



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

June 4, 2014

Brian Pat King
4216 220th Place SE
Issaquah, WA 98029-9283

RE: Water Right Change Application No. CS4-00176sb2 (KITT-14-02)

Dear Mr. King:

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

MAXIMUM CUB FT/ SECOND		MAXIMUM GAL/MINUTE		MAXIMUM ACRE-FT/YR		TYPE OF USE, PERIOD OF USE	
0.01				0.8767		Instream flow for Water Banking	
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: 1100 feet North and 750 feet East of the South Quarter corner of Section 29, lying within the SW1/4 SE1/4 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:					
			Qa (acre-ft/yr.)	Qi (cfs)	
Non-irrigation season (Sept 2 – April)			0.000558 (per month)	0.00001	
May			0.000558	0.00001	
June			0.552558	0.00930	
July			1.056558	0.01721	
August			0.768558	0.01252	
September 1st			0.024558	0.00041	
Total			2.4067		
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:					
			Qa (acre-ft/yr.)	Qi (cfs)	
Non-irrigation season (Sept 2 – April)			0.000558 (per month)	0.00001	
May			0.000558	0.00001	
June			0.200660	0.00337	
July			0.383360	0.00624	
August			0.278960	0.00454	
September 1st			0.008700	0.00044	
Total			0.8767		
PARCEL NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE,
N/A					
DEVELOPMENT SCHEDULE					
BEGIN PROJECT BY THIS DATE:		COMPLETE PROJECT BY THIS DATE:		WATER TO PUT TO FULL USE BY THIS DATE:	
At least 75 days after the Board's ROD issuance.		June 30, 2015		June 30, 2016	

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

The following is added to the Provisions Section of the Board's Decision.

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. The mailing address is: Department of Revenue, Real Estate Excise Tax, PO Box 47477, Olympia WA 98504-7477. Phone: (360) 570-3265. Internet: <http://dor.wa.gov/>. E-mail: REETSP@DOR.WA.GOV.

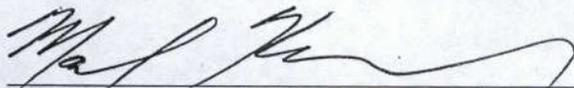
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This Decision may be appealed pursuant to RCW 34.05.514(3), RCW 90.03.210(2), and Pretrial Order No. 12 entered in *State of Washington, Department of Ecology v. James Acquavella, et al.*, Yakima County Superior Court No. 77-2-01484-5 (the general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



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

MK:MD:JR/140613

Enclosures: Begin and Completed Construction Notices

By Certified Mail: 7010 0290 0000 7126 6982

cc: Mark Dunbar, Department of Ecology
Chery Byers, Kittitas County Water Conservancy Board
Jessica Kuchan, Mentor Law Group
Philip Rigdon, Yakama Nation