File NR: S4-35599
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DEPARTMENT OF ECOLOGY
State of Washington

State of Washington
AMENDED REPORT OF EXAMINATION FOR WATER RIGHT APPLICATION

PRIORITY DATE
February 26, 2013

WATER RIGHT NUMBER
S4-35599

MAILING ADDRESS
HORNE LIVING TRUST
5604 NE 24TH ST
RENTON WA 98059

SITE ADDRESS (IF DIFFERENT)
UNKNOWN

Quantity Authorized for Withdrawal or Diversion

WITHDRAWAL OR DIVERSION RATE	UNITS	ANNUAL QUANTITY (AF/YR)
0.033	CFS	0.414

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 Single	0.033		CFS	0.392		01/01 - 12/31
Irrigation		0.033	CFS	0.022		06/01 - 09/30

IRRIGATED ACRES ADDITIVE	IRRIGATED ACRES NON-ADDITIVE	PUBLIC WATER SYSTEM INFORMATION WATER SYSTEM ID	PUBLIC WATER SYSTEM INFORMATION CONNECTIONS
0.011	0	N/A	N/A

Source Location

COUNTY	WATERBODY	TRIBUTARY TO	WATER RESOURCE INVENTORY AREA
KITTITAS	COOPER LAKE	COOPER RIVER/CLE ELUM RIVER	39-UPPER YAKIMA

SOURCE FACILITY/DEVICE	PARCELS	WELL TAG	TWP	RNG	SEC	QQ Q	LATITUDE	LONGITUDE
COOPER LAKE	607736	N/A	22N	13E	01	SWSW	47.42225	-121.16685

Datum: NAD83/WGS84

FILE COPY

Place of Use (See Attached Map)

PARCELS (NOT LISTED FOR SERVICE AREAS)

607736

LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE

Lots 11 and 37, **COOPER LAKE SUMMER HOME SITES**, in the county of Kittitas, state of Washington, as per plat thereof recorded in Book 4 of Plats, page 27, records of said county.

Proposed Works

The applicant proposes to rely on a 100-foot, 1-inch pipe to deliver water from the lake to his cabin, primarily for non-potable purposes. Water will be pumped by a submersible pump, to a 250-gallon holding tank, which is stored in the attic of the cabin. The pump will be operated via a generator on an as-needed, part-time basis. If in the future the applicant wishes to make the water potable, then an additional filtration system will be installed.

Domestic wastewater will be discharged to an individual on-site septic system, pursuant to the Declaration of Covenant signed February 4, 2013, by subject applicant.

Development Schedule

BEGIN PROJECT	COMPLETE PROJECT	PUT WATER TO FULL USE
December 31, 2014	December 31, 2023	December 31, 2025

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

Measurement of Water Use

How often must water use be measured?	Monthly
How often must water use data be reported to Ecology?	Annually (Jan 31)
What volume should be reported?	Total Annual Volume
What rate should be reported?	Annual Peak Rate of Withdrawal (cfs)

Provisions

A. Measurements, Monitoring, Metering and Reporting

1. An approved measuring device shall be installed and maintained for the source identified by this water right in accordance with the rule "Requirements for Measuring and Reporting Water Use," WAC 173-173.
2. Water use data shall be recorded monthly and maintained by the property owner for a minimum of five years. The maximum rate of withdrawal and the annual total volume shall be submitted to Ecology by January 31st of each calendar year.
3. 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.

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.

B. Department of Fish and Wildlife Requirement(s)

1. 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). If you have questions about screening criteria, contact the:

Department of Fish and Wildlife Attention: Habitat Program 600 Capitol Way N Olympia, WA 98501-1091	Phone: Website:	(360) 902-2534 http://www.wdfw.wa.gov/reg/regions.htm

C. 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.

D. 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.

E. 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.

F. General 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 record with the Kittitas County Auditor an appropriate conveyance instrument under which the applicant obtains an interest in Trust Water Right Nos. CS4-00648(AA)sb4-b and CS4-00648(AB)sb4-b to offset consumptive use.

3. 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 No. 607736.
4. You (applicant) will pay the sum of **$57.02**, 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 (Contract), 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 0.072 acre-feet (ac-ft) from September 1 through March 31 is subject to the terms and conditions in the Contract.
5. Any valid priority calls against the source Trust Water Right Nos. CS4-00648(AA)sb4-b and CS4 00648(AB)sb4-b, 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 are beneficial; and that there will be no detriment to the public interest.

Therefore, I ORDER approval of Application No. S4-35599, subject to existing rights and the provisions specified above.

YOUR RIGHT TO APPEAL

You have a right to appeal this Decision to the Pollution Control Hearings Board (PCHB) within 30 days of the date of receipt of this Decision. 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 all of the following within 30 days of the date of receipt of this Decision:

- File your appeal and a copy of this Decision 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 Decision 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, access on August 22, 2011.

ADDRESS AND LOCATION INFORMATION

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 Road SW, Suite 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://www1.leg.wa.gov/CodeReviser

Signed at Yakima, Washington, this 29 day of OCTOBER 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 S4-35599.

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 "Original Requested" Water Right

Applicant Name	Horne Living Trust
Date of Application	February 26, 2013
Place of Use	Lots 11 and 37, **COOPER LAKE SUMMER HOME SITES**, in the county of Kittitas, state of Washington, as per plat thereof recorded in Book 4 of Plats, page 27, records of said county. (Parcel No. 607736).
Statement of Intent	To build one new residence.

County	Waterbody	Tributary To	WRIA
Kittitas	Cooper Lake	Cooper River	39-Upper Yakima

Purpose	Rate	Unit	Ac-ft/yr	Begin Season	End Season
Domestic Single	TBA	N/A	0.392	01/01	12/31
Irrigation	TBA	N/A	0.022	06/01	09/30

Source Name	Parcel	Well Tag	Twp	Rng	Sec	QQ Q	Latitude	Longitude
Cooper Lake	607736 (Lots 11 & 12)	N/A	22N	13E	01	SWSW	N/A	N/A

CFS = Cubic Feet per Second; 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 August 7, 2013, the applicant amended the original application to correct the statement of intent and to correct the lot numbers associated with the Kittitas County parcel number for the point-of-withdrawal. The corrected parameters follow:

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

Date of Amendment	August 7, 2013
Amended Statement of Intent	Single domestic for one existing cabin
Amended Lot Numbers of Point-of-Division	Lots 11 and 37, not Lots 11 and 12

Legal Requirements for Approval of Appropriation of Water

RCW 90.03 authorizes 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. 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:

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

RCW 90.42.100(1) states that Ecology is authorized to use the Trust Water Rights Program (TWRP) in the Yakima River basin for water banking purposes. RCW 90.42.100(2)(a) states that water banking may be used to mitigate for any beneficial use under RCW 90.03, 90.44, or 90.54, consistent with any terms and conditions established by the transferor, except that return flows from water rights authorized in whole or in part for any purpose shall remain available as part of the Yakima basin's total water supply available and to satisfy existing rights for other downstream uses and users. RCW 90.42.100(2)(b) states that water banking may be used to document water-right transfers to and from the TWRP.

The applicant intends to mitigate for consumptive use under the requested appropriation through the purchase of mitigation credits from the New Suncadia and the Roan Water Exchanges. The New Suncadia and Roan Water Exchanges were established by transferring portions of Court Claim No. 00648 into the Trust Water Right Program (TWRP). Consumptive loss resulting from the applicant's proposed uses will be offset with Trust Water Right Nos. CS4-00648(AA)sb4-b (April 1-Oct 15) and CS4-00648(AB)sb4-b (Oct 16-March 31).

The Contract (Water Storage and Exchange Contract No. 09XX101700) will be required due to the year-round nature of this proposal.

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 July 27 and August 3, 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 of this proposal was provided on September 9, 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.

Ecology also considered the Section 18 criteria outlined in the Contract with regards to the endangered species act (ESA) restrictions on water use and concluded that while it appears that Section 18(b)(1) and 18(b)(2) of the Contract are met, the third criteria, Section 18(b)(3) has not been met; therefore, supplemental consultation was not sought. According to Section 18(b)(3) of the Contract, "The total diversion from the subject stream reach, including the application diversion and all other diversions on that reach, exceeds 1% of the critical low flow of that reach." During Ecology's site visit conducted on August 6, 2013, Ecology estimated adequate stream discharge on Cooper River. Subsequent research found that historical discharge during the months of July, September, and October (1910 and 1911) on Cooper River was reported at 40 cfs, 237 cfs, and 36.5 cfs respectfully.[2] Ecology did not seek supplemental consultation because the Contract is required for this proposal, and because this proposal added to all water rights in the Cooper Lake basin does not exceed 1% of historical flows. The United States Bureau of Reclamation officially allowed a release of interest in this withdrawal of Yakima River Basin water in an email dated August 12, 2013.

[2] H. E. Pearson, "Hydrology of the Upper Yakima River Basins, Washington," *Water Supply Bulletin, 52.* State of Washington Department of Ecology in Cooperation with the United States Geological Survey, 1985, p. 86.

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, Anna Hoselton, and Sage Park, along with applicant Ed Horne and his wife Mary, visited the site on August 6, 2013. Photographs were taken and Global Positioning Satellite (GPS) coordinates were recorded.

Proposed Use and Basis of Water Demand

The December 2009, Water System Design Manual[3] (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 Sections 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)).[4] 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 sizes, climate, conservation practices, use restrictions, soils and landscaping, and maintenance

[3] 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 July 18, 2013.

[4] Department of Health, *Water System Design Manual,"* Olympia, Wa., 2009, pp. 28, www.doh.wa.gov/chp/dw/Publications/331-123.pdf, access on July 18, 2013..

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).

The MDD values are set at 350 gpd/ERU, which is consistent with the WSDM. Under WAC 173-539A, 30% of domestic in-house use on a septic system is assumed to be consumptively used and 90% of outdoor domestic use is assumed to be consumptive.

Monthly and annual use at full build-out of the project were calculated based on the proposed 1 ERU, DOH's MDD, Ecology's Guidance Document 1210, Determining Irrigation Efficiency and Consumptive Use, the Washington Irrigation Guide (WIGG) for outdoor water use, and the assumptions found in WAC 173-539A. A crop irrigation requirement (CIR) for grass in the Cle Elum area of 18.11 inches was estimated using the WIG. Assuming the outdoor use is 90% consumptive, consistent with WAC 173-539A, and applying the WIG's CIR, the outdoor water requirement for 500 square feet. (0.011 acre_ of grass is 0.019 acre-feet per year. The calculated consumptive use and total water-use calculations considered factors specified in WAC 173-539A and are summarized in **Table 3** and **Table 4**:

Table 3: *Estimated Total Consumptive Use

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual
Total Use (ac-ft)	.033	.030	.033	.032	.033	.036	.040	.039	.036	.033	.032	.033	.414
Total CU (ac-ft)	.010	.009	.010	.010	.010	.013	.017	.015	.013	.010	.010	.010	.137

*Quantities are rounded.

Table 4: *Domestic Water Use

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Indoor (gpd)	350	350	350	350	350	350	350	350	350	350	350	350
Outdoor (gpd)	0	0	0	0	0	43	82	60	45	0	0	0
Total (gpd)	350	350	350	350	350	393	432	410	395	350	350	350

*Quantities are rounded.

Other Rights Appurtenant to the Place of Use

There are 13 existing water rights appurtenant to the place-of-use and are described in **Table 5** in Attachment 2. Other rights in the vicinity are summarized in **Table 6** in Attachment 2.

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, Planned Mitigation, and Water Duty

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 RCW 90.14.
- Ground water uses established in accordance with RCW 90.44, 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.

Water is physically available from Cooper Lake.

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 water in upper Kittitas County:

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 Trust Water Right Program (TWRP).

The applicant has entered into a contract with Roan and New Suncadia for a beneficial interest in a 0.161 ac-ft/yr portion of Trust Water Right Nos. CS4-00648(AA)sb4-b for summer water (April 1-October 15) and CS4-00648(AB)sb4-b for winter water (October 16-March 31; therefore, **water is legally available** and use of the Water Storage and Exchange Contract No. 09XX101700 will also be required.

Water Duty

In planning any 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 user's system. Lacking metered water-use-records, Ecology referred to the Court's decision for surface water use in the Yakima River Basin Water Rights Adjudication: Report of Referee, Subbasin No. 4 to obtain water duty calculations, but Ecology ultimately relied upon comments provided to Ecology concerning specific, planned infrastructure and pump to project lift in order to calculate instantaneous duty. Ecology concurs with the applicant's request of 0.033 cfs (CFS) of maximum duty of water.

Beneficial Use

The proposed uses of water for single domestic and irrigation are defined in statute as beneficial uses (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 application.

The proposed appropriation will provide authorization for domestic supply to a rural cabin and is not detrimental to the public interest.

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 domestic and irrigation uses as beneficial uses 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:

- 0.033 cfs.
- 0.414 acre-feet per year (0.392 ac-ft/yr for single domestic and 0.022 ac-ft/yr for irrigation).
- Continuous indoor single domestic for 1 cabin.
- Seasonal irrigation of up to 0.011 acre of lawn and garden from June 1 through September 30 annually.

Point-of-Diversion
Approximately 1390 feet north and 328 feet east from the southwest corner of Section 1 within the SW¼SW¼, Section 1, Township 22 North, Range 13 E.W.M.

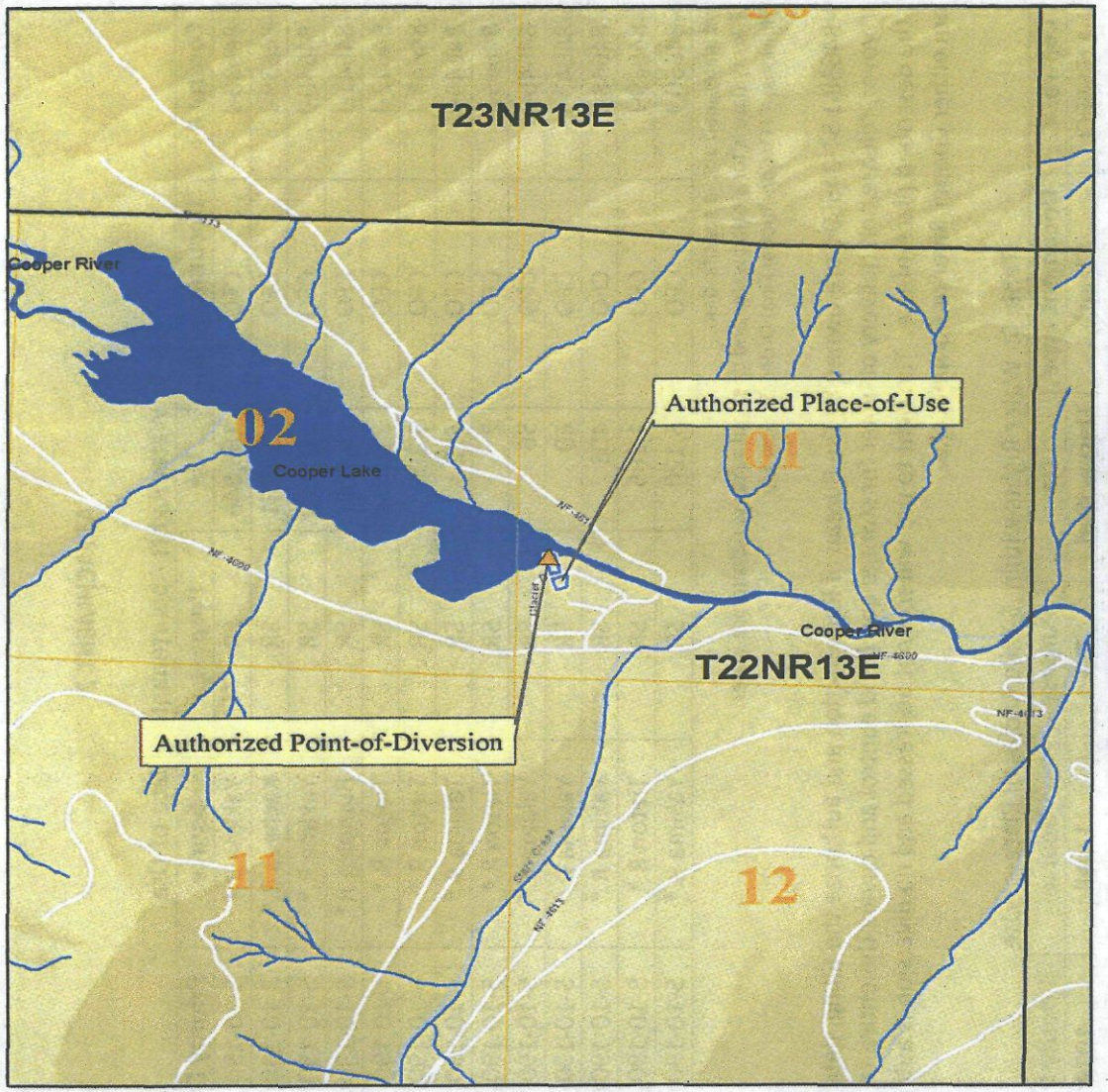
Place-of-Use
Lots 11 and 37, **COOPER LAKE SUMMER HOME SITES**, in the county of Kittitas, state of Washington, as per plat thereof recorded in Book 4 of Plats, page 27, records of said county.

Candis Gray
Report Writer

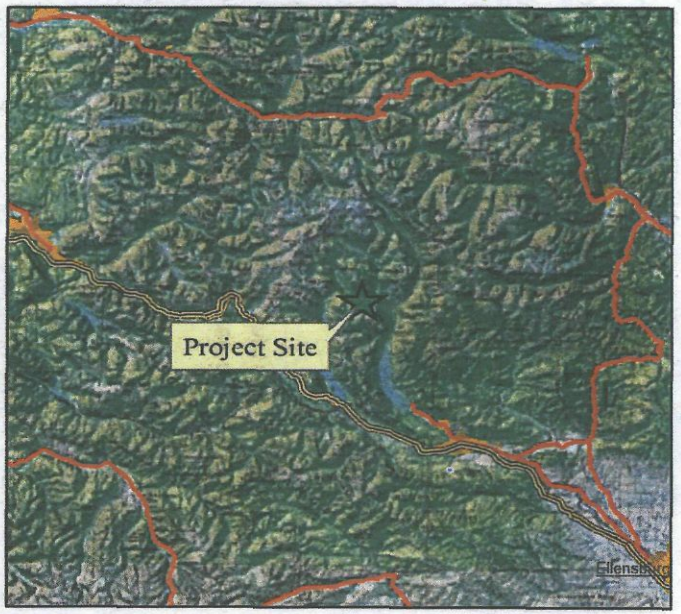
October 30, 2013
Date

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.

Horne Living Trust
G4-35599
T22N/R13E
WRIA 39 - Kittitas County



Basemap - ESRI Streets



Basemap - ESRI US Topographic Maps

Legend

- Authorized Place of Use
- Authorized Point of Withdrawal
- ECY Wa Waterbodies
- Forest Road
- Townships
- Sections
- ECY WaHighways

Comment:

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

DEPARTMENT OF ECOLOGY State of Washington

ATTACHMENT 2

Table 5: Water Rights Appurtenant to Place-of-Use

Control #	Document Type	Qa	Purpose	Source	Priority Date
S4-84638-J	CFO	166,846	SR	Yakima R.*	5-10-1905**
S4-84639-J	CFO	250,261	SR	Kachees R.*	5-10-1905**
S4-84640-J	CFO	446,610	SR	Yakima R.*	5-10-1905**
S4-84641-J	CFO	38,768	SR	Bumping R*.	5-10-1905**
S4-84642-J	CFO	216,850	SR	Tieton R.*	5-10-1905**
S4-84643-J	CFO	5,300	SR	Tieton R.*	5-10-1905**
S4-84644-J	CFO	472	SR	Takima R.*	5-10-1905**
S4-84645-J	CFO	2	SR	Tieton R.*	5-10-1905**
S4-84646-J	CFO	56	SR	Yakima R.*	5-10-1905**
S4-84647-J	CFO	60	SR	Yakima R.*	5-10-1905**
S4-84648-J	CFO	408	SR	Yakima R.*	5-10-1905**
S4-84649-J	CFO	1,265	SR	Tieton R.*	5-10-1905**
S4-84650-J	CFO	5,120	SR	Yakima R.*	5-10-1905**

*and watershed above specific dam.
**Priority date is for storing water and does not address right to use water.
Definitions: CFO=Conditional Final Order, SR-Storage.

S4-84638-J-S4-84650-J are owned by the Bureau of Reclamation and authorize the filling, detention, carryover, release and delivery of water for storage and flood control and covers the entire Yakima Basin as the described place-of-use. The right to use water is not addressed and no diversion is authorized from either Cooper River or Cooper Lake.

Table 6: Water Rights within .5-Mile Radius of Place-of-Use

Control #	Document Type	Qa	Purpose	Source	Priority Date
G4-125588CL	Claim[5]	Unspecified	DG	1 well	1974
G4-159610CL	Claim	Unspecified	DG, IR	1 well	1974

Definitions: DG=Domestic General, IR=Irrigation.

G4-125588CL claims domestic use for up to 50 cabin sites, but does not appear to be a valid water right. While the Claim is dated for 1974, no structure was built until 1992.

G4-159610CL is authorized for single domestic and incidental irrigation at the cabin site, which when claimed, was leased from Burlington Northern. No quantities are identified, but cabin use is seasonal and recreational.

[5] The above referenced claims were filed under Claims Registration Act, RCW 90.14. The intent of this act was to document those uses of surface water in existence prior to the adoption of the State Surface Water Code, RCW 90.03, which was adopted in 1917, and those uses of ground water in existence prior to the adoption of the State Ground Water Code, RCW 90.44, which was adopted in 1945. Since each code adoption, the only means of acquiring a water right within the state is by filing for, and receiving, a permit from Ecology or one of its predecessors or by establishing a right under the "exemption" under the Ground Water Code RCW 90.44.050. Ecology recognizes that the final determination of the validity and extent associated with a claim registered in accordance with RCW 90.14 ultimately lies with the Superior Court through the general adjudication process provided for by RCWs 90.03.110 through 90.03.240. Ecology does, however, recognize that water use may or may not be occurring under these claims.