File NR: G4-35595
WR Doc ID: 5602357

DEPARTMENT OF ECOLOGY
State of Washington

State of Washington
REPORT OF EXAMINATION
FOR WATER RIGHT APPLICATION

PRIORITY DATE
January 23, 2013

WATER RIGHT NUMBER
G4-35595

MAILING ADDRESS
CEDAR GROVE NW LLC
PO BOX 687
ROSYLYN WA 98941-0687

SITE ADDRESS (IF DIFFERENT)
16660 SALMON LA SAC HIGHWAY
ROSYLN, WA 98941

Quantity Authorized for Withdrawal or Diversion

WITHDRAWAL OR DIVERSION RATE	UNITS	ANNUAL QUANTITY (AF/YR)
26.88	GPM	2.352

REMARKS:
For the 6 connections under this approval, the combined instantaneous quantity from the well identified by Ecology's unique well tag #AFH-680 shall not exceed 26.88 gallons per minute (gpm) based upon 4.48 gpm per connection.

Purpose

PURPOSE	WITHDRAWAL OR DIVERSION RATE ADDITIVE	WITHDRAWAL OR DIVERSION RATE NON-ADDITIVE	UNITS	ANNUAL QUANTITY (AF/YR) ADDITIVE	ANNUAL QUANTITY (AF/YR) NON-ADDITIVE	PERIOD OF USE (mm/dd)
Domestic Multiple	26.88		GPM	2.352		01/01 - 12/31

REMARK:
Incidental irrigation (lawn/garden) is not being served by this water right.

IRRIGATED ACRES ADDITIVE	IRRIGATED ACRES NON-ADDITIVE	PUBLIC WATER SYSTEM INFORMATION WATER SYSTEM ID	CONNECTIONS
0	0	Cedar Grove Water System--Pending	7

Source Location

COUNTY	WATERBODY	TRIBUTARY TO	WATER RESOURCE INVENTORY AREA
KITTITAS	GROUNDWATER		39-UPPER YAKIMA

SOURCE FACILITY/DEVICE	PARCEL	WELL TAG	TWP	RNG	SEC	QQ Q	LATITUDE	LONGITUDE
1 well	956709	AFH-680	21N	14E	21	SESW	47.29100	-121.09530

Datum: NAD83/WGS84

FILE COPY

Place of Use (See Attached Map)

PARCELS (NOT LISTED FOR SERVICE AREAS)

956708, 956709, 956710, 956711, 956712, and 956713

LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE

Lots 9, 10, 11, 12, 13 and 14 of the **CEDAR GROVE PLAT** recorded on June 7, 2010, in Book 11 of Plats, page 245, under Kittitas County Auditor's File Number 201006070057, being a portion of the SW¼ of Section 21, T. 21 N., R. 14 E.W.M., Kittitas County, state of Washington.

Proposed Works

The subject well was drilled in 2001 (Ecology unique Well ID # AFH-680) to a depth of 186 feet with a 6-inch casing and a 4-inch liner. A Franklin V63 horsepower booster pump will assist the main pump. A 1.25-inch water main will lead from the well. A 2-inch main leads to the pump house, splitting off into a 1-inch distribution line, which will feed water to a 2,500-gallon capacity water storage tank. There is a 119-gallon pressure tank with 125 psi capacity. One above-surface storage tank is outside the pump house. The source is metered.

Cedar Grove Water System is not yet a Department of Health (DOH) - approved Group B community, private water system but if approved, will be regulated by DOH. There is 1 existing connection on the system, which Ecology has already approved and the subject of this request proposes to add another 6 connections to total 7 connections. The remaining 8 lots of the Cedar Grove Plat will be served by a separate water system.

Domestic wastewater will be discharged to an on-site individual or group septic system pursuant to the *Declaration of Restrictive Covenant: Septic Drain Field*, signed July 18, 2013 by subject applicant.

Development Schedule

BEGIN PROJECT	COMPLETE PROJECT	PUT WATER TO FULL USE
Begun	December 31, 2033	December 31, 2035

In determining the above Development Schedule, which is the timeframe for the applicant to implement the authorized use of water, reasonable and just time was considered and allowed under the existing conditions to begin and to complete construction of the project. Sufficient time is also awarded in order for the applicant to collect water-use data and to put the water to full beneficial use. The Development Schedule above reflects consideration of the potential cost and magnitude of the project and the engineering and physical features potentially to be encountered.

Measurement of Water Use

How often must water use be measured?	Bi-Weekly*
How often must water use data be reported to Ecology?	Annually
What volume should be reported?	Total Annual Volume
What rate should be reported?	Annual Peak Rate of Withdrawal (gpm)

***Bi-weekly requires measurements once every 2 weeks.**

Provisions

A. Wells, Well Logs and Well Construction Standards

1. The subject well is authorized for groundwater withdrawal from the Swauk Formation aquifer.
2. All wells constructed in the state shall meet the construction requirements of WAC 173-160 titled "Minimum Standards for the Construction and Maintenance of Wells" and RCW 18.104 titled "Water Well Construction." Any well which is unusable, abandoned, or whose use has been permanently discontinued, or which is in such disrepair that its continued use is impractical or is an environmental, safety or public health hazard shall be decommissioned.
3. All wells shall be tagged with a Department of Ecology unique well identification number. If you have an existing well and it does not have a tag, please contact the well-drilling coordinator at the regional Department of Ecology office issuing this decision. This tag shall remain attached to the well. If you are required to submit water measuring reports, reference this tag number.
4. Installation and maintenance of an access port as described in WAC 173-160-291(3) is required.
5. In accordance with WAC 173-160, wells shall not be located within certain minimum distances of potential sources of contamination. These minimum distances shall comply with local health regulations as appropriate. In general, wells shall be located at least 100 feet from sources of contamination. Wells shall not be located within 1,000 feet of the boundary of a solid waste landfill.

B. Measurements, Monitoring, Metering and Reporting

1. 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.
2. Recorded water use data shall be submitted via the Internet. To set up an Internet reporting account, contact the Central Regional Office. If you do not have Internet access, you can still submit hard copies by contacting the Central Regional Office for forms to submit your water use data.
3. Water use shall be recorded bi-weekly. The maximum monthly rate of withdrawal and the monthly total volume shall be submitted to Ecology by January 31st of each calendar year. Ecology is requiring submittal of monthly meter readings to collect seasonal information for water resource planning, management, and compliance.
4. WAC 173-173 describes the requirements for data accuracy, device installation and operation, and information reporting. It also allows a water user to petition the Department of Ecology for modifications to some of the requirements.

C. Water Level Measurements

1. In order to maintain a sustainable supply of water, pumping must be managed so that static water levels do not progressively decline from year to year. Static water level is defined as the water level in a well when no pumping is occurring and the water level has fully recovered from previous pumping. Static water levels shall be measured and recorded biannually, using a consistent methodology. Data for the previous year shall be submitted by January 31 to the

Department of Ecology. Static water level data shall be submitted in digital format and shall include the following elements:

- Unique Well ID number.
- Measurement date and time.
- Measurement method (air line, electric tape, pressure transducer, etc.).
- Measurement accuracy (to nearest foot, tenth of foot, etc.).
- Description of the measuring point (top of casing, sounding tube, etc.).
- Measuring point elevation above or below land surface to the nearest 0.1 foot.
- Land surface elevation at the well head to the nearest foot.
- Static water level below measuring point to the nearest 0.1 foot.

D. Water Use Efficiency

1. The water right holder is required to maintain efficient water delivery systems and use of up-to-date water conservation practices consistent with RCW 90.03.005.

E. Proof of Appropriation

1. 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 permit. 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.
2. Final beneficial use calculations, either independently or combined, shall be determined during the investigation at the Proof of Appropriation stage.

F. Schedule and Inspections

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.

G. Other Conditions

1. This authorization shall in no way excuse the permittee from compliance with any federal, state, or local statutes, ordinances, permits, or regulations including those required and administered by other programs of the Department of Ecology.
2. You (applicant) will pay the sum of $324.72, which represents a proportionate amount of the payment due and owing to the United States for storage and delivery of water under Paragraph 15(a) of Water Storage and Exchange Contract No. 09XX101700, between the Bureau of Reclamation and the State of Washington Department of Ecology,

Yakima Project, Washington, dated January 29, 2009.[1] The consumptive use of 0.410 acre-feet from September 1 through March 31 is subject to the terms and conditions in the Water Storage and Exchange Contract No. 09XX101700.

3. You (applicant) will record with the Kittitas County Auditor an appropriate conveyance instrument under which the applicant obtains an interest in Trust Water Right No. CS4-01279sb5c to offset consumptive use.

4. You (applicant) will record with the Kittitas County Auditor a property covenant as required under WAC 173-539A-050 that restricts or prohibits trees or shrubs over a septic drain field on Parcel Nos. 956708, 956709, 956710, 956711, 956712, and 956713.

5. You (applicant) will also record with the Kittitas County Auditor a property covenant that restricts water use to indoor domestic and prohibits water for outdoor irrigation.

6. Any valid priority calls against the source Trust Water Right No. CS4-01279sb5c, based on local limitations in water availability, will result in temporary curtailment of the use of water under the permit until the priority call for water ends.

Findings of Facts

Upon reviewing the investigator's report, I find all facts, relevant and material to the subject application, have been thoroughly investigated. Furthermore, I concur with the investigator that water is available from the source in question, that there will be no impairment of existing rights, that the purpose(s) of use is beneficial, and that there will be no detriment to the public interest.

Therefore, I ORDER approval of Application No. G4-35595, subject to existing rights and the provisions specified above.

Your Right To Appeal

You have a right to appeal this Order to the Pollution Control Hearings Board (PCHB) within 30 days of the date of receipt of this Order. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal you must do the following within 30 days of the date of receipt of the Order.

File your appeal and a copy of this Order with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.

- Serve a copy of your appeal and this Order on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.
- You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

[1] *"Long-Term Water Storage and Exchange Agreement between the U.S. and the State of Washington, Department of Ecology,* (Contract No. 09XX101700)", http://www.ecy.wa.gov/programs/wr/cro/images/pdfs/exchangecontract_012909.pdf, accessed on May 9, 2013.

Street Addresses	Mailing Addresses
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	**Department of Ecology** Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
Pollution Control Hearings Board 1111 Israel RD SW Ste 301 Tumwater, WA 98501	**Pollution Control Hearings Board** PO Box 40903 Olympia, WA 98504-0903

For additional information visit the Environmental Hearings Office Website: http://www.eho.wa.gov
To find laws and agency rules visit the Washington State Legislature Website: http://www.leg.wa.gov/CodeReviser

Signed at Yakima, Washington, this 9 day of SEPTEMBER, 2013.

Mark Kemner, LHG, Section Manager
Water Resources Program/CRO

If you need this document in an alternate format, please call the Water Resources Program at 509-575-2490. Persons with hearing loss can call 711 for Washington Relay Service. Persons with a speech disability can call 877-833-6341.

BACKGROUND

This report serves as the written findings of fact concerning Water Right Application Number G4-35595.

Priority Processing

This application is being priority processed because it qualified under the criteria under which an application may be processed prior to competing applications (WAC 173-152).

Table 1: Summary of "Originally Requested" Water Right

Applicant Name	Cedar Grove NW LLC
Date of Application	January 28, 2013
Place of Use	Lots 9, 10, 11, 12, 13 and 14 of the CEDAR GROVE PLAT recorded on June 7, 2010, in Book 11 of Plats, page 245, under Kittitas County Auditor's File Number 201006070057, being a portion of the SW¼ of Section 21, T. 21 N., R. 14 E.W.M., Kittitas County, state of Washington. (Parcel Nos. 956708, 956709, 956710, 956711, 976712, and 956713.)

County	Waterbody	Tributary To	WRIA
Kittitas	Groundwater		39-Upper Yakima

Purpose	Rate	Unit	Ac-ft/yr	Begin Season	End Season
Domestic Multiple	100	GPM	2.352	01/01	12/31

Source Name	Parcel	Well Tag	Twp	Rng	Sec	QQ Q	Latitude	Longitude
1 well	956710	AFH680	21N	14E	21	SE SW	N/A	N/A

GPM = Gallons per minute; Ac-ft/yr = Acre-feet per year; Sec. = Section; QQ Q = Quarter-quarter of a section; WRIA = Water Resource Inventory Area; E.W.M. = East of the Willamette Meridian

On April 15, 2013, Ecology received a request from the applicant to amend the original application to reflect a parcel typographical error. The corrected parameter follows:

Table 2: Summary of "Amended-Requested" Water Right

Date of Amendment	April 15, 2013
Amended Place of Use Parcel	Lots 9, 10, 11, 12, 13 and 14 of the CEDAR GROVE PLAT recorded on June 7, 2010, in Book 11 of Plats, page 245, under Kittitas County Auditor's File Number 201006070057, being a portion of the SW¼ of Section 21, T. 21 N., R. 14 E.W.M., Kittitas County, state of Washington. (Parcel Nos. 956708, 956709, 956710, 956711, **956712**, and 956713.)

Legal Requirements for Approval of Appropriation of Water

RCW 90.03 and 90.44 authorize the appropriation of public water for beneficial use and describes the process for obtaining water rights. Laws governing the water right permitting process are contained in RCW 90.03.250 and 90.03.340 and RCW 90.44.050. In accordance with RCW 90.03.290, determinations must be made on the following four criteria in order for an application for a water right to be approved:

- Water must be available.
- There must be no impairment of existing rights.
- The water use must be beneficial.
- The water use must not be detrimental to the public interest.

The applicant intends to mitigate for consumptive use under the requested appropriation through the purchase of mitigation credits from the Yakima River Mitigation Water Services (YRMWS) Exchange. The YRMWS Exchange was established by transferring Court Claim No. 01279 into the Trust Water Right Program (TWRP). Consumptive loss resulting from the applicant's proposed use will be offset with Trust Water Right No. CS4-01279sb5c.

Public Notice

RCW 90.03.280 requires that notice of a water right application be published once a week, for two consecutive weeks, in a newspaper of general circulation in the county or counties where the water is to be stored, diverted, and used. Notice of this application was published in The Daily Record of Ellensburg, Washington on April 3 and April 10, 2013. No comments were received by Ecology.

Consultation with the Department of Fish and Wildlife

The Department must give notice to the Department of Fish and Wildlife of applications to divert, withdraw, or store water (RCW 77.57.020). Notice was provided on August 5, 2013, during a Water Transfer Working Group meeting at the Bureau of Reclamation in Yakima, Washington. A positive response was communicated with regard to this proposal.

State Environmental Policy Act (SEPA)

A water right application is subject to a SEPA threshold determination (i.e., an evaluation whether there are likely to be significant adverse environmental impacts) if any one of the following conditions is met:

(a) It is a surface water right application for more than 1 cubic-foot per second (cfs), unless that project is for agricultural irrigation, in which case the threshold is increased to 50 cfs, so long as that irrigation project will not receive public subsidies.

(b) It is a groundwater right application for more than 2,250 gallons per minute (gpm).

(c) It is an application that, in combination with other water right applications for the same project, collectively exceed the amounts above.

(d) It is a part of a larger proposal that is subject to SEPA for other reasons (e.g., the need to obtain other permits that are not exempt from SEPA).

(e) It is part of a series of exempt actions that, together, trigger the need to do a threshold determination, as defined under WAC 197-11-305.

Because this application does not meet any of these conditions for Water Resources, it is categorically exempt from SEPA and a threshold determination is not required.

INVESTIGATION

Site Visit

Ecology personnel, Candis Graff and Anna Hoselton, visited the site on May 23, 2013. Photographs and GPS points were recorded and local geology was noted. After the site visit, with the use of aerial software (ArcMap 10) and the current Kittitas County parcel layer, it was determined that the source is correctly located on Parcel No. 956709, not 956710, which the application identifies.

Proposed Use and Basis of Water Demand

The December 2009, Water System Design Manual[2] (WSDM) by the Department of Health (DOH) contains guidance for establishing water demands. The suggested methods, in order of preference, include:

1. Metered water-production and use records.
2. Comparable metered water-production and use data from analogous water systems. See WAC 246-290-221(3)(a) and Section 5.2.3.
3. The criteria presented in Chapter 5.

According to the WSDM, new systems or water systems that have no source meter records, information can be obtained from analogous water systems or from information presented in Appendix D in order to estimate the Average Daily Demand (ADD) and the Maximum Daily Demand (MDD) for residential connections (WAC 246-290-221(3)).[3] Analogous water systems are defined in Section 5.2.3 of the WSDM as systems with similar characteristics, such as but not limited to: demographics, housing size, lot size, climate, conservation practices, use restrictions, soils and landscaping, and maintenance practices. As such, a reasonable level for a MDD for internal uses can be established at 350 gallons per day (gpd) per Equivalent Residential Unit (ERU).

Since there is no water use for the proposed residence to review and records for qualifying analogous systems are not available, the MDD values are set at 350 gpd/Equivalent Residential Unit, which is consistent with the WSDM. Under authority of WAC 173-539A, 30% domestic in-house on a septic system is assumed to be consumptively used. Irrigation is not being proposed.

Monthly and annual use at full build-out of the project were calculated based on the proposed 6 ERUs, DOH's MDD, and the assumptions found in WAC 173-539A. The calculated consumptive use and total

[2] Department of Health, *Water System Design Manual,"* Olympia, Wa., 2009, pp. 27-32, www.doh.wa.gov/chp/dw/Publications/331-123.pdf, access on March 11, 2013.

[3] Ibid. p. 28.

calculation considered factors specified in WAC 173-539A and are summarized (also rounded) in **Table 3** below. Irrigation is not an authorized use and will not be reflected in the table below.

Table 3: *Estimated Total Indoor and Consumptive Use

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	**Annual**
Total Use (ac-ft)	.200	.180	.200	.193	.200	.193	.200	.200	.193	.200	.193	.200	**2.352**
Total Consumptive (ac-ft)	.060	.054	.060	.058	.060	.058	.060	.060	.058	.060	.058	.060	**0.706**

Other Rights Appurtenant to the Place of Use

There are numerous water rights appurtenant to the proposed place-of-use and are described in **Attachment 2**, Table 4. Other water rights within 0.5-mile vicinity are summarized in **Attachment 3**, Table 5.

Impairment Considerations

Impairment is an adverse impact on the physical availability of water for a beneficial use that is entitled to protection. A water right application may not be approved if it would:

- Interrupt or interfere with the availability of water to an adequately constructed groundwater withdrawal facility of an existing right. An adequately constructed groundwater withdrawal facility is one that:
  - (a) is constructed in compliance with well construction requirements, and
  - (b) fully penetrates the saturated zone of an aquifer or withdraws water from a reasonable and feasible pumping lift.
- Interrupt or interfere with the availability of water at the authorized point of diversion of a surface water right. A surface water right conditioned with instream flows may be impaired if a proposed use or change would cause the flow of the stream to fall to or below the instream flow more frequently or for a longer duration than was previously the case.
- Interrupt or interfere with the flow of water allocated by rule, water rights, or court decree to instream flows.
- Degrade the water quality of the source to the point that the water is unsuitable for beneficial use by existing users (e.g., via sea water intrusion).

Water Availability

For water to be available for appropriation, it must be both physically available (for example, productivity of the aquifer) and legally available (for example, closure of basins to further appropriations).

Water Availability

Physical Availability

For water to be physically available for appropriation there must be ground or surface water present in quantities and quality and on a sufficiently frequent basis to provide a reasonably reliable source for the requested beneficial use or uses. In addition, the following factors are considered:

- Volume of water represented by senior water rights, including federal or tribal reserved rights or claims.
- Water right claims registered under Chapter 90.14 RCW.
- Ground water uses established in accordance with Chapter 90.44 RCW, including those that are exempt from the requirement to obtain a permit.
- Potential riparian water rights, including non-diversionary stock water.
- Lack of data indicating water usage can also be a consideration in determining water availability, if the department cannot ascertain the extent to which existing rights are consistently utilized and cannot affirmatively find that water is available for further appropriation.

Based on the hydrogeologic setting described below, groundwater is physically available for the project due to the acquisition of mitigation and the use of the "storage" contract.

Hydrologic/Hydrogeologic Evaluation

The following hydrologic/hydrogeologic technical excerpts were written and prepared in a technical memorandum dated July 16, 2013, by licensed hydrogeologist, Danielle Jansik, and was stamped by unit supervisor, Stuart Lutrell, and seeks to address, by way of discussion, analysis, and evaluation, potential for impairment to existing water users. The entire Technical Memorandum can be reviewed upon request.

Potential Impairment

A search of pending water rights applications, certificates, claims, and permits in the area of Kittitas County Parcel No. 956710 found multiple senior water right holders. One senior groundwater permit, located approximately 0.4 miles to the west of the applicant's POU is the held by Arastou Monjazeb for 5.792 acre-feet/year to serve 14 homes. Another groundwater permit, located approximately 0.6 miles southeast of the applicants POU, is held by Twin Lakes Recreation Association for 27 acre-feet/year for 27 lots. To the south of the applicant's property, Kittitas County Fire Department has also been issued a water budget neutral request for an instantaneous quantity (Q_i) of 350 gpm and an annual quantity (Q_a) of 0.118 acre-feet from the same well. The U.S. Bureau of Reclamation also holds numerous adjudicated surface rights associated with Cle Elum Lake. There is also a pending application directly north of the applicant's property. There are currently no surface water rights associated with Newport Creek.

Impairment of senior water rights held by Monjazeb and Twin Lakes is not expected due to the low transmissivity and fractured nature of the Swauk Formation aquifer(s). Additionally, the Monjazeb well is in close proximity to Lake Cle Elum and groundwater quantity is likely supplemented by capture of lake water.

Impairment of Kittitas County Fire Department may occur if the aquifer water yield becomes unsustainable due to increased pumping by Cedar Grove NW LLC. In such case, an authorization for

Application No. G4-35595 would be considered junior to the senior right issued to the Kittitas County Fire Department from the same well source. Although such issue may be addressed in water use agreement documents held by the public water system, under the priority system, the six Cedar Grove NW LLC connections could be regulated in favor of the senior Kittitas County Fire Department connection and is an issue that should be considered in permitting decisions.

Impact to the Yakima River and Tributaries

Local topography, subject well location, geology, area wells logs, and locations of surface water bodies suggest that the proposed well for use under request G4-35595 may capture water from Newport Creek, which is located approximately 300 feet to the south of the subject well. Consultation with Washington Fish and Wildlife representatives participating in the Water Transfer Work Group monthly meeting indicates no fishery habitat concerns connected with Newport Creek. Newport Creek discharges to Cle Elum Lake which in turn discharges to the mainstem Yakima River. As a result, the mitigation identified earlier in this report addresses surface water concerns; such as, fish habitat and impairment of senior surface water rights.

Summary

In summary, the regional geology is complex and the local groundwater resources are not well understood. While impairment between groundwater users is not expected due to low well density and general aquifer characteristics, it is unclear if the aquifer can sustain the requested yield over the long term. Recharge by direct infiltration is limited to unlikely due to the overlying basalt caprock. Lack of direct infiltration appears to be supported by isotopic analysis of groundwater in deep wells that does not indicate infiltration of "modern" water near the region of proposed use. Recharge, as alluded to above, is more likely to come from upgradient regions of the Swauk formation (to the north and northeast) that are not capped by basalt.

Availability

It is expected that water is physically available from the bedrock unit in the subject area to satisfy the proposed use; however, there is uncertainty regarding the sustainability of water resource because of lack of data. It is also unlikely that the subject well (Well ID Tag No. AFH-680) will be able to meet and/or sustain the requested Qi_i of 100 gpm.

Further, water is available without injury to the Total Water Supply Available by way of mitigation offered through use of Trust Water Right CS4-01279sb5c in accordance with WAC 173-539A-060. Legal availability is ultimately a permitting/management decision that is, in part, based on the information provided above. Given the low well density and low pumping volumes associated with groundwater uses from the subject bedrock, the proposed use is not anticipated to impair or interfere with the ability of nearby well owners to fully utilize their well(s).

Legal Availability

To determine whether water to be legally available for appropriation, the following factors are considered:

- Regional water management plans – which may specifically close certain water bodies to further appropriation.
- Existing rights – which may already appropriate physically available water.
- Fisheries and other instream uses (e.g., recreation and navigation). Instream needs, including instream and base flows set by regulation. Water is not available for out of stream uses where

further reducing the flow level of surface water would be detrimental to existing fishery resources.

- The Department may deny an application for a new appropriation in a drainage where adjudicated rights exceed the average low flow supply, even if the prior rights are not presently being exercised. Water would not become available for appropriation until existing rights are relinquished for non-use by state proceedings.

Planned Mitigation

WAC 173-539A provides the following exception to the withdrawal of un-appropriated groundwater:

1. Uses for a structure for which a building permit is granted and the building permit application vested prior to July 16, 2009.
2. Uses determined to be water-budget-neutral pursuant to WAC 173-539A-050, which provides that water-budget-neutral projects may be approved. A water-budget-neutral project is one that is mitigated by a pre-1905 water right held by Ecology within the TWRP.

The applicant has entered into a contract with Yakima River Mitigation Water Services Exchange for a beneficial interest in a 0.842 acre-feet-per-year (ac-ft/yr) portion of Trust Water Right No. CS4-01279sb5c.

Water Duty

In planning a community development, source capacity must be recognized. The total daily source capacity, in conjunction with storage designed to accommodate peak use periods, must be able to reliably provide sufficient water to meet the MDD for the water system. Reliability and sustainability must also be considered when planning for a water system. Lacking metered water use records, Ecology referred to and relied upon the Court's decision for surface water use in the Yakima River Basin Water Rights Adjudication: Report of Referee, Subbasin No. 1 to obtain water duty calculations. Ecology concurs with the Court's decision of 0.01 cfs or 4.48 gallons per minute (gpm) of maximum duty of water in Subbasin No. 5 for the purpose of a domestic supply with a small lawn and garden.

Beneficial Use

The proposed use of water for multiple domestic is defined in statue as a beneficial use (RCW 90.54.020(1)).

Public Interest Considerations

When investigating a water right application, Ecology is required to consider whether the proposal is detrimental to the public interest. Ecology must consider how the proposal will affect an array of factors, such as wildlife habitat, recreation, water quality, and human health. The environmental resources and other natural values associated with the area were taken into account during the consideration of this proposal.

Consideration of Protests and Comments

No protests were filed against this application.

Conclusions

In conclusion,

- Water is physically available at the quantities sufficient to meet project demand. When combined with the proposed mitigation measures, water is legally available under the provisions of WAC 173-539A.
- RCW 90.54.020 recognizes multiple domestic use as a beneficial use of water.
- Approval of the proposed appropriation will not result in impairment of existing water rights.
- Approval of the proposed appropriation is not detrimental to the public interest.

RECOMMENDATIONS

Based on the above investigation and conclusions, I recommend that this request for a water right be approved in the amounts and within the limitations listed below and subject to the provisions listed above

Purpose of Use and Authorized Quantities

The amount of water recommended is a maximum limit and the water user may only use that amount of water within the specified limit that is reasonable and beneficial:

- 26.88 gallons per minute (gpm).
- 2.352 acre-feet per year (ac-fy).
- Continuous, year-round indoor multiple domestic supply.

Point of Withdrawal

Approximately 350 feet west and 516 feet north from the S¼ corner of Section 21, Township 18 North, Range 19 E.W.M.

Place of Use

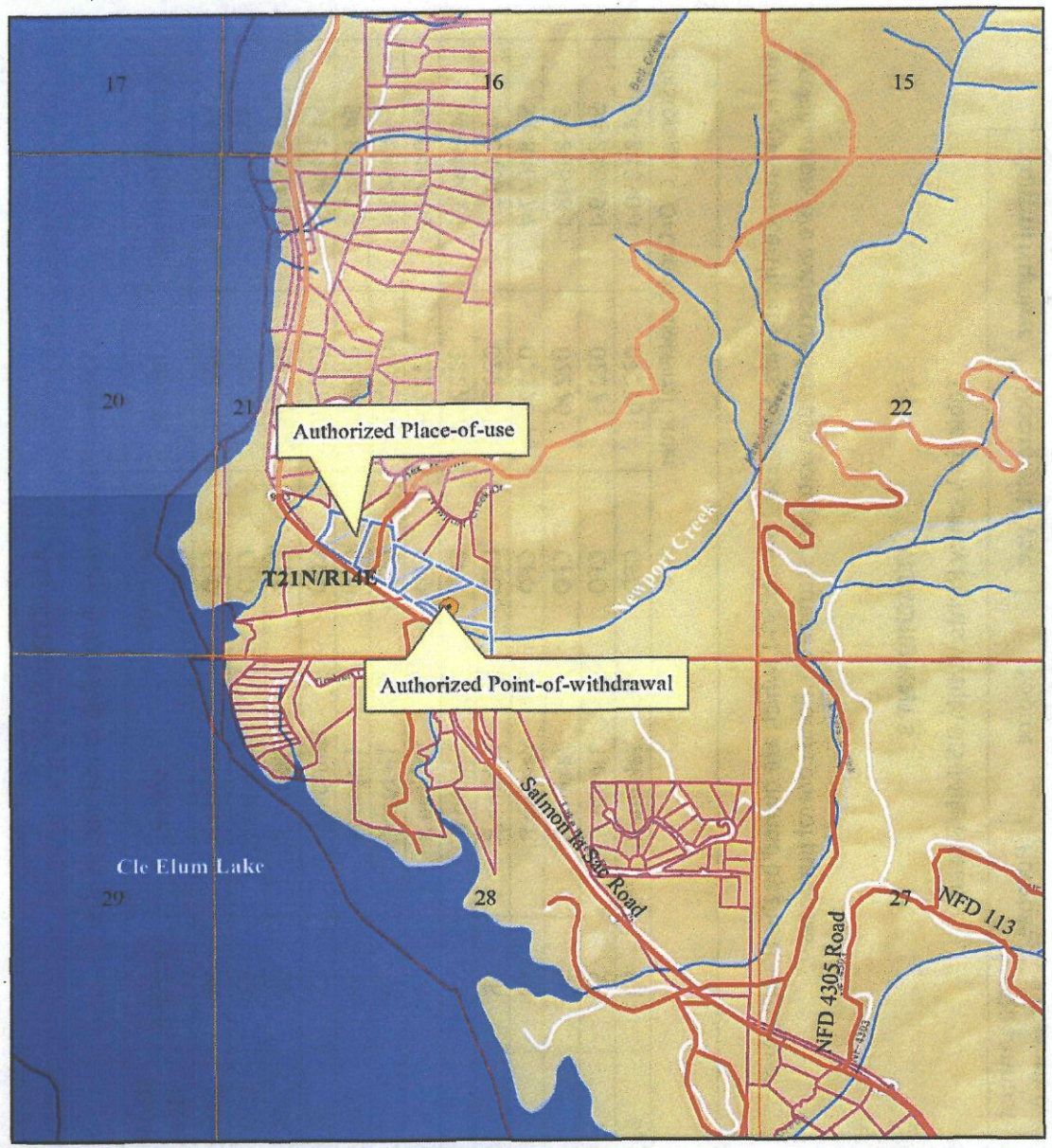
As described on Page 2 of this Report of Examination.

Candace Gray 9-3-13

Report Writer *Date*

If you need this publication in an alternate format, please call Water Resources Program at (360) 407-6600. Persons with hearing loss can call 711 for Washington Relay Service. Persons with a speech disability can call 877-833-6341.

CEDAR GROVE NW LLC
G4-35595
T21N/R14E
WRIA 39 - Kittitas County

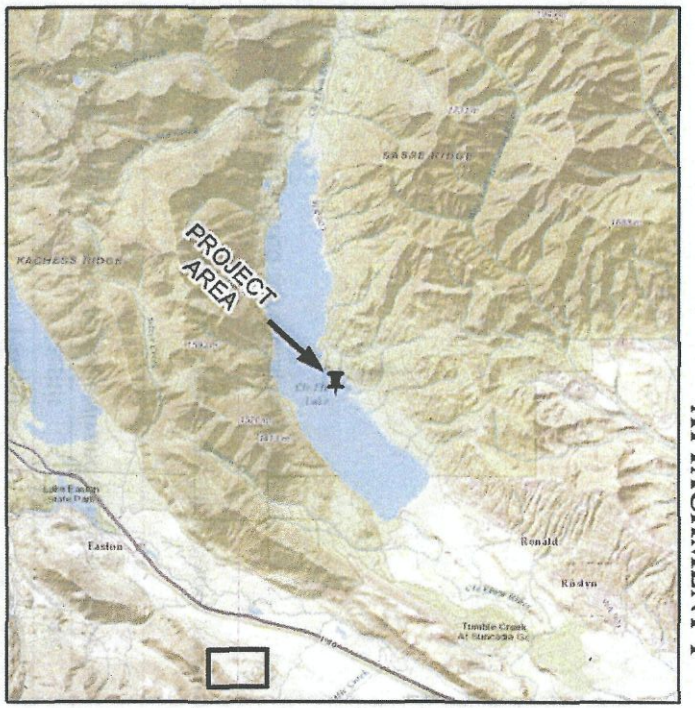


0 700 1,400 2,800 4,200 5,600 Feet

Basemap - ESRI Streets

DEPARTMENT OF ECOLOGY State of Washington

Map Date: 7/17/2013



Basemap - ESRI US Topographic Map

Legend

- Authorized Place of Use
- Authorized Point of Withdrawal
- Local Roads
- Townships
- Sections
- Parcels
- Water Bodies

Comment:
Place of use and source locations are as defined within the Report of Examination cover sheet for the document identified in the header above.

ATTACHMENT 1

ATTACHMENT 2

Table 4: Appurtenant Water Rights to Place-of-Use

Control Number	Claim #	Document Type	Source	Purpose	Qa (Annual Quantity)
S4-84638-J	02276	CFO	Yakima R.	SR	166,846
S4-84639-J	02276	CFO	Kachees R.	SR	250,261
S4-84640-J	02276	CFO	Yakima R.	SR	446,610
S4-84641-J	02276	CFO	Bumping R.	SR	38,768
S4-84642-J	02276	CFO	Tieton R.	SR	216,850
S4-84643-J	02276	CFO	Tieton R.	SR	5,300
S4-84644-J	02276	CFO	Yakima R.	SR	472
S4-84645-J	02276	CFO	Tieton R.	SR	2
S4-84646-J	02276	CFO	Yakima R.	SR	56
S4-84647-J	02276	CFO	Yakima R.	SR	60
S4-84648-J	02276	CFO	Yakima R.	SR	408
S4-84649-J	02276	CFO	Tieton R.	SR	1,265
S4-84650-J	02276	CFO	Yakima R.	SR	5,120

SR=Storage, CFO=Conditional Final Order

Surface Water Certificate Nos. S4-84638-J-S4-84650-J, which are owned by the US Bureau of Reclamation, are authorized to use water for storage for flood control purposes.

ATTACHEMENT 3

Table 5: Vicinity Rights Within 0.5-Mile Radius

Control Number	Document Type	Source	Purpose	Qa (Annual Quantity)
G4-35385P	Permit	1 Well	DM, IR	5.792
G4-29192P	Permit	1 Well	DM	27

IR=Irrigation, including incidental lawn and garden, DM=Domestic Multiple.

G4-35385P is authorized for the purpose of multiple domestic (up to 14 connections) and irrigation.

G4-29192P is also authorized for multiple domestic.