



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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

June 13, 2013

City of Benton City  
Attn: Stephanie Hoegh, City Clerk  
P.O. Box 70  
Benton City, WA 99320-0070

**RE: Water Right Change Application No. CG4-25149C (BENT-13-01)**

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 Chelan 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/transfer of water right is **approved** under the following conditions:

**Summary of Ecology's Final Order**

|   |    |             |  |                  |                  |                                 |  |
|---|----|-------------|--|------------------|------------------|---------------------------------|--|
| MAXIMUM CFS   |    | MAXIMUM GPM |  | MAXIMUM AC-FT/YR |                  | TYPE OF USE, PERIOD OF USE      |  |
|   |    | 1,500       |  | 882              |                  | Continuous Municipal            |  |
| SOURCE  |    |             |  |                  |                  | TRIBUTARY OF (IF SURFACE WATER) |  |
| Groundwater   |    |             |  |                  |                  |                                 |  |
| ¼   | ¼  | SECTION     | TOWNSHIP   | RANGE            | WRIA             | COUNTY.                         |  |
| NW  | NW | 7           | 9N.  | 27 E.W.M.        | 37               | Benton                          |  |
| SW  | NW | 7           | 9N.  | 27 E.W.M.        | 37               | Benton                          |  |
| AT A POINT LOCATED (PARCEL NO.)   |    |             |  |                  |                  |                                 |  |
| 1000' East and 100' South of the Northwest corner of Section 7<br>Well #5: Parcel No. 107972000010001   |    |             |  |                  |                  |                                 |  |
| LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED AS APPROVED BY THE BOARD   |    |             |  |                  |                  |                                 |  |
| The place of use shall be the service area of the 2011 Water System Plan, so long as the water right holder is and remains in compliance with the criteria in RCW 90.03.386(2). RCW 90.03.386 may have the effect of expanding the place of use of this water right. If the criteria in RCW 90.03.386 (2) are not met and a Water System Plan/Small Water system Management Program was approved after September 9, 2003, then the place of use of this water right reverts to the service area described in that document. |    |             |  |                  |                  |                                 |  |
| The place of use for this water right is expected to conform to any subsequently approved Benton City Water System Plan. Until such approval is obtained, the place of this right shall be confined to the existing approved plan of the 2011 Benton City Water System Plan.  |    |             |  |                  |                  |                                 |  |
| PARCEL NO.  | ¼  | ¼           | SECTION  | TOWNSHIP         | RANGE            |                                 |  |
| Multiple  |    |             | Portions of sections 7 & 12<br>And portions of Sections 7, 18 & 19 | 9 N<br>9N        | 26 EWM<br>27 EWM |                                 |  |



**FILE COPY**

| DEVELOPMENT SCHEDULE        |                                |  |
|-----------------------------|--------------------------------|--|
| BEGIN PROJECT BY THIS DATE: | COMPLETE PROJECT BY THIS DATE: | WATER TO PUT TO FULL USE BY THIS DATE: |
| Immediately                 | January 1, 2016                | January 1, 2017                        |

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

1. The Board's decision has been modified as noted in the table above.
2. The authorized place of use is **CHANGED** to the following in the Board's decision table and throughout the ROE:

"The place of use shall be the service area of the 2011 Water System Plan, so long as the water right holder is and remains in compliance with the criteria in RCW 90.03.386(2). RCW 90.03.386 may have the effect of expanding the place of use of this water right. If the criteria in RCW 90.03.386 (2) are not met and a Water System Plan/Small Water System Management Program was approved after September 9, 2003, then the place of use of this water right reverts to the service area described in that document.

The place of use for this water right is expected to conform to any subsequently approved Benton City Water System Plan. Until such approval is obtained, the place of this right shall be confined to the existing approved plan of the 2011 Benton City Water System Plan."

3. Number 6 of the Provisions on page 11 of the ROE is **DELETED** and **REPLACED** with the following language:

"Upon satisfaction of the development schedule listed on the Department of Ecology's Final Order of CG4-25149C (BENT-13-01), notification thereof to the Department of Ecology and fulfillment of all requirements of law, a certificate shall be issued to the applicant by the Department of Ecology."

4. The following provision is **ADDED** to the ROE:

"The place of use for this water right is expected to conform to any subsequently approved Benton City Water System Plan. Until such approval is obtained, the place of this right shall be confined to the existing approved plan of 2011 Benton City Water System Plan."

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

You have a right to appeal this Decision to the Pollution Control Hearing 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 all of 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.

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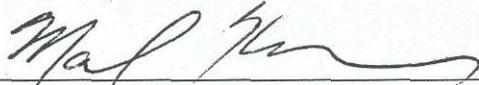
- Serve a copy of your appeal and this Decision on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.

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

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 Kemner, LHG, Section Manager  
Water Resources Program/CRO

MK:SP:ss/130605

Enclosures: Your Right to Be Heard  
Construction Notice  
Water Measuring Requirements and Form 1

By Certified Mail: 7010 0290 0000 7131 2870

cc: Dr. Darryll Olsen, Benton County Conservancy Board  
Philip Rigdon, Director Natural Resources Division Yakama Nation  
Andres Cervantes, PE, Department of Health  
Mark Dunbar, Conservancy Board Coordinator, Department of Ecology

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*CG4-25149C (BENT-13-01)*  
 PS Form 3800, August 2006 See Reverse for Instructions

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

CITY OF BENTON CITY  
 ATTN: STEPHANIE HOEGH, CITY CLERK  
 P.O. BOX 70  
 BENTON CITY, WA 99320-0070  
 WR/ss CB MOD CG4-25149C (BENT-13-01) 6/13/13

2. Article Number

(Transfer from service label)

7010 0290 0000 7131 2870

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*X John Brown*

- Agent  
 Addressee

B. Received by (Printed Name)

*John Brown*

C. Date of Delivery

*6-18-13*

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- Yes