



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

October 4, 2012

Autumn Mountain Development, Inc.
921 Hanson Road
Ellensburg WA 98926-9107

RE: Water Right Change Application No. CS4-00984sb9a (KIT-11-12)

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	
0.20				50		Irrigation, April 1 through October 31	
SOURCE					TRIBUTARY OF (IF SURFACE WATER)		
1) Naneum Creek 2) Wilson Creek					Yakima River		
¼	¼	SECTION	TOWNSHIP N.	RANGE	WRIA	COUNTY.	
1) NE	SW	19	17	19 EWM	39	Kittitas	
2) NE	SW	19	17	19 EWM	39	Kittitas	
AT POINTS LOCATED: PARCEL NO.							
1) Approximately 10 feet south and 50 feet west of the center of Section 19, T. 17 N., R. 19 E.W.M. 2) Approximately 1140 feet south and 350 feet east from the Northwest corner of the NE¼SW¼ of Section 19, T. 17 N., R. 19 E.W.M.							
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED AS APPROVED BY THE BOARD							
10 acres within the North 1000 feet of the NE¼SW¼ of Section 19, T. 17 N., R. 19 E.W.M. lying west of Interstate-82							
PARCEL NO.		¼	¼	SECTION	TOWNSHIP N.	RANGE,	
952280		NE	SW	19	17 N	19 E.W.M.	



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DEVELOPMENT SCHEDULE		
BEGIN PROJECT BY THIS DATE:	COMPLETE PROJECT BY THIS DATE:	WATER TO PUT TO FULL USE BY THIS DATE:
Begun	December 31, 2014	December 31, 2015

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

A development schedule will be **added** to allow the applicant to incorporate the added provisions.

The original point of diversion will be **added** to the **Board's Decision on the Application Table**, because this authorization adds the Wilson Creek point of diversion.

The following provision will be **removed** from the ROE:

Autumn Mountain Dev.'s additional point of diversion on Wilson Creek shall be considered junior to all upstream water right users on Wilson Creek and is subject to the priority system during water short years.

The following provision will be **added** in place of the provision removed above:

Autumn Mountain Development's additional point of diversion on Wilson Creek shall be considered junior to all water right users on Wilson Creek and subject to the priority system on Naneum Creek.

The following additional provisions will be **added**:

- 1) Department of Ecology personnel, upon presentation of proper credentials, shall 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.
- 2) The water right holder shall file the notice of Proof of Appropriation of water (under which the Certificate of Water Right is issued) when the permanent distribution system has been constructed and the quantity of water required by the project has been put to full beneficial use. The Certificate will reflect the extent of the project perfected within the limitations of the water right. Elements of a proof inspection may include, as appropriate, the source(s), system instantaneous capacity, beneficial use(s), annual quantity, place of use, and satisfaction of provisions.
- 3) 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, which describes the requirements for data accuracy, device installation and operation, and information

Water use data shall be recorded monthly. The maximum rate of withdrawal and the annual total volume shall be submitted to the Department of Ecology by January 31st of each calendar year.

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

- 4) 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.
- 5) The intake(s) 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. <http://wdfw.wa.gov/about/contact/>

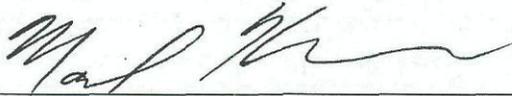
This decision may be appealed pursuant to RCW 34.05.514(3), RCW 90.03.210(2), and Pretrial Order No. 12 entered in *State of Washington, Department of Ecology v. James Acquavella, et al.*, Yakima County Superior Court No. 77-2-01484-5 (the general adjudication of surface water rights in the Yakima River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

Autumn Mountain Development Inc.
CS4-00984sb9a (KITTT-11-12)
October 4, 2012
Page 4 of 4

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
Central Region Office

MK:ST:gh
SharePoint/CB

Enclosures: Water Measurement Requirements – Form 1
Construction Notice

By Certified Mail: 7009 2250 0004 4950 6917

cc: Kittitas County Water Conservancy Board
Philip Rigdon, Yakama Nation
Richard Cole, Attorney
Jeff Brunson (e-copy)
Jack Ludwick