



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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

June 5, 2013

Milton F. and Geraldine Downs  
3380 Teanaway Rd.  
Cle Elum, WA 98922

**RE: Water Right Change Application No. CS4-00777sb3@8 (KIT-11-06)**

In accordance with RCW 90.80.080 the Department of Ecology (Ecology) has reviewed the Record of Decision (ROD), Report of Examination (ROE), and all comments, protests, objections and other relevant information submitted by the Kittitas County Water Conservancy Board (the Board) for the above referenced application for change.

Ecology has **modified** the decision of the Board and the proposed change/transfer of water right is **approved** under the following conditions:

**Summary of Ecology's Final Order**

MAXIMUM CFS	MAXIMUM GPM		MAXIMUM ACRE-FT/YR	TYPE OF USE, PERIOD OF USE			
0.16			52	Irrigation of 8 acres May 1 through September 15 and stock water.			
SOURCE			TRIBUTARY OF (IF SURFACE WATER)				
1) Teanaway River			1) Yakima River				
2) Mason Creek			2) Teanaway River				
3) Musser Creek			3) Teanaway River				
AT A POINT LOCATED:	¼	¼	SECTION	TOWNSHIP	RANGE	WRIA	COUNTY
PARCEL NO.							
1) 204835	SE	SE	10	20 N.	16 EWM	39	Kittitas
2) N/A	SW	NW	13				
3) 274835	NE	SW	13				
<b>LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED AS APPROVED BY THE BOARD</b>							
That portion of the NE ¼ SW¼ of Section 13, T. 20 N., R. 16 E.W.M., described as follows: Commencing at the west quarter corner of said section; thence east 1050 feet, more or less, to the east right of way of the Teanaway Road and the point of beginning; thence east 500 feet; thence S 35° E 1500 feet; thence S 20° W 300 feet to the east right of way of said road; thence northwest along said right of way 2000 feet, more or less, to the point of beginning.							
PARCEL NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE		
274835	NE	SW	13	20	16 EWM		

**FILE COPY**



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

Ecology recognizes comments submitted by Washington State Department of Fish and Wildlife (WDFW) following the May 6, 2013 meeting of the Water Transfer Working Group. The Water Transfer Working Group gave the proposal thumbs up following additional review. Comments received by WDFW are provided to the Board with Ecology's decision to approve with modification.

The development schedule for the project is modified to extend the completion dates. Extension of the schedule does not preclude earlier completion of the project:

DEVELOPMENT SCHEDULE		
BEGIN PROJECT BY THIS DATE:	COMPLETE PROJECT BY THIS DATE:	WATER TO PUT TO FULL USE BY THIS DATE:
Immediately 11-30-2013	November 30, 2014	September 15, 2015

The following is added to the PROVISIONS:

The water source and/or water transmission facilities are not wholly located upon land owned by the applicant. Issuance of a water right change authorization by this Department does not convey a right of access to, or other right to use, land which the applicant does not legally possess. Obtaining such a right is a private matter between applicant and owner of that land.

If you have any questions or concerns on the above information, please call Mark Dunbar, Department of Ecology, at (509) 575-2024.

#### **YOUR RIGHT TO APPEAL**

You have a right to appeal this Decision to the Pollution Control Hearing 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.

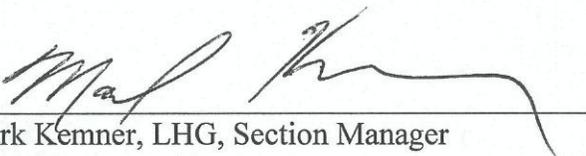
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Milton F & Geraldine Downs  
Water Rights Application No. CS4-00777sb3@8 (KITT-11-06)  
June 5, 2013  
Page 3 of 3

**ADDRESS AND LOCATION INFORMATION**

<b>Street Addresses</b>	<b>Mailing Addresses</b>
<b>Department of Ecology</b> Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey WA 98503	<b>Department of Ecology</b> Attn: Appeals Processing Desk PO Box 47608 Olympia WA 98504-7608
<b>Pollution Control Hearings Board</b> 1111 Israel Road SW, Suite 301 Tumwater WA 98501	<b>Pollution Control Hearings Board</b> 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>



Mark Kemner, LHG, Section Manager  
Water Resources Program  
Central Region Office

MK:MD  
ss/130601

Enclosures: Your Right to Be Heard  
Email comments from Paul Riviere (WDFW) dated May 7, 2013.

By Certified Mail: 7010 0290 0000 7131 2856

cc: Mark Dunbar, Department of Ecology, Central Region Office (email pdf)  
Chery Byers, Kittitas County Conservancy Board  
Philip Rigdon, Director Natural Resources Division Yakama Nation

7010 0290 0000 7131 2856

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 CS4-00777sb3@8 KITT-11-06

PS Form 3800, August 2006 See Reverse for Instructions

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<p>1. Article Addressed to:</p> <p><b>MILTON F. &amp; GERALDINE DOWNS</b>  <b>3380 TEANAWAY RD.</b>  <b>CLE ELUM, WA 98922</b>          WR/ss CB MOD CS4-00777sb3@8 (KITT-11-06) 6/5/13</p>	<p>3. Service Type  <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number          (Transfer from service label)</p>	<p>7010 0290 0000 7131 2856</p>
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