



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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

August 7, 2009  
CERTIFIED MAIL  
7007 2560 0001 9534 6177

Walter Fahlenkamp  
702 Cunliff Rd  
Goldendale WA 98620-3216

**RE: Seasonal Change Authorization No. CS4-63033J@2 – to change place of use**

On June 6, 2009, Walter Fahlenkamp submitted an application seeking a Seasonal Change Authorization to change the point of diversion and place of use for Blockhouse Creek Adjudicated Certificate No. 33. This certificate is currently being used to irrigate property owned by George Scheradella and Jean Boardman. This water right, having a priority date of 1909, was confirmed a right to divert 0.50 cubic feet per second (cfs) and 85.5 acre-feet per year (ac-ft/yr) for the purpose of irrigating 25 acres from April 1 through October 31.

The authorized point of diversion is located within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 16, T. 4 N., R. 15 E.W.M. The place of use is located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$  Section 16, T. 4 N., R. 15 E.W.M.

The applicant has requested a seasonal change of point of diversion to a place located in SE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 18, T. 4 N., R. 15 E.W.M. The applicant also requests a seasonal change of place of use for 25 acres; 15.8 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$  and 9.2 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$  all in Section 18, T. 4 N., R. 15 E.W.M. The existing and proposed point of diversions and places of use are all located within Water Resource Inventory Area (WRIA) No. 30, in Klickitat County, Washington.

The applicant currently owns Surface Water Right No. S4-28705C, to irrigate pasture for cows from April 1 through June 30 (see below). The place of use for Surface Water Right No. S4-28705C is appurtenant to the proposed place of use for this seasonal change request. Since this water right is only for the spring season, the applicant requests this seasonal change to allow for the irrigation of a fall crop of triticale, a cross between wheat and rye. Certificate No. 33 will be used from the proposed diversion and on the proposed place of use through October 31, 2009. Since the period of use of Water Right No. S4-28705C is different from Certificate No. 33, there will be no overlapping of water rights for the seasonal change requested.



Water rights appurtenant to the proposed place of use include the following water right:

**Surface Water Right No. S4-28705C**

**Water Right Holder:** Walter K. Fahlenkamp

**Use:** Irrigation of 35 acres

**Period of Use:** April 1 through June 30

**Quantity:** 0.5 cfs, 29.4 ac-ft/yr

**Priority Date:** June 4, 1985

**Point of Diversion:** Blockhouse Creek in the SE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 18, T. 4 N.,  
R. 15 E.W.M.

**Place of Use:** 15.8 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ , 7.2 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ , and 12.0 acres in  
the SW $\frac{1}{4}$ SE $\frac{1}{4}$ , all in Section 18, T. 4 N., R. 15 E.W.M.

Blockhouse Creek Adjudicated Certificate No. 33 is a valid water right and has not in whole or in part been abandoned or relinquished, and is eligible for change. This request for change of point of diversion and place of use will be a downstream change on the same source, Blockhouse Creek. This change will not impair existing rights, provided the use conforms to the following provisions.

This SEASONAL CHANGE AUTHORIZATION is subject to the following conditions:

- 1) Violation of any of the terms and/or conditions of this authorization will result in immediate termination, issuance of Administrative Orders to Cease and Desist, may also subject the violator to civil penalties.
- 2) The applicant will divert 0.5 cfs from August 5, 2009 to October 31, 2009. This Seasonal Change Authorization will expire on October 31, 2009.
- 3) The seasonal point of diversion will be located on Blockhouse Creek in the SE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 18, T. 4 N., R. 15 E.W.M.
- 4) The seasonal place of use under this authorization will be used to irrigate 25 acres; 15.8 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$  and 9.2 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$  all in Section 18, T. 4 N., R. 15 E.W.M.
- 5) The maximum annual volume of water allowed is 85.5 ac-ft/yr.
- 6) Water use shall not exceed 0.5 cfs up to 85.5 acre-ft/yr for the irrigation of 25 acres from April 1, 2009 through October 31, 2009 as authorized in Blockhouse Creek Adjudicated Certificate No. 33 and in combination with this Seasonal Change Authorization.
- 7) The priority date for this water right is 1909.
- 8) Irrigation of any lands in excess of 25 acres under this Seasonal Change Authorization for the 2009 irrigation season will constitute an enlargement of the right and this authorization shall be immediately terminated.

- 9) The Department of Ecology assumes no liability for the purchase and/or construction of any permanent facilities in conjunction with this Seasonal Change Authorization. Applicants for seasonal change should not construe that this change will result in the granting of a permanent change of water right.
- 10) The applicant and operator of the system under this Seasonal Change Authorization shall:
- Have a copy of this Seasonal Change Authorization available on-site.
  - Be aware of the parameters and provisions and operate accordingly.
  - Provide said copy as evidence of this authorization upon request by Department of Ecology staff.
- 12) An approved measuring device shall be installed and maintained for the source(s) identified herein in accordance with the rule "Requirements for Measuring and Reporting Water Use", Chapter 173-173 WAC. Water use data for each Court Claim on the place of use shall be recorded weekly and shall be submitted to Ecology by January 31, 2010.
- 13) 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 or available from Ecology as a document entitled "Water Measurement Device Installation and Operation Requirements".
- 14) Water use data shall be recorded weekly for each Court Claim overlapping the place of use. The maximum monthly rate of diversion/withdrawal and the monthly total volume shall be submitted to Ecology by January 31, 2010. Ecology is requiring submittal of monthly meter readings to collect seasonal information for water resource planning, management and compliance.
- 15) 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, monthly 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.
- 16) Ecology prefers web based data entry, but does accept hard copies. Ecology will provide forms and electronic data entry information.
- 17) 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, but only to the extent otherwise allowed by law.

- 18) This Seasonal Change Authorization is subject to Washington Department of Fish and Wildlife fish screening criteria (pursuant to RCW 77.57.010, RCW 77.57.070, and RCW 77.57.040). Fish screening criteria are attached to this Report of Examination. Contact the Department of Fish and Wildlife, 600 Capitol Way N, Olympia, WA 98501-1091. Attention: Habitat Program, Phone: (360) 902-2534 if you have questions about screening criteria. <http://wdfw.wa.gov/hab/engineer/habeng.htm>
- 19) The intake shall be screened at all times in accordance with Department of Fish and Wildlife screening criteria. <http://wdfw.wa.gov/hab/engineer/habeng.htm>.

This Seasonal Change Authorization shall in no way excuse the permittee from compliance with any applicable federal, state, or local statutes, ordinances, or regulations including those administered by other programs of the Department of Ecology.

You have a right to appeal this decision. To appeal this you must:

- File your appeal with the Pollution Control Hearing Board within 30 days of the “date of receipt” of this document. Filing means actual receipt by the Board during regular office hours.
- Serve your appeal on the Department of Ecology within 30 days of the “date of receipt” of this document. Service may be accomplished by any of the procedures identified in WAC 371-08-305(10). “Date of receipt” is defined at RCW 43.21B.001(2).

Be sure to do the following:

- Include a copy of this document that you are appealing with your Notice of Appeal.
- Serve and file your appeal in paper form; electronic copies are not accepted.

1. To file your appeal with the Pollution Control Hearings Board:

Mail appeal to:

OR

Deliver your appeal in person to:

The Pollution Control Hearings Board  
PO Box 40903  
Olympia WA 98504-0903

The Pollution Control Hearings Board  
4224 – 6th Ave SE Rowe Six, Bldg 2  
Lacey WA 98503

2. To serve your appeal on the Department of Ecology:

Mail appeal to:

OR

Deliver your appeal in person to:

The Department of Ecology  
Appeals & Application for Relief  
Coordinator  
PO Box 47608  
Olympia WA 98504-7608

The Department of Ecology  
Appeals & Application for Relief  
Coordinator  
300 Desmond Dr SE  
Lacey WA 98503

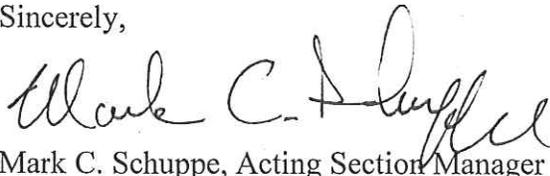
3. And send a copy of your appeal packet to:

Mark C. Schuppe, Acting Section Manager  
Water Resources Program, Dept. of Ecology  
Central Region Office  
15 W Yakima Ave Ste 200  
Yakima WA 98902-3452

*For additional information visit the Environmental Hearings Office Website: <http://www.eho.wa.gov>  
To find laws and agency rules visit the Washington State Legislature Website: <http://www.leg.wa.gov/CodeReviser>*

If you have further questions or concerns, please call Breean Zimmerman, Department of Ecology, Water Resources Program at 509 454 7647.

Sincerely,



Mark C. Schuppe, Acting Section Manager  
Water Resources Program  
Central Region Office

MCS:BZ:gg/090810

Enclosures: Your Right To Be Heard  
Water Measuring Requirements  
Fish Screening Criteria

cc: Philip Rigdon, Deputy Director, Natural Resources Division, Yakama Nation  
George Scheradella  
Jean Boardman