



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

15 W Yakima Ave, Ste 200 • Yakima, WA 98902-3452 • (509) 575-2490

July 2, 2014

Teaway Ridge LLC
PO Box 808
Cle Elum, WA 98922-0808

RE: Water Right Change Application No. CS4-00756sb2@3 (KITT-13-07)

In accordance with RCW 90.80.080 the Department of Ecology (Ecology) has reviewed the Record of Decision (ROD), Report of Examination (ROE), and all comments, protests, objections, and other relevant information submitted by the Kittitas County Water Conservancy Board (the Board) for the above referenced application for change.

Ecology has **modified** the decision of the Board and the proposed change/transfer of water right is **approved** under the following conditions:

Summary of Ecology's Final Order

| TYPE OF USE, PERIOD OF USE | | MAXIMUM ACRE- FEET/ YEAR | | | MAXIMUM CUBIC FEET/ SECOND | |
|---|----|---|----------|---------------------------------|----------------------------|----------|
| Instream flow for mitigation | | Qa | | | Qi | |
| May 1 – September 1 | | 60 (21.02 ac-ft/yr consumptive and 38.98 ac-ft/yr non-consumptive). | | | 0.34 | |
| March 1 to April 30 | | * | | | 0.156 | |
| May 1 to September 1 | | * | | | 0.02 | |
| September 2 to Nov. 15 | | * | | | 0.156 | |
| November 16 to Feb. 29 | | * | | | 0.222 | |
| | | * Cumulative total for instream flow March 1 through February 29 is 0.9 ac-ft/yr. | | | | |
| SOURCE | | | | TRIBUTARY OF (IF SURFACE WATER) | | |
| Big Creek | | | | Yakima River | | |
| ¼ | ¼ | SECTION | TOWNSHIP | RANGE | WRIA | COUNTY. |
| SW | SE | 29 | 20 N. | 14 E.W.M. | 39 | Kittitas |
| AT A POINT LOCATED: PARCEL NO. | | | | | | |
| 1100 feet North and 750 feet East from the South quarter corner of Section 29, being within SW¼ SE¼ of Section 29, T. 20 N., R. 14 E.W.M. | | | | | | |

FILE COPY

| LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED AS APPROVED BY THE BOARD | | | | | |
|---|---|--------------------------------|---------|--|--------|
| Primary Reach: The portion of Big Creek below the original point of diversion to the confluence with the Yakima River. | | | | | |
| Secondary Reach: Commencing at the confluence of Big Creek and the Yakima River, within the Yakima River downstream to the confluence with the Columbia River. | | | | | |
| PARCEL NO. | ¼ | ¼ | SECTION | TOWNSHIP N. | RANGE, |
| DEVELOPMENT SCHEDULE | | | | | |
| BEGIN PROJECT BY THIS DATE: | | COMPLETE PROJECT BY THIS DATE: | | WATER TO PUT TO FULL USE BY THIS DATE: | |
| Begun | | December 31, 2020 | | December 31, 2020 | |

Ecology has **MODIFIED** the decision of the Board as follows:

1. The Board's decision has been modified as noted in the table above.
2. Issuance of this Modification Order cancels the previous change, CS4-00756sb2@1 (KITT-06-09), completed in 2007.
3. Description of the location of point of diversion is corrected to show that the diversion is located 1100 feet North and 750 feet East from the South quarter corner of Section 29, being within SW¼ SE¼ of Section 29, T. 20 N., R. 14 E.W.M.
4. This decision may indicate a Real Estate Excise Tax liability for the seller of water rights. The Department of Revenue has requested notification of potentially taxable water right related actions, and therefore will be given notice of this decision, including document copies. Please contact the state Department of Revenue to obtain specific requirements for your project: Department of Revenue, Real Estate Excise Tax, PO Box 47477, Olympia WA 98504-7477; Phone: (360) 570-3265; Internet: <http://dor.wa.gov/>; or E-mail: REETSP@DOR.WA.GOV.

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.

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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.



Mark Kemner, LHG, Section Manager
Water Resources Program
Central Regional Office

MK:MD:JR/140651

By Certified Mail: 7010 0290 0000 7127 2716

cc: Jeff Slothower, Lathrop Winbauer Harrel Slothower & Denison, L.L.P.
Chery Byers, Kittitas County Water Conservancy Board
Philip Rigdon, Yakama Nation
Mark Dunbar, Department of Ecology