



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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April 23, 2012

Mr. Richard Martin  
P.O. Box 73  
Orondo, WA 98801

RE: Amendment to Water Right Claim No. 46385-CL

Dear Mr. Martin:

The amendment to the claim (annual quantity of water change from 4 acre feet to 70.89 acre feet) has been accepted. This amendment request satisfies the requirements of RCW 90.14.065(1) by meeting the criterion of being "An error in estimation of the quantity of the applicant's water claim." Herein, the claim amendment is a change to the annual quantity of water claimed due to the fact that the claimant incorrectly calculated the total irrigation requirements when determining annual quantities. By amending the annual quantity of water claimed, the inconsistency between the total annual quantity of water claimed and the actual water duty required per the Washington Irrigation Guide will be eliminated.

I am enclosing Administrative Order No. DE-9126, indicating that the proposed amendment has been accepted and filed with the claims registry. If you wish to appeal the enclosed order, you may do so within thirty days of your receipt of the order. The appeal procedure is described in the Order. If you have any questions, please contact Kurt Unger at (360) 407-7262 or by email at [kung461@ecy.wa.gov](mailto:kung461@ecy.wa.gov).

Sincerely,

Maia Bellon, Program Manager  
Water Resources

Enclosures: Administrative Order  
*Your Right to Be Heard*

By Certified Mail 7007 2560 0000 6214 4059

cc: Mark Kemner



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

IN THE MATTER OF FILING IN THE WATER  
RIGHTS CLAIM REGISTRY AN  
AMENDMENT BY MR. RICHARD MARTIN FOR  
WATER RIGHT CLAIM NO. 46385-CL

ADMINISTRATIVE ORDER  
DOCKET NO. 9126

To: Richard Martin  
P.O. Box 73  
Orondo, WA 98801

The State of Washington, Department of Ecology (Ecology) is responsible for the Water Rights Claims Registry and amendments to the Water Rights Claims Registry, administered under Chapter 90.14 Revised Code of Washington (RCW). RCW 90.14.065 states that any person or entity, or their successor, having a statement of claim on file with the Water Rights Claims Registry may submit an amendment to the statement of claim if the submitted amendment is based on:

1. An error in estimation of the quantity of the applicant's water claim prescribed in RCW 90.14.051 if the applicant provides reasons for the failure to claim such a right in the original claim;
2. A change in circumstances not foreseeable at the time the original claim was filed, if such a change in circumstances relates only to the manner of transportation or diversion of the water and not to the use or quantity of such water; or
3. The amendment is ministerial in nature.

Ecology shall accept any such submission and file the same in the Water Rights Claim Registry unless Ecology, by written determination, concludes that the requirements of any subsections (1), (2), or (3) of RCW 90.14.065 have not been satisfied.

Mr. Martin submitted a request dated February 12, 2012, to amend Water Right Claim No. 46385-CL. The proposed amendment seeks to clarify an incorrectly stated total annual quantity from 4 acre feet to 70.89 acre feet.

**Response:** Ecology has determined that this claim amendment request satisfies the requirements of RCW 90.14.065(1) by meeting the criterion of being "An error in estimation of the quantity of the applicant's water claim." Herein, the claim amendment is a change to the annual quantity of water claimed due to the fact that the claimant incorrectly calculated the total irrigation requirements when determining annual quantities. By amending the annual quantity of water claimed, the inconsistency between the total annual quantity of water claimed and the actual water duty required per the Washington Irrigation Guide will be eliminated.

#### **YOUR RIGHT TO APPEAL**

You have a right to appeal this order to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this order. 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 all of the following within 30 days of the date of receipt of this order.

- File your appeal and a copy of this order 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 order 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.

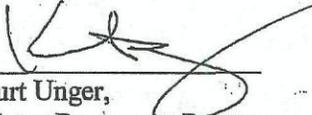
**ADDRESS AND LOCATION INFORMATION**

Street Addresses	Mailing Addresses
<b>Department of Ecology</b> Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	<b>Department of Ecology</b> Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
<b>Pollution Control Hearings Board</b> 1111 Israel RD SW STE 301 Tumwater, WA 98501	<b>Pollution Control Hearings Board</b> PO Box 40903 Olympia, WA 98504-0903

**In addition, please send a copy of your appeal to:**

Kurt Unger, Water Resources Program  
Department of Ecology  
300 Desmond Dr. SE, Lacey  
PO Box 47600, Olympia, WA 98504-7600

SIGNED and DATED in Olympia this twenty- third day of April, 2012 at Olympia, Washington

  
Kurt Unger,  
Water Resources Program

I hereby concur with this determination. This constitutes a final Order and Decision in this matter.

  
Maia Bellon, Program Manager  
Water Resources Program