



Chelan County
WATER CONSERVANCY BOARD
Application for Change/Transfer
Record of Decision

For Ecology Use Only
Received: RECEIVED
DEC 14 2022
Dept. of Ecology Central Regional Office
Reviewed by: _____
Date Reviewed: _____

Applicant: **WD Peterson Orchards, INC.**

Application Number: **CHEL-21-02**

This record of decision was made by a majority of the board at an open public meeting of the Chelan County Water Conservancy Board held **DECEMBER 8, 2022**.

☒ **Approval:** The Chelan County Water Conservancy Board hereby **grants** conditional approval for the water right transfer described and conditioned within the report of examination on **DECEMBER 8, 2022** and submits this record of decision and report of examination to the Department of Ecology for final review.

☐ **Denial:** The Chelan County Water Conservancy Board hereby **denies** conditional approval for the water right transfer as described within the report of examination on **DECEMBER 8, 2022** and submits this record of decision to the Department of Ecology for final review.

Signed:

Karin Whitehall, Chair
Chelan County Water Conservancy Board

Date: _____	Approve	<input type="checkbox"/>
	Deny	<input type="checkbox"/>
	Abstain	<input type="checkbox"/>
	Recuse	<input type="checkbox"/>
	Other	<input type="checkbox"/>

Taylor Dayton, Member
Chelan County Water Conservancy Board

Date: December 8, 2022	Approve	<input checked="" type="checkbox"/>
	Deny	<input type="checkbox"/>
	Abstain	<input type="checkbox"/>
	Recuse	<input type="checkbox"/>
	Other	<input type="checkbox"/>

Tim Larson, Member
Chelan County Water Conservancy Board

Date: _____	Approve	<input type="checkbox"/>
	Deny	<input type="checkbox"/>
	Abstain	<input type="checkbox"/>
	Recuse	<input type="checkbox"/>
	Other	<input type="checkbox"/>

(Name), (Title)
(Board Name) Water Conservancy Board

Date: _____	Approve	<input type="checkbox"/>
	Deny	<input type="checkbox"/>
	Abstain	<input type="checkbox"/>
	Recuse	<input type="checkbox"/>
	Other	<input type="checkbox"/>

(Name), (Title)
(Board Name) Water Conservancy Board

Date: _____	Approve	<input type="checkbox"/>
	Deny	<input type="checkbox"/>
	Abstain	<input type="checkbox"/>
	Recuse	<input type="checkbox"/>
	Other	<input type="checkbox"/>

Mailed to the Department of Ecology Central Regional Office of Ecology, via certified mail, and other interested parties on _____.

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
040-105(03/03)

Record of Decision No. (WR Change App Number)



Chelan County
WATER CONSERVANCY BOARD
Application for Change/Transfer
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Date Stamp:	Dept. of Ecology Central Regional Office
Reviewed by:	_____
Date Reviewed:	_____

Applicant: Scott & Wendy Wilson Charles Moore and Laura Poulin-Moore/ Application Number: CHEL-21-03

This record of decision was made by a majority of the board at an open public meeting of the Chelan County Water Conservancy Board held **DECEMBER 8, 2022**.

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Signed:

Karin Whitehall, Member
Chelan County Water Conservancy Board

Date: _____
Approve ☐
Deny ☐
Abstain ☐
Recuse ☐
Other ☐

Taylor Dayton, Member
Chelan County Water Conservancy Board

Date: _____
Approve ☐
Deny ☐
Abstain ☐
Recuse ☐
Other ☐

Jim Larson

Tim Larson, Member
Chelan County Water Conservancy Board

Date: 12-8-22
Approve ☒
Deny ☐
Abstain ☐
Recuse ☐
Other ☐

(Name), (Title)
(Board Name) Water Conservancy Board

Date: _____
Approve ☐
Deny ☐
Abstain ☐
Recuse ☐
Other ☐

(Name), (Title)
(Board Name) Water Conservancy Board

Date: _____
Approve ☐
Deny ☐
Abstain ☐
Recuse ☐
Other ☐

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Applicant: WD Peterson Orchards, INC.

Application Number: CHEL-21-02

This record of decision was made by a majority of the board at an open public meeting of the Chelan County Water Conservancy Board held **DECEMBER 8, 2022**.

☒ **Approval:** The Chelan County Water Conservancy Board hereby **grants** conditional approval for the water right transfer described and conditioned within the report of examination on **DECEMBER 8, 2022** and submits this record of decision and report of examination to the Department of Ecology for final review.

☐ **Denial:** The Chelan County Water Conservancy Board hereby **denies** conditional approval for the water right transfer as described within the report of examination on **DECEMBER 8, 2022** and submits this record of decision to the Department of Ecology for final review.

Signed:

Karin Whitehall
Karin Whitehall, Chair *Acting*
Chelan County Water Conservancy Board

Date: Dec 8, 2022
Approve ☒
Deny ☐
Abstain ☐
Recuse ☐
Other ☐

Taylor Dayton, Member
Chelan County Water Conservancy Board

Date: _____
Approve ☐
Deny ☐
Abstain ☐
Recuse ☐
Other ☐

Tim Larson, Member
Chelan County Water Conservancy Board

Date: _____
Approve ☐
Deny ☐
Abstain ☐
Recuse ☐
Other ☐

(Name), (Title)
(Board Name) Water Conservancy Board

Date: _____
Approve ☐
Deny ☐
Abstain ☐
Recuse ☐
Other ☐

(Name), (Title)
(Board Name) Water Conservancy Board

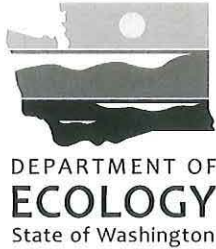
Date: _____
Approve ☐
Deny ☐
Abstain ☐
Recuse ☐
Other ☐

Mailed to the Department of Ecology Central Regional Office of Ecology, via certified mail, and other interested parties on _____.

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).

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040-105(03/03)

Record of Decision No. (WR Change App Number)



Board Name: Chelan County

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Dept. of Ecology
Central Regional Office

WATER CONSERVANCY BOARD

Application for Change/Transfer

OF A RIGHT TO THE BENEFICIAL USE OF THE PUBLIC WATERS OF
THE STATE OF WASHINGTON

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.

NOTE TO AUTHOR: Read the instructions for completing a water conservancy board report of examination. Use the Tab key to move through the form or with your mouse, select the fields to enter information.

☒ Surface Water

☐ Ground Water

Date Application Received	06/10/2021	Water Right Document Number (i.e., claim, permit, certificate, etc.)	S4-SWC00878
Water Right Priority Date	09/02/1925	Board-Assigned Change Application Number	CHEL 21-02
Name: WD Peterson Orchards Inc.	Phone: (509) 679-0337	Email: cap@inline4.com	
Address (street): P.O. Box 608	City: Chelan	State: WA	Zip: 98816
Changes Proposed: <input type="checkbox"/> Change purpose <input type="checkbox"/> Add purpose <input type="checkbox"/> Add irrigated acres <input checked="" type="checkbox"/> Change point of diversion/withdrawal <input checked="" type="checkbox"/> Add point of diversion/withdrawal <input checked="" type="checkbox"/> Change place of use <input checked="" type="checkbox"/> Other (Temporary, Trust, Interties, etc.) Change season of use for a portion of irrigation right			
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: <input checked="" type="checkbox"/> Exempt <input type="checkbox"/> Not Exempt			

BACKGROUND AND DECISION SUMMARY

Please include a map(s) reflecting all referenced existing and proposed point(s) of diversion or withdrawal and place(s) of use (RCW 90.03.260(7); WAC 173-153-070 (6)(c).

Existing Right (Tentative Determination)							
Maximum cub ft/second	0.19	Maximum gal/minute					
Maximum acre-ft/yr	55.3af	Describe Type(s) of use, and period(s) of use		14ac Seasonal Irrigation			
Source	Lake Chelan	Tributary of (if surface water)		Chelan River			
At a Point Located:							
Parcel No.	272211430100	1/4	SW	1/4	SE	Section	11
Township N.	27N	Range	22E	WRIA	47	County	Chelan
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS USED							
Type detailed legal description of the place of use: S1/2 NWSE Sec. 11, T27N, R22E AND N1/2 SWSE Sec. 11, T27N, R22E							
Parcel no.	272211570352, 272211575160, 272211575010,	1/4	NW	1/4	SE	Section	11

	272211420350, 272211420401, 272211570309-345, 272211625040-230, 272211625240-310, 272211625170-230 272211430650		SW		SE	<div style="border: 1px solid black; padding: 5px; text-align: center;"> RECEIVED DEC 14 2022 Dept. of Ecology Central Regional Office </div>	
Township N.	27N	Range	22E	WRIA	47	County	Chelan

Proposed Use							
Maximum cub ft/second		0.135		Maximum gal/minute			
Maximum acre-ft/yr		42.31af		Describe Type(s) of use, and period(s) of use		10ac Seasonal Irrigation & Domestic	
Source	Lake Chelan			Tributary of (if surface water)			
At a Point Located: Parcel No.		282115220050	¼	Gov	¼	Lt 1	Section 15
Township N.		28N	Range	21E	WRIA	47	County Chelan
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS USED							
Type detailed legal description of the place of use: T 28N R 21EWM S 15 SWNE LD BLA 2020-072 LD BLA 20-01 L3 CE 19-020 LD BLA 19-070 LA BLA 18-259 42.5900 ACRES; T 28N R 21EWM S 15 SWNE LC BLA 2020-072 LC BLA 20-01 L2 CE 19-020 LD BLA 19-070 LA BLA 18-259 29.9400 ACRES; and T 28N R 21EWM S 15 NW & BL AGMT LOT B BLA 2020-072 LOT B BLA 2020-01 LOT 3 CE 2019-010 20.3500 ACRES.							
Parcel no.	282115130051-052 282115200050	¼	Gov NE	¼	Lts 1-3 NW	Section	15
Township N.	28N	Range	21E	WRIA	47	County	Chelan

Board's Decision on the Application							
Maximum cub ft/second		A) 0.054 B) 0.135		Maximum gal/minute			
Maximum acre-ft/yr		A) 15.8 B) 40.5		Describe Type(s) of use, and period(s) of use		A) 4ac Seasonal Irrigation B) 10ac Seasonal Irrigation and 0.5af for Cont. Dom.	
Source	A&B) Lake Chelan			Tributary of (if surface water)		Chelan River	
At a Point Located: Parcel No.	A)272211430100 B)282115220050	1/4	A)SW B)GOV	1/4	A)SE B)Lot 1	Section	A)11 B)15
Township N.	A)T27N B)T28N	Range	A)R22E B)R21E	WRIA	A&B) 47	County	A&B)Chelan
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS USED							
Type detailed legal description of the place of use: A) S1/2 NWSE Sec. 11, T27N, R22E AND N1/2 SWSE Sec. 11, T27N, R22E							
B) T 28N R 21EWM S 15 LB BA 21-130 L2 CE 21-129 LD BA 20-72 LD BA 20-1 L3 CE 19-20 LD BA 19-70; T 28N R 21EWM S 15 NW & BL AGMT LOT B BLA 2020-072 LOT B BLA 2020-01 LOT 3 CE 2019-010; T 28N R 21EWM S 15 SWNE LC BA 21-130 LC BA 20-072 LC BA 20-01 L2 CE 19-020 LD BA 19-070; AND T 28N R 21EWM S 15 LD BA 21-130 L1 CE 21-129 LD BA 20-072 LD BA 20-01 L3 CE 19-020 LD BA 19-070 (See Boundary Line Adjustment Map For WD Peterson Orchards Inc.).							
Parcel no.	A) Same A) 272211430650 B) 282115130051-053 B)282115200050	1/4	A) SW A) SW B)Gov B)NE B) NW	1/4	A)SE A) SE B) Lots1-4 B)NW B)NW	Section	A)11 A)11 B)15 B)15 B)15
Township N.	A) 27N A) 27N B) 28N	Range	A)R22E A)R22E B)R21E	WRIA	47	County	Chelan

ECY 040-106 (03/2017) To request ADA accommodation including materials in a format for the visually impaired, call Ecology Water Resources Program 360-407-6872. Persons with impaired hearing may call Washington Relay Service at 711. Persons with speech disability may call TTY at 877-833-6341.

Description of Proposed Works	
Description of water diversion/withdrawal, conveyance, and distribution system: Transferred quantities will be sourced via an existing water system which currently conveys domestic and irrigation water to the proposed place of use. This system utilizes 50hp and 30hp pumps to source water for delivery via an 8in mainline. These pumps run separately depending on the lake water level. A 20hp booster pump is used to push water to the highest elevations.	

Development Schedule	
Begin project by this date (At least 75 days after Board's ROD issuance):	12/31/2023
Complete project by this date:	12/31/2024
Complete change & put water to full use by this date:	12/31/2025

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Report

NOTE TO AUTHOR: This form reflects the minimum regulatory requirements as required in WAC 173-153-130(6). In accordance with WAC 173-153-130(5), "It is the responsibility of the water conservancy board 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." **Completion solely of the minimum regulatory requirements may not constitute a fully documented decision.**

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

On Month 06, day 10, year 2021.

Name of applicant: WD Peterson Orchards Inc of City: Chelan State: WA filed an application

for change (to do what e.g., POU, POD, POW, etc) Transfer & change POU, change and add a POD under (Water right number, e.g., certificate, permit,

claim, superseding document #, cert of change #): S4-SWC00878. The application was accepted at an open public meeting on Month: 06, day: 10, year: 2021, and the board assigned application number(XXXX-YR-##): CHEL 21-02.

Attributes of the water right as currently documented

Name on certificate, claim, permit: Ray & Joe O'Neal

Water right document number (e.g., cert #, claim #, permit #, superseding document #): S4-SWC00878

As modified by certificate of change number: CS4-SWC00878 and CS4-SWC00878@4

Priority date, first use Date of priority or claimed date water was originally first put to beneficial use : 09/02/1925

Water quantities: Qi (Instant qty): 0.27cfs Qa (Annual qty): _____ acre ft./ year

Source (well, river, etc): Lake Chelan

Point of diversion/withdrawal (Distance from ¼¼, Section, Township, Range EWM): SWSE Sec.11 T27N R22E

Purpose of use: Irrigation & Domestic Number of Acres if Irrigation: 20

Period of use: Seasonal Irrigation & Continuous Domestic

Place of use: S1/2 NWSE Sec. 11, T27N, R22E

Existing provisions (family farm act, interruptable, etc.): None

Tentative determination of the water right

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

History of water use

Describe the historical water use information that was considered by the board:

Water rights SWC 878 and SWC 467 were historically used to supply water for domestic use and a total of 40ac orchard. Portions of these rights occurring along the eastern edge of the place of use extend beyond the Chelan-Manson highway. Historic aerial images indicate the prior presence of some orchard within this area. To accommodate the expanding right-of-way for the highway, approximately 9ac of orchard was removed from this area sometime after 1998 and relocated to the N1/2 SWSE Sec. 11 pursuant to de fact change. Properties east of the highway have since been sold to the Washington State Department of Transportation and various other parties. Temporary trust applications were filed in 2015 and information regarding these water rights was communicated directly to all affected property owners. No protests or objections were received at that time and the trust donations were accepted by Ecology in 2016. The City of Chelan has also confirmed that it provides municipal water service to these properties which no longer receive water from the separate irrigation system. Copies of these materials were provided with the subject application.

Larry Lehmbeker purchased S1/2 NWSE Sec. 11 in 2002 and the N1/2 NWSE Sec. 11 in 2006. Water rights SWC 467 and 878 each authorize 20ac irrigation within respective portions of the north and south halves of NWSE Sec. 11. The formerly separate water systems serving these properties have been intertied since 2006. Power use for

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each point of diversion continues to be recorded by separate electrical meters. However, due to the reconfiguration of the system, it is not possible to separately determine the quantities conveyed to each place of use.

Mr. Lehmbecker acquired these properties with the intent of redeveloping them as vineyard with residential development. In 2013, Larry sold portions of the property intended for residential use to a local developer D.B.A. Chelan Lookout LLC and retained title to the subject water rights via deed. Lookout subsequently completed construction of residential portions of the Project. Mr. Lehmbecker filed a short plat and boundary line adjustment for the Vindaluc Winery with the City of Chelan in 2014. These items were approved in 2015. During that same year, Larry filed temporary trust donations to preserve quantities no longer required for orchard irrigation (see previous changes below). Ecology accepted portions of the subject rights into trust pursuant to trust decisions CS4-SWC00878 and CS4-SWC00467. Following trust donation, Larry has continued to irrigate a combination of approximately 13.2ac of orchard, vineyard, pasture, and landscape.

Previous changes

Describe any previous change decisions associated with the water right:

In 2015, Mr. Lehmbecker applied to place portions of water rights SWC 878 and 467 into trust. Ecology accepted portions of these rights into temporary trust in 2016 pursuant to trust decisions CS4-SWC00878 and CS4-SWC00467. At that time, Tom Perkow of Ecology mapped the area of irrigation occurring within the authorized places of use and determined that the maximum area of irrigation attributable to SWC 878 was 14ac and 10.6ac for SWC 467 between 2011 and 2015. As such, the total quantities accepted into trust for both rights consisted of 97.47af with 42.28af reserved for continued irrigation. The irrigation duty associated with these donations was 5.6af/ac assuming an application efficiency of 67% as indicated in the trust applications. Ecology trust decision letter dated 12/28/2016 further advised that 9ac of irrigation appeared to be occurring outside of the place of both rights. Ecology excluded water use occurring within this de facto area from the trust donation analysis. As articulated in Ecology's letter, the total area of irrigation occurring under both rights between 2011-2015 was 33.6ac (14ac + 10.6ac + 9ac).

In 2020, Larry applied to renew/extend the subject trust donations as per CS4-SWC00467@2 and CS4-SWC00878@2. In anticipation of the subject water sale and transfer, Mr. Lehmbecker filed a request in December of 2020 to remove the rights from trust. This request remains pending at Ecology.

SEPA

The board has reviewed the proposed project in its entirety (Provide a detailed explanation of how the board complied with the State Environmental Policy Act):

This transfer is for less than 1cfs and is SEPA exempt.

Other

Provide any other pertinent information relative to the background of this water right:

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The information or conclusions in this section were authored and/or developed by (Name of Person): **Marc Marquis, Karin Whitehall, Herb Gardner, and Taylor Dayton**

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Dept. of Ecology
Central Regional Office**COMMENT AND PROTESTS** [See WAC 173-153-130(6)(b)]

Public notice of the application was given in the (Name of Publication(s): Wenatchee World
on Dates Published: 06/17 and 6/24. Protest period ended on (end date of protest period): 07/24

There were # _____ or no ☒ protests received during the 30 day protest period. In addition, no ☒ or # _____ oral and written comments were received at an open public meeting of the board or other means as designated by the board.

Date (protest/comment received): 4/15/2022

This was recognized by the board as a ☐ Protest ☒ Comment

Name/address of protestor/commenter: Greg Gilbert 101 SR 150 Chelan, WA 98816

Issue (describe issues raised): Application Signature

Board's analysis (board's response to the protest/comment): Gilbert's property occurs within the place of use of SWC 878 and receives irrigation water from Mr. Lehmbecker's water system. Therefore, his signature is required on the application. At Mr. Lehmbecker's request Mr. Gilbert has provided the necessary signature.

*NOTE to author: Repeat this table as necessary to describe each protest or comment
(attach a separate sheet if needed)*

Other

Provide any other pertinent information relative to the comments and protests receive:

None

The information or conclusions in this section were authored and/or developed by (Name of Person): Marc Marquis, Karin Whitehall, Herb Gardner, and Taylor Dayton

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

The following information was obtained from a site inspection conducted by (person(s)): Herb Gardner on (date of field exam): 07/02/2020, technical reports, research of department records (list other references, if any) _____ and conversations with the applicant and/or other interested parties.

Proposed project plans and specifications

Describe proposed use of water to include # of connections, method of irrigation, type of crop, commercial use, etc. Also describe any issues related to development, such as the proposed development schedule and an analysis of the effect of the proposed transfer on other water rights, pending change applications & instream flows established under state law.

The subject application seeks to bring existing uses into compliance. Transferred quantities will be sourced and conveyed via an existing water system which currently serves the proposed place of use. This location utilizes a 50hp and 30hp pump to supply an 8in mainline. These pumps run separately depending on the lake water level. A 20hp booster pump is used to push water to the highest elevations on the property. Water is applied at this location via over and under-tree impact applicators. The development schedule includes 2yrs to allow for installation of a water meter at the proposed place of use. Two years are needed b/c it is not possible to predict when Ecology will issue a final decision on this application and b/c irrigation equipment is difficult to source as a result of supply chain issues related to the pandemic.

Other water rights appurtenant to the property (if applicable)

Describe any other water rights or other water uses associated with both the current and proposed place of use and an explanation of how those other rights or uses will be exercised in conjunction with the right proposed to be transferred.

In addition to SWC00878, Mr. Lehmbecker holds title to water right SWC00467 which has been used to irrigate 20ac adjacent to the northern boarder of the subject right. Portions of both rights were previously placed into trust with Ecology.

The City of Chelan provides domestic water service within the place of use of SWC00878 and SWC00467. The City maintains and administers a separate portfolio of water rights.

The proposed place of use is irrigated pursuant to S4-01443C which authorizes 1.36cfs for the irrigation of 86ac. If approved, transferred portions of the subject right will be additive to water right S4-01443. WD Peterson Orchard has filed two separate requests for administrative division of this right which are pending at Ecology. After processing these requests, WD Peterson's remaining portion of S4-01443C will be 0.5982cfs for the irrigation of 38.4ac.

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. Provide an analysis of the transfer as to whether it is detrimental to the public interest, including impacts on any watershed planning activity. Public interest is not considered if the proposed water right is authorized under RCW 90.03.380 exclusively.

n/a

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Central Regional Office

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. Describe any information indicating that an existing water right or portion of a water right has been relinquished or abandoned due to nonuse and the basis for the determination.

Water rights SWC 878 and 467 were historically sourced via adjacent diversion pumps and conveyed via separate water systems. Power consumption has been and is metered separately for each pump. Power records for each source were provided with the application. However, since 2006 the water systems have been intertied. As such, it is not possible to separately evaluate power consumption and related water use for each place of use. Concurrent change applications have been filed for both rights. Therefore, the Board's tentative determination evaluates the extent and validity of all water use occurring under both water rights SWC878 and 467.

In 2016, portions of the subject rights were accepted into trust by Ecology. As discussed in the Previous Changes Section above, Ecology staff mapped a maximum irrigated area of 10.6ac for SWC 467 and 14.0ac for SWC 878 during 2011-2015. Ecology's trust decision letter advised that 9 additional acres of irrigation appeared outside of the authorized place of use for both rights. This location was developed pursuant to de facto change when portions of the orchard were relocated to accommodate expansion of the highway. Ecology excluded water use occurring within the de facto area from the trust calculation. Per Ecology's direction, the subject application seeks to add the de facto area to the authorized place of use. Of this area, 1.12ac occur within City of Chelan parcel #272211430650. Mr. Lehmbecker asserts no claim or right to any water use occurring outside of his property. Therefore, the total irrigated area attributable to both rights is 32.48ac (10.6 + 14 + 9 - 1.12). Aerial images from prior to 2011 consistently indicate an irrigated area of no less than 32.48ac. The Board therefore concludes that this is the maximum acreage that remains valid for change under both rights.

Ecology's trust decisions assumed an irrigation duty of 5.6ft/ac based upon the content of the trust applications. During the period of review (2011-2015), the AgriMet Station for Manson indicates an apple orchard crop irrigation requirement of 30.2in/ac (2011), 31.8in/ac (2012), 31.5in/ac (2013), 30.9in/ac (2014), and 31.6in/ac

(2015). 31.8in/ac is the highest use during this period. Applying an efficiency rate of 67% as indicated in the 2015 trust applications results in a total irrigation requirement of 3.95ft/ac. As such, the total annual quantity for 32.48ac is 128.3af which is less than the quantities previously calculated for trust due to the application of AgriMet data. Power use calculations prepared by a Professional Engineer and provided by Mr. Lehmbecker indicate the use of water in excess of those quantities calculated using AgriMet data. Mr. Lehmbecker has provided a declaration which declares that all quantities calculated using power used data were applied for irrigation. However, due to concerns regarding the water system's reconfiguration and the reliability of power data, the Board relied on AgriMet data for its tentative determination.

The application rate assigned by the certificate and as used on the farm is 0.0135cfs/ac. As such, the Board tentatively determines the extent and validity of the rights is 0.19cfs and 55.3af for 14ac for SWC 878 and 0.25cfs and 73af for 18.48ac for SWC 467.

Former domestic quantities have been abandoned and/or relinquished and are now purveyed by the City.

Geologic, Hydrogeologic, or other scientific investigations (if applicable)

Describe the results of any geologic, hydrogeologic, or other scientific investigations that were considered by the board and how this information contributed to the board's conclusions.

n/a

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Other

Provide any other pertinent information relative to the investigation of this application.

The subject right is authorized for domestic use and irrigation. Domestic water is supplied to the place of use by the City of Chelan. 0.5af of the subject irrigation right will be changed to continuous singled domestic use which will require a season of use change for that portion of the right. Lake Chelan is artifically controlled by the PUD such that sufficient quantities are available for domesitic use on a year-round basis. No new uses are proposed and no changes to consumptive use shall occur.

The information or conclusions in this section were authored and/or developed by (Name of Person): Marc Marquis, Karin Whitehall, Herb Gardner, and Taylor Dayton

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

Tentative determination (validity and extent of the right)

Describe whether, and to what extent, a valid water right exists.

The extent and validity of the right is 0.19cfs and 55.3af for the seasonal irrigation of 14ac.

Relinquishment or abandonment concerns

Describe any relinquishment or abandonment of the water right associated with the water right transfer application as discussed in the investigation section of this report.

Domestic use has been abandoned and/or relinquished due to the provision of water service from the City which maintains a separate water right portfolio.

Hydraulic analysis

Describe the result, as adopted by the board, of any hydraulic analysis done related to the proposed water right transfer.

n/a

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Consideration of comments and protests

Discuss the board's conclusions of issues raised by any comments and protests received.

n/a

Impairment

Describe how or if the transfer proposal will impair existing rights of others.

As proposed, the subject right will not impair the exiting water rights of others.

Public Interest

If the proposed transfer is authorized pursuant to RCW 90.44.100, describe whether it is detrimental to the public interest. Public interest shall not be considered if the proposed transfer is authorized pursuant to RCW 90.03.380 exclusively.

n/a

Other

The board also considered the previous provisions associated with the water right as identified in the background section of this report when making its decision. Provide any other pertinent information relative to the board's conclusions.

n/a

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

Provide a complete description of the board's decision, fully and comprehensively addressing the entire application proposal.

The Board authorizes the change and transfer of 0.135cfs and 40.5af for 10ac irrigation and continuous single domestic use within the proposed place of use and as further articulated within the Board's Decision Box which appears on page 3 of this report. Portion (A) of the right shall be retained by Mr. Lehmbecker and Portion (B) of the right shall transfer to WD Peterson. The existing place of use is changed to add de facto areas of beneficial use located within the N1/2 SWSE Sec. 11. The purpose of this transfer is to bringing existing water uses at the proposed place of use into compliance. As such, no development schedule is required. Transferred quantities shall be additive to portions of S4-SWC01443 which are owned by WD Peterson Orchards. Mr. Lehmbecker shall retain title to portions of the right not authorized for transfer.

Provide any other pertinent information relative to the board's decision.

None.

The information or conclusions in this section were authored and/or developed by (Name of Person): Marc Marquis, Karin Whitehall, Herb Gardner, and Taylor Dayton

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

Conditions and limitations

Identify any conditions and limitations recommended as part of an approved transfer, and/or any other corrective action necessary to maintain the water use in compliance with state laws and regulations.

- 1.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.**
- 2.This 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.**
- 3.Department of Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the project location, and to inspect at reasonable times, records of water use, well diversions, measuring devices and associated distribution systems for compliance with water law.**
- 4.An approved measuring device must be installed and maintained for portion (B) of the authorization in accordance with the rule “ Requirements for Measuring and Reporting Water Use,” WAC 173-173, which describes the requirements for data accuracy , device installation and operation, and information reporting.**
- 5. Water use data shall be recorded monthly. Recorded water use data shall be submitted annually to Ecology via the 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 Regional Office for forms to submit you water use data.**
- 6.The water right holder is required to maintain efficient water delivery systems and use of up-to-date water conservation practices consistent with RCW 90.03.005.**
- 7. Upon transfer and application to beneficial use, portion (B) of this change decision shall longer be subject to DFD protections. DFD protections shall continue to apply to portion (A).**

Mitigation (if applicable)

Describe any requirement to mitigate adverse effects of the project. Mitigation may be proposed by the applicant or the board and be required in the board's decision.

n/a

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Construction Schedule

Provide a schedule for development and completion of the water right transfer, if approved in part or in whole that includes a definite date for completion of the transfer and application of the water to an authorized beneficial use.

The purpose of this transfer is to bring existing water uses into compliance. Two years are provided to allow for installation of a meter. A meter shall be installed by 12/31/2023. This extended time period is needed due to difficulties sourcing irrigation as a result of supply change issues related to the pandemic.

Other

Provide any other pertinent information relative to provisions

none.

The information or conclusions in this section were authored and/or developed by (Name of Person): Karin Whitehall, Herb Gardner, and Taylor Dayton

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 Entiat, Washington
This 8th day of December, 2022
Date (Day) (Month) (Year)

Name of Board Representative: Karin Whitehall

Name of Water Conservancy Board: Chelan

Signature: Karin Whitehall

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