



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

January 27, 2012

Greg Goodwin
3433 Teanaway Rd
Cle Elum WA 98922-9268

RE: Water Right Change Application No. CS4-00777sb3c@9 (KITTT-11-08)

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 CPM		MAXIMUM AC-FT/YR		TYPE OF USE, PERIOD OF USE	
0.55*				178.75 for irrigation 2.0 for stock water		Irrigation of 27.5 acres & stockwater. May 1 through September 15.	
SOURCE						TRIBUTARY OF (IF SURFACE WATER)	
Teanaway River and Musser Creek						Yakima River	
¼	¼	SECTION	TOWNSHIP	RANGE	WRIA	COUNTY	
SW	SW	13	20 N	16 EWM,	39	Kittitas	
NE	SW	13	20 N				
AT A POINT LOCATED:							
<p>1) 390 ft north and 400 ft east from the southwest corner of Section 13, being within the SW¼ SW¼ of Section 13, T. 20 N., R. 16 E.W.M.; but to be relocated as necessary in the future within a ¼ mile reach of the Teanaway River's left/northerly bank within the SW¼ SW¼ of Section 13, located within the SW¼ SW¼ of Section 13, T. 20 N., R. 16 E.W.M., in order to respond to river channel changes over time caused by flooding or other erosion.</p> <p>2) 1000 ft south and 1600 ft east of the west quarter corner of Section 13, being within the NE¼ SW¼ of Section 13, T.20 N. R.16 E.W.M.</p> <p>*When surplus water is available in excess of that needed to satisfy all existing rights, an additional 0.55 cubic foot per second may be diverted. This water will normally only be available for a 30 day period in May and June.</p>							

FILE COPY



LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED AS APPROVED BY THE BOARD

That portion of the Southeast Quarter and that portion of the Southwest Quarter of Section 13, T. 20 N., R. 16 E., W. M., Kittitas County, State of Washington which is bounded by a line described as follows: Beginning at the intersection of the western right of way boundary of the Teanaway (county) Road with the southerly boundary of said Southeast Quarter of said Section 13, said point of intersection being the True Point of Beginning of said line: Thence northwesterly along said westerly right of way to the point of intersection with the centerline of Musser Creek as delineated on that certain survey recorded in Book 16 of Surveys at pages 61, 62, and 63, records of said county: Thence southwesterly along said delineated centerline of said Musser creek to the eastern bank of the Teanaway River: Thence easterly and southeasterly along said eastern river bank to the point of intersection with the South boundary of the Southwest Quarter of said Section 13, said point of intersection being on the southerly boundary of Parcel 4 of said survey: Thence easterly, northeasterly, and southeasterly, along the southern boundary of Parcel 4 of said recorded survey to the intersection of the South boundary of said Parcel 4 of said recorded survey with the South boundary of said Section 13: thence easterly along said South boundary of said Section 13 to the True Point of Beginning and the terminus of said line. Also known as Parcels 3 and 4 of that certain Survey recorded in Book 16 of Surveys, pages 61, 62, and 63 under Auditor's File Number 522958, records of Kittitas County, State of Washington.

EXCEPT that portion which lies within the Teanaway 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:	
January 3, 2012		November 1, 2012		September 15, 2013	

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) The following provision is ADDED to the Board's Provisions section within the report of examination:

The Teanaway River intake shall be screened in accordance with Department of Fish and Wildlife screening criteria (pursuant to RCW 77.57.010, RCW 77.57.070, and RCW 77.57.040). Contact the Department of Fish and Wildlife, 600 Capitol Way N, Olympia, WA 98501-1091. Attention: Habitat Program, Phone: (360) 902-2534 if you have questions about screening criteria.

- 3) The following provisions are ADDED to the Board's Provisions section within the report of examination:
- a) 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", WAC 173-173.
 - b) Water use data shall be recorded weekly. The maximum rate of diversion/withdrawal and the annual total volume shall be submitted to Ecology by January 31st of the following year.
 - c) Department of Ecology personnel, upon presentation of proper credentials, must have access at reasonable times, to the records of water use that are kept to meet the above conditions, and to inspect at reasonable times any measuring device used to meet the above conditions.
 - d) Recorded water use data shall be submitted via the Internet. To set up an Internet reporting account, contact the Ecology Central Regional Office in Yakima. If you do not have Internet access, you can still submit hard copies by contacting the Region Office for forms to submit your water use data.

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.

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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, Section Manager
Water Resources Program/CRO

MCS:JK:gg/120127a

Enclosures: Water Measuring Requirements and Form 1
Construction Notice

Certified Mail: 7007 2560 0001 9535 6145

cc: Janet Rajala, Department of Ecology, ERO (email/pdf)
Chery Varnum, Kittitas County Water Conservancy Board
Philip Rigdon, Director, Natural Resources Division, Yakama Nation