



DEPARTMENT OF
ECOLOGY
State of Washington

2008 Report to the Legislature

Water Conservancy Boards

December 2008
Publication no. 08-11-046

Publication and Contact Information

This report is available on the Department of Ecology's website at www.ecy.wa.gov/biblio/0811046.html

For more information contact:

Publications Coordinator
Water Resources Program
P.O. Box 47600
Olympia, WA 98504-7600

E-mail: WRPublications@ecy.wa.gov

Phone: (360) 407-6600

Washington State Department of Ecology - www.ecy.wa.gov/

- Headquarters, Olympia (360) 407-6000
- Northwest Regional Office, Bellevue (425) 649-7000
- Southwest Regional Office, Olympia (360) 407-6300
- Central Regional Office, Yakima (509) 575-2490
- Eastern Regional Office, Spokane (509) 329-3400

If you need this publication in an alternate format, call the Water Resources Program at (360) 407-6600. Persons with hearing loss can call 711 for Washington Relay Service. Persons with a speech disability can call 877-833-6341.

2008 Report to the Legislature: Water Conservancy Boards

Janet L. Rajala
Washington State Department of Ecology
Water Resources Program
Eastern Regional Office
Spokane, WA 99205

This page is purposely left blank

Table of Contents

	<u>Page</u>
Executive Summary	iii
Introduction.....	1
Background.....	1
Board purpose	2
Reporting requirements.....	3
Statutory changes	4
Status of Boards	4
Ineligible commissioners and inoperable boards.....	7
Dissolution	10
Board composition	12
Jurisdiction.....	13
Board commissioner turnover.....	16
Comparison of east side and west side boards.....	18
Length of service.....	19
Role of Consultants.....	19
Sitting board commissioners as consultants	20
General consultants.....	22
Training.....	25
Training for new commissioners and alternates	25
Continuing education	26
Another education tool.....	29
Technical Assistance to Boards	29
Ecology Staff Guidance	30
Board Activities	30
Getting established.....	30
Board contributions.....	31
Board meetings	31
Water right transfer exchange.....	31
Contacting boards	31
Support staff.....	32
Differences between boards and Ecology operations	32
Litigation.....	33
Local resource to the community.....	33
Water right change applications processed.....	33
Records of decision reviewed	38
Public hearings.....	39
Obstacles to a successful record of decision.....	40
Quality	40
Operational errors.....	41

Funding	42
Use of funds	43
Summary	45
Appendices.....	47
<i>A - Primary Contact and Fees Report</i>	
<i>B - Sample of Board Public Information Brochure</i>	
<i>C – Summary of Suggested Legislative Amendments</i>	
<i>D – Water Conservancy Board Request Legislation and Clarification</i>	
<i>E – Summary of Water Right Change Application Processing</i>	
<i>F - Reports Submitted by Boards</i>	

Executive Summary

The Department of Ecology (Ecology) prepared this report on water conservancy boards (boards) to comply with RCW 90.80.150. The statute states, “The department shall report biennially by December 31st of each even-numbered year to the appropriate committees of the legislature on the boards formed or sought to be formed under the authority of this chapter, the transfer applications reviewed and other activities conducted by the boards, and the funding of such boards. Conservancy Boards must provide information regarding their activities to the department to assist the department in preparing the report.” Ecology submitted a report on boards to the Legislature every even numbered year since 2000. This is the fifth report.

The Legislature authorized counties in 1997 to establish boards in order to assist Ecology with the backlog of water right change applications. The statute authorizes boards to process water right change applications and issue records of decision supported by reports of examination. Ecology must evaluate the records of decision for compliance with applicable water law. Ecology has final review authority of each record of decision, and must issue an administrative order to affirm, modify, or reverse. Ecology’s administrative order is appealable to the Pollution Control Hearings Board (PCHB).

Each board is an independently funded entity as explained in RCW 90.80.060(2). They provide for their own funding through grants and adopting fees for processing water right transfer applications. Board fees range from \$250 (Benton County) to \$1450 (Thurston County). The use of funds by boards also varies depending on the needs of the boards. Some examples of uses include travel for training, copying, correspondence, administrative staff and legal support. The state audits the boards annually.

Throughout this report, Ecology suggests preliminary amendments to the statute based on the experiences of the last ten years. The suggestions are meant to enable a smoother water right change process and better define the roles of Ecology, the boards and the board commissioners and alternates. The primary focus of these amendments is ethics. Ecology does not believe the boards are bound by any statutory ethical standards. During 2009, Ecology plans to convene internal and external stakeholders to explore these ideas. Ecology will consider whether to provide agency-request legislation in 2010.

Board status changed significantly for the first time in six years. As of 2002, 21 counties had established boards. As of August 2008, there are now 20 boards. Ecology issued dissolution petitions to Whatcom, Mason, Lewis, and Island Counties in 2007. Ecology issued the petitions because the boards were unable to operate for more than two years. Inoperable status on a board generally occurs due to vacancies that go unfilled or the board commissioners fail to obtain the required training. Lewis County also had trouble operating and asked Ecology for help. The response from the four counties differed. In August 2008, Whatcom County Council dissolved its board when attempts to recruit volunteers failed; Mason County Board of Commissioners dissolved the board in February 2008, and reestablished a new board in spring 2008; Lewis County Board of Commissioners restructured the board from five to three members.

As a result the board continued to operate; and the Island County Board of Commissioners declined Ecology's petition for dissolution. The Island Co. Water Conservancy Board has been inoperable since July 2005.

Dissolution of the Whatcom and Mason County Boards significantly affected the turnover data. Most turnover of commissioners occurred on boards located on the West side of the state. Turnover means when a person voluntarily resigns, the board is dissolved, or the term expires. With the dissolution of the Whatcom Co. Board, there are now just 20 boards statewide. Four boards are on the West side and 16 on the East side. Turnover data also includes board commissioners or alternates who resign so the county may appoint them to another position on the same board.

The sizeable numbers of commissioner ineligibility reported in 2006 improved over the last two years. In 2006 nearly a quarter (23 percent) of all board members were ineligible to take action on water right transfer applications. In 2008, that number is down to just 9 percent. This number again reflects the dissolution and restructuring of boards in the last two years. Board commissioners must maintain training requirements to remain eligible to take action on water right change applications. Board commissioners and alternates completing less than the minimum hours become ineligible and must make up those hours. Once a person is behind by two or more years, it becomes more challenging to regain eligibility.

When a board accepts a water right change application to process, most require the applicant to investigate the impacts of the requested change, write the report of examination, and make recommendations for adoption of a record of decision. Generally, this requires the applicant to hire a consultant to provide this service for them. In contrast, a few boards continue to do all the investigation and write their own reports of examination.

A few consultants, representing applicants who file a water right change application with a board, continue to challenge the administrative board process. As a result, Ecology faces some challenges to its workload and boards express frustration. The preliminary statutory amendment suggestions aim to improve the integrity of the board process.

During the two-year period beginning November 1, 2006 and ending October 31, 2008, water conservancy boards have accepted 210 water right change applications to process. The boards have issued 152 records of decision, approving all of them. Data indicates an increase of applications to boards over the last two years.

Ecology tracks the number of records of decision it reviews. During the two-year period beginning November 1, 2006 and ending October 31, 2008, statewide Ecology reviewed and issued administrative orders on 180 decisions by the boards. Central Region processed 86 decisions, Eastern Region 83, and Southwest Region 11. The significance between the numbers in the Central and Eastern Regions is the number of times a board withdrew its record of decision from Ecology's review. Statewide boards withdrew their decisions from Ecology's review 50 times. Forty-three of the withdrawals were done by boards in the Central Region and 7 by boards in Eastern Region.

Applicants have the sole discretion whether to apply for a water right transfer directly to a board or to Ecology. The number of applications processed by any one board varies extensively. However, data shows that collectively the boards are processing nearly the same number of water right change applications as Ecology. It appears the boards that established themselves in their community early in the process have a higher rate of activity than other boards. As a result, some applicants seem to prefer filing applications with a board simply because they are familiar with the commissioners and the operation of the board.

Boards continue to demonstrate their value in the local communities. Some boards process very few water right change applications but remain current on training in order to provide a local resource to the community. Some board commissioners give talks to local community groups, serve on other water-related committees, or make themselves available for questions from water right users.

Introduction

This report on water conservancy boards (boards) was prepared by the Department of Ecology (Ecology) to comply with RCW 90.80.150. The statute states, “The department shall report biennially by December 31st of each even-numbered year to the appropriate committees of the legislature on the boards formed or sought to be formed under the authority of this chapter, the transfer applications reviewed and other activities conducted by the boards, and the funding of such boards. Conservancy boards must provide information regarding their activities to the department to assist the department in preparing the report.” Ecology submitted a report on boards to the Legislature every even numbered year since 2000. This is the fifth report.

The report covers board activities from November 1, 2006 through October 31, 2008.

Background

In 1998, Lewis and Benton Counties established the first two water conservancy boards in the state. These two boards operated under a pilot (or draft) rule developed by Ecology. The boards then provided feedback to Ecology for the development of a permanent rule. Ecology subsequently adopted the Water Conservancy Board rule, WAC 173-153 in November 1999. This administrative rule guides the boards in applying statutory criteria.

The number of established boards continued to increase during 1999 - 2002. September 2002 was the last time a county established a board; however, that changed in 2008 when Mason County dissolved its original board and reestablished a new board in May 2008.

The Legislature made significant changes to the statute since boards were first authorized in 1997. In 2001, the Legislature amended RCW 90.80. As a result, Ecology amended the rule, WAC 173-153 in 2002. The Legislature again amended RCW 90.80 in 2004 as well as RCW 90.03 in 2005. Therefore, parts of the administrative rule became obsolete and no longer reflected statutory processes. Ecology again amended the rule in 2006.

Boards are required to investigate an application for a water right change. Based on the investigation the board writes the report of examination and issues a record of decision. Many boards delegate this authority to the applicant to complete. As a result, the applicant hires a consultant to work through the process and write the report.

Ecology is available to provide technical assistance to the board as they process an application. Ultimately, Ecology evaluates the record of decision for compliance with applicable water law, the record developed by the board, and any conflict of interest issues. Ecology may also consider any concerns submitted within 30 days of receiving the board’s decision. Ecology then issues an administrative order to affirm, modify, reverse, or remand the board’s decision. The administrative order is appealable to the PCHB.

As the boards process water right transfer applications, the statute requires a great deal of public involvement. All board activities are subject to the Open Public Meetings Act, RCW 42.30 and 42.32 regarding meetings. The boards must also comply with the requirements of the Public Records Act, RCW 42.56. Further, the public may submit comments up to 30 days after the Ecology receives the final board decision.

RCW 90.80.050 identifies boards as a “public body corporate and politic and a separate unit of local government in the state.” RCW 90.80.060 states that boards are independently funded. As such, Ecology reviews only those board activities directly associated with the development of a board's record of decision. For instance, Ecology has no regulatory authority over a board that does not respond to a public records request or fails to comply with the Open Public Meetings Act.

Board purpose

The Legislature authorized boards to assist Ecology with the backlog of water right change applications. The boards also provide a significant local resource to their counties.

Initially, boards had a steep learning curve and many were overwhelmed by the public process and the technical nature of the work. Now that boards have operated for 10 years, they engage more readily in discussions with staff and at the Ecology-sponsored trainings. Ecology and the board members themselves appear pleasantly amazed at the knowledge and skills these volunteers have gained.

The knowledge and skills gained by the boards are also demonstrated through their own public outreach. Some board commissioners give talks to local community groups, serve on other water-related committees, or make themselves available for questions from water right users. This outreach provides a much needed education resource that benefits Ecology.

Problem statement:

The Water Resources Program has seen its mandated responsibilities multiply in the last several years. Water conservancy boards provide a potential resource to assist with some activities. Some boards experience lulls in application workload yet work hard to maintain their education and knowledge.

Suggested statutory amendment:

Ecology recommends additional authorities for more experienced board commissioners. One function might include conducting proof of appropriation field examinations and providing recommendations to Ecology.

Rationale:

With over 80 trained and experienced volunteers on water conservancy boards, at least half of the board members have the experience and competence to take on other duties. Having the

opportunity to take on tasks can help the boards to maintain their experience and education during months or sometimes years of inactivity. It may also assist with Ecology's workload. Ferry, Adams, Lincoln, Spokane, Lewis, Mason, Whitman are just a few boards that have many spikes and valleys in their workloads.

Reporting requirements

RCW 90.80.150 requires a board to provide information regarding its activities to Ecology in preparation of this report. Boards are asked to provide this information on an annual basis. WAC 173-153-170 outlines the information a board is required to include in its report. The Yakima Board submitted its report late. As a result, its data is not included within the cumulative data discussed within this report. The board's report is included within the appendix.

Water right transfer application data:

1. Information about applications to the board, to include:
 - a. The number of applications filed with the board, identified by water resources inventory area (WRIA).
 - b. The number of records of decision withdrawn from Ecology by the board.
 - c. The number of records of decision approving or partially approving an application.
 - d. The number of records of decision denying an application.
 - e. The number of records of decision remanded back to the board from Ecology.
 - f. The number of applications received by the board, distinguishing between requests to transfer surface water and ground water.
 - g. The number of applications to transfer a water right documented by a claim.
 - h. The number of applications to transfer a water right documented by a certificate.
 - i. The number of applications proposing transfer related to trust water.
 - j. The number of applications filed directly with the board, and the number transferred from Ecology to the board.
 - k. The number of hearings held within other counties other than the county or counties which established the board, when water rights were proposed to be transferred from one county to another.

Operational information about the boards:

2. Information about the operations of the board, to include:
 - a. The chair of the board;
 - b. The primary contact of the board;
 - c. The board address, phone, and/or email;

- d. The board commissioner's names and their terms of office.
- e. The regular meeting location, if any.
- f. The regular meeting schedule, if any.
- g. Any changes in membership of the board, including background and contact information for any new commissioners.
- h. Current fees and changes to previously set fees.
- i. Training received other than from Ecology.
- j. Ownership of property by the board.
- k. Water marketing activities.
- l. Number of staff employed by the board, and number of volunteer staff.
- m. Any litigation in which the board is involved.

Statutory changes

Since the initial adoption of RCW 90.80 in 1997, the Legislature made numerous changes to the statute. The most significant changes occurred in 2001 and 2004. In 2005 additional changes within the Water Code, RCW 90.03 profoundly affected the board rule. In response to these changes, Ecology amended the administrative rule, WAC 173-153 in 2002 and 2006. Since that time the Legislature has made no significant statutory changes to laws affecting the water conservancy board process.

Throughout this report, Ecology suggests amendments to the RCW 90.80 based on the experiences of the last ten years. The suggestions are meant to enable a smoother water right change process and better define the roles of the board commissioners and alternates. The primary focus of these amendments is ethics. Ecology does not believe the boards are bound by any statutory ethical standards. During 2009, Ecology plans to convene internal and external stakeholders to explore these ideas. Ecology will consider whether to provide agency-request legislation in 2010. This report lists all the suggestions within Appendix C.

In addition, boards submit legislative reports and provide suggestions and comments as well. Appendix D summarizes comments and legislative amendment suggestions received from boards.

Status of Boards

The status of boards changed significantly for the first time in six years. Until July 2008, 21 counties across Washington had established boards. During 2008 two boards were dissolved and one reestablished. Twenty boards now exist in the state. Four of the boards are on the west side and 16 are on the east side. (See map on page 12 for the location of all existing boards.)

New Boards Established

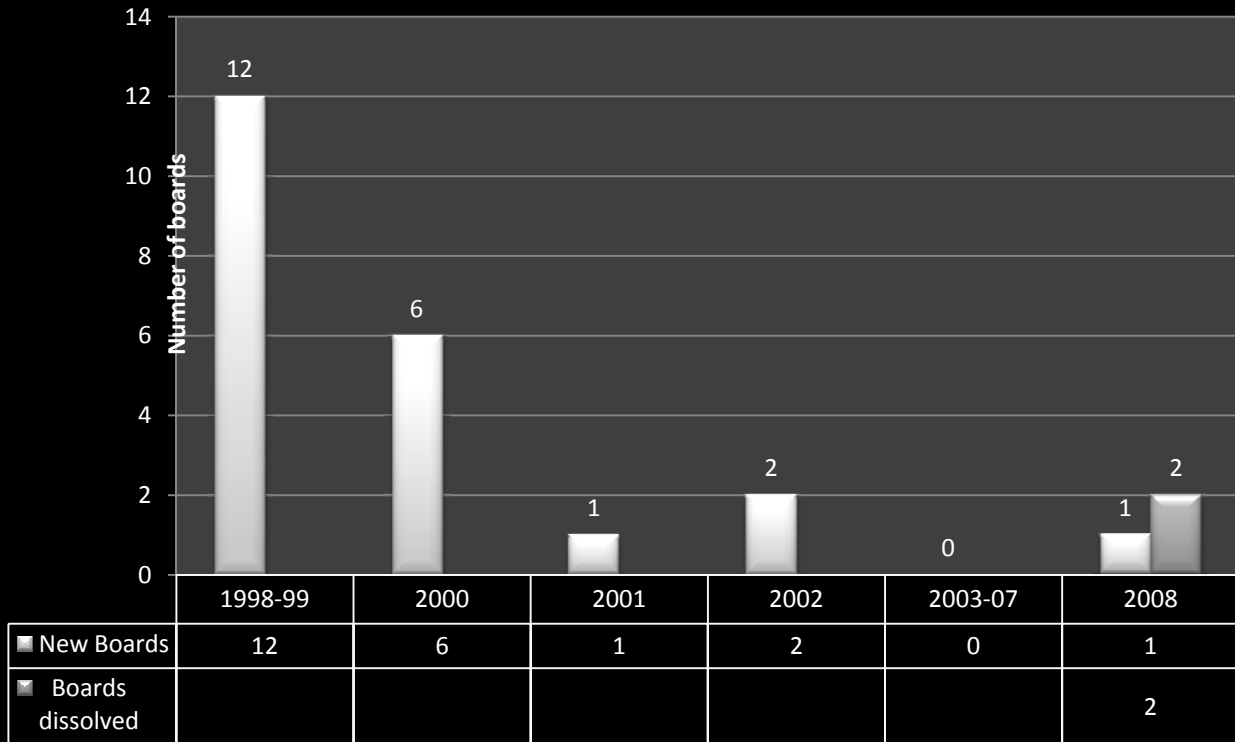


Chart 1 – New Boards Established – the chart shows the changes in the number of new boards established since 1998.

Mason County established a new board during the current reporting period. In order to accomplish this, the County had to dissolve the former board. This is the first board established since 2002. As of this writing, Pierce and Clallam Counties are considering creating a board (See chart #2).

The Whatcom County Council advertised for volunteers to fill board vacancies during 2007 and 2008. When the County was unable to recruit volunteers, it dissolved the Board.

The following list identifies all boards alphabetically with the date each board was established, dissolved, or reestablished.

Board Name	Date established	Date dissolved	Date reestablished
Adams	October 12, 1999		
Benton	July 10, 1998		
Chelan	November 23, 1999		
Douglas	March 30, 2000		
Ferry	May 19, 2000		
Franklin	June 9, 1999		
Grant	September 14, 1999		
Island	August 6, 2001		
Kittitas	October 16, 2000		
Klickitat	July 1, 1999		
Lewis	July 10, 1998		
Lincoln	November 23, 1999		
Mason	September 4, 2002	February 26, 2008	May 20, 2008
Okanogan	May 12, 2000		
Spokane	May 5, 2000		
Stevens	January 25, 2002		
Thurston	November 17, 1999		
Walla Walla	October 5, 1999		
Whatcom	December 7, 1999	July 8, 2008	
Whitman	July 26, 2000		
Yakima	July 12, 1999		

Chart 2 – Boards established and dissolved

Ineligible commissioners and inoperable boards

As noted in Ecology's 2006 Report to the Legislature, Water Conservancy Boards, ineligibility on the boards was chronic during the last reporting period. A board commissioner or alternate becomes ineligible when the commissioner fails to maintain training requirements.

RCW 90.80.040 requires board commissioners and alternates to comply with training requirements prior to taking action on proposed water right transfers. WAC 173-153-050 requires an initial 32-hour training session sponsored by Ecology and 8 hours of continuing education beginning in the second year of service. Board commissioners may receive continuing education from sources other than Ecology and submit a request for credit.

In some instances a person appointed as a commissioner or alternate fails to attend the required 32-hour initial training or obtain the required 8-hours continuing education. The commissioner remains unable to take action on water right change applications until all required training is completed. With fewer commissioners to make decisions, it becomes more difficult for a board to operate.

There is no statutory authority to remove a commissioner or alternate from a board. As such, the person remains on the board unable to take action on water right change decisions until either the term ends, they become current on the training, or they resign.

Three sitting board commissioners statewide are currently ineligible to take action on water right change applications.

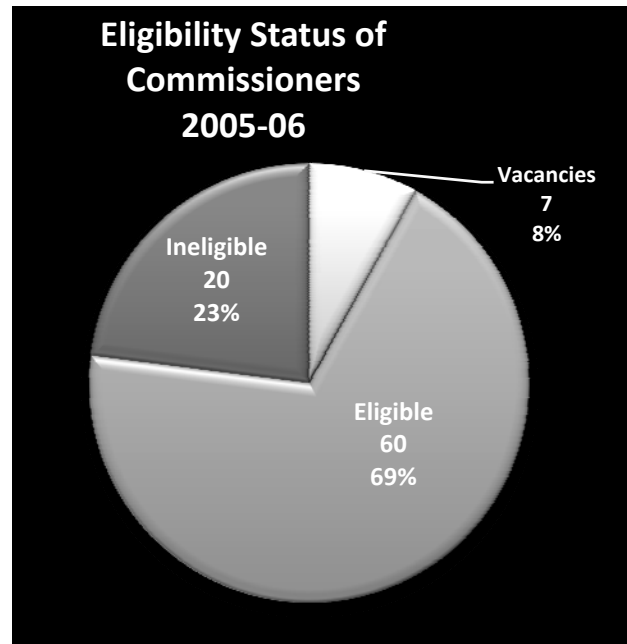


Chart 3 Eligibility Status of Commissioners 2005-06 – Ineligibility proved to be a liability for boards and vacancies were difficult to fill for some counties. This chart reflects 86 positions: 7 vacancies, 20 are ineligible commissioners/ alternates, and 60 are eligible commissioners/alternates.

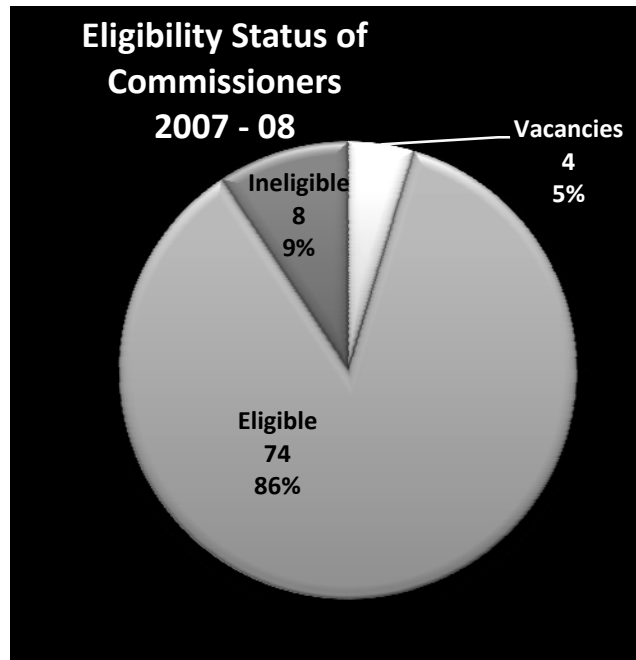


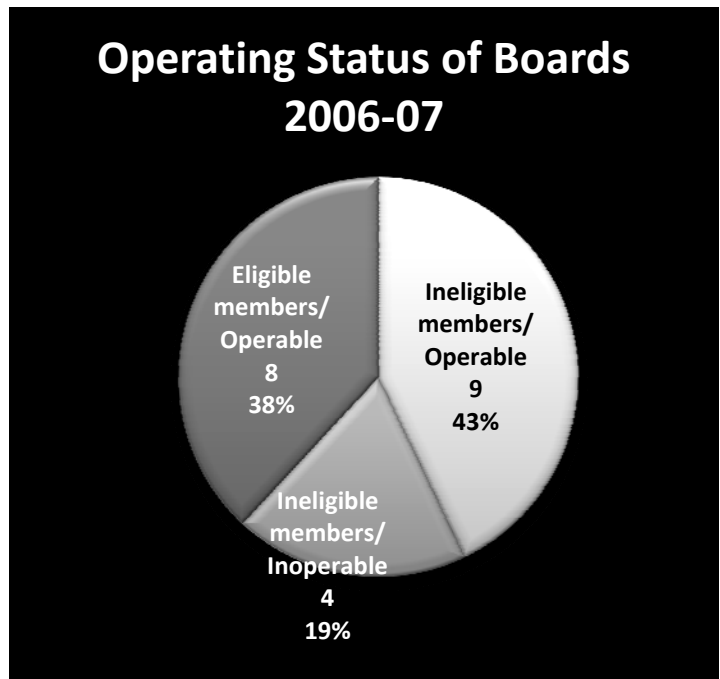
Chart 4 – Eligibility Status of Commissioner 2007-08 – After counties adjusted the four inoperable boards, ineligibility is less prevalent.

A board becomes inoperable when a majority of its commissioners are ineligible or there are too many vacancies. In November 2006, Lewis, Mason, Island, and Whatcom County Boards were inoperable for at least two years because of commissioner ineligibility and vacancies. In addition, three counties had difficulty filling a board vacancy.

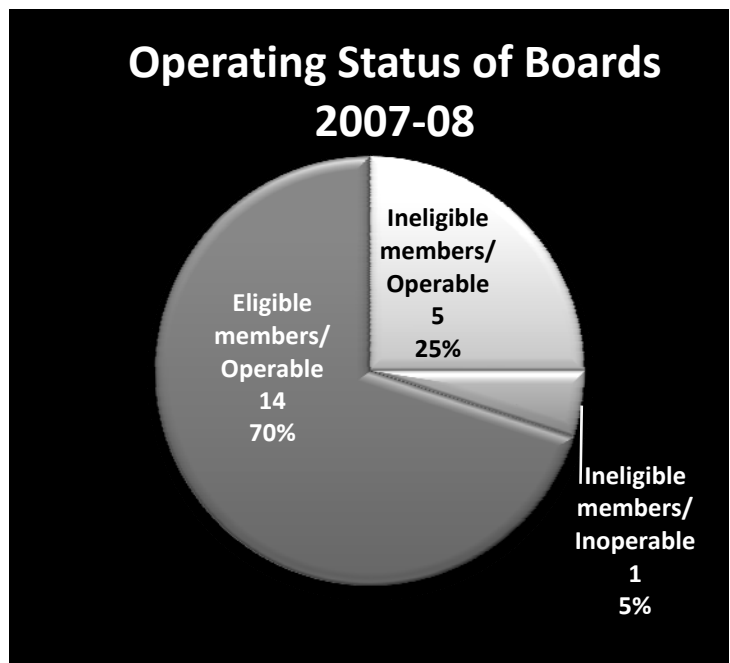
As a result, Ecology requested the counties to review activities of their boards. In a November 2006 written request, Ecology provided data on the status and activity of each board for consideration by the county. Four counties in particular were asked to look at the ineligibility of the board commissioners and reevaluate the board's ability to serve the public interest. Statute defines public interest as one of the two criteria Ecology considers when approving or denying a county's petition to establish a board.¹

Ecology requested a response from the four counties with inoperable boards regarding board status. Only Lewis County responded. Ecology worked with Lewis County to get the board operational. Ecology made further inquiries with the other three counties but received no response.

Since the 2006 Legislative report, board commissioner eligibility has gone up and most



Charts 5 and 6 Operating Status of Boards – Ineligibility and vacancy have a significant impact on a board's ability to process water right change applications. Boards in the category of ineligible members/operable sometimes have difficulty with quorum or recusal issues.



¹ RCW 90.80.030 (2)

of the boards are operable. The Island County Board remains the only inoperable board. This is due to ineligibility of two board commissioners and one vacancy on the three-member board.

Problem statement:

The director of Ecology approves or denies the creation of a board based on standards of being in the public interest and furthering the purposes of RCW 90.80. That standard is met, in part, when boards remain open to the public and operable. Boards become inoperable when a commissioner or alternate fail to communicate intentions to resign or take time off. Other boards have the inability to take action on water right transfer decisions because too many board members are lacking in education requirements. Counties currently have authority to appoint the board commissioners and alternates. Currently the statute provides no authority for terminating a person from a board position. The volunteer must either submit a written resignation or the county must wait until the six-year term expires. Counties need a way to keep boards up and running.

Suggested statutory amendment:

Ecology recommends an amendment allowing a county to remove a person from a position on the board in specific situations. Some suggested amendments might include:

- A county may consider a position vacant if a board commissioner or alternate does not respond to a county's written request for resignation within a given time. After notifying Ecology in writing, the county can then seek a replacement for the position. Ecology may also petition the county for the resignation of a commissioner or alternate for identified reasons.
- A county may consider a position vacant if a board commissioner or alternate remains ineligible and out of compliance with the education requirements for more than two consecutive years. The county may consider the position vacant with written notice to the current commissioner or alternate and Ecology. The county may then seek a replacement for the position. Ecology or the board may petition the county to remove the board commissioner or alternate.
- Amend RCW 90.80.050(3) to allow an alternate to serve as replacement for an ineligible commissioner.

Rationale:

To keep a board operational and serving the local area it is critical for the volunteer board members to communicate with the board, county and the state. All three entities need to know the commissioners and alternates are available and eligible to conduct business. Ecology tracks eligibility and turnover to ensure board decisions are made based on the requirements in RCW 90.80. This includes RCW 90.80.040, which states, "Prior to commissioners taking action on proposed water right transfers, the commissioners shall comply with training requirements that include state water law and hydrology." The third listed amendment above would allow the opportunity for an eligible alternate to sit in until the commissioner regains eligibility.

Dissolution

RCW 90.80.065 authorizes counties with established boards to dissolve the board. Ecology may petition the county legislative authority to dissolve a board for “repeated statutory violations or demonstrated inability to perform the functions for which the board was created.”²

In November 2007, Ecology formally petitioned Whatcom, Island, and Mason Counties to dissolve their respective boards. This was a follow up to Ecology’s November 2006 letter requesting the counties to evaluate their board activities. Ecology issued the petitions because each board demonstrated its inability to process water right change applications for at least two years. Chart 7 below provides the response from each county.

Board name/ composition	Issues of concern	Actions taken by county or Ecology	Result
Lewis County 5-member board and one alternate	2 members eligible 2 members resigned 2 members ineligible	County responded to 2006 letter and restructured the board to 3 members and one alternate. No formal petition sent.	Board is operable but continues to struggle with two of the four remaining ineligible.
Whatcom Co. 3-member board	2 members ineligible until terms expired 1 member resigned	Unable to recruit new volunteers	July 2008 – Dissolved board. May consider again later.
Mason County 5-member board	2 resigned 3 members ineligible No response from any board member to requests from County or Ecology No authority to remove 3 remaining members until terms expire as late as 2012.	Ecology met with the County. Ecology suggested dissolving existing board and establish a new board.	February 2008 - County dissolved original board. May 2008 - Reestablished a 3-member board with 2 alternates. Three are eligible, 2 newly appointed but both resigned prior to training.
Island County	1 eligible 2 ineligible	County responded to Ecology’s request that they would not dissolve the board.	Board continues to be inoperable. 1 – eligible member resigned 2 – remain ineligible

Chart 7-County responses to Ecology letters regarding dissolution

² RCW 90.80.065

Problem statement:

The director of Ecology is authorized to approve or deny the creation of a board based on the standard of being in the public interest and furthering the purposes of RCW 90.80. [RCW 90.80.030(2)]. That standard is met, in part, when boards remain open to the public and operable. Three boards remained inoperable for nearly three years. Ecology worked with the local legislative authorities to get the boards back up and operable. However, one board exists but has not operated since July 2005. Ecology has reserved the option to revoke application for transfer decision making authority from a board (WAC 173-153-043) however, even if this action is taken, the board would continue to exist.

Suggested statutory amendment:

1. Ecology recommends an amendment to RCW 90.80.065 to grant Ecology limited authority to dissolve a board after repeated statutory violations or demonstrated inability to perform the board functions required by statute and rule. Documentation of board decisions and correspondence with the counties will serve as record of the board's inability to perform. The county would remain responsible for disbursing board assets and liabilities.
2. Grant Ecology statutory authority to revoke its approval of board creation under RCW 90.80.030(2).

When a board operates in such a way that no longer serves the public interest or supports the statutory authorities of the board, Ecology's ability to revoke the board's authority would increase the integrity of the boards and support consistent implementation of board process. Ecology might suggest the board receives additional training and demonstrates the ability to carry out the requirements of RCW 90.80.030(2) before the authority is reinstated.

Rationale:

Ecology has the authority to approve or deny the creation of a board based on two criteria stated above. Yet when a board no longer meets those criteria the agency has no ability to revoke its approval. The Island County Water Conservancy Board clearly demonstrated since July 2005 it does not serve the purposes for which it was created. Ecology attempted to work with the county toward an operational board. Subsequently, Ecology petitioned the county to dissolve the board, but the county declined the request. Only two of three positions are filled. Both serving board commissioners are ineligible; one has never received any training since appointed in August 2005. According to one of the board members the Board does not hold meetings.

Board composition

The initial statute passed in 1997 identified the composition of a board as three commissioners appointed by the county for staggered six-year terms. The 2001 Legislative amendments to RCW 90.80 allowed counties to create either five-member or three-member boards. By 2001, however, most boards were already established. Even so, some counties wanted to increase the board to five members. The rule amendment in 2002 created a means for counties to restructure the board.

In 2004 the Legislature again amended the Water Conservancy Board statute to allow counties to appoint up to two alternates to a board. An alternate is appointed for a six-year term and can serve as a replacement for an absent or recused board commissioner. When serving as a replacement for a commissioner, the alternate may vote on decisions before the board, count toward a quorum, and generally is subject to requirements applicable to a commissioner.

The amendments allow flexibility to counties and boards struggling to succeed. For numerous reasons, counties restructured boards to either three or five members and added alternate positions. This flexibility provided a successful means for Mason and Lewis County Boards to continue operating.

Chart 8 below shows counties are taking advantage of this amendment; particularly those counties with three-member boards.

Number of alternates	3-Member Board 2006	3-Member Board 2008	5-Member Board 2006	5-Member Board 2008
0	9	5	5	3
1	3	8	1	2
2	2	1	1	1

Chart 8 – Number of 3 and 5 member boards with alternates – These numbers show a shift toward reliance on alternates.

The statute also requires specific qualifications for board commissioners and alternates to serve on a board.

1. A commissioner or alternate must live in the county or an adjacent county.
2. Counties are required to appoint at least one individual water right holder and one non-water right holder to each board.

These requirements may contribute to the variety of occupational backgrounds of the people serving on the boards. (See chart 9)

Occupational Demographics

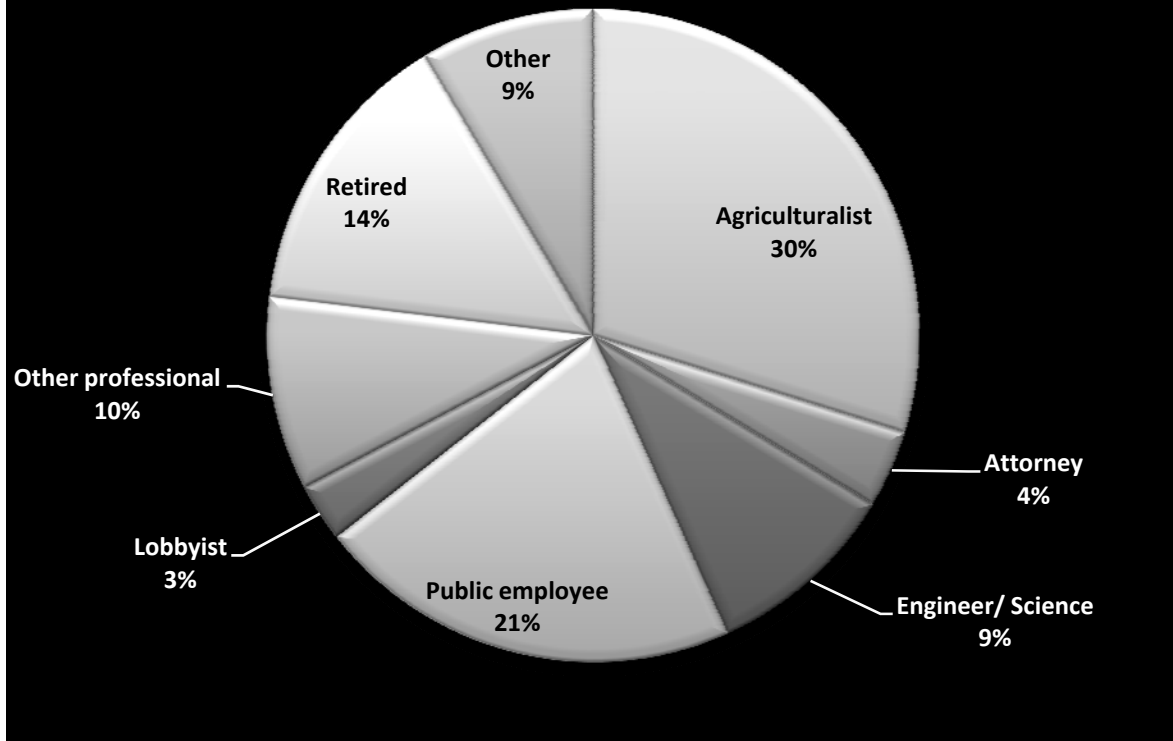


Chart 9 – Occupational demographics – Categories are identified as follows: Engineer/scientist includes engineers, well drillers and hydrogeologists; public employees include public utility district manager and employees, conservation district employees, county commissioner, former state agency director, city, county, state, and federal workers; other professional includes real estate, financial, sales, various others. The “other” category reflects Ecology’s lack of information regarding the occupation of some commissioners. Note: Numbers reflect higher than the current filled positions because some board commissioners are included in more than one category.

Jurisdiction

Originally, RCW 90.80 limited the geographical jurisdiction of a board within a county. Amendments in 2001 allow counties to identify a board’s geographical jurisdiction within a single county, multi-counties, a water resource inventory area (WRIA) or multi-WRIAs. Counties that choose to create a board with a geographical jurisdiction crossing county boundaries must jointly work together to establish the board.

All 20 boards have jurisdiction within a single county. As of the date of this report, Ecology has not received any request to establish or restructure a board to have geographic jurisdiction in more than one county or to establish a board based upon WRIA boundaries.

The following map shows the 20 counties with boards as of December 2008.



This page purposely left blank

Board commissioner turnover

Board commissioners and alternates are appointed to six-year terms. The exception to a six-year term occurs when a board is first created. The initial terms of three-member boards are staggered two, four, and six years; terms of five member boards are staggered two, three, four, five, and six years. At the end of their terms commissioners can be reappointed to the board for a six-year term or may be replaced.

A commissioner or alternate may also resign at any time. When the county appoints a new person to the vacancy, the person must complete the unexpired term. The county may then reappoint the person or appoint another person to a six-year term.

In the last two years, turnover on boards shows a numerical increase from the previous reporting period. There are a variety of reasons for this. The most significant reason relates to a county's ability to appoint alternates to a board. Alternates change the dynamics of position reassignment on a board.

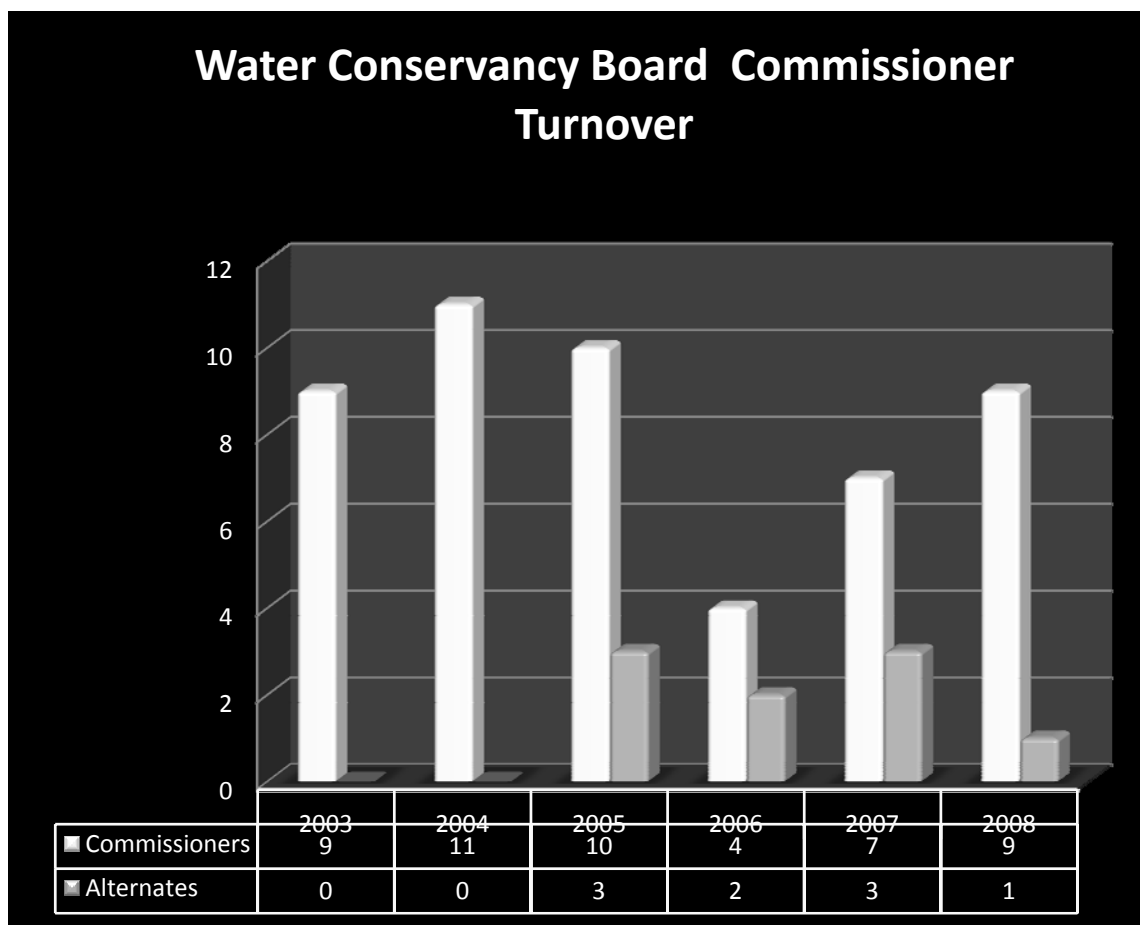


Chart 10 - Water Conservancy Board Commissioner Turnover – Turnover on a board occurred more often as boards became more established. It declined in 2006. One reason may be the board commissioners have become more experienced and comfortable in their roles.

The list below identifies the specific positions and reasons for turnover.

<u>Board Name</u>	<u>Commissioner</u>	<u>Position</u>	<u>Date resigned</u>	<u>Reason for ending service</u>
Chelan Co.	Joel Teeley	commissioner	10/04/07	Reappointed to alternate position.
	Kelee Hampton	alternate	11/09/07	Reappointed to commissioner position
Douglas Co.	Don Popoff	commissioner	10/14/08	Moved from area
Island Co.	Bill Attwater	commissioner	02/25/08	Moved from area
Klickitat Co.	Brooks Heard	commissioner	05/15/07	Other commitments
	Don Smith	alternate	05/15/07	Reappointed to commissioner position
Lewis Co.	Chris Cheney	commissioner	03/18/07	Reappointed to alternate position
	Lee Carlson	commissioner	05/04/07	County restructured board to 3 members
	John Moerke	commissioner	09/03/08	Term expired
Mason Co.	George Campbell	commissioner	01/01/07	Board inoperable
	Reese Hastings	commissioner	03/23/07	Difficulty meeting training requirements
	John Noble	commissioner	02/26/08	County dissolved board
	Drew Noble	commissioner	02/26/08	County dissolved board
	Jim Throckmorton	commissioner	02/26/08	County dissolved board
Mason Co. (New Board)	George Campbell	commissioner	09/25/08	Unexplained
	Boyd Smith	commissioner	09/14/08	Difficulty meeting training requirements
Spokane Co.	Bill Towey	commissioner	05/14/08	Other commitments
	Jerry Neff	commissioner	01/23/08	Moved from area
	Stan Schultz	alternate	03/12/08	Reappointed to commissioner when board restructured
Thurston Co.	Bill Smith	alternate	04/30/07	Health
Whatcom Co.	Doug Campbell	commissioner	07/08/08	County dissolved board
	Ed Henken	commissioner	12/31/07	Term expired

Chart 11 – Board turnover – This list identifies all board commissioners and alternates who resigned since January 2007 through November 2008.

There are a total of 86 commissioner and alternate positions established among the 20 boards. The 86 positions include 72 commissioners and 14 alternates. Twenty-two commissioners and alternates left board service during the past two years. Although this is more than the 20 reported in the 2006 Water Conservancy Board Legislative Report, realistically there was fewer turnovers in the past two years. This is due to the reassignment of alternates to commissioner positions or vice versa. During the current reporting period, 5 of the 22 resigned and then accepted another position on the board.

There were 17 positions permanently vacated due to resignation, dissolution or term expiration. This is how the turnover breaks down:

- Four ended service when the county dissolved the board.
- Three moved from the area.
- Two had difficulty meeting state training requirements.
- Three left when the term expired or the county restructured to a three-member board.
- Two left due to other commitments.
- One resigned due to the board's inability to operate.
- One resigned due to declining health.
- One is unexplained.

There are currently only five commissioner vacancies, four on west side boards: one on the Island and Lewis County Boards and two on the newly established Mason County Board. One east side vacancy is on the Douglas County Board.

It is remarkable to note that the Benton and Walla Walla County Water Conservancy Boards retain the same commissioners originally appointed when the boards were established. The Benton County Board was established in July 1998 and the Walla Walla County Board in October 1999. The original board commissioners continue to serve on each board and all of them have been reappointed to their positions for a second or third term.

Comparison of east side and west side boards

Thirteen of the 15 (87 percent) volunteers who left board service this reporting period are from west side boards. This may relate to the difficulties the inoperable boards experienced in the last two years. East side boards appear to be more stable with very low turnover. Generally, the east side boards are more established and continue to operate in spite of the declining backlog of water right change applications.

Eighty-seven percent turnover among 4 of the 21 boards is significant enough to note in this report. The demographics of the boards indicate a significant difference in the occupations of board members from the west side versus the east side. More commissioners on east side boards are in occupations directly affected by major water use. They are farmers, ranchers, and other major water right users that have an understanding of water use. West side boards consist primarily of lobbyists, attorneys, engineers, water purveyors, and government workers. Few are in a primary occupation that directly relies on water use.

Length of service



Chart 12 – Years of Service of Sitting Board Commissioners - Boards continue to gain a lot of experience processing water right change applications.

continued to serve another term. Those that resigned were either discouraged with the board's direction, moved away, or had health problems. It is to a board's advantage when a person is willing to serve beyond the initial term and the board retains commissioners with substantial experience.

The average service time for a sitting commissioner is nearly five years. The longest serving commissioners are on the Benton County Board. The Benton County Board was one of the first two established board and has had no turnover in the ten years of its existence.

It is important to remember that board commissioners and alternates are volunteers and should be commended for the length of service they provide to their county and to the state.

Role of Consultants

Consultants can be very helpful to an applicant and to a board. The extent to which a consultant can contribute varies from board to board. Some boards require the applicant to investigate the proposed change, write the report of examination, and make recommendations to approve the application. Other boards require the applicant to at least share the workload. As a result, many applicants feel compelled to hire a consultant to help them through the process. Ecology sees the role of the consultant as representing the applicant and may use the terms interchangeably in this section.

The first two boards were established in 1998. In 2008, Ecology acknowledged three board commissioners on the Benton County Board for 10 years of service on their board. Ecology expects to have several more board commissioners recognized for 10 years of service in 2009. Most boards were created between 1999 and 2001. Until 2008, the last two boards were established in 2002.

When a board is first established, board terms are staggered two, three, four, five, and six years. Except for the new Mason County Board established in 2008, all initial staggered terms have ended. Most of the incumbents

Three of the twenty boards conduct all application processing tasks with limited assistance from the applicant. The three boards conduct their own investigation, write the report of examination, and ask for technical assistance from Ecology when needed.

Ecology identifies two types of consultants, each with its own issues.

1. Sitting board commissioners who have their own consulting business and represent water right change applicants before a board. Sometimes the applicant they represent is before the consultant's own board.
2. General consultants hired by an applicant.

Sitting board commissioners as consultants

The practice of sitting board commissioners representing applicants to boards appears to be common among some boards. Chelan, Benton, Douglas, Stevens, and Yakima boards have commissioners who are consultants for applicants either before their own board or before another board. Usually a commissioner will recuse him or herself when acting as the consultant for an applicant.

Sometimes recusal is not enough to ensure that the board is able to make an objective decision. Generally, an applicant's consultant writes the reports of examination. In the interest of the client, the report is written with a favorable recommendation. Once the report is submitted for review to the consultant's fellow board commissioners, the board members sometimes feel pressured to accept the decision as written. This has been reported by board commissioners directly to the Ecology water conservancy board coordinator (coordinator) by at least two boards. They express frustration that the role of board commissioners is diminished when a fellow board member comes before them. They feel compelled to approve the application based on the consultant's documentation. One board has an ex-board member that comes before them frequently and the frustration remains the same.

Concern also arises when board commissioners who act as consultants appear to seek out clients through their activities on the board or assist each other in their role as consultant. Ecology's concern lies in a potential for conflict of interest when board members who act as consultants return the favor for a commissioner of another board who is also a consultant. A common term for this is "log rolling." There is an appearance that the consultant may enhance his or her business through the activities of the board and association with other consultants and commissioners. If log rolling occurs, board approval under conditions favorable to the applicant without full examination of the consequences appear guaranteed.

One board commissioner was hired by a neighboring board as the board's attorney. The board attempted to direct Ecology to work only through him and not contact the board directly. Ecology interpreted this action as inconsistent with the statute and continued its communication with the board.

Problem statement:

Boards have three conflict of interest standards to meet under RCW 90.80.120. The statute provides no guidance on ethical standards as it does for other local governments. Ecology is concerned about the issue described as “log rolling” above. On occasion, board commissioners and alternates serving on a board serve as consultant to applicants before their own board or other boards. The board member recuses him or herself but several have been observed by Ecology staff or admitted directly to remaining in the meeting to discuss the application. One board meeting, the attendees could not determine whether a board commissioner was acting as a board member or the applicant’s representative. Ecology’s coordinator asked him to clarify his role and privately discussed with him situations when he might need to recuse himself from the board. Some board commissioners have privately expressed concern about pressure from a board member serving as a consultant to approve the application.

In addition, board commissioners and alternates have access to a lot of information that other consultants do not. Ecology trains the boards, not consultants, on processing water right change applications. Ecology keeps boards informed of current water right issues. This puts independent consultants at a disadvantage. Ecology frequently receives requests from consultants to attend training or for Ecology to provide training for them. However, resource limitations do not allow for this. Therefore consultants request more individual time with Ecology to seek out information that is otherwise provided to boards. This increases Ecology’s board workload.

Suggested statutory amendment:

Ecology recommends amending RCW 90.80 to provide ethical standards for board commissioners and alternates.

1. RCW 90.80.010 – Define “applicant” to include any persons serving as an agent, contractor, legal counsel, or otherwise representing the individual or entity applying to a board for a water right change.
2. In a new section or within RCW 90.80.120, identify commissioner activities incompatible with public duties such as:
 - a. No water conservancy board commissioner or alternate may have an interest, financial or otherwise, direct or indirect, or engage in a business or transaction or professional activity, or incur an obligation of any nature, that is in conflict with the proper discharge of the commissioner’s or alternate’s official duties. This includes, but is not limited to, providing consulting or legal services to applicants before his/her own water conservancy board or any other water conservancy board.
 - b. No water conservancy board commissioner or alternate actively serving on a board may use information gained because of the commissioner’s or alternate’s position, for personal or professional gain or benefit.

Rationale:

A Court of Appeals case called *Hayden v. Pt. Townsend*, 28 Wn. App 192 (1981) provides some rationale for this request. Ecology's coordinator received guidance on behalf of the boards from an attorney with the Municipal Research Services Center in January 2006. The attorney identified himself as having served as counsel for this case. The case involved person A as a member of a quasi-judicial body (such as planning commissioner or county commissioner). Person A appeared as an applicant before the commission after recusing himself from his position on the commission. The court found that the member of the commission should not be before the same body advocating on behalf of the applicant (himself). The attorney strongly advised against this practice among boards. Ecology agrees with this guidance and has provided this guidance to the boards.

General consultants

Some boards require the applicant to perform most or all of the investigation. This compels an applicant to hire a consultant. In the interest of the client, consultants generally suggest working through a board to take advantage of an expedited administrative process. This is understandable.

However, sometimes the consultant aggressively pursues a final decision with inadequate information by firmly insisting the board and subsequently Ecology make an expedited decision. The applicant appeals to the PCHB. Once appealed the applicant then provides all the data requested previously by the board and Ecology. Ecology agrees to settle the appeal and must now go back and modify the board's decision based on information that should have been available during the board's application process. This is accomplished, as witnessed by Ecology staff, AG's office and expressed by board members, as follows:

1. Sometimes a consultant drafts the report of examination for Ecology's review before an application is submitted to a board. The consultant may ask to meet with Ecology to discuss it prior to filing the application.
2. The consultant will present the report of examination with the application to the board. The field exam, public notice and other typical change application processes sometimes become a nonessential requirement of the process. The consultant, generally a self-described water right expert, will insist their documentation is correct and sometimes take offense when a board questions the documented findings.
3. The board may request additional information but the applicant refuses to provide.
4. The board approves the decision as written; sometimes admitting to Ecology they know it is incomplete or incorrect.
5. Ecology receives a poorly documented report lacking information. They request the board to withdraw the record of decision and report of examination to complete the record and provide required documentation. Withdrawal is solely a board decision.
6. Because the withdrawal process takes more time, the consultant will insist the decision is sound and seek a reversal or extended modification from Ecology. They encourage the board not to withdraw.

7. Ecology reverses or modifies the decision based upon the incomplete record.
8. They then appeal Ecology's decision to the PCHB. The appeal is generally not on substantive water law interpretation but on process.
9. The consultant then provides the necessary information previously requested by the board and Ecology during their reviews.
10. Ecology and the applicant settle, thereby getting a quick answer with minimal review.

Some board members admit it takes a tremendous burden off of them to let the applicant work directly with Ecology. All the board does is sign the documents and forward them for review. Other board members report frustration that the board's responsibilities are diminished by the consultant's role. They express irrelevancy of the board when a consultant drives the board process and works directly with Ecology. At least one board member has resigned for this reason. Others have verbally expressed their opposition to the practice.

Some boards admit that as volunteers it is sometimes difficult to challenge an opinion of consultants who appear to be experts in water rights. Some board commissioners admit to inhibitions with an assertive consultant. Consultants include former board commissioners, attorneys, hydrogeologists, former Ecology employees, and other self-asserted experts. On some boards, commissioners find it easier to defer to the consultant. Commissioners who have less ownership in the board process also appear less committed to a thorough evaluation than those who have a more direct role. RCW 90.80.100 provides protection to the board for liability arising out of their decision, there is little risk to approving an inadequate decision.

Ecology has worked diligently in the past three years to work more directly with the boards. Ecology also understands that the applicant/consultant chooses to apply with either the board or Ecology. When the applicant chooses to work through a board, Ecology understands the role of boards to receive technical assistance and work directly with the consultants. Ecology does not tell boards how to operate but supports their need to independently conduct board business.

The use of consultants seems to increase appeals of Ecology's orders on some board decisions in order to obtain a quicker final decision. Ecology appreciates appeals on water right issues that can clarify substantive legal and policy concerns. However, this pathway encourages appeals based on expediting the water right process. It avoids the in-depth analysis, such as, hydrogeologic, extent and validity, or hydraulic continuity, required to make an informed decision based on a comprehensive investigation of the water right. It is inconsistent with RCW 90.80.005 (3) which states: "*The state should expedite the administrative process for water right transfers by authorizing the establishment of water conservancy boards.*" (Emphasis added.) Avoiding the administrative process and the "two lines" language of RCW 90.03.380 gets the applicant directly to the quasi-judicial process for an expedited decision. This has been inefficient, time consuming, and expensive for the state.

Furthermore, concern lies with the potential to jeopardize future water right change records with poor documentation. If a subsequent change application is filed on the same water right later on, the record may not provide the necessary information required for the next review.

In the last two years, Ecology amended the report of examination and the record of decision forms. With numerous consultants writing the reports of examination, Ecology sought more accountability from the boards and authors of the reports of examination. Some boards sign the report of examination written by a consultant with little or no review. Board members then have difficulty responding to Ecology's questions during its 45-day review period because the board is unfamiliar with the document. The cycle begins to repeat itself with the consultant insisting on a meeting with Ecology during its review period. The revised forms encourage boards to read and understand what is in a report of examination before they sign it.

Problem statement:

Some consultants avoid the administrative process in RCW 90.80 to get an expedited answer through the PCHB. Ecology management may need to consider not settling the appeals in this situation in order to get the applicants and consultants to provide the needed information up front. In Ecology's Central Regional Office, one consultant was so determined to meet with Ecology during its review period, the consultant wrote, "I plan to be available in the lobby at Ecology during the 3 pm meeting time and will continue seeking permission to attend the meeting or parts of the meeting. I'm afraid I continue to remain at a disadvantage concerning any other questions Ecology might have, because of their position taken so far--that they will not allow me to attend a meeting with them while they review a Board decision." In fairness to the applicant and future water right holders, in deference and respect to the independent status of boards, and the administrative water right change process provided in RCW 90.03.380, 90.03.390, and 90.44.100, Ecology encourages amendments to RCW 90.80.

Ecology is also concerned about poorly documented water right changes in the record. Future water right holders desiring to transfer their water right may have more difficulty to fill in the gaps left by the historical record.

Suggested statutory amendment:

Ecology recommends amending RCW 90.80 to clarify the responsibilities of the applicant, the board and Ecology when electing to file with a board.

1. RCW 90.80.070 – Clarify that when an applicant elects to file with a board they have chosen to follow the statutory administrative process required of boards. The applicant should direct questions and work through the board to receive assistance on the application. The board will work with Ecology to get needed technical assistance as required in RCW 90.80.055(1)(d).
2. Adopt language from WAC 173-153-015 to clarify that Ecology will not act on an application filed with a board unless the board notifies Ecology in writing that it has declined to process the application. However, Ecology will provide technical assistance to the board as required in RCW 90.80.055(1)(d). If the board declines to process the application, the applicant may file a written request that Ecology process the application. Ecology will process the application once all required state fees are paid.

3. RCW 90.80.010 – Add language to define the report of examination as the written explanation, factual findings, and analysis that supports a board’s record of decision. Also note that the report of examination is integral to the record of decision.

Rationale:

Boards are authorized by the Legislature for several reasons identified in RCW 90.80.005. One stated reason was to “expedite the administrative process for water right transfers ...” It is important to clarify there is a difference in expediting the administrative process and expediting a decision. By experience through various court cases, Ecology understands the need to have a well documented file. Expediting a decision does not benefit the water user or the integrity of the board process. While consultants serve an important role for applicants, they have become a major player within the administrative process. Ecology trains the boards to conduct the process and has no funding available work with the applicants at the same time. Ecology has interpreted RCW 90.80 within its rule and guidance to identify its role as threefold:

- Training boards. [RCW 90.80.040; WAC 173-153-050]
- Providing technical assistance to the boards when requested. [RCW 90.80.055(1)(d)]
- Reviewing the records of decision and report of examination based on state water law. [RCW 90.80.080]

As more and more consultants work with applicants to the boards, staff time becomes more divided between boards’ needs and the applicant’s needs. Ecology is not staffed to meet with the increasing numbers of applicants and their representatives on a regular basis.

Training

Training for new commissioners and alternates

Before a board commissioner or alternate can take action on a water right transfer application, the commissioner must receive 32 hours of training conducted by Ecology. The training includes

- Hydrology.
- State water law and policy.
- Administrative and judicial case law.
- Field practices.
- Evaluation of existing water rights.
- Practical experience working on water right change applications.

Ecology offers additional resources on topics such as SEPA, tribal issues, the Open Public Meetings Act, and the Public Records Act. The water administrator for the Colville Confederated Tribes usually presents tribal issues and concerns.

Between 1999 and 2002, Ecology held three to five trainings for new commissioners annually. As the creation of new boards declined, the need for training new commissioners averaged only twice annually since

November 2002. Generally, Ecology offers this training in the spring and in the fall. The schedule is subject to change depending on the number who need training and the availability of qualified staff trainers. The training is held in various areas of the state determined by the location of the confirmed attendees.

From November 2006 through October 2008, Ecology offered four training sessions for new board commissioners and alternates:

- January 22-25, 2007 – Colfax
- May 15-18, 2007 - Yakima
- March 4-7, 2008 – Lacey
- October 21-24, 2008 – Spokane

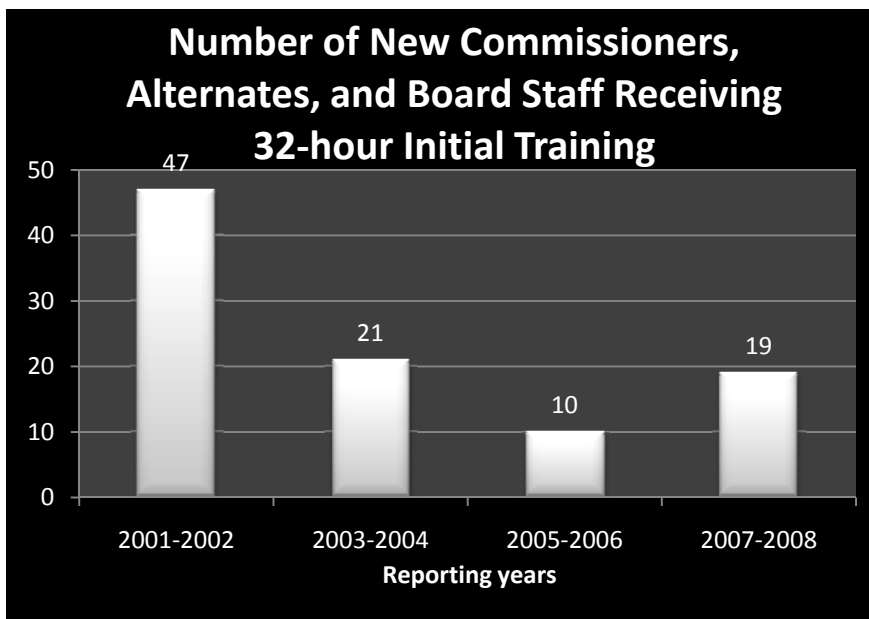


Chart 13 – Number of new commissioners, alternates, and board staff receiving 32-hour Initial Training – The chart shows the dramatic changes in the number of new commissioners trained.

During this two-year reporting period, Ecology trained a total of 19 new board commissioners and alternates. (See chart #13)

Continuing education

The Water Conservancy Board rule requires commissioners and alternates to participate in a minimum of eight hours of continuing education each year. The commissioners have flexibility in the training they receive; however, Ecology must either sponsor or approve the training for them to receive credit. The training may include readings, seminars, conferences, field experiences, or classes covering subjects that directly relate to their work on the board. Commissioners are encouraged to report any relevant training received beyond the minimum requirements.

Ecology sponsors periodic continuing education training for board commissioners. In the past two years, five continuing education trainings have been offered. Every training session is open to all commissioners, alternate commissioners, and board staff. Board commissioners and alternates are invited to propose training topics and set the agenda.

Ecology experimented with format and location this reporting period. In January 2007, two east side sessions were offered, one in the Southeast and the other in the Northeast. This change blended the Eastern Regional board members and Central Regional board members. In 2008, Ecology offered the training via video-conferencing. The board commissioners and alternates could participate from any of the four regional offices. This received some mixed reviews. Most felt it was more useful to meet in person.

- January 3, 2007 – An 8-hour regional continuing education training was held at the Ecology field office in Richland. County commissioners were invited and the boards were asked to set the agenda. The following topics were discussed:
 - Columbia River Water Management Program.
 - Permit exemption – AGO.
 - Board eligibility.
 - Ecology’s authority to review board decisions – AGO.
 - Review of WAC 173-153.
 - Case study of a water right change application.
 - Trust water.
 - What is a “development project?”
 - What is the application of the policy and court case of allowing only one permit exempt well per project?

- January 5, 2007 – An 8-hour regional board training was held in Wenatchee at the Department of Transportation. The boards were asked to set the agenda and the following topics were discussed:
 - The Municipal Water Law.
 - Columbia River Water Management Program.
 - Permit exemption – AGO.
 - Board eligibility.
 - Ecology’s authority to review board decisions – AGO.
 - Review of WAC 173-153.
 - Case study of a water right change application.
 - Fixed and determined plans.
 - Ground water claims.
 - Ecology’s use of the 30-day extension upon record of decision review.

- April 26, 2007 – An 8-hour regional board training was held at Ecology Headquarters Office in Lacey. The boards were asked to set the agenda and the following topics were discussed:
 - Municipal Water Law implementation.
 - Interruptible water rights.
 - Board eligibility.
 - Ecology’s authority to review board decisions – AGO.
 - Review of WAC 173-153.
 - Consultants.
 - Report writing vs. reports of examination.
 - New provisions.
 - Case study of a water right change application.
 - Permit exemption – AGO .
 - Family Farm Act.
 - Ecology’s use of the 30-day extension upon record of decision review.
 - Difference between consumptive and non-consumptive water.
 - What is non-consumptive water used for?

- February 20, 2008 – An 8-hour statewide training meeting was held at each regional office and headquarters via video conferencing.
 - Alteration of Ecology’s change application form.
 - Review of application before acceptance – example?
 - Who must sign an application when multiple landowners are involved?
 - How do boards address an amended application? New priority date?
 - Interactive Ecology forms on the Internet.
 - New record of decision and reports of exam forms.
 - Editorializing the reports of examination and modifications – changing grammar and language for no particular reason.
 - Washington State Irrigation Guide.
 - Columbia River Program.
 - Municipal water law.
 - Kittitas County – permit exemption issues.
 - How groundwater/surface water connectivity affects instream flow.
 - Transferring a water right documented by a claim vs. certificate.
 - Case law.
 - Family farm.
 - Annual consumptive quantity.
 - Public interest test.

- April 30, 2008 – An 8-hour regional training was held at Ecology’s Eastern Regional Office in Spokane. The purpose of this training was to discuss:
 - Application acceptance – What to look for? When is it complete?
 - Review past decisions.
 - Case Sample – The Hawkins Decisions.
 - Municipal discuss –Claims vs. Certificates – What is the difference between them?
 - New report of examination and record of decision forms, alteration of the change application form.
 - Legislative outcomes and changes.
 - Conversion of irrigation water supply to domestic supply on the Columbia, Okanogan and Methow rivers.
 - Mitigation of impacts to natural resources or existing rights.

Another education tool

The *WCB Communicator* is a newsletter to inform boards, counties, and Ecology staff about current board operations and processes. The newsletter provides a significant amount of information in one document that would otherwise be emailed separately as information developed.

Ecology has continued to publish the document to assist boards and counties with general information about water conservancy boards. The newsletter includes news of upcoming trainings, short biographies of selected board commissioners, turnover of commissioners, process reminders, explanations of Ecology’s interpretation of various laws and regulations, and statute, rule, and policy updates. Topics are based on discussions with staff, boards, and counties relating questions or concerns that have recently surfaced.

Technical Assistance to Boards

Upon request by a board, Ecology must provide technical assistance. Ecology recognizes a board’s need for guidance but also seeks to honor board autonomy. Staff meet frequently with most boards through one-on-one meetings, at board meetings, phone calls, and written communication.

Each Ecology regional office assigns a staff person to provide assistance to boards. The regional representative provides guidance regarding technical and procedural issues related to water right transfer application processing. A board is encouraged to ask for assistance as it reviews and investigates an application, develops its draft record of decision, and any other time during the board’s application process.

Ecology's statewide coordinator is available to all boards to coordinate, facilitate, and provide ongoing training, and provide technical assistance regarding board processes. The coordinator periodically attends board meetings to learn firsthand about board concerns.

Ecology Staff Guidance

Ecology developed internal guidance for employees that work directly with boards. The original guidance document dated September 1, 2004, was revised in 2006 and endorsed by the Water Resources Program management team. The document is available online at http://www.ecy.wa.gov/programs/wr/conservancy_boards/pdf/staff_guidance_final10312006.pdf.

The document ensures statewide consistency as staff assists boards with technical issues. Ecology recognizes staff expertise lies in the technical understanding and implementation of water law. Ecology staff does not possess expertise in local government operational laws and generally does not assist with internal board operations.

Board Activities

Getting established

Once a county creates a board, it generally takes some time to make operational decisions. A board must:

- Adopt or amend bylaws.
- Decide meeting times.
- Locate meeting facilities.
- Establish a board address and contact information.
- Adopt fees.
- Determine if it requires administrative support and office space.
- Decide how it will manage its funds.
- Choose how it will communicate with various entities and the public.

Most board bylaws are out of date and do not reflect the board operations. Many bylaws fail to reflect amendments to RCW 90.80 or are only general in nature, not addressing the unique operating needs of a particular board.

Board commissioners are volunteers and serve without compensation. Many commissioners bring resources with them that they provide for the board's use. Such resources may include office space, computers and software, a board address, and professional contacts such as an attorney that may donate time to the board. These resources are usually lost when the board commissioner who provides them resigns.

Board contributions

Boards created in 1991 through 2001 seem to be more established in their community. In 2001, legislative amendments greatly impacted the boards' work. The new law allowed water right change applications and applications for permit to stand in different lines. It also provided funding for Ecology to focus on reducing the backlog of change applications. Change applications processed by boards slowed slightly as Ecology worked hard to meet legislative mandates. Since 2001, the work of boards and Ecology has reduced the statewide backlog of water right change decisions.

On the other hand, the number of applications processed is not always the sign of a successful board. Some boards process very few water right change applications but remain current on training and provide a valuable local resource to the local community. Other boards process many water right change applications but lack interest or ability to maintain the educational requirements.

The successful board seems to take initiative to connect with the local community and remain up-to-date on current issues. Others seem to be waiting for the applications to come to them. Without an application, they see no other reason to stay informed.

Board meetings

Boards generally meet once a month. In order to be more productive two boards have opted to meet three or four times a month.

All board meetings are open to the public, as required under the Open Public Meetings Act. The public is encouraged to contact the individual board to confirm meeting times prior to attending. Times may vary or be changed based on the needs of the sitting board commissioners. A list of board contacts for each board is included in Appendix A.

Water right transfer exchange

RCW 90.80.055(1)(c) allows boards to establish an exchange for water right transfer information. The exchange lets water right owners list all or part of a water right for sale or lease. The board may also accept and post notices in the exchange from persons interested in acquiring or leasing water rights. Two counties, Adams and Benton, currently maintain a water right transfer information exchange.

Contacting boards

The rule requires each board to provide Ecology a primary contact name, address, phone number, and, if available, an email address. The board must inform Ecology's water conservancy board coordinator of any changes as they occur. Ecology maintains the primary contact list on their website at http://www.ecy.wa.gov/programs/wr/conservancy_boards/pdf/pcf_08052008.pdf. A copy of the current list is included in Appendix A.

Support staff

Some boards have hired staff to assist them. Other boards have contracted with the local conservation district office or with a private contractor to provide support. The assistance includes administrative help, such as fee collection, responding to public records requests, and copying and mailing services. Some board staff coordinate all administrative activities of the board, including providing the board with an address, acting as the primary contact for the board, or for legal services.

Some boards have ongoing grants from their county to obtain the help they need. Boards with limited resources and administrative support have expressed frustration with the obstacles they face in terms of time commitment and resources.

Differences between boards and Ecology operations

Although both boards and Ecology process water right transfer applications, it is important to remember that the board process may differ from Ecology's process. The table below offers some comparisons:

Boards	Ecology
1. May accept or decline to process an application submitted to the board.	1. Must process all applications submitted to the department.
2. Boards make records of decision that are reviewed by Ecology.	2. Ecology issues administrative orders based on board decisions appealable to the PCHB.
3. All decisions by boards must be made at an open public meeting.	3. Ecology does not make water right decisions at open public meetings.
4. Board commissioners are volunteers.	4. Ecology staff is assigned to investigate application proposals as part of their work.
5. Boards must generate their own funds in order to obtain the equipment and support needed to process water right transfer applications.	5. Ecology staff is provided the tools and support needed to process water right transfer applications.
6. The board statute says the boards must publish the public notice.	6. Ecology prepares the public notice but has the applicant publish it as required by statute.
7. Board fees for processing water right change applications are set by boards.	7. Ecology fees for processing water right change applications are set by statute.
8. Boards assign a number to the water right change application that is unique to each board.	8. Ecology assigns a unique regional number to the water right change application compatible with Ecology's water right database (WRTS).
9. All final board decisions are posted on the Internet as required in law.	9. Ecology's draft decisions are posted on the Internet as established through policy.

Chart 14 – Comparison of Board and Ecology Operations – Boards and Ecology each operate as required by statute. Boards are required to process and make decisions on water right change applications with more direct public involvement than Ecology. That involvement includes operating under the Open Public Meetings Act.

Litigation

During the last two years there have been no lawsuits filed against any individual board. Most boards are experienced and understand the operational laws.

Also, in the past, some boards filed lawsuits against Ecology or participated in appeals on Ecology's orders. This current reporting period is the first time a board has not participated in a lawsuit against Ecology.

Local resource to the community

Many board commissioners and alternates provide services to the local citizens of the community. Some commissioners make themselves available for presentations or to answer questions from local water users. Examples are the Ferry and Stevens County Water Conservancy Boards. Board members give presentations to local watershed or county groups. The boards sometimes seeks assistance from Ecology to help with this outreach.

Ecology asked the boards to provide the number of water right-related contacts the board or a board commissioner received that did not result in an application accepted by the board. This was in order to evaluate the board's activity beyond accepting and processing a water right change application. Boards reported over 500 contacts among the 21 boards.

Some of these contacts include people who learn that changing their water right is not viable by conferring with the board. In other cases, local water users may be uncomfortable approaching Ecology to ask about their water right but trust their local board. This could be because the board has no regulatory authority or simply because the board commissioners are local community members.

Some of these contacts presented an application that the board declined to accept for processing. Many boards have enough experience to recognize a change proposal that may result in denial. One reason that boards issue few denials of water right change applications may be because they have the authority to decline processing an application they determine not to be feasible. Therefore, it is important to note that while the data shows few denials by a board there appears to be a strong reason why.

Water right change applications processed

For the purposes of this report, the data for this section generally covers the period of November 1, 2006 through October 31, 2008. A summary of the applications for water right changes processed by the boards during this period is found in Appendix E. The data in this matrix reflect the information reported by boards. Copies of the reports submitted by the boards are found in Appendix F.

The board data has not been reconciled with Ecology's water right database. The reason is twofold:

- Boards report their activities from November through October each year. The rule requires the boards to submit their data by October 31 so Ecology has time to complete the report to the Legislature by the December 31 deadline required in RCW 90.80.150. Ecology’s data is tracked quarterly throughout a calendar year. The difference in deadlines makes reconciling the boards’ data with Ecology’s data difficult.
- Sometimes Ecology may not have the same information as a board if the board activities cross with regulatory deadlines. For instance, board records may show a record of decision was made but they have 15 business days to forward that information to Ecology and other parties.

The number of applications processed by any one board varies extensively. The backlog of water right change applications is not distributed evenly statewide. Some counties, regional areas, or water resources inventory areas (WRIAs) contain more demand than others. Requests for board processing may also depend on what area of the state Ecology is currently working on change applications. As a result, there are some areas where there is a higher likelihood of an applicant requesting a board, where available, to process his or her application.

During the last two-year period, boards have accepted 210 water right change applications to process. The boards have issued 152 records of decision, approving all applications. It is important to note that while the data shows no denials by a board, it is believed they are refusing to process change applications that do not appear viable. Chart 17 provides a summary of all water right change applications processed by each board during this period.

Chart 15 shows the number of applications accepted by boards (input) and records of decisions made by boards (output) beginning November 1, 2000 through October 31, 2008.

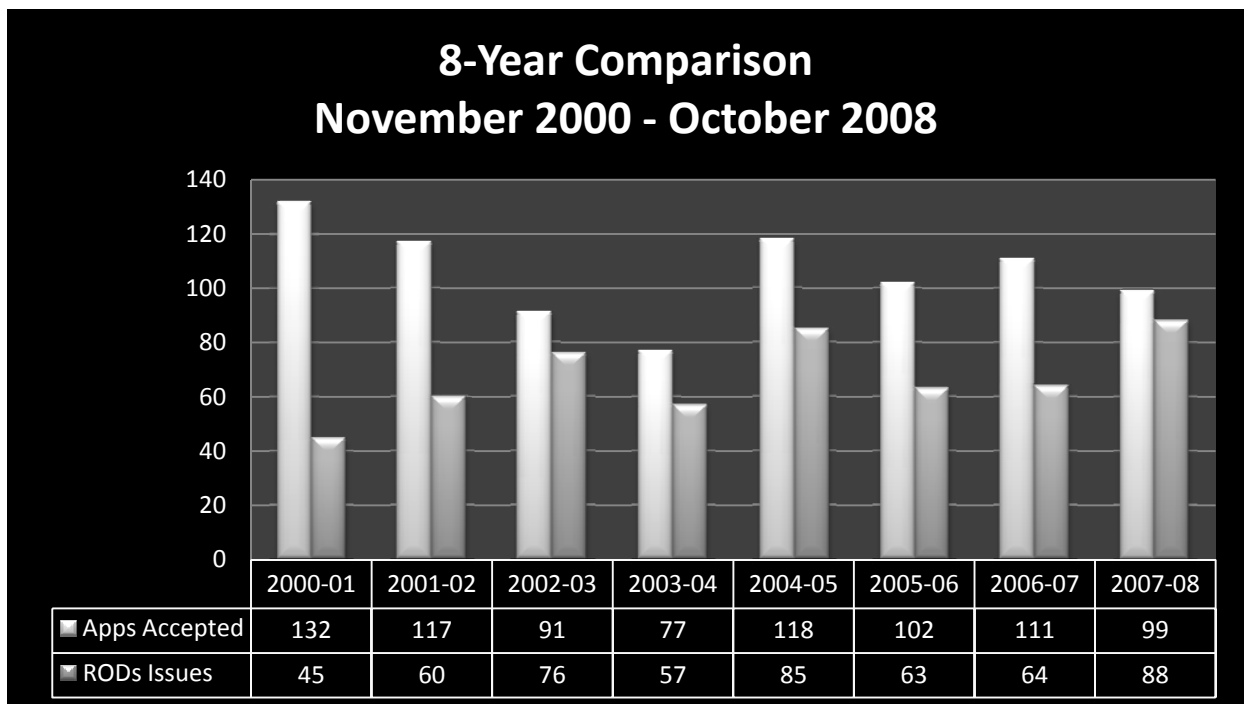


Chart 15- 8-year Comparison of Accepted Applications – November 2000 – October 2008 - Although the number of applications steadily declined the first four years, the boards have become established and continue to process water right changes although the backlog has substantially been reduced. The 2007 data omits the Franklin Board and the 2008 data omits the Yakima Board. Reports for these boards were either late or not received.

The data shows a decline in the number of applications filed with boards during the first four years. Once Ecology and the boards reduced the backlog of change applications, applicants seemed to go back to the boards. The boards show a stable workflow in the last four years with a slight decline during the last year. As chart 15 indicates, the output increased as new boards became established. Their output seems to fluctuate the last four years but they remain busy.

Currently, applicants in areas where Ecology is not currently working may be opting to apply directly to a board for quicker turnaround. It is important to remember that it is the applicant's decision whether to file an application with a board or with Ecology.

Five of the 21 boards did not accept any applications during this two-year reporting period, November 2006 through October 2008.

It is clear that the number of applications accepted by boards continues to outnumber the number of decisions issued. Collectively the boards also reported:

- 43 of the 210 applications submitted to boards for processing were subsequently withdrawn by the applicant, resulting in no decision by the board. These 43 withdrawals are included in the 210 applications accepted by boards.
- 50 proposed transfers related to surface water,
- 136 proposed transfers related to ground water,
- 24 proposed transfers related to surface to ground or ground to surface water transfers.
- Boards declined to work on 8 applications after accepting them for processing.
- 140 water right changes were documented by state-issued certificates
- 41 water right changes were documented by water right claims,
- 27 water right changes were documented by other documents such as court claims (Yakima adjudication, permits, etc.).

Of 210 water right change applications accepted for processing by boards, 15 were originally filed with Ecology and then conveyed to the board and 195 were filed directly with the board. (See chart #16) More water users apply directly to the board instead of filing with Ecology first. One incentive is the applicant no longer pays the state filing fee when applying with a board. It also appears that the boards are processing a greater number of applications that would otherwise be added to Ecology's pending applications, helping Ecology continue to reduce the backlog.

Applications conveyed from Ecology vs. filed directly with the Board

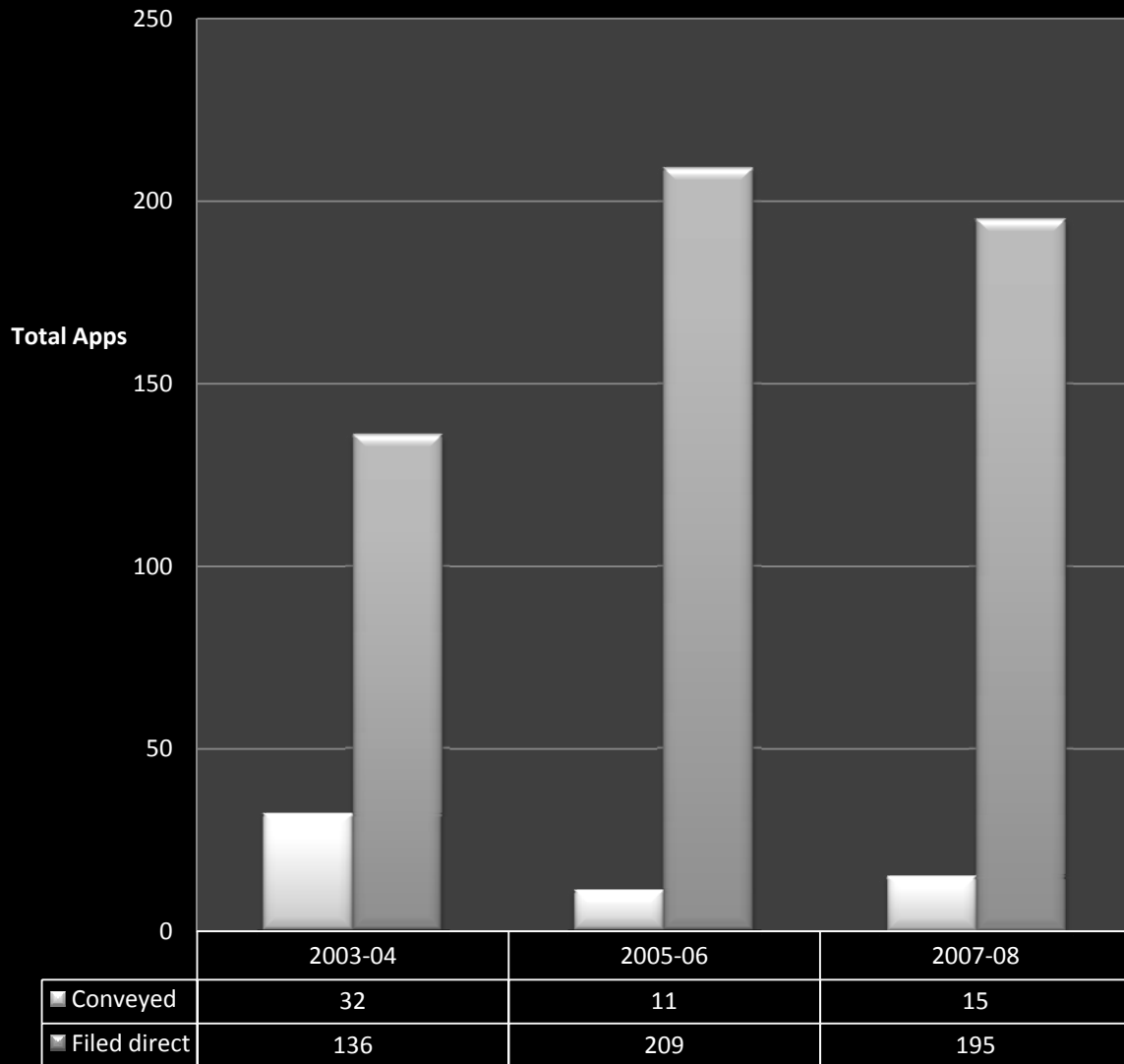


Chart 16 – Applications conveyed from Ecology vs. Filed Directly with Boards – The number of applications filed directly with boards remains steady.

Summary of Water Right Change Application Processing – Based on Board Records
November 1, 2006 – October 31, 2008

Board	Total apps accepted by Boards	Records of Decision				
		Approved/ Partially Approved	Denied	Returned w/o action	Withdrawn by applicant	Appealed
Adams Established 10/12/99	0	0	0	0	0	0
Benton Established 07/10/98	34	38	0	0	11	0
Chelan Established 11/23/99	21	34	0	0	11	0
Douglas Established 03/30/00	15	7	0	1	1	3
Ferry Established 05/19/00	0	0	0	0	0	0
Franklin Established 06/09/99	4	0	0	0	1	0
Grant Established 09/14/99	17	11	0	0	2	0
Island Established 08/06/01	0	0	0	0	0	0
Kittitas Established 10/16/00	15	19	0	0	5	0
Klickitat Established 07/01/99	6	6	0	0	1	0
Lewis Established 07/10/98	3	0	0	0	0	0
Lincoln Established 11/23/99	7	3	0	0	1	0
Mason Established 09/04/02 Dissolved 02/26/08 Reestablished 05/20/08	0	0	0	0	0	0
Okanogan Established 05/12/00	18	8	0	0	4	0
Spokane Established 05/05/00	2	1	0	1	0	0
Stevens Established 01/25/02	1	2	0	0	0	0
Thurston Established 11/17/99	22	11	0	0	0	5
Walla Walla Established 10/05/99	17	8	0	0	2	0
Whatcom Established 12/07/99 Dissolved 07/8/2008	0	0	0	0	0	0
Whitman Established 07/26/00	4	4	0	0	0	4
Yakima Established 07/12/99	24	0	0	0	4	0
Totals	210	152	0	2	43	12

Chart 17 – Summary of water right transfer application processing - As reported by the water conservancy boards

Records of decision reviewed

Ecology must review all records of decision made by boards. RCW 90.80.080(4) requires Ecology to complete its review within 45 days of receipt. The 45 days may be extended for an additional 30 days if needed. Ecology issues an administrative order to affirm, reverse, or modify the board's decision. This order is appealable to the PCHB.

At times, Ecology will find "repairable" errors and request the board to withdraw the record of decision. This process was established in rule to protect a reasonable application from being denied due to minor errors. If the board votes to withdraw a record of decision, the board corrects identified problems and resubmits the decision to Ecology. Ecology's 45-day review clock starts over.

Chart 18 below provides the number of administrative orders issued to affirm, modify or reverse records of decisions during the current reporting period. The second column titled "ROD withdrawn" shows the number of decisions withdrawn by boards from Ecology's review. Most withdrawn decisions are resubmitted later for final review.

Ecology tracks the number of records of decision it reviews. During the two-year period beginning November 1, 2006 and ending October 31, 2008, statewide Ecology reviewed and issued administrative orders on 180 decisions by the boards. Central Region processed 86 decisions, Eastern Region 83, and Southwest Region 11.

A significance between the numbers in the Central and Eastern Regions is the number of times a board withdrew its record of decision from Ecology's review. Statewide boards withdrew their decisions from Ecology's review 50 times. Forty-three of the withdrawals were done by boards in the Central Region and 7 by boards in Eastern Region.

Summary of Ecology's Record of Decision Review November 1, 2006 – October 31, 2008

Central Region

Board name	ROD Withdrawn	ROD Affirmed	ROD Modified	ROD Reversed
Benton	11	1	29	0
Chelan	17	2	11	2
Douglas	2	0	3	3
Kittitas	0	2	14	3
Klickitat	5	0	1	0
Okanogan	6	0	8	0
Yakima	2	0	5	2
Region Total	43	5	71	10

Eastern Region

Board name	ROD Withdrawn	ROD Affirmed	ROD Modified	ROD Reversed
Adams	0	0	0	0
Ferry	0	0	0	0
Franklin	1	0	1	0
Grant	6	2	44	1
Lincoln	0	0	2	0
Spokane	0	0	3	0
Stevens	0	0	5	0
Walla Walla	0	3	16	0
Whitman	0	2	3	1
Regional Total	7	7	74	2

Southwest Region

Board name	ROD Withdrawn	ROD Affirmed	ROD Modified	ROD Reversed
Lewis	0	0	1	0
Mason	0	0	0	0
Thurston	0	1	8	1
Regional Total	0	1	9	1

Chart 18 – Summary of records of decision reviewed by Ecology as recorded in Ecology’s Water Right Tracking System Database.

Public hearings

Boards generally hold open public meetings. However one instance RCW 90.80.070(2) requires boards hold a public hearing. The statute appears to require boards to hold a public hearing when the water right transfer crosses geographic jurisdiction. Boards understand the importance of public notification. However, boards and Ecology are unclear about this section.

1. The statute implies one hearing is held. Which county?
2. If it is crossing numerous counties, such as a transfer from Okanogan to Benton on the Columbia River, do the boards need to hold a hearing in each county?
3. Was the language intended to address boards with geographic jurisdiction within a water resources inventory area (WRIA) or within a county?
4. If a board is processing from one WRIA into another WRIA all within the same county, is a public hearing required?

Ecology trains the boards to provide as much public notice as possible.

Problem statement:

If public notice is insufficient during the application process, the risk is higher for the water user to encounter lawsuits later on. As concern for downstream transfers from one county to another grows, increased communication and notice is critical to the counties, cities, and other water users. RCW 90.80.070(2) implies one hearing is held within a county whether it crosses county or WRIA lines. Boards request technical assistance on this question frequently. There needs to be clarity whether a hearing must be held when a transfer crosses a WRIA line within the board's geographic jurisdiction or if this section of statute refers to a board with geographic jurisdiction within a WRIA.

Suggested statutory amendments:

- Amend RCW 90.80 to clarify the number of public hearings required. At a minimum Ecology suggests a hearing in the county where the water right currently exists and the county where the water right is proposed to move.
- Clarify whether hearings must be held when a water right is transferred across WRIA lines within the same county. Ecology suggests this is amended to require a single public hearing for transfers across WRIA lines that remain within the board's geographic jurisdiction.

Rationale:

As a public resource, all persons with an interest in a water right have the right and the need to know of changes that may impair or impact them. The standard is impairment to approve or deny an application. But in cases where there may be a significant impact (e.g., fiscally) on a community or area, increased public notice may decrease problems later on and may improve the number of options for the water users impacted. Boards generally want to conduct themselves within the limits of the law. It can be costly and time consuming for the applicant and board to hold more hearings than necessary.

Obstacles to a successful record of decision

Quality

Many boards continue to improve the quality of their reports of examination as they gain experience. However, some boards issue increasingly poor quality reports needing significant modifications or reversals. This is discussed in more detail under the "Role of Consultant" section. When a report of examination is submitted to Ecology for review, Ecology has five options: affirm, modify, reverse, remand, or take no action within the statutory time frame. However, another option has been used over the years.

Through administrative rule making, Ecology provided a means for a board to withdraw a flawed record of decision and report of examination. It is solely based on a majority vote of the quorum of the board. The withdrawal process intends to protect the applicant from starting the application process over when a board makes a fatal but correctable error in its report of examination.

This withdrawal process appears to work well whether the report of examination is written by the board or by an applicant's consultant. Difficulties arise when a consultant pressures the board to adopt a poorly written report of examination. The consultant seeks to avoid the administrative board process or standing in line at Ecology by compelling a swift board decision and an Ecology order with a motive to get a final answer through settlement at the PCHB level. The role of consultants is discussed in more detail on pages 21-23.

Operational errors

Boards operate independently through their bylaws and internal decisions. Ecology generally does not get involved in board operations. However, as a courtesy to boards, Ecology provides them information on their training eligibility and board operational status.

In the last three years or so, Ecology experienced a number of board decisions submitted erroneously due to board operational error or in defiance of state law. As a result, Ecology included language in WAC 173-153-150(5)(b) to allow it to return a decision to a board without action when operational errors occur. The situations include:

1. When a record of decision and report of examination are not adopted by a majority of the board as required in RCW 90.80.070(4).
2. When an ineligible board commissioner takes action to adopt the board's decision contrary to RCW 90.80.040. Sometimes the board then has insufficient eligible members to withdraw the decision from Ecology.
3. When a decision is adopted by two alternates with no serving commissioner present as required by RCW 90.80.070(6).
4. When a board submits a decision for a transfer out of its jurisdiction.

Problem statement:

Under all scenarios listed above, Ecology's only statutory authority is to reverse the entire decision. The applicant would have to start over through no fault of their own. This can be costly. WAC 173-153 allows Ecology to return a decision without action in limited circumstances.

Suggested statutory amendments:

1. Amend RCW 90.80.080 to limit the ability for a water conservancy board to avoid the statutory and administrative requirements by submitting an incomplete record of decision and report of examination. By incomplete Ecology means there is no explanation to the findings or investigation.

2. Include an option for Ecology to remand back to the board without review where Ecology determines, within the 45-day review period, that the board has failed to comply with applicable state laws or rules in reaching its decision. Any remand on the basis of non-compliance with statutory or administrative rule requirements should be appealable to the PCHB for resolution of the single issue as to whether Ecology erred in remanding the decision. Upon remand or upon resolution of any appeal of a remand decision in which Ecology prevails, the board shall reconsider or rewrite its decision in compliance with all laws and rules. If the appellant prevails, Ecology shall have not more than 75-days to review the decision originally submitted by the board.
3. Convert rule requirements to statutory law, such as,
 - a. Ecology will return without action the submitted record of decision, report of examination, and supporting documents when Ecology determines that a board's decision was not adopted in accordance with:
 - i. RCW 90.80.070(4) or (5) which addresses the adoption of a decision by the board;
 - ii. RCW 90.80.040 which addresses training requirements of board commissioners to take action on a water right transfer;
 - iii. RCW 90.80.070 (4) through (8), which address the minimum number of commissioners required to adopt a decision on an application and the requirements for an alternate commissioner to participate in the decision; or,
 - iv. RCW 90.80.055, which addresses additional board powers.
 - b. Ecology's 45-day review period shall not begin until the board has satisfied all requirements in the adoption of a record of decision listed in this subsection and resubmitted the decision in accordance with this chapter.

Rationale:

In the interest of the applicant, Ecology strives to issue a comprehensive and clear decision based on water law and minimum board requirements. Ecology has experienced boards that inadvertently or with purpose adopted a decision outside the statutory authority.

Funding

Each board is an independently funded entity pursuant to RCW 90.80.060(2). They provide for their own funding through grants and adopting fees for processing water right transfer applications. The funds can be used to fund activities of the board. (See Appendix A for fees adopted by each board.)

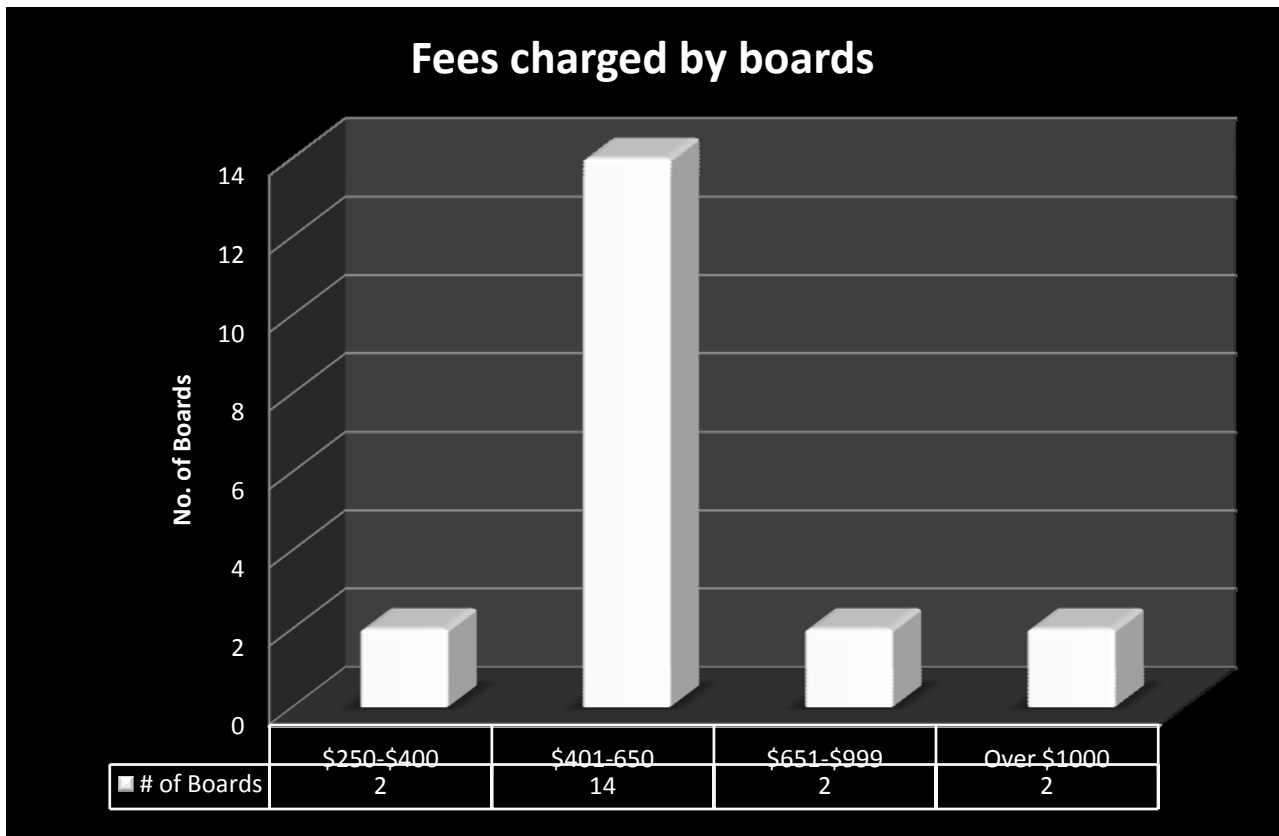


Chart 19 – Fees Charged by Boards - The board fees vary. Fees range from \$250 (Benton County) to \$1450 (Thurston County)

The boards must take a number of items into consideration when setting fees such as:

- What the local economy and population can afford.
- The need for errors and omissions insurance.
- The board’s operating costs (overhead) including meeting space, mail services, supplies, correspondence, or equipment.
- Costs directly associated with a water right transfer application such as public notice publication, copying costs, or responding to public information requests.
- Potential travel costs associated with training.
- Cost of support provided by outside resources such as counties, conservation districts, attorneys, or other entities.
- The number of water right change applications pending within the geographical jurisdiction of the board.

Use of funds

Because boards operate independently, how the funds are used varies considerably. Generally, grants received and adopted fees are used to fund activities of the board, including:

- Travel costs for training.
- Travel costs for investigation, field exams, etc. associated with board operations.
- Public notice.
- Copying.
- Correspondence.
- General office supplies.
- Administrative support (some boards).

The Benton County Water Conservancy Board has interpreted this more broadly. The Board receives some donations as well. The Benton Board reports using some start up monies to support the Board's participation in and review of state legal issues affecting board operations including legal opinions and some related briefs. In addition, the Board has received donations of legal services and legal support from various entities including individual water right holders.

The Benton Board also states that they "require applicants to fund needed legal services affecting their water right change/transfer." They also receive "legal review interpretations of the water code from state agencies." They do not indicate from which state agencies they have received legal review. In addition, it is not clear what type of "legal support" is received or how the "funds needed for legal services" are collected by the Board.³

The Board also received fees above and beyond the normal \$250. In 2008, the Board prepared an audit of a water right for Energy Services and received a fee of \$2,000.

³ The Benton Co. Water Conservancy Board 2008 Legislative Report, page 3, October 31, 2008.

Summary

Water conservancy boards have existed for over ten years. Most are successful but in ways that are measured differently. Some spend time providing a local resource to the community; some process high volumes of water right change applications; and some do both.

Successes

- The boards continue to process a significant number of water right changes.
- Boards still provide a significant resource for their local communities.
- Many commissioners have served nearly 10 years. Three volunteer board commissioners have served for over 10 years.
- New board commissioners seem to bring more experience to the position.
- The board expertise is an untapped resource. There is potential for broadening authorities to conduct proof of appropriation exams.
- The boards provide opportunities for local citizens to learn more about water, legislation, their communities, the state, and Western water law.
- Turnover on boards seems to be stable. Options provided through statutory amendments since 2001 provide flexibility in board composition. Some turnover occurs from people vacating one position then appointed to another.

Challenges

- Western Washington boards appear to face more turnover than east side boards.
- Two boards were dissolved by the county legislative authority due to the lack of commitment from the appointed board members.
- One of the dissolved boards was reestablished.
- Apparent ethics and conflicts of interest issues plague a couple boards.
- The actions of consultants challenge some boards.
- Counties need limited authority to remove non-responsive board members from the board. With no authority to vacate a board position, the boards are sometimes challenged to operate when a person leaves a board with no notice or fails to get required training.
- Ecology's inability to remand or return without action an inappropriate board decision creates a conflict in our ability to support the applicant.

Appendices

- A – Primary contact and fees report
- B – Sample of board public information brochure
- C – Summary of suggested legislative amendments
- D – Water conservancy board request legislation and clarification
- E – Summary of water right change application processing
- F – Reports submitted by boards

Appendix A

**Water Conservancy Boards
Primary Contact List and Fees
Updated: November 3, 2008**

Board Name	Board Address	Board Phone/Email	Primary Contact Name	Fees
Adams Co.	c/o Adams Co. Conservation District 402 E. Main Ritzville, WA 99169	(509) 659-1553 adamcd@ritzcom.net	Joyce McNeil	\$500 per application
Benton Co.	3030 W. Clearwater, Suite 205-A Kennewick WA 99336	(509) 783-1623 dolsenecon@aol.com	Dr. Darryll Olsen	\$250 per application
Chelan Co.	316 Washington Street, Suite 401 Wenatchee, WA 98801 Attn: Lisa de Vera	(509) 888-0461 donphelps@aol.com	Don Phelps	\$1000 fee plus 25%, unused balance refunded
Douglas Co.	P.O. Box 608 Waterville WA 98858	Phone: (509) 745-9160 Fax: (509) 745-8121 carol.cowling@gmail.com	Carol Cowling	\$300, plus public notice costs; additional fees may be charged
Ferry Co.	639 Kettle River Road Curlaw, WA 99118	Phone: (509) 779-4434 Fax: (509) 779-4278 usnwe@televar.com	Patrick Hamilton	\$50 non refundable appl fee; additional \$200 plus public notice costs
Franklin Co.	1620 Road 44 N. Pasco, WA 99301	Phone: (509) 545-8546 x 3 (Nielson) Phone: (509) 585-4534 (Griffin) Fax: (509) 545-5859 Cell: (509) 735-1473 (Nielson) johng@ci.kennewick.wa.us (Griffin)	John Griffin Mark Nielson	\$650 per applic with up to two permits; \$650 per permit thereafter
Grant Co.	3953 Airway Drive NE Moses Lake, WA 98837	Cell: (509) 765-8864/750-7589 rolfb@accima.com	Robert Rolfness	\$500; \$100 filing fee + \$400 processing fee
Island Co.	370 N. East Camano Drive Suite 5, PMB #288 Camano Island, WA 98282-7279	(360) 387-0680 (360)387-8755 (FAX) (425) 508-8808 (cell) res0t6c3@verizon.net	Larry Bach	\$750; \$100 up front, non-refundable
Kittitas Co.	PO Box 1790 Ellensburg, WA 98926	(509) 899-4459 cheryvarnum@yahoo.com	Chery Varnum	\$100 non-refundable for submittal; \$500 acceptance fee + clerk time @ \$30/hr
Klickitat Co.	Klickitat Co. Nat Resources Dept. 228 West Main St., MS-CH-37 Goldendale, WA 98620	Phone: (509) 773-2481 Fax: (509) 773-6206 DaveM@co.klickitat.wa.us .	Dave McClure	\$500
Lewis Co.	P.O. Box 1345 Chehalis WA 98532	(360) 978-4358 or chrisheney@earthlink.net	Chris Cheney Ron Mauel, Secretary	\$500

Board Name	Board Address	Board Phone/Email	Primary Contact Name	Fees
Lincoln Co.	P.O. Box 368 Davenport, WA 99122	Phone: (509) 257-2800 Cell: (509) 995-5242 waterboard@co.lincoln.wa.us	Rex Harder	\$500 per application
Mason Co.	411 N. 5 th Street Shelton, WA 98584	(360) 427-9670, x 207 (Kerry Worf)	Kerry Worf Emmett Dobey	\$100 application plus \$800 processing fee
Okanogan Co.	41 B Wandling Road Winthrop, WA 98862	(509) 996-3302 or ntitcomb@methow.com	Nim Titcomb	\$100 application plus \$500 processing fee
Spokane Co.	P.O. Box 13496 Spokane, WA 99213-3496	(509) 922-5127 or dj876@comcast.net	Doug Rider	\$200 application fee; \$500 processing fee
Stevens Co.	PO Box 731 Kettle Falls, WA 99141	(509) 258-4041 or wpmccart@juno.com	Wes McCart	\$500 base fee, plus costs/publication
Thurston Co.	P.O. Box 1037 Olympia, WA 98507-1037	(360) 570-4416 or Jerry.Louthain@hdrinc.com (Louthain) (253) 502-2238 or mprhubright@comcast.net (Rhubright)	Jerry Louthain Mike Rhubright	\$1450 per application; \$300 filing fee + \$1150 processing fee
Walla Walla Co.	P.O. Box 1506 Walla Walla WA 99362	Phone: (509) 547-9312 (509) 544-6537 Cell: (509) 727-3446 Fax: (509) 547-4501 alankottwitz@bc.com	Alan Kottwitz	\$500
Whatcom Co.	Dissolved by County Council – July 2008			
Whitman Co.	2892 Belsby Road Cheney, WA 99004	Phone: (509) 235-8581 or (509) 397-6200 whitmanwb@earthlink.net	Nancy Belsby	\$300 application fee; \$300 for processing
Yakima Co.	2301 Fruitvale Boulevard Yakima WA 98902	Phone: (509) 574-2650 Fax: (509) 574-2651 sylvia.cervantes@co.yakima.wa.us	Sylvia Cervantes	\$100 non-refundable for submittal; \$500 acceptance fee

Appendix B

What is the Klickitat County Water Conservancy Board?

The Klickitat County Water Conservancy Board is a separate unit of local government and not part of County government. Its primary purpose is to process applications for change/transfer of existing water rights within Klickitat County. Decisions of the Water Conservancy Board are subject to review and approval by the Washington Department of Ecology (Ecology).

Pursuant to Chapter 90.80 of the Revised Code of Washington, the Water Conservancy Board can process applications for a change/transfer for existing water rights, only. It cannot process an application for a new water right.

The Water Conservancy Board meets on the third Tuesday of each month at 7:00 P.M. in the Klickitat County Courthouse, Room 101.

What Types of Water Rights Changes/Transfers can the Water Conservancy Board Process?

The Water Conservancy Board can process the following types of changes/transfers:

- the point of withdrawal or diversion;
- the place of use;
- the time of use;
- the purpose of use, including the period of use;
- for storage rights, the location of storage;
- water rights documented by certificates, permits, or claims; and

- evaluate placing a water right in the State's trust water right program.

How Do You File a New Application for a Water Right Change/Transfer?

For a *new* (not already filed with Ecology) application for a water right change/transfer:

1. Obtain an "Application for Change/Transfer of Water Right" form from Ecology or the Water Conservancy Board.
2. Complete the application form* and submit it to the Water Conservancy Board with a \$50 preliminary application fee (make check payable to the Klickitat County Water Conservancy Board). Also submit with the application a \$10 application fee to Ecology (make check payable to the Washington Department of Ecology).
3. Upon the Water Conservancy Board's acceptance of the application for further processing, submit an additional \$450 fee to the Klickitat County Water Conservancy Board.
4. The Water Conservancy Board will obtain a copy of your water right file from Ecology and publish a public notice of your application.
5. Upon request from the Water Conservancy Board, and at the applicant's expense, submit:
 - additional evidence of the extent and validity of the water right;
 - evidence of the historic usage of the water right;

- technical report regarding the feasibility of the proposed change/transfer; and/or
- other technical or legal information, or professional engineer's report.

How Do You Move an Existing Application for a Water Right Change/Transfer from the Department of Ecology to the Water Conservancy Board for Processing?

For an *existing* application for water right change/transfer that is on file with Ecology to be processed by the Water Conservancy Board:

1. Obtain a copy of the existing application from Ecology. Submit it, or a copy, to the Water Conservancy Board along with a \$50 preliminary application fee.
2. Upon the Water Conservancy Board's acceptance of the application for further processing, submit an additional \$450 to the Klickitat County Water Conservancy Board.
3. The Water Conservancy Board will obtain a copy of your water right file from Ecology and publish a public notice of your application.
4. Upon request from the Water Conservancy Board, and at the applicant's expense, submit:
 - additional evidence of the extent and validity of the water right;
 - evidence of the historic usage of the water right;
 - technical report regarding the feasibility of the proposed change to the water right; and/or
 - other technical or legal information, or professional engineer's report.

* Note: Information on the application form will be used in the preparation of legal notice publications and in processing the change request as written. It is critical that the application be complete and correct. If in doubt, applicants should feel free to consult a water rights expert prior to submitting the application for processing.

What is the Timeline for Processing an Application for Water Right Change/Transfer?

The time it will take to process your application may depend on the complexity of the issues. However, the following timeline incorporates the time considerations prescribed by law.

- The Water Conservancy Board accepts the application at one of its regular meetings.
- The Water Conservancy Board will assign a unique number to the application to use throughout the application process.
- Within five working days of accepting the application, the Water Conservancy Board must send the original completed application to Ecology.
- Public notice must be published in a local newspaper of general circulation at least once a week for two consecutive weeks. The public notice must contain the aforementioned number assigned by the Water Conservancy Board.
- The Water Conservancy Board cannot make a decision on the application prior to thirty days following the last date of publication of the public notice to allow for a formal protest period.
- The Water Conservancy Board must forward its record of decision to Ecology for review and approval.
- Ecology may affirm, reverse, or modify the Water Conservancy Board's record of decision. Ecology has forty-five days to act on the Water Conservancy Board's record of

decision by issuing an administrative order. The forty-five day review period may be extended for thirty days, if approved by the Director of Ecology, or at the request of the Water Conservancy Board or the applicant.

What are the Four Tests Considered when Making a Decision on Your Application for Water Right Change/Transfer?

The following four tests are considered by the Water Conservancy Board when making a decision on an application for water right change/transfer:

- Is the water right that is subject of the application for change/transfer valid? One of the Water Conservancy Board's primary duties is to determine the extent and validity of the water right, as demonstrated by the extent to which it has been put to beneficial use.
- Would the proposed water right change/transfer, if approved, impair an existing water right?
- Would the proposed water right change/transfer, if approved, change the body of water from which the water is withdrawn? *This test applies only to ground water right changes/transfers.*
- Is the proposed change/transfer in the public interest? *This test applies only to ground water right changes/transfers.*

Who are the Klickitat County Water Conservancy Board Commissioners?

The following individuals serve as Commissioners on the Klickitat County Water Conservancy Board:

- Richard Beightol – Chairman

- Brooks Heard – Vice Chairman
- J.P. Enderby – Treasurer
- Robert Andrews
- Alan Cheney

Water Right Transfer Information

This brochure provides the basic information you will need to process an Application for Change/Transfer of Water Right with the Klickitat County Water Conservancy Board

For additional information contact:

Klickitat County Water Conservancy Board
Courthouse Annex 1
228 West Main Street, MS-CH-17
Goldendale, WA 98620

Phone: (509) 773-2481
Fax: (509) 773-6206

Appendix C

Summary of Suggested Legislative Amendments

Page 2 – Board authorities and clarification

Ecology recommends additional authorities for more experienced board commissioners. One function might include conducting proof of appropriation field examinations and providing recommendations to Ecology.

Page 9 – Limited county authority to replace a board commissioner or alternate.

Ecology recommends an amendment allowing a county to remove a person from a position on the board in specific situations.

Some suggested amendments might include:

- A county may consider a position vacant if a board commissioner or alternate does not respond to a county's written request for resignation within a given time. After notifying Ecology in writing, the county can then seek a replacement for the position. Ecology may also petition the county for the resignation of a commissioner or alternate for identified reasons.
- A county may consider a position vacant if a board commissioner or alternate remains ineligible and out of compliance with the education requirements for more than two consecutive years. The county may consider the position vacant with written notice to the current commissioner or alternate and Ecology. The county may then seek a replacement for the position. Ecology or the board may petition the county to remove the board commissioner or alternate.
- Amend RCW 90.80.050(3) to allow an alternate to serve as replacement for an ineligible commissioner.

Page 11 – Dissolution

1. Ecology recommends an amendment to RCW 90.80.065 to grant Ecology limited authority to dissolve a board after repeated statutory violations or demonstrated inability to perform the board functions required by statute and rule. Documentation of board decisions and correspondence with the counties will serve as record of the board's inability to perform. The county would remain responsible for disbursing board assets and liabilities.
2. Grant Ecology statutory authority to revoke its approval of board creation under RCW 90.80.030(2).
When a board operates in such a way that no longer serves the public interest or supports the statutory authorities of the board, Ecology's ability to revoke the board's authority

would increase the integrity of the boards and support consistent implementation of board process. Ecology might suggest the board receives additional training and demonstrates the ability to carry out the requirements of RCW 90.80.030(2) before the authority is reinstated.

Page 21 – Clarify statute for applicants and their representatives

Ecology recommends amending RCW 90.80 to provide ethical standards for board commissioners and alternates.

1. RCW 90.80.010 – Define “applicant” to include any persons serving as an agent, contractor, legal counsel, or otherwise representing the individual or entity applying to a board for a water right change.
2. In a new section or within RCW 90.80.120, identify commissioner activities incompatible with public duties such as:
 - a. No water conservancy board commissioner or alternate may have an interest, financial or otherwise, direct or indirect, or engage in a business or transaction or professional activity, or incur an obligation of any nature, that is in conflict with the proper discharge of the commissioner’s or alternate’s official duties. This includes, but is not limited to, providing consulting or legal services to applicants before his/her own water conservancy board or other water conservancy board.
 - b. No water conservancy board commissioner or alternate actively serving on a board may use information gained because of the commissioner’s or alternate’s position, for personal or professional gain or benefit.

Page 24 – Obligations when choosing to file with a board

Ecology recommends amending RCW 90.80 to clarify the applicant’s obligations when electing to file with a board.

1. RCW 90.80.070 – Clarify that when an applicant elects to file with a board they have chosen to follow the statutory administrative process required of boards. The applicant should direct questions and work through the board to receive assistance on the application. The board will work with Ecology to get needed technical assistance as required in RCW 90.80.055(1)(d).
2. Adopt language from WAC 173-153-015 to clarify that Ecology will not act on an application filed with a board unless the board notifies Ecology in writing that it has declined to process the application. However, Ecology will provide technical assistance to the board as required in RCW 90.80.055(1)(d). If the board declines to process the application, the applicant may file a written request that Ecology process the application. Ecology will process the application once all required state fees are paid.

3. RCW 90.80.010 – Add language to define the report of examination as the written explanation, factual findings, and analysis that supports a board’s record of decision. Also note that the report of examination is integral to the record of decision.

Page 40 – Public hearings

- Amend RCW 90.80 to clarify the public hearings required. At a minimum Ecology suggests a hearing in the county where the water right currently exists and the county where the water right is proposed to move.
- Clarify if hearings must be held when a water right is transferred across WRIA lines within the same county. Is this related to transfers into and out of geographic jurisdiction of a board. Ecology suggest this is amended to say that boards hold public hearings.

Pages 41 & 42 – Processing water right change applications

1. Amend RCW 90.80.080 to limit the ability for an applicant or a water conservancy board to avoid the statutory and administrative requirements by submitting an incomplete record of decision and report of examination. By incomplete Ecology means there is no explanation to the findings or investigation.
2. Include an option for Ecology to remand back to the board without review where Ecology determines, within the 45-day review period, that the board has failed to comply with applicable state laws or rules in reaching its decision. Any remand on the basis of non-compliance with statutory or administrative rule requirements should be appealable to the PCHB for resolution of the single issue as to whether Ecology erred in remanding the decision. Upon remand or upon resolution of any appeal of a remand decision in which Ecology prevails, the board shall reconsider or rewrite its decision in compliance with all laws and rules. If the appellant prevails, Ecology shall have not more than 75-days to review the decision originally submitted by the board.
3. Convert rule requirements to statutory law, such as,
 - a. Ecology will return without action the submitted record of decision, report of examination, and supporting documents when Ecology determines that a board’s decision was not adopted in accordance with:
 - i. RCW 90.80.070(4) or (5) which addresses the adoption of a decision by the board;
 - ii. RCW 90.80.040 which addresses training requirements of board commissioners to take action on a water right transfer;
 - iii. RCW 90.80.070 (4) through (8), which address the minimum number of commissioners required to adopt a decision on an application and the

requirements for an alternate commissioner to participate in the decision;
or,

iv. RCW 90.80.055, which addresses additional board powers.

- b. Ecology's 45-day review period shall not begin until the board has satisfied all requirements in the adoption of a record of decision listed in this subsection and resubmitted the decision in accordance with this chapter.

Appendix D

Water conservancy board request legislation and clarification

The following information was taken verbatim from the Legislative reports submitted by the boards to Ecology (Appendix F). Within their report forms they have the option of providing comments. Two boards provided the following suggestions to the Legislature. Ecology neither supports nor opposes these statements. The opinions expressed in this appendix are identified.

Klickitat County Water Conservancy Board 2008 Report

Under RCW 90.14.180, five or more consecutive years of non-use triggers water right relinquishment "unless there is sufficient cause to explain non use" (RCW 90.14.140). The Klickitat County Water Conservancy Board believes that RCW 90.14.140(1)(k) needs clarification regarding reduced use of water due to crop rotation when sound farming practices advises the temporary change of crop type.

With today's highly competitive global market for agricultural commodities "sound farming practices" include crop rotations determined by disease control, economic value, supply and demand, and a great many other factors. For example, succulent peas should be produced on the same acreage only once out of six years, but fruit crops might be changed only once in 25 years. Please consider the decline of the apple industry in the Northwest. A large portion of Washington State's apple acreage is being removed for economic reasons. Our farmers need to be able to maintain their water rights as they search for alternate crops. If the apple acreage is put into grapes and ten years later the grape industry fails and the apple industry is going strong, the farmer would not be able recover the lost water rights because his grapes use only a third of the original apple water and the crop has been in grapes for ten years. If the Department of Ecology continues to limit farmers to the amount of water used on a specific crop over a five year period, Washington State's farmers face another financial crisis because they must be able to rotate into valued crops as the consumer demands regardless of the water usage.

We believe the Legislature enacted RCW 90.14.140 to capture an understanding of "sound farming practices" that includes economic drivers for crop rotations and other considerations that mandate crop rotations that are longer than five years. On this point many people at Ecology interpreted it differently. Most say that the five year rule will always stand which leaves farmers locked into a specific crop rotation even if it is not economically sound. We I do not see how economic failure can be determined as beneficial use of the water.

Thurston County Water Conservancy Board 2007 Report

The Water Conservancy Board of Thurston County disagrees with the Southwest Regional Office's incorrect practice of issuing interruptible water rights for transfers involving seasonal irrigation to year-round, municipal use where the right is senior to the instream flow rule. Ecology's draft policy does not conform with the Department of Health's reliability standards for municipal systems and devalues irrigation rights in rural Thurston County. This over-reaching, draft policy has the potential to impede planned growth and development in economically-challenged areas.

Appendix E

**Water Conservancy Board
Summary of Water Right Change Application Processing
November 1, 2006 to October 31, 2007**

Board	Applications filed first with		Total apps accepted by Boards	Application withdrawn by applicant	Proposed transfers relating to:			Declined to process (after accepted)	Records of Decision				
	Ecology	Board			Ground water	Surface water	Surf to Grd or Grd to Surf		Approved/Partially Approved	Denied	Remanded/Returned w/out action	Withdrawn from Ecy	Appealed
Adams Established 10/12/99	0	0	0	0	0	0	0	0	0	0	0	0	0
Benton Established 07/10/98	0	26	26	0	16	10	0	0	20	0	0	0	0
Chelan Established 11/23/99	2	11	13	0	0	13	0	0	9	0	0	5	0
Douglas Established 03/30/00	0	4	4	1	3	0	1	0	4	0	1	0	0
Ferry Established 05/19/00	0	0	0	0	0	0	0	0	0	0	0	0	0
Franklin Established 06/09/99	No report received												
Grant Established 09/14/99	0	7	7	1	7	0	0	1	5	0	0	2	0
Island Established 08/06/01	0	0	0	0	0	0	0	0	0	0	0	0	0
Kittitas Established 10/16/00	0	8	8	1	2	6	0	1	12	0	0	2	0
Klickitat Established 07/01/99	0	5	5	0	4	0	1	0	2	0	0	1	0
Lewis Established 07/10/98	0	0	0	0	0	0	0	0	0	0	0	0	0

Board	Applications filed first with		Total apps accepted by Boards	Application withdrawn by applicant	Proposed transfers relating to:			Declined to process (after accepted)	Records of Decision				
	Ecology	Board			Ground water	Surface water	Surf to Grd or Grd to Surf		Approved/Partially Approved	Denied	Remanded/Returned w/out action	Withdrawn from Ecy	Appealed
Lincoln Established 11/23/99	0	2	2	0	1	0	1	0	0	0	0	0	0
Mason Established 09/04/02	No report received												
Okanogan Established 05/12/00	0	5	5	2	2	0	3	0	1	0	0	0	0
Spokane Established 05/05/00	0	1	1	0	1	0	0	0	0	0	0	0	0
Stevens Established 01/25/02	0	0	0	0	0	0	0	0	2	0	0	0	0
Thurston Established 11/17/99	0	10	10	0	7	0	3	0	3	0	0	0	0
Walla Walla Established 10/05/99	0	2	2	1	2	0	0	0	2	0	0	0	0
Whatcom Established 12/07/99	0	0	0	0	0	0	0	0	0	0	0	0	0
Whitman Established 07/26/00	0	4	4	0	3	0	1	0	4	0	0	0	0
Yakima Established 07/12/99	0	24	24	4	20	0	0	0	0	0	0	0	0
Totals	2	109	111	10	68	29	10	2	64	0	1	10	0

Appendix E

**Water Conservancy Board
Summary of Water Right Change Application Processing
November 1, 2007 to October 31, 2008**

Board	Applications filed first with		Total apps accepted by Boards	Application withdrawn by applicant	Proposed transfers relating to:			Declined to process (after accepted)	Records of Decision				
	Ecology	Board			Ground water	Surface water	Surf to Grd or Grd to Surf		Approved/ Partially Approved	Denied	Remanded	Withdrawn from Ecy	Appealed
Adams Established 10/12/99	0	0	0	0	0	0	0	0	0	0	0	0	0
Benton Established 07/10/98	0	8	8	0	3	4	4	0	18	0	0	11	0
Chelan Established 11/23/99	2	6	8	11	1	5	2	0	25	0	0	0	0
Douglas Established 03/30/00	0	11	11	0	11	0	0	0	3	0	0	2	0
Ferry Established 05/19/00	0	0	0	0	0	0	0	0	0	0	0	0	0
Franklin Established 06/09/99	0	4	4	1	2	2	1	0	0	0	0	0	0
Grant Established 09/14/99	0	10	10	1	10	0	0	0	6	0	0	1	0
Island Established 08/06/01	0	0	0	0	0	0	0	0	0	0	0	0	0
Kittitas Established 10/16/00	0	7	7	4	1	2	4	0	7	0	0	4	0
Klickitat Established 07/01/99	0	1	1	1	1	0	0	0	4	0	0	4	0
Lewis Established 07/10/98	0	3	3	0	3	0	0	0	0	0	0	0	0

Board	Applications filed first with		Total apps accepted by Boards	Application withdrawn by applicant	Proposed transfers relating to:			Declined to process (after accepted)	Records of Decision				
	Ecology	Board			Ground water	Surface water	Surf to Grd or Grd to Surf		Approved/Partially Approved	Denied	Remanded	Withdrawn from Ecy	Appealed
Lincoln Established 11/23/99	0	5	5	1	5	0	0	0	3	0	0	0	0
Mason Established 09/04/02	0	0	0	0	0	0	0	0	0	0	0	0	0
Okanogan Established 05/12/00	0	13	13	2	5	7	1	4	7	0	0	6	0
Spokane Established 05/05/00	0	1	1	0	1	0	0	1	1	0	1	0	0
Stevens Established 01/25/02	0	1	1	0	0	0	0	0	0	0	0	0	0
Thurston Established 11/17/99	11	1	12	0	11	0	1	1	8	0	0	0	5
Walla Walla Established 10/05/99	0	15	15	1	14	1	1	0	6	0	0	0	0
Whatcom - Established 12/07/99 - Dissolved 7/8/2008													
Whitman Established 07/26/00	0	0	0	0	0	0	0	0	0	0	0	0	0
Yakima Established 07/12/99	No report received												
Totals	13	86	99	22	68	21	14	6	88	0	1	28	5

2007 Report to Legislature
Adams County Water Conservancy Board

November 1, 2006 through October 31, 2007

Water Conservancy Board Information			
<i>Board name</i>	Adams Co. Water Conservancy Board		Date board established October 12, 1999
Board address/ phone/email	402 E. Main Ave. Ritzville, WA 99169 509 659-1553 and/or adamcd@ritcom.net		
<i>Board commissioners</i>	Dennis E. Swinger, Sr., , Chair Rudy Plager, Commissioner Chris Lyle, Commissioner , Commissioner , Commissioner , Alternate Joyce L. McNeil Alternate		Term Expiration Date
			11/15/2009 11/15/2007 11/15/2011 10/03/10
Primary board contact	Joyce L. McNeil, Alternate Bd. Commissioner		
Changes in membership	Bd Member Name	Address	Phone/Cell/Fax/Email
	New <input type="checkbox"/> Resigned		
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
Water Conservancy Board Operations			
Regular meeting schedule	4th Monday of each month at 7p.m., except July		
Regular meeting location	402 E. Main Ave. Ritzville, WA 99169		
Current fee for processing	\$500.00 per application	Has this changed from last year? Yes <input type="checkbox"/> No X N/A <input type="checkbox"/>	
Litigation WCB has been involved in			
Property owned by WCB	Book Shelf and office Supplies		
Number & type staff/ volunteer assistance	One part time		
Training received other than through Ecology			
Do you maintain a water right transfer information exchange of interested buyers, sellers and/or leasors of water rights: yes <input type="checkbox"/> no <input checked="" type="checkbox"/>			
Additional comments: You may attach additional pages if desired			

Application Information between 11/01/06 to 10/31/07		
Estimated pre-application consultations or contacts	With board	0
	With individual board commissioner	0
Total applications accepted by the board	Conveyed from Ecology	0
	Filed originally with WCB	0
	Total applications accepted 11/01/06 to 10/31/07	0
Total applications withdrawn or declined after acceptance by the board	Withdrawn by applicant from board	0
	Board declined to process	0
Applications for	Ground water transfers	0
	Surface water transfers	0
	Surface to ground or ground to surface water	0
Proposing transfer related to:	Certificates	0
	Water right claims	0
	Court claims or other documents	0
	Trust water	0
Hearings in other counties¹		0
Applications by Water Resource Inventory Areas (WRIAs)		
WRIA Number	WRIA Name	Number Filed
WRIA 36	Esquatzel	0
WRIA 41	Lower Crab	0
WRIA 34	Palouse	0
Records of Decisions by the Board		
<i>Approved</i>	0	
Denied	0	
Total Decisions	(sum of all RODs) 0	
Withdrawn from Ecology	0	
Remand/returned without action back to board	0	
Appealed to PCHB	0	

Application Information between 11/01/07 to 10/31/08		
Estimated pre-application consultations or contacts	With board	0
	With individual board commissioner	0
Total applications accepted by the board	Conveyed from Ecology	0
	Filed originally with WCB	0
	Total applications accepted 11/01/07 to 10/31/08	0
Total applications withdrawn or declined after acceptance by the board	Withdrawn by applicant from board	0
	Board declined to process	0
Applications for	Ground water transfers	0
	Surface water transfers	0
	Surface to ground or ground to surface water	0
Proposing transfer related to:	Certificates	0
	Water right claims	0
	Court claims or other documents	0
	Trust water	0
Hearings in other counties¹		
Applications by Water Resource Inventory Areas (WRIAs)		
WRIA Number	WRIA Name	Number Filed
WRIA 36	Esquatzel	0
WRIA 41	Lower Crab	0
WRIA 34	Palouse	0
Records of Decisions by the Board		
<i>Approved</i>	0	
Denied	0	
Total Decisions	(sum of all RODs)	
Withdrawn from Ecology	0	
Remand/returned without action back to board	0	
Appealed to PCHB	0	

*Benton County Water Conservancy Board
Annual Report: October 2006-October 2007*

Transmittal: E-Mail/Hard Copy

DATE: October 31, 2007

TO: Ms. Janet Carlson, WADOE, Spokane Office
Board of Benton County Commissioners

FROM: Darryll Olsen, Ph.D.
Chairman, Benton County Water Conservancy Board
509-783-1623, FAX 509-735-3140

SUBJECT: Annual Report For Benton County Water Conservancy Board (Water Board)

The following information provides a status report on the activities of the Benton County Water Conservancy Board (Water Board) for operations commencing in the fall of 1998 through October 2007. This information is provided to the WADOE to meet its reporting requirements to the Washington State legislature and to inform the Benton County Commissioners.

BACKGROUND AND OPERATIONS

The Benton County Water Conservancy Board (Water Board):

The Water Board membership is as follows:

- Darryll Olsen, Ph.D., Regional Planner/Resource Economist, The Pacific Northwest Project, Kennewick, WA (Chairman); land owner served by irrigation district water rights.
- John Jaksch, Ph.D., Resource Economist, Pacific Northwest Laboratory, Richland, WA (Vice-Chairman); land owner served by irrigation district water rights.
- Matt Berg, B.A., Agricultural Economics, Berg Farms, Prosser, WA (Treasurer); land owner and holder of water rights.

3030 W. Clearwater, Ste. 205-A, Kennewick, Washington, 99336
509-783-1623, FAX 509-735-3140

Water Board Training and Related Activities:

The Water Board members have participated regularly in or received:

- Training workshops held by the WADOE (1998 and 1999), whenever invitations are extended to water conservancy board members (Olsen, Jaksch, Berg).
- Training workshop held jointly by WADOE and BCWCB (fall 1999) (Olsen, Jaksch, Berg).
- All Boards Workshop and Training (2000 and 2002) (Olsen, Jaksch, and Berg).
- Participation in drafting 2000 and 2001 legislative changes for water conservancy boards, including legislative hearing testimony (Olsen, Berg, Jaksch); participation in rule-making review, 2002 (Olsen).
- Water Law and Policy Seminars, 1999-2001 (for example, CLE and AWWA seminars) (Olsen).
- Review of all WADOE updates and court cases distributed to the Water Boards by WADOE and on the WADOE website (Olsen, Berg, Jaksch).
- Participation in professional and business associations that are active in state and federal water management policy (Olsen, Berg).
- Direct participation with legislators in drafting 2003 legislative changes to RCW 90.03.380 affecting changes/transfers and water right relinquishment under the “beneficial-use” test.
- Participation in 2003 lawsuits affecting Water Board decisions for water right changes, Desert Hills and West Richland vs WADOE (Olsen, Berg, Jaksch).
- Prepared and distributed legal opinions on WADOE proposed policy for implemented RCW 90.03.380, 2003.
- Scheduled/participated in WADOE annual workshop training in 2003 (Olsen, Berg, Jaksch).
- Participated in training workshops offered in 2004-6 (Olsen, Berg, Jaksch).
- Attended scheduled training workshop in Tri-Cities, WA, January 2007 (Olsen, Jaksch, Berg), with Berg receiving additional training during the year.

Water Board Fees/Funding:

The Water Board reviews potential applications for transfers/changes and formally accepts appropriate applications (applications that meet the minimum standards for review) for review and processing. When accepted for review, the Water Board charges a fee of \$250 per application. The fee is used principally to cover public notice and related notification costs. The Water Board has met the information requests from all third parties consistent with existing state agency standards.

Consistent with RCW 90.80.060 and review by the Water Board’s legal counsel, the Water Board may accept financial grants or donated services from public entities, academic institutions and foundations, private organizations, or private corporations or individuals. Any funding received via grants and donations must be used for Water Board activities that support broad public needs or issues affecting the universal application of the state water code, relative to Water Board purposes.

The Water Board has received small financial grants from the Benton County Commission (\$1,000, \$5,000, and \$7,000), from the Benton Rural Electric Association (\$1,500), and from the State Dept. of Natural resources (\$5,000). The grants were provided to support initial start-up activities, to support technical analyses related to water use, and to support Water Board participation in and review of state legal issues affecting Water Board operations (legal opinions and some related briefs).

The Water Board has received donations of legal services and legal support from Benton REA, the City of West Richland, the Columbia-Snake River Irrigators Association, and individual water right holders; and some attorneys working with the Water Board have donated time. Also, the Water Board has received legal review interpretations of the water code from state agencies. The Water Board only engages in litigation activities that are relevant to issues of broad public application of the water code by the Water Board.

Water Board Staff:

The Water Board has retained a public information officer to be the contact point for third-party inquiries and to distribute to third-parties copies of requested materials. No recent inquiries have been made, in 2005-07.

The Water Board has received the services of several local attorneys (paid and donated time) for issues related to state-wide water policy issues. The Water Board does require applicants to fund needed legal services affecting their water right change/transfer. And some legal services for the Water Board have been paid by third parties, as noted above.

The Benton County Commission has made available a public record site for public access to applications under review, RODs, and meeting minutes.

Water Board Water Marketing Activities:

The Water Board has published locally—usually several times annually--a general "Markets for Water" notification, for those parties interested in buying or selling water rights. The Water Board attempts to facilitate such transactions whenever possible. The Water Board has received several inquiries about water available for transfer and referred such inquiries to appropriate parties.

The Water Board has reviewed several applications involving water market transfers/changes.

Water Board Review Standards for Transfers/Changes Applications:

The Water Board performs an extensive level of review, including: verifying the existing water right, determining the extent of beneficial use, review of potential impairments and consistency with public interest under the law, and providing operational conditions to ensure that use is consistent with existing laws for water well construction, metering of water use, as well as other water use requirements.

Public Access/Comments to Water Board Review of Applications:

The opportunity for public access to or comments on water right transfers/changes reviewed before the Water Board is substantial; and the Water Board review process actually expands opportunities for public comment beyond the protocol conducted solely by the WADOE.

The Water Board provides for public notice of transfer/change applications formally received, they distribute copies of applications to parties requesting notice of all application reviews (including several state agencies and tribes), and they receive formal comments submitted to them by any party. All comments, if any are received, become part of the formal record of decision (ROD).

BCWCB Meeting Agendas and Minutes:

The agendas for the BCWCB meetings are fixed, with the same topics covered each meeting. Agendas are distributed at each meeting for all meeting participants. The agendas include:

- Meeting call to order and approval of previous meeting minutes.
- Financial report from the treasurer.
- Application update and review (receipt of new applications, review of draft RODs, approval of requests and RODS).
- Litigation (if any) and Special Topics.
- Future meeting schedules.
- Public comment/Hearings.
- Meeting adjournment.

All BCWCB meetings, and general workshops, are open to the public with meeting dates published in the local paper, and third parties are notified upon request. Meeting minutes are available to any party upon request and are filed at the County's public file site. Meeting minutes are not recorded for informal work meetings, where no decisions are made (such meetings usually deal with very specific technical issues, where such information is eventually included within the Report of Examination/Record of Decision which is open for public review and comment).

Water Board Public Hearings, Litigation Actions, and Legislation:

Some of the applications reviewed and record of decisions (RODs) prepared by the Water Board have required public hearings, consistent with RCW 90.80 and agency rules. Any written comments received from any party concerning a specific application have been noted within the ROD. The Water Board conducts a public hearing on a transfers/changes application, where it involves an inter-county transfer/change.

The Water Board has directly participated in the past litigation surrounding general water conservancy board authority and implementation of the water code, as an amicus, an intervener, and a plaintiff. Water Board litigation activities are limited to issues that support broad public needs, or issues affecting the universal application of the state water code, relative to Water Board purposes. The litigation involves the direct interpretation of the water code relative to water rights.

The Water Board has participated within two stipulated settlement agreements between WADOE and applicants (Benton County and Desert Hills). The Water Board engaged in litigation (2003-4) with WADOE concerning a West Richland change/transfer, where the Water Board's decision was upheld in Superior Court; and the Water Board engaged in litigation against WADOE in 2004 regarding the use of agency policy as an illegal "rule" concerning the quantification of water rights. The Water Board reached a legal settlement agreement with WADOE concerning the implementation of RCW 90.03.380, the extent and validity of a water right for change/transfer (October 2004).

The Water Board participated in the 2001 legislative actions involving the authority of Water Conservancy Boards, and reviews new water law proposal and bills. The Water Board monitors new legislative proposals affecting the implementation of state water law.

The Water Board participated in review/revising the existing WACs in 2006, at the annual training meeting.

STATUS OF APPLICATION REVIEWS AND ROE/RODS

Status of Water Right Transfers/Changes Under BCWCB Review:

The BCWCB has reviewed numerous applications for water right transfers/changes, affecting water right claims, permits, and certificates; the nature and status of which are summarized below and in the attached WADOE Form.

Record of Decisions Approved by Water Board Prior to 11/2001:

- Kennewick Hospital District and Boudier Orchards, groundwater transfer/change request for place of use, inchoate groundwater permit change request, request approved by BCWCB (permit); affirmed or affirmed with modifications by WADOE.
- WA State Dept. of Natural Resources, groundwater transfer/change request for place of use, request approved by BCWCB (permit); affirmed or affirmed with modifications by WADOE.
- Kiona Vineyards (Holmes), groundwater transfer/change request for water-spreading with water application efficiency improvements, request approved by BCWCB (certificate); affirmed or affirmed with modifications by WADOE.
- Stimson-Lane, Columbia Crest Vineyards, groundwater transfer/change request for change of place of use, seasonal change, and purpose, request approved by BCWCB (certificate); affirmed or affirmed with modifications by WADOE.
- Benton County and Barker Ranches, surface water (Yakima River) claim transfer/change request for change of place of use, seasonal change, and purpose, request approved by BCWCD; request denied by WADOE but with stipulated settlement agreement upholding the Record of Decision issue by BCWCB (claim).
- Soaring Eagle Ranches No.1, groundwater transfer/change request for change of place of use and point of diversion, request approved by BCWCB (certificate); affirmed or affirmed with modifications by WADOE.
- Soaring Eagle Ranches No.2, groundwater transfer/change request for change of place of use and point of diversion, request approved by BCWCB (permit); affirmed or affirmed with modifications by WADOE.
- Shore Properties-Washington Fruit and Cold Storage, surface water (Columbia River) transfer/change request for change in point of diversion, request approved by BCWCB (permit); affirmed or affirmed with modifications by WADOE.
- Badger Mt. Irrigation District, groundwater transfer/change request for point of diversion, place of use, seasonal change, and purpose of use, request approved by BCWCB (permit); affirmed or affirmed with modifications by WADOE.

- **Kiona Vineyards (Holmes), groundwater transfer/change request for water-spreading with water application efficiency improvements, request approved by BCWCB, decision modified by WADOE with WADOE re-issuing second modification order due to technical error by WADOE in original modification order; WADOE and BCWCB concur on revised modification order (certificate).**
- **City of West Richland (Michels water right), groundwater transfer/change request for place of use, point of diversion, seasonal change, and purpose of use, request approved by the BCWCB and denied by WADOE; applicant has appealed to PCHB and requested settlement agreement with WADOE, but WADOE is now denying permit extension with water right holder challenging WADOE denial of extensions (permit), currently in PCHB review.**
- **Berg Farms, surface water transfer/change request for added point of diversion, request approved by BCWCB (permit); affirmed or affirmed with modifications by WADOE.**
- **WA State Dept. of Natural Resources, groundwater transfer/change request for place of use, request approved by BCWCB (permit); affirmed or affirmed with modifications by WADOE.**
- **Badger Mt. Irrigation District, groundwater transfer/change request for point of diversion, and place of use; request approved by BCWCB (permit); affirmed or affirmed with modifications by WADOE.**
- **City of West Richland, groundwater transfer/change request for point of diversion; request approved by BCWCB (Certificate); affirmed or affirmed with modifications by WADOE.**
- **City of Richland, surface water (Columbia River) transfer/change request for change in point of diversion (irrigation sector); request approved by BCWCB (certificate); affirmed or affirmed with modifications by WADOE.**
- **City of Richland, surface water (Columbia River) transfer/change request for change in point of diversion (domestic use); request approved by BCWCB (certificate); affirmed or affirmed with modifications by WADOE.**
- **Stimson-Lane, Columbia Crest Vineyards, groundwater transfer/change request for added point of diversion, change to place of use, seasonal change, and purpose, request approved by BCWCB (certificate); affirmed or affirmed with modifications by WADOE.**
- **Belzer and Manuel, groundwater transfer/change request for place of use for inchoate water, for a lot within a private development; request approved by BCWCB (permit), affirmed by WADOE.**

Applications Received/Processed/Pending Review by Water Board 11/2001-10/2002:

- **City of West Richland, groundwater change/transfer request for change to purpose and place of use; request approved by BCWCB (permit), affirmed or modified and affirmed by WADOE.**
- **Plymouth Energy, LCC, groundwater and surface water from the Columbia River change/transfer request for change to purpose of use; request approved by the BCWCB (permit), affirmed or modified and affirmed by WADOE.**
- **Plymouth Farms, purpose and place of use LCC, groundwater and surface water from the Columbia River change/transfer request for change to purpose of use; request approved by the BCWCB (permit), affirmed or modified and affirmed by WADOE.**
- **Battelle Memorial Institute, PNNL, surface water from the Columbia River change/transfer request for change to purpose of use; request approved by BCWCB (certificate), affirmed or modified and affirmed by WADOE.**
- **Battelle Memorial Institute, PNNL, groundwater change/transfer request for change to place/time of use; request approved by BCWCB (certificate), affirmed or modified and affirmed by WADOE.**
- **Badger Canyon Ranch, Wiser, groundwater change/transfer request for change to purpose and place of use; request approved by the BCWCB (certificate), affirmed or modified and affirmed by the WADOE.**

Applications Processed or Received Pending Review by Water Board 10/2002-10/2003:

- **Desert Hills Fruit, surface water (Columbia River) change/transfer request for change to place of use; request approved by the BCWCB (permit); approval accepted by WADOE after litigation stipulated settlement agreement.**
- **Desert Hills Fruit, surface water (Columbia River) change/transfer request for change to place of use; request approved by the BCWCB (certificate); approval accepted by WADOE after litigation stipulated settlement agreement.**
- **C&M Orchards, groundwater change/transfer request for change to point of withdrawal; request approved by the BCWCB (permit), affirmed or modified and affirmed by the WADOE.**
- **Mt. Adams Vista Water System, groundwater change/transfer request for change of purpose and place of use; request investigated by the BCWCB and determination made that water use could be best accomplished under the domestic water use exemption (permit); BCWCB notified WADOE that applicant would be servicing two lots via groundwater use exemption for permit; file closed for further action by the BCWCB.**
- **WA State Dept. of Natural Resources, groundwater transfer/change request for point of diversion and place of use, draft ROD prepared by BCWCB (permit); request approved by the BCWCB (permit), affirmed or modified and affirmed by the WADOE.**

- **WA State Dept. of Natural Resources, surface water (Columbia River) change/transfer request for change to point of diversion; request will be approved by BCWCB having received final review by WADOE of permit extension (extension approved in 2003); active status, pending as of 10/2003.**
- **Stimson-Lane, LTD, surface water (Columbia River) change/transfer request for change to place of use; applicant requested application withdrawal during BCWCB review; BCWCB withdrawal of application from review.**
- **Haag-Williams, groundwater change/transfer request for change to purpose and place of use (certificate); received 10/2002; BCWCB determined that applicant's request could be serviced via existing exempt well; BCWCB notified WADOE that applicant would be servicing six lots via groundwater use exemption for permit; file closed for further action by the BCWCB.**
- **Monson Ranches, groundwater change/transfer request for change to place of use; applicant requested withdrawal of application after litigation settlement agreement with DNR (permit).**
- **Maryhill Museum, groundwater (surface water continuity with Columbia River) transfer/change request for point of diversion, place of use, seasonal change, and purpose of use; draft ROD in preparation by the Board (permit), WADOE has made determination that the specific hydrology features likely represent same body of water for management purposes; applicant has requested hold on action pending water right sales agreement (permit); active status, pending 10/2003.**
- **Cone/Underwood, groundwater change/transfer request for change in place of use; received 2003; applicant has requested hold on action pending additional legal review.**

Applications Processed or Received Pending Review by Water Board 10/2003-10/2004:

- **Plymouth Farms, LLC, groundwater change/transfer request for additional points of withdrawal and extended period of use; received 2003; ROE/ROD prepared by BCWCB December 2003; request approved by the BCWCB (permit), affirmed or modified and affirmed by the WADOE.**
- **Lawrence Pearson, groundwater change/transfer request for point of diversion and place of use; received 2003; ROE/ROD prepared by BCWCB December 2003; request approved by the BCWCB (permit), affirmed or modified and affirmed by the WADOE.**
- **Hedges and Lawrence Pearson, groundwater change/transfer request for point of diversion (permit); received 2004; final ROE/ROD prepared by BCWCB June 2004; request approved by the BCWCB (permit), affirmed or modified and affirmed by the WADOE.**
- **WA State Dept. of Natural Resources, groundwater change/transfer request for place of use; received 2003; ROD/ROE prepared by BCWCB March 2004; request approved by the BCWCB (permit), affirmed or modified and affirmed by the WADOE.**

- **WA State Dept. of Natural Resources, groundwater change/transfer request for place of use (permit); received 2003; ROD/ROE prepared by BCWCB September 2004; request approved by the BCWCB (permit), pending WADOE Review.**
- **Olsen Bros. Farms, groundwater change/transfer request for point of diversion and place of use (permit); received 2003; ROD/ROE prepared by BCWCB October 2004; request approved by the BCWCB (permit), pending WADOE Review.**
- **WA State Dept. of Natural Resources, groundwater change/transfer request for point of withdrawal (permit); received 2004; pending review by BCWCB.**
- **WA State Dept. of Natural Resources, groundwater change/transfer request for place of use and point of withdrawal (permit); received 2004; pending review by BCWCB.**

Applications Processed or Received by Water Board 10/2004-10/2005:

- **Bitton Farms, groundwater change/transfer request for change to point of withdrawal and place of use; request approved by the BCWCB July 2005 (permit), affirmed or modified by the WADOE.**
- **WA State Dept. of Natural Resources, groundwater change/transfer request for place of use and point of withdrawal (permit G4-25953(A)P); request approved by the BCWCB April 2005, affirmed or modified by the WADOE.**
- **Richard Gurske, groundwater change/transfer request for change to point of withdrawal; request approved by the BCWCB March 2005 (permit), affirmed or modified by the WADOE.**
- **SDH Trust, groundwater change/transfer request for change to point of withdrawal and place of use; request approved by the BCWCB January 2005 (permit), affirmed or modified by the WADOE.**
- **Kendall Wahlquist, Surface Water Yakima River, change/transfer request for point of withdrawal change; request approved by the BCWCB May 2005 (water right claim CS4-00151CTCL@1), affirmed or modified by the WADOE.**
- **WA State Dept. of Natural Resources, groundwater change/transfer request for place of use (permit G4-28833P); ROD/ROE prepared by BCWCB September 2003/2004, and subject of litigation review; request approved by the BCWCB October 2005, pending WADOE review.**
- **Watts Bros., surface water right, Columbia River, change/transfer request for place of use, purpose of use, and time of use; request approved by the BCWCB October 2005, pending WADOE review.**
- **Mercer Ranches, surface water right, Columbia River, change/transfer request for place of use, purpose of use, and time of use; request received by the BCWCB December 2001.**

- City of Richland, groundwater right, certificate (CG4-28515C), change/transfer request for change in place of use, received by the BCWCB January 2005.
- City of Richland, surface water right, Columbia River, certificate (S4-12666C), change/transfer request for change to point of withdrawal, received by the BCWCB April 2005.
- Ste. Michelle Wine Estates, LCC., surface water right, Yakima River, change to point of withdrawal, place of use, and purpose of use, received by the BCWCB October 2005. Note: application requested to be withdrawn before legal notice publication/formal acceptance.

Applications Processed or Received by Water Board 10/2005-10/2006:

- City of Richland, groundwater right, certificate (CG4-28515C), change/transfer request for change in place of use, request approved by the BCWCB April 2006; affirmed or modified by the WADOE.
- WA State Dept. of Natural Resources, groundwater change/transfer request for place of use and point of withdrawal change, CG4-23969C@2; request approved by the BCWCB April 2006; affirmed or modified by the WADOE.
- WA State Dept. of Natural Resources, groundwater change/transfer request for place of use change, CG4-30827P; request approved by the BCWCB April 2006; affirmed or modified by the WADOE.
- Mercer Ranches/Bolthouse Farms, surface water right, Columbia River, change/transfer request for place of use, purpose of use, and time of use; request approved by the BCWCB February and May 2006 (ROE/ROD withdrawal once for additional SEPA checklist review); affirmed or modified by the WADOE.
- Wisser Farms, groundwater right, certificate (CG4-23101C@1), change/transfer request for change in place of use; request approved by the BCWCB October 2006.
- Ste. Michelle Wine Estates, LCC., groundwater right, certificate (CG3-21610C), change/transfer request to place of use; request approved by the BCWCB October 2006.
- Ste. Michelle Wine Estates, LCC., groundwater right, certificate (CG4-GWC5494-A), change/transfer request to place of use; request approved by the BCWCB October 2006.
- Ste. Michelle Wine Estates, LCC., groundwater right, certificate (CG4-GWC-5458-A), change/transfer request to place of use; request approved by the BCWCB October 2006.

Applications Processed or Pending by Water Board 10/2006-10/2007:

- City of Richland, surface water right certificate (CG4-SWC9005), change/transfer request for change in point of withdrawal, request approved by the BCWCB May 2007; affirmed or modified by the WADOE; affirmed or modified by the WADOE.

- **AgriNorthwest-AgReserves, Inc., surface water permit (CS4-13134P@2), change/transfer request for change to purpose of use and time of use, request approved by the BCWCB August 2007; affirmed or modified by the WADOE.**
- **DNR groundwater right permit (CG4-28833P@3), change/transfer request for place of use, request approved by the BCWCB September 2007; affirmed or modified by the WADOE.**
- **FSNTN LCC, groundwater permit (CG4-26953(D)P), change/transfer request for change to place of use and added point of diversion, request approved by the BCWCB October 2007.**
- **FSNTN LCC, groundwater permit (CG4-26953(B)@1P), change/transfer request for change to place of use and added point of diversion, request approved by the BCWCB October 2007.**
- **Wallula Vineyards, surface water certificate (CS4-SWC9974(A)), change/ transfer request for change to place of use, point of diversion, and time of use, request approved by the BCWCB October 2007.**
- **Wallula Vineyards, surface water certificate (CS4-01228C(A), change/ transfer request for change to place of use, point of diversion, and time of use, request approved by the BCWCB October 2007.**
- **City of West Richland, groundwater certificate (CG4-24124C), change/transfer request for change to place of use and purpose of use, with combined/added points of withdrawal, request approved by the BCWCB October 2007.**
- **City of West Richland, groundwater certificate (CG4-24174C), change/transfer request for change to place of use and purpose of use, with combined/added points of withdrawal, request approved by the BCWCB October 2007.**
- **City of West Richland, groundwater permit (CG4-24640(B)P), change/transfer request for change to place of use and purpose of use, with combined/added points of withdrawal, request approved by the BCWCB October 2007.**
- **City of West Richland, groundwater certificate (CG3-00349C), change/transfer request for change to place of use and purpose of use, with combined/added points of withdrawal, request approved by the BCWCB October 2007.**
- **City of West Richland, groundwater certificate (CG4-23893C), change/transfer request for change to place of use and purpose of use, with combined/added points of withdrawal, request approved by the BCWCB October 2007.**
- **City of West Richland, groundwater permit (CG4-26491P), change/transfer request for change to place of use and purpose of use, with combined/added points of withdrawal, request approved by the BCWCB October 2007.**

- **City of West Richland, groundwater certificate (CG4-26280C), change/transfer request for change to place of use and purpose of use, with combined/added points of withdrawal, request approved by the BCWCB October 2007.**
- **City of West Richland, groundwater certificate (CG4-25902C), change/transfer request for change to place of use and purpose of use, with combined/added points of withdrawal, request approved by the BCWCB October 2007.**
- **City of West Richland, groundwater certificate (CG-4768-A), change/transfer request for change to place of use and purpose of use, with combined/added points of withdrawal, request approved by the BCWCB October 2007.**
- **City of West Richland, groundwater certificate (CG-3082-A), change/transfer request for change to place of use and purpose of use, with combined/added points of withdrawal, request approved by the BCWCB October 2007.**
- **City of West Richland, groundwater certificate (CG4-26268C), change/transfer request for change to place of use and purpose of use, with combined/added points of withdrawal, request approved by the BCWCB October 2007.**
- **Red Mt. Water LLC, surface water right certificate (CS4-00788CTCLsB24@2-11-08-1870), change/transfer request for change to place of use and point of withdrawal, request approved by the BCWCB October 2007.**
- **Red Mt. Water LLC, surface water right certificate (CS4-00788CTCLsB24@3-06-05-1873), change/transfer request for change to place of use and point of withdrawal, request approved by the BCWCB October 2007.**
- **Applications pending review: Easterday Farms, surface water right certificates (5) being reviewed with amendment to original application Applications relate to Columbia River surface water rights S3-22572C, S3-00286C, S4-23978(A)C, S4-23978(B)C and S4-23874(A)C. The Water Board is reviewing this change/transfer as a consolidation of the water rights to function operationally as a single project. The water right change/transfer will involve: 1) a reduction of allowed water use from the existing certificated rights; 2) a recalibration of the water rights to account for available water (Annual Consumptive Quantity) for change/transfer under RCW 90.03.380; 3) an increase to allowed irrigated acres with reduced water duty per acre, not to exceed determined ACQ available for change/transfer; and 4) adding points of withdrawal (combining the existing points of withdrawal for all four water rights); and with the intent to standardize the existing irrigation diversion periods to all within the period January 1 to December 31, with a priority date of January 1, 2007 (or the date of the latest priority date among the above water rights).**
- **Applictaions pending review: Ste. Michelle Wine Estates, groundwater right permit CG\$-30288P, request to change to place of use.**
- **Applictaions pending review: Four Feathers Fruit Co., (2) groundwater right (superseding permit) G4-23888P and CG3-21764C; requests added point of withdrawal, and change to seasonal irrigation use from February 1, to November 30 (new period of use). Purpose of use to remain as irrigation; no change to total irrigated**

acres, change to place of use for some acreage. The applicant intent is to continue use of an authorized water right, with no increase in quantity of water use, with no increase to irrigated acres.

In addition to the application requests and ROE/RODs indicated above, the BCWCB has discussed draft applications or inquiries for transfers/changes with over 100 (additional) potential applicants. The Board advises potential applicants to proceed with formal application submittal--and the requirements thereof--depending on their circumstances, and whether their request is perceived to be within the bounds of existing state water law.

GENERAL RECOMMENDATIONS/COMMENTS **TO THE WADOE AND LEGISLATURE**

The Benton County Water Conservancy Board (Water Board) concisely offers the following recommendations/comments--or supports the following actions--concerning direct and indirect activities of the water conservancy boards:

- The Water Board appreciates all efforts made by WADOE staff to work collaboratively with and enhance water conservancy board operations.
- The Water Board supports a legislative changes to the relinquishment statutes, extending the water right relinquishment period—non-use period—from 5-years to 20-years (90.14), with corresponding changes to 90.03.380 as well; or to establish the beneficial use of a water right as the peak-year of use over the historical life of a water right (as previously contained in SB-5106, 2003 legislative session).
- The BCWCB would recommend that current support levels be maintained. Technical support, on issues involving groundwater hydrology, has been usually good.
- The major area of conflict between the BCWCB and WADOE is not technical evaluation, but legal and policy interpretation of the water code. The BCWCB recommends that direct Attorney General Office consultation/discussion should be made available to the Water Boards.

2007 Report to Legislature
Benton County Water Conservancy Board
 October 31, 2006 through October 31, 2007

Water Conservancy Board Information			
<i>Board name</i>	Benton Co. Water Conservancy Board	Date board approved	07/10/98
Board address/ phone/email	Benton Co. Water Conservancy Board 3030 W. Clearwater, Suite 205-A Kennewick, WA 99336 (509) 783-1623 and/or dolsenecon@aol.com		
<i>Board members</i>	Darryll Olsen, Ph.D. Chair Matt Berg, Member, Treasurer John Jaksch, Ph.D. Member , Member , Member , Alternate	Term Expiration Date	
		05/31/10 05/31/08 05/31/10 N/A	
Primary board contact	Dr. Darryll Olsen, Chair		
Changes in membership	Bd Member Name	Address	Phone/Cell/Fax/Email
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
Water Conservancy Board Operations			
Regular meeting schedule	As Needed.		
Regular meeting location	Kennewick, WA		
Current fee for processing	\$250	Has this changed from last year? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>	
Litigation WCB is involved in	None in 2007.		
Property owned by WCB	None.		
Number staff/ volunteer assistance	Several attorneys paid/donated time; public information officer to distribute requested materials and inquiries, when needed.		
Do you maintain a water right transfer information exchange of interested buyers, sellers and/or lessors of water rights: <input checked="" type="checkbox"/> Yes. Public notice as requested. <input type="checkbox"/> no			
Training received other than from ecology	Title of Training	Date(s)	Sponsor
	Annual WADOE Training Sessions	2005-07	WADOE
	Litigation and Preparation of Legal Opinions	2003-04	BCWCB
Forms attached <input type="checkbox"/>			
Additional comments: See above memorandum.			

Application Information		
Filed with and conveyed from Ecology	0.	
Filed originally with WCB	All	
Total new applications filed and accepted 11/01/06 to 10/31/07 26 accepted		
Withdrawn by applicant from board	None	
Board declined to process	0	
Applications for:		
groundwater transfers	16	
surface water transfers	10	
surface to ground water or ground to surface water	(2 potential)	
Proposing transfer related to:	Permits: 6 Certificates: 20	
water right claims	0	
court claims or other documents	0	
trust water	4 potential after change/transfer	
Hearings in other counties¹	2 hearings in Benton County	
Applications by Water Resource Inventory Areas (WRIAs)		
WRIA Number	WRIA Name	Number Filed
31		
36		
37		
Records of Decisions by WCB		
<i>Approved</i>	20	
Partially approved	0	
Denied	0	
Total Decisions		20 Decisions
Withdrawn from Ecology	0	
Remanded back to board	0	
Appealed to PCHB	0	

*Benton County Water Conservancy Board
Annual Report: October 2007-October 2008*

Transmittal: E-Mail/Hard Copy

DATE: October 31, 2008

TO: Ms. Janet Carlson, WADOE, Spokane Office
Board of Benton County Commissioners

FROM: Darryll Olsen, Ph.D.
Chairman, Benton County Water Conservancy Board
509-783-1623, FAX 509-735-3140

SUBJECT: Annual Report For Benton County Water Conservancy Board (Water Board)

The following information provides a status report on the activities of the Benton County Water Conservancy Board (Water Board) for operations commencing in the fall of 1998 through October 2008. This information is provided to the WADOE to meet its reporting requirements to the Washington State legislature and to inform the Benton County Commissioners.

BACKGROUND AND OPERATIONS

The Benton County Water Conservancy Board (Water Board):

The Water Board membership is as follows:

- Darryll Olsen, Ph.D., Regional Planner/Resource Economist, The Pacific Northwest Project, Kennewick, WA (Chairman); land owner served by irrigation district water rights.
- John Jaksch, Ph.D., Resource Economist, Pacific Northwest Laboratory, Richland, WA (Vice-Chairman); land owner served by irrigation district water rights.
- Matt Berg, B.A., Agricultural Economics, Berg Farms, Prosser, WA (Treasurer); land owner and holder of water rights.

3030 W. Clearwater, Ste. 205-A, Kennewick, Washington, 99336
509-783-1623, FAX 509-735-3140

Water Board Training and Related Activities:

The Water Board members have participated regularly in or received:

- **Training workshops held by the WADOE (1998 and 1999), whenever invitations are extended to water conservancy board members (Olsen, Jaksch, Berg).**
- **Training workshop held jointly by WADOE and BCWCB (fall 1999) (Olsen, Jaksch, Berg).**
- **All Boards Workshop and Training (2000 and 2002) (Olsen, Jaksch, and Berg).**
- **Participation in drafting 2000 and 2001 legislative changes for water conservancy boards, including legislative hearing testimony (Olsen, Berg, Jaksch); participation in rule-making review, 2002 (Olsen).**
- **Water Law and Policy Seminars, 1999-2001 (for example, CLE and AWWA seminars) (Olsen).**
- **Review of all WADOE updates and court cases distributed to the Water Boards by WADOE and on the WADOE website (Olsen, Berg, Jaksch).**
- **Participation in professional and business associations that are active in state and federal water management policy (Olsen, Berg).**
- **Direct participation with legislators in drafting 2003 legislative changes to RCW 90.03.380 affecting changes/transfers and water right relinquishment under the “beneficial-use” test.**
- **Participation in 2003 lawsuits affecting Water Board decisions for water right changes, Desert Hills and West Richland vs WADOE (Olsen, Berg, Jaksch).**
- **Prepared and distributed legal opinions on WADOE proposed policy for implemented RCW 90.03.380, 2003.**
- **Scheduled/participated in WADOE annual workshop training in 2003 (Olsen, Berg, Jaksch).**
- **Participated in training workshops offered in 2004-6 (Olsen, Berg, Jaksch).**
- **Attended scheduled training workshop in Tri-Cities, WA, January 2007 (Olsen, Jaksch, Berg), with Berg receiving additional training during the year.**
- **Attended scheduled training workshop in Yakima, WA, January 2008 (Olsen, Jaksch, Berg).**

Water Board Fees/Funding:

The Water Board reviews potential applications for transfers/changes and formally accepts appropriate applications (applications that meet the minimum standards for review) for review and processing. When accepted for review, the Water Board charges a fee of \$250 per application. The fee is used principally to cover public notice and related notification costs. The Water Board has met the information requests from all third parties consistent with existing state agency standards.

Consistent with RCW 90.80.060 and review by the Water Board’s legal counsel, the Water Board may accept financial grants or donated services from public entities, academic institutions and foundations, private organizations, or private corporations or individuals. Any funding received via grants and donations must be used for Water Board activities that support broad public needs or issues affecting the universal application of the state water code, relative to Water Board purposes.

The Water Board has received small financial grants from the Benton County Commission (\$1,000, \$5,000, and \$7,000), from the Benton Rural Electric Association (\$1,500), and from the State Dept. of Natural resources (\$5,000). The grants were provided to support initial start-up activities, to support technical analyses related to water use, and to support Water Board participation in and review of state legal issues affecting Water Board operations (legal opinions and some related briefs).

The Water Board has received donations of legal services and legal support from Benton REA, the City of West Richland, the Columbia-Snake River Irrigators Association, and individual water right holders; and some attorneys working with the Water Board have donated time. Also, the Water Board has received legal review interpretations of the water code from state agencies. The Water Board only engages in litigation activities that are relevant to issues of broad public application of the water code by the Water Board.

In 2008, the Water Board prepared an audit of a water right for Energy Services and received a fee of \$2,000.

Water Board Staff:

The Water Board has retained a public information officer to be the contact point for third-party inquiries and to distribute to third-parties copies of requested materials. No recent inquiries have been made, in 2005-08.

The Water Board has received the services of several local attorneys (paid and donated time) for issues related to state-wide water policy issues. The Water Board does require applicants to fund needed legal services affecting their water right change/transfer. And some legal services for the Water Board have been paid by third parties, as noted above.

The Benton County Commission has made available a public record site for public access to applications under review, RODs, and meeting minutes.

Water Board Water Marketing Activities:

The Water Board has published locally—usually several times annually--a general "Markets for Water" notification, for those parties interested in buying or selling water rights. The Water Board attempts to facilitate such transactions whenever possible. The Water Board has received several inquiries about water available for transfer and referred such inquiries to appropriate parties.

The Water Board has reviewed several applications involving water market transfers/changes.

Water Board Review Standards for Transfers/Changes Applications:

The Water Board performs an extensive level of review, including: verifying the existing water right, determining the extent of beneficial use, review of potential impairments and consistency with public interest under the law, and providing operational conditions to ensure that use is consistent with existing laws for water well construction, metering of water use, as well as other water use requirements.

Public Access/Comments to Water Board Review of Applications:

The opportunity for public access to or comments on water right transfers/changes reviewed before the Water Board is substantial; and the Water Board review process actually expands opportunities for public comment beyond the protocol conducted solely by the WADOE.

The Water Board provides for public notice of transfer/change applications formally received, they distribute copies of applications to parties requesting notice of all application reviews (including several state agencies and tribes), and they receive formal comments submitted to them by any party. All comments, if any are received, become part of the formal record of decision (ROD).

BCWCB Meeting Agendas and Minutes:

The agendas for the BCWCB meetings are fixed, with the same topics covered each meeting. Agendas are distributed at each meeting for all meeting participants. The agendas include:

- Meeting call to order and approval of previous meeting minutes.
- Financial report from the treasurer.
- Application update and review (receipt of new applications, review of draft RODs, approval of requests and RODS).
- Litigation (if any) and Special Topics.
- Future meeting schedules.
- Public comment/Hearings.
- Meeting adjournment.

All BCWCB meetings, and general workshops, are open to the public with meeting dates published in the local paper, and third parties are notified upon request. Meeting minutes are available to any party upon request and are filed at the County's public file site. Meeting minutes are not recorded for informal work meetings, where no decisions are made (such meetings usually deal with very specific technical issues, where such information is eventually included within the Report of Examination/Record of Decision which is open for public review and comment).

Water Board Public Hearings, Litigation Actions, and Legislation:

Some of the applications reviewed and record of decisions (RODs) prepared by the Water Board have required public hearings, consistent with RCW 90.80 and agency rules. Any written comments received from any party concerning a specific application have been noted within the ROD. The Water Board conducts a public hearing on a transfers/changes application, where it involves an inter-county transfer/change. Hearings have been in Kennewick and Ellensburg, WA, in 2007-08.

The Water Board has directly participated in the past litigation surrounding general water conservancy board authority and implementation of the water code, as an amicus, an intervener, and a plaintiff. Water Board litigation activities are limited to issues that support broad public needs, or issues affecting the universal application of the state water code, relative to Water Board purposes. The litigation involves the direct interpretation of the water code relative to water rights.

The Water Board has participated within two stipulated settlement agreements between WADOE and applicants (Benton County and Desert Hills). The Water Board engaged in litigation (2003-4) with WADOE concerning a West Richland change/transfer, where the Water Board's decision was upheld in Superior Court; and the Water Board engaged in litigation against WADOE in 2004 regarding the use of agency policy as an illegal "rule" concerning the quantification of water rights. The Water Board reached a legal settlement agreement with WADOE concerning the implementation of RCW 90.03.380, the extent and validity of a water right for change/transfer (October 2004).

The Water Board participated in the 2001 legislative actions involving the authority of Water Conservancy Boards, and reviews new water law proposal and bills. The Water Board monitors new legislative proposals affecting the implementation of state water law.

The Water Board participated in review/revising the existing WACs in 2006, at the annual training meeting.

STATUS OF APPLICATION REVIEWS AND ROE/RODS

Status of Water Right Transfers/Changes Under BCWCB Review:

The BCWCB has reviewed numerous applications for water right transfers/changes, affecting water right claims, permits, and certificates; the nature and status of which are summarized below and in the attached WADOE Form.

Record of Decisions Approved by Water Board Prior to 11/2001:

- Kennewick Hospital District and Boudier Orchards, groundwater transfer/change request for place of use, inchoate groundwater permit change request, request approved by BCWCB (permit); affirmed or affirmed with modifications by WADOE.
- WA State Dept. of Natural Resources, groundwater transfer/change request for place of use, request approved by BCWCB (permit); affirmed or affirmed with modifications by WADOE.
- Kiona Vineyards (Holmes), groundwater transfer/change request for water-spreading with water application efficiency improvements, request approved by BCWCB (certificate); affirmed or affirmed with modifications by WADOE.
- Stimson-Lane, Columbia Crest Vineyards, groundwater transfer/change request for change of place of use, seasonal change, and purpose, request approved by BCWCB (certificate); affirmed or affirmed with modifications by WADOE.
- Benton County and Barker Ranches, surface water (Yakima River) claim transfer/change request for change of place of use, seasonal change, and purpose, request approved by BCWCD; request denied by WADOE but with stipulated settlement agreement upholding the Record of Decision issue by BCWCB (claim).
- Soaring Eagle Ranches No.1, groundwater transfer/change request for change of place of use and point of diversion, request approved by BCWCB (certificate); affirmed or affirmed with modifications by WADOE.

- **Soaring Eagle Ranches No.2, groundwater transfer/change request for change of place of use and point of diversion, request approved by BCWCB (permit); affirmed or affirmed with modifications by WADOE.**
- **Shore Properties-Washington Fruit and Cold Storage, surface water (Columbia River) transfer/change request for change in point of diversion, request approved by BCWCB (permit); affirmed or affirmed with modifications by WADOE.**
- **Badger Mt. Irrigation District, groundwater transfer/change request for point of diversion, place of use, seasonal change, and purpose of use, request approved by BCWCB (permit); affirmed or affirmed with modifications by WADOE.**
- **Kiona Vineyards (Holmes), groundwater transfer/change request for water-spreading with water application efficiency improvements, request approved by BCWCB, decision modified by WADOE with WADOE re-issuing second modification order due to technical error by WADOE in original modification order; WADOE and BCWCB concur on revised modification order (certificate).**
- **City of West Richland (Michels water right), groundwater transfer/change request for place of use, point of diversion, seasonal change, and purpose of use, request approved by the BCWCB and denied by WADOE; applicant has appealed to PCHB and requested settlement agreement with WADOE, but WADOE is now denying permit extension with water right holder challenging WADOE denial of extensions (permit), currently in PCHB review.**
- **Berg Farms, surface water transfer/change request for added point of diversion, request approved by BCWCB (permit); affirmed or affirmed with modifications by WADOE.**
- **WA State Dept. of Natural Resources, groundwater transfer/change request for place of use, request approved by BCWCB (permit); affirmed or affirmed with modifications by WADOE.**
- **Badger Mt. Irrigation District, groundwater transfer/change request for point of diversion, and place of use; request approved by BCWCB (permit); affirmed or affirmed with modifications by WADOE.**
- **City of West Richland, groundwater transfer/change request for point of diversion; request approved by BCWCB (Certificate); affirmed or affirmed with modifications by WADOE.**
- **City of Richland, surface water (Columbia River) transfer/change request for change in point of diversion (irrigation sector); request approved by BCWCB (certificate); affirmed or affirmed with modifications by WADOE.**
- **City of Richland, surface water (Columbia River) transfer/change request for change in point of diversion (domestic use); request approved by BCWCB (certificate); affirmed or affirmed with modifications by WADOE.**

- **Stimson-Lane, Columbia Crest Vineyards, groundwater transfer/change request for added point of diversion, change to place of use, seasonal change, and purpose, request approved by BCWCB (certificate); affirmed or affirmed with modifications by WADOE.**
- **Belzer and Manuel, groundwater transfer/change request for place of use for inchoate water, for a lot within a private development; request approved by BCWCB (permit), affirmed by WADOE.**

Applications Received/Processed/Pending Review by Water Board 11/2001-10/2002:

- **City of West Richland, groundwater change/transfer request for change to purpose and place of use; request approved by BCWCB (permit), affirmed or modified and affirmed by WADOE.**
- **Plymouth Energy, LCC, groundwater and surface water from the Columbia River change/transfer request for change to purpose of use; request approved by the BCWCB (permit), affirmed or modified and affirmed by WADOE.**
- **Plymouth Farms, purpose and place of use LCC, groundwater and surface water from the Columbia River change/transfer request for change to purpose of use; request approved by the BCWCB (permit), affirmed or modified and affirmed by WADOE.**
- **Battelle Memorial Institute, PNNL, surface water from the Columbia River change/transfer request for change to purpose of use; request approved by BCWCB (certificate), affirmed or modified and affirmed by WADOE.**
- **Battelle Memorial Institute, PNNL, groundwater change/transfer request for change to place/time of use; request approved by BCWCB (certificate), affirmed or modified and affirmed by WADOE.**
- **Badger Canyon Ranch, Wisner, groundwater change/transfer request for change to purpose and place of use; request approved by the BCWCB (certificate), affirmed or modified and affirmed by the WADOE.**

Applications Processed or Received Pending Review by Water Board 10/2002-10/2003:

- **Desert Hills Fruit, surface water (Columbia River) change/transfer request for change to place of use; request approved by the BCWCB (permit); approval accepted by WADOE after litigation stipulated settlement agreement.**
- **Desert Hills Fruit, surface water (Columbia River) change/transfer request for change to place of use; request approved by the BCWCB (certificate); approval accepted by WADOE after litigation stipulated settlement agreement.**
- **C&M Orchards, groundwater change/transfer request for change to point of withdrawal; request approved by the BCWCB (permit), affirmed or modified and affirmed by the WADOE.**

- **Mt. Adams Vista Water System, groundwater change/transfer request for change of purpose and place of use; request investigated by the BCWCB and determination made that water use could be best accomplished under the domestic water use exemption (permit); BCWCB notified WADOE that applicant would be servicing two lots via groundwater use exemption for permit; file closed for further action by the BCWCB.**
- **WA State Dept. of Natural Resources, groundwater transfer/change request for point of diversion and place of use, draft ROD prepared by BCWCB (permit); request approved by the BCWCB (permit), affirmed or modified and affirmed by the WADOE.**
- **WA State Dept. of Natural Resources, surface water (Columbia River) change/transfer request for change to point of diversion; request will be approved by BCWCB having received final review by WADOE of permit extension (extension approved in 2003); active status, pending as of 10/2003.**
- **Stimson-Lane, LTD, surface water (Columbia River) change/transfer request for change to place of use; applicant requested application withdrawal during BCWCB review; BCWCB withdrawal of application from review.**
- **Haag-Williams, groundwater change/transfer request for change to purpose and place of use (certificate); received 10/2002; BCWCB determined that applicant's request could be serviced via existing exempt well; BCWCB notified WADOE that applicant would be servicing six lots via groundwater use exemption for permit; file closed for further action by the BCWCB.**
- **Monson Ranches, groundwater change/transfer request for change to place of use; applicant requested withdrawal of application after litigation settlement agreement with DNR (permit).**
- **Maryhill Museum, groundwater (surface water continuity with Columbia River) transfer/change request for point of diversion, place of use, seasonal change, and purpose of use; draft ROD in preparation by the Board (permit), WADOE has made determination that the specific hydrology features likely represent same body of water for management purposes; applicant has requested hold on action pending water right sales agreement (permit); active status, pending 10/2003.**
- **Cone/Underwood, groundwater change/transfer request for change in place of use; received 2003; applicant has requested hold on action pending additional legal review.**

Applications Processed or Received Pending Review by Water Board 10/2003-10/2004:

- **Plymouth Farms, LLC, groundwater change/transfer request for additional points of withdrawal and extended period of use; received 2003; ROE/ROD prepared by BCWCB December 2003; request approved by the BCWCB (permit), affirmed or modified and affirmed by the WADOE.**
- **Lawrence Pearson, groundwater change/transfer request for point of diversion and place of use; received 2003; ROE/ROD prepared by BCWCB December 2003; request approved by the BCWCB (permit), affirmed or modified and affirmed by the WADOE.**

- Hedges and Lawrence Pearson, groundwater change/transfer request for point of diversion (permit); received 2004; final ROE/ROD prepared by BCWCB June 2004; request approved by the BCWCB (permit), affirmed or modified and affirmed by the WADOE.
- WA State Dept. of Natural Resources, groundwater change/transfer request for place of use; received 2003; ROD/ROE prepared by BCWCB March 2004; request approved by the BCWCB (permit), affirmed or modified and affirmed by the WADOE.
- WA State Dept. of Natural Resources, groundwater change/transfer request for place of use (permit); received 2003; ROD/ROE prepared by BCWCB September 2004; request approved by the BCWCB (permit), pending WADOE Review.
- Olsen Bros. Farms, groundwater change/transfer request for point of diversion and place of use (permit); received 2003; ROD/ROE prepared by BCWCB October 2004; request approved by the BCWCB (permit), pending WADOE Review.
- WA State Dept. of Natural Resources, groundwater change/transfer request for point of withdrawal (permit); received 2004; pending review by BCWCB.
- WA State Dept. of Natural Resources, groundwater change/transfer request for place of use and point of withdrawal (permit); received 2004; pending review by BCWCB.

Applications Processed or Received by Water Board 10/2004-10/2005:

- Bitton Farms, groundwater change/transfer request for change to point of withdrawal and place of use; request approved by the BCWCB July 2005 (permit), affirmed or modified by the WADOE.
- WA State Dept. of Natural Resources, groundwater change/transfer request for place of use and point of withdrawal (permit G4-25953(A)P); request approved by the BCWCB April 2005, affirmed or modified by the WADOE.
- Richard Gurske, groundwater change/transfer request for change to point of withdrawal; request approved by the BCWCB March 2005 (permit), affirmed or modified by the WADOE.
- SDH Trust, groundwater change/transfer request for change to point of withdrawal and place of use; request approved by the BCWCB January 2005 (permit), affirmed or modified by the WADOE.
- Kendall Wahlquist, Surface Water Yakima River, change/transfer request for point of withdrawal change; request approved by the BCWCB May 2005 (water right claim CS4-00151CTCL@1), affirmed or modified by the WADOE.
- WA State Dept. of Natural Resources, groundwater change/transfer request for place of use (permit G4-28833P); ROD/ROE prepared by BCWCB September 2003/2004, and subject of litigation review; request approved by the BCWCB October 2005, pending WADOE review.

- **Watts Bros., surface water right, Columbia River, change/transfer request for place of use, purpose of use, and time of use; request approved by the BCWCB October 2005, pending WADOE review.**
- **Mercer Ranches, surface water right, Columbia River, change/transfer request for place of use, purpose of use, and time of use; request received by the BCWCB December 2001.**
- **City of Richland, groundwater right, certificate (CG4-28515C), change/transfer request for change in place of use, received by the BCWCB January 2005.**
- **City of Richland, surface water right, Columbia River, certificate (S4-12666C), change/transfer request for change to point of withdrawal, received by the BCWCB April 2005.**
- **Ste. Michelle Wine Estates, LCC., surface water right, Yakima River, change to point of withdrawal, place of use, and purpose of use, received by the BCWCB October 2005. Note: application requested to be withdrawn before legal notice publication/formal acceptance.**

Applications Processed or Received by Water Board 10/2005-10/2006:

- **City of Richland, groundwater right, certificate (CG4-28515C), change/transfer request for change in place of use, request approved by the BCWCB April 2006/January 2005; affirmed or modified by the WADOE.**
- **WA State Dept. of Natural Resources, groundwater change/transfer request for place of use and point of withdrawal change, CG4-23969C@2; request approved by the BCWCB April 2006; affirmed or modified by the WADOE.**
- **WA State Dept. of Natural Resources, groundwater change/transfer request for place of use change, CG4-30827P; request approved by the BCWCB April 2006; affirmed or modified by the WADOE.**
- **Mercer Ranches/Bolthouse Farms, surface water right, Columbia River, change/transfer request for place of use, purpose of use, and time of use; request approved by the BCWCB February and May 2006 (ROE/ROD withdrawal once for additional SEPA checklist review); affirmed or modified by the WADOE.**
- **Wiser Farms, groundwater right, certificate (CG4-23101C@1), change/transfer request for change in place of use; request approved by the BCWCB October 2006.**
- **Ste. Michelle Wine Estates, LCC., groundwater right, certificate (CG3-21610C, change/transfer request to place of use; request approved by the BCWCB October 2006.**

- Ste. Michelle Wine Estates, LCC., groundwater right, certificate (CG4-GWC5494-A, change/transfer request to place of use; request approved by the BCWCB October 2006.
- Ste. Michelle Wine Estates, LCC., groundwater right, certificate (CG4-GWC-5458-A, change/transfer request to place of use; request approved by the BCWCB October 2006.

Applications Processed or Pending by Water Board 10/2006-10/2007:

- City of Richland, surface water right certificate (CG4-SWC9005), change/transfer request for change in point of withdrawal, request approved by the BCWCB May 2007; affirmed or modified by the WADOE; affirmed or modified by the WADOE.
- AgriNorthwest-AgReserves, Inc., surface water permit (CS4-13134P@2), change/transfer request for change to purpose of use and time of use, request approved by the BCWCB August 2007; affirmed or modified by the WADOE.
- DNR groundwater right permit (CG4-28833P@3), change/transfer request for place of use, request approved by the BCWCB September 2007; affirmed or modified by the WADOE.
- FSNTN LCC, groundwater permit (CG4-26953(D)P), change/transfer request for change to place of use and added point of diversion, request approved by the BCWCB October 2007.
- FSNTN LCC, groundwater permit (CG4-26953(B)@1P), change/transfer request for change to place of use and added point of diversion, request approved by the BCWCB October 2007.
- Wallula Vineyards, surface water certificate (CS4-SWC9974(A)), change/ transfer request for change to place of use, point of diversion, and time of use, request approved by the BCWCB October 2007.
- Wallula Vineyards, surface water certificate (CS4-01228C(A), change/ transfer request for change to place of use, point of diversion, and time of use, request approved by the BCWCB October 2007.
- City of West Richland, groundwater certificate (CG4-24124C), change/transfer request for change to place of use and purpose of use, with combined/added points of withdrawal, request approved by the BCWCB October 2007.
- City of West Richland, groundwater certificate (CG4-24174C), change/transfer request for change to place of use and purpose of use, with combined/added points of withdrawal, request approved by the BCWCB October 2007.
- City of West Richland, groundwater permit (CG4-24640(B)P), change/transfer request for change to place of use and purpose of use, with combined/added points of withdrawal, request approved by the BCWCB October 2007.

- **City of West Richland, groundwater certificate (CG3-00349C), change/transfer request for change to place of use and purpose of use, with combined/added points of withdrawal, request approved by the BCWCB October 2007.**
- **City of West Richland, groundwater certificate (CG4-23893C), change/transfer request for change to place of use and purpose of use, with combined/added points of withdrawal, request approved by the BCWCB October 2007.**
- **City of West Richland, groundwater permit (CG4-26491P), change/transfer request for change to place of use and purpose of use, with combined/added points of withdrawal, request approved by the BCWCB October 2007.**
- **City of West Richland, groundwater certificate (CG4-26280C), change/transfer request for change to place of use and purpose of use, with combined/added points of withdrawal, request approved by the BCWCB October 2007.**
- **City of West Richland, groundwater certificate (CG4-25902C), change/transfer request for change to place of use and purpose of use, with combined/added points of withdrawal, request approved by the BCWCB October 2007.**
- **City of West Richland, groundwater certificate (CG-4768-A), change/transfer request for change to place of use and purpose of use, with combined/added points of withdrawal, request approved by the BCWCB October 2007.**
- **City of West Richland, groundwater certificate (CG-3082-A), change/transfer request for change to place of use and purpose of use, with combined/added points of withdrawal, request approved by the BCWCB October 2007.**
- **City of West Richland, groundwater certificate (CG4-26268C), change/transfer request for change to place of use and purpose of use, with combined/added points of withdrawal, request approved by the BCWCB October 2007.**
- **Red Mt. Water LLC, surface water right certificate (CS4-00788CTCLsB24@2-11-08-1870), change/transfer request for change to place of use and point of withdrawal, request approved by the BCWCB October 2007.**
- **Red Mt. Water LLC, surface water right certificate (CS4-00788CTCLsB24@3-06-05-1873), change/transfer request for change to place of use and point of withdrawal, request approved by the BCWCB October 2007.**

Applications Processed or Pending by Water Board 10/2007-10/2008:

- **NOTE: West Richland water right changes/transfers noted above (11) for 2007 were withdrawn per Ecology additional request for third impairment analysis and re-submitted for action, request approved by BCWCB August 2008; all affirmed or modified by WADOE.**

- **Ste. Michelle Wine Estates, groundwater right permit CGS-30288P, request to change to place of use; request approved by BCWCB December 2007, affirmed or modified by WADOE.**
- **Easterday Farms, surface water right certificates (5) being reviewed with amendment to original application Applications relate to Columbia River surface water rights S3-22572C, S3-00286C, S4-23978(A)C, S4-23978(B)C and S4-23874(A)C. The Water Board is reviewing this change/transfer as a consolidation of the water rights to function operationally as a single project. The water right change/transfer will involve: 1) a reduction of allowed water use from the existing certificated rights; 2) a recalibration of the water rights to account for available water (Annual Consumptive Quantity) for change/transfer under RCW 90.03.380; 3) an increase to allowed irrigated acres with reduced water duty per acre, not to exceed determined ACQ available for change/transfer; and 4) adding points of withdrawal (combining the existing points of withdrawal for all four water rights); and with the intent to standardize the existing irrigation diversion periods to all within the period January 1 to December 31, with a priority date of January 1, 2007 (or the date of the latest priority date among the above water rights); request approved by BCWCB April 2008; all affirmed or modified by WADOE.**
- **Col Solare, surface water right CFO CS4-00169CTCL@3, revised to @6, from previous change action to Red Mt., request to change place of use with no expansion of irrigated acres; request approved by the BCWCB October 2008, request for affirmed or modified by WADOE pending.**
- **Applicaitons pending review: Four Feathers Fruit Co., (2) groundwater right (superseding permit) G4-23888P and CG3-21764C; requests added point of withdrawal, and change to seasonal irrigation use from February 1, to November 30 (new period of use). Purpose of use to remain as irrigation; no change to total irrigated acres, change to place of use for some acreage. The applicant intent is to continue use of an authorized water right, with no increase in quantity of water use, with no increase to irrigated acres.**
- **Application pending review, Candy Mt. LLC, groundwater certificate CG4-30508, request to change to point of withdrawal, no change to purpose of use, place of use, or quantity of use.**
- **Applications (2) pending review, Shaw Vineyards, surface water Claims Nos. 00484/(A)04498 CFO issued per the Yakima Basin Adjudication, request for change to point of diversion, place of use, and added irrigated acres.**
- **Application pending review, Sandpiper Farms, surface water certificate (Columbia River) CS4-22005C, request for change to place of use, no change to point of diversion, place of use, or total irrigated acres.**
- **Applications pending (3), AgriNorthwest, surface water right certificates/permits (Columbia River) CS4-01335(B)C, CS4-16571(A)P, and CS4-16312(A)P, request to change point of diversion, and place of use.**

In addition to the application requests and ROE/RODs indicated above, the BCWCB has discussed draft applications or inquiries for transfers/changes with over 100 (additional) potential applicants. The Board advises potential applicants to proceed with formal application submittal--and the requirements thereof--depending on their circumstances, and whether their request is perceived to be within the bounds of existing state water law.

GENERAL RECOMMENDATIONS/COMMENTS
TO THE WADOE AND LEGISLATURE

The Benton County Water Conservancy Board (Water Board) concisely offers the following recommendations/comments--or supports the following actions--concerning direct and indirect activities of the water conservancy boards:

- The Water Board appreciates all efforts made by WADOE staff to work collaboratively with and enhance water conservancy board operations.
- The Water Board supports a legislative changes to the relinquishment statutes, extending the water right relinquishment period—non-use period—from 5-years to 20-years (90.14), with corresponding changes to 90.03.380 as well; or to establish the beneficial use of a water right as the peak-year of use over the historical life of a water right (as previously contained in SB-5106, 2003 legislative session).
- The BCWCB would recommend that current support levels be maintained. Technical support, on issues involving groundwater hydrology, has been usually good.
- When it does occur, the major area of conflict between the BCWCB and WADOE is not technical evaluation, but legal and policy interpretation of the water code. The BCWCB recommends that direct Attorney General Office consultation/discussion should be made available to the Water Boards.
- The BCWCB supports further changes to RCW 90.90 to improve seasonal water right change/transfers.

2008 Report to Legislature
Benton County Water Conservancy Board
 October 31, 2007 through October 31, 2008

Water Conservancy Board Information			
<i>Board name</i>	Benton Co. Water Conservancy Board	Date board approved	07/10/98
Board address/ phone/email	Benton Co. Water Conservancy Board 3030 W. Clearwater, Suite 205-A Kennewick, WA 99336 (509) 783-1623 and/or dolsenecon@aol.com		
<i>Board members</i>	Darryll Olsen, Ph.D. Chair Matt Berg, Member, Treasurer John Jaksch, Ph.D. Member , Member , Member , Alternate	Term Expiration Date 05/31/10 05/31/08 05/31/10 N/A	
Primary board contact	Dr. Darryll Olsen, Chair		
Changes in membership	Bd Member Name	Address	Phone/Cell/Fax/Email
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
Water Conservancy Board Operations			
Regular meeting schedule	As Needed.		
Regular meeting location	Kennewick, WA		
Current fee for processing	\$250	Has this changed from last year? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>	
Litigation WCB is involved in	None in 2008.		
Property owned by WCB	None.		
Number staff/ volunteer assistance	Several attorneys paid/donated time.		
Do you maintain a water right transfer information exchange of interested buyers, sellers and/or lessors of water rights: <input checked="" type="checkbox"/> Yes. Public notice as requested. <input type="checkbox"/> no			
Training received other than from ecology	Title of Training	Date(s)	Sponsor
	Annual WADOE Training Sessions	2005-08	WADOE
	Litigation and Preparation of Legal Opinions	2003-04	BCWCB
Forms attached <input type="checkbox"/>			
Additional comments: See above memorandum.			

Application Information		
Filed with and conveyed from Ecology	0.	
Filed originally with WCB	All	
Total new applications filed and accepted 11/01/07 to 10/31/08		
		8 accepted
Withdrawn by applicant from board	NOTE: 11 ROEs/RODs withdrawn and re-submitted, per earlier acceptance and submittal (all for City of West Richland joint action—well field combination. Existing applications remained for consideration and approval)	
Board declined to process	0	
Applications for:	groundwater transfers	3
	surface water transfers	4
	surface to ground water or ground to surface water	(4 potential, included under surface above)
Proposing transfer related to:	water right claims	Permits: 2 Certificates: 3
	court claims or other documents	3 CFO
	trust water	0
		1 potential after change/transfer
Hearings in other counties¹	2 hearings in Benton County	
Applications by Water Resource Inventory Areas (WRIAs)		
WRIA Number	WRIA Name	Number Filed
31		
36		
37		
Records of Decisions by WCB		
<i>Approved</i>	11 re-approved (West Richland) 7	
Partially approved	0	
Denied	0	
Total Decisions		17 Decisions
Withdrawn from Ecology	11 with re-submittal and approval	
Remanded back to board	0	

2007 Report to Legislature
Chelan County Water Conservancy Board

November 1, 2006 through October 31, 2007

Water Conservancy Board Information			
<i>Board name</i>	Chelan Co. Water Conservancy Board		Date board established November 23, 1999
Board address/ phone/email	Chelan County Natural Resource Program 316 Washington Street, Suite 401 Wenatchee, WA 98801 509 687-9065 and/or donphelps@aol.com		
<i>Board commissioners</i>	Don Phelps, PE, Chair Joel Teeley, Commissioner Pete Fraley, Commissioner , Commissioner , Commissioner Waikele Hampton, Alternate , Alternate		Term Expiration Date
			10/04/11 10/04/07 10/04/09
Primary board contact	Don Phelps, Chairman		
Changes in membership	Bd Member Name	Address	Phone/Cell/Fax/Email
	New <input checked="" type="checkbox"/> Resigned <input type="checkbox"/>	Waikele Hampton Chelan County PUD PO BOX 1231 Wenatchee, WA 98807-1231	509-663-8121
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
Water Conservancy Board Operations			
Regular meeting schedule	2nd Thursday of each month, 9 a.m.		
Regular meeting location	Chelan County Natural Resource Program., 316 Washington St, Wenatchee, WA 98801		
Current fee for processing	\$1000 deposit to cover expenses plus 25% for overhead	Has this changed from last year? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>	
Litigation WCB has been involved in	None		
Property owned by WCB	Brother MFC 9700 Black and White Copier		
Number & type staff/volunteer assistance	independent Contract with Lisa de Vera		
Training received other than through Ecology	Joel Teeley Attended Growth Management Act Seminar In Seattle on Nov 13 & 14 2006.		
Do you maintain a water right transfer information exchange of interested buyers, sellers and/or leasors of water rights: <input type="checkbox"/> yes <input checked="" type="checkbox"/> no			
Additional comments: You may attach additional pages if desired			

Application Information between 11/01/06 to 10/31/07		
Estimated pre-application consultations or contacts	With board	2 per month
	With individual board commissioner	10 per month
Total applications accepted by the board	Conveyed from Ecology	2
	Filed originally with WCB	11
	Total applications accepted 11/01/06 to 10/31/07	13
Total applications withdrawn or declined after acceptance by the board	Withdrawn by applicant from board	0
	Board declined to process	0
Applications for	Ground water transfers	0
	Surface water transfers	13
	Surface to ground or ground to surface water	0
Proposing transfer related to:	Certificates	10
	Water right claims	3
	Court claims or other documents	0
	Trust water	0
Hearings in other counties¹		0
Applications by Water Resource Inventory Areas (WRIAs)		
WRIA Number	WRIA Name	Number Filed
40	Alkali-Squilchuck	0
45	Wenatchee	3
46	Entiat	0
47	Lake Chelan	10
Records of Decisions by the Board		
<i>Approved</i>	9	
Denied	0	
Total Decisions	9	
Withdrawn from Ecology	5	
Remand/returned without action back to board	0	
Appealed to PCHB	0	

2008 Report to Legislature
Chelan County Water Conservancy Board

November 1, 2007 through October 31, 2008

Water Conservancy Board Information			
<i>Board name</i>	Chelan Co. Water Conservancy Board		Date board established November 23, 1999
Board address/ phone/email	Chelan County Planning Dept. 316 Washington Street, Suite 401 Wenatchee, WA 98801 509 687-9065 and/or donphelps@aol.com		
<i>Board commissioners</i>	Don Phelps, PE, Chair Waikele Hampton, Commissioner Pete Fraley, Commissioner , Commissioner , Commissioner Joel Teeley, Alternate , Alternate		Term Expiration Date
			10/04/11 10/04/13 10/04/09 04/02/13
Primary board contact	Don Phelps, Chairman		
Changes in membership	Bd Member Name	Address	Phone/Cell/Fax/Email
	Waikele Hampton New <input checked="" type="checkbox"/> Resigned <input type="checkbox"/>		
	Joel Teeley New <input checked="" type="checkbox"/> Resigned <input checked="" type="checkbox"/>		
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
Water Conservancy Board Operations			
Regular meeting schedule	2nd Thursday of each month, 9 a.m.		
Regular meeting location	Chelan County Planning Dept., 316 Washington St#401, Wenatchee, WA 98801		
Current fee for processing	\$1000 deposit to cover expenses plus 25%	Has this changed from last year? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>	
Litigation WCB has been involved in	None		
Property owned by WCB	Brother MFC 9700 Black and White Copier		
Number & type staff/ volunteer assistance	independent Contract with Lisa de Vera		
Training received other than through Ecology			
Do you maintain a water right transfer information exchange of interested buyers, sellers and/or leasors of water rights: <input type="checkbox"/> yes <input checked="" type="checkbox"/> no			
Training received other than from ecology	Title of Training	Date(s)	Sponsor
	Washington Water Law	4/10&11/08	Law Seminars International
Forms attached <input type="checkbox"/>			
Additional comments: You may attach additional pages if desired			

Application Information between 11/01/07 to 10/31/08		
Estimated pre-application consultations or contacts	With board	2 per month
	With individual board commissioner	8 per month
Total applications accepted by the board	Conveyed from Ecology	2
	Filed originally with WCB	6
	Total applications accepted 11/01/07 to 10/31/08	8
Total applications withdrawn or declined after acceptance by the board	Withdrawn by applicant from board	11
	Board declined to process	0
Applications for	Ground water transfers	1
	Surface water transfers	5
	Surface to ground or ground to surface water	2
Proposing transfer related to:	Certificates	4
	Water right claims	4
	Court claims or other documents	0
	Trust water	0
Hearings in other counties¹		
Applications by Water Resource Inventory Areas (WRIAs)		
WRIA Number	WRIA Name	Number Filed
40	Alkali-Squilchuck	2
45	Wenatchee	0
46	Entiat	4
47	Lake Chelan	2
Records of Decisions by the Board		
<i>Approved</i>	25	
Denied	0	
Total Decisions	25	
Withdrawn from Ecology		
Remand/returned without action back to board		
Appealed to PCHB		

Douglas Water Conservancy Board

November 1, 2006 through October 31, 2007

Water Conservancy Board Information			
<i>Board name</i>	Douglas Co. Water Conservancy Board	Date board established	March 30, 2000
Board address/ phone/email	P.O. Box 608 Waterville, WA 98858 (509) 745-9160 and/or carol.cowling@gmail.com		
<i>Board commissioners</i>	Lee Hemmer, Chair Mike Sachs, Commissioner Don Popoff, Commissioner	Term Expiration Date	
		06/30/08 06/30/12 06/30/10	
Primary board contact	Carol Cowling, Board Support		
Changes in membership	Bd Member Name	Address	Phone/Cell/Fax/Email
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
Water Conservancy Board Operations			
Regular meeting schedule	2nd Monday of each month, 4 P.M.		
Regular meeting location	Waterville City Hall, 104 E Locust, Waterville, WA 98858		
Current fee for processing	\$500.00 plus public meeting notice; additional fees may be charged	Has this changed from last year? Yes xxx <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	
Litigation WCB has been involved in	None		
Property owned by WCB	None		
Number & type staff/ volunteer assistance	Carol D. Cowling CPA		
Training received other than through Ecology			
Do you maintain a water right transfer information exchange of interested buyers, sellers and/or leasors of water rights: <input type="checkbox"/> yes <input type="checkbox"/> no XXXX			
Additional comments: You may attach additional pages if desired			

Application Information between 11/01/06 to 10/31/07		
Estimated pre-application consultations or contacts	With board	
	With individual board commissioner/clerk	4
Total applications accepted by the board	Conveyed from Ecology	
	Filed originally with WCB	4
	Total applications accepted 11/01/06 to 10/31/07	4
Total applications withdrawn or declined after acceptance by the board	Withdrawn by applicant from board	1
	Board declined to process	0
Applications for	Ground water transfers	3
	Surface water transfers	
	Surface to ground or ground to surface water	1
Proposing transfer related to:	Certificates	3
	Water right claims	1
	Court claims or other documents	
	Trust water	
Hearings in other counties¹		1
Applications by Water Resource Inventory Areas (WRIAs)		
WRIA Number	WRIA Name	Number Filed
44	Moses Coulee	4
49	Okanogan (included in Moses Coulee number above. A transfer from Okanogan to Moses Coulee WRIA)	1
Records of Decisions by the Board		
<i>Approved</i>	4	
Denied		
Total Decisions	4	
Withdrawn from Ecology		
Remand/returned without action back to board	1	
Appealed to PCHB	3 (WCB not involved)	

2008 Report to Legislature
Douglas Water Conservancy Board
 November 1, 2007 through October 31, 2008

Water Conservancy Board Information			
<i>Board name</i>	Douglas Co. Water Conservancy Board	Date board established	March 30, 2000
Board address/ phone/email	P.O. Box 608 Waterville, WA 98858 (509) 745-9160 and/or carol.cowling@gmail.com		
<i>Board commissioners</i>	Lee Hemmer, Chair Mike Sachs, Commissioner Don Popoff, Commissioner , Commissioner , Commissioner , Alternate , Alternate	Term Expiration Date 06/30/14 06/30/12 06/30/10	
Primary board contact	Carol Cowling, Board Support		
Changes in membership	Bd Member Name	Address	Phone/Cell/Fax/Email
	Don Popoff New <input type="checkbox"/> Resigned <input checked="" type="checkbox"/>		
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
Water Conservancy Board Operations			
Regular meeting schedule	2nd Monday of each month, 4 P.M.		
Regular meeting location	Waterville City Hall, 104 E Locust, Waterville, WA 98858		
Current fee for processing	\$600.00 plus public meeting notice; additional fees may be charges	Has this changed from last year? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	
Litigation WCB has been involved in	none		
Property owned by WCB	none		
Number & type staff/ volunteer assistance	Carol D. Cowling CPA		
Training received other than through Ecology	none		
Do you maintain a water right transfer information exchange of interested buyers, sellers and/or leasors of water rights: <input type="checkbox"/> yes <input checked="" type="checkbox"/> no			
Additional comments: You may attach additional pages if desired			

Application Information between 11/01/07 to 10/31/08		
Estimated pre-application consultations or contacts	With board	2
	With individual board commissioner	
Total applications accepted by the board	Conveyed from Ecology	
	Filed originally with WCB	11
	Total applications accepted 11/01/07 to 10/31/08	11
Total applications withdrawn or declined after acceptance by the board	Withdrawn by applicant from board	0
	Board declined to process	0
Applications for	Ground water transfers	11
	Surface water transfers	
	Surface to ground or ground to surface water	
Proposing transfer related to:	Certificates	5
	Water right claims	5
	Court claims or other documents	1
	Trust water	
Hearings in other counties¹		2
Applications by Water Resource Inventory Areas (WRIAs)		
WRIA Number	WRIA Name	Number Filed
50	Foster Creek	7
44	Moses Coulee	4
Records of Decisions by the Board		
<i>Approved</i>		3
Denied		
Total Decisions		3
Withdrawn from Ecology		2
Remand/returned without action back to board		
Appealed to PCHB		

Ferry Water Conservancy Board

November 1, 2006 through October 31, 2007

Water Conservancy Board Information			
<i>Board name</i>	Ferry County Water Conservancy Board	Date board established	May 19, 2000
Board address/ phone/email	639 Kettle River Road Curlew, WA 99118 (509) 779-4434 and/or usnwe@televar.com		
<i>Board commissioners</i>	Patrick D. Hamilton, Chair Jim Nash, Commissioner Eric Bracken, Commissioner , Commissioner , Commissioner , Alternate , Alternate	Term Expiration Date	
		03/30/12 03/30/10 03/31/08	
Primary board contact	Patrick D. Hamilton, Chair		
Changes in membership	Bd Member Name	Address	Phone/Cell/Fax/Email
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
Water Conservancy Board Operations			
Regular meeting schedule	2nd Tuesday of each quarter @ 5 p.m.		
Regular meeting location	Ferry Conservation District Meeting Room, 84 E Delaware, Republic, WA 99116		
Current fee for processing	\$200.00 non refundable application fee; additional \$300.00 plus public notice costs	Has this changed from last year? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>	
Litigation WCB has been involved in			
Property owned by WCB			
Number & type staff/ volunteer assistance	Volunteer Clerk (Nancy Hamilton)		
Do you maintain a water right transfer information exchange of interested buyers, sellers and/or leasors of water rights: <input type="checkbox"/> yes <input checked="" type="checkbox"/> no			
Additional comments: Excellent support and training received from Janet Rajala.			

Application Information between 11/01/06 to 10/31/07		
Estimated pre-application consultations or contacts	With board	1
	With individual board commissioner	5
Total applications accepted by the board	Conveyed from Ecology	0
	Filed originally with WCB	0
	Total applications accepted 11/01/06 to 10/31/07	0
Total applications withdrawn or declined after acceptance by the board	Withdrawn by applicant from board	0
	Board declined to process	0
Applications for	Ground water transfers	0
	Surface water transfers	0
	Surface to ground or ground to surface water	0
Proposing transfer related to:	Certificates	0
	Water right claims	0
	Court claims or other documents	0
	Trust water	0
Hearings in other counties¹		
Applications by Water Resource Inventory Areas (WRIAs)		
WRIA Number	WRIA Name	Number Filed
52	Sanpoil	0
58	Middle Lake Roosevelt	0
60	Kettle Disbanded	0
Records of Decisions by the Board		
<i>Approved</i>	0	
Denied	0	
Total Decisions	0	
Withdrawn from Ecology	0	
Remand/returned without action back to board	0	
Appealed to PCHB	0	

2008 Report to Legislature
Ferry Water Conservancy Board
 November 1, 2007 through October 31, 2008

Water Conservancy Board Information			
<i>Board name</i>	Ferry County Water Conservancy Board	Date board established	May 19, 2000
Board address/ phone/email	639 Kettle River Road Curlew, WA 99118 (509) 779-4434 and/or usnwe@televar.com		
<i>Board commissioners</i>	Patrick D. Hamilton, Chair Jim Nash, Commissioner Eric Bracken, Commissioner , Commissioner , Commissioner , Alternate , Alternate	Term Expiration Date	
		03/30/12 03/30/10 03/31/14	
Primary board contact	Patrick D. Hamilton, Chair		
Changes in membership	Bd Member Name	Address	Phone/Cell/Fax/Email
	New <input type="checkbox"/> Term Ended <input type="checkbox"/>		
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
Water Conservancy Board Operations			
Regular meeting schedule	2nd Tuesday of each quarter @ 5 p.m.		
Regular meeting location	Ferry Conservation District Meeting Room, 84 E Delaware, Republic, WA 99116		
Current fee for processing	\$200.00 non refundable application fee; additional \$300.00 plus public notice costs	Has this changed from last year? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>	
Litigation WCB has been involved in	none		
Property owned by WCB	none		
Number & type staff/ volunteer assistance	Volunteer Clerk (Nancy Hamilton)		
Do you maintain a water right transfer information exchange of interested buyers, sellers and/or lessors of water rights: <input type="checkbox"/> yes <input checked="" type="checkbox"/> no			
Training received other than from ecology	Title of Training	Date(s)	Sponsor
Forms attached <input type="checkbox"/>			
Additional comments: You may attach additional pages if desired			

Application Information between 11/01/07 to 10/31/08		
Estimated pre-application consultations or contacts	With board	none
	With individual board commissioner	3
Total applications accepted by the board	Conveyed from Ecology	none
	Filed originally with WCB	none
	Total applications accepted 11/01/07 to 10/31/08	none
Total applications withdrawn or declined after acceptance by the board	Withdrawn by applicant from board	none
	Board declined to process	none
Applications for	Ground water transfers	none
	Surface water transfers	none
	Surface to ground or ground to surface water	none
Proposing transfer related to:	Certificates	none
	Water right claims	none
	Court claims or other documents	none
	Trust water	none
Hearings in other counties¹		none
Applications by Water Resource Inventory Areas (WRIAs)		
WRIA Number	WRIA Name	Number Filed
52	Sanpoil	0
58	Middle Lake Roosevelt	0
60	Kettle Disbanded	0
Records of Decisions by the Board		
<i>Approved</i>	0	
Denied	0	
Total Decisions	0	
Withdrawn from Ecology	0	
Remand/returned without action back to board	0	
Appealed to PCHB	0	

2007 Report to Legislature
Grant Water Conservancy Board
November 1, 2006 through October 31, 2007

Water Conservancy Board Information			
<i>Board name</i>	Grant County Water Conservancy Board		Date board established September 14, 1999
Board address/ phone/email	3953 Airway Drive N.E. Moses Lake, Washington 98837 (509) 765-8864/(509) 766-7277 cell (509) 750-750-7589 and/or rsrolfne@atnet.net		
<i>Board commissioners</i>	Robert S Rolfness, Chair Keith Ellis, Commissioner W. Ron Baker, Commissioner , Commissioner , Commissioner , Alternate David Stevens, Alternate		Term Expiration Date 09/02/11 09/02/07 09/02/09 1/17/07
	Primary board contact Robert S Rolfness, Chair		
Changes in membership	Bd Member Name	Address	Phone/Cell/Fax/Email
	David Stevens New <input checked="" type="checkbox"/> Resigned <input type="checkbox"/>		
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
Water Conservancy Board Operations			
Regular meeting schedule	Formal Public Mtg. – 4th Thursday each month, 10 a.m.; work sessions most Thursdays at 9 a.m.		
Regular meeting location	Grant County Fair Grounds, 3953 Airway Drive NE.		
Current fee for processing	\$500, incl. \$100 filing fee, \$400 processing fee	Has this changed from last year? Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	
Litigation WCB has been involved in	None		
Property owned by WCB	Office Equipment, computer		
Number & type staff/ volunteer assistance	Part time office assistant		
Training received other than through Ecology			
Do you maintain a water right transfer information exchange of interested buyers, sellers and/or lessors of water rights: <input type="checkbox"/> yes <input checked="" type="checkbox"/> no			
Additional comments: You may attach additional pages if desired			

Application Information between 11/01/06 to 10/31/07		
Estimated pre-application consultations or contacts	With board	5
	With individual board commissioner	15
Total applications accepted by the board	Conveyed from Ecology	0
	Filed originally with WCB	7
	Total applications accepted 11/01/06 to 10/31/07	7
Total applications withdrawn or declined after acceptance by the board	Withdrawn by applicant from board	1
	Board declined to process	1
Applications for	Ground water transfers	7
	Surface water transfers	0
	Surface to ground or ground to surface water	0
Proposing transfer related to:	Certificates	7
	Water right claims	0
	Court claims or other documents	0
	Trust water	0
Hearings in other counties¹		
Applications by Water Resource Inventory Areas (WRIAs)		
WRIA Number	WRIA Name	Number Filed
		0
		7
		0
		0
		0
Records of Decisions by the Board		
<i>Approved</i>	5	
Denied	0	
Total Decisions	5	
Withdrawn from Ecology	2	
Remand/returned without action back to board	0	
Appealed to PCHB	0	

2008 Report to Legislature
Grant Water Conservancy Board
 November 1, 2007 through October 31, 2008

Water Conservancy Board Information			
<i>Board name</i>	Grant County Water Conservancy Board	Date board established	September 14, 1999
Board address/ phone/email	3953 Airway Drive N.E. Moses Lake, Washington, 98837 (509) 765—8864/(509) 750-7589 and/or: rolfb@accima.com		
<i>Board commissioners</i>	Robert S. Rolfness, Chair Keith Ellis,, Commissioner W. Ron, Commissioner , Commissioner , Commissioner , Alternate WADOE , Alternate	Term Expiration Date	
		09/02/11 09/02/13 09/02/09 01/16/13	
Primary board contact	Robert S. Rolfness, Chair		
Changes in membership	Bd Member Name	Address	Phone/Cell/Fax/Email
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
Water Conservancy Board Operations			
Regular meeting schedule	Formal Public Mtg. – 4 th Thursday each month, 10 a.m.; work sessions most Thursdays at 9 a.m.		
Regular meeting location	Grant County Fair Grounds, 3953 Airway Drive NE.0		
Current fee for processing	\$500, incl. \$100 filing fee, \$400 processing fee	Has this changed from last year? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>	
Litigation WCB has been involved in	None		
Property owned by WCB	Computer, Office Related Equipment		
Number & type staff/ volunteer assistance	One Part-time		
Training received other than through Ecology	Several water related conferences		
Do you maintain a water right transfer information exchange of interested buyers, sellers and/or leasors of water rights: <input type="checkbox"/> yes <input checked="" type="checkbox"/> no			
Additional comments: You may attach additional pages if desired			

Application Information between 11/01/07 to 10/31/08		
Estimated pre-application consultations or contacts	With board	
	With individual board commissioner	Ten
Total applications accepted by the board	Conveyed from Ecology	None
	Filed originally with WCB	Ten
	Total applications accepted 11/01/07 to 10/31/08	Ten
Total applications withdrawn or declined after acceptance by the board	Withdrawn by applicant from board	One
	Board declined to process	None
Applications for	Ground water transfers	Ten
	Surface water transfers	None
	Surface to ground or ground to surface water	None
Proposing transfer related to:	Certificates	Nine
	Water right claims	None
	Court claims or other documents	One (Permit)
	Trust water	None
Hearings in other counties¹		0

Applications by Water Resource Inventory Areas (WRIAs)

WRIA Number	WRIA Name	Number Filed
31	Esquatzel Coulee	None
WRIA 41	Lower Crab Creek	Ten
37		None
WRIA 43	Upper Crab Creek – Wilson	None
WRIA 44	Moses Coulee	None

Records of Decisions by the Board

Approved	Five
Denied	One
Total Decisions	Six
Withdrawn from Ecology	One
Remand/returned without action back to board	None
Appealed to PCHB	None

2007 Report to Legislature
Island County Water Conservancy Board
November 1, 2006 through October 31, 2007

Water Conservancy Board Information			
<i>Board name</i>	Island County Water Conservancy Board	Date board established	August 6, 2001
Board address/ phone/email	P.O. Box 5000 Coupeville, WA 98239 (360) 678-6288 or (360) 387-0680 wisewater@earthlink.net (Attwater) or (360)-0680; res0t6c3@verizon.net (Bach)		
<i>Board commissioners</i>	Bill Attwater, Chair Bob Cray, Commissioner Larry Bach, Commissioner , Commissioner , Commissioner , Alternate , Alternate	Term Expiration Date	
		07/01/07 07/02/11 07/02/09	
Primary board contact	Bill Attwater, Chair		
Changes in membership	Bd Member Name	Address	Phone/Cell/Fax/Email
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
Water Conservancy Board Operations			
Regular meeting schedule	As Needed		
Regular meeting location	Island County Commissioner's Hearing Room, Coupeville, WA		
Current fee for processing	\$750.00, \$100.00 up front, non-refundable	Has this changed from last year? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>	
Litigation WCB has been involved in	None		
Property owned by WCB	None		
Number & type staff/ volunteer assistance	None		
Training received other than through Ecology	Unknown		
Do you maintain a water right transfer information exchange of interested buyers, sellers and/or leasers of water rights: <input type="checkbox"/> yes <input checked="" type="checkbox"/> no			
Additional comments: You may attach additional pages if desired			

Application Information between 11/01/06 to 10/31/07		
Estimated pre-application consultations or contacts	With board	0
	With individual board commissioner	0
Total applications accepted by the board	Conveyed from Ecology	0
	Filed originally with WCB	0
	Total applications accepted 11/01/06 to 10/31/07	0
Total applications withdrawn or declined after acceptance by the board	Withdrawn by applicant from board	0
	Board declined to process	0
Applications for	Ground water transfers	0
	Surface water transfers	0
	Surface to ground or ground to surface water	0
Proposing transfer related to:	Certificates	0
	Water right claims	0
	Court claims or other documents	0
	Trust water	0
Hearings in other counties¹		
Applications by Water Resource Inventory Areas (WRIAs)		
WRIA Number	WRIA Name	Number Filed
WRIA 6	Island	0
Records of Decisions by the Board		
<i>Approved</i>	0	
Denied	0	
Total Decisions	0	
Withdrawn from Ecology	0	
Remand/returned without action back to board	0	
Appealed to PCHB	0	

**2008 Report to Legislature
Island County Water Conservancy Board**

November 1, 2007 through October 31, 2008

Water Conservancy Board Information			
<i>Board name</i>	Island County Water Conservancy Board	Date board established	August 6, 2001
Board address/ phone/email	Island County WCB 370 N. East Camano Drive, Suite 5, #288 Camano Island, WA 98282-7279 (360) 387-0680, res0t6c3@verizon.net (Bach)		
<i>Board commissioners</i>	Vacant, Chair Bob Cray, Commissioner Larry Bach, Commissioner , Commissioner , Commissioner , Alternate , Alternate	Term Expiration Date	
		07/01/13 07/02/11 07/02/09	
Primary board contact	Larry Bach		
Changes in membership	Bd Member Name	Address	Phone/Cell/Fax/Email
	Bill Attwater New <input type="checkbox"/> Resigned <input checked="" type="checkbox"/>		
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
Water Conservancy Board Operations			
Regular meeting schedule	As Needed		
Regular meeting location	Island County Commissioner's Hearing Room		
Current fee for processing	\$750.00, \$100.00 up front, non-refundable	Has this changed from last year? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>	
Litigation WCB has been involved in	None		
Property owned by WCB	None		
Number & type staff/ volunteer assistance	None		
Training received other than through Ecology			
Do you maintain a water right transfer information exchange of interested buyers, sellers and/or leasers of water rights: <input type="checkbox"/> yes <input checked="" type="checkbox"/> no			
Training received other than from ecology	Title of Training	Date(s)	Sponsor
Forms attached <input type="checkbox"/>			
Additional comments: You may attach additional pages if desired			

Application Information between 11/01/07 to 10/31/08		
Estimated pre-application consultations or contacts	With board	0
	With individual board commissioner	0
Total applications accepted by the board	Conveyed from Ecology	0
	Filed originally with WCB	0
	Total applications accepted 11/01/07 to 10/31/08	0
Total applications withdrawn or declined after acceptance by the board	Withdrawn by applicant from board	0
	Board declined to process	0
Applications for	Ground water transfers	0
	Surface water transfers	0
	Surface to ground or ground to surface water	0
Proposing transfer related to:	Certificates	0
	Water right claims	0
	Court claims or other documents	0
	Trust water	0
Hearings in other counties¹		
Applications by Water Resource Inventory Areas (WRIAs)		
WRIA Number	WRIA Name	Number Filed
WRIA 6	Island	0
Records of Decisions by the Board		
<i>Approved</i>	0	
Denied	0	
Total Decisions	0	
Withdrawn from Ecology	0	
Remand/returned without action back to board	0	
Appealed to PCHB	0	

2007 Report to Legislature
Kittitas County Water Conservancy Board
 November 1, 2006 through October 31, 2007

Water Conservancy Board Information			
<i>Board name</i>	Kittitas County Water Conservancy Board	Date board established	October 16, 2000
Board address/ phone/email	PO Box 1790 Ellensburg, Washington 98926 (509) 899-4836 and/or cheryvarnum@yahoo.com		
<i>Board commissioners</i>	Mary Burke, Chair Gregg Hall, Commissioner Pat Deneen, Commissioner , Commissioner , Commissioner Jerry Martens, Alternate , Alternate	Term Expiration Date	
		04/04/07 04/04/09 04/04/11 12/21/10 12/21/10	
Primary board contact	Chery Varnum, Board Support		
Changes in membership	Bd Member Name	Address	Phone/Cell/Fax/Email
	Tom Chini New <input type="checkbox"/> Resigned <input checked="" type="checkbox"/>		
	Dennis Kelly New <input type="checkbox"/> Resigned <input checked="" type="checkbox"/>		
	Jerry Martens New <input checked="" type="checkbox"/> Resigned <input type="checkbox"/>	PO Box 458 Cle Elum, WA 98922	509/674-7271-Hm 509/ 674-9544-Wk
Water Conservancy Board Operations			
Regular meeting schedule	Third Tuesday of each month at 2:00 p.m.		
Regular meeting location	Ellensburg Chamber and Rodeo Office 609 North Main Street, Ellensburg, WA 98926		
Current fee for processing	\$100.00 non-refundable for submittal;\$500.00, Acceptance fee plus clerk time @ \$30 per hour	Has this changed from last year? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>	
Litigation WCB has been involved in	none		
Property owned by WCB	none		
Number & type staff/ volunteer assistance	one part time clerk for the board		
Training received other than through Ecology	none		
Do you maintain a water right transfer information exchange of interested buyers, sellers and/or leasors of water rights: <input type="checkbox"/> yes <input checked="" type="checkbox"/> no			
Additional comments: You may attach additional pages if desired			

Application Information between 11/01/06 to 10/31/07		
Estimated pre-application consultations or contacts	With board	2
	With individual board commissioner	2
Total applications accepted by the board	Conveyed from Ecology	0
	Filed originally with WCB	8
	Total applications accepted 11/01/06 to 10/31/07	8
Total applications withdrawn or declined after acceptance by the board	Withdrawn by applicant from board	1
	Board declined to process	1
Applications for	Ground water transfers	2
	Surface water transfers	6
	Surface to ground or ground to surface water	0
Proposing transfer related to:	Certificates	1
	Water right claims	0
	Court claims or other documents	7
	Trust water	0
Hearings in other counties¹		
Applications by Water Resource Inventory Areas (WRIAs)		
WRIA Number	WRIA Name	Number Filed
WRIA 39	Upper Yakima	8
Records of Decisions by the Board		
<i>Approved</i>	12	
Denied	0	
Total Decisions	(12)	
Withdrawn from Ecology	2	
Remand/returned without action back to board	0	
Appealed to PCHB	0	

2008 Report to Legislature
Kittitas County Water Conservancy Board
November 1, 2007 through October 31, 2008

Water Conservancy Board Information			
<i>Board name</i>	Kittitas County Water Conservancy Board	Date board established	October 16, 2000
Board address/ phone/email	PO Box 1790 Ellensburg, Washington 98926 509 899-4836 and then change to (509) 899-4459 on December 1 st , 2008 and/or cheryvarnum@yahoo.com		
<i>Board commissioners</i>	Mary Burke, Chair Gregg Hall, Commissioner Pat Deneen, Commissioner , Commissioner , Commissioner Jerry Martens, Alternate , Alternate	Term Expiration Date	
		04/04/13 04/04/09 04/04/11 12/21/10	
Primary board contact	Chery Varnum, Board Support		
Changes in membership	Bd Member Name	Address	Phone/Cell/Fax/Email
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
Water Conservancy Board Operations			
Regular meeting schedule	Third Tuesday of each month at 2:00 p.m.		
Regular meeting location	Ellensburg Chamber and Rodeo Office 609 North Main Street, Ellensburg, WA 98926		
Current fee for processing	\$100.00 non-refundable for submittal;\$500.00, Acceptance fee plus cler time @ \$30 per hour	Has this changed from last year? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>	
Litigation WCB has been involved in	none		
Property owned by WCB	none		
Number & type staff/volunteer assistance	one part time clerk for the board		
Training received other than through Ecology	none		
Do you maintain a water right transfer information exchange of interested buyers, sellers and/or leasors of water rights: <input type="checkbox"/> yes <input checked="" type="checkbox"/> no			
Training received other than from ecology	Title of Training	Date(s)	Sponsor
	none		
Forms attached <input type="checkbox"/>			
Additional comments: You may attach additional pages if desired			

Application Information between 11/01/07 to 10/31/08		
Estimated pre-application consultations or contacts	With board	4
	With individual board commissioner	2
Total applications accepted by the board	Conveyed from Ecology	0
	Filed originally with WCB	7
	Total applications accepted 11/01/07 to 10/31/08	7
Total applications withdrawn or declined after acceptance by the board	Withdrawn by applicant from board	4
	Board declined to process	0
Applications for	Ground water transfers	1
	Surface water transfers	2
	Surface to ground or ground to surface water	4
Proposing transfer related to:	Certificates	0
	Water right claims	0
	Court claims or other documents	7
	Trust water	0
Hearings in other counties¹		none
Applications by Water Resource Inventory Areas (WRIAs)		
WRIA Number	WRIA Name	Number Filed
WRIA 39	Upper Yakima	7
Records of Decisions by the Board		
<i>Approved</i>		7
Denied		0
Total Decisions		7
Withdrawn from Ecology		4
Remand/returned without action back to board		0
Appealed to PCHB		0

**2008 Report to Legislature
Kittitas County Water Conservancy Board**

November 1, 2007 through October 31, 2008

Water Conservancy Board Information			
<i>Board name</i>	Kittitas County Water Conservancy Board		Date board established October 16, 2000
Board address/ phone/email	PO Box 1790 Ellensburg, Washington 98926 509 899-4836 and then change to (509) 899-4459 on December 1 st , 2008 and/or cheryvarnum@yahoo.com		
<i>Board commissioners</i>	Mary Burke, Chair Gregg Hall, Commissioner Pat Deneen, Commissioner , Commissioner , Commissioner Jerry Martens, Alternate , Alternate	Term Expiration Date	
		04/04/13 04/04/09 04/04/11 12/21/10	
Primary board contact	Chery Varnum, Board Support		
Changes in membership	Bd Member Name	Address	Phone/Cell/Fax/Email
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
Water Conservancy Board Operations			
Regular meeting schedule	Third Tuesday of each month at 2:00 p.m.		
Regular meeting location	Ellensburg Chamber and Rodeo Office 609 North Main Street, Ellensburg, WA 98926		
Current fee for processing	\$100.00 non-refundable for submittal;\$500.00, Acceptance fee plus cler time @ \$30 per hour	Has this changed from last year? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>	
Litigation WCB has been involved in	none		
Property owned by WCB	none		
Number & type staff/ volunteer assistance	one part time clerk for the board		
Training received other than through Ecology	none		
Do you maintain a water right transfer information exchange of interested buyers, sellers and/or leasors of water rights: <input type="checkbox"/> yes <input checked="" type="checkbox"/> no			
Training received other than from ecology	Title of Training	Date(s)	Sponsor
	none		
Forms attached <input type="checkbox"/>			
Additional comments: You may attach additional pages if desired			

Application Information between 11/01/07 to 10/31/08		
Estimated pre-application consultations or contacts	With board	4
	With individual board commissioner	2
Total applications accepted by the board	Conveyed from Ecology	0
	Filed originally with WCB	7
	Total applications accepted 11/01/07 to 10/31/08	7
Total applications withdrawn or declined after acceptance by the board	Withdrawn by applicant from board	4
	Board declined to process	0
Applications for	Ground water transfers	1
	Surface water transfers	2
	Surface to ground or ground to surface water	4
Proposing transfer related to:	Certificates	0
	Water right claims	0
	Court claims or other documents	7
	Trust water	0
Hearings in other counties¹		none
Applications by Water Resource Inventory Areas (WRIAs)		
WRIA Number	WRIA Name	Number Filed
WRIA 39	Upper Yakima	7
Records of Decisions by the Board		
<i>Approved</i>		7
Denied		0
Total Decisions		7
Withdrawn from Ecology		4
Remand/returned without action back to board		0
Appealed to PCHB		0

2007 Report to Legislature
Klickitat County Water Conservancy Board

November 1, 2006 through October 31, 2007

Water Conservancy Board Information			
<i>Board name</i>	Klickitat County Water Conservancy Board	Date board established	July 1, 1999
Board address/ phone/email	Klickitat County Water Conservancy Board co: Klickitat County Natural Resources Department 228 West Main St., MC-CH-37 Goldendale, Washington 98620 (509) 773-2481 davem@co.klickitat.wa.us		
<i>Board commissioners</i>	Don Smith, Commissioner Cal Edwards, Commissioner Robert Andrews, Commissioner Richard Beightol, Commissioner J.P. Enderby, Commissioner , Alternate , Alternate	Term Expiration Date	
		07/31/13 07/30/12 07/31/09 07/31/11 07/30/10 12/31/12	
Primary board contact	David McClure, Executive Assistant Phone: (509) 773-2481; Email: davem@co.klickitat.wa.us		
Changes in membership	Bd Member Name	Address	Phone/Cell/Fax/Email
	Brooks Heard, Commissioner New <input type="checkbox"/> Resigned <input checked="" type="checkbox"/>		
	Don Smith, Commissioner New <input checked="" type="checkbox"/> Resigned <input type="checkbox"/>	175 Palos Verdes White Salmon, WA 98672	
	Don Smith, Alternate New <input type="checkbox"/> Resigned <input checked="" type="checkbox"/>		
Water Conservancy Board Operations			
Regular meeting schedule	2nd Tuesday of each month, 7 p.m.		
Regular meeting location	Klickitat County Courthouse, Room 101		
Current fee for processing	\$500.00	Has this changed from last year? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>	
Litigation WCB has been involved in	None		
Property owned by WCB	Filing cabinet and miscellaneous office supplies.		
Number & type staff/ volunteer assistance	One Executive Assistant under contract to the Board; Occasional secraterial (i.e., photocopy and mailing preparation and delivery) support by Klickitat County staff.		
Training received other than through Ecology			
Do you maintain a water right transfer information exchange of interested buyers, sellers and/or leasors of water rights: <input type="checkbox"/>			
yes <input checked="" type="checkbox"/> no			
Additional comments: During the reporting period Don Smith resigned his appointment as alternate and was then appointed as a commissioner.			

Application Information between 11/01/06 to 10/31/07		
Estimated pre-application consultations or contacts	With board	4
	With individual board commissioner	approximately 60
Total applications accepted by the board	Conveyed from Ecology	0
	Filed originally with WCB	5
	Total applications accepted 11/01/06 to 10/31/07	5
Total applications withdrawn or declined after acceptance by the board	Withdrawn by applicant from board	0
	Board declined to process	0
Applications for	Ground water transfers	4
	Surface water transfers	
	Surface to ground or ground to surface water	1
Proposing transfer related to:	Certificates	5
	Water right claims	
	Court claims or other documents	
	Trust water	
Hearings in other counties¹		0
Applications by Water Resource Inventory Areas (WRIAs)		
WRIA Number	WRIA Name	Number Filed
30	Klickitat	1
29	Wind/White Salmon	4
Records of Decisions by the Board		
<i>Approved</i>	1	
Denied	0	
Total Decisions	2	
Withdrawn from Ecology	1	
Remand/returned without action back to board	0	
Appealed to PCHB	0	

2008 Report to Legislature
Klickitat County Water Conservancy Board

November 1, 2007 through October 31, 2008

Water Conservancy Board Information			
<i>Board name</i>	Klickitat County Water Conservancy Board		Date board established July 1, 1999
Board address/ phone/email	Klickitat County Natural Resources Dept. 228 West Main St., MC-CH-37 Goldendale, Washington 98620 (509) 773-2481		
<i>Board commissioners</i>	J.P. Enderby, Commissioner Cal Edwards, Commissioner Robert Andrews, Commissioner Richard Beightol, Commissioner Don Smith, Commissioner , Alternate Scott Andrews, Alternate	Term Expiration Date	
		07/31/13 07/31/12 07/31/09 07/31/11 07/31/10 12/31/12 1/31/2014	
Primary board contact	David McClure, Executive Assistant Phone: (509) 773-2481; Email: davem@co.klickitat.wa.us		
Changes in membership	Bd Member Name	Address	Phone/Cell/Fax/Email
	Scott Andrews, Alternate New <input checked="" type="checkbox"/> Resigned <input type="checkbox"/>	1135 Alderdale Road Prosser, WA 99350	(509) 894-4409
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
Water Conservancy Board Operations			
Regular meeting schedule	2nd Tuesday of each month, 7 p.m.		
Regular meeting location	Klickitat County Courthouse, Room 101		
Current fee for processing	\$500.00	Has this changed from last year? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>	
Litigation WCB has been involved in	None		
Property owned by WCB	Filing cabinet, scanner, and miscellaneous office supplies		
Number & type staff/volunteer assistance	One Executive Assistant under contract to the Board; Occasional secraterial (i.e., photocopy and mailing preparation) support by Klickitat County staff.		
Training received other than through Ecology	Commissioner Don Smith attend Ecology-sponsored workshop on Water Right Banking		
Do you maintain a water right transfer information exchange of interested buyers, sellers and/or leasors of water rights: <input type="checkbox"/> yes <input checked="" type="checkbox"/> no			
Training received other than from ecology	Title of Training	Date(s)	Sponsor
	Water Right Banking/Exchange Workshop	July 10, 2008	Ecology
Forms attached <input type="checkbox"/>			

Application Information between 11/01/07 to 10/31/08		
Estimated pre-application consultations or contacts	With board	1
	With individual board commissioner	24
Total applications accepted by the board	Conveyed from Ecology	0
	Filed originally with WCB	1
	Total applications accepted 11/01/07 to 10/31/08	1
Total applications withdrawn or declined after acceptance by the board	Withdrawn by applicant from board	1
	Board declined to process	
Applications for	Ground water transfers	1
	Surface water transfers	
	Surface to ground or ground to surface water	
Proposing transfer related to:	Certificates	1
	Water right claims	
	Court claims or other documents	
	Trust water	
Hearings in other counties¹		0
Applications by Water Resource Inventory Areas (WRIAs)		
WRIA Number	WRIA Name	Number Filed
30	Klickitat	1
Records of Decisions by the Board		
<i>Approved</i>	4	
Denied	0	
Total Decisions	(4)	
Withdrawn from Ecology	4	
Remand/returned without action back to board	0	
Appealed to PCHB	0	

**Klickitat County Water Conservancy Board 2008 Legislative Report
Comment**

Under RCW 90.14.180, five or more consecutive years of non-use triggers water right relinquishment "unless there is sufficient cause to explain non use" (RCW 90.14.140). The Klickitat County Water Conservancy Board believes that RCW 90.14.140(1)(k) needs clarification regarding reduced use of water due to crop rotation when sound farming practices advises the temporary change of crop type.

With today's highly competitive global market for agricultural commodities "sound farming practices" include crop rotations determined by disease control, economic value, supply and demand, and a great many other factors. For example, succulent peas should be produced on the same acreage only once out of six years, but fruit crops might be changed only once in 25 years. Please consider the decline of the apple industry in the Northwest. A large portion of Washington State's apple acreage is being removed for economic reasons. Our farmers need to be able to maintain their water rights as they search for alternate crops. If the apple acreage is put into grapes and ten years later the grape industry fails and the apple industry is going strong, the farmer would not be able recover the lost water rights because his grapes use only a third of the original apple water and the crop has been in grapes for ten years. If the Department of Ecology continues to limit farmers to the amount of water used on a specific crop over a five year period, Washington State's farmers face another financial crisis because they must be able to rotate into valued crops as the consumer demands regardless of the water usage.

We believe the Legislature enacted RCW 90.14.140 to capture an understanding of "sound farming practices" that includes economic drivers for crop rotations and other considerations that mandate crop rotations that are longer than five years. On this point many people at Ecology interpreted it differently. Most say that the five year rule will always stand which leaves farmers locked into a specific crop rotation even if it is not economically sound. We I do not see how economic failure can be determined as beneficial use of the water.

2007 Report to Legislature
Lewis County Water Conservancy Board
 November 1, 2006 through October 31, 2007

Water Conservancy Board Information			
<i>Board name</i>	Lewis County Water Conservancy Board	Date board established	July 10, 1998
Board address/ phone/email	P.O. Box 1345 Chehalis, WA 99532 (360) 740-9868 or Ron Mauel at rmauel@earthlink.net		
<i>Board commissioners</i>	Bob Thode Vice, Chair Ron Mauel, Commissioner John Moerke Chairman, Commissioner Chris Cheney, Alternate , Alternate	Term Expiration Date	
		09/30/10 09/30/11 09/30/08 04/15/13	
Primary board contact	Ron Mauel Sec.		
Changes in membership	Bd Member Name	Address	Phone/Cell/Fax/Email
	Marvin Courtney New <input type="checkbox"/> Resigned <input checked="" type="checkbox"/>		
	Lee Carlson New <input type="checkbox"/> Resigned <input checked="" type="checkbox"/>		
	Bob Thode New <input checked="" type="checkbox"/> Resigned <input type="checkbox"/>	856 Burnt Ridge Road Cinebar, WA	360/985-2347 Hm 360/985-7780 Wk
Water Conservancy Board Operations			
Regular meeting schedule	Third Thursday, 7 p.m.		
Regular meeting location	1554 Bishop Road, Chehalis, Washington USDA Public meeting room		
Current fee for processing	\$500.00	Has this changed from last year? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>	
Litigation WCB has been involved in	0		
Property owned by WCB	Office Supplies		
Number & type staff/ volunteer assistance	1 part time - minutes recorder		
Do you maintain a water right transfer information exchange of interested buyers, sellers and/or leasers of water rights: <input type="checkbox"/> yes <input checked="" type="checkbox"/> no			
Additional comments: Lewis County Water board has changed from a 5 member board to a three member board following the proper resolutions by the County Commissioners			

Application Information between 11/01/06 to 10/31/07		
Estimated pre-application consultations or contacts	With board	0
	With individual board commissioner	3
Total applications accepted by the board	Conveyed from Ecology	0
	Filed originally with WCB	0
	Total applications accepted 11/01/06 to 10/31/07	0
Total applications withdrawn or declined after acceptance by the board	Withdrawn by applicant from board	0
	Board declined to process	0
Applications for	Ground water transfers	0
	Surface water transfers	0
	Surface to ground or ground to surface water	0
Proposing transfer related to:	Certificates	1
	Water right claims	0
	Court claims or other documents	0
	Trust water	0
Hearings in other counties¹		0
Applications by Water Resource Inventory Areas (WRIAs)		
WRIA Number	WRIA Name	Number Filed
23	Upper Chehalis	1
26	Cowlitz	0
Records of Decisions by the Board		
<i>Approved</i>		0
Denied		0
Total Decisions		0
Withdrawn from Ecology		0
Remand/returned without action back to board		0
Appealed to PCHB		0

2008 Report to Legislature
Lewis County Water Conservancy Board
November 1, 2007 through October 31, 2008

Water Conservancy Board Information			
<i>Board name</i>	Lewis County Water Conservancy Board	Date board established	July 10, 1998
Board address/ phone/email	P.O. Box 1345 Chehalis, WA 99532 (360) 978-4358 and/or chrischeney@earthlink.net		
<i>Board commissioners</i>	Bob Thode, Chair Ron Mael, Commissioner John Moerke, Commissioner Chris Cheney, Alternate , Alternate	Term Expiration Date	
		09/30/10 09/30/11 09/30/08 04/15/13	
Primary board contact	Ron Mael, Sec		
Changes in membership	Bd Member Name	Address	Phone/Cell/Fax/Email
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
Water Conservancy Board Operations			
Regular meeting schedule	Third Thursday, 7 p.m.		
Regular meeting location	1554 Bishop Road, Chehalis, Washington USDA Public meeting room		
Current fee for processing	\$500.00	Has this changed from last year? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>	
Litigation WCB has been involved in	0		
Property owned by WCB	0		
Number & type staff/volunteer assistance	1 Hourly minutes scribe		
Do you maintain a water right transfer information exchange of interested buyers, sellers and/or leasers of water rights: <input type="checkbox"/> yes <input checked="" type="checkbox"/> no			
Training received other than from ecology	Title of Training	Date(s)	Sponsor
Forms attached <input type="checkbox"/>			
Additional comments: You may attach additional pages if desired			

Application Information between 11/01/07 to 10/31/08		
Estimated pre-application consultations or contacts	With board	
	With individual board commissioner	1
Total applications accepted by the board	Conveyed from Ecology	
	Filed originally with WCB	
	Total applications accepted 11/01/07 to 10/31/08	3
Total applications withdrawn or declined after acceptance by the board	Withdrawn by applicant from board	0
	Board declined to process	0
Applications for	Ground water transfers	3
	Surface water transfers	
	Surface to ground or ground to surface water	
Proposing transfer related to:	Certificates	1
	Water right claims	
	Court claims or other documents	2
	Trust water	
Hearings in other counties¹		
Applications by Water Resource Inventory Areas (WRIAs)		
WRIA Number	WRIA Name	Number Filed
23	Upper Chehalis	
26	Cowlitz	3
Records of Decisions by the Board		
<i>Approved</i>	0	
Denied	0	
Total Decisions	(0 sum of all RODs)	
Withdrawn from Ecology	0	
Remand/returned without action back to board	0	
Appealed to PCHB		

2007 Report to Legislature
Lincoln County Water Conservancy Board
 November 1, 2006 through October 31, 2007

Water Conservancy Board Information			
<i>Board name</i>	Lincoln County Water Conservancy Board	Date board established	November 23, 1999
Board address/ phone/email	P.O. Box 368 Davenport, WA 99122 (509) 257-2800 cell (509) 995-5242and/or waterboard@co.lincoln.wa.us		
<i>Board commissioners</i>	Paul Gross, Chair Rex Harder, Commissioner Pete Carstensen, Commissioner , Commissioner , Commissioner Keith Schafer, Alternate , Alternate	Term Expiration Date	
		12/05/07 12/05/09 12/05/11 06/09/10	
Primary board contact	Rex Harder, Commissioner Phone: (509) 257-2800; Cell: (509) 995-5242; waterboard@co.lincoln.wa.us		
Changes in membership	Bd Member Name	Address	Phone/Cell/Fax/Email
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
Water Conservancy Board Operations			
Regular meeting schedule	2nd Monday of each month		
Regular meeting location	Lincoln County Courthouse, Legislators Office, Davenport, Washington		
Current fee for processing	\$500.00	Has this changed from last year? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>	
Litigation WCB has been involved in			
Property owned by WCB			
Number & type staff/ volunteer assistance			
Do you maintain a water right transfer information exchange of interested buyers, sellers and/or leasers of water rights: <input type="checkbox"/> yes <input checked="" type="checkbox"/> no			
Additional comments: You may attach additional pages if desired			

Application Information between 11/01/06 to 10/31/07		
Estimated pre-application consultations or contacts	With board	0
	With individual board commissioner	0
Total applications accepted by the board	Conveyed from Ecology	0
	Filed originally with WCB	2
	Total applications accepted 11/01/06 to 10/31/07	2
Total applications withdrawn or declined after acceptance by the board	Withdrawn by applicant from board	0
	Board declined to process	0
Applications for	Ground water transfers	1
	Surface water transfers	0
	Surface to ground or ground to surface water	1
Proposing transfer related to:	Certificates	2
	Water right claims	0
	Court claims or other documents	0
	Trust water	0
Hearings in other counties¹		
Applications by Water Resource Inventory Areas (WRIAs)		
WRIA Number	WRIA Name	Number Filed
34	Palouse	
Records of Decisions by the Board		
<i>Approved</i>		
Denied		
Total Decisions	(sum of all RODs)	
Withdrawn from Ecology		
Remand/returned without action back to board		
Appealed to PCHB	0	

2008 Report to Legislature
Lincoln County Water Conservancy Board
 November 1, 2007 through October 31, 2008

Water Conservancy Board Information			
<i>Board name</i>	Lincoln County Water Conservancy Board	Date board established	November 23, 1999
Board address/ phone/email	P.O. Box 368 Davenport, WA 99122 (509) 257-2800 cell (509) 995-5242 and/or waterboard@co.lincoln.wa.us		
<i>Board commissioners</i>	Paul Gross, Chair Rex Harder, Commissioner Pete Carstensen, Commissioner , Commissioner , Commissioner Keith Schafer, Alternate , Alternate	Term Expiration Date	
		12/05/13 12/05/09 12/05/11 06/09/10	
Primary board contact	Rex Harder, Commissioner Phone: (509) 257-2800; Cell: (509) 995-5242; waterboard@co.lincoln.wa.us		
Changes in membership	Bd Member Name	Address	Phone/Cell/Fax/Email
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
Water Conservancy Board Operations			
Regular meeting schedule	2nd Monday of each month		
Regular meeting location	Lincoln County Courthouse, Legislators Office, Davenport, Washington		
Current fee for processing	\$500.00	Has this changed from last year? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>	
Litigation WCB has been involved in			
Property owned by WCB			
Number & type staff/ volunteer assistance			
Do you maintain a water right transfer information exchange of interested buyers, sellers and/or leasers of water rights: <input type="checkbox"/> yes <input type="checkbox"/> no			
Training received other than from ecology	Title of Training	Date(s)	Sponsor
Forms attached <input type="checkbox"/>			
Additional comments: You may attach additional pages if desired			

Application Information between 11/01/07 to 10/31/08		
Estimated pre-application consultations or contacts	With board	
	With individual board commissioner	3
Total applications accepted by the board	Conveyed from Ecology	5
	Filed originally with WCB	5
	Total applications accepted 11/01/07 to 10/31/08	5
Total applications withdrawn or declined after acceptance by the board	Withdrawn by applicant from board	1
	Board declined to process	0
Applications for	Ground water transfers	5
	Surface water transfers	
	Surface to ground or ground to surface water	
Proposing transfer related to:	Certificates	5
	Water right claims	
	Court claims or other documents	
	Trust water	
Hearings in other counties¹		
Applications by Water Resource Inventory Areas (WRIAs)		
WRIA Number	WRIA Name	Number Filed
34	Palouse	5
Records of Decisions by the Board		
<i>Approved</i>	3	
Denied		
Total Decisions	3	
Withdrawn from Ecology		
Remand/returned without action back to board		
Appealed to PCHB		

2007 Report to Legislature
Okanogan County Water Conservancy Board
 November 1, 2006 through October 31, 2007

Water Conservancy Board Information			
<i>Board name</i>	Okanogan County Water Conservancy Board	Date board established	May 12, 2000
Board address/ phone/email	Jeremy (Nim)Titcomb 41 B Wandling Road Winthrop, WA 98862 (509) 996-3302 email:ntitcomb@methow.com		
<i>Board commissioners</i>	Jeremy Titcomb, Chair Mary Anderson, Member Rod Noel, Member Mark Miller, Member Vacant, Member , Alternate , Alternate	Term Expiration Date	
		03/31/10 03/31/08 03/31/12 03/31/07 03/31/11	
Primary board contact	Jeremy Titcomb, Board Chair		
Changes in membership	Bd Member Name	Address	Phone/Cell/Fax/Email
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
Water Conservancy Board Operations			
Regular meeting schedule	First Wednesday of every month at 2 p.m.		
Regular meeting location	Okanogan County Commissioner's conference room		
Current fee for processing	\$100.00 application fee plus \$500.00 processing	Has this changed from last year? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>	
Litigation WCB has been involved in	0		
Property owned by WCB	0		
Number & type staff/ volunteer assistance	0		
Do you maintain a water right transfer information exchange of interested buyers, sellers and/or leasers of water rights: <input type="checkbox"/> yes <input checked="" type="checkbox"/> no			
Additional comments: You may attach additional pages if desired			

Application Information between 11/01/06 to 10/31/07		
Estimated pre-application consultations or contacts	With board	5
	With individual board commissioner	30
Total applications accepted by the board	Conveyed from Ecology	0
	Filed originally with WCB	5
	Total applications accepted 11/01/06 to 10/31/07	5
Total applications withdrawn or declined after acceptance by the board	Withdrawn by applicant from board	2
	Board declined to process	0
Applications for	Ground water transfers	2
	Surface water transfers	0
	Surface to ground or ground to surface water	3
Proposing transfer related to:	Certificates	3
	Water right claims	1
	Court claims or other documents	1
	Trust water	
Hearings in other counties¹		
Applications by Water Resource Inventory Areas (WRIAs)		
WRIA Number	WRIA Name	Number Filed
48	Methow	4
49	Okanogan	1
Records of Decisions by the Board		
<i>Approved</i>	1	
Denied	0	
Total Decisions	1	
Withdrawn from Ecology	0	
Remand/returned without action back to board	0	
Appealed to PCHB	0	

2008 Report to Legislature
Okanogon County Water Conservancy Board
 November 1, 2007 through October 31, 2008

Water Conservancy Board Information			
<i>Board name</i>	Okanogon County Water Conservancy Board	Date board established	May 12, 2000
Board address/ phone/email	Jeremy "Nim" Titcomb 41 B Wandling Road Winthrop, WA 98862 (509) 996-3302 or ntitcomb@methow.com		
<i>Board commissioners</i>	Jeremy Titcomb, Chair Mary Anderson, Member Rod Noel, Member Mark Miller, Member Dick Carver, Member , Alternate , Alternate	Term Expiration Date	
		03/31/10 03/31/14 03/31/12 03/31/14 03/31/11	
Primary board contact	Jeremy "Nim" Titcomb, Board Commissioner		
Changes in membership	Bd Member Name	Address	Phone/Cell/Fax/Email
	Dick Carver New <input checked="" type="checkbox"/> Resigned <input type="checkbox"/>		
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
Water Conservancy Board Operations			
Regular meeting schedule	First Wednesday of every month at 2 p.m.		
Regular meeting location	Okanogon County Commissioner's conference room		
Current fee for processing	\$100.00 application fee plus \$500.00 processing	Has this changed from last year? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>	
Litigation WCB has been involved in			
Property owned by WCB			
Number & type staff/ volunteer assistance			
Do you maintain a water right transfer information exchange of interested buyers, sellers and/or leasers of water rights: <input type="checkbox"/> yes <input checked="" type="checkbox"/> no			
Training received other than from ecology	Title of Training	Date(s)	Sponsor
	OID Board Meetings	2008	
Forms attached <input type="checkbox"/>			
Additional comments: You may attach additional pages if desired			

Application Information between 11/01/07 to 10/31/08		
Estimated pre-application consultations or contacts	With board	5
	With individual board commissioner	34
Total applications accepted by the board	Conveyed from Ecology	0
	Filed originally with WCB	13
	Total applications accepted 11/01/07 to 10/31/08	13
Total applications withdrawn or declined after acceptance by the board	Withdrawn by applicant from board	2
	Board declined to process	4
Applications for	Ground water transfers	5
	Surface water transfers	7
	Surface to ground or ground to surface water	1
Proposing transfer related to:	Certificates	12
	Water right claims	1
	Court claims or other documents	0
	Trust water	0
Hearings in other counties¹		0
Applications by Water Resource Inventory Areas (WRIAs)		
WRIA Number	WRIA Name	Number Filed
48	Methow	6
49	Okanogan	7
Records of Decisions by the Board		
<i>Approved</i>	7	
Denied	0	
Total Decisions	(sum of all RODs) 7	
Withdrawn from Ecology	6	
Remand/returned without action back to board	0	
Appealed to PCHB		

2007 Report to Legislature
Spokane County Water Conservancy Board
 November 1, 2006 through October 31, 2007

Water Conservancy Board Information			
<i>Board name</i>	Spokane County Water Conservancy Board	Date board established	May 5, 2000
Board address/ phone/email	P.O. Box 13496 Spokane, Washington 99213-3496 (509) 922-5127 and/or djr876@comcast.net		
<i>Board commissioners</i>	Doug Rider, Chair Bill Towey, Commissioner Craig Schwyn, Commissioner , Commissioner , Commissioner Jerry Neff, Alternate Stan Schultz, Alternate	Term Expiration Date	
		10/10/12 10/10/08 10/10/10 01/30/12 04/11/11	
Primary board contact	Doug Rider, Chair		
Changes in membership	Bd Member Name	Address	Phone/Cell/Fax/Email
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
Water Conservancy Board Operations			
Regular meeting schedule	4th Monday of the month at 4:30 p.m.		
Regular meeting location	Modern Electric Water Co., 904 N. Pines Road, Spokane		
Current fee for processing	\$200.00 application fee; \$500.00 processing fee	Has this changed from last year? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	
Litigation WCB has been involved in			
Property owned by WCB			
Number & type staff/ volunteer assistance			
Do you maintain a water right transfer information exchange of interested buyers, sellers and/or leasers of water rights: <input type="checkbox"/> yes <input checked="" type="checkbox"/> no			
Additional comments: You may attach additional pages if desired			

Application Information between 11/01/06 to 10/31/07		
Estimated pre-application consultations or contacts	With board	1
	With individual board commissioner	2
Total applications accepted by the board	Conveyed from Ecology	
	Filed originally with WCB	1
	Total applications accepted 11/01/06 to 10/31/07	1
Total applications withdrawn or declined after acceptance by the board	Withdrawn by applicant from board	0
	Board declined to process	0
Applications for	Ground water transfers	1
	Surface water transfers	0
	Surface to ground or ground to surface water	0
Proposing transfer related to:	Certificates	1
	Water right claims	0
	Court claims or other documents	0
	Trust water	0
Hearings in other counties¹		0
Applications by Water Resource Inventory Areas (WRIAs)		
WRIA Number	WRIA Name	Number Filed
54	Lower Spokane	1
55	Little Spokane	
56	Hangman	
57	Middle Spokane	
Records of Decisions by the Board		
<i>Approved</i>	0	
Denied	0	
Total Decisions	0	
Withdrawn from Ecology		
Remand/returned without action back to board		
Appealed to PCHB		

2008 Report to Legislature
Spokane County Water Conservancy Board
November 1, 2007 through October 31, 2008

Water Conservancy Board Information			
<i>Board name</i>	Spokane County Water Conservancy Board	Date board established	May 5, 2000
Board address/ phone/email	P.O. Box 13496 Spokane, Washington 99213-3496 (509) 922-5127 and/or djr876@comcast.net		
<i>Board commissioners</i>	Doug Rider, Chair George Schlender, Commissioner Craig Schwyn, Commissioner Stan Schultz, Commissioner David Johnson, Commissioner , Alternate , Alternate	Term Expiration Date	
		10/09/12 10/09/08 10/09/10 03/17/13 03/17/11 01/30/12 04/11/11	
Primary board contact	Doug Rider, Chair		
Changes in membership	Bd Member Name	Address	Phone/Cell/Fax/Email
	George Schlender New <input checked="" type="checkbox"/> Resigned <input type="checkbox"/>	408 N. Mullan Rd. Suite 116 Spokane Valley, Wa. 99206	509-921-9415 cell 509-868-2290
	Dave Johnson New <input checked="" type="checkbox"/> Resigned <input type="checkbox"/>	904 N. Pines Rd. Spokane Valley, Wa. 99206	509-755-9009 cell 509-879-6417
	William Towey New <input type="checkbox"/> Resigned <input checked="" type="checkbox"/>	25211 S. Harmony Rd. Cheney, Wa. 99004	509-235-1833
Water Conservancy Board Operations			
Regular meeting schedule	4th Monday of the month at 4:00 p.m.		
Regular meeting location	Modern Electric Water Co., 904 N. Pines Road, Spokane		
Current fee for processing	\$200.00 application fee; \$500.00 processing fee	Has this changed from last year? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>	
Litigation WCB has been involved in			
Property owned by WCB			
Number & type staff/ volunteer assistance			
Do you maintain a water right transfer information exchange of interested buyers, sellers and/or leasers of water rights: <input type="checkbox"/> yes <input checked="" type="checkbox"/> no			
Training received other than from ecology	Title of Training	Date(s)	Sponsor
Forms attached <input type="checkbox"/>			
Additional comments: Jerry Neff Resigned on 1-13-08 25309 E. Morris Rd. Newman Lake, Wa. 99025			

Application Information between 11/01/07 to 10/31/08		
Estimated pre-application consultations or contacts	With board	1
	With individual board commissioner	
Total applications accepted by the board	Conveyed from Ecology	
	Filed originally with WCB	1
	Total applications accepted 11/01/07 to 10/31/08	1
Total applications withdrawn or declined after acceptance by the board	Withdrawn by applicant from board	
	Board declined to process	1
Applications for	Ground water transfers	1
	Surface water transfers	
	Surface to ground or ground to surface water	
Proposing transfer related to:	Certificates	1
	Water right claims	
	Court claims or other documents	
	Trust water	
Hearings in other counties¹		
Applications by Water Resource Inventory Areas (WRIAs)		
WRIA Number	WRIA Name	Number Filed
54	Lower Spokane	
55	Little Spokane	
56	Hangman	1
57	Middle Spokane	
Records of Decisions by the Board		
<i>Approved</i>	1	
Denied		
Total Decisions	1	
Withdrawn from Ecology		
Remand/returned without action back to board	1	
Appealed to PCHB		

2007 Report to Legislature
Stevens County Water Conservancy Board
November 1, 2006 through October 31, 2007

Water Conservancy Board Information			
<i>Board name</i>	Stevens Co. Water Conservancy Board	Date board established	January 25, 2002
Board address/ phone/email	P.O. Box 731 Kettle Falls, Washington 99141		
<i>Board commissioners</i>	Wes McCart, Chair Gene Cada, Commissioner Greg Daniels, Commissioner Jim Gleaton, Commissioner Bill Swartz, Commissioner Gene St. Godard, Alternate Vacant, Alternate	Term Expiration Date	
		03/31/13 03/31/12 03/31/08 03/31/11 03/31/10 03/24/11 06/10/10	
Primary board contact	Wes McCart, Chair		
Changes in membership	Bd Member Name	Address	Phone/Cell/Fax/Email
	Gene St. Godard New <input checked="" type="checkbox"/> Resigned <input type="checkbox"/>	P.O. Box 28755 Spokane, WA 99228	509/468-4876 hm 509/953-9395 cell
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
Water Conservancy Board Operations			
Regular meeting schedule	3rd Monday of each month, from 6-8 p.m. unless otherwise posted		
Regular meeting location	Stevens County Conservation District, unless otherwise posted		
Current fee for processing	\$1,000.00 base fee, plus costs	Has this changed from last year? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	
Litigation WCB has been involved in			
Property owned by WCB			
Number & type staff/volunteer assistance	One part-time Administrative Assistant - about 100 hrs yr.		
Do you maintain a water right transfer information exchange of interested buyers, sellers and/or leasers of water rights: <input type="checkbox"/> yes <input checked="" type="checkbox"/> no			
Additional comments: See additional page attached as Attachment A.			

Application Information between 11/01/06 to 10/31/07		
Estimated pre-application consultations or contacts	With board	0
	With individual board commissioner	12
Total applications accepted by the board	Conveyed from Ecology	0
	Filed originally with WCB	0
	Total applications accepted 11/01/06 to 10/31/07	0
Total applications withdrawn or declined after acceptance by the board	Withdrawn by applicant from board	0
	Board declined to process	0
Applications for	Ground water transfers	0
	Surface water transfers	0
	Surface to ground or ground to surface water	0
Proposing transfer related to:	Certificates	0
	Water right claims	0
	Court claims or other documents	0
	Trust water	0
Hearings in other counties¹		0
Applications by Water Resource Inventory Areas (WRIAs)		
WRIA Number	WRIA Name	Number Filed
		0
Records of Decisions by the Board		
<i>Approved</i>		2
Denied		0
Total Decisions		2
Withdrawn from Ecology		0
Remand/returned without action back to board		0
Appealed to PCHB		0

2007 Report to Legislature
STEVENS COUNTY WATER CONSERVANCY BOARD
November 1, 2006 through October 31, 2007
Attachment A

Public Out-Reach:

- On June 7, 2007, Gene St Godard, accompanied by Wes McCart, made a presentation to the Colville Realtors Association. Approximately 65 attended and 100 SCWCB brochures distributed.
- On July 18, Gene St Godard, accompanied by Jim Gleaton, made a presentation to the Colville Rotary. Approximately 35 attended and 80 SCWCB brochures distributed.
- Chairman Wes McCart attends and reports at the Stevens County Conservation District monthly meetings, as his time allows.
- Chairman Wes McCart met with the Stevens County Commissioners quarterly.
- An excellent article on the SCWCB appeared on the front page of the Statesman Examiner in Colville on August 8, 2007.
- A news article on the WCB was submitted to the Stevens County Conservation District for inclusion in their semi-annual news letter distributed to all residents of Stevens County.

Administration:

- Revised the By-Laws
- Developed Policy, Rules of Practice & Procedure document
- Developed an Application Process document
- Developed and implemented an Annual Plan of Work for 2007
- Developed a 2007 budget
- Developed a draft 2008 budget
- Revised the filing system
- Developed Commissioner and Alternate position descriptions
- Prepared the 2007 Legislative Report

Training:

- Gene St Godard, a new Alternate, attended 32 hours of training
- Commissioners attended required training

Financial:

- Quicken program is used for finances
- A numbered voucher system is used for Commissioner/Alternate reimbursement
- Annual Audit Assessment for 2005 and 2006 submitted to State Auditor

Recommendation:

- Ecology is making 'editorial edits' to ROE's & ROD's and calling these 'modifications' without changing the substance of the document. They approve the conclusions and recommendations, only perform minor editorial comments, and still call this a modification. This misrepresents the quality of a WCB's work to the Legislature. Please, either refrain from making the edits or add a category for approval with editorial edits.

2008 Report to Legislature
Stevens County Water Conservancy Board
 November 1, 2007 through October 31, 2008

Water Conservancy Board Information			
<i>Board name</i>	Stevens Co. Water Conservancy Board	Date board established	January 25, 2002
Board address/ phone/email	P.O. Box 731 Kettle Falls, Washington 99141 (509) 258-4041 (Wes McCart) and/or wpmccart@juno.com		
<i>Board commissioners</i>	Wes McCart, Chair Gene Cada, Commissioner Greg Daniels, Commissioner Jim Gleaton, Commissioner Bill Swartz, Commissioner Gene St. Godard, Alternate Luke McGuire, Alternate	Term Expiration Date	
		03/30/13 03/30/12 03/30/14 03/30/11 03/30/10 03/24/11 06/10/10	
Primary board contact	Wes McCart, Chair		
Changes in membership	Bd Member Name	Address	Phone/Cell/Fax/Email
	Luke McGuire New <input checked="" type="checkbox"/> Resigned <input type="checkbox"/>	2126 Old Hwy NW Chewelah, WA 99109	509/936-4082 509/935-4680 work Fax 509/935-4689 Email: info4lwm@gmail.com
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
Water Conservancy Board Operations			
Regular meeting schedule	3rd Monday of each month, from 6-8 p.m. unless otherwise posted		
Regular meeting location	Stevens County Conservation District, 232 Williams Lk Rd, Colville, unless otherwise posted		
Current fee for processing Fees	\$1,000.00 base fee, plus costs	Has this changed from last year? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	
Litigation WCB has been involved in	None		
Property owned by WCB	None		
Number & type staff/volunteer assistance	One part-time Administrative Assistance - about 100 hours per year		
Do you maintain a water right transfer information exchange of interested buyers, sellers and/or leasers of water rights: <input type="checkbox"/> yes <input checked="" type="checkbox"/> no			
Training received other than from ecology	Title of Training	Date(s)	Sponsor
Forms attached <input type="checkbox"/>			

Additional comments:

Public Outreach:

The Stevens County Water Conservancy Board made presentations to the Colville City Council in November 2007 and at the Stevens County Conservation District Annual Meeting in February 2008 with 80 people in attendance.

At the request of the SCWCB, the Acting Colville National Forest Supervisor and a member of her staff, made a presentation to the Board on the Sullivan Lake Hydroelectric project in Pend Oreille County.

Administration:

The Stevens County Water Conservancy Board filed the 1099-Misc report with the IRS.

Signed a personal services contract for administrative services for 2008.

Developed the 2008 budget and a draft 2009 budget.

Developed the 2008 Annual Plan of Work.

Reviewed and approved the Bylaws, Application Check List, Application Process, position descriptions for all Board members, and the Policy, Rules of Practices and Procedure documents.

Prepared the 2008 Legislative Report.

Confirmed with Stevens County that SCWCB is protected by county Errors and Omissions coverage.

Training:

All five Board members received training in February 2008 at Ecology in Spokane.

The new Alternate, Luke McGuire, received training during October 2008 at Ecology in Spokane.

Financial:

The Annual Audit Assessment for 2007 was submitted to the State Auditor.

Paid audit fees of \$157.00 to the State Auditor for 2005 and 2006 audit.

Converted the books to the BARS accounting system.

Application Information between 11/01/07 to 10/31/08		
Estimated pre-application consultations or contacts	With board	11
	With individual board commissioner	21
Total applications accepted by the board	Conveyed from Ecology	
	Filed originally with WCB	One
	Total applications accepted 11/01/07 to 10/31/08	One
Total applications withdrawn or declined after acceptance by the board	Withdrawn by applicant from board	0
	Board declined to process	0
Applications for	Ground water transfers	0
	Surface water transfers	0
	Surface to ground or ground to surface water	One
Proposing transfer related to:	Certificates	
	Water right claims	One
	Court claims or other documents	
	Trust water	
Hearings in other counties¹		None
Applications by Water Resource Inventory Areas (WRIAs)		
WRIA Number	WRIA Name	Number Filed
59	Colville River Watershed	One
Records of Decisions by the Board		
<i>Approved</i>		0
Denied		0
Total Decisions		0
Withdrawn from Ecology		0
Remand/returned without action back to board		0
Appealed to PCHB		0

2007 Report to Legislature
Thurston County Water Conservancy Board
November 1, 2006 through October 31, 2007

Water Conservancy Board Information			
<i>Board name</i>	Thurston County Water Conservancy Board	Date board established	November 17, 1999
Board address/ phone/email	P.O. Box 1037 Olympia, WA 98507-1037 (253) 502-2238 or mprhubright@comcast.net (Mike Rhubright) and/or (360) 570-4416 Jerry.Louthain@hdrinc.com (Jerry Louthain)		
<i>Board commissioners</i>	Mike Rhubright, Chair Mike McGinnis, Secretary Jon Hare, Vice Chair Tom Myrum, Treasurer Jerry Louthain, Member Vacant, Alternate	Term Expiration Date	
		12/12/07 12/12/12 08/17/11 07/17/13 12/12/09 09/30/10	
Primary board contact	Mike Rhubright, Chair Jerry Louthain, Secretary		
Changes in membership	Bd Member Name	Address	Phone/Cell/Fax/Email
	Bill Smith New <input type="checkbox"/> Resigned <input checked="" type="checkbox"/>		
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
Water Conservancy Board Operations			
Regular meeting schedule	3rd Monday of each month unless a legal holiday		
Regular meeting location	Percival Plaza Conference Rm., 626 Columbia St., NW, Suite 1-1F, Olympia, WA (One block SW of Olympia Farmer's Market)		
Current fee for processing	\$300.00 Filing Fee, \$1150.00 Processing fee	Has this changed from last year? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>	
Litigation WCB has been involved in	None		
Property owned by WCB	None		
Number & type staff/ volunteer assistance	1		
Do you maintain a water right transfer information exchange of interested buyers, sellers and/or leasors of water rights: <input type="checkbox"/> yes <input checked="" type="checkbox"/> no			
Additional comments:			

Application Information between 11/01/06 to 10/31/07		
Estimated pre-application consultations or contacts	With board	4
	With individual board commissioner	8
Total applications accepted by the board	Conveyed from Ecology	0
	Filed originally with WCB	10
	Total applications accepted 11/01/06 to 10/31/07	10
Total applications withdrawn or declined after acceptance by the board	Withdrawn by applicant from board	0
	Board declined to process	0
Applications for	Ground water transfers	7
	Surface water transfers	0
	Surface to ground or ground to surface water	3
Proposing transfer related to:	Certificates	10
	Water right claims	0
	Court claims or other documents	0
	Trust water	1
Hearings in other counties¹		1
Applications by Water Resource Inventory Areas (WRIAs)		
WRIA Number	WRIA Name	Number Filed
23	Upper Chehalis	4
13	Deschutes	1
11	Nisqually	5
Records of Decisions by the Board		
<i>Approved</i>		3
Denied		0
Total Decisions		3
Withdrawn from Ecology		0
Remand/returned without action back to board		0
Appealed to PCHB		0

2008 Report to Legislature
Thurston County Water Conservancy Board
November 1, 2007 through October 31, 2008

Water Conservancy Board Information			
<i>Board name</i>	Thurston County Water Conservancy Board	Date board established	November 17, 1999
Board address/ phone/email	P.O. Box 1037 Olympia, WA 98507-1037 (253) 502-2238 or mprhubright@comcast.net (Mike Rhubright) and/or (360) 570-4416 or Jerry.Louthain@hdrinc.com (Jerry Louthain)		
<i>Board commissioners</i>	Mike Rhubright, Chair Mike McGinnis, Member Jon Hare, Member Tom Myrum, Member Jerry Louthain, Member Mike Schwisow, Alternate , Alternate	Term Expiration Date	
		12/12/13 12/12/11 08/17/11 08/17/13 12/12/09 09/30/10	
Primary board contact	Mike Rhubright, Chair Jerry Louthain, Commissioner		
Changes in membership	Bd Member Name	Address	Phone/Cell/Fax/Email
	Mike Schwisow New <input checked="" type="checkbox"/> Resigned <input type="checkbox"/>		
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
Water Conservancy Board Operations			
Regular meeting schedule	3rd Monday of each month unless a legal holiday		
Regular meeting location	Percival Plaza Conference Rm., 626 Columbia St., NW, Suite 1-1F, Olympia, WA (One block SW of Olympia Farmer's Market)		
Current fee for processing	\$300.00 Filing Fee, \$1150.00 Processing fee	Has this changed from last year? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>	
Litigation WCB has been involved in	None		
Property owned by WCB	None		
Number & type staff/ volunteer assistance	1		
Do you maintain a water right transfer information exchange of interested buyers, sellers and/or lessors of water rights: <input type="checkbox"/> yes <input checked="" type="checkbox"/> no			
Training received other than from ecology	Title of Training	Date(s)	Sponsor
	Forms attached <input type="checkbox"/>		
Additional comments: The Water Conservancy Board of Thurston County disagrees with the Southwest Regional Office's incorrect practice of issuing interruptible water rights for transfers involving seasonal irrigation to year-round, municipal use where the right is senior to the instream flow rule. Ecology's draft policy does not conform with the Department of Health's reliability standards for municipal systems and devalues irrigation rights in rural Thurston County. This over-reaching, draft policy has the potential to impede planned growth and development in economically-challenged areas.			

Application Information between 11/01/07 to 10/31/08		
Estimated pre-application consultations or contacts	With board	10
	With individual board commissioner	7
Total applications accepted by the board	Conveyed from Ecology	11
	Filed originally with WCB	1
	Total applications accepted 11/01/07 to 10/31/08	12
Total applications withdrawn or declined after acceptance by the board	Withdrawn by applicant from board	0
	Board declined to process	1
Applications for	Ground water transfers	11
	Surface water transfers	0
	Surface to ground or ground to surface water	1
Proposing transfer related to:	Certificates	12
	Water right claims	0
	Court claims or other documents	0
	Trust water	0
Hearings in other counties¹		
Applications by Water Resource Inventory Areas (WRIAs)		
WRIA Number	WRIA Name	Number Filed
23	Upper Chehalis	0
13	Deschutes	11
11	Nisqually	1
Records of Decisions by the Board		
<i>Approved</i>	8	
Denied	0	
Total Decisions	8	
Withdrawn from Ecology	0	
Remand/returned without action back to board	0	
Appealed to PCHB	5	

2007 Report to Legislature
Walla Walla County Water Conservancy Board
 November 1, 2006 through October 31, 2007

Water Conservancy Board Information			
<i>Board name</i>	Walla Walla County Water Conservancy Board	Date board established	October 5, 1999
Board address/ phone/email	Walla Walla County Water Conservancy Board PO Box 1506 Walla Walla, Washington 99362 (509) 547-9312 and/or alan_kottwitz@bc.com		
<i>Board commissioners</i>	Alan Kottwitz, Chair Mike Dobbins, Commissioner Brian Worden, Commissioner , Commissioner , Commissioner , Alternate , Alternate	Term Expiration Date	
		10/19/09 10/19/07 10/19/11	
Primary board contact	Alan Kottwitz, Chair		
Changes in membership	Bd Member Name	Address	Phone/Cell/Fax/Email
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
Water Conservancy Board Operations			
Regular meeting schedule	1st Wednesday of the month, 2 p.m.		
Regular meeting location	Walla Walla County Courthouse		
Current fee for processing	\$500	Has this changed from last year? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>	
Litigation WCB has been involved in	none		
Property owned by WCB	none		
Number & type staff/ volunteer assistance	Assistance from the Clerk of the County commissioners		
Do you maintain a water right transfer information exchange of interested buyers, sellers and/or leasers of water rights: <input type="checkbox"/> yes <input checked="" type="checkbox"/> no			
Additional comments: You may attach additional pages if desired			

Application Information between 11/01/06 to 10/31/07		
Estimated pre-application consultations or contacts	With board	2
	With individual board commissioner	6
Total applications accepted by the board	Conveyed from Ecology	0
	Filed originally with WCB	2
	Total applications accepted 11/01/06 to 10/31/07	2
Total applications withdrawn or declined after acceptance by the board	Withdrawn by applicant from board	1
	Board declined to process	0
Applications for	Ground water transfers	2
	Surface water transfers	0
	Surface to ground or ground to surface water	0
Proposing transfer related to:	Certificates	2
	Water right claims	0
	Court claims or other documents	0
	Trust water	0
Hearings in other counties¹		0
Applications by Water Resource Inventory Areas (WRIAs)		
WRIA Number	WRIA Name	Number Filed
32	Walla Walla	2
Records of Decisions by the Board		
<i>Approved</i>		2
Denied		0
Total Decisions		2
Withdrawn from Ecology		0
Remand/returned without action back to board		0
Appealed to PCHB		0

2008 Report to Legislature
Walla Walla County Water Conservancy Board
 November 1, 2007 through October 31, 2008

Water Conservancy Board Information				
<i>Board name</i>	Walla Walla County Water Conservancy Board	Date board established	October 5, 1999	
Board address/ phone/email	P.O. Box 1506 Walla Walla, Washington 99362 (509) 547-9312 and/or alan_kottwitz@bc.com			
<i>Board commissioners</i>	Alan Kottwitz, Chair Mike Dobbins, Commissioner Brian Worden, Commissioner , Commissioner , Commissioner , Alternate , Alternate	Term Expiration Date		
		10/18/09 10/18/13 10/18/11		
Primary board contact	Alan Kottwitz, Chair			
Changes in membership	Bd Member Name	Address	Phone/Cell/Fax/Email	
	New <input type="checkbox"/> Resigned <input type="checkbox"/>			
	New <input type="checkbox"/> Resigned <input type="checkbox"/>			
	New <input type="checkbox"/> Resigned <input type="checkbox"/>			
Water Conservancy Board Operations				
Regular meeting schedule	1st Wednesday of the month, 2 p.m.			
Regular meeting location	Walla Walla County Courthouse			
Current fee for processing	\$500	Has this changed from last year? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>		
Litigation WCB has been involved in	None			
Property owned by WCB	None			
Number & type staff/ volunteer assistance	County commissioners support staff			
Do you maintain a water right transfer information exchange of interested buyers, sellers and/or leasers of water rights: <input type="checkbox"/> yes <input checked="" type="checkbox"/> no				
Training received other than from ecology	Forms attached <input type="checkbox"/>	Title of Training	Date(s)	Sponsor
Additional comments: You may attach additional pages if desired				

Application Information between 11/01/07 to 10/31/08		
Estimated pre-application consultations or contacts	With board	3
	With individual board commissioner	12
Total applications accepted by the board	Conveyed from Ecology	0
	Filed originally with WCB	15
	Total applications accepted 11/01/07 to 10/31/08	15
Total applications withdrawn or declined after acceptance by the board	Withdrawn by applicant from board	1
	Board declined to process	0
Applications for	Ground water transfers	14
	Surface water transfers	1
	Surface to ground or ground to surface water	1
Proposing transfer related to:	Certificates	15
	Water right claims	
	Court claims or other documents	
	Trust water	
Hearings in other counties¹		
Applications by Water Resource Inventory Areas (WRIAs)		
WRIA Number	WRIA Name	Number Filed
32	Walla Walla	15
Records of Decisions by the Board		
<i>Approved</i>	6	
Denied	0	
Total Decisions	6	
Withdrawn from Ecology	0	
Remand/returned without action back to board	0	
Appealed to PCHB	0	

2007 Report to Legislature
Whatcom County Water Conservancy Board
 November 1, 2006 through October 31, 2007

Water Conservancy Board Information			
<i>Board name</i>	Whatcom County Water Conservancy Board	Date board established	December 7, 1999
Board address/ phone/email	600 Lakeway Drive Bellingham, WA 98225 (360) 676-6749 and/or atkinpj@dshs.wa.gov		
<i>Board commissioners</i>	Douglas Campbell, Chair Vacant, Commissioner Edwin Henken, Commissioner , Commissioner , Commissioner , Alternate , Alternate	Term Expiration Date	
		12/31/09 12/31/11 12/31/07	
Primary board contact	Pat Atkinson, Board Staff		
Changes in membership	Bd Member Name	Address	Phone/Cell/Fax/Email
	New <input type="checkbox"/> Term expired <input type="checkbox"/>		
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
Water Conservancy Board Operations			
Regular meeting schedule	2nd Wednesday of each month, as necessary		
Regular meeting location	Northwest Regional Council Offices, 600 Lakeway Drive, Bellingham, WA 98225		
Current fee for processing	\$150.00 application fee; \$600.00 processing fee plus any additional costs	Has this changed from last year? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>	
Litigation WCB has been involved in	None		
Property owned by WCB	None		
Number & type staff/ volunteer assistance	Pat Atkinson, Deputy Director NWRC, Board Staff		
Do you maintain a water right transfer information exchange of interested buyers, sellers and/or leasors of water rights: <input type="checkbox"/> yes <input checked="" type="checkbox"/> no			
Additional comments: You may attach additional pages if desired			

Application Information between 11/01/06 to 10/31/07		
Estimated pre-application consultations or contacts	With board	0
	With individual board commissioner	0
Total applications accepted by the board	Conveyed from Ecology	0
	Filed originally with WCB	0
	Total applications accepted 11/01/06 to 10/31/07	0
Total applications withdrawn or declined after acceptance by the board	Withdrawn by applicant from board	0
	Board declined to process	0
Applications for	Ground water transfers	0
	Surface water transfers	0
	Surface to ground or ground to surface water	0
Proposing transfer related to:	Certificates	0
	Water right claims	0
	Court claims or other documents	0
	Trust water	0
Hearings in other counties¹		0
Applications by Water Resource Inventory Areas (WRIAs)		
WRIA Number	WRIA Name	Number Filed
		0
Records of Decisions by the Board		
<i>Approved</i>		0
Denied		0
Total Decisions		0
Withdrawn from Ecology		0
Remand/returned without action back to board		0
Appealed to PCHB		0

2007 Report to Legislature
Whitman County Water Conservancy Board
 November 1, 2006 through October 31, 2007

Water Conservancy Board Information			
<i>Board name</i>	Whitman County Water Conservancy Board	Date board established	July 26, 2000
Board address/ phone/email	2892 Belsby Road Cheney, WA 99004 (509) 397-6200 and/or (509) 235-8581 Nancy Belsby nbelsby@earthlink.net		
<i>Board commissioners</i>	Nancy Belsby, Secretary Joe Spoonemore, Member Ed Schultz, Chairperson David Stueckle, Treasurer Ron Johnson, Member , Alternate , Alternate	Term Expiration Date	
		07/16/10 07/16/11 07/16/12 07/16/08 07/16/13	
Primary board contact	Nancy Belsby, Secretary		
Changes in membership	Bd Member Name	Address	Phone/Cell/Fax/Email
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
Water Conservancy Board Operations			
Regular meeting schedule	4 TH Wednesday of the first month of each quarter, 10:00 A.M.		
Regular meeting location	Public Service Bldg. Room B, 310 N. Main St., Colfax, WA		
Current fee for processing	\$300.00 to receive application; \$300.00 for processing, Cost of required publications of notice will also be paid by the applicant.	Has this changed from last year? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	
Litigation WCB has been involved in			
Property owned by WCB			
Number & type staff/volunteer assistance			
Do you maintain a water right transfer information exchange of interested buyers, sellers and/or leasers of water rights: <input type="checkbox"/> yes <input checked="" type="checkbox"/> no			
Additional comments: You may attach additional pages if desired			

Application Information between 11/01/06 to 10/31/07		
Estimated pre-application consultations or contacts	With board	0
	With individual board commissioner	4
Total applications accepted by the board	Conveyed from Ecology	
	Filed originally with WCB	4
	Total applications accepted 11/01/06 to 10/31/07	4
Total applications withdrawn or declined after acceptance by the board	Withdrawn by applicant from board	0
	Board declined to process	0
Applications for	Ground water transfers	3
	Surface water transfers	
	Surface to ground or ground to surface water	1
Proposing transfer related to:	Certificates	2
	Water right claims	2
	Court claims or other documents	
	Trust water	
Hearings in other counties¹		0
Applications by Water Resource Inventory Areas (WRIAs)		
WRIA Number	WRIA Name	Number Filed
34	Palouse	4
Records of Decisions by the Board		
<i>Approved</i>		4
Denied		0
Total Decisions		4
Withdrawn from Ecology		
Remand/returned without action back to board		
Appealed to PCHB		

2008 Report to Legislature
Whitman County Water Conservancy Board
November 1, 2007 through October 31, 2008

Water Conservancy Board Information			
<i>Board name</i>	Whitman County Water Conservancy Board	Date board established	July 26, 2000
Board address/ phone/email	2892 Belsby Road Cheney, WA 99004 (509) 397-6200 and/or (509) 235-8581 Nancy Belsby nbelsby@earthlink.net		
<i>Board commissioners</i>	Nancy Belsby, Secretary Joe Spoonemore, Vice-Chairperson Ed Schultz, Chairperson David Stueckle, Treasurer Ron Johnson, Member , Alternate , Alternate	Term Expiration Date	
		07/16/10 07/16/11 07/16/12 07/16/14 07/16/13	
Primary board contact	Nancy Belsby, Secretary		
Changes in membership	Bd Member Name	Address	Phone/Cell/Fax/Email
	Ron Johnson New <input checked="" type="checkbox"/> Resigned <input type="checkbox"/>	P.O. Box 44 Farmington, WA 99128	509-287-2177
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
Water Conservancy Board Operations			
Regular meeting schedule	4 TH Wednesday of the first month of each quarter, 10:00 A.M.		
Regular meeting location	Public Service Bldg. Room B, 310 N. Main St., Colfax, WA		
Current fee for processing	\$300.00 to receive application; \$300.00 for processing, Cost of required publications of notice will also be paid by the applicant.	Has this changed from last year? Yes <input type="checkbox"/> No X N/A <input type="checkbox"/>	
Litigation WCB has been involved in			
Property owned by WCB			
Number & type staff/ volunteer assistance			
Do you maintain a water right transfer information exchange of interested buyers, sellers and/or leasers of water rights: <input type="checkbox"/> yes <input checked="" type="checkbox"/> no			
Additional comments: You may attach additional pages if desired			

Application Information between 11/01/06 to 10/31/07		
Estimated pre-application consultations or contacts	With board	1
	With individual board commissioner	2
Total applications accepted by the board	Conveyed from Ecology	
	Filed originally with WCB	0
	Total applications accepted 11/01/06 to 10/31/07	0
Total applications withdrawn or declined after acceptance by the board	Withdrawn by applicant from board	0
	Board declined to process	0
Applications for	Ground water transfers	0
	Surface water transfers	
	Surface to ground or ground to surface water	0
Proposing transfer related to:	Certificates	0
	Water right claims	0
	Court claims or other documents	
	Trust water	
Hearings in other counties¹		0
Applications by Water Resource Inventory Areas (WRIAs)		
WRIA Number	WRIA Name	Number Filed
34	Palouse	0
Records of Decisions by the Board		
<i>Approved</i>		0
Denied		0
Total Decisions		
Withdrawn from Ecology		
Remand/returned without action back to board		
Appealed to PCHB		

2007 Report to Legislature
Yakima County Water Conservancy Board
 November 1, 2006 through October 31, 2007

Water Conservancy Board Information			
<i>Board name</i>	Yakima County Water Conservancy Board	Date board established	July 12, 1999
Board address/ phone/email	2301 Fruitvale Boulevard Yakima, Washington 98901 (509) 574-2650 and/or Sylvia.cervantes@co.yakima.wa.us		
<i>Board commissioners</i>	Jeff Stevens, Chair Dave Brown, Commissioner Mark Reynolds, Commissioner , Commissioner , Commissioner Dave England, Alternate , Alternate	Term Expiration Date	
		09/06/09 09/06/07 09/06/11 07/25/11	
Primary board contact	Sylvia Cervantes, Board Support		
Changes in membership	Bd Member Name	Address	Phone/Cell/Fax/Email
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		s
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
	New <input type="checkbox"/> Resigned <input type="checkbox"/>		
Water Conservancy Board Operations			
Regular meeting schedule	First Wednesday of the month, 6 p.m.		
Regular meeting location	2301 Fruitvale Boulevard, Yakima, WA, Del kary City Public Works Administration Conference Room		
Current fee for processing	\$100 non-refundable for submittal; \$500 acceptance fee	Has this changed from last year? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>	
Litigation WCB has been involved in	None		
Property owned by WCB	None		
Number & type staff/volunteer assistance	1		
Do you maintain a water right transfer information exchange of interested buyers, sellers and/or leasers of water rights: <input type="checkbox"/> yes <input checked="" type="checkbox"/> no			
Additional comments: All Board members are current on their training. All applications are still under review process. No final action has been taken.			

Application Information between 11/01/06 to 10/31/07		
Estimated pre-application consultations or contacts	With board	3
	With individual board commissioner	1
Total applications accepted by the board	Conveyed from Ecology	
	Filed originally with WCB	24
	Total applications accepted 11/01/06 to 10/31/07	24
Total applications withdrawn or declined after acceptance by the board	Withdrawn by applicant from board	4
	Board declined to process	
Applications for	Ground water transfers	20
	Surface water transfers	
	Surface to ground or ground to surface water	
Proposing transfer related to:	Certificates	1
	Water right claims	19
	Court claims or other documents	
	Trust water	
Hearings in other counties¹		
Applications by Water Resource Inventory Areas (WRIAs)		
WRIA Number	WRIA Name	Number Filed
37	Lower Yakima	24
Records of Decisions by the Board		
<i>Approved</i>	0	
Denied	0	
Total Decisions	(sum of all RODs)	
Withdrawn from Ecology	0	
Remand/returned without action back to board	0	
Appealed to PCHB	0	