90.03.470 regarding fees, over the past three years. The legislative amendments made portions of the rule, WAC 173-153, obsolete or ineffective. The rule became confusing for us that use it and the need to amend it became apparent. The agency went through the formal rule making process, including three workshops in February 2006 with board commissioners to achieve workable rule language for all primary stakeholders.



What changed in the rule?

The legislative amendments that most affected the board rule include:

- The definition of alternate;
- Additional eligibility criteria for a non-water right holder, and;
- State application fees, which are no longer required when a water right change application is processed by the board.

In addition to addressing legislative amendments, the amended rule provides:

- More detailed criteria for reviewing continuing education credit requests, and;
- Provides a means for Ecology to “return without action” a record of decision back to a board when the decision was incorrectly adopted within operational requirements.

Alternates

Initially, alternates were not considered by the legislature when boards were authorized in 1997. Boards consisted of three commissioners and nothing more. As the boards evolved, it became clear that when a vacancy on a board occurred, boards sometimes had difficulty achieving a quorum or meeting conflict of interest requirements. In order to keep boards operational, Ecology agreed to train a non-appointed person. That person would then be trained and ready to be appointed by the county should a vacancy occur. There was no legal authority for the person to participate in water right change decisions until they were appointed to fill a vacancy.

In 2004, water conservancy boards were pivotal in getting legislation passed to legally allow alternates to participate in water right decisions when performing the duties of a commissioner on a board. As a result of the legislation, the definition provided in the rule was deleted. Operational information regarding alternates can now be found in the statute.

Water right holder – non- water right holder

A section was added to the statute, RCW 90.80.050(5), for determining a person's eligibility to be appointed as a commissioner who is not a water right holder. The section offers two separate situations. While the definition in the rule is still accurate, this statutory language provides additional guidance to counties on commissioner eligibility.

First, a person is not considered a water right holder by virtue of the person's receiving water from a municipal water supplier as defined in RCW 90.03.15. This appears to be true for all commissioners serving in all counties.

The second situation is specific to counties with a population less than 150,000. It appears that if the only water right held by the person is a right to domestic use of water that is exempted from permit under the permit exemption statute (RCW 90.44.050) the person may be appointed as a commissioner who is not a water right holder.

State application fees

The legislature added a provision in its amendment to the various water right fees that no longer requires a state fee for an application processed by a board. While this amendment simplifies the process for the boards and applicants, it made the process for dual filing of an application described in the rule very confusing because it now contradicted the new statute. The language in the rule has been amended to allow the application to remain in line with Ecology but will not be acted upon as long as the board is processing the application.

Continuing education criteria

Language was added to the rule to provide specific guidance to the boards about the criteria used when Ecology reviews a board commissioner's request for continuing education credit. The language is very similar to the criteria included in previous emails and the *WCB Communicator* (see April 26, 2004 and August 19, 2005 issues).

Generally, the rule provides examples about the types of acceptable and unacceptable activities. It also describes the process for obtaining credit toward the annual training requirements.

Return without action

Several situations have arisen over the past couple years where a record of decision was adopted incorrectly within operational requirements. These situations have included adoption:

- By less than the statutorily required majority of the board;
- That included an ineligible board commissioner;
- By alternates without the participation of a regular commissioner, or;
- Outside the authority of board powers as described in RCW 90.80.055.

Summary

The rule adoption takes effect on October 7, 2006. We will review the details of the new rule at the next board training. It is important to know that the boards' participation was critical to making this rule workable for everyone. Thank you to all who participated in the February workshops and provided language suggestions and constructive criticism.



Board Eligibility

[RCW 90.03.040; WAC 173-153-050]

Water conservancy board commissioners are public servants and obligated to specific statutory and regulatory requirements. One of those requirements is to maintain your own eligibility on the board. The statute requires board commissioners to comply with training requirements prior to taking action on proposed water right transfers. In addition, it is the responsibility of each board commissioner and alternate to ensure his or her own eligibility and remain current on continuing education as required in WAC 173-153-050(9).

While most commissioners are diligent at maintaining or working to become current on education requirements, one person's ineligibility can hinder the success of the board. For example, there are currently several boards that have been inoperable for well over a year due to commissioner ineligibility. One of the boards is a three-member board with one vacancy, one ineligible and one eligible commissioner. The county has been unable to fill the vacant position.

Ecology is committed to fulfill its statutory and regulatory requirements to boards and to the public seeking to modify their water rights... As part of that commitment, the agency is dedicated to do its part to encourage the board's success. The agency offers this through training and technical assistance to ensure the highest level of board accomplishment. Water Resources Program also sponsors periodic continuing education opportunities or forwards information on activities provided by other entities.

In addition to the efforts stated above, Ecology plans to take further steps to ensure the highest level of board success.

1. Ecology will continue to track training requirements for each commissioner and alternate and notify the appropriate regional office of changes to eligibility.
2. A courtesy copy of the eligibility notification will be sent to the board commissioner, the board, the county legislative authority, and the Center for Environmental Law and Policy. Your help in verifying the information sent is appreciated.
3. Water Resources will begin posting on the Internet the eligibility status of all board commissioners and the operational status of each board.
4. Ecology may begin to seek further commitment from the counties to encourage the success of boards.
5. Ecology may discuss with the counties the continued value of maintaining inoperable boards.

If you have any questions about your eligibility or with your eligibility status, contact Janet Carlson.



*Straight talk about the Municipal Water Law (MWL)
[RCW 90.03]*

Does the MWL have you bewildered? You are not alone. Most who have had to work with the MWL including boards and the Dept. of Ecology (DOE), find more questions than answers when trying to make a decision on a water right change application relating to MWL. As the number of questions expands, there appears to be a growing anxiety

regarding the implementation of the MWL. This article is intended to provide some background as to how we got here and where we hope to go. I can't promise to give you specific answers right now, but to reassure you that your confusion is universal.

The legislature passed the "Muni law" during the 2003 legislative session. As with all new laws the intention is generally positive and for the public benefit. However, this law has created significant ambiguity in its application not only for the DOE, but also for the Dept. of Health (DOH).

Generally, the legislature gives specific authorities and responsibilities to each state agency for the implementation and regulation of laws passed by the legislature. For example, the DOE has historically been authorized to implement and regulate RCW 90.03, the Water Code. However, at times, *more than one* agency may have some regulatory authority or responsibility for the same law.

This is the case with the MWL. The language within RCW 90.03 that was added as a result of the MWL provides some authorities to DOH. The regulation of water law is new to DOH. For DOE, there was uncertainty as to how best to coordinate with another agency processes historically performed by Ecology.

DOE and DOH initiated coordinated efforts to understand the new assignments and how to interpret the letter of the law. DOH was tasked by the legislature with adopting a rule within a specified timeline. That requirement pressed DOH to move forward. However, DOE was left with struggling to reconcile the rest of its responsibilities under water law with the new MWL. This has provided the opportunity internally at DOE and externally for numerous debates about what it all means.

DOE has developed a *draft* interpretive and policy statement, which can be found on the Internet at http://www.ecy.wa.gov/programs/wr/rights/muni_wtr.html. However, that statement has received many comments and DOE is revising the document in response to the comments.

In the meantime, boards and DOE continue to receive change applications related to a municipal use. Obviously, the board's and DOE's work does not stop simply because there are no answers to the many questions. Tough decisions must be made. This puts tremendous pressure on boards and Ecology to do what's best to manage the public resource.

As with most water right decisions, each decision must be considered case-by-case. No one answer fits each situation. Therefore, it is important that constant communication takes place between the boards and DOE at all times but especially with the MWL.

Keep in mind that there may be no clear answer to a particular situation that can be provided to the board as it makes its record of decision. DOE recognizes the struggle to work within the law while providing the desired service to the applicant can be difficult. This is where the “rubber meets the road” and boards and/or DOE must make a difficult decision. Part of making that decision is recognizing that only an appeal to a higher authority, such as the PCHB or the courts, may provide the answers to the tough questions.

As DOE moves forward, agency staff continues to work diligently to provide an interpretative and policy statement that is workable and useful. In the meantime, DOE and boards must work closer and communicate better than ever to work through these tough issues.

If you have questions, be sure to ask your regional representative. But remember, we may not always be able to give you the answer that you need and the board will have to make a tough decision. However, we will work with the board to come up with the strongest defensible decision, even if the ultimate decision must be made at a higher level. But that takes communication!

Lawsuit

A complaint for declaratory and injunctive relief from certain provisions of the 2003 Municipal Water Law (SESSHB 1338), was filed in King County Superior Court on September 1, 2006. Plaintiffs are Joan Burlingame, Lee Bernheisel, Scott Cornelius, Peter Knutson, Puget Sound Harvesters; Washington Environmental Council; Sierra Club; and the Center for Environmental Law and Policy. Defendants are the State of Washington, Washington State Department of Ecology, and Washington State Department of Health.

To learn more about this lawsuit, go to this website: http://www.ecy.wa.gov/programs/wr/rights/muni_wtr.html#complaint.



Formal Attorney General Opinion (AGO) [RCW 90.80; WAC 173-153; Staff Guidance Sept. 2004]

Five legislators requested a formal AGO regarding Ecology’s authority to review board decisions. This request was initiated by the Klickitat County Water Conservancy Board seeking formal review of RCW 90.80.

As most of you know by now the AGO was issued on September 25. You may read the entire AGO at http://www.atg.wa.gov/opinions/opinion_index.shtml.

The opinion is several pages long but it includes three points in summary:

1. In reviewing a water conservancy board record of decision concerning a water right transfer application, the Department of Ecology is not limited to reviewing the record established by the water conservancy board but may base its decision upon an independent factual investigation.
2. In reviewing a water conservancy board record of decision concerning a water right transfer application, the Department of Ecology is not required to: 1) defer to the water conservancy board’s findings of fact, or 2) defer to the board’s interpretation of the law.
3. A water conservancy board, in making a decision concerning a water right transfer application, is not legally required to follow policies or guidelines of the Department of Ecology which have not been adopted as statutes or administrative rules; however, the Department of Ecology may refer to and follow its own policies or guidelines in reviewing the local board’s decision.

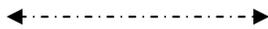
It may be helpful to review what is meant by an “AGO.”

The Attorney General (AG) is an elected official who, among other responsibilities, is responsible for representing and advising state officials regarding legal activities and concerns. Currently this office is held by Rob McKenna. The Office of Attorney General is divided into separate divisions for the various state agencies. Each division employs assistant attorney generals (AAGs) who represent a particular state agency. Thus, the Department of Ecology receives its legal representation from the

assistant attorney general's within the Ecology Division of the Attorney General's Office. The agency frequently seeks and is provided guidance on various issues from an AAG as needed. This guidance is considered informal and is generally taken into account by the agency when it develops policies, rules, etc.

A formal attorney general opinion is very different. It is an official opinion regarding questions of law at the request of designated public officials regarding issues arising in the course of their duties. While these formal legal opinions are not binding in any way, they have historically been given "great respect" and "great weight" by the courts.⁸

The AG's Office is obligated to respond to a formal request. In this instance, members of the Legislature had made the request on behalf of the board.



Legislative report [RCW 90.80.150]

Your annual legislative report is due October 31!

By now you know that your board must submit its annual legislative report to Janet Carlson no later than October 31 each year. As required by statute, boards are required to provide information regarding their activities to Ecology to assist in preparing the report.

Although the legislative report written by Ecology regarding board activities is due every even numbered year (that means 2006!) to the legislature, we request it annually from the boards. This simplifies the process for the many boards that experience commissioner turnover and other obstacles that can make it difficult to reconstruct activities for one year, let alone two.

The October 31 deadline is critical. That allows less than one month (due to holidays) for Ecology to finalize the final draft. The final draft must be completed no later than December 1 in order to obtain required internal review prior to publication and submission to the legislature.

As you can see your diligence is much appreciated. All board reports will be included in the Ecology document. Reports not received in 2005 or 2006 will be noted in the report. Please contact Janet Carlson for any questions.

⁸ Attorney General's website
<http://www.atg.wa.gov/opinions/index.shtml>



Statutes/rules/policy updates

Statutes (Revised Code of Washington - RCW) and Rules (Washington Administrative Code - WAC)

The bills passed during the current legislative session will be "codified" and integrated into current statute. When a bill is "codified" it means that the bill language adopted by the legislature is converted to the statutory numbering format and integrated into the RCWs. The amended or new statutes that result from the legislative session are usually available in the fall. The same is true of WACs. Rules adopted through the rule process as required under the Administrative Procedures Act are "codified" into the WACs. They can be adopted at any time during the year.

Laws can be amended frequently. It is the responsibility of each board commissioner to maintain the laws and regulations notebook you received at your initial training. Each year the board commissioners are provided a list of the RCWs (Revised Code of Washington) and WACs (Washington Administrative Code) that have changed in the last year.



Water Resources Program Policies/Procedures

POL 1045 - Emergency Water Source Authorization: Signed September 15, 2006. This policy provides guidance to program personnel in the permitting of emergency water supply sources for use by public water systems during catastrophic emergencies.

Program policies and procedures are provided as guidance to Water Resources staff. Water conservancy board commissioners are not subject to Ecology's policies and procedures. However, boards should be aware that records of decision will be reviewed by Ecology based on program policy.

All of Ecology's policies and procedures can be viewed on the Internet at the following website:
http://www.ecy.wa.gov/programs/wr/rules/pol_p_ro.html.



Editor: Janet L. Carlson, Water Conservancy Board Coordinator (509) 329-3421, jaca461@ecy.wa.gov,
Contributors: Doug Rushton, Fred Rajala

Appendix D

**Water Conservancy Board
Summary of Water Right Change Application Processing
November 1, 2004 to October 31, 2005**

Board	Applications filed first with		Total apps accepted by Boards	Application withdrawn by applicant	Proposed transfers relating to:			Declined to process (after accepted)	Records of Decision				
	Ecology	Board			Ground water	Surface water	Surf to Grd or Grd to Surf		Approved/ Partially Approved	Denied	Remanded/ Returned w/out action	Withdrawn from Ecy	Appealed
Adams Established 10/12/99	0	6	6	0	6	0	0	0	6	0	0	5	0
Benton Established 07/10/98	1	8	9	1	4	4	1	0	7	0	0	1	2
Chelan Established 11/23/99	0	15	15	4	2	7	6	0	14	0	0	0	1
Douglas Established 03/30/00	0	2	2	0	2	0	0	0	1	0	0	1	0
Ferry Established 05/19/00	0	1	1	1	0	1	0	0	0	0	0	0	0
Franklin Established 06/09/99	0	13	13	1	10	0	3	1	9	0	0	0	0
Grant Established 09/14/99	0	9	9	0	8	0	1	0	4	0	0	0	0
Island Established 08/06/01	0	0	0	0	0	0	0	0	0	0	0	0	0
Kittitas Established 10/16/00	0	17	17	1	1	4	12	0	16	0	0	0	0
Klickitat Established 07/01/99	0	7	7	1	3	0	4	0	6	0	0	2	1
Lewis Established 07/10/98	0	4	4	1	3	0	1	0	1	0	0	0	0

Board	Applications filed first with		Total apps accepted by Boards	Application withdrawn by applicant	Proposed transfers relating to:			Declined to process (after accepted)	Records of Decision				
	Ecology	Board			Ground water	Surface water	Surf to Grd or Grd to Surf		Approved/ Partially Approved	Denied	Remanded/ Returned w/out action	Withdrawn from Ecy	Appealed
Lincoln Established 11/23/99	0	1	1	0	1	0	0	0	1	0	0	0	0
Mason Established 09/04/02	0	1	1	0	1	0	0	0	1	0	0	0	0
Okanogan Established 05/12/00	0	5	5	1	1	1	3	1	2	0	0	0	0
Spokane Established 05/05/00	0	2	2	1	2	0	0	0	3	0	0	0	1
Stevens Established 01/25/02	0	3	3	2	1	0	2	0	2	0	0	2	1
Thurston Established 11/17/99	0	3	3	1	3	0	0	0	4	0	0	1	0
Walla Walla Established 10/05/99	0	4	4	1	4	0	0	0	1	0	0	0	0
Whatcom Established 12/07/99	0	0	0	0	0	0	0	0	0	0	0	0	0
Whitman Established 07/26/00	1	2	3	0	3	0	0	0	1	0	0	0	0
Yakima Established 07/12/99	0	13	13	0	12	1	0	0	6	0	0	0	6
Totals	2	116	118	16	67	18	33	2	85	0	0	12	12

Appendix D

**Water Conservancy Board
Summary of Water Right Change Application Processing
November 1, 2005 to October 31, 2006**

Board	Applications filed first with		Total apps accepted by Boards	Application withdrawn by applicant	Proposed transfers relating to:			Declined to process (after accepted)	Records of Decision				
	Ecology	Board			Ground water	Surface water	Surf to Grd or Grd to Surf		Approved/ Partially Approved	Denied	Remanded	Withdrawn from Ecy	Appealed
Adams Established 10/12/99	0	0	0	0	0	0	0	0	0	0	0	0	0
Benton Established 07/10/98	0	4	4	1	4	0	0	0	8	0	0	1	0
Chelan Established 11/23/99	2	10	12	8	4	5	3	0	15	0	0	0	0
Douglas Established 03/30/00	2	6	8	0	5	0	3	0	5	0	0	0	0
Ferry Established 05/19/00	0	0	0	0	0	0	0	0	0	0	0	0	0
Franklin Established 06/09/99	0	4	4	0	3	1	0	1	3	0	0	1	0
Grant Established 09/14/99	0	13	13	0	13	0	0	1	8	0	0	1	0
Island Established 08/06/01	0	0	0	0	0	0	0	0	0	0	0	0	0
Kittitas Established 10/16/00	0	15	15	0	1	9	5	0	15	0	1	2	0
Klickitat Established 07/01/99	1	0	1	0	0	1	0	1	2	0	0	2	1
Lewis Established 07/10/98	0	1	1	1	1	0	0	0	1	0	0	0	0

Board	Applications filed first with		Total apps accepted by Boards	Application withdrawn by applicant	Proposed transfers relating to:			Declined to process (after accepted)	Records of Decision				
	Ecology	Board			Ground water	Surface water	Surf to Grd or Grd to Surf		Approved/ Partially Approved	Denied	Remanded	Withdrawn from Ecy	Appealed
Lincoln Established 11/23/99	0	0	0	0	0	0	0	0	0	0	0	0	0
Mason Established 09/04/02	0	0	0	0	0	0	0	0	0	0	0	0	0
Okanogan Established 05/12/00	3	7	10	8	0	2	8	1	0	0	0	1	0
Spokane Established 05/05/00	0	3	3	0	3	0	0	1	1	0	0	2	0
Stevens Established 01/25/02	0	3	3	0	1	0	2	0	1	0	0	0	0
Thurston Established 11/17/99	0	0	0	1	0	0	0	0	6	0	0	1	0
Walla Walla Established 10/05/99	1	18	19	0	19	0	0	0	1	0	0	0	0
Whatcom Established 12/07/99	0	0	0	0	0	0	0	0	0	0	0	0	0
Whitman Established 07/26/00	0	0	0	1	0	0	0	0	3	0	0	1	0
Yakima Established 07/12/99	0	9	9	1	8	1	0	0	0	0	0	0	0
Totals	9	93	102	21	62	19	21	5	69	0	1	12	1

2005 Report to Legislature
Adams Co. Water Conservancy Board
 November 1, 2004 through October 31, 2005

Water Conservancy Board Information			
Board name	Adams Co. Water Conservancy Board	Date board created	October 12, 1999
Board address/ phone/email	Adams County Water Conservancy Board 402 E. Main Ave Ritzville, WA 99169 (509) 659-1553 and/or adamcd@ritzcom.net		
Board members	Dennis E. Swinger, Sr., Chair Rudy Plager, Member Chris Lyle, Member , Member , Member Joyce L. McNeil, Alternate	Term Expiration Date	
		11/15/09 11/15/07 11/15/11 N/A	
Primary board contact	Joyce L. McNeil, Board Support		
Changes in membership	Bd Member Name	Address	Phone/Cell/Fax/Email
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
Water Conservancy Board Operations			
Regular meeting schedule	4 th Monday of each month at 7 p.m., except July		
Regular meeting location	402 E. Main Ave, Ritzville, WA 99169		
Current fee for processing	\$500 per application	Has this changed from last year? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>	
Litigation WCB is involved in			
Property owned by WCB	Bookshelf and office supplies		
Number & type staff/ volunteer assistance	2 part time		
Do you maintain a water right transfer information exchange of interested buyers, sellers and/or leasors of water rights: <input checked="" type="checkbox"/> yes <input type="checkbox"/> no			
Training received other than from ecology	Title of Training	Date(s)	Sponsor
Forms attached <input type="checkbox"/>			
Additional comments: You may attach additional pages if desired			

2006 Report to Legislature
Adams County Water Conservancy Board
 November 1, 2005 through October 31, 2006

Water Conservancy Board Information			
Board name	Adams Co. Water Conservancy Board	Date board established	October 12, 1999
Board address/ phone/email	402 E. Main Ave. Ritzville, WA 99169 509 659-1553 and/or adamcd@ritcom.net		
Board commissioners	Dennis E. Swinger, Sr., , Chair Rudy Plager, Commissioner Chris Lyle, Commissioner , Commissioner , Commissioner , Alternate Joyce L. McNeil Alternate	Term Expiration Date	
		11/15/2009 11/15/2007 11/15/2011 10/03/10	
Primary board contact	Joyce L. McNeil, Alternate Bd. Commissioner		
Changes in membership	Bd Member Name	Address	Phone/Cell/Fax/Email
	New <input type="checkbox"/> Resigned		
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
Water Conservancy Board Operations			
Regular meeting schedule	4th Monday of each month at 7p.m., except July		
Regular meeting location	402 E. Main Ave. Ritzville, WA 99169		
Current fee for processing	\$500.00 per application	Has this changed from last year? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>	
Litigation WCB has been involved in			
Property owned by WCB	Bookshelf and Office Supplies		
Number & type staff/ volunteer assistance	1 Part-Time		
Do you maintain a water right transfer information exchange of interested buyers, sellers and/or leasors of water rights: <input checked="" type="checkbox"/> yes <input type="checkbox"/> no			
Additional comments: You may attach additional pages if desired			

Application Information between 11/01/05 to 10/31/06		
Estimated pre-application consultations or contacts	With board	0
	With individual board commissioner	0
Total applications accepted by the board	Conveyed from Ecology	0
	Filed originally with WCB	0
	Total applications accepted 11/01/05 to 10/31/06	0
Total applications withdrawn or declined after acceptance by the board	Withdrawn by applicant from board	0
	Board declined to process	0
Applications for	Ground water transfers	0
	Surface water transfers	0
	Surface to ground or ground to surface water	0
Proposing transfer related to:	Certificates	0
	Water right claims	0
	Court claims or other documents	0
	Trust water	0
Hearings in other counties¹		0
Applications by Water Resource Inventory Areas (WRIAs)		
WRIA Number	WRIA Name	Number Filed
WRIA 36	Esquatzel	0
WRIA 41	Lower Crab	0
WRIA 34	Palouse	0
Records of Decisions by the Board		
Approved	00	
Denied	0	
Total Decisions	(sum of all RODs)	
Withdrawn from Ecology	0	
Remand/returned without action back to board	0	
Appealed to PCHB	0	

2005 Report to Legislature
Benton County Water Conservancy Board
 October 31, 2004 through October 31, 2005

Water Conservancy Board Information			
Board name	Benton Co. Water Conservancy Board	Date board approved	07/10/98
Board address/ phone/email	Benton Co. Water Conservancy Board 3030 W. Clearwater, Suite 205-A Kennewick, WA 99336 (509) 783-1623 and/or dolsenecon@aol.com		
Board members	Darryll Olsen, Ph.D. Chair Matt Berg, Member, Treasurer John Jaksch, Ph.D. Member , Member , Member , Alternate	Term Expiration Date	
		05/31/10 05/31/08 05/31/06 N/A	
Primary board contact	Dr. Darryll Olsen, Chair		
Changes in membership	Bd Member Name	Address	Phone/Cell/Fax/Email
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
Water Conservancy Board Operations			
Regular meeting schedule	As Needed.		
Regular meeting location	Kennewick, WA		
Current fee for processing	\$250	Has this changed from last year? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>	
Litigation WCB is involved in	Two lawsuits in 2004 against WADOE: City of West Richland change/transfer BCWCB; and settled lawsuit with WADOE regarding implementation of RCW 90.03.380.		
Property owned by WCB	None.		
Number staff/ volunteer assistance	Several attorneys paid/donated time; public information officer to distribute requested materials and inquiries.		
Do you maintain a water right transfer information exchange of interested buyers, sellers and/or leasors of water rights: <input checked="" type="checkbox"/>			
Yes. Public notice as requested. <input type="checkbox"/> no			
Training received other than from ecology	Title of Training	Date(s)	Sponsor
	Annual WADOE Training Sessions	2004-05	WADOE
	Litigation and Preparation of Legal Opinions	2003-04	BCWCB
Forms attached <input type="checkbox"/>			
Additional comments: See above memorandum.			

Application Information		
Filed with and conveyed from Ecology	1 recommended from WADOE to BCWCB.	
Filed originally with WCB	All	
Total applications filed and accepted 11/01/04 to 10/31/05	9 accepted	
Withdrawn by applicant from board	1 (twice)	
Board declined to process	0	
Applications for:		
groundwater transfers	4	
surface water transfers	4	
surface to ground water or ground to surface water	1	
Proposing transfer related to:	Permits: 6 Certificates: 2	
water right claims	1	
court claims or other documents	0	
trust water	0	
Hearings in other counties¹	0	
Applications by Water Resource Inventory Areas (WRIAs)		
WRIA Number	WRIA Name	Number Filed
31		
36		
37		
Records of Decisions by WCB		
Approved	7	
Partially approved	0	
Denied	0	
Total Decisions		6 Decisions
Withdrawn from Ecology	1 (twice)	
Remanded back to board	0	
Appealed to PCHB	None.	

*Benton County Water Conservancy Board
Status Report—October 2005*

Transmittal: E-Mail/FAX

DATE: October 28, 2005

TO: Reps. Bruce Chandler, Dan Newhouse, and Mark Schoesler
Sens. Jerome Delvin, Jim Honeyford, Mike Hewitt, and Bob Morton

Ms. Janet Carlson, WADOE, Spokane Office

Board of Benton County Commissioners

FROM: Darryll Olsen, Ph.D.
Chairman, Benton County Water Conservancy Board
509-783-1623, FAX 509-735-3140

SUBJECT: 2005 Status Report For Benton County Water Conservancy Board (Water Board)

The following information provides a status report on the activities of the Benton County Water Conservancy Board (Water Board) for operations commencing in the fall of 1998 through October 2005. This information is provided to the WADOE to meet its reporting requirements to the Washington State legislature and to inform the Benton County Commissioners.

BACKGROUND AND OPERATIONS

The Benton County Water Conservancy Board (Water Board):

The Water Board membership is as follows:

- Darryll Olsen, Ph.D., Regional Planner/Resource Economist, The Pacific Northwest Project, Kennewick, WA (Chairman); land owner served by irrigation district water rights.
- John Jaksch, Ph.D., Resource Economist, Pacific Northwest Laboratory, Richland, WA (Vice-Chairman); land owner served by irrigation district water rights.
- Matt Berg, B.A., Agricultural Economics, Berg Farms, Prosser, WA (Treasurer); land owner and holder of water rights.

Water Board Training and Related Activities:

The Water Board members have participated regularly in or received:

- Training workshops held by the WADOE (1998 and 1999), whenever invitations are extended to water conservancy board members (Olsen, Jaksch, Berg).

- **Training workshop held jointly by WADOE and BCWCB (fall 1999) (Olsen, Jaksch, Berg).**
- **All Boards Workshop and Training (2000 and 2002) (Olsen, Jaksch, and Berg).**
- **Participation in drafting 2000 and 2001 legislative changes for water conservancy boards, including legislative hearing testimony (Olsen, Berg, Jaksch); participation in rule-making review, 2002 (Olsen).**
- **Water Law and Policy Seminars, 1999-2001 (for example, CLE and AWWA seminars) (Olsen).**
- **Review of all WADOE updates and court cases distributed to the Water Boards by WADOE and on the WADOE website (Olsen, Berg, Jaksch).**
- **Participation in professional and business associations that are active in state and federal water management policy (Olsen, Berg).**
- **Direct participation with legislators in drafting 2003 legislative changes to RCW 90.03.380 affecting changes/transfers and water right relinquishment under the “beneficial-use” test.**
- **Participation in 2003 lawsuits affecting Water Board decisions for water right changes, Desert Hills and West Richland vs WADOE (Olsen, Berg, Jaksch).**
- **Prepared and distributed legal opinions on WADOE proposed policy for implemented RCW 90.03.380, 2003.**
- **Scheduled for WADOE annual workshop training in 2003 (Olsen, Berg, Jaksch).**
- **Participated in training workshop offered in 2004 (Olsen, Berg, Jaksch).**
- **Participated in training workshop offered in 2004 (Olsen, Berg, Jaksch).**

Water Board Fees/Funding:

The Water Board reviews potential applications for transfers/changes and formally accepts appropriate applications (applications that meet the minimum standards for review) for review and processing. When accepted for review, the Water Board charges a fee of \$250 per application. The fee is used principally to cover public notice and related notification costs. The Water Board has met the information requests from all third parties consistent with existing state agency standards.

Consistent with RCW 90.80.060 and review by the Water Board’s legal counsel, the Water Board may accept financial grants or donated services from public entities, academic institutions and foundations, private organizations, or private corporations or individuals. Any funding received via grants and donations must be used for Water Board activities that support broad public needs or issues affecting the universal application of the state water code, relative to Water Board purposes.

The Water Board has received small financial grants from the Benton County Commission (\$1,000, \$5,000, and \$7,000), from the Benton Rural Electric Association (\$1,500), and from the State Dept. of Natural resources (\$5,000). The grants were provided to support initial start-up activities, to support technical analyses related to water use, and to support Water Board participation in and review of state legal issues affecting Water Board operations (legal opinions and some related briefs).

The Water Board has received donations of legal services and legal support from Benton REA, the City of West Richland, the Columbia-Snake River Irrigators Association, and individual water right holders; and some attorneys working with the Water Board have donated time. Also, the Water Board has received legal review interpretations of the water code from state agencies. The Water Board only engages in litigation activities that are relevant to issues of broad public application of the water code by the Water Board.

Water Board Staff:

The Water Board retains a public information officer to be the contact point for third-party inquiries and to distribute to third-parties copies of requested materials.

The Water Board has received the services of several local attorneys (paid and donated time) for issues related to state-wide water policy issues. The Water Board does require applicants to fund needed legal services affecting their water right change/transfer. And some legal services for the Water Board have been paid by third parties, as noted above.

The Benton County Commission has made available a public record site for public access to applications under review, RODs, and meeting minutes.

Water Board Water Marketing Activities:

The Water Board has published locally--several times--a general "Markets for Water" notification, for those parties interested in buying or selling water rights. The Water Board attempts to facilitate such transactions whenever possible. The Water Board has received several inquiries about water available for transfer and referred such inquiries to appropriate parties.

The Water Board has reviewed several applications involving water market transfers/changes.

Water Board Review Standards for Transfers/Changes Applications:

The Water Board performs an extensive level of review, including: verifying the existing water right, determining the extent of beneficial use, review of potential impairments and consistency with public interest under the law, and providing operational conditions to ensure that use is consistent with existing laws for water well construction, metering of water use, as well as other water use requirements.

Public Access/Comments to Water Board Review of Applications:

The opportunity for public access to or comments on water right transfers/changes reviewed before the Water Board is substantial; and the Water Board review process actually expands opportunities for public comment beyond the protocol conducted solely by the WADOE.

The Water Board provides for public notice of transfer/change applications formally received, they distribute copies of applications to parties requesting notice of all application reviews (including several state agencies and tribes), and they receive formal comments submitted to them by any party. All comments, if any are received, become part of the formal record of decision (ROD).

BCWCB Meeting Agendas and Minutes:

The agendas for the BCWCB meetings are fixed, with the same topics covered each meeting. Agendas are distributed at each meeting for all meeting participants. The agendas include:

- Meeting call to order and approval of previous meeting minutes.
- Financial report from the treasurer.

- Application update and review (receipt of new applications, review of draft RODs, approval of requests and RODS).
- Litigation (if any) and Special Topics.
- Future meeting schedules.
- Public comment.
- Meeting adjournment.

All BCWCB meetings, and general workshops, are open to the public with meeting dates published in the local paper, and third parties are notified upon request. Meeting minutes are available to any party upon request and are filed at the County's public file site. Meeting minutes are not recorded for informal work meetings, where no decisions are made (such meetings usually deal with very specific technical issues, where such information is eventually included within the Report of Examination/Record of Decision which is open for public review and comment).

Water Board Public Hearings, Litigation Actions, and Legislation:

The applications reviewed and record of decisions (RODs) prepared by the Water Board have not required public hearings, consistent with RCW 90.80 and agency rules. Any written comments received from any party concerning a specific application have been noted within the ROD. The Water Board would be conducting a public hearing on a transfers/changes application, where it involves an inter-county transfer/change.

The Water Board has directly participated in the past litigation surrounding general water conservancy board authority and implementation of the water code, as an amicus, an intervener, and a plaintiff. Water Board litigation activities are limited to issues that support broad public needs, or issues affecting the universal application of the state water code, relative to Water Board purposes. The litigation involves the direct interpretation of the water code relative to water rights.

The Water Board has participated within two stipulated settlement agreements between WADOE and applicants (Benton County and Desert Hills). The Water Board engaged in litigation (2003-4) with WADOE concerning a West Richland change/transfer, where the Water Board's decision was upheld in Superior Court; and the Water Board engaged in litigation against WADOE in 2004 regarding the use of agency policy as an illegal "rule" concerning the quantification of water rights. The Water Board reached a legal settlement agreement with WADOE concerning the implementation of RCW 90.03.380, the extent and validity of a water right for change/transfer (October 2004).

The Water Board participated in the 2001 legislative actions involving the authority of Water Conservancy Boards, and reviews new water law proposal and bills. The Water Board monitors new legislative proposals affecting the implementation of state water law.

STATUS OF APPLICATION REVIEWS AND ROE/RODS

Status of Water Right Transfers/Changes Under BCWCB Review:

The BCWCB has reviewed numerous applications for water right transfers/changes, affecting water right claims, permits, and certificates; the nature and status of which are summarized below and in the attached WADOE Form.

Record of Decisions Approved by Water Board Prior to 11/2001:

- **Kennewick Hospital District and Boudier Orchards, groundwater transfer/change request for place of use, inchoate groundwater permit change request, request approved by BCWCB (permit); affirmed or affirmed with modifications by WADOE.**
- **WA State Dept. of Natural Resources, groundwater transfer/change request for place of use, request approved by BCWCB (permit); affirmed or affirmed with modifications by WADOE.**
- **Kiona Vineyards (Holmes), groundwater transfer/change request for water-spreading with water application efficiency improvements, request approved by BCWCB (certificate); affirmed or affirmed with modifications by WADOE.**
- **Stimson-Lane, Columbia Crest Vineyards, groundwater transfer/change request for change of place of use, seasonal change, and purpose, request approved by BCWCB (certificate); affirmed or affirmed with modifications by WADOE.**
- **Benton County and Barker Ranches, surface water (Yakima River) claim transfer/change request for change of place of use, seasonal change, and purpose, request approved by BCWCD; request denied by WADOE but with stipulated settlement agreement upholding the Record of Decision issue by BCWCB (claim).**
- **Soaring Eagle Ranches No.1, groundwater transfer/change request for change of place of use and point of diversion, request approved by BCWCB (certificate); affirmed or affirmed with modifications by WADOE.**
- **Soaring Eagle Ranches No.2, groundwater transfer/change request for change of place of use and point of diversion, request approved by BCWCB (permit); affirmed or affirmed with modifications by WADOE.**
- **Shore Properties-Washington Fruit and Cold Storage, surface water (Columbia River) transfer/change request for change in point of diversion, request approved by BCWCB (permit); affirmed or affirmed with modifications by WADOE.**
- **Badger Mt. Irrigation District, groundwater transfer/change request for point of diversion, place of use, seasonal change, and purpose of use, request approved by BCWCB (permit); affirmed or affirmed with modifications by WADOE.**
- **Kiona Vineyards (Holmes), groundwater transfer/change request for water-spreading with water application efficiency improvements, request approved by BCWCB, decision modified by WADOE with WADOE re-issuing second modification order due to technical error by WADOE in original modification order; WADOE and BCWCB concur on revised modification order (certificate).**
- **City of West Richland (Michels water right), groundwater transfer/change request for place of use, point of diversion, seasonal change, and purpose of use, request approved by the BCWCB and denied by WADOE; applicant has appealed to PCHB and requested settlement agreement with WADOE, but WADOE is now denying permit extension with water right holder challenging WADOE denial of extensions (permit), currently in PCHB review.**

- **Berg Farms, surface water transfer/change request for added point of diversion, request approved by BCWCB (permit); affirmed or affirmed with modifications by WADOE.**
- **WA State Dept. of Natural Resources, groundwater transfer/change request for place of use, request approved by BCWCB (permit); affirmed or affirmed with modifications by WADOE.**
- **Badger Mt. Irrigation District, groundwater transfer/change request for point of diversion, and place of use; request approved by BCWCB (permit); affirmed or affirmed with modifications by WADOE.**
- **City of West Richland, groundwater transfer/change request for point of diversion; request approved by BCWCB (Certificate); affirmed or affirmed with modifications by WADOE.**
- **City of Richland, surface water (Columbia River) transfer/change request for change in point of diversion (irrigation sector); request approved by BCWCB (certificate); affirmed or affirmed with modifications by WADOE.**
- **City of Richland, surface water (Columbia River) transfer/change request for change in point of diversion (domestic use); request approved by BCWCB (certificate); affirmed or affirmed with modifications by WADOE.**
- **Stimson-Lane, Columbia Crest Vineyards, groundwater transfer/change request for added point of diversion, change to place of use, seasonal change, and purpose, request approved by BCWCB (certificate); affirmed or affirmed with modifications by WADOE.**
- **Belzer and Manuel, groundwater transfer/change request for place of use for inchoate water, for a lot within a private development; request approved by BCWCB (permit), affirmed by WADOE.**

Applications Received/Processed/Pending Review by Water Board 11/2001-10/2002:

- **City of West Richland, groundwater change/transfer request for change to purpose and place of use; request approved by BCWCB (permit), affirmed or modified and affirmed by WADOE.**
- **Plymouth Energy, LCC, groundwater and surface water from the Columbia River change/transfer request for change to purpose of use; request approved by the BCWCB (permit), affirmed or modified and affirmed by WADOE.**
- **Plymouth Farms, purpose and place of use LCC, groundwater and surface water from the Columbia River change/transfer request for change to purpose of use; request approved by the BCWCB (permit), affirmed or modified and affirmed by WADOE.**
- **Battelle Memorial Institute, PNNL, surface water from the Columbia River change/transfer request for change to purpose of use; request approved by BCWCB (certificate), affirmed or modified and affirmed by WADOE.**

- **Battelle Memorial Institute, PNNL, groundwater change/transfer request for change to place/time of use; request approved by BCWCB (certificate), affirmed or modified and affirmed by WADOE.**
- **Badger Canyon Ranch, Wiser, groundwater change/transfer request for change to purpose and place of use; request approved by the BCWCB (certificate), affirmed or modified and affirmed by the WADOE.**

Applications Processed or Received Pending Review by Water Board 10/2002-10/2003:

- **Desert Hills Fruit, surface water (Columbia River) change/transfer request for change to place of use; request approved by the BCWCB (permit); approval accepted by WADOE after litigation stipulated settlement agreement.**
- **Desert Hills Fruit, surface water (Columbia River) change/transfer request for change to place of use; request approved by the BCWCB (certificate); approval accepted by WADOE after litigation stipulated settlement agreement.**
- **C&M Orchards, groundwater change/transfer request for change to point of withdrawal; request approved by the BCWCB (permit), affirmed or modified and affirmed by the WADOE.**
- **Mt. Adams Vista Water System, groundwater change/transfer request for change of purpose and place of use; request investigated by the BCWCB and determination made that water use could be best accomplished under the domestic water use exemption (permit); BCWCB notified WADOE that applicant would be servicing two lots via groundwater use exemption for permit; file closed for further action by the BCWCB.**
- **WA State Dept. of Natural Resources, groundwater transfer/change request for point of diversion and place of use, draft ROD prepared by BCWCB (permit); request approved by the BCWCB (permit), affirmed or modified and affirmed by the WADOE.**
- **WA State Dept. of Natural Resources, surface water (Columbia River) change/transfer request for change to point of diversion; request will be approved by BCWCB having received final review by WADOE of permit extension (extension approved in 2003); active status, pending as of 10/2003.**
- **Stimson-Lane, LTD, surface water (Columbia River) change/transfer request for change to place of use; applicant requested application withdrawal during BCWCB review; BCWCB withdrawal of application from review.**
- **Haag-Williams, groundwater change/transfer request for change to purpose and place of use (certificate); received 10/2002; BCWCB determined that applicant's request could be serviced via existing exempt well; BCWCB notified WADOE that applicant would be servicing six lots via groundwater use exemption for permit; file closed for further action by the BCWCB.**
- **Monson Ranches, groundwater change/transfer request for change to place of use; applicant requested withdrawal of application after litigation settlement agreement with DNR (permit).**

- **Maryhill Museum, groundwater (surface water continuity with Columbia River) transfer/change request for point of diversion, place of use, seasonal change, and purpose of use; draft ROD in preparation by the Board (permit), WADOE has made determination that the specific hydrology features likely represent same body of water for management purposes; applicant has requested hold on action pending water right sales agreement (permit); active status, pending 10/2003.**
- **Cone/Underwood, groundwater change/transfer request for change in place of use; received 2003; applicant has requested hold on action pending additional legal review.**

Applications Processed or Received Pending Review by Water Board 10/2003-10/2004:

- **Plymouth Farms, LLC, groundwater change/transfer request for additional points of withdrawal and extended period of use; received 2003; ROE/ROD prepared by BCWCB December 2003; request approved by the BCWCB (permit), affirmed or modified and affirmed by the WADOE.**
- **Lawrence Pearson, groundwater change/transfer request for point of diversion and place of use; received 2003; ROE/ROD prepared by BCWCB December 2003; request approved by the BCWCB (permit), affirmed or modified and affirmed by the WADOE.**
- **Hedges and Lawrence Pearson, groundwater change/transfer request for point of diversion (permit); received 2004; final ROE/ROD prepared by BCWCB June 2004; request approved by the BCWCB (permit), affirmed or modified and affirmed by the WADOE.**
- **WA State Dept. of Natural Resources, groundwater change/transfer request for place of use; received 2003; ROD/ROE prepared by BCWCB March 2004; request approved by the BCWCB (permit), affirmed or modified and affirmed by the WADOE.**
- **WA State Dept. of Natural Resources, groundwater change/transfer request for place of use (permit); received 2003; ROD/ROE prepared by BCWCB September 2004; request approved by the BCWCB (permit), pending WADOE Review.**
- **Olsen Bros. Farms, groundwater change/transfer request for point of diversion and place of use (permit); received 2003; ROD/ROE prepared by BCWCB October 2004; request approved by the BCWCB (permit), pending WADOE Review.**
- **WA State Dept. of Natural Resources, groundwater change/transfer request for point of withdrawal (permit); received 2004; pending review by BCWCB.**
- **WA State Dept. of Natural Resources, groundwater change/transfer request for place of use and point of withdrawal (permit); received 2004; pending review by BCWCB.**

Applications Processed or Received by Water Board 10/2004-10/2005:

- **Bitton Farms, groundwater change/transfer request for change to point of withdrawal and place of use; request approved by the BCWCB July 2005 (permit), affirmed or modified by the WADOE.**

- **WA State Dept. of Natural Resources, groundwater change/transfer request for place of use and point of withdrawal (permit G4-25953(A)P); request approved by the BCWCB April 2005, affirmed or modified by the WADOE.**
- **Richard Gurske, groundwater change/transfer request for change to point of withdrawal; request approved by the BCWCB March 2005 (permit), affirmed or modified by the WADOE.**
- **SDH Trust, groundwater change/transfer request for change to point of withdrawal and place of use; request approved by the BCWCB January 2005 (permit), affirmed or modified by the WADOE.**
- **Kendall Wahlquist, Surface Water Yakima River, change/transfer request for point of withdrawal change; request approved by the BCWCB May 2005 (water right claim CS4-00151CTCL@1), affirmed or modified by the WADOE.**
- **WA State Dept. of Natural Resources, groundwater change/transfer request for place of use (permit G4-28833P); ROD/ROE prepared by BCWCB September 2003/2004, and subject of litigation review; request approved by the BCWCB October 2005, pending WADOE review.**
- **Watts Bros., surface water right, Columbia River, change/transfer request for place of use, purpose of use, and time of use; request approved by the BCWCB October 2005, pending WADOE review.**
- **Mercer Ranches, surface water right, Columbia River, change/transfer request for place of use, purpose of use, and time of use; request received by the BCWCB December 2001.**
- **City of Richland, groundwater right, certificate (CG4-28515C), change/transfer request for change in place of use, received by the BCWCB January 2005.**
- **City of Richland, surface water right, Columbia River, certificate (S4-12666C), change/transfer request for change to point of withdrawal, received by the BCWCB April 2005.**
- **Ste. Michelle Wine Estates, LCC., surface water right, Yakima River, change to point of withdrawal, place of use, and purpose of use, received by the BCWCB October 2005.**

In addition to the application requests and ROE/RODs indicated above, the BCWCB has discussed draft applications or inquiries for transfers/changes with over 100 (additional) potential applicants. The Board advises potential applicants to proceed with formal application submittal--and the requirements thereof--depending on their circumstances, and whether their request is perceived to be within the bounds of existing state water law.

GENERAL RECOMMENDATIONS/COMMENTS
TO THE WADOE AND LEGISLATURE

The Benton County Water Conservancy Board (Water Board) concisely offers the following recommendations/comments--or supports the following actions--concerning direct and indirect activities of the water conservancy boards:

- The Water Board appreciates all efforts made by WADOE staff to work collaboratively with and enhance water conservancy board operations.
- The Water Board supports a legislative changes to the relinquishment statutes, extending the water right relinquishment period—non-use period—from 5-years to 20-years (90.14), with corresponding changes to 90.03.380 as well; or to establish the beneficial use of a water right as the peak-year of use over the historical life of a water right (as previously contained in SB-5106, 2003 legislative session).
- The BCWCB would recommend that current support levels be maintained. Technical support, on issues involving groundwater hydrology, has been usually good.
- The major area of conflict between the BCWCB and WADOE is not technical evaluation, but legal and policy interpretation of the water code. The BCWCB recommends that direct Attorney General Office support should be made available to the Water Boards.

2006 Report to Legislature
Benton County Water Conservancy Board
 October 31, 2005 through October 31, 2006

Water Conservancy Board Information			
Board name	Benton Co. Water Conservancy Board	Date board approved	07/10/98
Board address/ phone/email	Benton Co. Water Conservancy Board 3030 W. Clearwater, Suite 205-A Kennewick, WA 99336 (509) 783-1623 and/or dolsenecon@aol.com		
Board members	Darryll Olsen, Ph.D. Chair Matt Berg, Member, Treasurer John Jaksch, Ph.D. Member , Member , Member , Alternate	Term Expiration Date	
		05/31/10 05/31/08 05/31/06 to be renewed N/A	
Primary board contact	Dr. Darryll Olsen, Chair		
Changes in membership	Bd Member Name	Address	Phone/Cell/Fax/Email
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
Water Conservancy Board Operations			
Regular meeting schedule	As Needed.		
Regular meeting location	Kennewick, WA		
Current fee for processing	\$250	Has this changed from last year? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>	
Litigation WCB is involved in	None in 2006.		
Property owned by WCB	None.		
Number staff/ volunteer assistance	Several attorneys paid/donated time; public information officer to distribute requested materials and inquiries, when needed.		
Do you maintain a water right transfer information exchange of interested buyers, sellers and/or leasors of water rights: <input checked="" type="checkbox"/>			
Yes. Public notice as requested. <input type="checkbox"/> no			
Training received other than from ecology	Title of Training	Date(s)	Sponsor
	Annual WADOE Training Sessions	2005-06	WADOE
	Litigation and Preparation of Legal Opinions	2003-04	BCWCB
Forms attached <input type="checkbox"/>			
Additional comments: See above memorandum.			

Application Information	
Filed with and conveyed from Ecology	0.
Filed originally with WCB	All
Total new applications filed and accepted 11/01/05 to 10/31/06 4 accepted	
Withdrawn by applicant from board	1 (request for no action, previous 2005 application)
Board declined to process	0
Applications for:	
groundwater transfers	4
surface water transfers	0
surface to ground water or ground to surface water	0
Proposing transfer related to:	
water right claims	Permits: 0 Certificates: 4
court claims or other documents	0
trust water	0
Hearings in other counties¹	0
Applications by Water Resource Inventory Areas (WRIAs)	
WRIA Number	WRIA Name
31	
36	
37	
Records of Decisions by WCB	
Approved	8
Partially approved	0
Denied	0
Total Decisions	6 Decisions
Withdrawn from Ecology	1 (once—Mercer Canyons/Bolthouse Farms, additional SEPA Checklist requested from WADOE).
Remanded back to board	0
Appealed to PCHB	1 and the appeal was withdrawn before hearing.

*Benton County Water Conservancy Board
Status Report—October 2006*

Transmittal: E-Mail/FAX

DATE: October 30, 2006

TO: Ms. Janet Carlson, WADOE, Spokane Office
Board of Benton County Commissioners

FROM: Darryll Olsen, Ph.D.
Chairman, Benton County Water Conservancy Board
509-783-1623, FAX 509-735-3140

SUBJECT: 2006 Status Report For Benton County Water Conservancy Board (Water Board)

The following information provides a status report on the activities of the Benton County Water Conservancy Board (Water Board) for operations commencing in the fall of 1998 through October 2006. This information is provided to the WADOE to meet its reporting requirements to the Washington State legislature and to inform the Benton County Commissioners.

BACKGROUND AND OPERATIONS

The Benton County Water Conservancy Board (Water Board):

The Water Board membership is as follows:

- Darryll Olsen, Ph.D., Regional Planner/Resource Economist, The Pacific Northwest Project, Kennewick, WA (Chairman); land owner served by irrigation district water rights.
- John Jaksch, Ph.D., Resource Economist, Pacific Northwest Laboratory, Richland, WA (Vice-Chairman); land owner served by irrigation district water rights.
- Matt Berg, B.A., Agricultural Economics, Berg Farms, Prosser, WA (Treasurer); land owner and holder of water rights.

Water Board Training and Related Activities:

The Water Board members have participated regularly in or received:

- Training workshops held by the WADOE (1998 and 1999), whenever invitations are extended to water conservancy board members (Olsen, Jaksch, Berg).
- Training workshop held jointly by WADOE and BCWCB (fall 1999) (Olsen, Jaksch, Berg).
- All Boards Workshop and Training (2000 and 2002) (Olsen, Jaksch, and Berg).

- Participation in drafting 2000 and 2001 legislative changes for water conservancy boards, including legislative hearing testimony (Olsen, Berg, Jaksch); participation in rule-making review, 2002 (Olsen).
- Water Law and Policy Seminars, 1999-2001 (for example, CLE and AWWA seminars) (Olsen).
- Review of all WADOE updates and court cases distributed to the Water Boards by WADOE and on the WADOE website (Olsen, Berg, Jaksch).
- Participation in professional and business associations that are active in state and federal water management policy (Olsen, Berg).
- Direct participation with legislators in drafting 2003 legislative changes to RCW 90.03.380 affecting changes/transfers and water right relinquishment under the “beneficial-use” test.
- Participation in 2003 lawsuits affecting Water Board decisions for water right changes, Desert Hills and West Richland vs WADOE (Olsen, Berg, Jaksch).
- Prepared and distributed legal opinions on WADOE proposed policy for implemented RCW 90.03.380, 2003.
- Scheduled/participated in WADOE annual workshop training in 2003 (Olsen, Berg, Jaksch).
- Participated in training workshops offered in 2004-6 (Olsen, Berg, Jaksch).
- Scheduled for training workshop in Tri-Cities, WA, January 2007 (Olsen, Jaksch, Berg).

Water Board Fees/Funding:

The Water Board reviews potential applications for transfers/changes and formally accepts appropriate applications (applications that meet the minimum standards for review) for review and processing. When accepted for review, the Water Board charges a fee of \$250 per application. The fee is used principally to cover public notice and related notification costs. The Water Board has met the information requests from all third parties consistent with existing state agency standards.

Consistent with RCW 90.80.060 and review by the Water Board’s legal counsel, the Water Board may accept financial grants or donated services from public entities, academic institutions and foundations, private organizations, or private corporations or individuals. Any funding received via grants and donations must be used for Water Board activities that support broad public needs or issues affecting the universal application of the state water code, relative to Water Board purposes.

The Water Board has received small financial grants from the Benton County Commission (\$1,000, \$5,000, and \$7,000), from the Benton Rural Electric Association (\$1,500), and from the State Dept. of Natural resources (\$5,000). The grants were provided to support initial start-up activities, to support technical analyses related to water use, and to support Water Board participation in and review of state legal issues affecting Water Board operations (legal opinions and some related briefs).

The Water Board has received donations of legal services and legal support from Benton REA, the City of West Richland, the Columbia-Snake River Irrigators Association, and individual water right holders; and some attorneys working with the Water Board have donated time. Also, the Water Board has received legal review interpretations of the water code from state agencies. The Water Board only engages in litigation activities that are relevant to issues of broad public application of the water code by the Water Board.

Water Board Staff:

The Water Board retains a public information officer to be the contact point for third-party inquiries and to distribute to third-parties copies of requested materials. No recent inquiries have been made, in 2005-06.

The Water Board has received the services of several local attorneys (paid and donated time) for issues related to state-wide water policy issues. The Water Board does require applicants to fund needed legal services affecting their water right change/transfer. And some legal services for the Water Board have been paid by third parties, as noted above.

The Benton County Commission has made available a public record site for public access to applications under review, RODs, and meeting minutes.

Water Board Water Marketing Activities:

The Water Board has published locally--several times annually--a general "Markets for Water" notification, for those parties interested in buying or selling water rights. The Water Board attempts to facilitate such transactions whenever possible. The Water Board has received several inquiries about water available for transfer and referred such inquiries to appropriate parties.

The Water Board has reviewed several applications involving water market transfers/changes.

Water Board Review Standards for Transfers/Changes Applications:

The Water Board performs an extensive level of review, including: verifying the existing water right, determining the extent of beneficial use, review of potential impairments and consistency with public interest under the law, and providing operational conditions to ensure that use is consistent with existing laws for water well construction, metering of water use, as well as other water use requirements.

Public Access/Comments to Water Board Review of Applications:

The opportunity for public access to or comments on water right transfers/changes reviewed before the Water Board is substantial; and the Water Board review process actually expands opportunities for public comment beyond the protocol conducted solely by the WADOE.

The Water Board provides for public notice of transfer/change applications formally received, they distribute copies of applications to parties requesting notice of all application reviews (including several state agencies and tribes), and they receive formal comments submitted to them by any party. All comments, if any are received, become part of the formal record of decision (ROD).

BCWCB Meeting Agendas and Minutes:

The agendas for the BCWCB meetings are fixed, with the same topics covered each meeting. Agendas are distributed at each meeting for all meeting participants. The agendas include:

- Meeting call to order and approval of previous meeting minutes.
- Financial report from the treasurer.
- Application update and review (receipt of new applications, review of draft RODs, approval of requests and RODS).

- **Litigation (if any) and Special Topics.**
- **Future meeting schedules.**
- **Public comment.**
- **Meeting adjournment.**

All BCWCB meetings, and general workshops, are open to the public with meeting dates published in the local paper, and third parties are notified upon request. Meeting minutes are available to any party upon request and are filed at the County’s public file site. Meeting minutes are not recorded for informal work meetings, where no decisions are made (such meetings usually deal with very specific technical issues, where such information is eventually included within the Report of Examination/Record of Decision which is open for public review and comment).

Water Board Public Hearings, Litigation Actions, and Legislation:

The applications reviewed and record of decisions (RODs) prepared by the Water Board have not required public hearings, consistent with RCW 90.80 and agency rules. Any written comments received from any party concerning a specific application have been noted within the ROD. The Water Board would be conducting a public hearing on a transfers/changes application, where it involves an inter-county transfer/change.

The Water Board has directly participated in the past litigation surrounding general water conservancy board authority and implementation of the water code, as an amicus, an intervener, and a plaintiff. Water Board litigation activities are limited to issues that support broad public needs, or issues affecting the universal application of the state water code, relative to Water Board purposes. The litigation involves the direct interpretation of the water code relative to water rights.

The Water Board has participated within two stipulated settlement agreements between WADOE and applicants (Benton County and Desert Hills). The Water Board engaged in litigation (2003-4) with WADOE concerning a West Richland change/transfer, where the Water Board’s decision was upheld in Superior Court; and the Water Board engaged in litigation against WADOE in 2004 regarding the use of agency policy as an illegal “rule” concerning the quantification of water rights. The Water Board reached a legal settlement agreement with WADOE concerning the implementation of RCW 90.03.380, the extent and validity of a water right for change/transfer (October 2004).

The Water Board participated in the 2001 legislative actions involving the authority of Water Conservancy Boards, and reviews new water law proposal and bills. The Water Board monitors new legislative proposals affecting the implementation of state water law.

The Water Board participated in review/revising the existing WACs in 2006, at the annual training meeting.

STATUS OF APPLICATION REVIEWS AND ROE/RODS

Status of Water Right Transfers/Changes Under BCWCB Review:

The BCWCB has reviewed numerous applications for water right transfers/changes, affecting water right claims, permits, and certificates; the nature and status of which are summarized below and in the attached WADOE Form.

Record of Decisions Approved by Water Board Prior to 11/2001:

- **Kennewick Hospital District and Boudier Orchards, groundwater transfer/change request for place of use, inchoate groundwater permit change request, request approved by BCWCB (permit); affirmed or affirmed with modifications by WADOE.**
- **WA State Dept. of Natural Resources, groundwater transfer/change request for place of use, request approved by BCWCB (permit); affirmed or affirmed with modifications by WADOE.**
- **Kiona Vineyards (Holmes), groundwater transfer/change request for water-spreading with water application efficiency improvements, request approved by BCWCB (certificate); affirmed or affirmed with modifications by WADOE.**
- **Stimson-Lane, Columbia Crest Vineyards, groundwater transfer/change request for change of place of use, seasonal change, and purpose, request approved by BCWCB (certificate); affirmed or affirmed with modifications by WADOE.**
- **Benton County and Barker Ranches, surface water (Yakima River) claim transfer/change request for change of place of use, seasonal change, and purpose, request approved by BCWCD; request denied by WADOE but with stipulated settlement agreement upholding the Record of Decision issue by BCWCB (claim).**
- **Soaring Eagle Ranches No.1, groundwater transfer/change request for change of place of use and point of diversion, request approved by BCWCB (certificate); affirmed or affirmed with modifications by WADOE.**
- **Soaring Eagle Ranches No.2, groundwater transfer/change request for change of place of use and point of diversion, request approved by BCWCB (permit); affirmed or affirmed with modifications by WADOE.**
- **Shore Properties-Washington Fruit and Cold Storage, surface water (Columbia River) transfer/change request for change in point of diversion, request approved by BCWCB (permit); affirmed or affirmed with modifications by WADOE.**
- **Badger Mt. Irrigation District, groundwater transfer/change request for point of diversion, place of use, seasonal change, and purpose of use, request approved by BCWCB (permit); affirmed or affirmed with modifications by WADOE.**
- **Kiona Vineyards (Holmes), groundwater transfer/change request for water-spreading with water application efficiency improvements, request approved by BCWCB, decision modified by WADOE with WADOE re-issuing second modification order due to technical error by WADOE in original modification order; WADOE and BCWCB concur on revised modification order (certificate).**
- **City of West Richland (Michels water right), groundwater transfer/change request for place of use, point of diversion, seasonal change, and purpose of use, request approved by the BCWCB and denied by WADOE; applicant has appealed to PCHB and requested settlement agreement with WADOE, but WADOE is now denying permit extension with water right holder challenging WADOE denial of extensions (permit), currently in PCHB review.**

- **Berg Farms, surface water transfer/change request for added point of diversion, request approved by BCWCB (permit); affirmed or affirmed with modifications by WADOE.**
- **WA State Dept. of Natural Resources, groundwater transfer/change request for place of use, request approved by BCWCB (permit); affirmed or affirmed with modifications by WADOE.**
- **Badger Mt. Irrigation District, groundwater transfer/change request for point of diversion, and place of use; request approved by BCWCB (permit); affirmed or affirmed with modifications by WADOE.**
- **City of West Richland, groundwater transfer/change request for point of diversion; request approved by BCWCB (Certificate); affirmed or affirmed with modifications by WADOE.**
- **City of Richland, surface water (Columbia River) transfer/change request for change in point of diversion (irrigation sector); request approved by BCWCB (certificate); affirmed or affirmed with modifications by WADOE.**
- **City of Richland, surface water (Columbia River) transfer/change request for change in point of diversion (domestic use); request approved by BCWCB (certificate); affirmed or affirmed with modifications by WADOE.**
- **Stimson-Lane, Columbia Crest Vineyards, groundwater transfer/change request for added point of diversion, change to place of use, seasonal change, and purpose, request approved by BCWCB (certificate); affirmed or affirmed with modifications by WADOE.**
- **Belzer and Manuel, groundwater transfer/change request for place of use for inchoate water, for a lot within a private development; request approved by BCWCB (permit), affirmed by WADOE.**

Applications Received/Processed/Pending Review by Water Board 11/2001-10/2002:

- **City of West Richland, groundwater change/transfer request for change to purpose and place of use; request approved by BCWCB (permit), affirmed or modified and affirmed by WADOE.**
- **Plymouth Energy, LCC, groundwater and surface water from the Columbia River change/transfer request for change to purpose of use; request approved by the BCWCB (permit), affirmed or modified and affirmed by WADOE.**
- **Plymouth Farms, purpose and place of use LCC, groundwater and surface water from the Columbia River change/transfer request for change to purpose of use; request approved by the BCWCB (permit), affirmed or modified and affirmed by WADOE.**
- **Battelle Memorial Institute, PNNL, surface water from the Columbia River change/transfer request for change to purpose of use; request approved by BCWCB (certificate), affirmed or modified and affirmed by WADOE.**

- **Battelle Memorial Institute, PNNL, groundwater change/transfer request for change to place/time of use; request approved by BCWCB (certificate), affirmed or modified and affirmed by WADOE.**
- **Badger Canyon Ranch, Wiser, groundwater change/transfer request for change to purpose and place of use; request approved by the BCWCB (certificate), affirmed or modified and affirmed by the WADOE.**

Applications Processed or Received Pending Review by Water Board 10/2002-10/2003:

- **Desert Hills Fruit, surface water (Columbia River) change/transfer request for change to place of use; request approved by the BCWCB (permit); approval accepted by WADOE after litigation stipulated settlement agreement.**
- **Desert Hills Fruit, surface water (Columbia River) change/transfer request for change to place of use; request approved by the BCWCB (certificate); approval accepted by WADOE after litigation stipulated settlement agreement.**
- **C&M Orchards, groundwater change/transfer request for change to point of withdrawal; request approved by the BCWCB (permit), affirmed or modified and affirmed by the WADOE.**
- **Mt. Adams Vista Water System, groundwater change/transfer request for change of purpose and place of use; request investigated by the BCWCB and determination made that water use could be best accomplished under the domestic water use exemption (permit); BCWCB notified WADOE that applicant would be servicing two lots via groundwater use exemption for permit; file closed for further action by the BCWCB.**
- **WA State Dept. of Natural Resources, groundwater transfer/change request for point of diversion and place of use, draft ROD prepared by BCWCB (permit); request approved by the BCWCB (permit), affirmed or modified and affirmed by the WADOE.**
- **WA State Dept. of Natural Resources, surface water (Columbia River) change/transfer request for change to point of diversion; request will be approved by BCWCB having received final review by WADOE of permit extension (extension approved in 2003); active status, pending as of 10/2003.**
- **Stimson-Lane, LTD, surface water (Columbia River) change/transfer request for change to place of use; applicant requested application withdrawal during BCWCB review; BCWCB withdrawal of application from review.**
- **Haag-Williams, groundwater change/transfer request for change to purpose and place of use (certificate); received 10/2002; BCWCB determined that applicant's request could be serviced via existing exempt well; BCWCB notified WADOE that applicant would be servicing six lots via groundwater use exemption for permit; file closed for further action by the BCWCB.**
- **Monson Ranches, groundwater change/transfer request for change to place of use; applicant requested withdrawal of application after litigation settlement agreement with DNR (permit).**

- **Maryhill Museum, groundwater (surface water continuity with Columbia River) transfer/change request for point of diversion, place of use, seasonal change, and purpose of use; draft ROD in preparation by the Board (permit), WADOE has made determination that the specific hydrology features likely represent same body of water for management purposes; applicant has requested hold on action pending water right sales agreement (permit); active status, pending 10/2003.**
 - **Cone/Underwood, groundwater change/transfer request for change in place of use; received 2003; applicant has requested hold on action pending additional legal review.
Applications Processed or Received Pending Review by Water Board 10/2003-10/2004:**
 - **Plymouth Farms, LLC, groundwater change/transfer request for additional points of withdrawal and extended period of use; received 2003; ROE/ROD prepared by BCWCB December 2003; request approved by the BCWCB (permit), affirmed or modified and affirmed by the WADOE.**
 - **Lawrence Pearson, groundwater change/transfer request for point of diversion and place of use; received 2003; ROE/ROD prepared by BCWCB December 2003; request approved by the BCWCB (permit), affirmed or modified and affirmed by the WADOE.**
 - **Hedges and Lawrence Pearson, groundwater change/transfer request for point of diversion (permit); received 2004; final ROE/ROD prepared by BCWCB June 2004; request approved by the BCWCB (permit), affirmed or modified and affirmed by the WADOE.**
 - **WA State Dept. of Natural Resources, groundwater change/transfer request for place of use; received 2003; ROD/ROE prepared by BCWCB March 2004; request approved by the BCWCB (permit), affirmed or modified and affirmed by the WADOE.**
 - **WA State Dept. of Natural Resources, groundwater change/transfer request for place of use (permit); received 2003; ROD/ROE prepared by BCWCB September 2004; request approved by the BCWCB (permit), pending WADOE Review.**
 - **Olsen Bros. Farms, groundwater change/transfer request for point of diversion and place of use (permit); received 2003; ROD/ROE prepared by BCWCB October 2004; request approved by the BCWCB (permit), pending WADOE Review.**
 - **WA State Dept. of Natural Resources, groundwater change/transfer request for point of withdrawal (permit); received 2004; pending review by BCWCB.**
 - **WA State Dept. of Natural Resources, groundwater change/transfer request for place of use and point of withdrawal (permit); received 2004; pending review by BCWCB.**
- Applications Processed or Received by Water Board 10/2004-10/2005:**
- **Bitton Farms, groundwater change/transfer request for change to point of withdrawal and place of use; request approved by the BCWCB July 2005 (permit), affirmed or modified by the WADOE.**

- **WA State Dept. of Natural Resources, groundwater change/transfer request for place of use and point of withdrawal (permit G4-25953(A)P); request approved by the BCWCB April 2005, affirmed or modified by the WADOE.**
- **Richard Gurske, groundwater change/transfer request for change to point of withdrawal; request approved by the BCWCB March 2005 (permit), affirmed or modified by the WADOE.**
- **SDH Trust, groundwater change/transfer request for change to point of withdrawal and place of use; request approved by the BCWCB January 2005 (permit), affirmed or modified by the WADOE.**
- **Kendall Wahlquist, Surface Water Yakima River, change/transfer request for point of withdrawal change; request approved by the BCWCB May 2005 (water right claim CS4-00151CTCL@1), affirmed or modified by the WADOE.**
- **WA State Dept. of Natural Resources, groundwater change/transfer request for place of use (permit G4-28833P); ROD/ROE prepared by BCWCB September 2003/2004, and subject of litigation review; request approved by the BCWCB October 2005, pending WADOE review.**
- **Watts Bros., surface water right, Columbia River, change/transfer request for place of use, purpose of use, and time of use; request approved by the BCWCB October 2005, pending WADOE review.**
- **Mercer Ranches, surface water right, Columbia River, change/transfer request for place of use, purpose of use, and time of use; request received by the BCWCB December 2001.**
- **City of Richland, groundwater right, certificate (CG4-28515C), change/transfer request for change in place of use, received by the BCWCB January 2005.**
- **City of Richland, surface water right, Columbia River, certificate (S4-12666C), change/transfer request for change to point of withdrawal, received by the BCWCB April 2005.**
- **Ste. Michelle Wine Estates, LCC., surface water right, Yakima River, change to point of withdrawal, place of use, and purpose of use, received by the BCWCB October 2005. Note: application requested to be withdrawn before legal notice publication/formal acceptance.**

Applications Processed or Received by Water Board 10/2005-10/2006:

- **City of Richland, groundwater right, certificate (CG4-28515C), change/transfer request for change in place of use, request approved by the BCWCB April 2006/January 2005; affirmed or modified by the WADOE.**
- **WA State Dept. of Natural Resources, groundwater change/transfer request for place of use and point of withdrawal change, CG4-23969C@2; request approved by the BCWCB April 2006; affirmed or modified by the WADOE.**

- WA State Dept. of Natural Resources, groundwater change/transfer request for place of use change, CG4-30827P; request approved by the BCWCB April 2006; affirmed or modified by the WADOE.
- Mercer Ranches/Bolthouse Farms, surface water right, Columbia River, change/transfer request for place of use, purpose of use, and time of use; request approved by the BCWCB February and May 2006 (ROE/ROD withdrawal once for additional SEPA checklist review); affirmed or modified by the WADOE.
- Wiser Farms, groundwater right, certificate (CG\$-23101C@1), change/transfer request for change in place of use; request approved by the BCWCB October 2006.
- Ste. Michelle Wine Estates, LCC., groundwater right, certificate (CG3-21610C, change/transfer request to place of use; request approved by the BCWCB October 2006.
- Ste. Michelle Wine Estates, LCC., groundwater right, certificate (CG4-GWC5494-A, change/transfer request to place of use; request approved by the BCWCB October 2006.
- Ste. Michelle Wine Estates, LCC., groundwater right, certificate (CG4-GWC-5458-A, change/transfer request to place of use; request approved by the BCWCB October 2006.

In addition to the application requests and ROE/RODs indicated above, the BCWCB has discussed draft applications or inquiries for transfers/changes with over 100 (additional) potential applicants. The Board advises potential applicants to proceed with formal application submittal--and the requirements thereof--depending on their circumstances, and whether their request is perceived to be within the bounds of existing state water law.

GENERAL RECOMMENDATIONS/COMMENTS TO THE WADOE AND LEGISLATURE

The Benton County Water Conservancy Board (Water Board) concisely offers the following recommendations/comments--or supports the following actions--concerning direct and indirect activities of the water conservancy boards:

- The Water Board appreciates all efforts made by WADOE staff to work collaboratively with and enhance water conservancy board operations.
- The Water Board supports a legislative changes to the relinquishment statutes, extending the water right relinquishment period—non-use period—from 5-years to 20-years (90.14), with corresponding changes to 90.03.380 as well; or to establish the beneficial use of a water right as the peak-year of use over the historical life of a water right (as previously contained in SB-5106, 2003 legislative session).
- The BCWCB would recommend that current support levels be maintained. Technical support, on issues involving groundwater hydrology, has been usually good.

The major area of conflict between the BCWCB and WADOE is not technical evaluation, but legal and policy interpretation of the water code. The BCWCB recommends that direct Attorney General Office consultation/discussion should be made available to the Water Boards.

2005 Report to Legislature
Chelan Co. Water Conservancy Board
 November 1, 2004 through October 31, 2005

Water Conservancy Board Information			
Board name	Chelan Co. Water Conservancy Board	Date board created	November 23, 1999
Board address/ phone/email	Chelan County Planning Dept. 316 Washington Street, Suite 401 Wenatchee, WA 98801 (509) 687-9065 and/or donphelps@aol.com		
Board members	Don Phelps, PE, Chair Joel Teeley, Member Pete Fraley, Member , Member , Member , Alternate	Term Expiration Date	
		10/05/05 10/05/07 10/05/09 N/A	
Primary board contact	Don Phelps, (Chairman)		
Changes in membership	Bd Member Name	Address	Phone/Cell/Fax/Email
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
Water Conservancy Board Operations			
Regular meeting schedule	2 nd Thursday of each month, 9 a.m.		
Regular meeting location	Chelan County Planning Dept., 316 Washington Street, Wenatchee, WA 98801		
Current fee for processing	\$1000 deposit to cover expenses plus 25% for indirect costs, unused balance refunded	Has this changed from last year? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>	
Litigation WCB is involved in	None		
Property owned by WCB	Brother MFC 9700 Black and White Printer and Copier		
Number & type staff/ volunteer assistance	independent Contract with Clerk, Lisa de Vera for clerical support		
Do you maintain a water right transfer information exchange of interested buyers, sellers and/or leasors of water rights: <input checked="" type="checkbox"/> yes <input type="checkbox"/> no			
Training received other than from ecology	Title of Training	Date(s)	Sponsor
Forms attached <input type="checkbox"/>			
Additional comments: You may attach additional pages if desired			

Application Information	
Filed with and conveyed from Ecology	0
Filed originally with WCB	15
Total applications filed and accepted 11/01/04 to 10/31/05	15
Withdrawn by applicant from board	4
Applications discussed with applicant but never accepted for processing by the board	0
Board declined to process	0
Applications for:	
groundwater transfers	2
surface water transfers	7
surface to ground water or ground to surface water	6
Proposing transfer related to:	
certificates	14
water right claims	1
court claims or other documents	0
trust water	0
Hearings in other counties¹	0
Applications by Water Resource Inventory Areas (WRIAs)	
WRIA Number	WRIA Name
40	Alkali-Squilchuck
45	Wenatchee
46	Entiat
47	Lake Chelan
Records of Decisions by WCB	
Approved	14
Partially approved	0
Denied	0
Total Decisions	12
Withdrawn from Ecology	0
Remand/returned without action back to board	0
Appealed to PCHB	0

Please answer the following questions.

- a. Has Ecology provided adequate staffing for water conservancy boards to fulfill their responsibilities associated with processing applications? This includes training, technical support, and application processing. Yes, the Chelan Board receives adequate training and technical support.
- b. Please explain your answer to question "a".
The annual training programs are usually helpful. We have been able to work through mainly procedural issues with Ecology, especially after Dan Haller took the time to make a visit to our Board. There is a better understanding this year as compared to last year of the relationship between the Board and Ecology and when it is appropriate to seek Ecology's technical assistance. In one instance, we actually contacted Dan Haller at Ecology for assistance during a Board meeting.

2006 Report to Legislature
Chelan County Water Conservancy Board
 November 1, 2005 through October 31, 2006

Water Conservancy Board Information			
Board name	Chelan Co. Water Conservancy Board	Date board established	November 23, 1999
Board address/ phone/email	Chelan County Planning Dept. 316 Washington Street, Suite 401 Wenatchee, WA 98801 509 687-9065 and/or donphelps@aol.com		
Board commissioners	Don Phelps, PE, Chair Joel Teeley, Commissioner Pete Fraley, Commissioner , Commissioner , Commissioner , Alternate , Alternate	Term Expiration Date	
		10/04/11 10/05/07 10/05/09	
Primary board contact	Don Phelps, Chairman		
Changes in membership	Bd Member Name	Address	Phone/Cell/Fax/Email
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
Water Conservancy Board Operations			
Regular meeting schedule	2nd Thursday of each month, 9 a.m.		
Regular meeting location	Chelan County Planning Dept., 316 Washington St, Wenatchee, WA 98801		
Current fee for processing	\$1000 deposit to file an application - all direct expenses plus a 25% overhead fee are charged to the application with any balance refunded	Has this changed from last year? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>	
Litigation WCB has been involved in	None		
Property owned by WCB	Brother MFC 9700 Black and White Copier		
Number & type staff/ volunteer assistance	independent Contract with Lisa de Vera for Clerical Services		
Do you maintain a water right transfer information exchange of interested buyers, sellers and/or leasors of water rights: <input type="checkbox"/> yes <input checked="" type="checkbox"/> no			
Additional comments: You may attach additional pages if desired			

Application Information between 11/01/05 to 10/31/06		
Estimated pre-application consultations or contacts	With board	2 per month
	With individual board commissioner	10 per month
Total applications accepted by the board	Conveyed from Ecology	2
	Filed originally with WCB	10
	Total applications accepted 11/01/05 to 10/31/06	12
Total applications withdrawn or declined after acceptance by the board	Withdrawn by applicant from board	8
	Board declined to process	0
Applications for	Ground water transfers	4
	Surface water transfers	5
	Surface to ground or ground to surface water	3
Proposing transfer related to:	Certificates	9
	Water right claims	2
	Court claims or other documents	1
	Trust water	0
Hearings in other counties¹		
Applications by Water Resource Inventory Areas (WRIAs)		
WRIA Number	WRIA Name	Number Filed
40	Alkali-Squilchuck	5
45	Wenatchee	1
46	Entiat	3
47	Lake Chelan	3
Records of Decisions by the Board		
Approved	15	
Denied	0	
Total Decisions	15	
Withdrawn from Ecology	0	
Remand/returned without action back to board	0	
Appealed to PCHB	0	

2005 Report to Legislature
Douglas Co. Water Conservancy Board
 November 1, 2004 through October 31, 2005

Water Conservancy Board Information			
Board name	Douglas Co. Water Conservancy Board	Date board created	March 30, 2000
Board address/ phone/email	Douglas Co. Water Conservancy Board P.O. Box 608 Waterville, WA 98858 (509) 745-9160 and/or ccowling@crcwnet.com		
Board members	Lee Hemmer, Chair Mike Sachs, Member Don Popoff, Member , Member , Member , Alternate	Term Expiration Date	
		06/30/08 06/30/06 06/30/10 N/A	
Primary board contact	Carol Cowling, Board Support		
Changes in membership	Bd Member Name	Address	Phone/Cell/Fax/Email
	New <input type="checkbox"/> Term Expired <input type="checkbox"/>		
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
Water Conservancy Board Operations			
Regular meeting schedule	2 nd Monday of each month, 4 p.m.		
Regular meeting location	Waterville City Hall, 104 E. Locust, Waterville, WA 98858		
Current fee for processing	\$300 plus public meeting notice; additional fees may be charged	Has this changed from last year? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>	
Litigation WCB is involved in	n/a		
Property owned by WCB	n/a		
Number & type staff/ volunteer assistance	Carol D. Cowling, CPA		
Do you maintain a water right transfer information exchange of interested buyers, sellers and/or leasors of water rights: <input type="checkbox"/> yes <input checked="" type="checkbox"/> no			
Training received other than from ecology	Title of Training	Date(s)	Sponsor
Forms attached <input type="checkbox"/>			
Additional comments:			

Please answer the following questions.

- a. Has Ecology provided adequate staffing for water conservancy boards to fulfill their responsibilities associated with processing applications? This includes training, technical support, and application processing. yes
- b. Please explain your answer to question "a". Quick to respond.

2006 Report to Legislature
Douglas Water Conservancy Board
 November 1, 2005 through October 31, 2006

Water Conservancy Board Information			
Board name	Douglas Co. Water Conservancy Board	Date board established	March 30, 2000
Board address/ phone/email	P.O. Box 608 Waterville, WA 98858 (509) 745-9160 and/or ccowling@crcwnet.com		
Board commissioners	Lee Hemmer, Chair Mike Sachs, Commissioner Don Popoff, Commissioner , Commissioner , Commissioner , Alternate , Alternate	Term Expiration Date	
		06/30/08 06/30/12 06/30/10	
Primary board contact	Carol Cowling, Board Support		
Changes in membership	Bd Member Name	Address	Phone/Cell/Fax/Email
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
Water Conservancy Board Operations			
Regular meeting schedule	2nd Monday of each month, 4 P.M.		
Regular meeting location	Waterville City Hall, 104 E Locust, Waterville, WA 98858		
Current fee for processing	\$300.00 plus public meeting notice; additional fees may be charges	Has this changed from last year? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>	
Litigation WCB has been involved in	n/a		
Property owned by WCB	n/a		
Number & type staff/ volunteer assistance	Carol D. Cowling CPA		
Do you maintain a water right transfer information exchange of interested buyers, sellers and/or leasors of water rights: <input type="checkbox"/> yes <input checked="" type="checkbox"/> no			
Additional comments: You may attach additional pages if desired			

Application Information between 11/01/05 to 10/31/06		
Estimated pre-application consultations or contacts	With board	4
	With individual board commissioner	
Total applications accepted by the board	Conveyed from Ecology	2
	Filed originally with WCB	6
	Total applications accepted 11/01/05 to 10/31/06	8
Total applications withdrawn or declined after acceptance by the board	Withdrawn by applicant from board	
	Board declined to process	
Applications for	Ground water transfers	5
	Surface water transfers	
	Surface to ground or ground to surface water	3
Proposing transfer related to:	Certificates	7
	Water right claims	1
	Court claims or other documents	
	Trust water	
Hearings in other counties¹		
Applications by Water Resource Inventory Areas (WRIAs)		
WRIA Number	WRIA Name	Number Filed
44	Moses Coulee	8
Records of Decisions by the Board		
Approved	5	
Denied		
Total Decisions	5	
Withdrawn from Ecology		
Remand/returned without action back to board		
Appealed to PCHB		

2005 Report to Legislature
Ferry County Water Conservancy Board
 November 1, 2004 through October 31, 2005

Water Conservancy Board Information			
Board name	Ferry County Water Conservancy Board	Date board created	May 19, 2000
Board address/ phone/email	Ferry County Water Conservancy Board 639 Kettle River Road Curlew, WA 99118 (509) 779-4434 and/or usnwe@televar.com		
Board members	Patrick D. Hamilton, Chair Jim Nash, Member Eric Bracken , Member , Member , Member , Alternate	Term Expiration Date	
		03/31/06 03/31/10 03/31/08 N/A	
Primary board contact	Patrick D. Hamilton, Chair		
Changes in membership	Bd Member Name	Address	Phone/Cell/Fax/Email
	Bryan Hunt, Member New <input type="checkbox"/> Resigned <input checked="" type="checkbox"/>	1948 E Hawthorne Colville, WA 99114	509-685-9375
	Eric Bracken New <input checked="" type="checkbox"/> Resigned <input type="checkbox"/>	22 Double Tree Dr Danville, WA 99121	509-779-4149
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
Water Conservancy Board Operations			
Regular meeting schedule	2 nd Tuesday of each quarter @ 5 p.m.		
Regular meeting location	Ferry Conservation District Meeting Room, 84 E. Delaware, Republic, WA 99116		
Current fee for processing	\$200 non refundable application fee; additional \$300 plus public notice costs	Has this changed from last year? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	
Litigation WCB is involved in	None		
Property owned by WCB	None		
Number & type staff/ volunteer assistance	Volunteer clerical assistance by Nancy Hamilton		
Do you maintain a water right transfer information exchange of interested buyers, sellers and/or leasors of water rights: <input type="checkbox"/> yes <input checked="" type="checkbox"/> no			
Training received other than from ecology	Title of Training	Date(s)	Sponsor
Forms attached <input type="checkbox"/>			
Additional comments:			

Application Information	
Filed with and conveyed from Ecology	None
Filed originally with WCB	1
Total applications filed and accepted 11/01/04 to 10/31/05	1
Withdrawn by applicant from board	1
Applications discussed with applicant but never accepted for processing by the board	None
Board declined to process	None
Applications for:	
groundwater transfers	None
surface water transfers	1
surface to ground water or ground to surface water	None
Proposing transfer related to:	
certificates	None
water right claims	None
court claims or other documents	None
trust water	None
Hearings in other counties¹	None
Applications by Water Resource Inventory Areas (WRIAs)	
WRIA Number	WRIA Name
WIRA 52	Sanpoil
WRIA 58	Middle Lake Roosevelt
WRIA 60	Kettle Disbanded
Records of Decisions by WCB	
Approved	0
Partially approved	0
Denied	0
Total Decisions	none
Withdrawn from Ecology	None
Remand/returned without action back to board	None
Appealed to PCHB	0

Please answer the following questions.

- a. Has Ecology provided adequate staffing for water conservancy boards to fulfill their responsibilities associated with processing applications? This includes training, technical support, and application processing. Yes
- b. Please explain your answer to question "a". The Department of Ecology is very helpful in both training and responding well to our technical questions. They promptly return our phone calls. They are thorough in their response.

2006 Report to Legislature
Ferry Water Conservancy Board
 November 1, 2005 through October 31, 2006

Water Conservancy Board Information			
Board name	Ferry County Water Conservancy Board	Date board established	May 19, 2000
Board address/ phone/email	639 Kettle River Road Curlew, WA 99118 (509) 779-4434 and/or usnwe@televar.com		
Board commissioners	Patrick D. Hamilton, Chair Jim Nash, Commissioner Eric Bracken, Commissioner , Commissioner , Commissioner , Alternate , Alternate	Term Expiration Date	
		03/30/12 03/30/10 03/31/08	
Primary board contact	Patrick D. Hamilton, Chair		
Changes in membership	Bd Member Name	Address	Phone/Cell/Fax/Email
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
Water Conservancy Board Operations			
Regular meeting schedule	2nd Tuesday of each quarter @ 5 p.m.		
Regular meeting location	Ferry Conservation District Meeting Room, 84 E Delaware, Republic, WA 99116		
Current fee for processing	\$200.00 non refundable application fee; additional \$300.00 plus public notice costs	Has this changed from last year? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>	
Litigation WCB has been involved in			
Property owned by WCB			
Number & type staff/ volunteer assistance	1 - Nancy Hamilton Volunteer Clerical Assistant		
Do you maintain a water right transfer information exchange of interested buyers, sellers and/or leasors of water rights: <input type="checkbox"/> yes <input checked="" type="checkbox"/> no			
Additional comments: Aided the community in directly answering specific water right questions as a speaker at the "Irrigation for Ranches and Small Farms Day" sponsored by W S U Extension Ferry County and the Ferry Conservation District. Fielded phone questions from individuals regarding specific water rights and conducted investigation into feasibility of right changes without the need to open a water right application.			

Application Information between 11/01/05 to 10/31/06		
Estimated pre-application consultations or contacts	With board	0
	With individual board commissioner	11
Total applications accepted by the board	Conveyed from Ecology	0
	Filed originally with WCB	0
	Total applications accepted 11/01/05 to 10/31/06	0
Total applications withdrawn or declined after acceptance by the board	Withdrawn by applicant from board	0
	Board declined to process	0
Applications for	Ground water transfers	0
	Surface water transfers	0
	Surface to ground or ground to surface water	0
Proposing transfer related to:	Certificates	0
	Water right claims	0
	Court claims or other documents	0
	Trust water	0
Hearings in other counties¹		0
Applications by Water Resource Inventory Areas (WRIAs)		
WRIA Number	WRIA Name	Number Filed
52	Sanpoil	0
58	Middle Lake Roosevelt	0
60	Kettle Disbanded	0
Records of Decisions by the Board		
Approved	0	
Denied	0	
Total Decisions	0	
Withdrawn from Ecology	0	
Remand/returned without action back to board	0	
Appealed to PCHB	0	

2005 Report to Legislature
Franklin County Water Conservancy Board
 November 1, 2004 through October 31, 2005

Water Conservancy Board Information			
Board name	Franklin County Water Conservancy Board	Date board created	June 9, 1999
Board address/ phone/email	Franklin County Water Conservancy Board 1620 Road 44 N. Pasco, WA 99301 (509) 545-8546, ext 3 (Mark Nielson) or (509) 547-9751 (Henry Johnson) and/or henrycja@aolcom		
Board members	Henry Johnson, Chair Larry Rogers, Member John Griffin, Member , Member , Member , Alternate	Term Expiration Date	
		08/01/11 08/01/09 08/01/07 N/A	
Primary board contact	Henry Johnson, Chair Mark Nielson, Board Support		
Changes in membership	Bd Member Name	Address	Phone/Cell/Fax/Email
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
Water Conservancy Board Operations			
Regular meeting schedule	First Thursday of each month, 4 p.m.		
Regular meeting location	USDA-Ag. Service Center, 1620 Road 44, Pasco, WA 99301		
Current fee for processing	\$650 per application with up to two permits; \$650 per permit thereafter	Has this changed from last year? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>	
Litigation WCB is involved in			
Property owned by WCB			
Number & type staff/ volunteer assistance	Mark Nielson - Franklin Conservation District		
Do you maintain a water right transfer information exchange of interested buyers, sellers and/or leasers of water rights: <input type="checkbox"/>			
yes <input checked="" type="checkbox"/> no			
Training received other than from ecology	Title of Training	Date(s)	Sponsor
Forms attached <input type="checkbox"/>			
Additional comments: You may attach additional pages if desired			

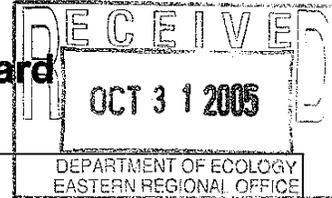
Application Information	
Filed with and conveyed from Ecology	0
Filed originally with WCB	13
Total applications filed and accepted 11/01/04 to 10/31/05	13
Withdrawn by applicant from board	1
Applications discussed with applicant but never accepted for processing by the board	1
Board declined to process	1
Applications for:	
groundwater transfers	10
surface water transfers	0
surface to ground water or ground to surface water	3
Proposing transfer related to:	
certificates	13
water right claims	0
court claims or other documents	0
trust water	0
Hearings in other counties¹	0
Applications by Water Resource Inventory Areas (WRIAs)	
WRIA Number	WRIA Name
36	Esquatzel
33	Lower Snake
Records of Decisions by WCB	
Approved	9
Partially approved	0
Denied	0
Total Decisions	9
Withdrawn from Ecology	0
Remand/returned without action back to board	0
Appealed to PCHB	0

2006 Report to Legislature
Franklin County Water Conservancy Board
 November 1, 2005 through October 31, 2006

Water Conservancy Board Information			
Board name	Franklin County Water Conservancy Board	Date board established	June 9, 1999
Board address/ phone/email	1620 Road 44 N. Pasco, WA 99301 (509) 545-8546 ext. 3 (Mark Nielson) or (509) 547-9751 (Henry Johnson) and/or hjohnson@clarkjennings.com		
Board commissioners	Henry Johnson, Chair Larry Rogers, Commissioner John Griffin, Commissioner , Commissioner , Commissioner , Alternate , Alternate	Term Expiration Date	
		08/01/11 08/01/09 08/01/07	
Primary board contact	Henry Johnson, Chair		
Changes in membership	Bd Member Name	Address	Phone/Cell/Fax/Email
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
Water Conservancy Board Operations			
Regular meeting schedule	First Thursday of each month 4 p.m.		
Regular meeting location	USDA-Ag. Service Center, 1620 Road 44, Pasco, WA 99301		
Current fee for processing	\$650.00 per application with up to two permits; \$650.00 per permit thereafter	Has this changed from last year? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>	
Litigation WCB has been involved in	None		
Property owned by WCB	None		
Number & type staff/ volunteer assistance	Staff support provided by Mark Nielson of the Franklin Conservation District.		
Do you maintain a water right transfer information exchange of interested buyers, sellers and/or leasers of water rights: <input type="checkbox"/>			
yes <input checked="" type="checkbox"/> no			
Additional comments: You may attach additional pages if desired			

Application Information between 11/01/05 to 10/31/06		
Estimated pre-application consultations or contacts	With board	
	With individual board commissioner	12
Total applications accepted by the board	Conveyed from Ecology	0
	Filed originally with WCB	4
	Total applications accepted 11/01/05 to 10/31/06	4
Total applications withdrawn or declined after acceptance by the board	Withdrawn by applicant from board	0
	Board declined to process	1
Applications for	Ground water transfers	3
	Surface water transfers	1
	Surface to ground or ground to surface water	0
Proposing transfer related to:	Certificates	4
	Water right claims	0
	Court claims or other documents	0
	Trust water	0
Hearings in other counties		1
Applications by Water Resource Inventory Areas (WRIAs)		
WRIA Number	WRIA Name	Number Filed
36	Esquatzel	4
33	Lower Snake	0
Records of Decisions by the Board		
Approved	3	
Denied	0	
Total Decisions	3	
Withdrawn from Ecology	1	
Remand/returned without action back to board	0	
Appealed to PCHB	0	

2005 Report to Legislature
Grant County Water Conservancy Board
 November 1, 2004 through October 31, 2005



Water Conservancy Board Information			
Board name	Grant County Water Conservancy Board	Date board created	September 14, 1999
Board address/ phone/email	P.O. Box 880 1080 East Broadway Street Moses Lake, WA 98837 (509) 765-8864 and/or gcwcb@sliderule.net		
Board members	Robert S Rolfness, Chair Keith Ellis, Member W. Ron Baker, Member , Member , Member , Alternate	Term Expiration Date	
		12/22/11 12/22/07 12/22/09 N/A	
Primary board contact	Robert S. Rolfness, Chair		
Changes in membership	Bd Member Name	Address	Phone/Cell/Fax/Email
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
Water Conservancy Board Operations			
Regular meeting schedule	Formal Public Mtg - 4 th Thursday each month, 10 a.m.; work sessions most Thursdays at 9 a.m.		
Regular meeting location	1080 East Broadway Street, Moses Lake, WA 98837, Lad Irrigation Conference Rm		
Current fee for processing	\$500, incl. \$100 filing fee, \$400 processing fee	Has this changed from last year? Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	
Litigation WCB is involved in	None		
Property owned by WCB	<i>Office equipment, computer system.</i>		
Number & type staff/ volunteer assistance	<i>none</i>		
Do you maintain a water right transfer information exchange of interested buyers, sellers and/or leasors of water rights: <input type="checkbox"/> yes <input checked="" type="checkbox"/> no			
Training received other than from ecology	Title of Training	Date(s)	Sponsor
Forms attached <input type="checkbox"/>			
Additional comments: You may attach additional pages if desired			

Application Information		
Filed with and conveyed from Ecology		
Filed originally with WCB		9
Total applications filed and accepted 11/01/04 to 10/31/05		(sum of all applications filed)
Withdrawn by applicant from board		∅
Applications discussed with applicant but never accepted for processing by the board		∅
Board declined to process		∅
Applications for:	groundwater transfers	8
	surface water transfers	∅
	surface to ground water or ground to surface water	∅ 1
Proposing transfer related to:	certificates	7
	water right claims	∅
	Permits, court claims or other documents	2
	trust water	∅
Hearings in other counties ¹		∅
Applications by Water Resource Inventory Areas (WRIAs)		
WRIA Number	WRIA Name	Number Filed
WRIA 36	Esquatzel Coulee	
WRIA 41	Lower Crab	9
WRIA 42	Grand Coulee	
WRIA 43	Upper Crab-Wilson	
WRIA 44	Moses Coulee	
Records of Decisions by WCB		
Approved	4	
Partially approved		
Denied		
Total Decisions		(sum of all RODs)
Withdrawn from Ecology	—	
Remand/returned without action back to board	—	
Appealed to PCHB	—	

¹For water right change proposals between counties

2006 Report to Legislature
Grant County Water Conservancy Board
 November 1, 2005 through October 31, 2006

Water Conservancy Board Information			
Board name	Grant County Water Conservancy Board	Date board established	September 14, 1999
Board address/ phone/email	3953 Airway Drive N.E. Moses Lake, Washington 98837 (509) 765-8864/(509) 766-7277 cell (509) 750-750-7589 and/or rsrolfne@atnet.net		
Board commissioners	Robert S Rolfness, Chair Keith Ellis, Commissioner W. Ron Baker, Commissioner , Commissioner , Commissioner , Alternate , Alternate	Term Expiration Date	
		09/02/11 09/02/07 09/02/09	
Primary board contact	Robert S Rolfness, Chair		
Changes in membership	Bd Member Name	Address	Phone/Cell/Fax/Email
	Robert S. Rolfness New <input type="checkbox"/> Resigned <input checked="" type="checkbox"/>	807 Westshore Drive J28 Moses Lake, WA 98837	Home: 509-766-7277 Cell: 509-750-7589 Email: rsrolfne@atnet.net
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
Water Conservancy Board Operations			
Regular meeting schedule	Formal Public Mtg. – 4th Thursday each month, 10 a.m.; work sessions most Thursdays at 9 a.m.		
Regular meeting location	Grant County Fair Grounds, 3953 Airway Drive NE. , Moses Lake, WA 98837		
Current fee for processing	\$500, [incl. \$100 filing fee, \$400 processing fee]	Has this changed from last year? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>	
Litigation WCB has been involved in	None		
Property owned by WCB	General Office Supplies, Word Processing Computer System		
Number & type staff/ volunteer assistance	One: Part Time clerical assistant		
Do you maintain a water right transfer information exchange of interested buyers, sellers and/or leasors of water rights: <input type="checkbox"/> yes <input checked="" type="checkbox"/> no			
Additional comments: The board would like to acknowledge and thank the Eastern Region, Department of Ecology for its outstanding support, training, and help.			

Application Information between 11/01/05 to 10/31/06		
Estimated pre-application consultations or contacts	With board	6
	With individual board commissioner	12
Total applications accepted by the board	Conveyed from Ecology	None
	Filed originally with WCB	13
	Total applications accepted 11/01/05 to 10/31/06	13
Total applications withdrawn or declined after acceptance by the board	Withdrawn by applicant from board	None [One requested to stop processing and hold]
	Board declined to process	One [Indian Land]
Applications for	Ground water transfers	13
	Surface water transfers	None
	Surface to ground or ground to surface water	One
Proposing transfer related to:	Water Right Certificates and Permits	13
	Water right claims	None
	Court claims or other documents	None
	Trust water	None
Hearings in other counties¹		One
Applications by Water Resource Inventory Areas (WRIAs)		
WRIA Number	WRIA Name	Number Filed
36	Esquatzel Coulee	None
41	Lower Crab Creek	13
42	Grand Coulee	None
43	Upper Crab Creek	None
44	Moses Coulee	None
Records of Decisions by the Board		
Approved	Eight	
Denied	None	
Total Decisions	Eight	
Withdrawn from Ecology	One [later rewritten and approved by DOE with modification]	
Remand/returned without action back to board	None	
Appealed to PCHB	None	

2005 Report to Legislature
Island County Water Conservancy Board
 November 1, 2004 through October 31, 2005

Water Conservancy Board Information			
Board name	Island County Water Conservancy Board	Date board created	August 6, 2001
Board address/ phone/email	Island County Water Conservancy Board P.O. Box 5000 Coupeville, WA 98239 (360) 678-6288 and/or wisewater@earthlink.net or (360) 387-0680; res0t6c3@verizon.net		
Board members	Bill Attwater, Chair Bob Cray, Member Larry Bach, Member , Member , Member , Alternate	Term Expiration Date	
		07/02/07 07/02/11 07/02/09 N/A	
Primary board contact	Bill Attwater, Chair		
Changes in membership	Bd Member Name	Address	Phone/Cell/Fax/Email
	Bob Cray New <input checked="" type="checkbox"/> Resigned <input type="checkbox"/>		
	Greg Cane New <input type="checkbox"/> Term Expired <input checked="" type="checkbox"/>		
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
Water Conservancy Board Operations			
Regular meeting schedule	None		
Regular meeting location	Island County Hearing Room		
Current fee for processing	\$750, \$100 up front, non-refundable	Has this changed from last year? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>	
Litigation WCB is involved in			
Property owned by WCB			
Number & type staff/ volunteer assistance			
Do you maintain a water right transfer information exchange of interested buyers, sellers and/or leasors of water rights: <input type="checkbox"/> yes <input checked="" type="checkbox"/> no			
Training received other than from ecology	Title of Training	Date(s)	Sponsor
Forms attached <input type="checkbox"/>			
Additional comments: You may attach additional pages if desired			

Application Information	
Filed with and conveyed from Ecology	none
Filed originally with WCB	none
Total applications filed and accepted 11/01/04 to 10/31/05	none
Withdrawn by applicant from board	none
Applications discussed with applicant but never accepted for processing by the board	none
Board declined to process	none
Applications for:	
groundwater transfers	none
surface water transfers	none
surface to ground water or ground to surface water	none
Proposing transfer related to:	
certificates	none
water right claims	none
court claims or other documents	none
trust water	none
Hearings in other counties¹	none
Applications by Water Resource Inventory Areas (WRIAs)	
WRIA Number	WRIA Name
6	Island
Records of Decisions by WCB	
Approved	0
Partially approved	0
Denied	0
Total Decisions	0
Withdrawn from Ecology	0
Remand/returned without action back to board	0
Appealed to PCHB	0

Please answer the following questions.

- a. Has Ecology provided adequate staffing for water conservancy boards to fulfill their responsibilities associated with processing applications? This includes training, technical support, and application processing. yes
- b. Please explain your answer to question "a".

2006 Report to Legislature
Island County Water Conservancy Board
 November 1, 2005 through October 31, 2006

RECEIVED
 OCT - 2 2006
 DEPARTMENT OF ECOLOGY
 EASTERN REGIONAL OFFICE

Water Conservancy Board Information			
Board name	Island County Water Conservancy Board	Date board established	August 6, 2001
Board address/ phone/email	P.O. Box 5000 Coupeville, WA 98239 (360) 678-6288 or (360) 387-0680 wisewater@earthlink.net (Attwater) or (360)-0680; res0t6c3@verizon.net (Bach)		
Board commissioners	Bill Attwater, Chair Bob Cray, Commissioner Larry Bach, Commissioner , Commissioner , Commissioner , Alternate , Alternate	Term Expiration Date	
		07/01/07 07/02/11 07/02/09	
Primary board contact	Bill Attwater, Chair		
Changes in membership	Bd Member Name	Address	Phone/Cell/Fax/Email
	Address		
	Phone/email/		
	New Resigned		
	New Resigned		
	New Resigned		
Water Conservancy Board Operations			
Regular meeting schedule	As Needed		
Regular meeting location	Island County Hearing Room		
Current fee for processing	\$750.00, \$100.00 up front, non-refundable	Has this changed from last year? Yes x No N/A	
Fees			
Litigation WCB has been involved in	<input type="radio"/>		
Property owned by WCB	<input type="radio"/>		
Number & type staff/ volunteer assistance	none		
Do you maintain a water right transfer information exchange of interested buyers, sellers and/or leasers of water rights: yes nox			
Additional comments: You may attach additional pages if desired			

Application Information between 11/01/05 to 10/31/06		
Estimated pre-application consultations or contacts	With board	
	With individual board commissioner	six
Total applications accepted by the board	Conveyed from Ecology	<input type="radio"/>
	Filed originally with WCB	<input type="radio"/>
	Total applications accepted 11/01/05 to 10/31/06	<input type="radio"/>
Total applications withdrawn or declined after acceptance by the board	Withdrawn by applicant from board	<input type="radio"/>
	Board declined to process	<input type="radio"/>
Applications for	Ground water transfers	<input type="radio"/>
	Surface water transfers	<input type="radio"/>
	Surface to ground or ground to surface water	<input type="radio"/>
Proposing transfer related to: certificates	Certificates	<input type="radio"/>
	Water right claims	<input type="radio"/>
	Court claims or other documents	<input type="radio"/>
	Trust water	<input type="radio"/>
Hearings in other counties¹		<input type="radio"/>
Applications by Water Resource Inventory Areas (WRIAs)		
WRIA Number	WRIA Name	Number Filed
WRIA 6	Island	<input type="radio"/>
Records of Decisions by the Board		
Approved	<input type="radio"/>	
Denied	<input type="radio"/>	
Total Decisions	(sum of all RODs)	
Withdrawn from Ecology	<input type="radio"/>	
Remand/returned without action back to board	<input type="radio"/>	
Appealed to PCHB	<input type="radio"/>	

¹For water right change proposals between counties

2005 Report to Legislature
Kittitas County Water Conservancy Board
 November 1, 2004 through October 31, 2005

Water Conservancy Board Information			
Board name	Kittitas County Water Conservancy Board	Date board created	October 16, 2000
Board address/ phone/email	Kittitas County Water Conservancy Board 411 North Ruby, Suite 5 Ellensburg, WA 98926 (509) 962 - 7506 and/or cheryvarnum@yahoo.com		
Board members	Mary Burke, Chair Tom Chini, Member Pat Deneen, Member , Member Gregg Hall, Alternate Dennis Kelly, Alternate	Term Expiration Date	
		04/05/07 04/05/09 04/05/11 12/21/10 12/22/10	
Primary board contact	Chery Varnum, Board Support		
Changes in membership	Bd Member Name	Address	Phone/Cell/Fax/Email
	Gregg Hall New <input checked="" type="checkbox"/> Resigned <input type="checkbox"/>	2533 Carriage Loop Ellensburg, WA 98926	(509) 962-8985
	Dennis Kelly New <input checked="" type="checkbox"/> Resigned <input type="checkbox"/>	151 Shadow Lane Ronald, WA 98940	(509) 649-3258
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
Water Conservancy Board Operations			
Regular meeting schedule	Third Tuesday of each month at 2:00 PM		
Regular meeting location	Ellensburg Chamber and Rodeo Office 609 North Main Street, Ellensburg, WA 98926		
Current fee for processing	\$100 non-refundable for submittal; \$500 acceptance fee plus clerk time @ \$30.00 per hr	Has this changed from last year? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	
Litigation WCB is involved in	n/a		
Property owned by WCB	n/a		
Number & type staff/ volunteer assistance	One part time clerk to the board		
Do you maintain a water right transfer information exchange of interested buyers, sellers and/or leasors of water rights: <input type="checkbox"/> yes <input checked="" type="checkbox"/> no			
Training received other than from ecology	Title of Training	Date(s)	Sponsor
Forms attached <input type="checkbox"/>			
Additional comments: address changes: Tom Chini 6121 Manastash Road & Mary Burke 1351 Sorenson Road, both in Ellensburg. There were also some discrepancies with Gregg and Dennis's term exp dates. Our commissioners had 12-31-10 for Gregg and 12-31-11 for Dennis. I am not sure which are the correct dates.			

Application Information	
Filed with and conveyed from Ecology	none
Filed originally with WCB	17
Total applications filed and accepted 11/01/04 to 10/31/05	17
Withdrawn by applicant from board	1
Applications discussed with applicant but never accepted for processing by the board	0
Board declined to process	0
Applications for:	
groundwater transfers	1
surface water transfers	4
surface to ground water or ground to surface water	12
Proposing transfer related to:	
certificates	1
water right claims	3
court claims or other documents	13
trust water	0
Hearings in other counties¹	0
Applications by Water Resource Inventory Areas (WRIAs)	
WRIA Number	WRIA Name
WRIA 39	Upper Yakima
Records of Decisions by WCB	
Approved	16
Partially approved	0
Denied	0
Total Decisions	20(4 filed before 11-1-04 & decision after 11-1-04)
Withdrawn from Ecology	0
Remand/returned without action back to board	0
Appealed to PCHB	0

2006 Report to Legislature
Kittitas County Water Conservancy Board
 November 1, 2005 through October 31, 2006

Water Conservancy Board Information			
Board name	Kittitas County Water Conservancy Board	Date board established	October 16, 2000
Board address/ phone/email	411 North Ruby, Suite 5 Ellensburg, Washington 98926 (509) 899-4836 and/or cheryvarnum@yahoo.com		
Board commissioners	Mary Burke, Chair Pat Deneen, Commissioner Gregg Hall, Commissioner , Commissioner , Commissioner , Alternate , Alternate	Term Expiration Date	
		04/04/07 04/04/09 04/04/11 12/21/10 12/21/10	
Primary board contact	Chery Varnum, Board Support		
Changes in membership	Bd Member Name	Address	Phone/Cell/Fax/Email
	Dennis Kelly New <input type="checkbox"/> Resigned <input checked="" type="checkbox"/>	PO Box 383(151ShadowLane) Ronald, WA 98940	509 -899-0636 cell haywirelodge@inlandnet.com
	Tom Chini New <input type="checkbox"/> Resigned <input checked="" type="checkbox"/>	6121 Manastash Road Ellensburg, WA 98926	509 929 4646 cell tchini@kvalley.com
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
Water Conservancy Board Operations			
Regular meeting schedule	Third Tuesday of each month at 2:00 p.m.		
Regular meeting location	Ellensburg Chamber and Rodeo Office 609 North Main Street, Ellensburg, WA 98926		
Current fee for processing	\$100.00 non-refundable for submittal;\$500.00, Acceptance fee plus clerk time @ \$30 per hour	Has this changed from last year? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>	
Litigation WCB has been involved in	none		
Property owned by WCB	none		
Number & type staff/ volunteer assistance	1 part time clerk for the board		
Do you maintain a water right transfer information exchange of interested buyers, sellers and/or leasors of water rights: <input type="checkbox"/> yes <input checked="" type="checkbox"/> no			
Additional comments: Mary Burke's term expires 4-5-07, Pat Deneen's term expires 4-5-11, Gregg Hall's term expires 4-5-09 . The clerk received about a dozen calls regarding water right change application process, general water right questions, whether or not specific applications are being heard, and what to do if your neighbor is using too much water? As well as several questions pertaining to matters that are not WCB related.			

Application Information between 11/01/05 to 10/31/06		
Estimated pre-application consultations or contacts	With board	two
	With individual board commissioner	approximately two or three
Total applications accepted by the board	Conveyed from Ecology	none
	Filed originally with WCB	15
	Total applications accepted 11/01/05 to 10/31/06	15
Total applications withdrawn or declined after acceptance by the board	Withdrawn by applicant from board	none
	Board declined to process	none
Applications for	Ground water transfers	1
	Surface water transfers	9
	Surface to ground or ground to surface water	5
Proposing transfer related to:	Certificates	none
	Water right claims	2
	Court claims or other documents	13
	Trust water	none
Hearings in other counties¹		none
Applications by Water Resource Inventory Areas (WRIAs)		
WRIA Number	WRIA Name	Number Filed
WRIA 39	Upper Yakima	15
Records of Decisions by the Board		
Approved	9	
Denied	0	
Total Decisions	9 (plus 6 filed before 11-1-05 and decision after 11-1-05)	
Withdrawn from Ecology	2	
Remand/returned without action back to board	1	
Appealed to PCHB	0	

Klickitat County Water Conservancy Board

November 1, 2004 through October 31, 2005

Water Conservancy Board Information			
Board name	Klickitat County Water Conservancy Board	Date board created	July 1, 1999
Board address/ phone/email	Klickitat County Planning Dept. 228 West Main St., MS-CH-17 Goldendale, WA 98620 (509) 773-2481 and/or davem@co.klickitat.wa.us		
Board members	Brooks Heard, Chair Cal Edwards, Member Robert Andrews, Member Richard Beightol, Member J.P. Enderby, Member , Alternate	Term Expiration Date	
		08/01/07 07/31/06 08/01/09 07/31/11 07/30/10 N/A	
Primary board contact	David McClure, Executive Assistant, phone (509) 773-2481; email davem@co.klickitat.wa.us		
Changes in membership	Bd Member Name	Address	Phone/Cell/Fax/Email
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
Water Conservancy Board Operations			
Regular meeting schedule	2 nd Tuesday of each month, 7 P.M.		
Regular meeting location	Klickitat County Courthouse, Room 101		
Current fee for processing	\$500	Has this changed from last year? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>	
Litigation WCB is involved in	WCB has filed a notice of appeal pertaining to two decisions modified by Ecology. The applicant for the subject water right transfers has also filed notice of appeal.		
Property owned by WCB	Filing cabinet and miscellaneous office supplies.		
Number & type staff/ volunteer assistance	David McClure, Executive Assistant / Curt Dreyer and Myrna Thaxton with Klickitat County Planning Department volunteers		
Do you maintain a water right transfer information exchange of interested buyers, sellers and/or leasors of water rights: <input type="checkbox"/> yes <input checked="" type="checkbox"/> no			
Training received other than from ecology	Title of Training	Date(s)	Sponsor
Forms attached <input type="checkbox"/>			
Additional comments: The WRIA 30 Watershed Management Plan, which has been approved by the planning unit and is under consideration for County approval, proposes a roles for the Water Conservancy Board in the areas of of public information/education and water right exchanges.			

Please answer the following questions.

- a. Has Ecology provided adequate staffing for water conservancy boards to fulfill their responsibilities associated with processing applications? This includes training, technical support, and application processing. Yes
- b. Please explain your answer to question "a". Technical support and application processing support has been provided upon request. Training has been made available. Holding training sessions in Eastern Wahington this year was greatly appreciated as it minimized economic impact and other hardships on Water conservancy Board Commissioners, whom are volunteers, and reduced travel costs to the Water Conservancy Board.

2006 Report to Legislature
Klickitat County Water Conservancy Board
 November 1, 2005 through October 31, 2006

Water Conservancy Board Information			
Board name	Klickitat County Water Conservancy Board	Date board established	July 1, 1999
Board address/ phone/email	Klickitat County Planning Dept. 228 West Main St., MC-CH-17 Goldendale, Washington 98620 (509) 773-2481 and/or davem@co.klickitat.wa.us		
Board commissioners	Brooks Heard, Chair Cal Edwards, Commissioner Robert Andrews, Commissioner Richard Beightol, Commissioner J.P. Enderby, Commissioner , Alternate , Alternate	Term Expiration Date	
		08/01/07 07/31/12 07/31/09 07/31/11 07/30/10	
Primary board contact	David McClure Executive Assistant Phone: (509) 773-2481; Email: davem@co.klickitat.wa.us		
Changes in membership	Bd Member Name	Address	Phone/Cell/Fax/Email
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
Water Conservancy Board Operations			
Regular meeting schedule	2nd Tuesday of each month at 7 P.M.		
Regular meeting location	Klickitat County Courthouse, Room 101 205 South Columba Avenue, Goldendale, Washington		
Current fee for processing	\$500.00	Has this changed from last year? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>	
Litigation WCB has been involved in	None		
Property owned by WCB	Filing cabinet and miscellaneous office supplies.		
Number & type staff/ volunteer assistance	1 Executive Assistant		
Do you maintain a water right transfer information exchange of interested buyers, sellers and/or leasors of water rights: <input type="checkbox"/> yes <input checked="" type="checkbox"/> no			
Additional comments: You may attach additional pages if desired			

Application Information between 11/01/05 to 10/31/06		
Estimated pre-application consultations or contacts	With board	150
	With individual board commissioner	One Commissioner averages two a week
Total applications accepted by the board	Conveyed from Ecology	1
	Filed originally with WCB	0
	Total applications accepted 11/01/05 to 10/31/06	1
Total applications withdrawn or declined after acceptance by the board	Withdrawn by applicant from board	0
	Board declined to process	1
Applications for	Ground water transfers	0
	Surface water transfers	1
	Surface to ground or ground to surface water	0
Proposing transfer related to:	Certificates	1
	Water right claims	0
	Court claims or other documents	0
	Trust water	0
Hearings in other counties¹		0
Applications by Water Resource Inventory Areas (WRIAs)		
WRIA Number	WRIA Name	Number Filed
30	Klickitat	0
31	Rock/Glade	1
Records of Decisions by the Board		
Approved	2	
Denied	0	
Total Decisions	2	
Withdrawn from Ecology	2	
Remand/returned without action back to board	0	
Appealed to PCHB	1	

2005 Report to Legislature
Lewis County Water Conservancy Board
 November 1, 2004 through October 31, 2005

Water Conservancy Board Information			
Board name	Lewis County Water Conservancy Board	Date board created	July 10, 1998
Board address/ phone/email	Lewis County Water Conservancy Board P.O. Box 1345 Chehalis, WA 98532 (350) 978-4358 and/or chrischeney@earthlink.net		
Board members	Chris Cheney, Chair Ron Mauel, Member John Moerke, Member Marvin Courtney, Member Lee Carlson, Member , Alternate	Term Expiration Date	
		09/30/10 09/30/11 09/30/08 09/30/06 09/30/09 N/A	
Primary board contact	Chris Cheney, Chair - Ron Mauel, Member		
Changes in membership	Bd Member Name	Address	Phone/Cell/Fax/Email
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
Water Conservancy Board Operations			
Regular meeting schedule	Third Thursday, 7 p.m.		
Regular meeting location	1554 Bishop Road, Chehalis, WA, USDA Public meeting room		
Current fee for processing	\$500	Has this changed from last year? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>	
Litigation WCB is involved in	None		
Property owned by WCB	Office Supplies		
Number & type staff/ volunteer assistance	One part time person for minutes taking.		
Do you maintain a water right transfer information exchange of interested buyers, sellers and/or leasors of water rights: <input type="checkbox"/> yes <input checked="" type="checkbox"/> no			
Training received other than from ecology	Title of Training	Date(s)	Sponsor
Forms attached <input type="checkbox"/>			
Additional comments: You may attach additional pages if desired			

Application Information	
Filed with and conveyed from Ecology	
Filed originally with WCB	4
Total applications filed and accepted 11/01/04 to 10/31/05	4
Withdrawn by applicant from board	1
Applications discussed with applicant but never accepted for processing by the board	2
Board declined to process	0
Applications for:	
groundwater transfers	3
surface water transfers	0
surface to ground water or ground to surface water	1
Proposing transfer related to:	
certificates	3
water right claims	0
court claims or other documents	0
trust water	0
Hearings in other counties¹	0
Applications by Water Resource Inventory Areas (WRIAs)	
WRIA Number	WRIA Name
WRIA 23	Upper Chehalis
WRIA 26	Cowlitz
Records of Decisions by WCB	
Approved	1
Partially approved	0
Denied	0
Total Decisions	1
Withdrawn from Ecology	0
Remand/returned without action back to board	0
Appealed to PCHB	0

Please answer the following questions.

- a. Has Ecology provided adequate staffing for water conservancy boards to fulfill their responsibilities associated with processing applications? This includes training, technical support, and application processing. Yes
- b. Please explain your answer to question "a". Janet Carlson has been great working with Board.

2006 Report to Legislature
Lewis County Water Conservancy Board
 November 1, 2005 through October 31, 2006

Water Conservancy Board Information			
Board name	Lewis County Water Conservancy Board	Date board established	July 10, 1998
Board address/ phone/email	P.O. Box 1345 Chehalis, WA 99532 (360) 978-4358 and/or chrischeney@earthlink.net		
Board commissioners	Chris Cheney, Chair Ron Mauel, Commissioner John Moerke, Commissioner Marvin Courtney, Commissioner Lee Carlson, Commissioner , Alternate , Alternate	Term Expiration Date	
		09/30/10 09/30/11 09/30/08 09/30/06 09/30/09	
Primary board contact	Chris Cheney, Chair		
Changes in membership	Bd Member Name	Address	Phone/Cell/Fax/Email
	Marvin Courtney New <input type="checkbox"/> Resigned <input checked="" type="checkbox"/>		
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
Water Conservancy Board Operations			
Regular meeting schedule	Third Thursday, 7 p.m.		
Regular meeting location	1554 Bishop Road, Chehalis, Washington USDA Public meeting room		
Current fee for processing	\$500.00	Has this changed from last year? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>	
Litigation WCB has been involved in	0		
Property owned by WCB	Office supplies only		
Number & type staff/ volunteer assistance	1 Part time (hourly) Minutes Scrib.		
Do you maintain a water right transfer information exchange of interested buyers, sellers and/or leasers of water rights: <input type="checkbox"/> yes <input checked="" type="checkbox"/> no			
Additional comments: Marvin Courtney has resigned, at the end of his term. The board is working with Lewis County to change from a 5 member board to a 3 member board. Will send the paperwork when this is completed.			

Application Information between 11/01/05 to 10/31/06		
Estimated pre-application consultations or contacts	With board	1
	With individual board commissioner	2
Total applications accepted by the board	Conveyed from Ecology	
	Filed originally with WCB	1
	Total applications accepted 11/01/05 to 10/31/06	1
Total applications withdrawn or declined after acceptance by the board	Withdrawn by applicant from board	1
	Board declined to process	0
Applications for	Ground water transfers	1
	Surface water transfers	
	Surface to ground or ground to surface water	
Proposing transfer related to:	Certificates	1
	Water right claims	0
	Court claims or other documents	0
	Trust water	0
Hearings in other counties¹		
Applications by Water Resource Inventory Areas (WRIAs)		
WRIA Number	WRIA Name	Number Filed
23	Upper Chehalis	1
26	Cowlitz	
Records of Decisions by the Board		
Approved	1	
Denied	0	
Total Decisions	(1)	
Withdrawn from Ecology	0	
Remand/returned without action back to board	0	
Appealed to PCHB	0	

2005 Report to Legislature
Lincoln County Water Conservancy Board
 November 1, 2004 through October 31, 2005

Water Conservancy Board Information			
Board name	Lincoln County Water Conservancy Board	Date board created	November 23, 1999
Board address/ phone/email	Lincoln County Water Conservancy Board P.O. Box 368 Davenport, WA 99122 (509) 725-3031 and/or waterboard@co.lincoln.wa.us		
Board members	Paul Gross, Chair Rex Harder, Member Penny Rosenberg, Member , Member , Member Keith R. Schafer, Alternate	Term Expiration Date	
		12/05/07 12/05/09 12/05/05 06/09/10	
Primary board contact	Rex Harder, Member		
Changes in membership	Bd Member Name	Address	Phone/Cell/Fax/Email
	Keith R. Schafer New <input checked="" type="checkbox"/> Resigned <input type="checkbox"/>	PO Box 496 Odessa, WA 99144	509.982.2454 KeithRSc@aol.com
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
Water Conservancy Board Operations			
Regular meeting schedule	Second Monday of each month		
Regular meeting location	Lincoln County Courthouse, Legislators Office, Davenport WA		
Current fee for processing	\$500	Has this changed from last year? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>	
Litigation WCB is involved in	No		
Property owned by WCB	Office Supplies		
Number & type staff/ volunteer assistance	none		
Do you maintain a water right transfer information exchange of interested buyers, sellers and/or leasors of water rights: <input type="checkbox"/> yes <input checked="" type="checkbox"/> no			
Training received other than from ecology	Title of Training	Date(s)	Sponsor
Forms attached <input type="checkbox"/>			
Additional comments: You may attach additional pages if desired			

Application Information	
Filed with and conveyed from Ecology	0
Filed originally with WCB	1
Total applications filed and accepted 11/01/04 to 10/31/05 (sum of all applications filed)	
Withdrawn by applicant from board	0
Applications discussed with applicant but never accepted for processing by the board	0
Board declined to process	0
Applications for:	
groundwater transfers	1
surface water transfers	0
surface to ground water or ground to surface water	0
Proposing transfer related to:	
certificates	0
water right claims	1
court claims or other documents	0
trust water	0
Hearings in other counties¹	0
Applications by Water Resource Inventory Areas (WRIAs)	
WRIA Number	WRIA Name
34	Palouse
Records of Decisions by WCB	
Approved	1
Partially approved	0
Denied	0
Total Decisions	1
Withdrawn from Ecology	0
Remand/returned without action back to board	0
Appealed to PCHB	0

Please answer the following questions.

- a. Has Ecology provided adequate staffing for water conservancy boards to fulfill their responsibilities associated with processing applications? This includes training, technical support, and application processing. yes
- b. Please explain your answer to question "a". Janet Carlson has provided appropriate training and problem resolution when necessary.

RECEIVED

2006 Report to Legislature
Lincoln County Water Conservancy Board

OCT 16 2006

November 1, 2005 through October 31, 2006

DEPARTMENT OF ECOLC
 EASTERN REGIONAL OFF

Water Conservancy Board Information			
Board name	Lincoln County Water Conservancy Board	Date board established	November 23, 1999
Board address/ phone/email	P O Box 368 Davenport, WA 99122 (509) 257-2800 cell (509) 995-5242and/or waterboard@co.lincoln.wa.us		
Board commissioners	Paul Gross, Chair Rex Harder, Commissioner Pete Carstensen, Commissioner , Commissioner , Commissioner Kieth Schafer, Alternate Penny Rosenberg, Alternate	Term Expiration Date	
		12/05/07 12/05/09 12/05/11	
Primary board contact	Rex Harder, Commissioner Phone: (509) 257-2800; Cell: (509) 995-5242; waterboard@co.lincoln.wa.us		
Changes in membership	Bd Member Name	Address	Phone/Cell/Fax/Email
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
Water Conservancy Board Operations			
Regular meeting schedule	2nd Monday of each month		
Regular meeting location	Lincoln County Courthouse, Legislators Office, Davenport, Washington		
Current fee for processing	\$500.00	Has this changed from last year? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>	
Litigation WCB has been involved in			
Property owned by WCB			
Number & type staff/ volunteer assistance			
Do you maintain a water right transfer information exchange of interested buyers, sellers and/or leasers of water rights: <input type="checkbox"/> yes <input checked="" type="checkbox"/> no			
Additional comments: You may attach additional pages if desired			

Application Information between 11/01/05 to 10/31/06		
Estimated pre-application consultations or contacts	With board	none
	With individual board commissioner	none
Total applications accepted by the board	Conveyed from Ecology	none
	Filed originally with WCB	none
	Total applications accepted 11/01/05 to 10/31/06	none
Total applications withdrawn or declined after acceptance by the board	Withdrawn by applicant from board	none
	Board declined to process	none
Applications for	Ground water transfers	none
	Surface water transfers	none
	Surface to ground or ground to surface water	none
Proposing transfer related to:	Certificates	none
	Water right claims	none
	Court claims or other documents	none
	Trust water	none
Hearings in other counties ¹		
Applications by Water Resource Inventory Areas (WRIAs)		
WRIA Number	WRIA Name	Number Filed
34	Palouse	
Records of Decisions by the Board		
Approved		
Denied		
Total Decisions	(sum of all RODs)	
Withdrawn from Ecology		
Remand/returned without action back to board		
Appealed to PCHB		

¹For water right change proposals between counties *mailed 11/01/06*
 Page 124

2005 Report to Legislature
Mason Co. Water Conservancy Board
 November 1, 2004 through October 31, 2005

Water Conservancy Board Information			
Board name	Mason County Water Conservancy Board	Date board created	September 4, 2002
Board address/ phone/email	Mason County Water Conservancy Board c/o Mason Co. Conservation District 1051 SE Hwy 3, Suite G Shelton), WA 98584 (360) 432-7832 and/or george@dentaldiscounts.com		
Board members	George Campbell, Chair John Noble, Member Drew Noble, Member Reese Hastings, Member James Throckmorton, Member , Alternate	Term Expiration Date	
		07/22/11 07/22/08 07/22/06 07/22/07 07/22/10 N/A	
Primary board contact	George Campbell, Chair		
Changes in membership	Bd Member Name	Address	Phone/Cell/Fax/Email
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
Water Conservancy Board Operations			
Regular meeting schedule	4 th Thursday each month at 6:30 p.m.		
Regular meeting location	Mason Co. Conservation District, 1051 SE Hwy 3, Suite G, Shelton		
Current fee for processing		Has this changed from last year? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>	
Litigation WCB is involved in	None		
Property owned by WCB	None		
Number & type staff/ volunteer assistance	1 administrative assistant working part time		
Do you maintain a water right transfer information exchange of interested buyers, sellers and/or lessors of water rights: <input type="checkbox"/> yes <input checked="" type="checkbox"/> no			
Training received other than from ecology	Title of Training	Date(s)	Sponsor
Forms attached <input type="checkbox"/>			
Additional comments:			

Application Information	
Filed with and conveyed from Ecology	0
Filed originally with WCB	1
Total applications filed and accepted 11/01/04 to 10/31/05	
Withdrawn by applicant from board	0
Applications discussed with applicant but never accepted for processing by the board	5
Board declined to process	0
Applications for:	
groundwater transfers	1
surface water transfers	0
surface to ground water or ground to surface water	0
Proposing transfer related to:	
certificates	1
water right claims	0
court claims or other documents	0
trust water	0
Hearings in other counties¹	0
Applications by Water Resource Inventory Areas (WRIAs)	
WRIA Number	WRIA Name
14	Goldsborough/Kennedy creek watershed
Records of Decisions by WCB	
Approved	1
Partially approved	0
Denied	0
Total Decisions	1
Withdrawn from Ecology	0
Remand/returned without action back to board	0
Appealed to PCHB	0

Please answer the following questions.

- a. Has Ecology provided adequate staffing for water conservancy boards to fulfill their responsibilities associated with processing applications? This includes training, technical support, and application processing. NO
- b. Please explain your answer to question "a". Trying to process an application after the passing of HB 1338 was quite difficult. DOE had not figured out how they were going to interpret the Bill. This resulted in getting a different answer to the same question every time your asked it. Submitted an application with one set of guidelines only to have those guidelines no longer supported by DOE when it arrived for review. Need the Legislature to work more closely with DOE on how a Bill is to be applied to the state.

2006 Report to Legislature
Mason County Water Conservancy Board
 November 1, 2005 through October 31, 2006

Water Conservancy Board Information			
Board name	Mason County Water Conservancy Board	Date board established	September 4, 2002
Board address/ phone/email	1125 N. 13th Street, Apt. D13 Shelton, WA 98584 (360) 432-7832 and/or george@dentaldiscounts.com		
Board commissioners	George Campbell, Chair John Noble, Commissioner Drew Noble, Commissioner Reese Hastings, Commissioner James Throckmorton, Commissioner , Alternate , Alternate	Term Expiration Date	
		07/22/11 07/22/08 07/22/12 07/22/07 07/22/10	
Primary board contact	George Campbell, Chair		
Changes in membership	Bd Member Name	Address	Phone/Cell/Fax/Email
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
Water Conservancy Board Operations			
Regular meeting schedule	4th Thursday each month at 6:30 p.m.		
Regular meeting location	Mason Co. Conservation District, 1051 SE Hwy. 3, Suite G, Shelton		
Current fee for processing	\$100 application plus \$800 processing fee	Has this changed from last year? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>	
Litigation WCB has been involved in	none		
Property owned by WCB	none		
Number & type staff/ volunteer assistance	none		
Do you maintain a water right transfer information exchange of interested buyers, sellers and/or leasors of water rights: <input type="checkbox"/>			
yes <input checked="" type="checkbox"/> no			
Additional comments: You may attach additional pages if desired			

Application Information between 11/01/05 to 10/31/06		
Estimated pre-application consultations or contacts	With board	0
	With individual board commissioner	6
Total applications accepted by the board	Conveyed from Ecology	0
	Filed originally with WCB	0
	Total applications accepted 11/01/05 to 10/31/06	0
Total applications withdrawn or declined after acceptance by the board	Withdrawn by applicant from board	0
	Board declined to process	0
Applications for	Ground water transfers	0
	Surface water transfers	0
	Surface to ground or ground to surface water	0
Proposing transfer related to:	Certificates	0
	Water right claims	0
	Court claims or other documents	0
	Trust water	0
Hearings in other counties¹		00
Applications by Water Resource Inventory Areas (WRIAs)		
WRIA Number	WRIA Name	Number Filed
14	Goldsborough/Kennedy Creek Watershed	0
Records of Decisions by the Board		
Approved	0	
Denied	0	
Total Decisions	0(sum of all RODs)	
Withdrawn from Ecology	0	
Remand/returned without action back to board	0	
Appealed to PCHB	0	

Application Information		
Filed with and conveyed from Ecology		
Filed originally with WCB		5
Total applications filed and accepted 11/01/04 to 10/31/05		(5)
Withdrawn by applicant from board		1
Applications discussed with applicant but never accepted for processing by the board		
Board declined to process		1--Duplicate (cancelled)
Applications for:	groundwater transfers	1
	surface water transfers	1
	surface to ground water or ground to surface water	3
Proposing transfer related to:	certificates	5
	water right claims	
	court claims or other documents	
	trust water	
Hearings in other counties¹		1
Applications by Water Resource Inventory Areas (WRIAs)		
WRIA Number	WRIA Name	Number Filed
48	Methow	3
49	Okanogan	2
Records of Decisions by WCB		
Approved	2	
Partially approved		
Denied		
Total Decisions		2
Withdrawn from Ecology		
Remand/returned without action back to board		
Appealed to PCHB		

Please answer the following questions.

- a. Has Ecology provided adequate staffing for water conservancy boards to fulfill their responsibilities associated with processing applications? This includes training, technical support, and application processing.

Excellent technical support and help in application processing has been provided. However, a more convenient training program would be helpful.

- b. Please explain your answer to question "a".

The annual 8 hour training requirement could more readily be met if it were held annually at our regular board meeting or a special meeting. Providing the training at a board meeting would reduce travel time and provide training for all board members annually on a regular basis.

2006 Report to Legislature
Okanogan County Water Conservancy Board
 November 1, 2005 through October 31, 2006

Water Conservancy Board Information			
Board name	Okanogan County Water Conservancy Board	Date board established	May 12, 2000
Board address/ phone/email	Nim Titcomb 41 B Wandling Road Winthrop, WA 98862 (509) 996-3302 ntitcomb@methow.com		
Board commissioners	Jeremy (Nim) Titcomb, Chair Mary Anderson, Member Rod Noel, Member Mark Miller, Member Vacant, Member , Alternate , Alternate	Term Expiration Date	
		03/31/10 03/31/08 04/01/12 03/31/07 03/31/11	
Primary board contact	Mary Anderson, Board Commissioner		
Changes in membership	Bd Member Name	Address	Phone/Cell/Fax/Email
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
Water Conservancy Board Operations			
Regular meeting schedule	First Wednesday of every month at 2 p.m.		
Regular meeting location	Okanogan County Commissioner's conference room		
Current fee for processing	\$100.00 application fee plus \$500.00 processing	Has this changed from last year? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>	
Litigation WCB has been involved in	0		
Property owned by WCB	0		
Number & type staff/ volunteer assistance	0		
Do you maintain a water right transfer information exchange of interested buyers, sellers and/or leasers of water rights: <input type="checkbox"/>			
yes <input checked="" type="checkbox"/> no			
Additional comments: You may attach additional pages if desired			

Application Information between 11/01/05 to 10/31/06		
Estimated pre-application consultations or contacts	With board	2
	With individual board commissioner	21
Total applications accepted by the board	Conveyed from Ecology	3
	Filed originally with WCB	7
	Total applications accepted 11/01/05 to 10/31/06	10
Total applications withdrawn or declined after acceptance by the board	Withdrawn by applicant from board	8
	Board declined to process	1
Applications for	Ground water transfers	
	Surface water transfers	2
	Surface to ground or ground to surface water	8
Proposing transfer related to:	Certificates	7
	Water right claims	1
	Court claims or other documents	Permit 1
	Trust water	no valid w/r 1
Hearings in other counties¹		
Applications by Water Resource Inventory Areas (WRIAs)		
WRIA Number	WRIA Name	Number Filed
48	Methow	7
49	Okanogan	3
Records of Decisions by the Board		
Approved	0	
Denied	0	
Total Decisions	0	
Withdrawn from Ecology	1	
Remand/returned without action back to board	0	
Appealed to PCHB	0	

2005 Report to Legislature
Spokane County Water Conservancy Board
 November 1, 2004 through October 31, 2005

Water Conservancy Board Information			
Board name	Spokane County Water Conservancy Board	Date board approved	May 5, 2000
Board address/ phone/email	Spokane County Water Conservancy Board P.O. Box 13496 Spokane, WA 99213-3496 (509) 922-5127 and/or riverrat @djrrider.cnc.net		
Board members	Doug Rider, Chair Bill Towey, Member Craig Schwyn, Member , Member , Member Stan Schultz, Alternate	Term Expiration Date	
		10/10/06 10/10/08 10/10/10 04/11/11	
Primary board contact	Doug Rider, Chair		
Changes in membership	Bd Member Name	Address	Phone/Cell/Fax/Email
	Stan Schultz New <input checked="" type="checkbox"/> Resigned <input type="checkbox"/>	425 S. Alpine Dr. Liberty Lake, WA 99019	(509) 255-9656 stan@ccser.com
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
Water Conservancy Board Operations			
Regular meeting schedule	3 rd Thursday of the month at 4:30 p.m.		
Regular meeting location	Modern Electric Water Co. 904 N. Pines Rd., Spokane		
Current fee for processing	\$100 application fee; \$400 processing fee	Has this changed from last year? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>	
Litigation WCB is involved in	None		
Property owned by WCB	Briefcase		
Number & type staff/ volunteer assistance	None		
Do you maintain a water right transfer information exchange of interested buyers, sellers and/or leasors of water rights: <input type="checkbox"/> yes <input checked="" type="checkbox"/> no			
Training received other than from ecology	Title of Training	Date(s)	Sponsor
Forms attached <input type="checkbox"/>			
Additional comments: You may attach additional pages if desired			

Application Information	
Filed with and conveyed from Ecology	
Filed originally with WCB	2
Total applications filed and accepted 11/01/04 to 10/31/05	2
Withdrawn by applicant from board	0
Applications discussed with applicant but never accepted for processing by the board	0
Board declined to process	0
Applications for:	
groundwater transfers	2
surface water transfers	0
surface to ground water or ground to surface water	0
Proposing transfer related to:	
certificates	2
water right claims	0
court claims or other documents	0
trust water	0
Hearings in other counties¹	0
Applications by Water Resource Inventory Areas (WRIAs)	
WRIA Number	WRIA Name
54	Middle Spokane
55	Little Spokane
56	Hangman
57	
Records of Decisions by WCB	
Approved	3
Partially approved	0
Denied	0
Total Decisions	3
Withdrawn from Ecology	0
Remand/returned without action back to board	0
Appealed to PCHB	0

2006 Report to Legislature
Spokane County Water Conservancy Board
 November 1, 2005 through October 31, 2006

Water Conservancy Board Information			
Board name	Spokane County Water Conservancy Board	Date board established	May 5, 2000
Board address/ phone/email	P.O. Box 13496 Spokane, Washington 99213-3496 (509) 922-5127 and/or djr876@comcast.net		
Board commissioners	Doug Rider, Chair Bill Towey, Commissioner Craig Schwyn, Commissioner , Commissioner , Commissioner Jerry Neff, Alternate Stan Schultz, Alternate	Term Expiration Date	
		10/10/06 10/10/08 10/10/10 01/30/12 01/30/12 04/11/11	
Primary board contact	Doug Rider, Chair		
Changes in membership	Bd Member Name	Address	Phone/Cell/Fax/Email
	Jerry Neff New <input checked="" type="checkbox"/> Resigned <input type="checkbox"/>	P.O. Box 310, Newman Lk, WA 99025	(509) 226-3465; jgneff@comcast.net
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
Water Conservancy Board Operations			
Regular meeting schedule	3rd Thursday of the month at 4:30 p.m.		
Regular meeting location	Modern Electric Water Co., 904 N. Pines Road, Spokane		
Current fee for processing	\$100.00 application fee; \$400.00 processing fee	Has this changed from last year? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>	
Litigation WCB has been involved in			
Property owned by WCB			
Number & type staff/ volunteer assistance			
Do you maintain a water right transfer information exchange of interested buyers, sellers and/or leasers of water rights: <input type="checkbox"/> yes <input checked="" type="checkbox"/> no			
Additional comments: You may attach additional pages if desired			

Application Information between 11/01/05 to 10/31/06		
Estimated pre-application consultations or contacts	With board	0
	With individual board commissioner	0
Total applications accepted by the board	Conveyed from Ecology	0
	Filed originally with WCB	3
	Total applications accepted 11/01/05 to 10/31/06	3
Total applications withdrawn or declined after acceptance by the board	Withdrawn by applicant from board	
	Board declined to process	1
Applications for	Ground water transfers	3
	Surface water transfers	0
	Surface to ground or ground to surface water	0
Proposing transfer related to:	Certificates	3
	Water right claims	0
	Court claims or other documents	0
	Trust water	0
Hearings in other counties¹		
Applications by Water Resource Inventory Areas (WRIAs)		
WRIA Number	WRIA Name	Number Filed
54	Lower Spokane	1
55	Little Spokane	
56	Hangman	
57	Middle Spokane	2
Records of Decisions by the Board		
Approved	1	
Denied		
Total Decisions	1	
Withdrawn from Ecology	2	
Remand/returned without action back to board		
Appealed to PCHB		

Stevens County Water Conservancy Board

November 1, 2004 through October 31, 2005

Water Conservancy Board Information			
Board name	Stevens Co. Water Conservancy Board		Date board created January 25, 2002
Board address/ phone/email	Stevens County Water Conservancy Board P.O. Box 731 Kettle Falls, WA 99141 (509) 258-4041 (Wes McCart) or (509) 935-4060 (Linda Kiefer) and/or wpmccart@juno.com (Wes McCart)		
Board members	Wes McCart, Chair Gene Cada, Member Patrick Hamilton, Member Jim Gleaton, Member Bill Swartz, Member Linda Kiefer, Alternate		Term Expiration Date
			05/06/07 03/31/06 03/31/08 04/08/08 03/31/10 N/A
Primary board contact	Wes McCart, Chair		
Changes in membership	Bd Member Name	Address	Phone/Cell/Fax/Email
	Greg Daniels, Alternate New Term expired	2198 Hwy 25 South Kettle Falls, WA 99141	(509) 738-6941 danielsnursery@plix.com
	Linda Kiefer - 10/2005 New Resigned	2539 C Highline Rd Chewelah, WA 99109	(509) 935-4060 bearridge@inwi.net
	New Resigned		
Water Conservancy Board Operations			
Regular meeting schedule	3 rd Monday of each month, from 6-8 p.m. unless otherwise posted		
Regular meeting location	Stevens County Conservation District, unless otherwise posted		
Current fee for processing	\$500 base fee, plus costs	Has this changed from last year? Yes No N/A	
Litigation WCB is involved in	None		
Property owned by WCB	None		
Number & type staff/ volunteer assistance	Claudia Michalke - Volunteer - Oct - Dec. 2005		
Do you maintain a water right transfer information exchange of interested buyers, sellers and/or leasors of water rights: yes no			
Training received other than from ecology	Title of Training	Date(s)	Sponsor
Forms attached			
Additional comments: None			

Application Information	
Filed with and conveyed from Ecology	None
Filed originally with WCB	3 Moskland/Colville Golf; City of Colville: and C&M Group
Total applications filed and accepted 11/01/04 to 10/31/05	3
Withdrawn by applicant from board	2 Moskland/Colville Golf: C&M Group
Applications discussed with applicant but never accepted for processing by the board	0
Board declined to process	0
Applications for:	
groundwater transfers	1 C&M Group
surface water transfers	0
surface to ground water or ground to surface water	2
Proposing transfer related to:	
certificates	1 C& M Group
water right claims	2
court claims or other documents	0
trust water	0
Hearings in other counties¹	0
Applications by Water Resource Inventory Areas (WRIAs)	
WRIA Number	WRIA Name
59	Colville River
Records of Decisions by WCB	
Approved	2
Partially approved	0
Denied	0
Total Decisions	2
Withdrawn from Ecology	2 Moskland/Colville Golf: C&M Group
Remand/returned without action back to board	0
Appealed to PCHB	0

2006 Report to Legislature
Stevens County Water Conservancy Board
 November 1, 2005 through October 31, 2006

Water Conservancy Board Information			
Board name	Stevens Co. Water Conservancy Board	Date board established	January 25, 2002
Board address/ phone/email	P.O. Box 731 Kettle Falls, Washington 99141 (509) 258-4041 (Wes McCart) and/or wpmccart@juno.com		
Board commissioners	Wes McCart, Chair Gene Cada, Commissioner Greg Daniels, Commissioner Jim Gleaton, Commissioner Bill Swartz, Commissioner Vacant, Alternate Vacant, Alternate	Term Expiration Date	
		03/31/07 03/31/12 03/31/08 03/31/11 03/30/10 03/24/11 06/10/10	
Primary board contact	Wes McCart, Chair		
Changes in membership	Bd Member Name	Address	Phone/Cell/Fax/Email
	Greg Daniels New <input checked="" type="checkbox"/> Resigned <input type="checkbox"/>	2198 Hwy. 25 South Kettle Falls, WA 99141	(509) 738-6941 danielsnursery@plix.com
	Linda Kiefer New <input type="checkbox"/> Resigned <input checked="" type="checkbox"/>	2539 C Highland Road Chewelah, WA 99109	(509) 935-4060 bearridge@inwi.net
	Patrick Hamilton New <input type="checkbox"/> Resigned <input checked="" type="checkbox"/>	639 Kettle River Road Curlew, WA	(509) 779-4434
Water Conservancy Board Operations			
Regular meeting schedule	3rd Monday of each month, from 6-8 p.m. unless otherwise posted		
Regular meeting location	Stevens County Conservation District, unless otherwise posted		
Current fee for processing	\$500.00 base fee, plus costs/publication	Has this changed from last year? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	
Litigation WCB has been involved in	None		
Property owned by WCB	None		
Number & type staff/ volunteer assistance	Staff: Claudia Michalke, Administrative Assistance		
Do you maintain a water right transfer information exchange of interested buyers, sellers and/or leasers of water rights: <input type="checkbox"/> yes <input checked="" type="checkbox"/> no			
Additional comments: Due to Ecology's fiscal reporting year, the SCWCB will need to adopt a new numbering system for applications.			

Application Information between 11/01/05 to 10/31/06		
Estimated pre-application consultations or contacts	With board	4
	With individual board commissioner	17
Total applications accepted by the board	Conveyed from Ecology	0
	Filed originally with WCB	3 C&M Group reapplication: 2 CGC/CC
	Total applications accepted 11/01/05 to 10/31/06	3
Total applications withdrawn or declined after acceptance by the board	Withdrawn by applicant from board	0
	Board declined to process	0
Applications for	Ground water transfers	1
	Surface water transfers	0
	Surface to ground or ground to surface water	2
Proposing transfer related to:	Certificates	3
	Water right claims	0
	Court claims or other documents	0
	Trust water	0
Hearings in other counties¹		0
Applications by Water Resource Inventory Areas (WRIAs)		
WRIA Number	WRIA Name	Number Filed
59	Colville River	3
Records of Decisions by the Board		
Approved	1	
Denied	0	
Total Decisions	1	
Withdrawn from Ecology	0	
Remand/returned without action back to board	0	
Appealed to PCHB	0	

2005 Report to Legislature
Thurston County Water Conservancy Board
 November 1, 2004 through October 31, 2005

Water Conservancy Board Information			
Board name	Thurston County Water Conservancy Board	Date board created	November 17, 1999
Board address/ phone/email	Thurston County Water Conservancy Board PO Box 1037 Olympia, WA 98507-1037 (253) 502-2238 or mprhubright@comcast.net (Mike Rhubright) and/or (360) 570-4416 or Jerry.Louthain@hdrinc.com (Jerry Louthain)		
Board members	Mike Rhubright, Chair Mike McGinnis, Member Jon Hare, Member Tom Myrum, Member Jerry Louthain, Member Bill Smith, Alternate	Term Expiration Date	
		12/12/07 12/12/11 8/17/11 08/17/07 12/12/09 10/14/10	
Primary board contact	Mike Rhubright, Chairman Jerry Louthain, Secretary		
Changes in membership	Board Member Name	Address	Phone/Cell/Fax/Email
	Mike McGinnis New <input checked="" type="checkbox"/> Resigned <input type="checkbox"/>	9419 Gustafson Lane S.E. Rochester, WA 98579	Home: 360-273-7286 Work: 360-455-3177
	New <input type="checkbox"/> Term expire <input type="checkbox"/>		
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
Water Conservancy Board Operations			
Regular meeting schedule	Third Monday of each month unless a legal holiday		
Regular meeting location	Percival Plaza Conference Rm, 626 Columbia St., NW, Suite 1-1F, Olympia WA (One block SW of Olympia Farmer's Market)		
Current fee for processing	\$300 Filing fee \$1150 Processing fee	Has this changed from last year? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>	
Litigation WCB is involved in	None		
Property owned by WCB	None		
Number & type staff/ volunteer assistance	Secretarial Assistance 4 hours per month		
Do you maintain a water right transfer information exchange of interested buyers, sellers and/or leasors of water rights: <input type="checkbox"/> yes <input checked="" type="checkbox"/> no			
Training received other than from ecology	Title of Training	Date(s)	Sponsor
	Climate Change	10-27-05	King County
Forms attached <input type="checkbox"/>			

Additional comments:

Application Information	
Filed with and conveyed from Ecology	0
Filed originally with WCB	3
Total applications filed and accepted 11/01/04 to 10/31/05	3
Withdrawn by applicant from board	1
Applications discussed with applicant but never accepted for processing by the board	3
Board declined to process	0
Applications for:	
groundwater transfers	3
surface water transfers	0
surface to ground water or ground to surface water	0
Proposing transfer related to:	
certificates	3
water right claims	0
court claims or other documents	0
trust water	0
Hearings in other counties¹	0
Applications by Water Resource Inventory Areas (WRIAs)	
WRIA Number	WRIA Name
23	Upper Chehalis
13	Deschutes
11	Nisqually
Records of Decisions by WCB	
Approved	4
Partially approved	0
Denied	0
Total Decisions	4
Withdrawn from Ecology	1
Remand/returned without action back to board	0
Appealed to PCHB	0

Please answer the following questions.

- a. Has Ecology provided adequate staffing for water conservancy boards to fulfill their responsibilities associated with processing applications? This includes training, technical support, and application processing. Yes
- b. Please explain your answer to question "a". WDOE has provided excellent training opportunities for the water conservancy boards covering pertinent, up to date topics. Upon request, the Thurston County Water Conservancy Board has received technical support for several applications during the past year, however there is still a strong need for hydrogeologic assistance from Ecology.

2006 Report to Legislature
Thurston County Water Conservancy Board
 November 1, 2005 through October 31, 2006

Water Conservancy Board Information			
Board name	Thurston County Water Conservancy Board	Date board established	November 17, 1999
Board address/ phone/email	P.O. Box 1037 Olympia, WA 98507-1037 (253) 502-2238 or mprhubright@comcast.net (Mike Rhubright) and/or (360) 570-4416 or Jerry.Louthain@hdrinc.com (Jerry Louthain)		
Board commissioners	Mike Rhubright, Chair Mike McGinnis, Member Jon Hare, Vice Chair Tom Myrum, Treasurer Jerry Louthain, Secretary Bill Smith, Alternate	Term Expiration Date	
		12/12/07 12/12/11 08/17/11 07/17/07 12/12/09 09/30/10	
Primary board contact	Mike Rhubright, Chair Jerry Louthain, Secretary		
Changes in membership	Bd Member Name	Address	Phone/Cell/Fax/Email
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
Water Conservancy Board Operations			
Regular meeting schedule	3rd Monday of each month unless a legal holiday		
Regular meeting location	Percival Plaza Conference Rm., 626 Columbia St., NW, Suite 1-1F, Olympia, WA (One block SW of Olympia Farmer's Market)		
Current fee for processing	\$300.00 Filing Fee, \$1150.00 Processing fee	Has this changed from last year? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>	
Litigation WCB has been involved in	N/A		
Property owned by WCB	N/A		
Number & type staff/ volunteer assistance	0		
Do you maintain a water right transfer information exchange of interested buyers, sellers and/or leasors of water rights: <input type="checkbox"/> yes <input checked="" type="checkbox"/> no			
Additional comments:			

Application Information between 11/01/05 to 10/31/06		
Estimated pre-application consultations or contacts	With board	1
	With individual board commissioner	2
Total applications accepted by the board	Conveyed from Ecology	0
	Filed originally with WCB	0
	Total applications accepted 11/01/05 to 10/31/06	0
Total applications withdrawn or declined after acceptance by the board	Withdrawn by applicant from board	1
	Board declined to process	0
Applications for	Ground water transfers	0
	Surface water transfers	0
	Surface to ground or ground to surface water	0
Proposing transfer related to:	Certificates	0
	Water right claims	0
	Court claims or other documents	0
	Trust water	0
Hearings in other counties¹		0
Applications by Water Resource Inventory Areas (WRIAs)		
WRIA Number	WRIA Name	Number Filed
23	Upper Chehalis	0
13	Deschutes	0
11	Nisqually	0
Records of Decisions by the Board		
Approved	6	
Denied	0	
Total Decisions	6	
Withdrawn from Ecology	1	
Remand/returned without action back to board	0	
Appealed to PCHB	0	

Walla Walla County Water Conservancy Board

November 1, 2004 through October 31, 2005

Water Conservancy Board Information			
Board name	Walla Walla County Water Conservancy Board	Date board created	October 5, 1999
Board address/ phone/email	Walla Walla County Water Conservancy Board P.O. Box 1506 Walla Walla, WA 99362 (509) 547-9312 and/or alan_kottwitz@bc.com		
Board members	Alan Kottwitz, Chair Mike Dobbins, Member Brian Worden, Member , Member , Member , Alternate	Term Expiration Date	
		10/19/09 10/19/07 10/19/08	
Primary board contact	Alan Kottwitz, Chair		
Changes in membership	Bd Member Name	Address	Phone/Cell/Fax/Email
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
Water Conservancy Board Operations			
Regular meeting schedule	First Wednesday of the month, 2 p.m.		
Regular meeting location	Walla Walla County Courthouse		
Current fee for processing	\$500	Has this changed from last year? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>	
Litigation WCB is involved in	none		
Property owned by WCB	none		
Number & type staff/ volunteer assistance	Clerk of the County Commissioners office		
Do you maintain a water right transfer information exchange of interested buyers, sellers and/or leasors of water rights: <input type="checkbox"/> yes <input checked="" type="checkbox"/> no			
Training received other than from ecology	Title of Training	Date(s)	Sponsor
Forms attached <input type="checkbox"/>			
Additional comments: You may attach additional pages if desired			

Application Information	
Filed with and conveyed from Ecology	0
Filed originally with WCB	4
Total applications filed and accepted 11/01/04 to 10/31/05	4
Withdrawn by applicant from board	1
Applications discussed with applicant but never accepted for processing by the board	3
Board declined to process	0
Applications for:	
groundwater transfers	4
surface water transfers	0
surface to ground water or ground to surface water	0
Proposing transfer related to:	
certificates	4
water right claims	0
court claims or other documents	0
trust water	0
Hearings in other counties¹	0
Applications by Water Resource Inventory Areas (WRIAs)	
WRIA Number	WRIA Name
32	Walla Walla
Records of Decisions by WCB	
Approved	1
Partially approved	0
Denied	0
Total Decisions	1
Withdrawn from Ecology	0
Remand/returned without action back to board	0
Appealed to PCHB	0

Please answer the following questions.

- a. Has Ecology provided adequate staffing for water conservancy boards to fulfill their responsibilities associated with processing applications? This includes training, technical support, and application processing.

Ecology has provided excellent support for processing applications.

- b. Please explain your answer to question "a".

2006 Report to Legislature
Walla Walla County Water Conservancy Board
 November 1, 2005 through October 31, 2006

Water Conservancy Board Information			
Board name	Walla Walla County Water Conservancy Board	Date board established	October 5, 1999
Board address/ phone/email	P.O. Box 1506 Walla Walla, Washington 99362 (509) 547-9312 and/or alan_kottwitz@bc.com		
Board commissioners	Alan Kottwitz, Chair Mike Dobbins, Commissioner Brian Worden, Commissioner , Commissioner , Commissioner , Alternate , Alternate	Term Expiration Date	
		10/19/09 10/19/07 10/19/11	
Primary board contact	Alan Kottwitz, Chair		
Changes in membership	Bd Member Name	Address	Phone/Cell/Fax/Email
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
Water Conservancy Board Operations			
Regular meeting schedule	1st Wednesday of the month, 2 p.m.		
Regular meeting location	Walla Walla County Courthouse		
Current fee for processing	\$500	Has this changed from last year? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>	
Litigation WCB has been involved in	none		
Property owned by WCB	none		
Number & type staff/ volunteer assistance	County commisioners staff occasional help		
Do you maintain a water right transfer information exchange of interested buyers, sellers and/or leasers of water rights: <input type="checkbox"/>			
yes <input checked="" type="checkbox"/> no			
Additional comments: You may attach additional pages if desired			

Application Information between 11/01/05 to 10/31/06		
Estimated pre-application consultations or contacts	With board	12
	With individual board commissioner	18
Total applications accepted by the board	Conveyed from Ecology	1
	Filed originally with WCB	18
	Total applications accepted 11/01/05 to 10/31/06	19
Total applications withdrawn or declined after acceptance by the board	Withdrawn by applicant from board	0
	Board declined to process	0
Applications for	Ground water transfers	19
	Surface water transfers	
	Surface to ground or ground to surface water	
Proposing transfer related to:	Certificates	17
	Water right claims	2
	Court claims or other documents	
	Trust water	
Hearings in other counties¹		0
Applications by Water Resource Inventory Areas (WRIAs)		
WRIA Number	WRIA Name	Number Filed
32	Walla Walla	19
Records of Decisions by the Board		
Approved	1	
Denied	0	
Total Decisions	1	
Withdrawn from Ecology	0	
Remand/returned without action back to board	0	
Appealed to PCHB	0	

Whatcom Water Conservancy Board

November 1, 2004 through October 31, 2005

Water Conservancy Board Information			
Board name	Whatcom County Water Conservancy Board	Date board created	December 7, 1999
Board address/ phone/email	Whatcom Water Conservancy Board 600 Lakeway Drive Bellingham, WA 98225 (360) 676-6749 and/or mohebke@dshs.wa.gov		
Board members	Douglas Campbell, Chair Douglas Clark, Member Edwin Henken, Member , Member , Member , Alternate	Term Expiration Date	
		12/31/09 12/31/05 12/31/07 N/A	
Primary board contact	Kathy Mohebki, Board Staff		
Changes in membership	Bd Member Name	Address	Phone/Cell/Fax/Email
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
Water Conservancy Board Operations			
Regular meeting schedule	Second Wednesday of each month, as necessary		
Regular meeting location	Northwest Regional Council Offices, 600 Lakeway Drive, Bellingham, WA 98225		
Current fee for processing	\$150 application fee; \$600 processing fee plus any additional costs	Has this changed from last year? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>	
Litigation WCB is involved in			
Property owned by WCB			
Number & type staff/ volunteer assistance	Contract with Northwest Regional Council and Whatcom County for staff support		
Do you maintain a water right transfer information exchange of interested buyers, sellers and/or leasors of water rights: <input type="checkbox"/> yes <input checked="" type="checkbox"/> no			
Training received other than from ecology	Title of Training	Date(s)	Sponsor
Forms attached <input checked="" type="checkbox"/>			
Additional comments: Commissioner Doug Campbell participated in the following training: *North American Rainwater Harvesting Conference, July 14, 2005, 8 hours. *EPA Arsenic Training, July 13, 2005, 8 hours.			

Application Information		
Filed with and conveyed from Ecology		
Filed originally with WCB		
Total applications filed and accepted 11/01/04 to 10/31/05	Applications Filed	
Withdrawn by applicant from board		
Applications discussed with applicant but never accepted for processing by the board		
Board declined to process		
Applications for:	groundwater transfers	
	surface water transfers	
	surface to ground water or ground to surface water	
Proposing transfer related to:	certificates	
	water right claims	
	court claims or other documents	
	trust water	
Hearings in other counties¹		
Applications by Water Resource Inventory Areas (WRIAs)		
WRIA Number	WRIA Name	Number Filed
Records of Decisions by WCB		
Approved		
Partially approved		
Denied		
Total Decisions		(sum of all RODs)
Withdrawn from Ecology		
Remand/returned without action back to board		
Appealed to PCHB		

Please answer the following questions.

- a. Has Ecology provided adequate staffing for water conservancy boards to fulfill their responsibilities associated with processing applications? This includes training, technical support, and application processing. Yes
- b. Please explain your answer to question "a".

2006 Report to Legislature
Whatcom County Water Conservancy Board
 November 1, 2005 through October 31, 2006

Water Conservancy Board Information			
Board name	Whatcom County Water Conservancy Board	Date board established	December 7, 1999
Board address/ phone/email	600 Lakeway Drive Bellingham, WA 98225 (360) 676-6749 and/or wurtzrs@dshs.wa.gov		
Board commissioners	Douglas Campbell, Chair Vacant, Commissioner Edwin Henken, Commissioner , Commissioner , Commissioner , Alternate , Alternate	Term Expiration Date	
		12/31/09 12/31/11 12/31/07	
Primary board contact	Raynell Wurtz, Board Staff; Pat Atkinson, Board Staff		
Changes in membership	Bd Member Name	Address	Phone/Cell/Fax/Email
	Doug Clark New <input type="checkbox"/> Term expired <input checked="" type="checkbox"/>		
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
Water Conservancy Board Operations			
Regular meeting schedule	2nd Wednesday of each month, as necessary		
Regular meeting location	Northwest Regional Council Offices, 600 Lakeway Drive, Bellingham, WA 98225		
Current fee for processing	\$150.00 application fee; \$600.00 processing fee plus any additional costs	Has this changed from last year? Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	
Litigation WCB has been involved in	none		
Property owned by WCB	none		
Number & type staff/ volunteer assistance	1		
Do you maintain a water right transfer information exchange of interested buyers, sellers and/or lessors of water rights: <input type="checkbox"/> yes <input checked="" type="checkbox"/> no			
Additional comments: You may attach additional pages if desired			

Application Information between 11/01/05 to 10/31/06		
Estimated pre-application consultations or contacts	With board	0
	With Individual board commissioner	0
Total applications accepted by the board	Conveyed from Ecology	0
	Filed originally with WCB	0
	Total applications accepted 11/01/05 to 10/31/06	0
Total applications withdrawn or declined after acceptance by the board	Withdrawn by applicant from board	0
	Board declined to process	0
Applications for	Ground water transfers	0
	Surface water transfers	0
	Surface to ground or ground to surface water	0
Proposing transfer related to:	Certificates	/
	Water right claims	
	Court claims or other documents	
	Trust water	
Hearings in other counties ¹		
Applications by Water Resource Inventory Areas (WRIAs)		
WRIA Number	WRIA Name	Number Filed
Records of Decisions by the Board		
Approved	2	
Denied	0	
Total Decisions	(sum of all RODs) 2	
Withdrawn from Ecology	0	
Remand/returned without action back to board	0	
Appealed to PCHB	0	

¹For water right change proposals between counties

Whitman County Water Conservancy Board

November 1, 2004 through October 31, 2005

Water Conservancy Board Information			
Board name	Whitman County Water Conservancy Board		Date board created
			July 26, 2000
Board address/ phone/email	Whitman Co. Water Conservancy Board 404 North Main Colfax, WA 99111 (509) 397-6200 and/or lynne_gearhart@yahoo.com		
	Nancy Belsby 509-235-8581		
Board members	Ron JOHNSON Lynne Gearhart, Chair David Stanley, Member Gayle Startin, Member David Stueckle, Member Nancy Belsby, Member , Alternate	Term Expiration Date	
		07/16/07 07/16/11 07/16/06 07/16/08 07/16/10 N/A	
Primary board contact	Lynne Gearhart, Chair Nancy Belsby		
Changes in membership	Bd Member Name	Address	Phone/Cell/Fax/Email
	Dretha Phillips New <input type="checkbox"/> Term expired <input checked="" type="checkbox"/>		
	DAVID STANLEY New <input checked="" type="checkbox"/> Deceased <input type="checkbox"/>	11021 WINONA S. Rd LaCrosse WA 99143	509-549-4306
	Lynne Gearhart New <input type="checkbox"/> Resigned <input checked="" type="checkbox"/>		
	Ron JOHNSON New <input checked="" type="checkbox"/> Resigned <input type="checkbox"/>	PO Box 44 Furmington WA 99128	509-289-2177
Water Conservancy Board Operations			
Regular meeting schedule	4th Wednesday of the month, 4:30 p.m., Quarterly, <i>FIRST MONTH of Quarter</i> 4:30		
Regular meeting location	County Commissioner's Conference Room, Colfax Public Service Bldg Room B		
Current fee for processing	\$300 to receive application; \$300 for processing ? ?	Has this changed from last year? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>	
Litigation WCB is involved in	none		
Property owned by WCB	none		
Number & type staff/volunteer assistance	1, very part time volunteer		
Do you maintain a water right transfer information exchange of interested buyers, sellers and/or leasors of water rights: <input type="checkbox"/> yes <input checked="" type="checkbox"/> no			
Training received other than from ecology	Title of Training	Date(s)	Sponsor
Forms attached <input type="checkbox"/>			
Additional comments: You may attach additional pages if desired			

Application Information		
Filed with and conveyed from Ecology	1	
Filed originally with WCB	2	
Total applications filed and accepted 11/01/04 to 10/31/05		
Withdrawn by applicant from board	0	
Applications discussed with applicant but never accepted for processing by the board	0	
Board declined to process	0	
Applications for:		
groundwater transfers	3	
surface water transfers	0	
surface to ground water or ground to surface water	0	
Proposing transfer related to:		
certificates	3	
water right claims	0	
court claims or other documents	0	
trust water	0	
Hearings in other counties ¹	0	
Applications by Water Resource Inventory Areas (WRIAs)		
WRIA Number	WRIA Name	Number Filed
N/A		
Records of Decisions by WCB		
Approved	1	
Partially approved		
Denied		
Total Decisions		1
Withdrawn from Ecology		
Remand/returned without action back to board		
Appealed to PCHB		

¹For water right change proposals between counties

2006 Report to Legislature
Whitman County Water Conservancy Board
 November 1, 2005 through October 31, 2006

Water Conservancy Board Information			
Board name	Whitman County Water Conservancy Board	Date board established	July 26, 2000
Board address/ phone/email	2892 Belsby Road Cheney, WA 99004 (509) 397-6200 and/or (509) 235-8581 Nancy Belsby Whitman.wb@earthlink.net		
Board commissioners	Nancy Belsby, Chair Joe Spoonemore, Member Ed Schultz, Member David Stueckle, Member Ron Johnson, Member , Alternate , Alternate	Term Expiration Date	
		07/10/10 07/16/11 07/16/12 07/16/08 07/16/07	
Primary board contact	Nancy Belsby, Chair		
Changes in membership	Bd Member Name	Address	Phone/Cell/Fax/Email
	Joe Spoonemore New <input checked="" type="checkbox"/> Resigned <input type="checkbox"/>	472 Old Moscow Road Pullman, WA 99163	(509) 332-8698
	Ed Schultz New <input checked="" type="checkbox"/> Resigned <input type="checkbox"/>	1842 Morley Road Colfax, WA 99111	(509) 397-9224 emschultz@colfax.com
	David Stanley New <input type="checkbox"/> Resigned <input checked="" type="checkbox"/>	11021 Winona South Road Lacrosse, WA 99143	(509) 549-4306 tablerock@pionnet.com
Water Conservancy Board Operations			
Regular meeting schedule	4th Wednesday of the month, 7:30 p.m., Quarterly, First Month of Quarter		
Regular meeting location	Public Service Bldg. Room B		
Current fee for processing	\$300.00 to receive application; \$300.00 for processing	Has this changed from last year? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>	
Litigation WCB has been involved in	None		
Property owned by WCB	None		
Number & type staff/ volunteer assistance	None		
Do you maintain a water right transfer information exchange of interested buyers, sellers and/or leasers of water rights: <input type="checkbox"/> yes <input checked="" type="checkbox"/> no			
Additional comments: You may attach additional pages if desired			

Application Information between 11/01/05 to 10/31/06		
Estimated pre-application consultations or contacts	With board	0
	With individual board commissioner	0
Total applications accepted by the board	Conveyed from Ecology	0
	Filed originally with WCB	0
	Total applications accepted 11/01/05 to 10/31/06	0
Total applications withdrawn or declined after acceptance by the board	Withdrawn by applicant from board	1
	Board declined to process	0
Applications for	Ground water transfers	0
	Surface water transfers	0
	Surface to ground or ground to surface water	0
Proposing transfer related to:	Certificates	0
	Water right claims	0
	Court claims or other documents	0
	Trust water	0
Hearings in other counties¹		0
Applications by Water Resource Inventory Areas (WRIAs)		
WRIA Number	WRIA Name	Number Filed
34	Palouse Aquifer	3
Records of Decisions by the Board		
Approved	3	
Denied	0	
Total Decisions	3	
Withdrawn from Ecology	1	
Remand/returned without action back to board	0	
Appealed to PCHB	0	

2005 Report to Legislature
Yakima County Water Conservancy Board
 November 1, 2004 through October 31, 2005

Water Conservancy Board Information			
Board name	Yakima County Water Conservancy Board	Date board created	July 12, 1999
Board address/ phone/email	Yakima County Water Conservancy Board 2301 Fruitvale Boulevard Yakima, WA 98901 (509) 574-2650 and/or sylvia.cervantes@co.yakima.wa.us		
Board members	Jeff Stevens, Chair Dave Brown, Member , Member , Member , Member Dave England, Alternate	Term Expiration Date	
		09/07/09 09/07/07 N/A	
Primary board contact	Sylvia Cervantes, Board Support		
Changes in membership	Bd Member Name	Address	Phone/Cell/Fax/Email
	David England New <input checked="" type="checkbox"/> Resigned <input type="checkbox"/>	1304 South 33 rd Avenue Yakima, WA 98902	509.575.1275
	Steve Pickett New <input type="checkbox"/> Resigned <input checked="" type="checkbox"/>	512 Hennessy Road Yakima, WA 98908	509.965.9728
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
Water Conservancy Board Operations			
Regular meeting schedule	First Wednesday of the month, 6 p.m.		
Regular meeting location	2301 Fruitvale Boulevard, Yakima, WA, Del Kary City Public Works Administration Conference Room and/or Yakima County Courthouse, 128 North Second Street		
Current fee for processing	\$100 non-refundable for submittal; \$500 acceptance fee	Has this changed from last year? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>	
Litigation WCB is involved in			
Property owned by WCB			
Number & type staff/ volunteer assistance	One part time board clerk		
Do you maintain a water right transfer information exchange of interested buyers, sellers and/or leasors of water rights: <input type="checkbox"/> yes <input checked="" type="checkbox"/> no			
Training received other than from ecology	Title of Training	Date(s)	Sponsor
Forms attached <input type="checkbox"/>			
Additional comments: Board Membe Jeff Stevens received training from Washington Water Law on May 19 & 20, 2005. The sponsors were Law Seminars, Inc.			

Application Information	
Filed with and conveyed from Ecology	0
Filed originally with WCB	13
Total applications filed and accepted 11/01/04 to 10/31/05	13(sum of all applications filed)
Withdrawn by applicant from board	0
Applications discussed with applicant but never accepted for processing by the board	1
Board declined to process	0
Applications for:	
groundwater transfers	12
surface water transfers	1
surface to ground water or ground to surface water	0
Proposing transfer related to:	
certificates	5
water right claims	8
court claims or other documents	0
trust water	0
Hearings in other counties¹	0
Applications by Water Resource Inventory Areas (WRIAs)	
WRIA Number	WRIA Name
37	Lower Yakima
Records of Decisions by WCB	
Approved	6
Partially approved	0
Denied	0
Total Decisions	6
Withdrawn from Ecology	0
Remand/returned without action back to board	0
Appealed to PCHB	2

Please answer the following questions.

- a. Has Ecology provided adequate staffing for water conservancy boards to fulfill their responsibilities associated with processing applications? This includes training, technical support, and application processing. Yes.
- b. Please explain your answer to question "a". Training was provided for staff and board members in Moses Lake at Big Bend Community College. This training gave the opportunity for not only board members but staff to attend as well. The training was excellent and covered pertinent details relating to SEPA as well as other administrative functions. Training also included discussion with Ecology staff and county elected officials. Would encourage this type of training to be scheduled again. Technical and administrative support is provided to the Yakima Board on a regular basis. The Ecology staff is available via e-mail, telephone or in person for meetings to discuss application specifics. The availability is appreciated and has been useful in the review of applications to assure the best service to the applicant and to best meet the requirements of Ecology. New board member expressed satisfaction in the four day training held in Spokane. He found the training useful and informative. No negative comments were expressed. Overall the Yakima Board expresses satisfaction with the relationship that has been developed with Ecology and finds technical assistance is readily available and the application processing easy.

2006 Report to Legislature
Yakima County Water Conservancy Board
 November 1, 2005 through October 31, 2006

Water Conservancy Board Information			
Board name	Yakima County Water Conservancy Board	Date board established	July 12, 1999
Board address/ phone/email	2301 Fruitvale Boulevard Yakima, Washington 98901 (509) 574-2650 and/or Sylvia.cervantes@co.yakima.wa.us		
Board commissioners	Jeff Stevens, Chair Dave Brown, Commissioner Mark Reynolds, Commissioner , Commissioner , Commissioner Dave England, Alternate , Alternate	Term Expiration Date	
		09/07/09 09/07/07 09/06/11 07/25/11	
Primary board contact	Sylvia Cervantes, Board Support		
Changes in membership	Bd Member Name	Address	Phone/Cell/Fax/Email
	Mark Reynolds New <input checked="" type="checkbox"/> Resigned <input type="checkbox"/>	621 Coe Road Wapato, WA 98951	(509) 577-1755 mjreynolds@peoplepc.com
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
Water Conservancy Board Operations			
Regular meeting schedule	First Wednesday of the month, 6 p.m.		
Regular meeting location	2301 Fruitvale Boulevard, Yakima, WA, Del kary City Public Works Administration Conference Room		
Current fee for processing	\$100 non-refundable for submittal; \$500 acceptance fee	Has this changed from last year? Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	
Litigation WCB has been involved in			
Property owned by WCB			
Number & type staff/ volunteer assistance			
Do you maintain a water right transfer information exchange of interested buyers, sellers and/or leasers of water rights: <input type="checkbox"/> yes <input checked="" type="checkbox"/> no			
Additional comments: All Board members are current on their training. Please note in response to Record of Decisions by Board. All applications referenced are still in process and no formal decisions have been made on any of these applications. Anticipate this will be done at further meetings.			

Application Information between 11/01/05 to 10/31/06		
Estimated pre-application consultations or contacts	With board	4
	With individual board commissioner	
Total applications accepted by the board	Conveyed from Ecology	
	Filed originally with WCB	10
	Total applications accepted 11/01/05 to 10/31/06	9
Total applications withdrawn or declined after acceptance by the board	Withdrawn by applicant from board	1
	Board declined to process	
Applications for	Ground water transfers	8
	Surface water transfers	1
	Surface to ground or ground to surface water	
Proposing transfer related to:	Certificates	6
	Water right claims	2
	Court claims or other documents	1
	Trust water	
Hearings in other counties		
Applications by Water Resource Inventory Areas (WRIAs)		
WRIA Number	WRIA Name	Number Filed
37	Lower Yakima	
Records of Decisions by the Board		
Approved	0	
Denied	0	
Total Decisions	0(sum of all RODs)	
Withdrawn from Ecology	0	
Remand/returned without action back to board	0	
Appealed to PCHB	0	