This 27 day of June, 2013

W. Keith Ellis
W. Ron Baker, Chairman of Commission
Grant County Water Conservancy Board

If you have special accommodation needs or require this form in alternate format, please contact 360-407-6607 (Voice) or 711 (TTY) or 1-800-833-6388 (TTY).Ecology is an equal opportunity employer

WASHINGTON STATE DEPARTMENT OF ECOLOGY

GRANT COUNTY
WATER CONSERVANCY BOARD
Application for Change/Transfer

For Ecology Use Only

Received:

RECEIVED
JUL 1 2013
Date Stamp
DEPARTMENT OF ECOLOGY
EPHRATA FIELD OFFICE

Record of Decision

Applicant: J. R. Simplot Company Certificate Number: G3-01400C

This record of decision was made by a majority of the board at an open public meeting of the Grant County Water Conservancy Board held on June 27, 2013. 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.

X Approval: The Grant County Water Conservancy Board hereby **grants** conditional approval for the water right transfer described and conditioned within the report of examination on June 27, 2013 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:

Ken Enns
Ken Enns, Alternate Commissioner
Grant County Water Conservancy Board
Date: 6/27, 2013
Approve ☒ Deny ☐ Abstain ☐ Recuse ☐ Other ☐

W. Ron Baker, Chairman of Commission
Grant County Water Conservancy Board
Date: _____, 2013
Approve ☐ Deny ☐ Abstain ☐ Recuse ☐ Other ☐

W. Keith Ellis
Keith Ellis, Commissioner
Grant County Water Conservancy Board
Date: 6-27, 2013
Approve ☒ Deny ☐ Abstain ☐ Recuse ☐ Other ☐

David Stevens
David Stevens, Commissioner
Grant County Water Conservancy Board
Date 6-27, 2013
Approve ☒ Deny ☐ Abstain ☐ Recuse ☐ Other ☐

Mailed with all related documents to the Dept of Ecology Eastern Regional Office, and other interested parties on June 28, 2013.

If you have special accommodation needs or require this form in alternate format, please contact 360-407-6607 (Voice) or 711 (TTY) or 1-800-833-6388 (TTY).
Ecology is an equal opportunity employer

WASHINGTON STATE DEPARTMENT OF ECOLOGY

GRANT COUNTY
WATER CONSERVANCY BOARD
Application for Change/Transfer
OF A RIGHT TO THE BENEFICIAL USE OF THE PUBLIC WATERS OF THE STATE OF WASHINGTON

RECEIVED
JUL 01 2013
DEPARTMENT OF ECOLOGY
EASTERN REGIONAL OFFICE

Report of Examination

NOTE TO APPLICANT: Pursuant to WAC 173-153-130(8), the applicant is not permitted to proceed to act on the proposal until Ecology makes a final decision affirming, in whole or in part, the board's recommendation. It is advised that the applicant not proceed until the appeal period of Ecology's decision is complete.

☐ Surface Water ☐ X Ground Water

DATE APPLICATION RECEIVED	WATER RIGHT DOCUMENT NUMBER (i.e., claim, permit, certificate, etc.)	WATER RIGHT PRIORITY DATE	BOARD-ASSIGNED CHANGE APPLICATION NUMBER
December 13, 2012	G3-01400C	September 10, 1968	GRAN-12-07

NAME: J. R. Simplot Company

ADDRESS (STREET)	(CITY)	(STATE)	(ZIP CODE)
999 Main Street, Ste. 1300	Boise	Idaho	83702

Changes Proposed: ☐ Change purpose ☐ Add purpose ☐ Add irrigated acres ☐ Change point of diversion/withdrawal
X Add point of diversion/withdrawal ☐ Change place of use ☐ Other (Temporary, Trust, Interties, etc.)_____

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: X Exempt ☐ Not exempt

BACKGROUND AND DECISION SUMMARY

Existing Right (Tentative Determination)

MAXIMUM CUB FT/ SECOND	MAXIMUM GAL/MINUT	MAXIMUM ACRE-FT/YR	TYPE OF USE, PERIOD OF USE
	1,000	1,249	Three Purposes of Use: Industrial Use Continuous, 36 acres; Irrigation Seasonal 308 acres, Wastewater Disposal as permitted

SOURCE	TRIBUTARY OF (IF SURFACE WATER)
4 Groundwater wells	N/A

AT A POINT LOCATED:	PARCEL NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE	WRIA	COUNTY.	
SO1 Well #1	190 468 000	SW	SW	16	19N	29E	41	Grant	DOE Well tag AEH-393
SO2 Well #2	190 468 000	SW	SW	16	19N	29E	41	Grant	DOE Well tag AEH-394
SO3 Well #3	180 217 000	SW	NW	22	19N	29E	41	Grant	
SO4 Well #4	180 218 000	SE	SE	22	19N	29E	41	Grant	

LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS USED

INDUSTRIAL USE: The south 640 feet of Farm Unit 81, second Revision of Irrigation Block 41, Columbia Basin Project, in Sec. 16, T19N, R29E, W.M.; LESS the east 500 feet of said Farm Unit 81. 36 acres more or less.

IRRIGATION: That part of Sec. 22 T19N, R29E, W.M., lying southerly and westerly of the centerline of the East Low Canal; LESS the west 430 feet of the north 450 feet of the NW1/4 SW1/4 NW1/4 of said Section; AND LESS the west 221.5 feet of the south 20 feet of the north 470 feet of said NW1/4 SW1/4 NW1/4; AND LESS: beginning at intersection of the section north line and the said centerline of the East Low Canal; thence south 22° 04' 02" east along the centerline 71.53 feet; thence along said centerline on a curve to the left with a radius of 477.46 feet, an arc distance of 568.56 feet; thence north 89° 42' 18" east along said centerline 776.65 feet; thence along said centerline on a curve to the right with a radius 477.46 feet, an arc distance of 48.65 feet to the true point of beginning; continuing thence along said curve to the right for an arc distance of 122.50 feet; thence south 04°05'57" west 644.31 feet; thence north 87°07'56" west 329.89 feet; thence north 02°52'04" east 90.41 feet; thence on a curve to the right with a radius of 190.99 feet, an arc distance of 158.49 feet; thence north 50°24'49" east 103.84 feet; thence on a curve to the left with a radius of 229.18 feet, an arc distance of 179.42 feet; thence north 05°33'33" east 217.87 feet to the true point of beginning; ALL LESS rights of way.

INDUSTRIAL WASTEWATER DISPOSAL: All of Section 26 and those portions of Sections 23 and the E½ of Section 27 lying easterly of the East Low Canal; All in T. 19N R. 29 E.W.M. and in accordance with State of Washington Department of Ecology Discharge Permit (SWDP) Number ST-0005202.

PARCEL NO.		¼	¼	SECTION	TOWNSHIP N.	RANGE,
INDUSTRIAL USE:	190 468 000	S1/2	SW	16	19N	29E W.M.
IRRIGATION USE:	180 214 000			22	19N	29E W.M.
	180 217 000			22	19N	29E W.M.
	180 213 000			22	19N	29E W.M.
	180 218 000			22	19N	29E W.M.
	180 222 003			22	19N	29E W.M.

Proposed Change

MAXIMUM CUB FT/ SECOND	MAXIMUM GAL	MAXIMUM ACRE-FT/YR	TYPE OF USE, PERIOD OF USE
	1000	1,249	Three Purposes of Use: Industrial Use Continuous, **[No change]** 36 acres; Irrigation Seasonal 120 acres, **[No Change]** Wastewater Disposal as permitted **[No change]**

SOURCE	TRIBUTARY OF (IF SURFACE WATER)
6 Groundwater wells	N/A

AT A POINT LOCATED:	PARCEL NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE	WRIA	COUNTY.	
SO1 Well #1 [Existing]	190 468 000	SW	SW	16	19N	29EWM	41	Grant	DOE Well tag AEH-393
SO1 Well #6 [Proposed]	190 468 000	SW	SW	16	19N	29EWM	41	Grant	
		or							
		SE	SW	16	19N	29EWM	41	Grant	
SO2 Well #2 [Existing]	190 468 000	SW	SW	16	19N	29EWM	41	Grant	DOE Well tag AEH-394
SO2 Well #5 [Proposed]	190 468 000	SW	SE	16	19N	29EWM	41	Grant	
SO3 Well #3 [Existing]	180 217 000	SW	NW	22	19N	29EWM	41	Grant	
SO4 Well #4 [Existing]	180 218 000	SE	SE	22	19N	29EWM	41	Grant	

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IRRIGATION: For the irrigation of no more than 308 acres within that part of Sec. 22 T19N, R29E, W.M., lying southerly and westerly of the centerline of the East Low Canal; LESS the west 430 feet of the north 450 feet of the NW1/4 SW1/4 NW1/4 of said Section; AND LESS the west 221.5 feet of the south 20 feet of the north 470 feet of said NW1/4 SW1/4 NW1/4; AND LESS: beginning at intersection of the section north line and the said centerline of the East Low Canal; thence south 22° 04' 02" east along the centerline 71.53 feet; thence along said centerline on a curve to the left with a radius of 477.46 feet, an arc distance of 568.56 feet; thence north 89° 42' 18" east along said centerline 776.65 feet; thence along said centerline on a curve to the right with a radius 477.46 feet, an arc distance of 48.65 feet to the true point of beginning; continuing thence along said curve to the right for an arc distance of 122.50 feet; thence south 04°05'57" west 644.31 feet; thence north 87°07'56" west 329.89 feet; thence north 02°52'04" east 90.41 feet; thence on a curve to the right with a radius of 190.99 feet, an arc distance of 158.49 feet; thence north 50°24'49" east 103.84 feet; thence on a curve to the left with a radius of 229.18 feet, an arc distance of 179.42 feet; thence north 05°33'33" east 217.87 feet to the true point of beginning; ALL LESS rights of way. **[No Change]**

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	180 213 000			22	19N	29E W.M.
	180 218 000			22	19N	29E W.M.
	180 222 003			22	19N	29E W.M.

Board's decision on the Application

MAXIMUM CUB FT/ SECOND	MAXIMUM GAL	MAXIMUM ACRE-FT/YR	TYPE OF USE, PERIOD OF USE
	1000	1249	Three Purposes of Use: Industrial Use Continuous, **[No change]** 36 acres; Irrigation Seasonal 308 acres, **[No Change]** Wastewater Disposal as permitted **[No change]**

SOURCE	TRIBUTARY OF (IF SURFACE WATER)
6 Groundwater wells	N/A

AT A POINT LOCATED:	PARCEL NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE	WRIA	COUNTY.	
SO1 Well #1 [Existing]	190 468 000	SW	SW	16	19N	29EWM	41	Grant	DOE Well tag AEH-393
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	180 218 000			22	19N	29E W.M.
	180 222 003			22	19N	29E W.M.

DESCRIPTION OF PROPOSED WORKS

Two additional wells will be drilled and added to the existing distribution system.

DEVELOPMENT SCHEDULE

BEGIN PROJECT BY THIS DATE:	COMPLETE PROJECT BY THIS DATE:	COMPLETE CHANGE AND PUT WATER TO FULL USE BY THIS DATE:
December 31, 2013	October 1, 2016	October 1, 2016

REPORT

BACKGROUND [See WAC 173-153-130(6)(a)]

On December 13, 2012 J. R. Simplot Company of Boise, Idaho filed an application for change to add 2 ground water wells points of withdrawal to the 4 authorized under groundwater Certificate G3-01400C. The application was accepted at an open public meeting of the Board on December 27, 2013, and the Board assigned its application number GRAN-12-07. The DOE assigned its WRATS number of CG3-1400C to this change request.

Attributes of the water right as currently documented

Name on certificate: Carnation Company

Water right document number: G3-01400C

As modified by certificate of change number: NA

Priority date, first use: September 10, 1968

Water quantities: Qi: 1000 gpm Qa: 1,249 acre-ft/year

Source: 4 groundwater wells.

Point of diversion/withdrawal:2 wells within SW1/4SW1/4 Sec. 16; 1 well within SW1/4NW1/4 Sec 22; 1 well within SE1/4SE1/4 Sec. 22 all in T19N, R29E, W.M. [4 total]

Purpose of use: Three Purposes of Use: Industrial Use, Irrigation Seasonal 308 acres, Wastewater Disposal as permitted

Period of use: Industrial Use, Continuous; Irrigation, Seasonal; Wastewater Disposal as permitted

Place of use: **INDUSTRIAL USE:** The south 640 feet of Farm Unit 81, second Revision of Irrigation Block 41, Columbia Basin Project, in Sec. 16, T19N, R29E, W.M.; LESS the east 500 feet of said Farm Unit 81. 36 acres more or less.

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Existing provisions:

- The total combined withdrawal under Ground Water Certificates Nos. 3021-A (Certificate of change Nos. 1-3-286, 1-3-334, and 1-3-426), 2651-A (Certificates of Change Nos. 1-3-285, 1-3-332, and 1-3-425) 5791-A (Certificate of Change Nos. 1-3-285, 1-3-332, and 1-3-427), and G3-01400C shall not exceed 4600 gallons per minute, 2180 acre-feet per year.
- The disposal of industrial waste water shall be in conformance with the requirements and standards of Chapter 90.48, Water Pollution Control, so as to maintain the highest possible quality of water for the state.

Tentative determination of the water right

The tentative determination is provided on the front page of this report.

History of water use

The water right has been in use since the establishment of a food processing facility at this location.

Previous changes: Certificates of Change Nos. 1-3-285, 1-3-332 and 1-3-427; 1-3-285, 1-3-332, and 1-3-425; and 1-3-285, 1-3-332, and 1-3-427 cross connects Certificates 2651-A, 3021-A, 5791-A, and G3-01400C allowing a total of 4600 gpm, 2180 ac-ft, for the three indicated uses from 4 wells.

SEPA

This change request is below the 2250 gpm where SEPA would be required. But when taken with the other interconnected certificates as a project the withdrawal is 4600 gpm, well above the 2250 gpm SEPA trigger point. The Department of Ecology issued a DNS after an Environment Checklist was completed for this project in 1984, therefore no additional SEPA action is required at this time.

The information or conclusions in this section were authored and/or developed by Vic Conrad, Director, Land, Water and Asset Recovery for the applicant.

COMMENT AND PROTESTS [See WAC 173-153-130(6)(b)]

Public notice of the application was given in the COLUMBIAN BASIN HERALD on February 7 and 14, 2013. Protest period ended on March 16, 2013. There were no protests received during the 30 day protest period. In addition, no oral and written comments were received at an open public meeting of the Board or other means as designated by the Board.

The State of Washington Department of Fish and Wildlife, Eastern Washington Council of Governments, and State of Washington Department of Archaeology and Historic Preservation were notified of this change to water right by Email on May 15, 2013.

The information or conclusions in this section were authored and/or developed by Vic Conrad, Director, Land, Water and Asset Recovery for the applicant.

INVESTIGATION [See WAC 173-153-130(6)(c)]

The following information was obtained from a site inspection conducted by Members of the Grant County Water Conservancy Board, metered water use records supplied by the applicant and research of department records. Site map exhibits attached.

Proposed project plans and specifications

The existing pumps used to supply the industrial water supply pursuant to WADOE Certificate Nos. 2651-A, 3021-A, 5791-A and G3-01400C need to be removed from the existing wells for maintenance. The applicant is concerned that once the pumps are removed from these wells for maintenance, complications may arise when attempting to re-insert the pumps based on the applicant's prior experience in pulling the pump from Well # 2. Should such complications arise, the water supply for the industrial operation will be put at risk. To provide a back-up source before pulling the pumps, this application seeks the approval to construct up to two new wells that would be used to supply the existing industrial water requirements should either (or both) of the existing wells become inoperable during the pump maintenance procedure. The application does not propose to modify the existing uses, nor does it propose to change the peak instantaneous flow rate or annual volume authorized under the 4 certificates previously mentioned.

Other water rights appurtenant to the property (if applicable)

Certificates of Change Nos. 1-3-285, 1-3-332 and 1-3-427; 1-3-285, 1-3-332, and 1-3-425; and 1-3-285, 1-3-332, and 1-3-427 resulted in limiting the combined instantaneous flow and annual volume authorized for withdrawal from the existing wells under WADOE Certificate Nos. 2651-A, 3021-A, 5791-A and G3-01400C. The applicant does not propose any change to these limits.

Public Interest (groundwater only)

The proposed transfer is subject to RCW 90.44.100 and therefore, cannot be detrimental to the public interest, including impacts on any watershed planning activities. There are two existing wells that are owned by the applicant to operate its food processing plant situated within the SW¼SW¼ of Section 16 T.19N R.21E. The westerly of the 2 wells is located 320 ft. north and 780 ft. east from the southwest corner of said Section 16 ("West Well"). The easterly of the 2 wells is located 340 ft. north and 1,180 ft. east from the southwest corner of said Section 16 ("East Well"). The applicant proposes to install 1 new well that is either 600 ft. or 450 ft. west of the West Well (only 1 well will be constructed west of the West Well); the second well to be constructed approximately 800 ft. east of the East Well. The rate of withdrawal and the annual volume diverted will not change from the current rate and volume currently withdrawn from the East and West Wells. Surrounding water right holders will not be affected by the proposed change since the applicant does not propose to change the existing conditions.

The 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 Board finds that the application for change is consistent with public policy objectives of the state to provide for efficient use of water resources, and to ensure no impairment exists.

Because the proposed action will not increase the existing certified water use, or increase the water put to actual beneficial use, or result in a measurable impact on other existing water rights or applications for new water rights, it does not 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 of irrigated lands. The development is taking place in the land-use management area of Grant 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 Grant 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.

Tentative Determination

In order to make a water right change decision, the Board must make a tentative determination on the validity and extent of the right. The Board has made the tentative determination as displayed upon the first page 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: Metered water use records supplied by the applicant verify that the use of water is consistent with the terms, conditions and limitations that were certified for WADOE Certificate Nos. 2651-A, 3021-A, 5791-A and G3-01400C .

The information or conclusions in this section were authored and/or developed by Vic Conrad, Director, Land, Water and Asset Recovery for the applicant.

CONCLUSIONS [See WAC 173-153-130(6)(d)]

Tentative determination (validity and extent of the right)

The applicant holds a valid water right certificate in good standing, which is on file with the WADOE. The Board confirms that the water right is being used subject to the existing certificate provisions.

The certificate is valid as stands. In accordance with the conditions of Certificates of Change Nos. 1-3-285, 1-3-332 and 1-3-427; 1-3-285, 1-3-332, and 1-3-425; and 1-3-285, 1-3-332, and 1-3-427, the total combined withdrawal under Certificates 2651-A, 3021-1, G3-01400C and 5791-A shall not exceed 4600 gallons per minute; 2,180 acre feet per year. The applicant does not seek any change to these combined use limits.

Under the change request, the total amount of water withdrawal from the existing source cannot exceed the amount within the certificated water right. The change/transfer request must not exceed the existing water right limits; no enlargement of the water right is allowed.

The change/transfer request must be consistent with RCW 90.03.380, and related water code statutes. The required annual consumptive quantity (beneficial use) analysis indicates the following:

- This water right has been certificated, and is in good standing.
- The water under this certificate is being beneficially utilized for industrial use; the irrigation of 308 acres of crops and wastewater disposal in accordance with the provisions of Washington Department of Ecology Discharge Permit (SWDP) Number ST-0005202. Continued beneficial use will be completed based upon the development schedule outlined in the "Board Decision" above.
- The Board has determined that the full amount of the said water right available 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 final certificate issued by WADOE. The applicant's request for a change is allowed under the water code and case law.

Hydraulic analysis

The Board has reviewed the applicant's information on potential impairment, and concludes that impairment is not an issue for the water right change/transfer.

Based on the public notice of this change request, the Board has received no impairment issue comments from other existing water right holders, including those who withdraw water from sites close to the applicant's proposed well sites.

The Board concludes that the proposed action will not create impairment to other water rights per the provisions and conditions established under the existing change order and the conditions provided within this ROE/ROD; impairment is not an issue for the specific action related to this water right change.

Consideration of comments and protests

Public notice of the application was given in the COLUMBIAN BASIN HEARLD on February 7 and 14, 2013. Protest period ended on March 16, 2013. There were no protests received during the 30 day protest period. In addition, no oral and written comments were received at an open public meeting of the Board or other means as designated by the Board.

Impairment

There are two existing wells that are owned by the applicant to operate its food processing plant situated within the SW¼SW¼ of Section 16 T.19N R.21E. The westerly of the 2 wells is located 320 ft. north and 780 ft. east from the southwest corner of said Section 16 ("West Well"). The easterly of the 2 wells is located 340 ft. north and 1,180 ft. east from the southwest corner of said Section 16 ("East Well"). The applicant proposes to install 1 new well that is either 600 ft. or 450 ft. west of the West Well (only 1 well will be constructed west of the West Well); the second well to be constructed approximately 800 ft. east of the East Well. The rate of withdrawal and the annual volume diverted will not change from the current rate and volume currently withdrawn from the East and West Wells. Surrounding water right holders will not be affected by the proposed change since the applicant does not propose to change the existing conditions.

Because the proposed action will not increase the existing certified water use, or increase the water put to actual beneficial use, or result in a measurable impact on other existing water rights or applications for new water rights, it does not 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.

Public Interest

The proposed action provides 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 of irrigated lands. The development is taking place in the land-use management area of Grant 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 Grant 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.

DECISION [See WAC 173-153-130(6)(e)]

The Grant County Water Conservancy Board hereby RECOMMENDS APPROVAL of the water right change/transfer described within this record of examination and record of decision as summarized in the Water Board Decision section of this report, and submits this report 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 Board's decision, as written, is final.

The information or conclusions in this section were authored and/or developed by Vic Conrad, Director, Land, Water and Asset Recovery for the applicant.

PROVISIONS [See WAC 173-153-130(6)(f)]

Conditions and limitations
The applicant's water right change is conditioned by all provisions of the existing Certificate G3-01400C as modified by Certificate of Change Nos. 1-3-285, 1-3-332 and 1-3-427. These include and are not limited to:

- The total withdrawal under Certificate Nos. 3021-A, 2651-A, 5791-A and G3-01400C shall not exceed 4600 gpm; 2,180 Acre-feet.
- The total number of acres that can be irrigated under Certificate G3-01400C shall not exceed 308 acres per year within the authorized irrigation place of use.
- An approved measuring device shall be installed and maintained for each source identified herein in accordance with the rule "Requirements for Measuring and Reporting Water Use", Chapter 173-173 WAC. Water 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.
- 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 devices to meet the above conditions.
- The amount of water granted is a maximum limit that shall not be exceeded and the water user shall be entitled only to that amount of water within the specified limit that is beneficially used and required for actual crop growth on the number of acres and place of use specified.
- The disposal of industrial waste water shall be in conformance with the requirements and standards of Chapter 90.48 Water Pollution Control The disposal of industrial waste water shall be in conformance with the requirements and standards of Chapter 90.48, Water Pollution Control and with the provisions of the State of Washington Department of Ecology Discharge Permit (SWDP) Number ST-0005202.
- A superseding certificate of water right will not be issued until a final examination is made.
- Nothing in this authorization shall be construed as satisfying other applicable federal, state, or local statues.
- All wells constructed within the State shall meet the minimum standards for construction and maintenance as provided under RCW 18.104 and Chapter 173-160 WAC.

Construction Schedule

The Applicant will commence construction following Approval and will complete the development contemplated herein on or before October 1, 2016.

The information or conclusions in this section were authored and/or developed by Vic Conrad, Director, Land, Water and Asset Recovery for the applicant.

The undersigned board commissioner certifies that he/she understands 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 he/she, having reviewed the report of examination, knows and understands the content of this report and concurs with the report's conclusions.

Signed at Moses Lake, Washington