



**Benton County
WATER CONSERVANCY BOARD**

BENT-13-01

Record of Decision

Applicant: City of Benton City Application Number: CG4-25149C.

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 April 26, 2013, with any changes to ROE/ROD based on information received from the applicant and WADOE staff.

(X) Approval:

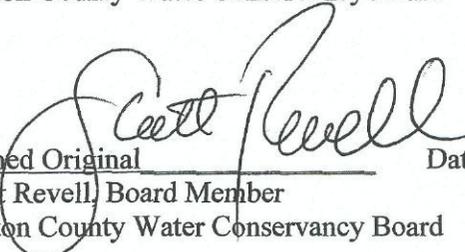
The Benton County Water Conservancy Board hereby **grants** conditional approval for the water right transfer described and conditioned within the report of examination and submits this record of decision and report of examination to the Department of Ecology for final review or consideration.

() 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.


Signed Original Date: 4/26/2013
Darryll Olsen, Ph.D., Chairman
Benton County Water Conservancy Board

Approves
Denies
Recused
Abstains
Excused Absence


Signed Original Date: 4/26/2013
Scott Revell, Board Member
Benton County Water Conservancy Board

Approves
Denies
Recused
Abstains
Excused Absence


Signed Original Date: 4/26/2013
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 5/12/2013.



BENTON 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 Benton County Water Conservancy Board

Surface Water

Ground Water

DATE APPLICATION RECEIVED (December 2012)	WATER RIGHT DOCUMENT NUMBER CG4-25149C	WATER RIGHT PRIORITY DATE April 18, 1977	BOARD-ASSIGNED CHANGE APPLICATION NUMBER BENT-13-01
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NAME
Attention: Benton City, Clerk

ADDRESS (STREET)	(CITY)	(STATE)	(ZIP CODE)
P.O. Box 70	Benton City	WA	99320

Changes Proposed: Change purpose Add purpose Add irrigated acres Add point of diversion/withdrawal
 Other (Temporary, Trust, Interties, etc.) NOTE: Added Point of Withdrawal.

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 direct water right change/transfer described herein is exempt from SEPA review, as the water amount involved is under the SEPA threshold criteria (2,250 gpm).

BACKGROUND AND DECISION SUMMARY

Prepared by Members of the Benton County Water Conservancy Board

Existing Water Right

MAXIMUM CUB FT/ SECOND	MAXIMUM GAL/MINUTE 1,500 gpm	MAXIMUM ACRE-FT/YR 882	TYPE OF USE, PERIOD OF USE Continuous Municipal Water Supply, Annual use				
SOURCE Groundwater			TRIBUTARY OF (IF SURFACE WATER)				
AT A POINT LOCATED: PARCEL NO. (See Attachments) Diversion Point(s): (and as described on certificate).	¼ NW1/4	¼ NW1/4	SECTION 7	TOWNSHIP N. 9N	RANGE 27 EWM	WRIA	COUNTY. Benton
AND: As stated on Existing claim/certificate							
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS USED							
All within: As stated on Existing Certificate and all within: the municipal service area of City of Benton (used within Benton City Service Territory).							

Proposed Use Under Change Application

MAXIMUM CUB FT/ SECOND	MAXIMUM GAL/MINUTE 1,500 gpm	MAXIMUM ACRE-FT/YR 882	TYPE OF USE, PERIOD OF USE Continuous Municipal Water Supply, Annual Use				
SOURCE Groundwater			TRIBUTARY OF (IF SURFACE WATER)				
AT A POINT LOCATED: PARCEL NO. (See Attachments) Diversion Point(s): (and as described on certificate)	¼ NW1/4 And SW1/4	¼ NW1/4	SECTION 7 7	TOWNSHIP N. 9N 9N	RANGE 27 EWM 27 EWN	WRIA	COUNTY. Benton Benton
AND: See parcel number: See attached maps.							
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS USED							
All within: All within: As stated on Existing Certificate and all within: the municipal service area of City of Benton (used within Benton City Service Territory).							

Water Board Decision

MAXIMUM CUB FT/ SECOND	MAXIMUM GAL/MINUTE 1,500 gpm	MAXIMUM ACRE-FT/YR 882	TYPE OF USE, PERIOD OF USE Continuous Municipal Water Supply, Annual Use				
SOURCE Groundwater			TRIBUTARY OF (IF SURFACE WATER)				

AT A POINT LOCATED: PARCEL NO. (See Attachments)	¼	¼	SECTION	TOWNSHIP N.	RANGE	WRIA	COUNTY.
Diversions Point(s): (and as described on certificate)	NW1/4 And SW1/4	NW1/4 NW1/4	7 7	9N 9N	27 EWM 27 EWN		Benton Benton

AND:

See parcel number: See attached maps.

LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS USED

All within: All within: As stated on Existing Certificate and all within: the municipal service area of City of Benton (used within Benton City Service Territory).

DESCRIPTION OF PROPOSED WORKS

The existing certificate is/has been used for general operations within Benton City. The water right is in good standing and subject to the municipal water use provisions of the water code.

The water right change would involve adding a point of withdrawal; the new well services a portion of the Benton City municipal service territory.

DEVELOPMENT SCHEDULE

BEGIN PROJECT BY THIS DATE: Immediately	COMPLETE PROJECT BY THIS DATE: By January 1, 2016	COMPLETE CHANGE AND PUT WATER TO FULL USE BY THIS DATE: By January 1, 2017
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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.

REPORT OF EXAMINATION

Prepared by Members of the Benton County Water Conservancy Board

BACKGROUND

A change/transfer application for certificate CG4-25149C was received and accepted by the Water Board in December 2012, with further information provided during February-March, 2013. Beneficial use of the water right is based on previous use history documented by Benton City; and as noted within the City's Water Supply and Conservation Plan. Water use is protected from relinquishment under the municipal water code as well.

The existing certificate has been/is being used for general water service within the City's municipal service territory.

The existing water right is in good standing.

Attributes of the water right as currently documented:

Name on certificate, claim, permit: City of Benton City.

Water right document number: G4-25149C.

As modified by permit change number: CG4-25149C.

Priority date, first use: April 18, 1977.

Water quantities: Qi: 1,500 gpm.

Qa: 882 acre-ft./year.

Source: Groundwater.

Point of diversion/withdrawal: See above and attachments

Purpose of use: Municipal Use (Municipal Water Supply Purposes).

Period of use: Year-Round Use.

Place of use: See above and attachments

Existing provisions: See attached certificate.

Tentative determination of the water right:

See Water Board's Decision Above; water right is in certificate stage, in good standing.

History of water use:

The certificate has been used in conjunction with other water rights to service the Benton City Municipal Water Service Area.

Previous changes:

No previous change/transfers noted in the Ecology file; a superseding certificate was corrected for POW location.

SEPA:

As noted above, the water right change request is exempt, under the threshold criteria (2,250 gpm).

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.

NOTE: The publication notice has been revised and reprinted per an original application error, and subsequent change to the public notice. The specific quarter section designation is correct (application and public notice), but being revised to reflect the correct quarter-quarter section designation.

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 CRO-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.

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 continue to use this water right to provide water service within the Benton City Municipal Service Area. The water right will involve the use of one additional, new groundwater well that will be used within part of the combined water service area.

The applicant's intent is to continue the use of the water right per the change/transfer noted above and discussed below.

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 certificate in good standing, and it is on file with the WADOE. The water right is subject to the groundwater code provisions under 90.44, and including RCW 90.14.140, 90.03.615, and 90.03.380.

The certificate 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 90.44.100 and 90.03.380, and related water code statutes 90.14.140 and 90.03.615. As discussed below, the Water Board has reviewed in detail this change/transfer per the applicable statutes and determined compliance thereof.

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 certificated 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 Qa or Qi expansion of the water right, as designated under the existing certificate. The applicant is actively using the water right, taking into account development along with other water rights within its service territory portfolio (see attached Table to application), and the change request would not directly affect other water rights owned by the applicant.

Fourth, the allowed amount (baseline) of water available for change/transfer for this municipal supply water right is subject to RCW 90.03.015, 90.03.560, 90.14.140(2)(d) and associated provisions related to RCW 90.03.380. Per this statutory direction and the water right/use information reported by Benton City under their Water Supply Plan, the Water Board concludes that:

- The water right is held by a municipal entity.
- The water right purpose conforms to definitions of municipal water supply.
- The existing certificate is in good standing per the water resources program file information.
- Per the water right's legal status, it is subject to exemption from relinquishment.
- The combined statutes and empirical conditions noted above allow for an added point of diversion without change to the existing certificate Qi and Qa.

And fifth, based on the above information and analyses (and Attachments), 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 certificate issued by WADOE.

Hydrologic, and other technical investigations:

First, based on a review of the water right and area well logs, the requested change/transfer will divert water from the same body of water (management area) as that allowed under the existing water right.

Second, the change request cannot create impairment. The Water Board has reviewed with the applicant, and with a qualified professional engineer, information on potential impairment, along with the WADOE point of diversion and water right records, and concludes that impairment is not an issue for this change request. The Water Board has required a separate, formal (engineering) impairment analysis for this change/transfer review. The Water Board has reviewed this separate impairment analysis.

Third, the point of withdrawal is consistent with the impairment standards under RCW 90.03.380, as a perfected water right.

Fourth, it further is noted that:

- 1) For this immediate area, no record/affirmation 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 withdraw water from nearby sites.

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 certificate and the conditions provided within this ROE/ROD.

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 certificate 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 Dr. Darryll Olsen, Chairman, BCWCB, with on-site visits during the months of January and March 2013. Further, the Water Board is generally familiar with this 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 (and attachments).

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 the applicant's SEPA compliance needs.

F. Associated Rights and Uses:

The subject certificate is being beneficially used and developed, and it is being used along with several other water rights in the nearby area by the applicant. 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 and surface water pump stations, as indicated on the WADOE website and data bases.

Attached to this ROE is the Benton City Water Service Plan that specifically notes associated water rights within the service territory.

G. Review of Potential Impairment:

Because the proposed action will not increase the existing certificated 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 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. This Court decision involved a surface water right.

Nevertheless, the Water Board concludes that the requested change/transfer is not contrary to the public interest governing water use, in complying with groundwater statutes under the RCW 90.44 title.

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 a continuation of the existing beneficial use as stated within the certificate of water right, increasing the economic benefits to the state and local area by allowing for continued use and development within the Municipal Service Territory. 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, 90.44.100, 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.

This action is consistent with the intent of RCW 90.44, 90.03.380, 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 certificate 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 90.03.010, 90.03.380, 90.03.560, 90.14.140, 90.03.615 and other provisions of the groundwater 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 per RCW 90.44.
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.
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 90.03.010, 90.03.380, 90.03.560, 90.14.140, 90.03.615, 90.44, 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 new point of withdrawal is conditioned by the following provisions:

1. The point of withdrawal, place(s) of use, and purpose of use for the water right are designated in the summary table above (under Water Board Decision).

2. 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.

3. Per an issued superseding certificate for CG4-25149C, water withdrawal shall not exceed 1,500 gpm, 882 acre-ft., for year-round municipal water supply (municipal water supply purposes).

4. By January 1, 2016, the applicant will notify the Water Resources Program, Central Region Office, WADOE, that project construction is completed, unless further extended for good cause.

5. Proof of appropriation (for actual beneficial use of water) is due to the Water Resources Program, Central Region Office, WADOE by January 1, 2017, unless further extended for good cause.

6. The WADOE shall undertake a proof inspection to certify actual development of the water right amended within this ROE.

7. All water wells constructed within the state shall meet the "Minimum Standards for Construction and Maintenance of Wells, as provided under RCW 18.104 (Washington Water Well Construction Act of 1971) and Chapter 173-160 WAC Minimum Standards for Construction and Maintenance of Water Wells). Installation and maintenance of an access port as described in Groundwater Bulletin No.1 is required, per WAC 173-160-291(3).

In general, wells shall be located at least 100 feet from sources of Contamination and at least 1,000 feet of the boundary of a solid waste landfill. Any well that is unusable, abandoned, or is an environmental, safety, or public hazard shall be decommissioned.

In addition to the required access port, the applicant shall install and maintain, in operating condition, an airline and pressure gage. The pressure gage shall be equipped with a standard tire valve and placed in a location accessible to Dept. of Ecology personnel. The airline shall extend from land surface to the top of the pump bowls and the total airline length shall be reported to the Dept. of Ecology upon completion of the pump system.

8. An approved measuring device(s) must 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," WAC 173-

173, describing the requirements for 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."

9. Water use will be measured and recorded for municipal water supply use. Water use data shall be recorded weekly and shall be submitted annually to Ecology by January 31st of each calendar year.

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.

Recorded water use data shall be submitted via internet. To set up an internet reporting account, contact the Central Regional Office. If you do not have internet access, you can still submit hard copies by contacting the Central Region Office for forms to submit your water use data.

10. Department of Ecology personnel, upon presentation of proper credentials and prior notification, shall have access at reasonable times, to project location, and to inspect at reasonable times, records of water use, wells, diversions, measuring devices and associated distribution systems for compliance with the law.

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 26th day of April 2013

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 5/12/2013