



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: 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**.

☒ **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, Member
Chelan County Water Conservancy Board

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

Taylor Dayton, Member
Chelan County Water Conservancy Board

Date: December 8, 2022
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).

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
Record of Decision

For Ecology Use Only	
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Received:	DEC 14 2022
Date Stamp	
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**.

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Signed:

Karin Whitehall, Chair
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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Signed:

Karin Whitehall

Karin Whitehall, Member
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: _____

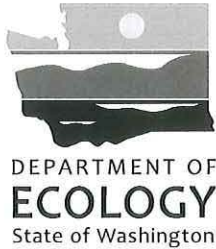
Approve ☐
Deny ☐
Abstain ☐
Recuse ☐
Other ☐

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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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Record of Decision No. (WR Change App Number)



Board Name: **Chelan County**

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DEC 14 2022

**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-SWC00467
Water Right Priority Date	03/25/1929	Board-Assigned Change Application Number	CHEL 21-03
Name: Scott & Wendy Wilson		Phone: (425) 483-3530	Email: scott@wilsonrogers.com
Address (street): 15888 S. Lakeshore Rd.		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 type="checkbox"/> 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: <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	0.27cfs	Maximum gal/minute					
Maximum acre-ft/yr	73af	Describe Type(s) of use, and period(s) of use		18.48ac Irrigation			
Source	Lake Chelan			Tributary of (if surface water)		Chelan River	
At a Point Located:		1/4	SW	1/4	SE	Section	11
Parcel No.	272211430100						
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: N1/2 NWSE Sec. 11, T27N, R22E AND N1/2 SWSE Sec. 11, T27N, R22E							

Parcel no.	272211420400; 272211420150; 272211420250; 272211575170-240; 272211625350-490; 272211575280-300; 272211575310-420; 272211575070-90; 272211570300-303; 272211430650	1/4	NW SE	1/4	SE SE	Section 11	RECEIVED DEC 14 2022 Dept. of Ecology Central Regional Office
Township N.	27N	Range	22E	WRIA	47	County	Chelan

Proposed Use							
Maximum cub ft/second	A) 0.256 B&C) 0.0135		Maximum gal/minute				
Maximum acre-ft/yr	A) 76.5af B&C) 4af		Describe Type(s) of use, and period(s) of use		A) 19ac Seasonal Irrigation & Continuous Dom. B&C) 1ac Seasonal Irrigation		
Source	Lake Chelan		Tributary of (if surface water)		Chelan River		
At a Point Located: Parcel No.	A) 272211430100 B&C) TBD	1/4	A) SW B&C) NE	1/4	A) SE B&C) SW	Section	A) 11 B&C) 04
Township N.	A) 27N B&C) 28N	Range	A) 22E B&C) 21E	WRIA	47	County	Chelan
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS USED							
Type detailed legal description of the place of use: A) N1/2 NW SE Sec. 11, T27N, R22E AND T27N, R22E, Sec. 11 BLA#2307; B) T28N, R21E, Sec. 04 SENW L A BA 2006-036; AND C) T28N, R21E, Sec. 04 Lot D BLA 2006-036 BLA 1922 NESW.							
Parcel no.	A) Same A) 272211430650 B) 282104240450 C) 282104310150	1/4	A) NW A) SW B) SE C) NE	1/4	A) SE A) SE B) NW C) SW	Section	A) 11 A) 11 B) 04 C) 04
Township N.	A) T27N A) T27N B) T28N C T28N	Range	A) 22E A) 22E B) 21E C) 21E	WRIA	47	County	Chelan

Board's Decision on the Application							
Maximum cub ft/second	A) 0.256 B) .0135		Maximum gal/minute				
Maximum acre-ft/yr	A) 69 B) 4		Describe Type(s) of use, and period(s) of use		A) 17.48ac Seasonal Irrigation B) 1ac Seasonal Irrigation		
Source	Lake Chelan		Tributary of (if surface water)		Chelan River		
At a Point Located: Parcel No.	A) 272211430100 B) 282115220050	1/4	A) SW B) NE	1/4	A) SE B) SW	Section	A) 11 B) 04
Township N.	A) 27N B) 28N	Range	A) 22E B) 21E	WRIA	47	County	Chelan
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS USED							
Type detailed legal description of the place of use: A) N1/2 NWSE Sec. 11, T27N, R22E AND and N1/2 SWSE Sec. 11, T27N, R22E; B) T28N, R21E, Sec. 04 SENW L A BA 2006-036							

	A)272211420400; 272211420150; 272211420250; 272211575170-240; 272211625350-490; 272211575280-300; 272211575310-420; 272211575070-90; 272211570300-303; 272211430650		A) NW		A) SE		A) 11
Parcel no.	A) 272211430650 B) 282104240450	¼	A) SW B) SE	¼	A) SE B) NW	Section	A) 11 B) 04
Township N.	A) 27N B) 28N	Range	A) 22E B) 21E	WRIA	47	County	Chelan

Description of Proposed Works

Description of water diversion/withdrawal, conveyance, and distribution system: **1.5hp pump with 1.5in waterline. Water will be applied via pop-up impact applicators.**

Development Schedule

Begin project by this date (At least 75 days after Board's ROD issuance):	12/31//2022
Complete project by this date:	12/31/2024
Complete change & put water to full use by this date:	12/31/2026

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: Scott & Wendy Wilson, Charles Moore and Laura Poulin-Moore 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-SWC00467. 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 21-03.

Attributes of the water right as currently documented

Name on certificate, claim, permit: Thomas Pattison

Water right document number (e.g., cert #, claim #, permit #, superseding document #): S4-SWC00467

As modified by certificate of change number: CS4-SWC00467 and CS4-SWC00467@2

Priority date, first use Date of priority or claimed date water was originally first put to beneficial use : 03/25/1929

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

Source (well, river, etc): Lake Chelan

Point of diversion/withdrawal (Distance from 1/4, 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: N1/2 NWSE Sec. 11, T27N, R22E

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

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Tentative determination of the water right

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

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Dept. of Ecology
Central Regional Office

History of water use

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

Water rights SWC 467 and SWC 878 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 Lehmbecker 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 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.

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Central Regional Office

Other

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

Subsequent to applying for the subject transfer, the Moore's acquired a mitigated water use authorization from the Chelan County Department of Natural Resources. As such, the Moore's have withdrawn their transfer request. The Board's decision consolidates all attributes previously identified for Moore into Wilson's portion B. The Wilson property has sufficient area to apply all transferred quantities to beneficial use.

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

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: 6/17 and 6/24. Protest period ended on (end date of protest period): 7/24

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)

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Dept. of Ecology
Central Regional Office

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 Applicant intends to transfer water to an up-lake parcel to provide water for domestic irrigation. The water will be sourced via a 1.5hp diversion pump and delivered by a 1.5in mainline. Water will be applied via pop-up impact applicators. 1yr is required to begin construction, another year is required to complete construction, and 2 additional years are needed to apply the water to beneficial use.

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 SWC00467, Mr. Lehmbecker holds title to water right S4-SWC00878 which has been used to irrigate 20ac located adjacent to the southern border of the subject right.

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 served by an existing exempt well which will be retained for potable domestic supply.

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

Other

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

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

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 0.25cfs and 73af for the seasonal irrigation of 18.48ac.

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 relinquished and/or abandoned due to the provision of water service from the City.

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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Central Regional Office**

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 existing water rights of others.

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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 transfer of 0.0135cfs and 4af for 1ac of seasonal irrigation within the proposed place of use for Mr. Wilson (Portion (B)) and as further articulated in the Board's Decision Box which appears on pages 3 and 4 of this report. Portion (A) of the right shall be retained by Mr. Lehmbecker.

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 this 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 your 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.

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.

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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.

Begin construction date: 12/31/2022; Complete construction date: 12/31/2024; and Apply water to full beneficial use date: 12/31/2026.

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.

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Central Regional Office**

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

Name of Board Representative: Karin Whitehall
Name of Water Conservancy Board: Chelan
Signature: Karin Whitehall