



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

4601 N Monroe Street • Spokane, Washington

August 7, 2013

Mr. Troy Kissler
1075 Davis Road "W"
Odessa, WA 99159

Dear Mr. Kissler:

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**MR. TROY KISSLER
1075 DAVIS ROAD "W"
ODESSA, WA 99159**

PS Form 3800, August 2006 See Reverse for Instructions

Re: Application for Change/Transfer under Ground Water Certificate 7079-A (ADAM-12-03)

On May 31, 2013, our office received from the Adams County Water Conservancy Board a Record of Decision for the above referenced application for change/transfer. In accordance with RCW 90.80.080 the Department of Ecology has reviewed the Record of Decision and Report of Examination and has considered all comments, protests, objections, and other relevant information.

The Department 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 CUB FT/SECOND	MAXIMUM GAL/MINUTE	MAXIMUM ACRE-FT/YR	TYPE OF USE, PERIOD OF USE				
	800	714	800 gallons per minute, 714 acre-feet (4 acre-feet per year, each year, for continuous domestic supply and stockwater; 710 acre-feet per year for irrigation of 355 acres from March 1 to November 1, each year)				
SOURCE			TRIBUTARY OF (IF SURFACE WATER)				
Seven (7) Wells							
AT A POINT LOCATED:	¼	¼	SECTION	TOWNSHIP N.	RANGE	WRIA	COUNTY
Well #1	NE¼	NW¼	5	20 N.	31 E.	41	Adams
Well #2	NE¼	NE¼	19	21 N.	31 E.	41	Lincoln
Well #3	NE¼	NE¼	19	21 N.	31 E.	41	Lincoln
Well #4	NE¼	SE¼	17	20 N.	31E.	41	Adams
Well #5	SE¼	NE¼	16	20 N.	31 E.	41	Adams
Well #6	E½	SW¼	31	21 N.	31 E.	41	Lincoln
Well #7	-	W½	36	21 N.	30 E.	41	Grant
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED							
The W½ of Section 5, in T. 21 N., R. 31 E.W.M. Adams County, Washington and the SW¼ of Section 31 in T. 21 N., R. 31 E.W.M., Lincoln County, Washington							



On page 4 of the Report of Examination under the heading "**COMMENT AND PROTEST**" the first sentence of the second paragraph reads; "No official protests were received during the 30 day protest period." **Ecology modifies this sentence to read: There was one protest received during the 30 day protest period. Jon and Sharon Fink protested three applications for change/transfer on November 30, 2013.**

On page 10 of the Report of Examination under the heading "**Public Interest**" the first sentence of the first paragraph reads; "It is the conclusion of the Adams County Water Conservancy Board that, in accordance with Chapters RCW 90.03 and 90.44, the Board will approve seven (7) additional points of withdrawal under this application for change to result in a total of eight (8) points of withdrawal under Ground Water Certificate No. 7079-A." **Ecology modifies this sentence to read: It is the conclusion of the Adams County Water Conservancy Board that, in accordance with Chapters RCW 90.03 and RCW 90.44, the Board will approve six (6) additional points of withdrawal under this application for change to result in a total of seven (7) points of withdrawal under Ground Water Certificate No. 7079-A.**

On page 10 and continued on page 11 of the of the Report of Examination under the heading "**PROVISIONS**" the following provisions shall be included;

- The water source and/or water transmission facilities are not wholly located upon the land owned by the applicant. Issuance of a permit by this Department for appropriation of the waters in question does not convey a right of access to, or other right to use, land which the applicant does not legally possess. Obtainment of such right is a private matter between applicant and owner of that land.
- Nothing in this authorization shall be construed as satisfying other applicable federal, state, or local statutes, ordinances, or regulations.
- **An approved measuring device shall be installed and maintained for each of the sources 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 maintained by the property owner for a minimum of five years, and shall be promptly submitted to Ecology upon request.**
- 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 as a document entitled "Water Measurement Device Installation and Operation Requirements".
- Department of Ecology personnel, upon presentation of proper credentials, 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.
- A well log of the completed well shall be submitted by the driller to the Department of Ecology within thirty (30) days of completion of this well. This well log shall be

complete and all information concerning the static water level in the completed well in addition to any pump test data shall be submitted as it is obtained.

- On page 10 and continued on page 11 of the Report of Examination under the heading "**PROVISIONS**" the following shall be included in the casing and sealing pick for the wells located in the NE¼ Section 16, T. 20 N., R. 31 E.W.M.; **Adams County Water Conservancy Board, through discussions with the applicant, amended the casing and sealing requirements to protect other water rights in the area. The applicant agreed to extend the casing and sealing of the well located in the NE¼ of Section 16, T. 20 N., R. 31 E.W.M. to 630 feet.**

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

- File your appeal and a copy of this document with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this document on Ecology in paper form - by mail or in person. (See addresses below.) Email is not accepted.

You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

Street Addresses	Mailing Addresses
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
Pollution Control Hearings Board 1111 Israel Road SW Suite 301 Tumwater, WA 98501	Pollution Control Hearings Board PO Box 40903 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.l.wa.gov/CodeReviser>

DATED this 7th day of August, 2013 at Spokane, Washington.

Victoria Leuba

for Keith Stoffel
Section Manager
Water Resources Program
Eastern Regional Office

VL:HS:ka

Enclosures: Your Right to Be Heard
Form 1—Measuring Device Information
Water Use Data Collection Reporting Form

By Certified Mail 7011 3500 0001 8621 7842

cc: Adams County Water Conservancy Board
Jon and Sharon Fink

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> 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. 	A. Signature <input checked="" type="checkbox"/> <i>Stoffel</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
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