



*file*

STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

3601 West Washington • Yakima, Washington 98903 • (509) 575-2800

January 3, 1985

Emma Larson (of South First  
Kachess Summer Homes)  
18 Arizona  
Roslyn, WA 98941

RE: Surface Water Application No. S4-26549, TEMPORARY PERMIT

Dear Ms. Larson:

The source of this proposed appropriation falls within the Yakima River Basin. The historical water rights for all surface water uses within the Yakima River drainage basin are under adjudication in Yakima County Superior Court. This adjudication may take many years to complete. The Director of the Department of Ecology has specified that during the pendency of the adjudication, water right permits will not be issued for any surface waters within the Yakima River drainage basin. However, TEMPORARY PERMITS may be issued if all of the requirements of the Revised Code of Washington (RCW 90.03) can be satisfied.

In accordance with the provisions of Section 90.03.250 of the Revised Code of Washington, you may consider this letter to be a TEMPORARY PERMIT which is issued subject to the following limitations and provisions:

1. The priority date of this TEMPORARY PERMIT is February 13, 1980.
2. The point of diversion from Thetis Creek is located as follows: 500 feet north and 200 feet west of the southeast corner of Section 31, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 31, T. 22 N., R. 13 E.W.M., in Kittitas County.
3. Water is to be used for the purpose(s) of single domestic supply within the following described land:

A lot within the South First Kachess Summer Home Group. Said lot is situated within the NW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 5, T. 21 N., R. 13 E.W.M., Kittitas County, Washington, described by metes and bounds as follows: Beginning at a point, which point is S 0°05' E 343.59 feet from the northwest corner of said Section 5; thence S 87°54' E 295.70 feet; thence S 24°00' W 105.00 feet; thence N 74°00' W 262.92 feet; thence N 0°05' W 34.29 feet to point of beginning. Containing 0.43 acres, more or less.

4. The quantity of water to be diverted is limited to 0.005 cubic foot per second, 0.5 acre-foot per year.
5. Water may be used continuously up to the preceding limits of this TEMPORARY PERMIT.
6. This TEMPORARY PERMIT shall in no manner be construed to guarantee or even imply that a final (regular) permit will issue pursuant to the subject application.
7. This TEMPORARY PERMIT shall be issued subject to Washington Department of Game gamefish screening criteria (pursuant to RCW 75.20.040). Please contact the Department of Game, 600 North Capitol, Olympia, WA 98504, Attention: Habitat Management Division, Phone: (206)-753-3318 to obtain specific gamefish (trout, bass, etc.) requirements for your project.
8. This TEMPORARY PERMIT will remain in effect until such time that it is determined a final decision can be made as to the disposition of Application No. S4-26549.
9. The water sources and/or water transmission facilities may not be located entirely upon the land owned by the applicant. Therefore, the applicant is advised that issuance of a permit by this department for appropriation of the waters in question does not convey a right of access to, or other right to use, land which the applicant does not legally possess.

Very Sincerely Yours,

Russell K. Taylor  
Regional Manager  
Central Regional Office

RKT:SI:ska

cc: Pat Dice, Olympia  
USFS, Cle Elum Ranger District



STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

3601 West Washington • Yakima, Washington 98903 • (509) 575-2800

M E M O R A N D U M

TO: File No. S4-26549

FROM: Stan Isley S.I.

SUBJECT: TEMPORARY PERMIT Authorization (Report of Exam)

DATE: January 3, 1985

Background

The Washington State Department of Ecology (WDOE) received an application to appropriate 0.01 cubic foot per second (cfs) of public surface water from Emma Larson (of South First Kachess Summer Homes) on February 13, 1980. The application was assigned number S4-26549, processed, and legally advertised. The 30-day protest period concluded without comment on April 20, 1980.

Investigation

WDOE's Becky Johnson conducted a field examination of this application on October 18, 1982. Information gathered during that examination and review of office records and application materials produced the following pertinent facts:

The applicant's property is located as described approximately 9 air miles southeast of Snoqualmie Pass consisting of an 0.43 acre lot along the west shore of Lake Kachess near the mouth of Thetis Creek. This application requests authorization for an existing use of Thetis Creek water via the South First Kachess Summer Homes group domestic supply pipeline at the applicant's summer home.

The applicant's lot is the northernmost of the South First Kachess Summer Home Group. The applicant's summer home domestic water has been supplied, for a number of years, by a tap line from the main pipeline which delivers water from Thetis Creek to the six summer homes in the South First Kachess Summer Home Group which are situated southerly of the applicant's lot. Said main pipeline diverts water from Thetis Creek under rights granted by Surface Water Certificate (SWC) No. 7396 described below.

Thetis Creek flow has not been accurately measured and varies greatly throughout the year. Thetis Creek flow has proven adequate to meet the applicant's existing single domestic water needs and the needs of the senior water rights from Thetis Creek. Thetis Creek is a perennial tributary of Lake Kachess and the Yakima River Basin.

SWC No. 7396 as changed by Certificate of Change, Volume No. I-4, Page 204, grants the South First Kachess Summer Homes Group 0.03 cfs of water from Thetis Creek for continuous group domestic supply for six summer homes. The applicant's lot is within the gross described place of use for SWC No. 7396 and the applicant utilizes the same point of diversion and pipeline from Thetis Creek as authorized by SWC No. 7396. However, the applicant's single domestic water use represents an additional (seventh), though already existing, use of Thetis Creek water not authorized by SWC No. 7396. SWC No. 7396 has a May 19, 1958 priority date.

Water Right Claim (WRC) No. 118953, filed on June 18, 1974 by Harold Whitham for South First Kachess Summer Homes, claims the right to 0.03 cfs, 3 acre-feet per year of Thetis Creek water for group domestic supply for seven homes. The date of first putting water to use is described as May 19, 1958. Since this date is subsequent to the June 1917 effective date of the State Surface Water Code, Chapter 90.03 RCW, WRC No. 118953 does not appear to represent a valid water right. Six of the summer homes described by WRC No. 118953 are granted domestic water under SWC No. 7396 described above. The seventh summer home described by WRC No. 118953 is the applicant's summer home.

One senior water right, SWC No. 1808, and one junior surface water application (SWA) No. S4-27727, utilize Thetis Creek as the source of domestic water for neighboring developments.

SWC No. 7396 grants a diversion rate of 0.005 cfs per summer home. This application should be reduced from the requested 0.01 cfs for the applicant's summer home to the same 0.005 cfs diversion rate granted by SWC No. 7396.

The source of this proposed appropriation falls within the Yakima River Basin. The historical water rights for all surface water uses within the Yakima River drainage basin are under adjudication in Yakima County Superior Court. This adjudication may take many years to complete. The Director of the Department of Ecology has specified that, during the pendency of the adjudication, water right permits will not be issued for use of surface waters within the Yakima River drainage basin. However, TEMPORARY PERMITS may be issued if all of the requirements of the Revised Code of Washington (Chapter 90.03 RCW) can be satisfied. A final permitting decision will be possible only after completion of the on-going adjudication of surface waters of the Yakima River Basin.

Conclusions

In view of the above facts, I draw the following conclusions:

Continuous single domestic supply is a beneficial water use.

Surface water is available for a temporary appropriation during the pendency of the Yakima River Basin Adjudication.

Based on the remoteness of the stream development, the nature of this use, and the insignificant quantity of water actually consumed, issuance of a TEMPORARY PERMIT under this application will not adversely impact existing rights nor will it be contrary to the public interest.

Recommendations

Based on the above facts and conclusions, I recommend that a TEMPORARY PERMIT issue to Emma Larson (of South First Kachess Summer Homes) with the following quantities and provisions:

The reduced instantaneous quantity of 0.005 cfs and the annual quantity of 0.5 acre-foot of water per year are approved for continuous single domestic water supply. This TEMPORARY PERMIT shall be in effect during the pendency of the Yakima River Basin Adjudication unless sooner revoked.

The water sources and/or water transmission facilities may not be located entirely upon the land owned by the applicant. Therefore, the applicant is advised that issuance of a permit by this department for appropriation of the waters in question does not convey a right of access to, or other right to use, land which the applicant does not legally possess.

SI:ska

*when issued [after Yakima Adjudication]:*  
*- regular report may require an order due to reduction in Qi.*

*Also, copy of regular report should be mailed to  
USFS, Cle Elum Ranger District, P.O. Box 51, Cle Elum,  
Wa. 98922*

*S.I.  
1-3-85*