Applicant: Mt. Adams Orchards Corporation

This record of decision was made by a majority of the board at an open public meeting of the Klickitat County Water Conservancy Board held August 9, 2022.

☐ Approval: The Klickitat County Water Conservancy Board hereby grants conditional approval for the water right transfer described and conditioned within the report of examination on August 9, 2022 and submits this record of decision and report of examination to the Department of Ecology for final review.

☐ Denial: The Klickitat County Water Conservancy Board hereby denies conditional approval for the water right transfer as described within the report of examination on August 9, 2022 and submits this record of decision to the Department of Ecology for final review.

Signed:

Craig Stephens, Chair
Klickitat County Water Conservancy Board

Date: 8/9/22

Approve ☑
Deny □
Abstain □
Recuse □
Other □

Jeff Andrews, Member
Klickitat County Water Conservancy Board

Date: __________

Approve □
Deny □
Abstain □
Recuse □
Other □

Scott Andrews, Member
Klickitat County Water Conservancy Board

Date: __________

Approve □
Deny □
Abstain □
Recuse □
Other □

Matt Graves, Member
Klickitat County Water Conservancy Board

Date: __________

Approve □
Deny □
Abstain □
Recuse □
Other □

Kevin Kreps, Member
Klickitat County Water Conservancy Board

Date: __________

Approve □
Deny □
Abstain □
Recuse □
Other □

Dave McClure, Alternate
Klickitat County Water Conservancy Board

Date: 8/9/2022

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. KLIC-20-01 (Change of Certificate No. S4-26523C)
Applicant: Mt. Adams Orchards Corporation

This record of decision was made by a majority of the board at an open public meeting of the Klickitat County Water Conservancy Board held August 9, 2022.

☐ Approval: The Klickitat County Water Conservancy Board hereby grants conditional approval for the water right transfer described and conditioned within the report of examination on August 9, 2022 and submits this record of decision and report of examination to the Department of Ecology for final review.

☐ Denial: The Klickitat County Water Conservancy Board hereby denies conditional approval for the water right transfer as described within the report of examination on August 9, 2022 and submits this record of decision to the Department of Ecology for final review.

Signed:

Craig Stephens, Chair
Klickitat County Water Conservancy Board

Date: ________________

☐ Approve ☐ Deny ☐ Abstain ☐ Recuse ☐ Other

☐ Approve ☐ Deny ☐ Abstain ☐ Recuse ☐ Other

☐ Approve ☐ Deny ☐ Abstain ☐ Recuse ☐ Other

☐ Approve ☐ Deny ☐ Abstain ☐ Recuse ☐ Other

☐ Approve ☐ Deny ☐ Abstain ☐ Recuse ☐ Other

Mailed to the Department of Ecology Central Regional Office of Ecology, via certified mail, and other interested parties on September 1, 2022

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

Applicant: Mt. Adams Orchards Corporation
Application Number: KLIC-20-01

This record of decision was made by a majority of the board at an open public meeting of the Klickitat County Water Conservancy Board held August 9, 2022.

Approval: The Klickitat County Water Conservancy Board hereby grants conditional approval for the water right transfer described and conditioned within the report of examination on August 9, 2022 and submits this record of decision and report of examination to the Department of Ecology for final review.

Denied: The Klickitat County Water Conservancy Board hereby denies conditional approval for the water right transfer as described within the report of examination on August 9, 2022 and submits this record of decision to the Department of Ecology for final review.

Signed:

Craig Stephens, Chair
Klickitat County Water Conservancy Board

Date: __________________
Approve
Deny
Abstain
Recuse
Other

Jeff Andrews, Member
Klickitat County Water Conservancy Board

Date: __________________
Approve
Deny
Abstain
Recuse
Other

Scott Andrews, Member
Klickitat County Water Conservancy Board

Date: 8/23/2022
Approve
Deny
Abstain
Recuse
Other

Matt Graves, Member
Klickitat County Water Conservancy Board

Date: __________________
Approve
Deny
Abstain
Recuse
Other

Kevin Kreps, Member
Klickitat County Water Conservancy Board

Date: __________________
Approve
Deny
Abstain
Recuse
Other

Dave McClure, Alternate
Klickitat County 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. KLIC-20-01 (Change of Certificate No. S4-26523C)
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.

<table>
<thead>
<tr>
<th>Surface Water</th>
<th>Ground Water</th>
</tr>
</thead>
<tbody>
<tr>
<td>✔️</td>
<td></td>
</tr>
</tbody>
</table>

Date Application Received: January 14, 2020
Water Right Document Number: S4-26523C

Date Water Right Priority Date: January 8, 1980
Board-Assigned Change Application Number: KLIC-20-01

Name: Mt. Adams Orchards Corporation
Phone: (509) 457-6177
Email: 
Address (street): P.O. Box 1588
City: Yakima
State: WA
Zip: 98907

Changes Proposed:
- □ Change purpose
- □ Add purpose
- ✔️ Add irrigated acres
- □ Change point of diversion/withdrawal
- ✗ Add point of diversion/withdrawal
- □ Change place of use
- □ Other (Temporary, Trust, Interests, etc.)

To enable irrigation of additional acreage.

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: □ Exempt
- ✗ 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)

<table>
<thead>
<tr>
<th>Source</th>
<th>Maximum cub ft/second</th>
<th>Maximum gal/minute</th>
</tr>
</thead>
<tbody>
<tr>
<td>White Salmon River</td>
<td>4 cfs</td>
<td></td>
</tr>
<tr>
<td>Columbia River</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Maximum acre-ft/yr: 1431 ac-ft/yr
Describe Type(s) of use, and period(s) of use: 1277 ac-ft/yr for irrigation of 750 ac from April 1 to October 31; 154 ac-ft/yr (additive) for frost control of 130 ac (non-additive) as required.

Source:
- □ At a Point Located:
- ✔️ Tributary of (if surface water)
- ✔️ Tributary of
- ✔️ Tributary of:

Tributary of (if surface water): White Salmon River
Tributary of (if surface water): Columbia River
Tributary of (if surface water):

Tributary of:

Source:
- □ At a Point Located:
- ✔️ Tributary of (if surface water)
- ✔️ Tributary of:

Tributary of:

LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS USED

Type detailed legal description of the place of use: The N1/2NE1/4, the SW1/4NE1/4, the NE1/4SW1/4, the SE1/4NE1/4, the SE1/4, and the SE1/4SW1/4 of Sec. 1, T. 4 N., R. 10 E.W.M.;

Lots 5, 6, and 7; and the E1/2SW1/4, the N1/2NW1/4, the west 150 feet and the south 100 feet of the SE1/4NW1/4, and the west 100 feet of the SE1/4 of Sec. 6, T. 4 N., R. 11 E.W.M.;

EC0 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.
The N1/2SW1/4 [See [1], correct to: N1/2 and SW1/4] of Lot 2, the S1/2SE1/4NW1/4, and the S1/2SE1/4SE1/4NW1/4; EXCEPT that portion previously deeded; ALL in Sec. 6, T. 4 N., R. 11 E.W.M., containing 33.26 acres, more or less, according to Government survey thereof;

Lots 1 and 2, and the E1/2NW1/4 of Sec. 7, T. 4 N., R. 11 E.W.M.;
The N1/2NE1/4 and the E1/2NW1/4 of Sec. 12, T. 4 N., R. 10 E.W.M.;
The E1/2SE1/4, Lots 3 and 4, and the SE1/4 of Sec. 31, T. 5 N., R. 11 E.W.M.;
The SE1/4SE1/4 of Sec. 36, T. 5 N., R. 10 E.W.M.;

Beginning at the northwest corner of Sec. 5; running thence east 660 feet; thence south 1320 feet; thence west 660 feet; thence north 1320 feet to the place of beginning; ALL in Sec. 5, T. 4 N., R. 11 E.W.M.;

All rights of grantors in and to one certain lease from the State of Washington to the W1/2SE1/4 of Sec. 36, T. 5 N., R. 10 E.W.M.;
The S1/2SW1/4 of Sec. 1, T. 4 N., R. 10 E.W.M.; EXCEPT that portion lying easterly of Gilmer-Glenwood Road;
That part of the SE1/4 of Sec. 2, T. 4 N., R. 10 E.W.M., lying easterly of the center line or channel of the White Salmon River and southerly of Gilmer Creek;
That part of the NW1/4NW1/4 of Sec. 12 lying westerly of the Gilmer Creek Cut-Off Road; EXCEPT the north 20 rods [330 feet] and the south five acres thereof; AND EXCEPT the south 140 feet thereof lying northerly of said south five acres; ALL within T. 4 N., R. 10 E.W.M.;
That part of the E1/2NE1/4 of Sec. 11 lying easterly of the East Rimrock east of the White Salmon River; EXCEPT that portion lying southerly of the Gilmer Creek Cut-Off Road; AND EXCEPT said road; ALL within T. 4 N., R. 10 E.W.M.

Note [1] “N1/2SW1/4” is a typographic error propagated from the S4-26523C file and should read “N1/2 and SW1/4” per S4-26523C application legal description and applicant’s long-standing land ownership.

Parcel Nos. 041000100000100, 04110600000200, 04110700000300, 04100101000100, 04101200000100, 05113100000200, 05103600000200, 04100100001200, Ptn 05103600000100 (DNR), 04100100000100, 04100200001200, 04101100000500, 04101100001200.

Proposed Use

<table>
<thead>
<tr>
<th>Maximum cub ft/second</th>
<th>4 cfs</th>
<th>Maximum gal/minute</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum acre-ft/yr</td>
<td>1277 ac-ft/yr</td>
<td>Describe Type(s) of use, and period(s) of use</td>
</tr>
<tr>
<td></td>
<td>1277 ac-ft/yr</td>
<td>1277 ac-ft/yr for irrigation of 921 acres from April 1 to October 31; 154 ac-ft/yr (additive) as required for frost control of 130 acres (non-additive acres)</td>
</tr>
</tbody>
</table>

Source: White Salmon River and Gilmer Creek
Tributary of (if surface water): White Salmon River

<table>
<thead>
<tr>
<th>Source</th>
<th>At a Point Located:</th>
<th>Columbia River and White Salmon River</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Parcel No.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Township N.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Range</td>
<td>WR1A</td>
</tr>
<tr>
<td></td>
<td>County</td>
<td>Klickitat</td>
</tr>
</tbody>
</table>

LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS USED

Type detailed legal description of the place of use: See "Board's Decision on the Application" for full description. Lands being requested to add are described as:

Added Lands Owned by Mt. Adams Orchards Corp.:
NW1/4NE1/4 and S1/2NE1/4 Sec. 7, T. 4 N., R. 11 E.W.M.

Added Lands Owned by WA DNR:
That portion of Sec. 6, T. 4 N., R. 11 E.W.M., Klickitat County, Washington, more particularly described as follows:

Commencing at the NE corner of said Sec. 6, marked by a Department of Natural Resources (DNR) concrete monument with brass cap and labeled as “A5” on that Survey recorded June 25, 1996, in Book 10 of Surveys at Page 443 through 447, under Auditor’s File No. 253957 of Klickitat County, and considering the north line of said NE Quarter to bear N 88°26'30” W, as shown on that said recorded survey with all bearings contained herein relative thereto;

Thence N 88°26'30” W along the said north line for a distance of 2674.43 feet to the N1/4 corner of Sec. 6, marked by a DNR concrete monument described and labeled as “A3” on said survey;
Thence S 09°27'52” W for a distance of 1263.81 feet to the true Point of Beginning;
Thence S 89°55'28” W for a distance of 1183.22 feet to a point described and labeled as “B2-3” on said survey;
Thence S 09°17'29” W for a distance of 1008.94 feet to a point described and labeled as “BC2-3” on said survey;
Thence S 89°58'27” E for a distance of 1180.15 feet to a point described and labeled as “BC3” on said survey;
Thence S 00°27'52” W for a distance of 337.02 feet to a point described and labeled as “C3” on said survey;
Thence S 90°00'00” E for a distance of 15.00 feet;
Thence N 55°45'00” E for a distance of 1060.04 feet, more or less, to the westerly extents of county road right of way (Oak Ridge Road) hereto called “Point A”;
Thence northerly along the westerly extents of said county road right of way (Oak Ridge Road) to a point bearing N 27°17'03” E and a distance of 432.18 feet, more or less, from “Point A”;
Thence leaving said right of way, N 45°00'00” W for a distance of 720.61 feet to a point described and labeled as “B3-4” in said survey;
Thence N 89°45'10” W for a distance of 667.68 feet to the true Point of Beginning.

Parcel Nos. for Lands Requested to be Added to Place of Use:
04110700000400 (Mt. Adams Orchards Corp.) and Ptn 0411060000000100 (DNR)

<table>
<thead>
<tr>
<th>Parcel no.</th>
<th>Township N.</th>
<th>Range</th>
<th>WRJA</th>
<th>County</th>
</tr>
</thead>
<tbody>
<tr>
<td>See above (added only)</td>
<td>¼</td>
<td>¼</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Board’s Decision on the Application**

<table>
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</table>

Describe Type(s) of use, and period(s) of use

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</tr>
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<tbody>
<tr>
<td>At a Point Located:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parcel No.</td>
<td>WSR</td>
<td>Gilmer 1</td>
<td>Gilmer 2</td>
</tr>
<tr>
<td>Township N.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS USED**

Type detailed legal description of the place of use: The N1/2NE1/4, the SW1/4NE1/4, the NE1/4SW1/4, the SE1/4NE1/4, the SE1/4, and the SE1/4SW1/4 of Sec. 1, T. 4 N., R. 10 E.W.M.;
Lots 5, 6, and 7; and the E1/2SW1/4, the N1/2NW1/4, the west 150 feet and the south 100 feet of the SE1/4NW1/4, and the west 100 feet of the SE1/4 of Sec. 6, T. 4 N., R. 11 E.W.M.;
The N1/2 and SW1/4 of Lot 2, the S1/2SW1/4SE1/4NW1/4, and the S1/2SE1/4SE1/4NW1/4; EXCEPT that portion previously deeded; ALL in Sec. 6, T. 4 N., R. 11 E.W.M., containing 33.26 acres, more or less, according to Government survey thereof;
Lots 1 and 2, and the E1/2NW1/4 of Sec. 7, T. 4 N., R. 11 E.W.M.;
The N1/2NE1/4 and the E1/2NW1/4 of Sec. 12, T. 4 N., R. 10 E.W.M.;

The E1/2SW1/4, Lots 3 and 4, and the SE1/4 of Sec. 31, T. 5 N., R. 11 E.W.M.;
The SE1/4SE1/4 of Sec. 36, T. 5 N., R. 10 E.W.M.;
Beginning at the northwest corner of Sec. 5; running thence east 660 feet; thence south 1320 feet; thence west 660 feet;
thence north 1320 feet to the place of beginning; ALL in Sec. 5, T. 4 N., R. 11 E.W.M.;
All rights of grantors in and to one certain lease from the State of Washington to the W1/2SE1/4 of Sec. 36, T. 5 N., R. 10
E.W.M.;
The S1/2SW1/4 of Sec. 1, T. 4 N., R. 10 E.W.M.; EXCEPT that portion lying easterly of Gilmer-Glenwood Road;
That part of the SE1/4SE1/4 of Sec. 2, T. 4 N., R. 10 E.W.M., lying easterly of the center line or channel of the White
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[330 feet] and the south five acres thereof; AND EXCEPT the south 140 feet thereof lying northerly of said south five
acres; ALL within T. 4 N., R. 10 E.W.M.;
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Added Lands Owned by Mt. Adams Orchards Corp.:
NW1/4NE1/4 and S1/2NE1/4 Sec. 7, T. 4 N., R. 11 E.W.M.

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Thence N 88°26’30” W along the said north line for a distance of 2674.43 feet to the N1/4 corner of Sec. 6, marked by a
DNR concrete monument described and labeled as “A3” on said survey;
Thence S 00°27’52” W for a distance of 1263.81 feet to the true Point of Beginning;
Thence S 00°27’52” W for a distance of 1183.22 feet to a point described and labeled as “B2-3” on said survey;
Thence S 00°17’29” W for a distance of 1008.94 feet to a point described and labeled as “BC2-3” on said survey;
Thence S 89°58’27” E for a distance of 1180.15 feet to a point described and labeled as “BC3” on said survey;
Thence S 00°27’52” W for a distance of 337.02 feet to a point described and labeled as “C3” on said survey;
Thence S 89°56’25” E for a distance of 100.00 feet to a point described and labeled as “C3-4” on said survey;
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Thence S 90°00’00” E for a distance of 15.00 feet;
Thence N 55°45’00” E for a distance of 1060.04 feet, more or less, to the westerly extents of county road right of way
(Oak Ridge Road) hereto called “Point A”;
Thence northerly along the westerly extents of said county road right of way (Oak Ridge Road) to a point bearing N
27°17’03” E and a distance of 432.18 feet, more or less, from “Point A”;
Thence leaving said right of way, N 45°00’00” W for a distance of 720.61 feet to a point described and labeled as “B3-4”
in said survey;
Thence N 89°45’10” W for a distance of 667.68 feet to the true Point of Beginning.

Parcel Nos. 04100100000100, 04110600000200, 04110700000300, 04100100000100, 04101200000100, 051131000000200,
051036000000200, 04110500000300, Ptn 05103600000100 (DNR), 04100100000100, 0410200001200, 04101200000500,
0410110001200, 04110700000400, Ptn 04110600000100 (DNR).

<table>
<thead>
<tr>
<th>Parcel no.</th>
<th>See above.</th>
<th>¼</th>
<th>See above.</th>
<th>¼</th>
<th>See above.</th>
<th>Section</th>
<th>See above.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Township N.</td>
<td>04N, 05N</td>
<td>Range 10E, 11E</td>
<td>WRJA 29</td>
<td>County</td>
<td>Klickitat</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Description of Proposed Works

Description of water diversion/withdrawal, conveyance, and distribution system: **Pump stations located at each of the identified diversion sites, delivering water under pressure through a network of piping mainlines and distribution laterals, and including equalizing storage ponds with a combination of booster pumps and gravity flow piping for the distribution of water.**

Development Schedule

<table>
<thead>
<tr>
<th>Description</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Begin project by this date (At least 75 days after Board’s ROD issuance):</td>
<td>Begun.</td>
</tr>
<tr>
<td>Complete project by this date:</td>
<td>December 1, 2032</td>
</tr>
<tr>
<td>Complete change &amp; put water to full use by this date:</td>
<td>December 1, 2036</td>
</tr>
</tbody>
</table>

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 January, day 14, year 2020.
Name of applicant: Mt. Adams Orchards Corporation of City: Yakima State: WA filed an application for change (to do what e.g., POU, POD, POW, etc) change and add lands to the place of use, add points of diversion, and add irrigation acres under (Water right number, e.g., certificate, permit, claim, superseding document #, cert of change #): Certificate No. S4-26523C. The application was accepted at an open public meeting on Month January, day 14, year 2020, and the board assigned application number(XXXX-YR-##): KLIC-20-01.

Attributes of the water right as currently documented

Name on certificate, claim, permit: Mt. Adams Orchards
Water right document number (e.g., cert #, claim #, permit #, superseding document #): S4-26523C
As modified by certificate of change number: n/a.
Priority date, first use Date of priority or claimed date water was originally first put to beneficial use: January 8, 1980.
Water quantities: Qi (Instant qty): 4 cfs Qa (Annual qty): 1431 acre ft./year
Source (well, river, etc): White Salmon River
Point of diversion/withdrawal (Distance from ¼¼, Section, Township, Range EWM): 150 feet north and 50 feet (west) of the southeast corner of Section 2, SE1/4 SE1/4 Sec. 2, T04N, R10EWM.
Purpose of use: irrigation and frost control Number of Acres if Irrigation: 750 (irrigation), 130 (frost control)
Period of use: April 1 to October 31 (irrigation), as required (frost control)
Place of use: See first two pages of Report of Examination under heading "Existing Right".
Existing provisions (family farm act, interruptable, etc.): (Paraphrased): subject to quantity limits for beneficial use in combination with other rights, fish screening, and Family Farm Water Act.

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:

The applicant filed two closely related change applications on certificate Nos. S4-26523C and S4-30135C, both of which authorize diversion of water from the White Salmon River from the same pump station. The applications were given board Nos. KLIC-20-01 and KLIC-20-02, respectively (Ecology Nos. CS4-26523C and CS4-30135C). This report addresses KLIC-20-01, but for convenience both applications will be discussed together.

The historic water use considered by the board includes Washington Department of Ecology (Ecology) public records, information provided by the applicant's consultants, and site inspection. The ranch has a long history and was originally irrigated from Gilmer Creek and from springs and sources tributary to the creek. In 1980 application S4-26523 was filed requesting 4 cfs from a pump station on the White Salmon River, lifting water up to the ranch to provide a water source that was reliably available through the entire irrigation season, to irrigate 750 acres. In 1990 application S4-30135 was filed requesting an additional 2 cfs from the White Salmon River to irrigate a total of 805 acres in combination under all rights.
Because Gilmer Creek flow drops dramatically following spring and early summer run-off, the farm is almost completely reliant on the White Salmon River water rights mid to late season, to provide enough water to optimize crop production and quality. Gilmer Creek discharges to the White Salmon River about 200 feet upstream of the White Salmon River pump station (700 ft elevation). A 20 ft falls at the mouth of Gilmer Creek is considered a barrier to fish migration into Gilmer Creek. There are three existing pumping stations from Gilmer Creek under other existing rights, numbered in an upstream direction beginning with Gilmer 1 (elev. 950 ft), located approximately 2400 feet along the creek upstream from the White Salmon River, Gilmer 2 (elev. 1130 ft) at 1.1 miles upstream, and Gilmer 3 (elev. 1350 ft) at 2.2 miles upstream. Water pumped from the White Salmon River is carried up to the ranch in a mainline that can discharge to the Gilmer 1 or Gilmer 2 creek collection points. Gilmer 1, Gilmer 2 and Gilmer 3 can all pump directly from the creek. The creek pump stations supply mainlines that can deliver water out to orchards or to equalizing storage at various places, and from this complex network of connections distribution is possible to all areas of the ranch.

Although a flow meter is installed at the White Salmon River station, the contributions from Gilmer Creek are not metered, so there is no historic meter data for total water use. For this reason, historic water use information considered by the board focused on the crop demand method (AgWeathernet climate data and model), along with hours-run data collected during 2020-2021 irrigation season on a sampling of orchard blocks. The historic cropping and acres irrigated were tabulated by the applicant and summarized within consultant reports, with aerial photo verification.

Previous changes
Describe any previous change decisions associated with the water right:

Neither S4-26523C nor S4-30135C have had any previous change decisions, but a different water right at the ranch is currently subject of an approved change to add a community domestic supply purpose of use (Ecology No. CS3-00900C@1). A condition of the change reduced total authorized acres for S4-30135C from 805 acres, to 800.8 acres, and reduced the annual volume for irrigation from 2012.5 ac-ft/yr from all sources, to 2001.58 ac-ft/yr; subject to final resolution of the change. This condition from related change CS3-00900C@1 will be incorporated within the board’s decision.

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):

Two separate SEPA Determinations of Nonsignificance were issued by lead agency Washington Department of Natural Resources (DNR) in response to Forest Practices Application Nos. 2707064 (for lands owned by Mt. Adams Orchards Corporation) and 2706658 (for lands owned by DNR). The DNS for the state ground was issued March 12, 2019 and the DNS for the land owned by Mt. Adams Orchards Corporation was issued February 17, 2021. Each action was for land requested to be added to the place of use, to address harvest and clearing of existing timber stands. The board considers that SEPA compliance has been met for this project.

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

n/a.

The information or conclusions in this section were authored and/or developed by (Name of Person): Tim Reierson, PE, dba Streamline Water Consulting LLC, consultant for applicant, in consultation with board members.
COMMENT AND PROTESTS [See WAC 173-153-130(6)(b)]

Public notice of the application was given in the (Name of Publication(s): The Goldendale Sentinel, on Dates Published: July 29th and August 5th, 2020. Protest period ended on (end date of protest period): on or around September 4th, 2020.

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): ______

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

Name/address of protestor/commenter: ______

Issue (describe issues raised): ______

Board’s analysis (board's response to the protest/comment): ______

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:

| n/a. |

The information or conclusions in this section were authored and/or developed by (Name of Person): Tim Reierson, in consultation with board members.

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

The following information was obtained from a site inspection conducted by (person(s)): board members Scott Andrews and Craig Stephens and, separately, by board member alternate Dave McClure on (date of field exam): August 6, 2020 (Andrews and Stephens) and October 20, 2020 (McClure), technical reports, research of department records (list other references, if any) pre-application meetings with Ecology on March 15, 2017 and September 5, 2019, 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.

Proposed Use, Irrigation Method, Type of Cropping, Efficiency Improvements. At this site, Mt. Adams Orchards farms about 760 acres which currently includes 480 acres of pears, 200 acres of Honeycrisp apples, 70 acres of cherries, and with some areas of grass cover. All orchards have grass cover cropping. The applicant proposes to implement a water savings and irrigation management plan for greater efficiency, using the saved water to plant additional acres of orchards. The applicant points out the added benefit of electrical energy savings for their operations by pumping from Gilmer Creek, when water is available, compared to pumping from the White Salmon River. The ranch is currently transitioning from old generation sprinkler irrigation to drip and microspray methods, and with addition of scientific irrigation scheduling planned in phases. A "smart farm" system and management program is being considered. The applicant has practiced deficit irrigation of cherries, and is experimenting with deficit irrigation of Honeycrisp apples (all apples at the ranch are currently Honeycrisp variety). The original change application requested to increase irrigation acres to 921 acres. Following collection of
additional water use data during 2020-2021, the applicant revised their request to a total of 880 acres of irrigation, for each right of the two rights, and in combination of both rights S4-26423C and S4-30135C.

Continuing Phased Improvements. During the 2020-2021 irrigation seasons, the applicant collected irrigation run time information on selected blocks encompassing a range of irrigation practices and equipment. (Reierson, 4/15/2022 Memo). The applicant proposes that this information, together with future information to be gathered, will inform the phased addition of new orchard blocks in such a way that the total water allotment and consumptive use of water are not increased.

Development Schedule. The applicant requests a ten year time frame for phasing in the water savings measures while adding irrigation acres. An added 4 years is considered reasonable by the board for proving up the use. The applicant notes that it takes at least 5 years for the trees to reach full water use after planting. Completion of Construction would then be due December 1, 2032 and Proof of Appropriation due December 1, 2036. The project is begun.

Effect of Proposed Change/Transfer. The applicant provided a total of three consultant technical reports discussing the potential for impairment, pending change applications, and instream flow resources/rights. The reports are identified later within this decision report. The analyses found that existing water rights would not be impaired as there are no intervening water rights held by other parties within the upstream affected reaches. No effects were identified on any pending change applications. A condition to bypass Gilmer Creek natural flows, when the creek reached 2 cfs was identified as protective of Gilmer Creek (Landau, 2016 Fish Study). The applicant has identified a suitable measurement point, upstream of the Gilmer #3 (farthest upstream) diversion point, at the creek culvert under Oak Ridge Road, near the road intersection with the BZ-Glenwood Highway.

Other Landowners. A portion of the land being added is owned by the Washington Department of Natural Resources. The applicant is advised of the need to obtain permissions from DNR prior to use of the applicant’s water rights on DNR land. The board has been made aware the applicant has been in lease discussions with DNR.

Other Water Availability Considerations (Excerpt from Report of Examination for S4-30135). "A portion of the White Salmon River located between Buck Creek (river mile 5) and Gilmer Creek (river mile 12.7) was designated a component of the National Wild and Scenic River System in 1986. The intent of the Wild and Scenic Rivers Act is to provide long-term protection and enhancement of the river's outstanding resource values and to maintain the river's character without unduly limiting other uses by private landowners, as long as those uses do not substantially interfere with the public use and enjoyment of the river. Water from the White Salmon River Basin is available provided instream values of the White Salmon River are protected."

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.

There are a several other existing state-issued water rights associated with the ranch. These are summarized in detail within Ecology's Report of Examination for S4-30135C. The listed water right numbers are:
Surface Water Certificate (SWC) 998, SWC of Change No. 1085, Ground Water Certificate (GWC) 6745-A, SWC 11821, Certificate Nos. S3-00900C, S3-00901C, S3-00902C, S3-00903C, S3-00904C, S3-00905C, S3-00906C, S3-00907C, S3-00908C, S3-00909C, and S3-00910C. These rights are accounted for within the authorizations for S4-26523C and S4-30135C, in that the total annual volume of all rights combined for the irrigation purpose is not to exceed 2001.58 ac-ft/yr for the irrigation of 800.8 acres (reference Ecology modification order dated December 27, 2001 for CS3-00900C@1).

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.
**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.

### Instantaneous pumping capacity
The applicant’s consultants provided information that the White Salmon River pumping station operates as designed, consistent with the certified quantities of 4 cfs (S4-26523C) and 2.5 cfs (S4-30135C) for a total 6.5 cfs actual peak flow rate.

### Annual volume for irrigation
The applicant’s consultants provided inventories of irrigated blocks including areas, cropping, and irrigation equipment, together with estimates of total and consumptive water use by standard methods and consistent with Ecology GUID 1210. During 2020-2021, the applicant collected on-farm data of irrigation hours-run for a sampling of representative blocks for various equipment, cropping, and management practices. This data, along with input from the farm manager, resulted in adjusted, lower estimate ranges for total irrigation annual use, as compared to AgWeatherNet model predictions, as shown below. A full explanation of the estimates is found within the consultant technical memorandum dated April 15, 2022.

<table>
<thead>
<tr>
<th>Year</th>
<th>Area (ac)</th>
<th>Total Use (ac-ft)</th>
<th>Annual Consumptive Quantity (ac-ft)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2017</td>
<td>760 ac</td>
<td>1662 - 2151 ac-ft</td>
<td>1525 – 1972 ac-ft</td>
</tr>
<tr>
<td>2018</td>
<td>762 ac</td>
<td>1681 - 2174 ac-ft</td>
<td>1544 – 1996 ac-ft</td>
</tr>
<tr>
<td>2019</td>
<td>763 ac</td>
<td>1675 - 2166 ac-ft</td>
<td>1541 – 1992 ac-ft</td>
</tr>
<tr>
<td>2020</td>
<td>761 ac</td>
<td>1679 - 2171 ac-ft</td>
<td>1538 – 1988 ac-ft</td>
</tr>
<tr>
<td>2021</td>
<td>744 ac</td>
<td>1645 - 2125 ac-ft</td>
<td>1509 – 1948 ac-ft</td>
</tr>
</tbody>
</table>

The highest estimates of total use for irrigation in the above ranges exceed the total combined water right limit of 2001.58 ac-ft/yr for irrigation. In interpreting these ranges, the farm manager indicated that the entire farm would not have used the full high-end water duty estimates all during the same year, but rather these ranges reflect variation in block location, cropping, irrigation equipment, and management practices. As equipment and management practices create additional water savings in the future, overall demand will move towards a lower average duty, to compensate for increased acres.

The applicant’s consultant, in discussing these results, stated "it is reasonable to estimate full use of the water rights during any years from 2017-2021, with the exception of 2019 which was a cool, low water use year. The years 2020-2021 were hot and dry, however fewer equipment conversions were in place during 2017-2018. At this time, without knowing any other information, all four years can be assumed as full use, resulting in a two-year average of 2001.58 ac-ft annual use". (Reierson, 4/15/2022 memo) The consultant’s evaluation also found that the estimates of consumptive use were consistently 92% of the total use based on irrigation equipment actually in use within the blocks each year, which is 1841 ac-ft/yr consumptive for the combined total of rights.

The applicant’s consultant also stated the frost protection use, for up to 154 ac-ft/yr under S4-26423C, is an additional use which will continue as before, with no effect on the annual consumptive quantity. Because frost control irrigation is applied early in the year, there is little if any evapotranspiration, and the applied water fills any available soil profile capacity, and any excess would tend to deep-percolate or run off. According to the applicant, frost control is required every year and the practice will continue before and after the change. As a status quo use without change, it can be concluded that the consumptive use associated with frost control will not increase. This conclusion is reasonable without specifically quantifying the consumptive portion within the frost control purpose. Any estimate would be of questionable accuracy, but similar before and after.

After review of information provided by the applicant’s consultants about annual cropping, irrigation equipment, specific on-farm irrigation practices, AgWeatherNet model estimates of crop demand, and irrigation run-time data within a sampling of blocks, the board finds tentatively that the following quantities are valid:
S4-26523C. 4 cfs, 1431 ac-ft/yr total, comprised of 1277 ac-ft/yr for irrigation of 750 acres from April 1 to October 31; and 154 ac-ft/yr (additive) for frost control of 130 acres (non-additive to the 750 ac) as required. Not to exceed 2001.58 ac-ft/yr for irrigation purpose in combination with prior rights and S4-30135C.

S4-30135C. 2.5 cfs (additive), 970 ac-ft/yr for irrigation of 761 acres from April 1 to October 15. Not to exceed 2001.58 ac-ft/yr for irrigation purpose from all sources for irrigation of 761 acres (not to exceed 761 acres in combination).

The maximum irrigation area of 761 acres above is a reduction from 800.8 acres allowed under S4-30135C (as limited by CS4-00900C@1). This reduction is based on the cropping inventories submitted for the years 2012 to 2021. No evidence was submitted to excuse the non-use of irrigation area over and above 761 acres, and this portion of the water right for S4-30135C (irrigation area only) is deemed to have relinquished. Although the inventories at times reached 762 and 763 acres, such minor differences are not significant and do not change the results for the extent and validity tentative determination.

Annual Consumptive Quantity. The above information provides the necessary estimates for calculating the annual consumptive quantity (RCW 90.03.380). The highest two years of annual use are equal to the allowed annual volume, giving an average equal to the same, full use, both for total annual use and consumptive use.

Under Ecology procedure PRO 1210, Paragraph 6, "The permit writer has discretion to add a reasonable return flow for the new use, provided that the quantity does not exceed the authorized amount of the water right." The board finds tentatively that the following quantities are valid, incorporating the annual consumptive quantities:

S4-26523C. 1277 ac-ft/yr (1175 ac-ft/yr consumptive) for irrigation from April 1 to October 31; and 154 ac-ft/yr for frost control of 130 acres as required.

S4-30135C. 970 ac-ft/yr (892 ac-ft/yr consumptive) for irrigation from April 1 to October 15.

Both rights not to exceed 2001.58 ac-ft/yr (1841 ac-ft/yr consumptive) for irrigation purpose in combination with prior rights.

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.

In place for 2016 season - The applicant installed a climate station (Husum site within AgWeatherNet network) at the farm to begin collecting information about daily irrigation requirements, for future water saving management practices and implementation of Scientific Irrigation Scheduling (SIS). This AgWeatherNet model results for the station were used to inform the final water use estimates.

May 10, 2016 – Technical Memorandum; study by Landau Associates (Landau) to evaluate fishery resources in Gilmer Creek and recommend protective measures. Landau recommended that any diversions under S4-26523C and S4-30135C from Gilmer Creek be discontinued when creek flows reached 2 cfs or less, upstream of the diversions. The board accepts the minimum flow recommendation as protective of instream resources.

August 29, 2019 - Draft Technical Memorandum; water right study by Landau to estimate valid extent of water rights, annual consumptive quantity, and perform a water spreading analysis. The draft study was shared with Ecology and a pre-application meeting was held on September 5, 2019. Ecology requested additional evidence for historic use and water savings. The board acknowledges this work as providing part of the overall record and evidence of historic use, but adopts the updated estimates from subsequent work in its conclusions.

April 15, 2022 -- Technical Memorandum; water right study by consultant Tim Reierson, PE to estimate valid extent of water rights, annual consumptive quantity, water spreading analysis, and water savings potential based on additional data collection and analysis. The board considers this work to represent the most current available estimates of historic use, total and consumptive use, annual consumptive quantity for purposes of RCW 90.03.380 requirements to increase irrigation area, and statement of the applicant's plan for expansion of acres without increasing consumptive use.
Other
Provide any other pertinent information relative to the investigation of this application.

n/a.

The information or conclusions in this section were authored and/or developed by (Name of Person): Tim Reierson, in consultation with board members.

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.

It is tentatively determined that a valid water right exists for each certificate as follows:
S4-26523C. 4 cfs, 1431 ac-ft/yr total; including 1277 ac-ft/yr for irrigation of 750 acres from April 1 to October 31; and 154 ac-ft/yr for frost control of 130 acres (non-additive to the 750 ac) as required. Not to exceed 2001.58 ac-ft/yr in combination with prior rights and S4-30135C.
S4-30135C. 2.5 cfs (additive), 970 ac-ft/yr for irrigation of 761 acres from April 1 to October 15. Not to exceed 2001.58 ac-ft/yr for irrigation purpose from all sources for the irrigation of 761 acres. The 761 acres is a combined maximum with prior rights.

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.

S4-26523C. n/a.
S4-30135C. The board finds that the irrigation area has reduced from 800.8 acres to 761 acres in area for non-use without sufficient cause to prevent relinquishment.

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

The board has adopted the recommendation of the Landau May 10, 2016 evaluation of fisheries resources within Gilmer Creek with respect to a bypass flow. Specifically, by conditioning approval for diversions from Gilmer Creek under authority of S4-26523C and S4-30135C to include a 2 cfs bypass flow in Gilmer Creek, upstream of the diversions. Diversion from the White Salmon River will not be subject to any flow conditions within Gilmer Creek under these rights, because the White Salmon River pump station represents a status quo authorized use.

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.

The transfer proposal will not impair existing rights of others, with the condition that diversions from Gilmer Creek under rights S4-26523C and S4-30135C will cease when flows reach 2 cfs or less in the creek upstream of diversion. In addition, the consumptive use will not be increased, with the conditions and limitations included within the board's decision. Verification of consumptive use can be made using the same equipment-based estimates as...
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.

S4-26523C. The applicant's consultant reviewed prior existing rights and found errors in the tabulation for the current provision included with S4-26523C, that totals prior right quantities. For this reason, the board will incorporate prior rights by listing them, following Ecology's more recent tabulation of rights from the Report of Examination for S4-30135C. The other two existing provisions for S4-26523C are for screening of the pump intake and Family Farm Water Act (RCW 90.66). These two provisions will be incorporated using updated language.

S4-30135C. The current provisions are for measuring devices and reporting, access across lands not owned, disclaimer about compliance with other applicable regulations, fish screening, and proof inspection. These will all be incorporated with updated language. This water right is subject to the Family Farm Water Act (RCW 90.66), but the provision appears to have been inadvertently omitted from the original water right decision and certificate. The provision is included within this decision.

CS3-00900C@1. Provision 2 within CS3-00900C@1 is incorporated for S4-30135C by virtue of the annual volume limitation incorporated within this decision, of not to exceed 2001.8 ac-ft/yr in combination, and the reduction in acres to 761 acres in combination, as tentatively determined for extent and validity (satisfying the 800.8 acre limitation imposed by CS3-00900C@1). For reference, Provision 2 reads:

"Certificate No. S4-30135C includes a supplemental irrigation authorization (from White Salmon River) for No. S3-00900C (from unnamed springs of Gilmer Creek) and other rights held by the applicant. Certificate No. S4-30135C includes a provision limiting all sources to 2012.5 acre-feet per year for irrigation of 805 acres. When the superseding certificate for No. S3-00900C is issued, Ecology shall make an administrative modification to Certificate No. S4-30135C to reduce the maximum withdrawal to 2,001.58 acre-feet for irrigation of 800.8 acres."

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's decision is to conditionally approve the requested change/transfer proposal, in full description as follows:

1(a). Quantification of current water right:

S4-26523C - 4 cfs, 1431 ac-ft/yr; including 1277 ac-ft/yr for irrigation of 750 acres from April 1 to October 31; and 154 ac-ft/yr for frost control of 130 acres (non-additive to the 750 ac) as required. Not to exceed 2001.58 ac-ft/yr in combination with prior rights and S4-30135C.

S4-30135C - 2.5 cfs (additive), 970 ac-ft/yr for irrigation of 761 acres from April 1 to October 15. Not to exceed 2001.58 ac-ft/yr from all sources for the irrigation of 761 acres. The 761 acres is a maximum for irrigation in combination with prior rights.

1(b). Quantification of transferable quantities:

S4-26523C - 4 cfs, 1431 ac-ft/yr; including 1277 ac-ft/yr (1175 ac-ft/yr consumptive) for irrigation of 880 acres from April 1 to October 31; and 154 ac-ft/yr for frost control of 130 acres (non-additive to the 880 acres). Not to exceed 2001.58 ac-ft/yr (1841 ac-ft/yr consumptive) in combination with prior rights and S4-30135C.
2. Source locations for change/transfer (same for S4-26523C and S4-30135C):
White Salmon River Diversion -
within SE1/4SE1/4 Sec. 2, T04N, R10EWM.
Approx. 150 feet N and 50 feet W of the SE corner of Sec. 2.
Note: The as-built location is better described as: 300 feet N and 250 feet W of SE corner of Sec. 2.
Within Parcel No. 04100200001200. Lat/Long: 45.856307°, -121.508240°.

Gilmer Creek Diversions -
Gilmer#1: within SE1/4SW1/4 Sec. 1, T04N, R10EWM.
Approx. 2000 feet E and 1000 feet N of SW corner of Sec. 1.
Parcel No. 0410010000100. Lat/Long: 45.858266°, -121.499265°.
Gilmer#2: within SE1/4NE1/4 Sec. 1, T04N, R10EWM.
Approx. 1200 feet W and 1600 feet S of NE corner of Sec. 1.
Parcel No. 0410010000100. Lat/Long: 45.865600°, -121.491632°.
Gilmer#3: within S1/2SE1/4 Sec. 31, T05N, R11EWM.
Approx. 1320 feet W and 100 feet N of SE corner of Sec. 31.
Parcel No. 05113100000200. Lat/Long: 45.870281°, -121.471979°.

3. Place of use for change/transfer:
Due to length of legal description, please refer to the cover pages of this report at heading: Board's Decision on Application, Legal Description of Property on Which Water Is Used.

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

n/a.

The information or conclusions in this section were authored and/or developed by (Name of Person): Tim Reierson, in consultation with board members.

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.

Combined use limit, S4-26523C. The quantities authorized for the irrigation purpose are not to exceed 2001.58 ac-ft/yr for irrigation of 880 acres in combination with the following: Surface Water Certificate (SWC) 998, Certificate of Change 1085, Ground Water Certificate (GWC) 6745-A, SWC 11821, S3-00900C, S3-00901C, S3-00902C, S3-00903C, S3-00904C, S3-00905C, S3-00906C, S3-00907C, S3-00908C, S3-00909C, S3-00910C, and S4-30135C.

Combined use limit, S4-30135C. The quantities authorized for the irrigation purpose are not to exceed 2001.58 ac-ft/yr for irrigation of 880 acres in combination with the following: Surface Water Certificate (SWC) 998, Certificate of Change 1085, Ground Water Certificate (GWC) 6745-A, SWC 11821, S3-00900C, S3-00901C, S3-
Gilmer Creek flow protection. Diversion of natural flows from Gilmer Creek under this authorization shall cease when flows reach 2 cfs or less upstream of the most upstream diversion (Gilmer #3). The measurement point, unless otherwise authorized in writing from Ecology, shall be at the culvert under Oak Ridge Road near its intersection with BZ-Glenwood highway, culvert located at Lat/Long: 45.871604°, -121.465017° (approximately 600 ft N & 500 ft E from SW cor. Sec. 32, T. 5 N., R. 11 E.W.M.).

Measurements, Monitoring, Metering, and Reporting. An approved measuring device must be installed and maintained for each of the sources identified by this water right in accordance with the rule "Requirements for Measuring and Reporting Water Use", chapter 173-173 WAC, which describes the requirements for data accuracy, device installation and operation, and information reporting. It also allows a water user to petition the Department of Ecology (Ecology) for modifications to some of the requirements.

Recorded water use data shall be submitted electronically by January 31 each year. To set up an Internet reporting account, contact the Regional Office. If you do not have Internet access, you can still submit hard copies by contacting the Regional Office for forms to submit your water use data.

Fish Screening Criteria. The intake(s) shall be screened in accordance with Department of Fish and Wildlife screening criteria (pursuant to RCW 77.57.010, RCW 77.57.070, and RCW 77.57.040). 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/about/contact/.

Easement Right-Of-Way. The water sources and/or water transmission facilities may not be wholly located upon land owned by the applicant. Issuance of a water right change authorization by this department does not convey a right of access to, or other right to use, land which the applicant does not legally possess. Obtaining such a right is a private matter between applicant and owner of that land.

DNR Lease. If the applicant does not execute a lease agreement with the Washington State Department of Natural Resources, or if this water right authorization is not used on the DNR land, the DNR land shall be removed from the place of use at Proof of Appropriation or as otherwise agreed by the involved parties in cooperation with Ecology.

Other Regulations. 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 and those administered by local agencies under the Shoreline Management Act of 1971.

Family Farm Water Act. That portion of this authorization relating to irrigation is classified as a Family Farm Permit in accordance with Chapter 90.66 RCW. This means the land being irrigated under this authorization shall comply with the following definition: Family Farm – a geographic area including not more than 6,000 acres of irrigated agricultural lands, whether contiguous or noncontiguous, the controlling interest in which is held by a person having a controlling interest in no more than 6,000 acres of irrigated agricultural lands in the State of Washington which are irrigated under water rights acquired after December 8, 1977. Furthermore, the land being irrigated under this authorization must continue to conform to the definition of a family farm.

Proof of Appropriation. Consistent with the development schedule given in this report (unless extended by Ecology), the water right holder must file a Notice of Proof of Appropriation (PA) of Water with Ecology. The PA documents the project is complete and all the water needed has been put to full beneficial use (perfected). In order to verify the extent of water use under this permit, an inspection of water use is typically required, known as a "proof exam". After filing the PA, the water right holder's next step is to hire a Certified Water Rights Examiner (CWRE) to conduct this proof exam. A list of CWREs is provided to the water right holder upon filing the PA with Ecology. The final water right document, a water right certificate, then may issue based upon the findings of the CWRE. Statutory county and state filing fees may apply prior to certificate issuance.
Schedule and Inspections. 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, wells, diversions, measuring devices and associated distribution systems for compliance with water law.

**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.

**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 project is begun. Completion of Construction shall be due December 1, 2032 unless extended by Ecology. Proof of Appropriation shall be due December 1, 2036 unless extended by Ecology.

**Other**
Provide any other pertinent information relative to provisions
n/a.

The information or conclusions in this section were authored and/or developed by (Name of Person): Tim Reierson, in consultation with board members.

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 Goldendale, Washington
This ______ day of ______, ______.

Name of Board Representative: Craig H. Stephens
Name of Water Conservancy Board: Klickitat County Water Conservancy Board