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**Klickitat County
WATER CONSERVANCY BOARD**

KLIC-11-01

Record of Decision

Applicant: Scott Andrews on behalf of Robert Andrews

Application Number: CG4-01256P

This record of decision was made at an open public meeting of the Klickitat County Water Conservancy Board held on May 8, 2012 with any changes to ROE/ROD based on information received from the applicant and WADOE staff. This ROE/ROD was reviewed and approved by the undersigned.

(X) Approval: The Klickitat County Water Conservancy Board hereby **grants** conditional approval for the water right transfer described and conditioned within the report of examination and submits this record of decision and report of examination to the Department of Ecology for final review or consideration.

() Denial: The Klickitat County Water Conservancy Board hereby **denies** conditional approval for the water right transfer as described within the report of examination and submits this record of decision to the Department of Ecology for final review or consideration.

J.P. Enderby
J.P. Enderby, Commissioner
Klickitat County Water Conservancy Board

Date: 5/8 2012

- Approves
- Denies
- Recused
- Abstains
- Excused Absence

Richard Beightol
Richard Beightol, Commissioner
Klickitat County Water Conservancy Board

Date: 5-8 2012

- Approves
- Denies
- Recused
- Abstains
- Excused Absence

Scott Andrews, Commissioner
Klickitat County Water Conservancy Board

Date: _____ 2012

- Approves
- Denies
- Recused
- Abstains
- Excused Absence

Craig Stephens
Craig Stephens, Commissioner
Klickitat County Water Conservancy Board

Date: 5-8 2012

- Approves
- Denies
- Recused
- Abstains
- Excused Absence

Dennis Beeks, Commissioner
Klickitat County Water Conservancy Board

Date: _____ 2012

- Approves
- Denies
- Recused
- Abstains
- Excused Absence

Final ROE/ROD Mailed to the Department of Ecology, Regional Office of Ecology, via tracked mail, and other interested parties on or before April 15, 2012.

KLICKITAT COUNTY WATER CONSERVANCY BOARD

Application/Review for Change/Transfer

OF A RIGHT TO THE BENEFICIAL USE OF THE PUBLIC WATERS OF
THE STATE OF WASHINGTON



Report of Examination

Prepared by Members of the KCWCB

Surface Water



Ground Water

DATE APPLICATION RECEIVED October 2011 Public Notice	WATER RIGHT DOCUMENT NUMBER G4-01256P	WATER RIGHT PRIORITY DATE January 17, 1972	BOARD-ASSIGNED CHANGE APPLICATION NUMBER KLICK-11-01
NAME Scott Andrews			
ADDRESS (STREET) 1201 Alderdale Rd.	(CITY) Prosser	(STATE) WA	(ZIP CODE) 99350

Changes Proposed: Change purpose Add purpose Add irrigated acres Change point of diversion/withdrawal
 Added point of diversion/withdrawal Change place of use Other (Temporary, Trust, Interties, etc.) _____

Request is for added points of withdrawal and place of use.

SEPA

The board has reviewed the provisions of the State Environmental Policy Act of 1971, Chapter 43.21C RCW and the SEPA rules, chapter 197-11 WAC and has determined the application is: Exempt (water right) Not exempt (proposed project)

The water right change/transfer described herein is exempt from SEPA review, as the water amount involved (new lands portion) is under the SEPA threshold for groundwater per the acreage involved for change/transfer (under 2,250 gpm).

BACKGROUND AND DECISION SUMMARY

Existing Right

MAXIMUM CUB FT/ SECOND	MAXIMUM GAL/MINUTE 12,000 gpm	MAXIMUM ACRE-FT/YR 14,248	TYPE OF USE, PERIOD OF USE Irrigation of 4,160 acres, February 1 to December 1				
SOURCE Groundwater			TRIBUTARY OF (IF SURFACE WATER) Horse Heaven Hills Location				
AT A POINT LOCATED: PARCEL NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE	WRIA	COUNTY.
Withdrawal Point:	NE	SE	22	6N	23 EWM		Klickitat
(and as described on permit)	SE	NE	24	6N	23 EWM		Klickitat
		SE	15	6N	23 EWM		Klickitat
	SE	SE	12	6N	23 EWM		Klickitat

LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS USED

All within: Sections 12, 13, and S1/2 of 14, and 15, and 22, 23, and 24, T. 6N. R.23 EWM.

Proposed Use

MAXIMUM CUB FT/ SECOND	MAXIMUM GAL/MINUTE 10,269 gpm	MAXIMUM ACRE-FT/YR 12,193	TYPE OF USE, PERIOD OF USE Irrigation of 3,560 acres, February 1 to December 1				
SOURCE Groundwater			TRIBUTARY OF (IF SURFACE WATER) Horse Heaven Hills Location				
AT A POINT LOCATED: PARCEL NO. Withdrawal Point: (and as described on permit)	¼ NE NW SE SW NW SE	¼ SE NE NE SE SE NE	SECTION 22 24 15 11 11 15	TOWNSHIP N. 6N 6N 6N 6N 6N 6N	RANGE 23 EWM 23 EWM 23 EWM 23 EWM 23 EWM 23 EWM	WRIA	COUNTY. Klickitat Klickitat Klickitat Klickitat Klickitat Klickitat
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS USED							
<p>All within: Sections 12, 13, and S1/2 of 14, and 15, and 22, 23, and 24, T. 6N. R.23 EWM. And Sections 2, 3, 4 (per Andrews ownership parcel numbers: 06230200000200, 06230300000000, 06230400000000, 06231100000000), and NW1/4 of Section 11, all within T.6N, R.23 EWM.</p>							

Water Board Decision

MAXIMUM CUB FT/ SECOND	MAXIMUM GAL/MINUTE 10,269 gpm	MAXIMUM ACRE-FT/YR 12,193	TYPE OF USE, PERIOD OF USE Irrigation of 3,560 acres, February 1 to December 1				
SOURCE Groundwater			TRIBUTARY OF (IF SURFACE WATER) Horse Heaven Hills Location				
AT A POINT LOCATED: PARCEL NO. Withdrawl Point: (and as described on permit)	¼ NE NW SE SW NW SE	¼ SE NE NE SE SE NE	SECTION 22 24 15 11 11 15	TOWNSHIP N. 6N 6N 6N 6N 6N 6N	RANGE 23 EWM 23 EWM 23 EWM 23 EWM 23 EWM 23 EWM	WRIA	COUNTY. Klickitat Klickitat Klickitat Klickitat Klickitat Klickitat
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS USED							
<p>All within: Sections 12, 13, and S1/2 of 14, and 15, and 22, 23, and 24, T. 6N. R.23 EWM. And Sections 2, 3, 4 (per Andrews ownership parcel numbers: 06230200000200, 06230300000000, 06230400000000, 06231100000000), and NW1/4 of Section 11, all within T.6N, R.23 EWM.</p>							

DESCRIPTION OF PROPOSED WORKS

The existing permit is being used for irrigation of lands along the Horse Heaven Hills. The permit is in good standing.

The applicant would reconfigure existing points of withdrawal and assign to proper wells accordingly, and change the place of use to no longer overlap other water rights, and provide an acre for acre change to new place of use for 760 acres (adjacent farm ground owned by applicant), and withdraw 600 acres from the existing permit that will not be used.

Consistent with further permit development, the 760 acres of irrigation will be completed under the permit. And 600 acres will be withdrawn from future use (de facto relinquishment).

DEVELOPMENT SCHEDULE

BEGIN PROJECT BY THIS DATE: Immediately	COMPLETE PROJECT BY THIS DATE: By January 1, 2015	COMPLETE CHANGE AND PUT WATER TO FULL USE BY THIS DATE: By January 1, 2016
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NOTE: The Water Board establishes the development schedule, as required under RCW 90.80.070, 90.80.080, and WAC 173-153-130. The schedule may be extended by WADOE if diligence is demonstrated in the completion of this project.

BACKGROUND

A change/transfer application for permit G4-01256P was received and accepted by the Water Board in October 2011 and reviewed thereafter. This application requests changing points of withdrawal, and place of use. The applicant seeks greater flexibility in the use of the water right, and the change would be consistent with allowed use and changes under RCW 90.03.380.

The applicant's intent is to continue the use of G4-01256P at its existing and changed place of use, with greater clarity provided for the existing wells—reflecting years of use.

The existing water right is in good standing and being fully developed under an approved permit.

Attributes of the water right as currently documented:

Name on certificate, claim, permit: Robert L. and Louise V. Andrews

Water right document number: G4-01256P

As modified by permit change number: CS4-01256P

Priority date, first use: January 17, 1972

Water quantities: Qi: 12,000 gpm, Qa: 14,248 acre-ft./year

Source: Groundwater, Horse Heaven Hills Area.

Point of diversion/withdrawal: See above and attachment

Purpose of use: Irrigation

Period of use: February to December 1

Place of use: See above and attachments

Existing provisions: See attached permit

Tentative determination of the water right:

See Water Board's Decision Above.; water right is in permit stage being developed by the applicant.

History of water use:

The permit is in good standing. The existing points of diversion serve multiple water rights (note attachments).

Previous changes:

File notes None.

SEPA:

As noted above, the water right change request is exempt. SEPA review compliance is present.

COMMENT AND PROTESTS

Public notification for the applicant's request was filed in the Goldendale Sentinel and White Salmon Enterprise. A copy is provided in the Public Notice attachments. The WADOE/Water Board did not receive a protest notice, or comments, from a third party.

The application has been distributed to several state resources agencies, tribes, and interested parties. No comments have been received from these parties concerning the application.

Issues Raised by WADOE:

The Water Board has provided the WADOE CRO with the change/transfer application and public notice, and a Water Board representative has discussed the change request with WADOE staff, and requested an explicit identification of any issues of concern related to the change request or the Water Board's preparation of the ROE/ROD.

A Water Board representative and WADOE staff have reviewed the change request subject to RCW 90.03.380, subject to the terms and conditions of this ROE/ROD.

No issues have been identified.

Protests:

Date: None Received.

This was recognized by the board as a Protest Comment

Name/address of protestor/commenter:

Issue:

Board's analysis:

Other:

INVESTIGATION

The following information was obtained from site inspections, technical reports and documents, research of department records, and discussions with the applicant's technical consultant and other interested parties; as well as discussions with the WADOE staff.

Proposed project plans and specifications:

As noted above, the applicant will continue to use this water right to service irrigation lands at the current and changed place of use, with a change (clarification) to the authorized points of withdrawal. The water right will involve the use of several wells, already in existence, with existing water mainline and distribution systems.

The applicant's intent is to continue the use of G4-01256P at its proposed place of use, as described above.

A. Key Technical Issues—Water Right Review:

This investigation has included several issues:

Tentative Determination:

In order to make a water right change decision, the Board must make a tentative determination on the validity and extent of the right. The Board has made the tentative determination as displayed upon the first section of this report. There are several circumstances that can cause the board's tentative determination to differ from the stated extent of the water right within water right documentation. Water right documents attempt to define a maximum limitation to a water right, rather than the actual extent to which a water right has been developed and maintained through historic beneficial use. Additionally, except for a sufficient cause pursuant to RCW 90.14.140, water rights, in whole or in part, not put to a beneficial use for five consecutive years since 1967 may be subject to relinquishment

under Chapter 90.14.130 through 90.14.180 RCW. Water rights may additionally be lost through abandonment. The Board's tentative determination was based upon the following findings.

First, the water right applicant holds a valid water right permit in good standing, and it is on file with the WADOE. The water right is subject to the groundwater code provisions, including RCW 90.03.380.

The permit is valid as stands, subject to subsequent change actions by the Water Board and any WADOE administrative changes affecting development.

Second, the change/transfer request must be consistent with RCW 90.03.380, and related water code statutes. The place of use change granted under this ROE/ROD is based on an acre-for-acre change of inchoate groundwater rights, consistent with existing Supreme Court case law review (secondary issue reviewed under *R.D. Merrill Co. v. Pollution Control Hearings Board*, 137 Wn.2d 118, 969 P.2d 458 (1999)). There will be no change to the total authorized acreage or water use under the permit, thus no change to authorized beneficial use.

Third, under the change request, the total amount of water withdrawal from the existing right and proposed change cannot exceed the amount within the currently permitted water right. The change/transfer request must not exceed the existing water right limits; no enlargement of the water right is allowed.

The Water Board notes that this request requires no expansion of the water right, as designated under the existing permit. The applicant is actively developing the water right, taking into account development along with other nearby water rights, and the change request would not directly affect other water rights owned by the applicant. As noted above, the change request for place of use is an acre-for-acre request, not requiring an ACQ analysis, but is consistent with case law review for said groundwater permit amendments.

From the allowed water right beneficial use available for change/transfer, 600 acres will be voluntarily abandoned (de facto relinquished) by the applicant, and this water will remain in the groundwater system (deep basalt aquifer). The change to place of use is for 765 acres. Relative to the current permit, the amended permit will reflect a decrease in total irrigated acres, acre-ft. (Qa), and instantaneous use (Qi).

And fourth, based on the above information and analyses, the Water Board has determined that the full amount of the said water right for change/transfer is presented within the above "Board Decision" summary, and should be the amount not exceeded by the applicant within the proof of appropriation filing and within the superseding permit issued by WADOE.

Hydrologic, and other technical investigations:

First, based on detailed technical review/discussions with the applicant, it is concluded that the requested change/transfer will divert water from the same body of water (and management area within the deep basalt aquifer) as that allowed under the existing water right.

The amendment to point of withdrawal will clarify and delineate the true points of withdrawal, correcting several years of confusion surrounding the use of replacement and supplement wells related to the water right permit. The need for this action has been reviewed with WADOE staff.

Second, the change request cannot create impairment. The Water Board has reviewed, with the applicant, information on potential impairment, along with the WADOE point of diversion records, and concludes that impairment is not an issue for this change request. The point of diversion is consistent with the impairment standards under RCW 90.03.380, as a partially perfected water right.

Further, it is noted that:

- 1) For this immediate area, no record/affirmation of impairment has been noted by the Water Board or WADOE—specifically relating to Andrews' irrigation pumping.
- 2) The Water Board has required the applicant to review impairment issues for the applicant's change request. This review indicates that the change action will not impair other water rights (some other rights are owned by the applicant).
- 3) Based on the public notice of this change request, the Water Board has received no impairment issue comments from other existing water right holders, including those who withdraw water from sites close to Andrews farming operations.

Third, the change will involve a net reduction in water use relative to the existing allowed use, due to the voluntary withdrawal of total acres from the existing permit.

Given the above review, the Water Board concludes that the proposed action will not create impairment to other water rights per the provisions and conditions established under the existing permit and the conditions provided within this ROE/ROD.

And fourth, relative to the change request, the Water Board and applicant are cognizant of analyses related to potential impacts surrounding aquifer conditions, and determined that the change will not affect status quo conditions. The allowed water use from the existing permit will decrease under the change.

B. Water Right Adjudication Process:

Water right adjudication does not affect this application.

C. Verification of Existing Water Right:

As noted above, the existing water use retains a permit of water right granted by the Washington State Dept. of Ecology. The Water Board has reviewed the water right documentation, reviewed the applicant's technical information concerning the water right, is familiar with the existing water use and land operations, and has conducted its own review of the water right relative to change/transfer conditions as discussed above. It is concluded that the water right is in good standing, and subject to the conditions contained within this ROE/ROD for change/transfer.

D. Field Examination:

The field examination was conducted by Mr. Dick Beightol, KCWCB, with on-site visits during the months of December 2011 and January 2012. Further, the Water Board is familiar with this area having recently reviewed other related applications and has previously toured the area with the applicant.

The field examination confirmed the information within the application request and technical information, which is more fully elaborated upon in this Report of Examination.

The field examination consisted of viewing the existing/proposed water use sites, existing pumping site, and the surrounding area. A visual examination of the site water use area was conducted, along with a review of the applicant's maps. In essence, the field investigations confirmed information provided by the applicant through personal communications and supporting application materials.

E. Technical Information, Investigations, or Reports Reviewed:

The Water Board has reviewed the applicant's WADOE file and records contained therein, including any reports/comments submitted by WADOE staff, and pertinent WADOE water right records.

The applicant has provided technical information, personal communications, and technical references requested by the Water Board, including data to verify the existing and proposed use areas; and the applicant has communicated extensively with individual Water Board members to answer specific questions about the change/transfer request. The Water Board has conducted a field examination to verify the information contained within the applicant's current water rights and supporting technical information. The Water Board has requested and received supplemental information from the applicant and has discussed future water usage needs with the applicant.

The Water Board has reviewed the standing of the water right, documentation provided by the water right holder concerning land holdings and management, and aerial photography for the existing and proposed water right place of use and purpose.

The Water Board has forwarded copies of the application change/transfer request and public notice to the state Dept. of Fish & Wildlife, the Dept. of Health, the tribes, and to all parties requesting such copies. No comments were received by these parties during the formal, and informal, public comment period for the change/transfer application.

The Water Board has reviewed this change request in detail with WADOE staff.

The Water Board has reviewed the applicant's SEPA compliance needs.

F. Associated Rights and Uses:

The subject permit is being beneficially used and developed, and it is being used along with several other water rights in the nearby area by the applicant (see attachments), as served by deep aquifer wells. The other water rights are not affected by the proposed change/transfer.

The Water Board has identified nearby water rights adjacent to the existing and proposed place of use, as indicated within the WRATS database; and identified nearby wells, as indicated on the WADOE website and data bases.

G. Review of Potential Impairment:

Because the proposed action will not increase the existing permitted water use (with change modifications), or increase the water amount put to allowed beneficial use, or likely affect other existing water rights (or applications for new water rights), no impairment is perceptible. The applicant's technical information has been reviewed on water use within the same body of water for management purposes and potential impairment.

The proposed change/transfer will be beneficial in the conservation and management of water resources from existing practices for the following reasons: 1) there will be no increase in diversion/withdrawal on an annual/seasonal basis after the change/transfer, compared to existing permitted withdrawals; and 2) better controls and monitoring on the quantity of water pumped will help ensure that the authorized quantity is not exceeded, as required under a metering and development plan.

The Water Board has published public notice of the proposed action and reviewed any potential technical issues concerning impairment.

Existing water rights located within the nearby area--within the same section and adjacent sections--were noted according to information contained within the WADOE WRATS data base system and visual inspection, and ongoing Water Board review within this area.

As noted above based on the applicant's technical information and the Water Board's review, it is concluded that no impairment would occur related to the water right change/transfer request.

The field investigation revealed that the applicant's request for change/transfer is consistent with existing land and water use practices within the immediate area, reflecting the development of and consistency with the Klickitat County Comprehensive Land Use Plan.

The change/transfer request is consistent with net beneficial use and return flow considerations contained in RCW 90.03.380 and other applicable statutes. The change will not increase water diversions or net depletions from the surface water source. More specifically, the subject application for change is consistent with public policy objectives of the state to provide for efficient use of water resources, to encourage supply of new or expanding uses through change/transfer of existing water rights, and to provide greater operational control to water managers.

Given the fact that no increase in water withdrawal from the existing surface water management source will occur relative to that permitted and allowed for beneficial use, there is no reason to expect any impairments to other water sources, consistent with the conditions and provisions provided under the existing water right modification order granted by the WADOE. Also, because the change/transfer proposed by the applicant does not affect withdrawals from new water sources—without regulation--or increase existing allowed net withdrawals/diversions from that currently permitted, the change/transfer request does not affect local conditions surrounding the status quo for water use, as permitted by WADOE.

This application decision has no impact on WADOE's existing water right decisions, the condition of local surface water or groundwater resources based on empirical data, or the priority for water rights between junior and senior water right holders within the local area. The Water Board does include conditions within this ROE to ensure that the public interest affecting water use is protected, and that they are consistent with actions that would be pursued by WADOE to avoid future or potential impairment problems or regulation actions.

H. Effect or Benefit to Public Interest:

A recent Washington State Supreme Court ruling has stated that "...a 'public interest' test is not a proper consideration when Ecology acts on a change application under RCW 90.03.380." PUD No. 1 of Pend Oreille County v. Dep't of Ecology, 70372-8 (2002). By extension, neither does the Water Board have authority to apply a public interest test when evaluating a change in water right request under RCW 90.03.380.

Nevertheless, the Water Board concludes that the requested change/transfer is not contrary to the public interest governing water use. To the extent review of public interest is applicable, the Water Board finds that the application for change is consistent with public policy objectives of the state to provide for efficient use of water resources, to encourage supply of new or expanding uses through change/transfer of existing water rights, to provide greater operational control to water managers, and to ensure no impairment exists.

Because the proposed action will not increase the existing allowed water use, or increase the water put to actual beneficial use, or result in an impact on other existing water rights or applications for new water rights, it does not change the existing status quo for water use impacts. Thus, no impairment is perceived, because of the change/transfer requested in the application. Water use is provided consistent with statutory requirements for beneficial use.

The proposed action does provide for a continuation of the existing beneficial use as stated within the permit of water right, increasing the economic benefits to the state and local area by allowing for continued use and development of irrigated lands. The development is taking place in the land-use management area of Klickitat County.

This action is consistent with the intent of RCW 90.03.380, and 90.80 (amended May 10, 2001) and other applicable statutes; and it is consistent with Klickitat County's Comprehensive Land-Use Plan. No impairment is consistent with the public interest; all pertinent water right issues are addressed above; conditions are recommended within this ROE to further protect the public interest consistent with state water law.

The application for change/transfer is consistent with the public interest requirements for beneficial water use, and consistent with the procedural, technical, and legal review requirements by the state.

I. Consideration of Pending Applications:

The applicant's request will not affect the priority for action on pending new water rights or change/transfer applications filed with the Washington State Department of Ecology, for Klickitat County. Existing applications for Klickitat County were noted (WADOE data base); and no infringement on priority for action for these applications is perceived by (WADOE or the Water Board).

This application review also is consistent with legislative changes made in 2001 affecting the processing of change/transfer applications by the WADOE, as well as the amendments made to RCW 90.03.380.

Public notice has been provided for requesting all water right holders within the Klickitat County to submit existing or new water right change/transfer applications to the Klickitat County Water Board—or the WADOE. Applications received by the WADOE or Water Board are first reviewed for accuracy, completeness, and purpose to ensure they fall within the purview of the agency's and Board's jurisdiction. Those that are found wanting are referred back to the applicant for re-submittal or withdrawal. The remaining ones are acted on by a first-come, first-serve basis, taking into account received application's priority date and the technical/legal review requirements thereof.

FINDINGS AND CONCLUSIONS

1. The permit of water right and existing development and beneficial use are verified.
2. The proposed change/transfer will result in no increase in the annual quantity of water authorized and is consistent with the requirements of RCW 90.03.380 and the groundwater code. The change/transfer request will not increase the permitted water right; the change/transfer will not increase allowed consumptive use from the designated sources, as allowed by the water code.
3. There will be no increase in water withdrawal on an annual basis. In addition, continued monitoring of the quantity of water pumped will help ensure that permitted water withdrawals are not exceeded, for the changes requested.
4. The Water Board has determined that impairment is not an issue affecting this change request; the change is within the same body of water for management purposes; and the joint purpose of use is allowed under RCW.90.03.380.
5. Public notice has been provided for the proposed action, and any public concerns have been reviewed by the Water Board. Public notice and application submittal has been forwarded to several state resource agencies and interested parties for comment; the agencies have provided no direct comments to the application.
6. The Water Board has reviewed the proposed project for SEPA compliance.

7. The proposed action creates no perceived detrimental impacts or impairments to other water right holders or permit applicants; adequate data and information exists to make this determination with confidence.
8. No protests have been made by third parties on this application.
9. The proposed action is consistent with the intent of RCW 90.03.380 and 90.80 (as amended May 10, 2001) and recent case reviews by the Washington State Supreme Court.
10. The proposed action supports the public interest concerned with the direct use of water rights, is consistent with allowed beneficial uses, and is consistent with local area economic development needs and land uses.
11. The Water Board has provided for specific conditions and provisions affecting the use of the water right, as identified below.

RECOMMENDED PROVISIONS

A. Provisions:

The applicant's water right change for a modified place of use and points of withdrawal is conditioned by the following provisions:

1. The place of use for the water right is designated in the summary table above (under Water Board Decision).
2. The points of withdrawal are modified, as designated in the summary table above (under Water Board Decision).
3. Use of water under this authorization shall be contingent upon the water right holder's utilization of up-to-date water conservation practices, and taking into account cost-effectiveness for operations and economic viability.
4. The issued superseding permit for CG4-01256P shall not exceed 10,269 gpm, 12,193 acre-ft., for irrigation of 3,560 acres, February 1 to December 1.
5. By January 1, 2015, the applicant will notify the Water Resources Program, Central Region Office, WADOE, that project construction is completed, unless further extended for good cause.
6. Proof of appropriation (for actual beneficial use of water) is due to the Water Resources Program, Central Region Office, WADOE by January 1, 2016, unless further extended for good cause.
7. The WADOE shall undertake a proof inspection to certify actual development of the water right amended within this ROE.
8. The applicant will provide the WADOE with a metering plan, for the existing and added purpose of use, prior to water use within the existing place of use, consistent with the provisions of this change decision. The metering plan will ensure that water usage will not exceed CS4-01256P, as well as adjacent water rights used at the existing point of withdrawal.
9. An approved measuring device(s) shall be installed and maintained for the sources (all points of withdrawal) identified herein in accordance with the rule "Requirements for Measuring and Reporting Water Use", Chapter 173-173 WAC.

Water use data shall be recorded weekly and shall be submitted annually to Ecology by January 31st of each calendar year typically.

10. The rule above describes the requirements for data accuracy, device installation and operation, and information reporting. It also allows a water user to petition Ecology for modifications to some of the requirements. Installation, operation and maintenance requirements are enclosed or available from Ecology as a document entitled "Water Measurement Device Installation and Operation Requirements."

11. At a minimum, the following information shall be included with each submittal of water use data: owner, contact name if different, mailing address, daytime phone number, WRIA, Permit or Certificate No., source name, annual quantity used including units, maximum rate of diversion including units, period of use, weekly meter readings including units, and peak flow including units for each month. In the future, Ecology may require additional parameters to be reported or more frequent reporting.

12. Ecology prefers web based data entry, but does accept hard copies. Ecology will provide forms and electronic data entry information.

13. Department of Ecology personnel, upon presentation of proper credentials and prior notification, shall have access at reasonable times, to the records of water use that are kept to meet the above conditions, and to inspect at reasonable times any measuring device used to meet the above conditions, but only to the extent otherwise allowed by law.

B. Mitigation Requirements:

None are required. However, the Water Board recognizes that the applicant is voluntarily reducing the irrigated acres under the said water right permit.

DECISION

Approvals:

The Klickitat County Water Conservancy Board hereby APPROVES the water right change/transfer described within this record of examination and record of decision, and submits this certificate for conditional approval to the Director of the Washington State Department of Ecology. If the Director takes no action within forty-five days of receipt of this ROE/ROD, then the Water Board's decision, as written, is final.

Approved Unanimously by the KCWCB
Goldendale, Washington
This 8th day of May, 2012

Approved and Signed on Behalf of the Water Board By:

Signed J.P. Enderby

J.P. Enderby, Chairman
Klickitat County Water Conservancy Board

Date Mailed to WADOE Director: on or before April 15, 2012