WR File No.: CS4-00328CTCL@1
WR Doc ID: 4293240

DEPARTMENT OF ECOLOGY
State of Washington

State of Washington
REPORT OF EXAMINATION FOR WATER RIGHT CHANGE

PRIORITY DATE	CLAIM NUMBER	CHANGE APPLICATION NUMBER
June 30, 1883	00328	CS4-00328CTCL@1

MAILING ADDRESS
Carroll Richards
5461 Hanson Rd
Ellensburg, WA 98926-7936

SITE ADDRESS (IF DIFFERENT)

Total Quantity Authorized for Withdrawal or Diversion

WITHDRAWAL OR DIVERSION RATE	UNITS	ANNUAL QUANTITY (AF/YR)
1.4	cfs	428.4

Purpose

	WITHDRAWAL OR DIVERSION RATE			ANNUAL QUANTITY (AF/YR)		
PURPOSE	ADDITIVE	NON-ADDITIVE	UNITS	ADDITIVE	NON-ADDITIVE	PERIOD OF USE (mm/dd)
Irrigation	1.4		cfs	428.4		April 1 – June 30
Irrigation	0.70		cfs	428.4		July 1 – October 31

IRRIGATED ACRES

ADDITIVE	NON-ADDITIVE
60 acres	

PUBLIC WATER SYSTEM INFORMATION

WATER SYSTEM ID	CONNECTIONS

Source Location

COUNTY	WATERBODY	SOURCE FACILITY/DEVICE	WATER RESOURCE INVENTORY AREA
KITTITAS	MANASTASH CREEK	HEADWORKS	39-UPPER YAKIMA

LATITUDE	LONGITUDE
46.96942	120.67691

500 feet south and 150 feet east from the north quarter corner of Section 14, being within the NW¼NE¼ of Section 14, T. 17 N., R.17 E.W.M., Kittitas County.

FILE COPY

Place of Use (See Attachment 1)

PARCELS (NOT LISTED FOR SERVICE AREAS)

17-17-01000-0016, 17-17-01000-0025, 17-17-01000-0026, 17-17-01000-0027, 17-17-01000-0028, 17 17-01000-0029, 17-17-01000-0022, 17-17-01000-0030, and 17-17-01000-0031.

LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE

That portion of the E½SE¼ of Section 1, T. 17 N., R. 17 E.W.M., Kittitas County described as follows: Beginning at the southeast corner of said Section; thence west 1050 feet; thence north 450 feet; thence N 23° E 500 feet more or less; thence north 900 feet more or less; thence east to the east quarter corner of Section 1; thence south to the point of beginning.

Proposed Works

The applicant proposes to change the point of diversion from the Hatfield Ditch point of diversion to a consolidated upstream location at the present Manastash Water Ditch Association (MWDA) point of diversion. The new point of diversion will be rebuilt to accommodate irrigators from MWDA, Hatfield, Reed and Anderson Diversions. By moving the point of diversion to the new location, the historic Hatfield Ditch point of diversion will be abandoned and the headworks will be removed from Manastash Creek. A portion of the open ditch delivery system will be replaced with a buried pipe.

Development Schedule

BEGIN PROJECT	COMPLETE PROJECT	PUT WATER TO FULL USE
Begun	April 15, 2015	April 15, 2017

Measurement of Water Use

How often must water use be measured?	Daily
How often must water use data be reported to Ecology?	Annually, by January 31
What volume should be reported?	Total Annual Volume
What rate should be reported?	Annual Peak Rate of Withdrawal (cfs)

Provisions

Measurements, Monitoring, Metering and Reporting

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

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

In the future, Ecology may require additional parameters to be reported or more frequent reporting. Ecology will provide data entry information and forms.
http://www.ecy.wa.gov/programs/wr/measuring/measuringhome.html

Flow data from the measuring points shall be compiled and recorded on a web based server that is mutually agreed upon by the Manastash Steering Committee. These data shall be made available within a reasonable time to Ecology staff. The yearly data shall be submitted to the Department of Ecology no later than January 31 of each year.

Easement and Right-of-Way

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

Provisions Specific to the Department of Fish and Wildlife

This authorization is subject to Washington Department of Fish and Wildlife fish screening criteria (pursuant to RCW 77.57.010, RCW 77.57.070, and RCW 77.57.040). The intake(s) shall be screened in accordance with Department of Fish and Wildlife screening criteria.
http://wdfw.wa.gov/conservation/habitat/planning/screening/

Quantity Limits, Flow and Regulation

An approved stream gage shall be permanently installed in Manastash Creek at a location described as a point 600 feet north and 700 feet east from the southwest corner of Section 12 being within the SW¼SW¼ of Section 12, T. 17 N., R. 17 E.W.M. (This is the historic Reed Ditch Diversion.)

Water shall not be diverted from the new point of diversion unless the following minimum rates of flow are measured at the Reed Ditch Diversion: six cubic-feet per second (from April 1 through June 30) and three cubic-feet per second (July 1 through October 31) or, during periods of proration, the prorated rates. The Reed Ditch Diversion location is given above.

The six cubic-feet per second (April 1 through June 30) and the three cubic-feet per second (July 1 through October 31), or such prorated portion thereof to be measured at the Reed Diversion shall be achieved through the methods or acquisitions addressed in the Manastash Creek Restoration Project Instream Flow Enhancement Implementation Plan. Manastash Creek, including flows measured at Reed Diversion, will continue to be regulated by priority date consistent with *State v. Acquavella*, Yakima County Superior Court No. 77-2-01484-5, and Washington state law.

Schedule and Inspections

Department of Ecology personnel, upon presentation of proper credentials, will have access at reasonable times, to the project location, and to inspect at reasonable times, records of water use, wells, diversions, measuring devices and associated distribution systems for compliance with water law.

Findings of Facts

Upon reviewing the investigator's report, I find all facts, relevant and material to the subject application, have been thoroughly investigated. Furthermore, I concur with the investigator that water is available from the source in question; that there will be no impairment of existing rights; that the purpose(s) of use are beneficial; and that there will be no detriment to the public interest.

Therefore, I ORDER approval of Application No. CS4-00328CTCL@1 subject to existing rights and the provisions specified above.

This Decision may be appealed pursuant to RCW 34.05.514(3), RCW 90.03.210(2), and Pretrial Order No. 12 entered in *State of Washington, Department of Ecology v. James Acquavella, et al.*, Yakima County Superior Court No. 77-2-01484-5 (the general adjudication of surface water rights in the Yakima

River Basin). The person to whom this Decision is issued, if he or she wishes to file an appeal, must file the notice of appeal with the Yakima County Superior Court **within thirty (30) days of receipt of this Decision**. Appeals must be filed with the Superior Court Clerk's Office, Yakima County Superior Court, 128 North 2nd Street, Yakima WA 98901, RE: Yakima River Adjudication. Appeals must be served in accordance with Pretrial Order No. 12, Section III ("Appeals Procedures"). The content of the notice of appeal must conform to RCW 34.05.546. Specifically, the notice of appeal must include:

The name and mailing address of the appellant;
Name and address of the appellant's attorney, if any;
The name and address of the Department of Ecology;
The specific application number of the decision being appealed;
A copy of the decision;
A brief explanation of Ecology's decision;
Identification of persons who were parties in any adjudicative proceedings that led to Ecology's decision;
Facts that demonstrate the appellant is entitled to obtain judicial review;
The appellant's reasons for believing that relief should be granted; and
A request for relief, specifying the type and extent of relief requested.

The "parties of record" who must be served with copies of the notice of appeal under RCW 34.05.542(3) are limited to the applicant of the decision subject to appeal, Ecology and the Office of the Attorney General.

All others receiving notice of this Decision, who wish to file an appeal, must file the appeal with the Yakima County Superior Court within **thirty (30) days of the date the Order was mailed.** The appeal must be filed in the same manner as described above.

Signed at Yakima, Washington, this 15 day of MAY, 2014.

Mark Kemner, LHG, Section Manager
Water Resources Program/CRO

INVESTIGATOR'S REPORT

BACKGROUND

Introduction

Table 1: Attributes of the Application for Change

Attributes	Existing	Proposed
Name	Carroll Richards &Beverly J. Richards, Gary Starkovich & Linda Starkovich, Douglas J. Strecker & Terri L. Strecker, Shane Jump & Patty Jump, Curt Samuelson & Cindi Samuelson, Rover C. Dobbins &Linda J. Dobbins, Wayne J. Erickson Patricia M. Erickson, and Marsha F. Park.	Carroll Richards &Beverly J. Richards, Gary Starkovich & Linda Starkovich, Douglas J. Strecker & Terri L. Strecker, Shane Jump & Patty Jump, Curt Samuelson & Cindi Samuelson, Rover C. Dobbins &Linda J. Dobbins, Wayne J. Erickson Patricia M. Erickson, and Marsha F. Park.
Priority Date/ Change Application Date	June 30, 1883	April 3, 2006
Instantaneous Quantity	1.4 cubic-feet per second from April 1 through June 30. 0.70 cubic-feet per second from July 1 through October 31.	1.4 cubic-feet per second from April 1 through June 30. 0.70 cubic-feet per second from July 1 through October 31.
Annual Quantity	428.4 acre-feet per year	428.4 acre-feet per year
Purpose of Use	Irrigation of 60 acres	Irrigation of 60 acres
Period of Use	April 1 – October 31	April 1 – October 31
Place of Use	That portion of the E½SE¼ of Section 1, T. 17 N., R. 17 E.W.M., Kittitas County described as follows: Beginning at the southeast corner of said Section; thence west 1050 feet; thence north 450 feet; thence N 23° E 500 feet more or less; thence north 900 feet more or less; thence east to the east quarter corner of Section 1; thence south to the point of beginning.	That portion of the E½SE¼ of Section 1, T. 17 N., R. 17 E.W.M., Kittitas County described as follows: Beginning at the southeast corner of said Section; thence west 1050 feet; thence north 450 feet; thence N 23° E 500 feet more or less; thence north 900 feet more or less; thence east to the east quarter corner of Section 1; thence south to the point of beginning.
Point of Diversion/ Withdrawal	150 feet north and 1200 feet east from the south quarter corner of Section 11, T. 17 N., R. 17 E.W.M., Kittitas County.	500 feet south and 150 feet east from the north quarter corner of Section 14, being within the NW¼NE¼ of Section 14, T. 17 N., R. 17 E.W.M., Kittitas County.

Legal Requirements for Proposed Change

The following is a list of requirements that must be met prior to authorizing the proposed change.

Public Notice

Notice of this application was published in the Ellensburg Daily Record on February 5, and February 12, 2007. No letters of protest or comments were received during the 30-day protest period.

State Environmental Policy Act (SEPA)

This project required a SEPA review under WAC 197-11-800(4). Ecology, acting as the SEPA lead agency for this project, determined that it will have no unmitigated probable significant adverse impacts on the environment and issued a Mitigated Determination of Nonsignificance (MDNS) on October 18, 2008. The MDNS included a proposed mitigation package (Manastash Creek Restoration Project, Instream Flow Enhancement Implementation Plan) that can be viewed at http://www.kccd.net/Manastash%20Imp%20Plan%2010-30-07.pdf or a copy is available by contacting Ecology's Central Region Office in Yakima, WA, at (509) 575-2490.

Water Resources Statutes and Case Law

RCW 90.03.380(1): States that a water right that has been put to beneficial use may be changed. The POD, place of use, and purpose of use may be changed if it would not result in harm or injury to other water rights.

WAC 173-152-050(2)(c): States that an application for change or transfer to an existing water right may be processed prior to competing applications provided the change or transfer, if approved, would substantially enhance the quality of the natural environment.

The Washington Supreme Court has held that Ecology, when processing an application for change to a water right, is required to make a tentative determination of extent and validity of the claim or right (see *R.D. Merrill v. PCHB* and *Okanogan Wilderness League v. Town of Twisp*). This is necessary to establish whether the claim or right is eligible for change. In this case, the proposed water right for change has been adjudicated by the Yakima Superior Court and a Conditional Final Order (CFO) for the Manastash Creek Subbasin (Subbasin No. 11) issued on June 14, 2001. As there has been at least a 5-year period since the issuance of the CFO, a tentative determination of the extent and validity of the right is required.

INVESTIGATION

Site Visit

This water right change process included an on-site visit by the author on September 8, 2008, a site visit was conducted by Eric Hartwig of the Department of Ecology (Ecology). On February 5, 2014, an additional site visit was conducted by Ecology employees, Scott Turner, Teresa Mitchell, Lara Henderson, and Jacquelyn Metcalfe with Sherry Swanson of the Kittitas County Conservation District present. Additional information and supporting documentation for this investigation was obtained through the following:

- Documentation submitted with the applications.
- Conversations with:
  Washington Rivers Conservancy (WRC) staff,
  Ecology staff, and
  Manastash Steering Committee Members.

- Washington State Water Code, relevant case law, and administrative rules and policies.
- Review of recent aerial photography.
- Yakima County Superior Court *Reports of Referee* and *Conditional Final Order* (CFO) in *Acquavella Subbasin No. 11 (Manastash Creek).*
- Yakima County Superior Court *Report of the Court Concerning the Water Rights for the Kittitas Reclamation District,* Vol. 14.
- Manastash Creek Project Summary Memorandum (Golder 2006).
- Manastash Creek Restoration Project Instream Flow Enhancement Implementation Plan (Kittitas County Conservation District, 2007a).
- Resolution of the Manastash Steering Committee Regarding this plan (Kittitas County Conservation District, 2007b).

History of Water Use for Claim No. 00328

Manastash Creek is part of the Yakima River Basin and rights to the use of the creek were addressed in the Yakima River Basin Adjudication (Department of Ecology v. James J. Aquavella, et al.) (Yakima Adjudication). During the Yakima Adjudication proceedings, a Conditional Final Order (CFO) specific to Manastash Creek (Subbasin No. 11) issued on June 14, 2001. Court Claim No. 00328, the subject Court Claim of this ROE, was part of the Yakima Adjudication proceedings and is addressed in Reports of the Referee for Subbasin No. 11 and in the CFO for Subbasin No. 11.

The Richards land consists of 340 acres within the E½SW¼ and the S¾SE¼ of Section 1 and the NE¼ of Section 12, T. 17 N., R. 17 E.W.M., Kittitas County. Of the 340 acres, 281 acres are planted primarily with timothy hay and rill irrigated. The Richards receive delivery of four acre-feet per year of Kittitas Reclamation District Water for 219 acres. They also own four shares in the Manastash Ditch Water Association which allows for the use of 4.0 cubic-feet per second of water from Manastash Creek through the associations ditch, which according to the decree could be used to irrigate 160 acres.

The availability of water in Manastash Creek changes throughout the year. The hydrograph for Manastash Creek typically peaks in the months of March, April, and May. Water supply begins to decline between late April and late May to the point that not all water rights from the creek can be satisfied. Typically, by early to mid-June there is only enough water in Manastash Creek to satisfy first and second class water rights. As the hydrograph declines, the water right holders of Manastash Creek begin to self regulate their water use to satisfy the most senior rights first.

The Court, recognizing this recurring pattern, issued the CFO for Subbasin No. 11 (Manastash Creek) with a reduced instantaneous rate of delivery later in the irrigation season for the majority of irrigation rights. These rights are reduced by 50% on July 1. However, in a typical year natural conditions produce reduced flows to the point that only Class 1 and a portion of the Class 2 water rights are satisfied after July 1.

There are two separate water rights addressed in Court Claim No. 00328 (S4-83543-J and S4-83542-J). Both of these water rights are identical with the exception of the priority dates and the described place of use. Water right S4-83542-J is for the irrigation of a separate 60 acres located in the W½NE¼ of Section 12, T. 17 N., R. 17 E.W.M., Kittitas County, lying north of the Hatfield-Amlin Ditch and south of the Richards Road AND the W½NE¼NE¼ of Section 12, T. 17 N., R. 17 E.W.M., Kittitas County. This water right is addressed in a separate Report of Examination.

The subject of this Report of Examination is the water with a priority date of June 30, 1883, for the diversion of 1.4 cfs from April 1 through June 30, and 0.70 cfs from July 1 through October 31,

428.4 ac-ft/yr for the irrigation of 60 acres in the E½SE¼ of Section 1, T. 17 N., R. 17 E.W.M., Kittitas County, Testimony during the adjudication hearings showed that this 60 acres has been irrigated from Manastash Creek. The confirmed water quantities for this water right are listed in Table 1. The Court used the formula of 0.0233 cfs and 7.84 acre-feet per acre to calculate these quantities. For this water right, the Court granted a water duty of 428.4 acre-feet per acre, per year, for irrigation from Manastash Creek.

Based on reviewing 2005, 2006, 2009, 2011, and 2012 aerial photos and a site visit conducted on March 17, 2014 by Jacquelyn Metcalfe and Danielle Jansik, it appears the entire 60 acre place of use has been irrigated since the CFO issued.

Manastash Creek Restoration Project History

The Manastash Creek Restoration Project is implemented by the Manastash Creek Steering Committee with assistance from the Kittitas County Conservation District (KCCD). The Manastash Creek Steering Committee was initiated in 2001. In 2008, membership was confirmed through a resolution of the Steering Committee. Current membership includes representatives of the water users of Manastash Water Ditch Association, Keach Ditch, Jensen Ditch, Hatfield Ditch, Reed Ditch, Anderson Diversion, and Barnes Road Diversion, as well as representatives of Ecology, Washington State Department of Fish & Wildlife (WDFW), National Marine Fisheries Service, Washington Environmental Council, and the Yakama Nation.

The steering committee was formed in response to the Washington Environmental Council's (WEC) intention to file a lawsuit, based on possible violation of the Endangered Species Act (ESA). ESA is a federal law that attempts to protect animal and plant species threatened with extinction. ESA also attempts to protect the habitat of these species. The Washington State Department of Fish and Wildlife and Yakama Nation have determined that Manastash Creek contains habitat suitable for ESA-listed species and that artificial fish passage barriers exist in the creek. The WEC lawsuit would address compliance issues within Manastash Creek concerning fish passage, proper screening of headwork diversions, and metering diverted water.

This committee's main goals are to satisfy compliance issues with fish passage and headwork screening in Manastash Creek, and metering water diverted from Manastash Creek. By achieving these goals the irrigators would address ESA requirements and Chapter 173-173 WAC.

The Washington State Legislature appropriated funds in 2002 for construction of fish screens and fish passage at Manastash Creek diversions. In addition, the Bonneville Power Administration (BPA) granted additional funding to the Manastash Project through the WDFW in 2002 to construct fish screen and fish passage facilities, for instream flow restoration in 2007 and for additional fish screening construction in 2008.

In the years between 2003 and 2006, the strategy for providing fish screens and fish passage facilities underwent a number of changes. Initially, the Anderson, Reed, Hatfield, and Keach-Jensen Diversions were to be moved to the Manastash Water Ditch Association diversion site. That plan was abandoned in 2005 as agreement on specifics could not be reached within the Steering Committee.

The consolidation plan was then modified and revived in early 2006. The current plan includes consolidating only the Reed Ditch, Anderson Ditch, and Hatfield Ditch diversions to the MWDA diversion site. The Keach-Jensen and the Barnes Road diversions will be screened at their present locations. The Steering Committee members have agreed to work toward completion of the current plan.

In 2006, the KCCD assisted water right holders and Ecology to complete the applications to change the points of diversion for Hatfield Ditch, Reed Ditch, and Anderson Ditch. The change applications were

received by Ecology in August and September 2006. Along with these applications, a mitigation package was submitted to address potential adverse impacts of the upstream moves in points of diversion.

Proposed Use

Under this proposed change, only the POD is proposed for change. The applicant's property will continue to be irrigated with water from Manastash Creek. Rill irrigation will continue to be the primary water application method. This is the same water application method as historically described within court documents.

If this application is approved, the water will be diverted from the new combined POD into a pipe. The pipe will discharge into an open ditch upstream of where the first user would have historically withdrawn their water.

Other Water Rights Appurtenant to the Proposed Place of Use

The subject right of this application confirmed under Court Claim No. 00328 has other rights that overlap the confirmed place of use which are listed in the table below. The Court's determination of how these rights are to be separated is discussed in the *Yakima River Basin Water Rights Adjudication, Report of Referee for Sub basin No. 11*. In addition, the KRD also may deliver water to these lands for water.

Water Right Document No.	Priority Date	Instantaneous Quantity (CFS or GPM)	Annual Quantity (AF/YR)	Purpose(s) of Use	Point of Diversion or Withdrawal
S4-83469-J	August 26, 1889	0.0674	6.22	Irrigation & Stockwater	Point of Diversion
S4-84347-J	May 1, 1905	1296.67 cfs	336,000	Irrigation	Point of Diversion
S4-84348-J	July 3, 1903	70.0 cfs	25,000	Irrigation	Point of Diversion

Impairment Considerations

An upstream change in POD results in an affected reach within the surface water source. The affected reach is defined by that section of the surface water source between the current POD location and the proposed POD location.

Under this change proposal, the affected reach is within Manastash Creek: the current POD is the Hatfield Diversion, located at approximately creek-mile 5.2, and the proposed POD is the MWDA Diversion, located at approximately creek-mile 5.6. The affected reach is approximately 0.28 miles in length.

The affected reach between the proposed Consolidated Diversion (Hatfield, Reed, and Anderson), which is at the MWDA diversion, and the existing Hatfield diversion is 1,478 feet in length.

In general, moving points of diversion upstream is problematic, as rearing habitat and production potential for fish, riparian vegetation, and aquatic invertebrates residing within the reach can be adversely affected by the reduced flow. Diminished stream flow within the 1,478 foot reach would also have negative impacts on production potential for age "0" (newly emerged fry) and 1 year old steelhead smolts. The 2006 flow data indicate that flows bypassed in July through the end of the irrigation season

below MWDA diversion were variable, but generally ranged from 2-5 cfs. All surface flow is presently diverted at the Reed Diversion when flows are in this range. By diverting all available water at the Reed Diversion it has created a reach within Manastash Creek to be dry. This reach is approximately 3.25 miles.

Another potential impact is to existing Keach-Jensen POD's. As this application is proposing to change the POD upstream of the Keach-Jensen the possibility of impairment must be addressed. The water users within the Manastash Creek Basin have historically self regulated their diversions to insure that the senior rights were fulfilled first. By moving this POD upstream of the Keach-Jensen POD, this change application, if approved, will be limited to the amount of water and the priority date confirmed by the Court.

If this change is approved it reduces the flow in the affected reach by a maximum of 0.98 cfs. This will be mitigated for by increasing the stream flow within the 3.25 mile dry reach below the historic Reed Diversion.

To offset potential impairment and impacts from moving Hatfield upstream, after initial implementation of the change in POD, it is proposed that six cfs (or the pro-rated portion thereof) will be bypassed at the new consolidated POD from April 1 through June 30, about three cfs of flow (or the prorated portion thereof) would be bypassed from July 1 through October 31 plus the estimated conveyance loss between new consolidated POD and Reed Diversion. The conveyance water that will be bypassed at the combined head works for this project is defined as "that water that has naturally been lost within Manastash Creek to convey senior class water between the MWDA POD to the proposed changed POD". In addition to the flows described, flows in excess of quantities determined in the CFO will also be left instream and measured at a point located at the historic Reed Diversion.

To achieve these flows the Manastash Creek Steering Committee has developed the Manastash Creek Restoration Project Instream Flow Enhancement Implementation Plan. This plan addresses the commitments the members of the Steering Committee have agreed upon to achieve these flows. The Steering Committee also has committed to continue to look for more water to be placed into trust and enhance the instream flow of Manastash Creek. This plan has also been presented to Ecology as mitigation for any impacts that may occur due to any upstream move.

Kittitas Reclamation District (KRD) Operational Spill Water

The implementation plan includes an agreement that water users will not divert any water that KRD spills into Manastash Creek. The KRD canal spill is located at creek-mile 5.4 (between MWDA and Reed diversions). Spilled water is currently diverted, and as the irrigation season progresses, the majority of spilled water is diverted into the Reed Ditch. Spill timing and quantity is highly variable, with spills ranging from 0-30 cfs. This operational spill, to the extent that it is present at any time, would be additive to the obtained bypass flow for instream flow purposes of six cfs from April 1 through June 30 and three cfs from July 1 through October 31 before pro-rationing.

Consideration of Protests and Comments

There were no protests or comments filed in response to the public notice for this proposed application.

CONCLUSIONS

In accordance with Chapter 90.03 RCW, the author makes a tentative determination that the water right confirmed under Court Claim No. 00328 with a priority date of June 30, 1883, represents a valid water right that authorizes the diversion of up to 1.4 cfs from April 1 through June 30, and 0.70 cfs from July 1 through October 31 up to 428.4 ac-ft/yr of water from Manastash Creek to irrigate 60 acres.

Approval of this change to change the POD as mitigated will not cause impairment.

Approval of this change to change the POD as mitigated will not enhance the subject right (Court Claim No. 00328).

RECOMMENDATIONS

Based on the above investigation and conclusions, I recommend that the request for change on one of the water rights confirmed under Court Claim No. 00328 be approved in the amounts and within the limitations listed below and subject to the provisions beginning on Page 2, et seq.

Authorized Quantities

The amount of water recommended is a maximum limit and the water user may only use that amount of water within the specified limit that is reasonable and beneficial:

- 1.4 cfs from April 1 through June 30
- 0.70 cfs from July 1 through October 31
- 428.4 ac-ft/yr

Purpose of Use

Irrigation of 60 acres.

Point of Diversion

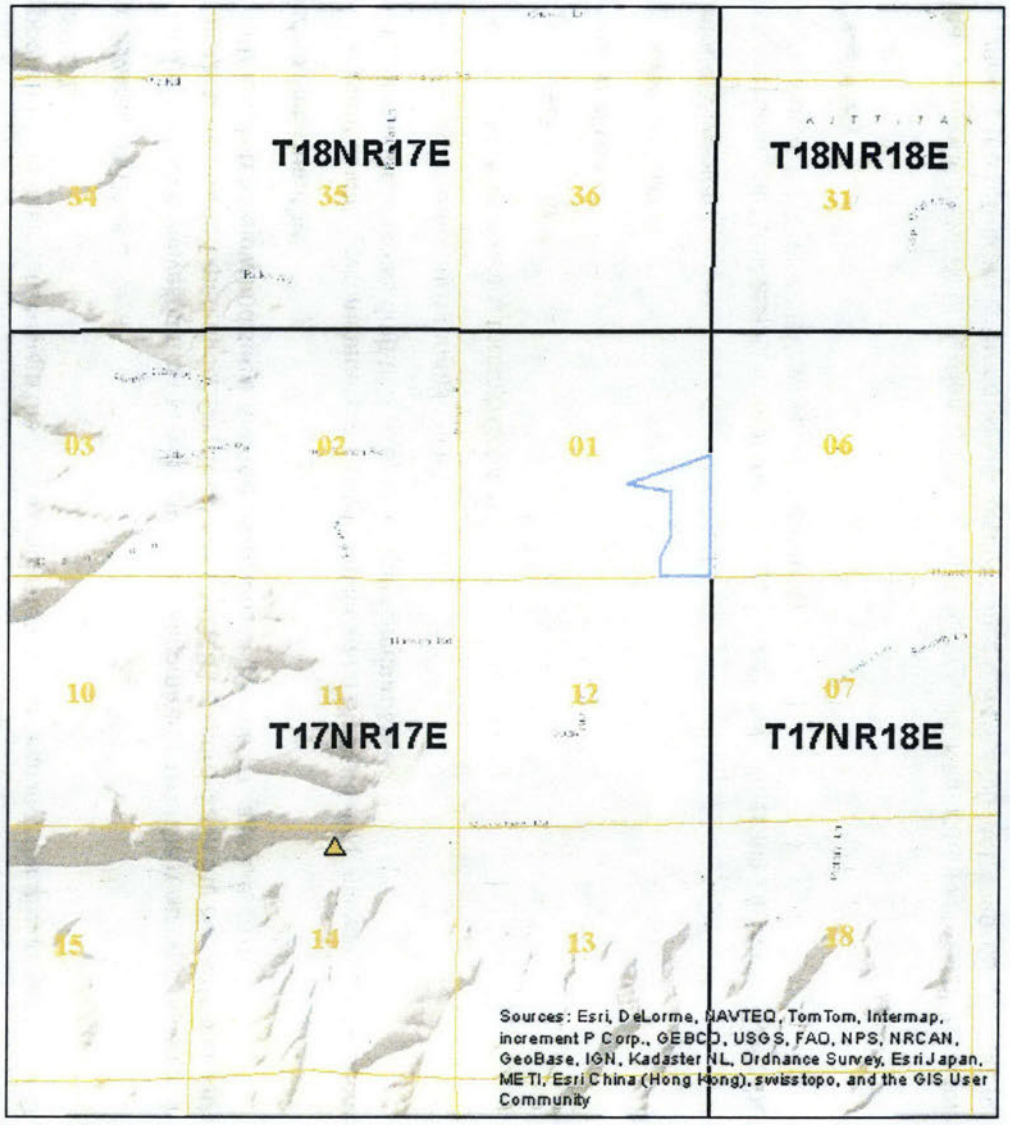
500 feet south and 150 feet east from the north quarter corner of Section 14, being within the NW¼NE¼ of Section 14, T. 17 N., R. 17 E.W.M., Kittitas County.

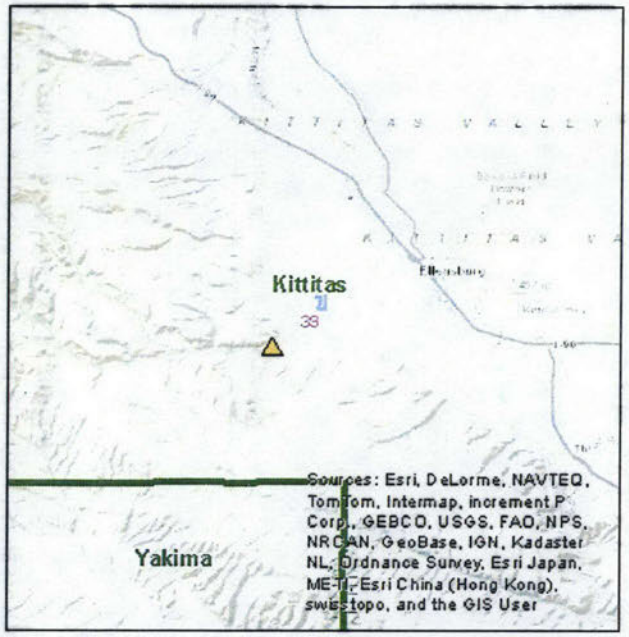
Place of Use

That portion of the E½SE¼ of Section 1, T. 17 N., R. 17 E.W.M., Kittitas County described as follows: Beginning at the southeast corner of said Section; thence west 1050 feet; thence north 450 feet; thence N 23° E 500 feet more or less; thence north 900 feet more or less; thence east to the east quarter corner of Section 1; thence south to the point of beginning.

Report by: _____ 5/8/14
Jacquelyn Metcalfe, Water Resources — Date

Carroll Richards
CS4-00328CTCL@1
T17N/R17E
WRIA 39 - Kittitas County





Basemap ESRI US Topographic Maps

Legend

- Authorized Place of Use
- Authorized Point of Withdrawal
- Authorized Point of Diversion
- Townships
- Sections
- WRIA
- Counties

Basemap ESRI US Topographic Maps

0 1,550 3,100 6,200 9,300 12,400 Feet

Map Date: 2/25/2014

Comment:
Place of use and source locations are as defined within the Report of Examination cover sheet for the document identified in the header above.

ATTACHMENT 1