



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

January 28, 2014

Robert Brent Hartley
Brent Hartley Land, LLC
21301 E. Reese Rd.
Prosser, WA 99350

RE: Water Right Change Application No. CS4-25639(J)C@1 (BENT-13-06)

Dear Mr. Hartley:

In accordance with RCW 90.80.080 the Department of Ecology (Ecology) has reviewed the Record of Decision (ROD), Report of Examination (ROE), and all comments, protests, objections and other relevant information submitted by the Benton County Water Conservancy Board (the Board) for the above referenced application for change.

Ecology has **modified** the decision of the Board and the proposed change of water right is **approved** under the following conditions:

Summary of Ecology's Final Order

MAXIMUM CUB FT/SECOND		MAXIMUM GAL/MINUTE		MAXIMUM ACRE-FT/YR		TYPE OF USE, PERIOD OF USE	
6.21				1,253.29		Irrigation of 378 acres, 2/1 – 11/15	
SOURCE						TRIBUTARY OF (IF SURFACE WATER)	
Columbia River, John Day Pool						Pacific Ocean	
¼	¼	SECTION	TOWNSHIP N.	RANGE	WRIA	COUNTY.	
NW	NW	18	5	26 E.W.M.	31 Rock-Glade	Benton	
AT A POINT LOCATED: PARCEL NO.							
1-1856-000-0000-000							
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED AS APPROVED BY THE BOARD							
S½ of Section 12, SE¼ of Section 11, NE¼ of Section 14, T. 7 N., R. 26 E.W.M.; AND S½ of Section 8, W½ of Section 9, T. 7 N., R. 27 E.W.M.							
Parcels: 1-1276-000-0000-000, 1-1176-100-0000-000, 1-1476-100-0002-000, 1-0877-300-0001-000, 1-0977-200-0000-000							
DEVELOPMENT SCHEDULE							
BEGIN PROJECT BY THIS DATE:				COMPLETE PROJECT BY THIS DATE:		WATER TO PUT TO FULL USE BY THIS DATE:	
Begun				Completed		January 1, 2015	

Ecology has **MODIFIED** the decision of the Board as follows:

- A. In the above Summary Table, the Development Schedule has been modified. The subject change application contemplates a defacto change. As such, development is complete and one year will be given to apply the water to beneficial use within the terms of this change authorization. The remaining parameters in the table remain as determined by the Board.
- B. The Board's Recommended Provision No. 15 is stricken. A new surface water diversion or ground water withdrawal is not contemplated by the subject application or this change authorization.
- C. Within the Board's Report of Examination, Ecology notes that:
 - 1) On page 1, under "Changes Proposed" boxes labeled "Other" and "Add Purpose" were erroneously checked. Only a change in Place of Use was proposed under the subject application.
 - 2) On page 6, under "Key Technical Issues – Water Right Review" the Board writes that Ecology performed an annual consumptive quantity (ACQ) review and analysis in last year's temporary change authorization relating to this same water right. While a validity and extent tentative determination was made, ACQ as defined in statute was not reviewed or analyzed in Ecology's evaluation of the proposed temporary change.

YOUR RIGHT TO APPEAL

You have a right to appeal this decision to the Pollution Control Hearings Board (PCHB) within 30 days of the date of receipt of this decision. The appeal process is governed by chapter 43.21B RCW and chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal you must do the following within 30 days of the date of receipt of this decision:

- File your appeal and a copy of this decision with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this decision on Ecology in paper form - by mail or in person (see addresses below.) E-mail is not accepted.

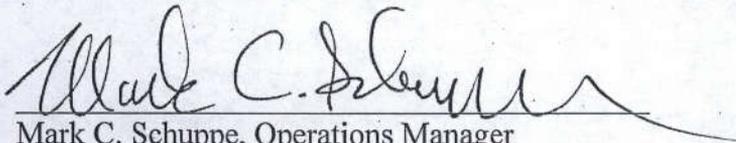
You must also comply with other applicable requirements in chapter 43.21B RCW and chapter 371-08 WAC.

ADDRESS AND LOCATION INFORMATION

Street Addresses	Mailing Addresses
Department of Ecology ATTN: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	Department of Ecology ATTN: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
Pollution Control Hearings Board 1111 Israel Road SW, Ste 301 Tumwater, WA 98501	Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903

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For additional information visit the Environmental Hearings Office Website: <http://www.eho.wa.gov>
To find laws and agency rules visit the Washington State Legislature Website: <http://www.leg.wa.gov/CodeReviser>



Mark C. Schuppe, Operations Manager
Office of Columbia River

TP:MCS:AH (140115)

Enclosures: *Your Right to Be Heard*

By Certified Mail: 7010 0290 0000 7127 0255

CC: Thomas Perkow, Department of Ecology, Office of Columbia River
Benton County Water Conservancy Board
Yakama Nation

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Street, Apt. No.,
or PO Box No. ROBERT BRENT HARTLEY
BRENT HARTLEY LAND, LLC
City, State, ZIP+4 21301 E. REESE RD.
PROSSER, WA 99350

PS Form 3800, August 2006

See Reverse for Instructions