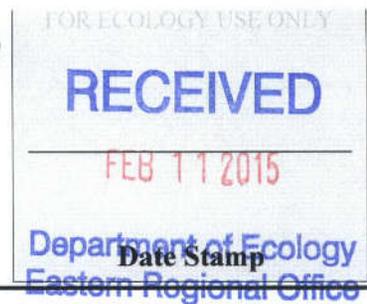


Board Name: FRANKLIN COUNTY
WATER CONSERVANCY BOARD
Application for Change/Transfer



Record of Decision

Applicant Name: Worsham Farms

Application Number: FRAN-14-02 (G3-24973C)

This record of decision was made by a majority of the board at an open public meeting of the (Board Name) Franklin County Water Conservancy Board held on February 5, 2015. The undersigned board commissioners certify that they each understand the board is responsible "to ensure that all relevant issues identified during its evaluation of the application, or which are raised by any commenting party during the board's evaluation process, are thoroughly evaluated and discussed in the board's deliberations. These discussions must be fully documented in the report of examination." [WAC 173-153-130(5)] The undersigned therefore, certifies that each commissioner, having reviewed the report of examination, knows and understands the content of the report.

Approval: The Franklin County Water Conservancy Board hereby **grants** conditional approval for the water right transfer described and conditioned within the report of examination on February 5, 2015 and submits this record of decision and report of examination to the Department of Ecology for final review.

Denial: The (board name) Water Conservancy Board hereby **denies** conditional approval for the water right transfer as described within the report of examination on (date report of exam was signed) _____ and submits this record of decision to the Department of Ecology for final review.

Signed:

Water Conservancy Board Name: Franklin County		Date: 2/5/2015
Chair Name: Lynn Hall	Signature: <i>Lynn Hall</i>	
(choose one) <input checked="" type="checkbox"/> Approve <input type="checkbox"/> Deny <input type="checkbox"/> Abstain <input type="checkbox"/> Recuse <input type="checkbox"/> Other (please explain)		

Water Conservancy Board Name: Franklin County		Date: 2/5/2015
Title: Vice-Chair	Name: Lee Morris	Signature: <i>Lee Morris</i>
(choose one) <input checked="" type="checkbox"/> Approve <input type="checkbox"/> Deny <input type="checkbox"/> Abstain <input type="checkbox"/> Recuse <input type="checkbox"/> Other (please explain)		

Water Conservancy Board Name: Franklin County		Date: 2/5/2015
Title: Treasurer	Name: Larry Rogers	Signature: <i>Larry Rogers</i>
(choose one) <input checked="" type="checkbox"/> Approve <input type="checkbox"/> Deny <input type="checkbox"/> Abstain <input type="checkbox"/> Recuse <input type="checkbox"/> Other (please explain)		

Water Conservancy Board Name: Franklin County		Date: 2/5/2015
Title: Alternate	Name: Rick Miller	Signature:
(choose one) <input type="checkbox"/> Approve <input type="checkbox"/> Deny <input type="checkbox"/> Abstain <input type="checkbox"/> Recuse <input type="checkbox"/> Other (please explain)		

Water Conservancy Board Name: Franklin County		Date: 2/5/2015
Title: Alternate	Name: Mark Nielson	Signature:
(choose one) <input type="checkbox"/> Approve <input type="checkbox"/> Deny <input type="checkbox"/> Abstain <input type="checkbox"/> Recuse <input type="checkbox"/> Other (please explain)		

Mailed with all related documents to the Dept of Ecology (send to the Regional office below), and any other interested parties.

BACKGROUND AND DECISION SUMMARY

Prepared by Staff/Members of the Franklin County Water Conservancy Board

Existing Water Right

	MAXIMUM GAL/MINUTE	MAXIMUM ACRE-FT/YR	TYPE OF USE, PERIOD OF USE				
CG3-24973C	1,600	640	Irrigation of 155 acres, January 1 to December 31				
CG3-24661C	1,400	580	Irrigation of 145 acres, April 1-October 31				
CG3-24972C	1,600	838	Irrigation of 160 acres, January 1 to December 31				
SOURCE Groundwater			TRIBUTARY OF (IF SURFACE WATER)				
AT A POINT LOCATED: PARCEL NO. (See Attachments)	¼	¼	SECTION	TOWNSHIP N.	RANGE	WRIA	COUNTY.
CG3-24973C	NW	SE	10	9N	30 EWM	36	Franklin
CG3-24661C	NW	SW	10	9N	30 EWM	36	Franklin
CG3-24972C	NE	SE	9	9N	30 EWM	36	Franklin
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS USED							
As stated on Existing Certificates/Permit. And All within: CG3-24973C: SE1/4 of Section 10, T.9N, R. 30 EWM. CG3-24661C: SW1/4 of Section 10, T.9N, R.30 EWM. CG3-24972C: SE1/2 of Section 9, T.9N, R.30 EWM.							

Proposed Use Under Change Application

	MAXIMUM GAL/MINUTE	MAXIMUM ACRE-FT/YR	TYPE OF USE, PERIOD OF USE				
CG3-24973C	1,600	639	Irrigation of 175 acres, January 1 to December 31				
CG3-24661C	1,400	580	Irrigation of 162.5 acres, April 1-October 31				
CG3-24972C	1,600	682	Irrigation of 179.2 acres, January 1 to December 31				
SOURCE Groundwater			TRIBUTARY OF (IF SURFACE WATER)				
AT A POINT LOCATED: PARCEL NO. (See Attachments)	¼	¼	SECTION	TOWNSHIP	RANGE	WRIA	COUNTY.
CG3-24973C	NW	SE	10	9N	30 EWM	36	Franklin
	NE	NE	15	9N	30 EWM	36	Franklin
CG3-24661C	NW	SW	10	9N	30 EWM	36	Franklin
	NE	NE	15	9N	30 EWM	36	Franklin
CG3-24972C	NE	SE	9	9N	30 EWM	36	Franklin
	NE	NE	15	9N	30 EWM	36	Franklin
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS USED							

As stated on Existing Certificates/Permit.

And All within:

- CG3-24973C: 155 acres within SE1/4 of Section 10, T.9N, R. 30 EWM.
20 acres within NE1/4 of NE1/4 of Section 15, T.9N, R.30 EWM, lying NE of the power line corridor.
- CG3-24661C: 145 acres within SW1/4 of Section 10, T.9N, R.30 EWM.
17.5 acres within NE1/4 of NE1/4 of Section 15, T.9N, R.30 EWM, lying NE of the power line corridor.
- CG3-24972C: 159.2 acres within SE1/2 of Section 9, T.9N, R.30 EWM.
20 acres within NE1/4 of NE1/4 of Section 15, T.9N, R.30 EWM, lying NE of the power line corridor.

Water Board Decision

	MAXIMUM GAL/MINUTE	MAXIMUM ACRE-FT/YR	TYPE OF USE, PERIOD OF USE				
CG3-24973C	1,600	639	Irrigation of 175 acres, January 1 to December 31				
CG3-24661C	1,400	580	Irrigation of 162.5 acres, April 1-October 31				
CG3-24972C	1,600	682	Irrigation of 179.2 acres, January 1 to December 31				
SOURCE Groundwater			TRIBUTARY OF (IF SURFACE WATER)				
AT A POINT LOCATED: PARCEL NO. (See Attachments)	1/4	1/4	SECTION	TOWNSHIP	RANGE	WRIA	COUNTY.
CG3-24973C	NW	SE	10	9N	30 EWM	36	Franklin
	NE	NE	15	9N	30 EWM	36	Franklin
CG3-24661C	NW	SW	10	9N	30 EWM	36	Franklin
	NE	NE	15	9N	30 EWM	36	Franklin
CG3-24972C	NE	SE	9	9N	30 EWM	36	Franklin
	NE	NE	15	9N	30 EWM	36	Franklin

LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS USED

As stated on Existing Certificates/Permit.

And All within:

- CG3-24973C: 155 acres within SE1/4 of Section 10, T.9N, R. 30 EWM.
20 acres within NE1/4 of NE1/4 of Section 15, T.9N, R.30 EWM, lying NE of the power line corridor.
- CG3-24661C: 145 acres within SW1/4 of Section 10, T.9N, R.30 EWM.
17.5 acres within NE1/4 of NE1/4 of Section 15, T.9N, R.30 EWM, lying NE of the power line corridor.
- CG3-24972C: 159.2 acres within SE1/2 of Section 9, T.9N, R.30 EWM.
20 acres within NE1/4 of NE1/4 of Section 15, T.9N, R.30 EWM, lying NE of the power line corridor.

DESCRIPTION OF PROPOSED WORKS

The existing certificates are being used for irrigation of hay and row crops. Irrigation will continue on the existing place of use and within a new place of use amounting to about 57.5 acres.

Per RCW 90.03.380 provisions, the additional acres served by each water right will be accomplished by fully implementing the CSRIA irrigation BMPs (CSRIA.org) and the measures used under the CSRIA Conservation O&M Program for irrigation scheduling and monitoring, for all fields.

Existing water delivery infrastructure will be used for primary pumping and mainlines; and a new well will be added to the new place of use.

DEVELOPMENT SCHEDULE

BEGIN PROJECT BY THIS DATE:

Immediately

COMPLETE PROJECT BY THIS DATE:

By January 1, 2018

COMPLETE CHANGE AND PUT WATER TO FULL USE BY THIS DATE:

By January 1, 2019

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 Staff/Members of the Franklin County Water Conservancy Board

BACKGROUND

Change/transfer applications for water rights CG3-24973C, CG3-24661C, and CG3-24972C were received and accepted by the Water Board on April 3, 2014, with further information provided during May-September, 2014, such as water use history.

Beneficial use of the existing water rights is based on previous use history documented by the applicant and Water Board.

The existing water rights are being used for irrigation of hay and row crops. Irrigation will continue on the existing place of use and within a new place of use amounting to about 57.5 acres.

The existing water rights are good standing and on file with Ecology.

Attributes of the water right as currently documented:

Name on certificate, claim, permit and key provisions:

Water Right No.	Name	Priority Date	Qi/Qa	Purpose of Use
G3-24973C	Connecticut Mutual Life Insurance Company	May 4, 1976	1,600 gpm, 640 a.f.	Irrigation-Year Round, 155 Acres
G3-24661C	Connecticut Mutual Life Insurance Company	November 8, 1975	1,400 gpm, 580 a.f.	Irrigation April 1 to October 31 for 145 acres
G3-24972C	Connecticut Mutual Life Insurance Company	May 4, 1976	1,600 gpm, 838 a.f.	Irrigation-Year Round, 160 Acres

Place of use: As indicated above on Existing Water Right table.

Existing provisions: As indicated above on Existing Water Right table and attached certificates/permit.

Tentative determination of the water right:

See Water Board's Decision above; water rights are in good standing.

History of water use:

The water right certificates/permit have been put to full beneficial use.

Previous changes:

No previous changes or administrative actions.

SEPA:

The direct water right change/transfer described herein is exempt from SEPA review, as the directly affected water amount involved is under the SEPA threshold criteria (2,250 gpm). The net incremental acres relative to the existing irrigated acres is approximately 12.5% (three water rights), or a net allocation change from the existing project of about 575 gpm—if allocated to a new acres with the added place of use.

COMMENT AND PROTESTS

Public notification for the applicant's request was filed in the Franklin County Graphic. 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 ERO with the change/transfer application and public notice, and a Water Board representative has discussed the change request with ERO-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. Any issues raised by WADOE ERO have been addressed in this ROE.

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 ERO-WADOE staff.

Proposed project plans and specifications:

The existing certificates are being used for irrigation of hay and row crops. Irrigation will continue on the existing place of use and within a new place of use amounting to about 57.5 acres.

Per RCW 90.03.380 provisions, the additional acres served by each water right will be accomplished by fully implementing the CSRIA irrigation BMPs (CSRIA.org) and the measures used under the CSRIA Conservation O&M Program for irrigation scheduling and monitoring, for all fields.

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.

Water Right Standing:

First, the water right applicant holds valid water right certificates in good standing, and they are on file with the WADOE. The water rights are subject to the groundwater code provisions under 90.44, and including RCW 90.14.140, 90.03.615, and 90.03.380. The permit is valid as stands, subject to subsequent change actions by the Water Board and any ERO-WADOE administrative changes affecting development.

Second, 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—more specifically, the portion of the right that has been put to actual beneficial use (in permit stage). The change/transfer request must not exceed the existing water right(s) limits; no enlargement of the water rights is allowed.

The Water Board has verified that the existing certificates are/have been put to full beneficial use, and the Water Board has completed an ACQ analysis, as described below.

ACQ Analysis:

The Water Board notes that this request requires no Q_a or Q_i expansion of the water rights, as determined by the annual consumptive quantity (ACQ) analysis displayed in Tables 1 and 2 (attachments). The ACQ analysis reveals that:

- The irrigated acres for the existing irrigation use are verified via GPS-digital measurements, with some changes to allowed acres per the ACQ analysis.
- The Franklin Conservation District has confirmed the historical cropping of the subject fields—fields have been in full production for the ACQ analysis period.
- The crop types and irrigation practices have been provided by the applicant.
- The crop type water duties (and soil profile applications) are confirmed via WSU AgWeatherNet estimates for the Columbia Basin College site, WSU Irrigation Guide information, and per consultations with the Franklin Conservation District staff and local irrigators, as well as the applicant.
- For each water right, the two-year, peak-year average water use for the 2009-2013 period is summarized in Table 1, based on the Table 2 data and analysis.
- The ACQ analysis is provided for each water right, with determined water allocations available for change/transfer per RCW 90.03.380 provisions.

New Irrigation Use:

The applicant intends to spread the existing water use to (up to) 57.5 acres, using a water duty consistent with local area cropping types, where high efficiency water application measures are being used consistent with the CSRIA Best Management Practices (CSRIA.org) and the irrigation scheduling and monitoring practices designated within the CSRIA Conservation O&M Program (see attachments).

Tentative Determination Finding:

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 permit/certificates issued by WADOE.

Hydrologic, and other technical investigations:

First, the change/transfer relies on the exiting/new points of withdrawal, diverting water from the same body of water (management area) as that allowed under the existing water right. This has been confirmed by the Franklin Conservation District. The existing and proposed points of withdrawal draw water from the Pasco Gravels geologic formation which is a sand and gravel aquifer consisting primarily of Pleistocene cataclysmic flood deposits with minor course alluvium, course colluvium, and eolian sand.

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 (well logs), and concludes that impairment is not an issue for this change request. The Water Board has determined that a formal impairment report is not necessary in this review given consultations with the Franklin Conservation District staff, whom are directly involved with groundwater modeling work for this area and other technical reports/information and well monitoring. No known water level declines have been observed or reported for this area. Also, the new point of withdrawal will be very close to existing withdrawal points, where no nearby impacts are observed.

Third, the proposed point of withdrawal is consistent with the impairment standards under RCW 90.03.380, as a perfected water right (certificates/permit).

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. No increase in the combined Q_a or Q_i of the existing certificates will occur. The change will not create impairment or cause 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 certificates of water rights 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 rights, is familiar with the existing water use and land operations, and has conducted its own review of the water rights relative to change/transfer conditions as discussed above. It is concluded that the water rights are 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. Mark Nielson, FCWCB staff support, with on-site visits during the month of September 2014. Further, the Water Board is generally familiar with this area from a previous change/transfer decisions and the work conducted by the Franklin Conservation District.

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 permit is being beneficially used independently within the authorized place of use. 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.

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 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 ground/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 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 permit of water right, increasing the economic benefits to the state and local area by allowing for continued use and development within the region. The development is taking place in the land-use management area of Franklin County.

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 Franklin 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 Franklin County. Existing applications for Franklin County were reviewed (WADOE data base); and no infringement on priority for action for these applications is perceived by 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. 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 certificates 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 rights; 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 rights, as identified below.

RECOMMENDED PROVISIONS

A. Provisions:

The applicant's water right change for new irrigated acres is conditioned by the following provisions:

1. The amount of water granted under this certificate is a maximum limit that shall not be exceeded, and the certificate holder shall be entitled only to that amount of water within the specified limit that is beneficially used and required for the actual crop grown on the number of acres and place of use specified in the certificate.

2. This authorization to make use of public waters of the state is subject to existing rights, including any existing rights held by the United States for the benefit of Indians under treaty or otherwise.
3. If water from facilities of any legally-formed irrigation district is used on any or all of the lands described herein as the place of use, the quantities of water withdrawn under this authorization shall be proportionately reduce to correspond to the acreage for which district water is not available.
4. The point of withdrawal, place(s) of use, purpose of use, and period of use for the water rights are designated in the summary table above (under Water Board Decision).
5. Per an issued superseding certificates for the subject water rights, water withdrawal shall not exceed the instantaneous and volume use, irrigated acreage, and periods of use designated above under Water Board Decision.
6. Use of water under this authorization shall be contingent upon the water right holder's utilization of up-to-date water conservation practices, specifically including CSRIA BMPs (see CSRIA.org), and the water scheduling and monitoring practices described in the CSRIA Conservation O&M Program. The water right holder shall provide annual verification of Conservation O&M Program measure implementation to the Franklin Conservation District.
7. By January 1, 2018, the applicant will notify the Water Resources Program, Eastern Region Office, WADOE, that project construction is completed, unless further extended for good cause.
8. Proof of appropriation (for actual beneficial use of water) is due to the Water Resources Program, Eastern Region Office, WADOE by January 1, 2019, unless further extended for good cause.
9. The WADOE shall undertake a proof inspection to certify actual development of the water right amended within this ROE.
10. 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.

11. 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 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."

12. Water use will be measured and recorded for 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.

13. 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:

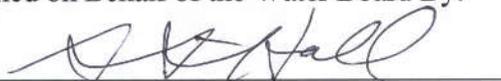
The Franklin County Water Conservancy Board hereby APPROVES the water right change/transfer described within this record of examination and record of decision, and submits this certificate for conditional approval to the Director of the Washington State Department of Ecology. If the Director takes no 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 FCWCB
Pasco, Washington

This 5th day of February 2015

Approved and Signed on Behalf of the Water Board By:

Signed _____



Chairman
Franklin Benton County Water Conservancy Board

Date Mailed to WADOE Director: on or before 02/25/2015