



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

4601 N. Monroe Street • Spokane, Washington 99205-1295 • (509) 329-3400

February 18, 2005

The Honorable Perry D. Huston, Chairperson
Kittitas County Commissioners
Kittitas County Courthouse
205 West 5th, Rm 108
Ellensburg, WA 98926

Dear Commissioner Huston:

Thank you for your letter dated February 4, 2005 including copies of the Board of County Commissioner's Resolution No. 2004-127 amending the Kittitas Water Conservancy Board Bylaws, and two letters confirming the appointment of Mr. Gregg Hall and Mr. Michael Moeur, Sr. to serve as alternates on the Kittitas Water Conservancy Board. I appreciate you keeping Ecology informed of water conservancy board alternate commissioner appointments.

The County's Resolution No. 2004-127, dated December 7, 2004, identifies the terms of the alternate commissioners to be four (4) years. As you are aware, the legislature amended Chapter 90.80 RCW in 2004 to allow counties to appoint up to two (2) alternates to serve on a water conservancy board. In accordance with RCW 90.80.050(3), "An alternate shall be appointed to serve a six-year term." As identified in the letters to Mr. Moeur, Sr. and Mr. Hall, their appointments are effective December 22, 2004. Based on the requirements in RCW 90.80.050(3), the terms of the newly appointed alternates should last six years and therefore should expire on December 21, 2010. Please amend Resolution No. 2004-127 to be consistent with the statute as described above, and provide a copy of the amended resolution to me at your earliest convenience.

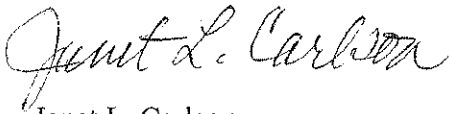
In addition, based on the language in the Water Conservancy Board statute, it appears that the bylaws of the Kittitas County Water Conservancy Board can only be changed by the Water Conservancy Board. Counties are required to include "proposed" bylaws for the board when petitioning to establish the board. RCW 90.80.020(2). Once established, "a water conservancy board constitutes . . . a separate unit of local government in the state" [RCW 90.80.050(1)] and the board adopts a set of bylaws, whether that be the bylaws proposed by the county or a different version acceptable to the board commissioners. The bylaws then become the operating policies of the Water Conservancy Board. The county has authority to initially establish a board, restructure a board as outlined in Chapter 173-153 WAC, and appoint commissioners and alternates. Therefore, it seems appropriate that

Kittitas County Commissioners
February 18, 2005
Page 2

the Kittitas County Water Conservancy Board should take its own action to amend Bylaw Section 3.2 ("Water Board Members and Funding") to accomplish the intent of Resolution No. 2004-127, which is to allow for two alternates to serve on the board for a six (6) year term.

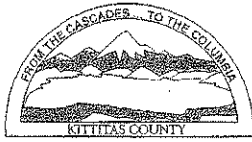
Thank you for your attention to these matters. If you have any questions I can be contacted at (509) 329-3421 or email jaca461@ecy.wa.gov.

Sincerely,

A handwritten signature in cursive script, reading "Janet L. Carlson".

Janet L. Carlson
Water Resources Program

cc: Kittitas Co. Water Conservancy Board
Dan Haller, Ecology, Central Regional Office



Kittitas County, Washington

BOARD OF COUNTY COMMISSIONERS

District One
David B. Bowen

District Two
Alan Crankovich

District Three
Perry D. Huston

February 4, 2005

Ms. Janet Carlson
Department of Ecology
Water Resources Program
PO BOX 47600
Olympia, WA 98504

RE: Amendment to the Water Conservancy By-Laws

Dear Ms. Carlson:

On December 7th 2004, the Board of County Commissioners passed Resolution 2004-127 In the Matter of Amending the Kittitas County Water Conservancy Board by-laws. This resolution allows for two alternates to serve on the board.

On December 20, 2004, the Board of County Commissioners appointed Michael Moeur and Gregg Hall as alternates to the board with expiration dates of December 31, 2008.

I have enclosed the above mentioned resolution and appointment letters for your records.

Should you have any questions please feel free to call me at (509) 962-7508

Sincerely,

A handwritten signature in cursive script that reads "Perry D. Huston".

Perry D. Huston, Chairman
Kittitas County Commissioners

Cc: Water Conservancy Board
File

**BOARD OF COUNTY COMMISSIONERS
COUNTY OF KITTITAS
STATE OF WASHINGTON**

RESOLUTION

NO. 2004- 127

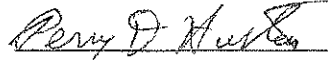
**IN THE MATTER OF AMENDING THE KITTITAS COUNTY WATER
CONSERVANCY BOARD BYLAWS**

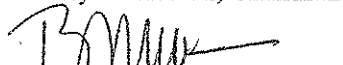
- WHEREAS:** Kittitas County Commissioners established the Kittitas County Water Conservancy Board through the passage of Resolution No. 2000-88 and approved Bylaws governing its operation; and
- WHEREAS:** the Kittitas County Commissioners affirmed the continued operation of the Water Conservancy Board through Resolution No. 2004-94, noting they shall cease operations once all applications received prior to August 17, 2011 have been processed, unless the Board of County Commissioners take action in a public meeting to affirm the continued operations of the Water Conservancy Board; and
- WHEREAS:** on November 16, 2004 at 4:00 p.m. the Kittitas County Board of Commissioners held a public hearing to consider public testimony on a request from the Kittitas County Water Conservancy Board, to amend their Bylaws in Section 3.2 "Water Board Members and Funding", to increase the number of alternate members from one to two members; and
- WHEREAS:** the Kittitas County Board of Commissioners finds it to be in the public interest to approve the amended Bylaws for the Kittitas County Water Conservancy Board; and


NOW, THEREFORE BE IT RESOLVED that the Kittitas County Board of Commissioners hereby adopts the amendments to the Kittitas County Water Conservancy Board Bylaws Section 3.2, "The Water Board shall consist of three Commissioners and two alternates appointed by the Kittitas County Commissioners...." and "The term of the alternate Commissioner's shall be four years".

APPROVED this 7th day of December, 2004 at Ellensburg, Washington.

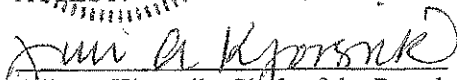
BOARD OF COUNTY COMMISSIONERS
KITITITAS COUNTY, WASHINGTON

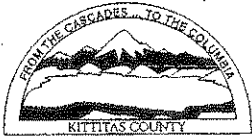

Perry D. Huston, Chairman


Bruce Coe, Vice-Chairman


Max A. Golladay, Commissioner




Julie A. Kjorsvik, Clerk of the Board



Kittitas County, Washington

BOARD OF COUNTY COMMISSIONERS

District One
Max A. Golladay

District Two
Bruce Coe

District Three
Perry D. Huston

December 22, 2004

Mr. Michael Moeur, Sr.
181 Ringer Loop
Ellensburg, WA 98926

Dear Michael:

The Board of County Commissioners is pleased to appoint you as an alternate of the Kittitas County Water Conservancy Board.

We appreciate your willingness to serve on behalf of the people of Kittitas County, and we extend to you our best wishes for an enjoyable and productive term of office.

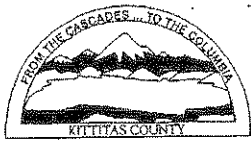
Your term is effective immediately and expires December of 2008. The Clerk of the Board is Chery Venum. Should you have any questions pertaining to the Board please call Mary Burke at 509-857-2331.

If you have any questions please feel free to contact our office. We will be pleased to assist you in any way that we can.

Sincerely,

Shannon L. Carlson
Deputy Clerk of the Board

c: Chery Venum, Clerk of the Water Conservancy Board



Kittitas County, Washington

BOARD OF COUNTY COMMISSIONERS

District One
Max A. Golladay

District Two
Bruce Coe

District Three
Perry D. Huston

December 22, 2004

Mr. Gregg Hall
209 E. 18th Ave #27
Ellensburg, WA 98926

Dear Gregg:

The Board of County Commissioners is pleased to appoint you as an alternate of the Kittitas County Water Conservancy Board.

We appreciate your willingness to serve on behalf of the people of Kittitas County, and we extend to you our best wishes for an enjoyable and productive term of office.

Your term is effective immediately and expires December of 2008. The Clerk of the Board is Chery Venum. Should you have any questions pertaining to the Board please call Mary Burke at 509-857-2331.

If you have any questions please feel free to contact our office. We will be pleased to assist you in any way that we can.

Sincerely,

A handwritten signature in cursive script, reading "Shannon L. Carlson".

Shannon L. Carlson
Deputy Clerk of the Board

c: Chery Venum, Clerk of the Water Conservancy Board



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

4601 N Monroe Street • Spokane, Washington 99205-1295 • (509)329-3400

January 5, 2010

Ms. Chery Varnum
Kittitas Co. Water Conservancy Board
411 North Ruby, Suite 5
Ellensburg, WA 98926

RE: Training Status of Kittitas Co. Water Conservancy Board Commissioners

Dear Water Conservancy Board Commissioners:

It is essential that water conservancy board commissioners keep their continuing education current in order to take action on water right change decisions made by the board. Ecology's records indicate the status of continuing education for current board commissioner(s) is as follows:

<u>Commissioner name</u>	<u>Appointment date</u>	<u>Next training due by</u>	<u>Continuing Ed. hours needed</u>
Gregg Hall	Sept. 5, 2006	Sept. 4, 2010	8
Pat Deneen	April 5, 2001	April 4, 2011	Current ¹
Vacant			

As of the date of this letter, Ecology's records indicate **two board commissioners are currently eligible** to take action on water right transfer decisions. A minimum of two of three eligible board commissioners are required to adopt a record of decision for a water right change application.

Pursuant to WAC 173-153-050(5), water conservancy board commissioners must complete a minimum of eight hours of continuing education annually. The year is determined by the appointment date of each commissioner. The rule stipulates that this minimum training requirement must be completed "*before participating in any decision concerning a water right transfer application* being considered by a board." [Emphasis added]

¹ Mr. Deneen will require 8 hours of continuing education between April 5, 2010 and April 4, 2011.



Kittitas Co. Water Conservancy Board
Training Status
January 5, 2010
Page 2

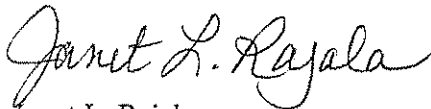
It is the responsibility of each board commissioner to ensure his/her own eligibility and remain current on continuing education. Ecology will not regulate boards for compliance with the training regulations. However, eligibility of a board commissioner could become a basis for reversal of a record of decision or an appealable action by a third party of Ecology's final administrative order.

To receive credit for continuing education through any source other than Ecology Water Resources Program, board commissioners must complete a Training Credit Request Form #040-104 – found on line at <http://www.ecy.wa.gov/biblio/ecy040104.html>). This form must be submitted to me with all requested information, including:

- Proof of attendance such as certificate of attendance, receipt, etc.
- Documentation of training attended such as course agenda.
- If there is no documentation of the training such as reading publications, general presentations, etc, write a short summary of information learned.
- Description of how the training directly relates to the commissioner's work on the water conservancy board.

If you have any questions, or feel the status of your continuing education information is in error, please contact me at (509) 329-3421 or jaca461@ecy.wa.gov as soon as possible.

Sincerely,



Janet L. Rajala
Water Resources Program

JR: kt

cc: Ecology Central Regional Office
Kittitas County Board of Commissioners
Center for Environmental Law and Policy



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

4601 N Monroe Street • Spokane, Washington 99205-1295 • (509)329-3400

January 5, 2009

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Kittitas Co. Water Conservancy Board
411 North Ruby, Suite 5
Ellensburg, WA 98926

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<u>Commissioner name</u>	<u>Appointment date</u>	<u>Next training due by</u>	<u>Continuing Ed. hours needed</u>
Mary Burke	April 5, 2001	April 4, 2009	8
Greg Hall	September 5, 2006	September 4, 2009	8
Pat Deneen	April 5, 2001	April 4, 2009	8
Vacant (Alternate)	Vacant	Vacant	Vacant
Jerry Marten (Alternate)	May 15, 2007	May 14, 2009	8

As of the date of this letter, Ecology's records indicate **all three board commissioners and one alternate are currently eligible** to take action on water right transfer decisions. A minimum of two of three eligible board commissioners are required to adopt a record of decision for a water right change application.

Pursuant to WAC 173-153-050(5), water conservancy board commissioners must complete a minimum of eight hours of continuing education annually. The year is determined by the appointment date of each commissioner. The rule stipulates that this minimum training requirement must be completed "*before participating in any decision concerning a water right transfer application being considered by a board.*" [Emphasis added]

Kittitas Co. Water Conservancy Board
Training Status
January 5, 2009
Page 2

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Sincerely,



Janet L. Rajala
Water Resources Program

JR: kla

cc: Ecology Central Regional Office
Kittitas County Board of Commissioners
Center for Environmental Law and Policy



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

4601 N Monroe Street • Spokane, Washington 99205-1295 • (509)329-3400

January 4, 2008

Ms. Chery Varnum
Kittitas Co. Water Conservancy Board
411 North Ruby, Suite 5
Ellensburg, WA 98926

RE: Training Status of Kittitas Co. Water Conservancy Board Commissioners

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<u>Commissioner name</u>	<u>Appointment date</u>	<u>Next training due by</u>	<u>Continuing ed. hours needed</u>
Mary Burke	April 5, 2001	April 4, 2008	8
Greg Hall	September 5, 2006	September 4, 2008	8
Pat Deneen	April 5, 2001	April 4, 2009	Current
Jerry Marten (Alternate)	May 15, 2007	May 14, 2009	Current
Vacant Alternate	Vacant	Vacant	Vacant

As of the date of this letter, Ecology's records indicate **all three board commissioners on the Board and one alternate are currently eligible** to take action on water right transfer decisions. A minimum of two of three eligible board commissioners are required to adopt a record of decision for a water right change application.

Pursuant to WAC 173-153-050(5), water conservancy board commissioners must complete a minimum of eight hours of continuing education annually. The year is determined by the appointment date of each commissioner. The rule stipulates that this minimum training requirement must be completed "*before participating in any decision concerning a water right transfer application being considered by a board.*" [Emphasis added]

Kittitas Co. Water Conservancy Board
Training Status
January 4, 2008
Page 2

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Sincerely,



Janet L. Rajala
Water Resources Program

cc: Ecology Central Regional Office
Kittitas County Board of Commissioners
Center for Environmental Law and Policy



Print - Close Window

Subject: RE: Kittitas county legislative report - please note
Date: Mon, 5 Nov 2007 09:11:30 -0800
From: "Rajala, Janet (ECY)" <jaca461@ECY.WA.GOV>
To: "Chery Varnum" <cheryvarnum@yahoo.com>
CC: "Kirk, John T. (ECY)" <TKIR461@ECY.WA.GOV>

Hi Chery

I appreciate your comments letting me know that the term dates for the Kittitas Board members may be incorrect. However, the reason boards cannot change those dates on the legislative report is because there are laws that guide those dates that cannot be altered by Ecology, boards or counties. I am responsible for tracking the term dates. I check them each year before I send the report to the boards. That's not to say I don't make mistakes! ☺ So I appreciate you letting me know.

1. Keep in mind that the statute states the terms are for six years. Not six years and 10 days; or six years and 1 day. Mary and Pat's original appointment dates were on April 5, 2001 with terms ending in staggered years as provided in statute. To say their terms end on April 5 is to say it is "X yrs and 1 day." The term begins at 12:01 a.m. on 4/5/XX and ends at 12 midnight on 4/4/XX making a complete year.
2. When the county appointed Jerry to the vacated alternate position, the county added 10 days to the term to make it 12/31. That would make the term 6 years and 10 days. The law indicates that the position is filled for the remainder of the vacated term. I have worked with the county to ensure our records are consistent. Most counties do not have a clear understanding of the law.

Mary Burke term ends April 4, 2013. The leg report was sent to you before I had received confirmation of Mary's reappointment from the county.

Gregg Hall's term ends on April 4, 2009

Pat Deneen's term ends on April 4, 2011

Jerry Marten's term ends on December 21, 2010. He filled the alternate position left vacant by Gregg Hall. The position was established on 12/22/04 ending six years later on 12/21/10 not 12/31. The county cannot just arbitrarily change the term expiration date.

Thank you for your comments. Let me know if you have other questions.

Janet L. Rajala

Water Resources Program

Phone: (509) 329-3421

Fax: (509) 329-3529

E-mail: jaca461@ecy.wa.gov

From: Chery Varnum [mailto:cheryvarnum@yahoo.com]

Sent: Monday, November 05, 2007 6:50 AM

To: Rajala, Janet (ECY)

Subject: Kittitas county legislative report - please note

Hi Janet

I wanted to comment that the board members dates were not correct on the legislative report. I was not able to correct that portion of the report.

Mary Burke was reappointed and her term ends on april 2013

Gregg Hall's term ends on april 5 2009

Pat Deneen's term ends on april 5 2011

Jerry Marten's term ends on December 31 2011

Thank you

Chery Varnum

Chery Varnum
Clerk of the Board
Kittitas County Water Conservancy Board
cheryvarnum@yahoo.com 509 899 4836

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STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

4601 N Monroe Street • Spokane, Washington 99205-1295 • (509)329-3400

January 4, 2006

Chery Varnum
Kittitas Co. Water Conservancy Board
411 North Ruby Suite 5
Ellensburg, WA 98926

RE: Training Status of Kittitas Co. Water Conservancy Board Commissioners

Dear Water Conservancy Board Commissioners:

Pursuant to WAC 173-153-050(5), water conservancy board commissioners must complete a minimum of eight hours of continuing education annually. The year is determined by the appointment date of each commissioner. The rule stipulates that this minimum training requirement must be completed "*before participating in any decision concerning a water right transfer application* being considered by a board." [Emphasis added]

It is therefore essential that commissioners keep their continuing education current, in order to fully participate in water right change decisions made by the board. Ecology's records indicate the status of continuing education for current board commissioner(s) is as follows:

<u>Commissioner name</u>	<u>Appointment date</u>	<u>Next training due by</u>	<u>Hours Needed</u>
Mary Burke	April 5, 2001	April 5, 2007	Current
Tom Chini	April 5, 2001	April 5, 2007	Current
Pat Deneen	April 5, 2001	April 5, 2006	8
Dennis Kelly	April 19, 2005	April 19, 2007	Current
Greg Hall	December 22, 2004	December 21, 2006	8

Therefore, as of January 4, 2006, Ecology's records indicate **all board commissioners and alternates are currently eligible** to participate in water right transfer decisions.

It is the responsibility of each board commissioner to ensure his/her own eligibility and remain current on continuing education. Ecology will not regulate boards for compliance with the training regulations. However, eligibility of a board commissioner could become a basis for reversal of a record of decision or an appealable action by a third party of Ecology's final administrative order.



Kittitas Co. Water Conservancy Board
Training Status
January 4, 2006
Page 2

Remember that to receive credit for continuing education through any source other than Ecology, board commissioners must complete a Training Credit Request Form (Ecology form #040-104 – can be found on line at <http://www.ecy.wa.gov/biblio/ecy040104.html>). This form must be submitted to me with all requested information, including:

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- Short summary of information obtained (in the case of readings or general presentations).
- Description of how the training directly relates to the commissioner's work on the water conservancy board.

If you have any questions, or feel the status of your continuing education information is in error, please contact me at (509) 329-3421 or jaca461@ecy.wa.gov as soon as possible.

Sincerely,



Janet L. Carlson
Water Resources Program

cc: Ecology Central Regional Office
Kittitas County Board of Commissioners
Center for Environmental Law and Policy

**KITTITAS COUNTY
WATER CONSERVANCY BOARD**

511-421-3078

Member	Address	Telephone	Term Expires	Term
Mary Burke	1351 Smithson Road Ellensburg, WA 98926	962-5411 <i>Jed / James</i>	04/05/07	6 Yr.
Patrick Deneen	1890 Nelson Siding Rd Cle Elum, WA 98922	674.4475 <i>362-8462</i> 674.8440	04/05/11	6 Yr.[s1]
Thomas Chini <i>6121</i>	6051 Manastash Road Ellensburg, WA 98926	925.2387 929.4646	04/05/09	6 Yr.
Dennis Kelly Alternate #1	151 Shadow Lane Ronald, WA 98940	509-649-3258 <i>899-0036</i>	12/31/11 <i>?</i>	6 Yr.[s2]
Gregg Hall Alternate #2	209 E. 18 th Ave #27 Ellensburg, WA 98926	509-962-8985 <i>?</i>	12/31/10 <i>?</i>	6 Yr.[s3]
Chery Varnum Clerk of the Board	<u>cheryvarnum@yahoo.com</u>			

Any re-appointment/appointment of members need to notify Janet Carlson State Water Conservancy Board. Jaca461@ecy.wa.gov