WASHINGTON STATE DEPARTMENT OF ECOLOGY

KITTITAS COUNTY
WATER CONSERVANCY BOARD
Application for Change/Transfer
Record of Decision

For Ecology Use Only
Received:
DEPT OF ECOLOGY Received MAY 2 4 2013 Date Stamp CENTRAL REGION OFFICE
Reviewed by: _____
Date Reviewed: _____

Applicant: Dodge Family LLC

Application Number: KITT-13-02 (CS4-00191sb10e)

This record of decision was made by a majority of the board at an open public meeting of the Kittitas County Water Conservancy Board held on May 21, 2013. The undersigned board commissioners certify that they each understand the board is responsible "to ensure that all relevant issues identified during its evaluation of the application, or which are raised by any commenting party during the board's evaluation process, are thoroughly evaluated and discussed in the board's deliberations. These discussions must be fully documented in the report of examination." [WAC 173-153-130(5)] The undersigned therefore, certifies that each commissioner, having reviewed the report of examination, knows and understands the content of the report.

☒ **Approval:** The Kittitas County Water Conservancy Board hereby **grants** conditional approval for the water right transfer described and conditioned within the report of examination on 5-21-13 and submits this record of decision and report of examination to the Department of Ecology for final review.

☐ **Denial:** The Kittitas County Water Conservancy Board hereby **denies** conditional approval for the water right transfer as described within the report of examination on _____ and submits this record of decision to the Department of Ecology for final review.

Signed:

Chad Bala
Chad Bala, Board Member [print title]
Kittitas County Water Conservancy Board

Date: 5-21-13

Approve ☒
Deny ☐
Abstain ☐
Recuse ☐
_____ Other ☐

Gregg Hall
Gregg Hall, Chair [print title]
Kittitas County Water Conservancy Board

Date: 5/21/13

Approve ☒
Deny ☐
Abstain ☐
Recuse ☐
_____ Other ☐

Mailed with all related documents to the Dept of Ecology Central Regional Office, and other interested parties on _____.

If you have special accommodation needs or require this form in alternate format, please contact 360-407-6607 (Voice) or 711 (TTY) or 1-800-833-6388 (TTY).

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WASHINGTON STATE DEPARTMENT OF ECOLOGY

Kittitas County
WATER CONSERVANCY BOARD
Application for Change/Transfer
OF A RIGHT TO THE BENEFICIAL USE OF THE PUBLIC WATERS OF THE STATE OF WASHINGTON

DEPT OF ECOLOGY Received MAY 24 2013 CENTRAL REGION OFFICE

Report of Examination

☒ Surface Water ☐ Ground Water

DATE APPLICATION RECEIVED	WATER RIGHT DOCUMENT NUMBER (i.e., claim, permit, certificate, etc.)	WATER RIGHT PRIORITY DATE	BOARD-ASSIGNED CHANGE APPLICATION NUMBER
March 19, 2013	00191	November 25, 1879	KITT-13-02

NAME
Dodge Family LLC

ADDRESS (STREET)	(CITY)	(STATE)	(ZIP CODE)
1706 E Ashford Way	Ellensburg	WA	98926

Changes Proposed: ☐ Change purpose ☐ Add purpose ☐ Add irrigated acres ☒ Change point of diversion/withdrawal ☐ Add point of diversion/withdrawal ☐ Change place of use ☐ Other (Temporary, Trust, Interties, etc.)_____

SEPA
The board has reviewed the provisions of the State Environmental Policy Act of 1971, Chapter 43.21C RCW and the SEPA rules, chapter 197-11 WAC and has determined the application is: ☒ Exempt ☐ Not exempt

BACKGROUND AND DECISION SUMMARY

Existing Right (Tentative Determination)

MAXIMUM CUB FT/ SECOND	MAXIMUM GAL/MINUTE	MAXIMUM ACRE-FT/YR	TYPE OF USE, PERIOD OF USE
3.5 cfs		240	Irrigation of 40 acres and stock water; March 15 through November 15

SOURCE	TRIBUTARY OF (IF SURFACE WATER)
Parke Creek	Cherry Ck

AT A POINT LOCATED: PARCEL NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE	WRIA	COUNTY.
360233	SW	SE	14	17	19	39	Kittitas

LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS USED
NE1/4 NW1/4 of Section 23, T17N, R19 E.W.M.

PARCEL NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE,
510133, 957906, 957907	NE	NW	23	17	19

Proposed Use

MAXIMUM CUB FT/ SECOND	MAXIMUM GAL/MINUTE	MAXIMUM ACRE-FT/YR	TYPE OF USE, PERIOD OF USE
3.5 cfs		240	Irrigation of 40 acres and stock water; March 15 through November 15

SOURCE	TRIBUTARY OF (IF SURFACE WATER)
Parke Creek	Cherry Ck

AT A POINT LOCATED: PARCEL NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE	WRIA	COUNTY.
510133	NW	NW	23	17	19	39	Kittitas

LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED
NE1/4 NW1/4 of Section 23, T17N, R19 E.W.M.

PARCEL NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE,
510133, 957906, 957907	NE	NW	23	17	19

Board's Decision on the Application

MAXIMUM CUB FT/ SECOND	MAXIMUM GAL/MINUTE	MAXIMUM ACRE-FT/YR	TYPE OF USE, PERIOD OF USE
3.5 cfs		240	Irrigation of 40 acres and stock water; March 15 through November 15

SOURCE	TRIBUTARY OF (IF SURFACE WATER)
Parke Creek	Cherry Ck

AT A POINT LOCATED: PARCEL NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE	WRIA	COUNTY.
510133	NW	NW	23	17	19	39	Kittitas

LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED

NE1/4 NW1/4 of Section 23, T17N, R19 E.W.M.

PARCEL NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE,
510133, 957906, 957907	NE	NW	23	17	19

DESCRIPTION OF PROPOSED WORKS

This application seeks to consolidate points of diversion (POD) of these water rights to accommodate conversion to a sprinkler irrigation system for a portion of the place of use of these water rights. The water saved by the conversion to sprinkler irrigation will be donated to the Trust Water Rights Program for the life of the irrigation system (20 years).

The new POD location will be; 1 foot south and 100 feet ~~west~~ east from the ~~north quarter~~ northwest corner of Section 23, being within the N1/2 NW1/4 NW1/4 of Section, T. 17 N., R. 19 E.W.M. The new diversion will be two irrigation pumps connected to a NOAA compliant suction fish screen placed in Parke Creek near the Denmark Road bridge on the upstream side of the bridge. The pumps will supply water to a lateral move sprinkler and a center pivot sprinkler.

DEVELOPMENT SCHEDULE

BEGIN PROJECT BY THIS DATE:	COMPLETE PROJECT BY THIS DATE:	COMPLETE CHANGE AND PUT WATER TO FULL USE BY THIS DATE:
August 5, 2013	December 1, 2013	November 15, 2015

REPORT

BACKGROUND [See WAC 173-153-130(6)(a)]

On March 19, 2013 Dodge Family LLC of Ellensburg, WA filed an application for a change of point of diversion under CTCL 00191. The application was accepted at an open public meeting on March 19, 2013, and the board assigned application number KITT-13-02.

Attributes of the water right as currently documented

Name on certificate, claim, permit: Dodge Family LLC

Water right document number: CTCL 00191

As modified by certificate of change number:

Priority date, first use: November 25, 1879

Water quantities: Qi: 3.5 cfs Qa: 240 acre ft./ year

Source: Parke Creek

Point of diversion/withdrawal: 100 feet north and 2 foot east of the south quarter corner, being within the SW1/4 SW1/4 SE1/4 of Section 14, T.17N., R.19E.W.M

Purpose of use: Irrigation of 40 acres and stock water

Period of use: March 15 through November 15

Place of use: NE¼ NW¼ of Section 23, T17N, R19 E.W.M.

Existing provisions:

Tentative determination of the water right

The tentative determination is provided on the front page of this report.

History of water use

Irrigation water and stock water has been diverted by using a gravity check structure from Parke Creek to irrigate the existing place of use since November 25, 1879. The irrigation water is used to rill irrigate a variety of hay, pasture, potatoes, sweet corn and other small grain crops.

Previous changes

There are no previous changes.

SEPA

The board has reviewed the proposed project in its entirety. This project is exempt from SEPA because it is only changing the point of diversion and place of use and it is under the cfs threshold. There is an existing Programmatic Exemption held by WDFW for pump fish screens.

Other

No other provisions.

The information or conclusions in this section were authored and/or developed by Mark Crowley and Jeff Slothower.

COMMENT AND PROTESTS [See WAC 173-153-130(6)(b)]

Public notice of the application was given in the Daily Record on April 10 and April 17, 2013. Protest period ended on May 17, 2013.

There were no protests received during the 30 day protest period. In addition, no oral and written comments were received at an open public meeting of the board or other means as designated by the board.

Date: <Date protest/comment received>

This was recognized by the board as a ☐ Protest ☐ Comment

Name/address of protestor/commenter: <name/address of protestor/commenter>

Issue: <describe issues raised>

Board's analysis: <board's response to the protest/comment>

NOTE to author: *Repeat this table as necessary to describe each protest or comment*

Other

<Provide any other pertinent information relative to the comments and protests received>

The information or conclusions in this section were authored and/or developed by Mark Crowley and Jeff Slothower.

INVESTIGATION [See WAC 173-153-130(6)(c)]

The following information was obtained from a site inspection conducted by Gregg Hall on April 26, 2013, technical reports, research of department records, and conversations with the applicant and/or other interested parties.

Proposed project plans and specifications

The Dodge Family LLC is working with the Kittitas County Conservation District (KCCD) to provide environmental benefit to Parke Creek by installing a NOAA compliant pump suction fish screen, remove fish passage barriers and provide saved water for instream flows in Parke Creek. Two other point of diversion changes for Dodge Family LLC are also part of this overall project.

The irrigation water will be used to irrigate hay, pasture, potatoes, sweet corn and other small grain crops with a lateral move sprinkler, a center pivot sprinkler and pvc gated pipe rill irrigation. The water will be diverted from Parke Creek using a NOAA compliant suction fish screen connected to two pumps feeding water to the sprinkler and gated pipe systems. Construction will begin as soon as the POD change is approved and will be completed by December 1, 2013. The new sprinkler system installation will provide saved water that will be donated to the Yakima River Basin Trust for instream flows for the anticipated life of the irrigation sprinkler system installed.

The new pump diversion will allow the KCCD to remove or modify three concrete structures on the Dodge property to benefit fish passage in Parke Creek

Other water rights appurtenant to the property (if applicable)

This property is also within the Ellensburg Water Company's (EWC) place of use and has EWC water.

Public Interest (groundwater only)

Does not apply.

Tentative Determination

In order to make a water right change decision, the Board must make a tentative determination on the validity and extent of the right. The Board has made the tentative determination as displayed upon the first page of this report. There are several circumstances that can cause the board's tentative determination to differ from the stated extent of the water right within water right documentation. Water right documents attempt to define a maximum limitation to a water right, rather than the actual extent to which a water right has been developed and maintained through historic beneficial use. Additionally, except for a sufficient cause pursuant to RCW 90.14.140, water rights, in whole or in part, not put to a beneficial use for five consecutive years since 1967 may be subject to relinquishment under Chapter 90.14.130 through 90.14.180 RCW. Water rights may additionally be lost through abandonment. The Board's tentative determination was based upon the following findings: A site visit, aerial photos and irrigator/representative testimony indicates that the water has been used to the full extent of the water right.

Geologic, Hydrogeologic, or other scientific investigations (if applicable)

This is a downstream diversion change and there are no diversions between the old points of diversion and the new point of diversion. The Board concluded there were no other studies necessary.

Other

The new point of diversion on Parke Creek will be below the confluence of Sow Creek, which is a ditch/creek that captures significant return flow. Dodge Family LLC should not be allowed to benefit from the added water in Parke Creek that Sow Creek provides. Therefore, the Board imposed a limitation that prohibits diversion at the new point of diversion if water is not available at the historic points of diversion.

The information or conclusions in this section were authored and/or developed by Mark Crowley and Jeff Slothower.

CONCLUSIONS [See WAC 173-153-130(6)(d)]

Tentative determination (validity and extent of the right)

The water right has been used to the full extent of 3.5 cfs and 240 acre feet as indicated by testimony, aerial photos and site visit.

Relinquishment or abandonment concerns

None

Hydraulic analysis

N/A

Consideration of comments and protests

There were no comments or protests.

Impairment

There will be no impairment with the conditions identified above under "Other."

Public Interest

Project is not detrimental to public interest.

Other

The board also considered the previous provisions associated with the water right as identified in the background section of this report when making its decision.

DECISION [See WAC 173-153-130(6)(e)]

The Kittitas County Water Conservancy Board concludes that the POD change will not harm any other irrigators and is environmentally beneficial.

The information or conclusions in this section were authored and/or developed by Mark Crowley and Jeff Slothower.

PROVISIONS [See WAC 173-153-130(6)(f)]

Conditions and limitations

Water may not be diverted at the new point of diversion if water is not available at the historic points of diversion.

Mitigation (if applicable)

None necessary.

Construction Schedule

The construction will begin as soon as POD is approved (~ August 5, 2013) and should be completed by December 1, 2013.

Other

1) Fish Screening

a. The intake at the new point of diversion 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.

2) Water Metering

a) An approved measuring device shall 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 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.

The information or conclusions in this section were authored and/or developed by Mark Crowley and Jeff Slothower.

The undersigned board commissioner certifies that he/she understands the board is responsible "to ensure that all relevant issues identified during its evaluation of the application, or which are raised by any commenting party during the board's evaluation process, are thoroughly evaluated and discussed in the board's deliberations. These discussions must be fully documented in the report of examination." [WAC 173-153-130(5)] The undersigned therefore, certifies that he/she, having reviewed the report of examination, knows and understands the content of this report and concurs with the report's conclusions.

Signed at Ellensburg, Washington
This 21 day of May, 2013

Gregg Hall

Gregg Hall, Board Representative
Kittitas County Water Conservancy Board

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