



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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

March 27, 2015

Jason and Danica Bourne  
3715 Shore Avenue  
Everett, WA 98203

**RE: Water Right Change Application No. CS4-01863sb3@27 (KITT-14-05)**

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 CFS		MAXIMUM *GPM		MAXIMUM AC-FT/YR		TYPE OF USE, PERIOD OF USE	
0.196				39.2		Mitigation and instream flow; May 1 through September 15	
SOURCE					TRIBUTARY OF (IF SURFACE WATER)		
North Fork Teanaway River					Teanaway River, Yakima River		
¼	¼	SECTION	TOWNSHIP	RANGE	WRIA	COUNTY	
SE	NE	6	20 N.	16 E.W.M.	39	Kittitas	
AT A POINT LOCATED: PARCEL NO.							
804835							
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED AS APPROVED BY THE BOARD							
Primary Reach:							
0.196 cubic feet per second (cfs), 39.2 acre-feet per year (ac-ft/yr) for the purpose of instream flow and mitigation for out of priority uses from May 1 through September 15.							
The primary reach begins at the authorized point of diversion on the North Fork Teanaway River being approximately 525 feet north and 250 feet west from the east quarter of Section 6, being in the SE¼NE¼ of Section 6, T. 20 N., R. 16 E.W.M. The primary reach extends to the beginning point of the secondary reach.							



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Secondary Reach:

	Unit	May	Jun	Jul	Aug	Sep	Oct	Total
<b>Qa</b>	ac-ft.	0	3.18	6.14	4.55	3.3	0	17.17
<b>Average Qi</b>	cfs	0	0.053	0.103	0.076	0.044	0	

The secondary reach includes the Teanaway and the Yakima Rivers beginning at a point approximately 250 feet north and 2150 feet west of the southeast corner of Section 5, located within the SW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 5, T. 20 N., R. 16 E.W.M.

PARCEL NO.	$\frac{1}{4}$	$\frac{1}{4}$	SECTION	TOWNSHIP	RANGE,
N/A					
DEVELOPMENT SCHEDULE					
BEGIN PROJECT BY THIS DATE:	COMPLETE PROJECT BY THIS DATE:			WATER TO PUT TO FULL USE BY THIS DATE:	
Begun	Completed upon ROE issuance			Completed upon ROE issuance	

\*GPM=gallons per minute

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

- 1) The parcel number for the beginning of the primary reach has been changed from 814835 to 804835.
- 2) To be consistent with the Order Pendente Lite signed April 12, 2011, the Qi was changed to 0.196 cfs, and the Qa was changed to 39.2 ac-ft/yr.
- 3) The consumptive use for the secondary reach was recalculated based on the current approved Washington Irrigation Guide, 1985.

Consumptive Use (Secondary Reach)

	Unit	May	Jun	Jul	Aug	Sep	Oct	Total
<b>Qa</b>	ac-ft.	0	3.18	6.14	4.55	3.3	0	17.17
<b>Average Qi</b>	cfs	0	0.053	0.103	0.076	0.044	0	

- 4) The Provisions under *Conditions and Limitations* in the ROE are amended to read as follows:
  - A. Water authorized for mitigation under CS4-01863sb3@27 (KIT-14-05) shall not be used until such time as a trust water agreement between Jason and Danica Bourne and Ecology is signed by all parties to the agreement.
  - B. The real property to which the Bourne's portion of Court Claim No. 01863 is appurtenant shall remain fallow unless authorized by a future water right decision.

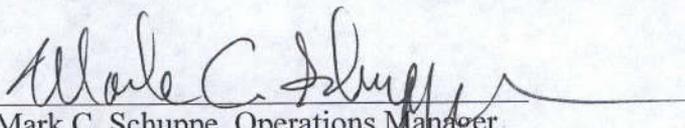
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This Decision may be appealed pursuant to RCW 34.05.514(3), RCW 90.03.210(2), and Pretrial Order No. 12 entered in *State of Washington, Department of Ecology v. James Acquavella, et al.*, Yakima County Superior Court No. 77-2-01484-5 (the general 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 2<sup>nd</sup> 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 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 C. Schuppe, Operations Manager  
Office of Columbia River  
Central Regional Office

SP:DH:JR  
150305/WRTS ID: 6221836

By Certified Mail: 7010 0290 0000 7126 7569

cc: David Holland, Department of Ecology, Central Regional Office  
Chery Byers, Kittitas County Water Conservancy Board  
Philip Rigdon, Director Natural Resources Division Yakama Nation  
Tyson Carlson, Aspect Consulting