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**Benton County
WATER CONSERVANCY BOARD**

BENT-11-05

Record of Decision

Applicant: WA Dept. of Natural Resources Application Number: CS4-25639(A)P@2

The attached Report of Examination has been reviewed by the BCWCB members; and this Record of Decision was made at an open public meeting of the Benton County Water Conservancy Board held on December 19, 2012, with any changes to ROE/ROD based on information received from the applicant and WADOE staff.

(X) Approval:

The Benton 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 Benton 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.

Darryll Olsen
Signed Original Date: 12/19/2012
Darryll Olsen, Ph.D., Chairman
Benton County Water Conservancy Board

- Approves
- Denies
- Recused
- Abstains
- Excused Absence

Signed Original Date: 12/19/2012
Scott Revell, Board Member
Benton County Water Conservancy Board

- Approves
- Denies
- Recused
- Abstains
- Excused Absence

Matt Berg
Signed Original Date: 12/19/2012
Matt Berg, Treasurer
Benton County Water Conservancy Board

- 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 1/04/2013.

Per existing permit and all within:

W1/2 and NE1/4 of Section 15, Section 16, Section 21, W1/2 and SE1/4 of Section 26, E1/2 and SW1/4 of Section 28, W1/2 and SE1/4 of Section 30, W1/2 and SE1/4 of Section 32, W1/2 and SE1/4 of Section 34, Section 36, all within T.7N, R.25 EWM; and Section 36, T.7N, R.24 EWM; and Section 16, Section 36, NE1/4 of Section 34, SW1/4 of Section 24, all within T.6N, R.25 EWM.

Proposed Use

MAXIMUM CUB FT/ SECOND 72.15 cfs	MAXIMUM GAL/MINUTE	MAXIMUM ACRE-FT/YR 17,375.15	TYPE OF USE, PERIOD OF USE Seasonal irrigation 4,392.1 acres, February 1 to November 15				
SOURCE			TRIBUTARY OF (IF SURFACE WATER) Mainstem Columbia River, John Day Pool				
AT A POINT LOCATED: PARCEL NO.	1/4	1/4	SECTION	TOWNSHIP N.	RANGE	WRIA	COUNTY.
Diversion Point(s): (and as described on permit)	NE1/4 And NW1/4	NE1/4 NW1/4	4 18	4N 5N	24 EWM 26 EWM	Col.R. Col. R.	Benton Benton

LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS USED

Per existing permit and all within:

W1/2 and NE1/4 of Section 15, Section 16, Section 21, W1/2 and SE1/4 of Section 26, E1/2 and SW1/4 of Section 28, W1/2 and SE1/4 of Section 30, W1/2 and SE1/4 of Section 32, W1/2 and SE1/4 of Section 34, Section 36, all within T.7N, R.25 EWM; and Section 36, T.7N, R.24 EWM; and Section 16, Section 36, NE1/4 of Section 34, SW1/4 of Section 24, all within T.6N, R.25 EWM.

Water Board Decision

MAXIMUM CUB FT/ SECOND 72.15 cfs	MAXIMUM GAL/MINUTE	MAXIMUM ACRE-FT/YR 17,375.15	TYPE OF USE, PERIOD OF USE Seasonal irrigation 4,392.1 acres, February 1 to November 15				
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Per existing permit and all within:

W1/2 and NE1/4 of Section 15, Section 16, Section 21, W1/2 and SE1/4 of Section 26, E1/2 and SW1/4 of Section 28, W1/2 and SE1/4 of Section 30, W1/2 and SE1/4 of Section 32, W1/2 and SE1/4 of Section 34, Section 36, all within T.7N, R.25 EWM; and Section 36, T.7N, R.24 EWM; and Section 16, Section 36, NE1/4 of Section 34, SW1/4 of Section 24, all within T.6N, R.25 EWM.

DESCRIPTION OF PROPOSED WORKS

The existing permit will be used for irrigation of lands along the John Day Pool, Columbia River (Horse Heaven Hills). The water right is in good standing.

The requested water right change reflects an additional point of diversion, that will allow for a more cost-effective means to develop the new irrigation system and acres. The new point of diversion relies on an existing pump station site. Any new construction requirements associated with the pump station will be under U.S. Army Corps of Engineers Section 10 permits and associated regulations. Modifications to the existing main line (or new main line) are subject to future engineering review.

The applicant seeks to increase the economic viability of the water right by adding a point of diversion to the John Day Pool, Columbia River, withdrawal site. The applicant also will more efficiently apply existing water allocations to the new place of use based on the conditions of the amended permit.

DEVELOPMENT SCHEDULE

BEGIN PROJECT BY THIS DATE:	COMPLETE PROJECT BY THIS DATE:	COMPLETE CHANGE AND PUT WATER TO FULL USE BY THIS DATE:
Immediately	By January 1, 2019	By January 1, 2021

NOTE: As a condition of the CRO Ecology permit development extension, written progress reports shall be submitted to Ecology on:

- December 31, 2012.
- June 1, 2015.
- December 31, 2017.
- January 1, 2019 (Completion of Construction).

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 CS4-30634P was received and accepted by the Water Board in November 2011, with subsequent revisions, and with further application documentation received in August 2012 (final application signatures). The permit is in good standing, receiving from CRO Ecology a development extension.

The water permit has not received substantial development because of the high economic development costs surrounding its original point of withdrawal—high capital costs for system development.

The requested water right change reflects an additional point of diversion, that will allow for a more cost-effective means to development the new irrigation system and acres. The new point of diversion relies on an existing pump station site. Any construction requirements associated with the pump station will be under U.S. Army Corps of Engineers Section 10 permits and associated regulations. Modifications to the existing main line (or new main line) are subject to future engineering review.

The applicant seeks to increase the economic viability of the water right by adding a point of diversion to the John Day Pool, Columbia River, withdrawal site. The applicant also will more efficiently apply existing water allocations to the new place of use based on the conditions of the amended permit.

Attributes of the water right as currently documented:

Name on certificate, claim, permit: Washington State Department of Natural Resources.

Water right document number: S4-25639(A)P

As modified by permit change number: S4-25639(A)P@2

Priority date, first use: April 22, 1977.

Water quantities: Qi: 72.15 cfs, Qa: 17,375.15 acre-ft./year.

Source: Surface Water, Columbia River Mainstem, John Day Pool.

Point of diversion/withdrawal: See above and attachments

Purpose of use: Irrigation 4,392.1.

Period of use: February 1 to November 15.

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, in good standing.

History of water use:

The permit will be used to serve irrigation lands in the Horse Heaven Hills area. The existing/added points of diversion serve multiple water rights.

Previous changes or actions:

The permit has recently received an extension (see attachments).

SEPA:

Per SEPA regulations, the Water Board has reviewed the proposed project and issued a Determination of Non-Significance.

COMMENT AND PROTESTS

Public notification for the applicant's request was filed in the Tri-City Herald. 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 in detail 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. No issues have been raised.

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 representative/consultant and other interested parties; as well as discussions with the CRO-WADOE staff.

Proposed project plans and specifications:

As noted above, the applicant will initiate development this water right permit at an existing place of use and with an added point of diversion. The water right will involve the use of two surface water pump stations.

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 Water Board must make a tentative determination on the extent and validity of the right. The Water 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 surface water code provisions, including RCW 90.03.380 and 90.03.397.

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 Water Board and CRO-WADOE staff have reviewed the allowed conditions for upstream water right changes/transfers per RCW 90.03.380 and 90.03.397, and the permit change is in compliance.

Third, under the change request, the total amount of water diversion from the existing right and proposed change cannot exceed the amount within the current water right permit. 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.

Fourth, the allowed amount of water available for change/transfer under RCW 90.03.380, for change, is based on the annual consumptive quantity (ACQ) covering the average two-year, peak-year use of the water right, with no expansion to the irrigated acreage or change to purpose of use. As the permit is still in development stage, and does not involve a change to place of use, a formal ACQ analysis is not required.

And fifth, 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/certificate issued by WADOE.

Hydrologic, and other technical investigations:

First, based on a detailed review of the water right permit and subject to RCW 90.03.397, the Water Board determines that the requested change/transfer (added point of diversion) will divert water from the same body of water (management area) as that allowed under the existing water right. An existing pump station will be used, located within the mainstem of the Columbia River, John Day Pool.

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 and water right records (Columbia River Water Management Program mapping system), 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, and subject to RCW 90.03.397.

Third, the existing permit is characterized as a "senior" water right within the Columbia River source (pre-1980 water right), and there will be no impairment to any other junior water rights withdrawing water from the McNary-John Day Pools under WAC 173-563-040 and 173-563-050; nor will the permit interfere with new water rights issued under RCW 90.90 provisions.

Fourth, it further is noted that:

- 1) For this immediate area, no record confirmation of impairment has been noted by the Water Board or WADOE.
- 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.
- 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 divert water from sites within the McNary-John Day Pools.

And Fifth, the change will not increase water use relative to the existing allowed use, create impairment, or detrimental environmental impacts.

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.

Relative to the change request, the Water Board has previously evaluated extensive technical data and analyses related to any potential flow impacts affecting environmental resources, and determined that no empirically measurable, negative impacts will occur to environmental resources. This includes river hydrologic data, NOAA Fisheries flow-survival and river system survival data/analyses, University of Washington river system survival data, and data/analyses referenced by WADOE-sponsored studies.

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 (and with development extension). 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 Dr. Darryll Olsen, Chairman, BCWCB, with on-site visits during the months of August and October 2012; and with Ecology staff the previous year. Further, the Water Board is familiar with this area having recently reviewed other related issues and has previously toured the area.

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-DNR staff (concerning upstream changes under RCW 90.03.380).

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

F. Associated Rights and Uses:

The subject permit is being developed separately from other water rights in the nearby area, as served by the existing Columbia River pump station(s). 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 OCR-Ecology database; and identified nearby wells and surface water pump stations, as indicated on the WADOE website and data bases (and Columbia River Water Management data sites).

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 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 Benton 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 annual 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 annual 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 negatively 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 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 Benton County.

This action is consistent with the intent of RCW 90.03.380, 90.03.397, and 90.80 (amended May 10, 2001) and other applicable statutes; and it is consistent with Benton 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 Benton County. Existing applications for Benton 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 Benton County to submit existing or new water right change/transfer applications to the Benton 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 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, 90.03.397, and the surface water code. The change/transfer request will not increase the allowed 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 allowed 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 use is allowed under RCW.90.03.380 and 90.03 397.
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/tribes/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, 90.03.397, and 90.80 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 an added point of diversion is conditioned by the following provisions:

1. The place(s) of use for the water right is designated in the summary table above (under Water Board Decision).
2. The point(s) of diversion is 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 CS4-25639(A)P@2 shall not exceed from the John Day Pool water delivery of 72.15 cfs, 17,375.15 acre-ft. annually, for seasonal irrigation use, 4,392.1 acres, February 1 to November 15.
5. By January 1, 2019, the applicant will notify the Water Resources Program, Central Region Office, WADOE, that project construction is completed, unless further extended for good cause. The applicant will provide CRO-Ecology with all progress reports as required by the permit extension (attached).
6. Proof of appropriation (for actual beneficial use of water) is due to the Water Resources Program, Central Region Office, WADOE by January 1, 2021, 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. For all points of withdrawal, the applicant will provide the WADOE with measured water use data, for the separate water right, consistent with the provisions of this change decision. The metered or measured data will ensure that water usage will not exceed authorized amounts.
9. An approved measuring device(s) shall be installed and maintained for the sources (all points of diversion) 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.

14. At the pump diversion sites, the applicant shall install and maintain water intake screens complying with standards prescribed by the Washington State Dept. of Fish and Wildlife.

B. Mitigation Requirements:

None are required.

DECISION

Approvals:

The Benton 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 BCWCB
Kennewick, Washington
This 19th day of December 2012

Approved and Signed on Behalf of the Water Board By:

Signed 

Darryll Olsen, Ph.D., Chairman
Benton County Water Conservancy Board

Date Mailed to WADOE Director: on or before 1/04/2013