



## State of Washington REPORT OF EXAMINATION FOR WATER RIGHT APPLICATION

<b>PRIORITY DATE</b> June 24, 2014	<b>WATER RIGHT NUMBER</b> G4-35705P
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<b>MAILING ADDRESS</b> EASTON FARMS, LLC 1001 4TH AVE., PLAZA STE 3801 SEATTLE, WA 98154-1101	<b>SITE ADDRESS (IF DIFFERENT)</b> 4542 LAKE RIDGE RD EASTON, WA 98925
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Quantity Authorized for Withdrawal		
WITHDRAWAL RATE	UNITS	ANNUAL QUANTITY (AC-FT/YR)
36	GPM	3.45

Purpose						
PURPOSE	WITHDRAWAL RATE			ANNUAL QUANTITY (AC-FT/YR)		PERIOD OF USE (mm/dd)
	ADDITIVE	NON-ADDITIVE	UNITS	ADDITIVE	NON-ADDITIVE	
Domestic Single	36.00		GPM	0.392		01/01 - 12/31
Irrigation		36.00	GPM	3.058		06/01 - 09/30

**REMARKS**

A maximum of 36 gallons per minute (gpm), 3.45 acre-feet per year (ac-ft/yr) for 1 residence (0.392 ac-ft/yr for year-round continuous, single domestic supply EXCLUDING lawn and garden, and 3.058 for irrigation of lavender (2.25 acres), grapes (0.37 acre), raspberries (0.10 acre), and cherries without cover (0.20 acre), between May 1 and September 30 annually, up to 4 acres depending on crop type to be used.

Total withdrawals from all 3 sources under this authorization must not exceed the total quantity authorized listed above. The annual quantity for domestic purposes is additive to an existing permit exempt use from the existing well.

IRRIGATED ACRES		PUBLIC WATER SYSTEM INFORMATION	
ADDITIVE	NON-ADDITIVE	WATER SYSTEM ID	CONNECTIONS
4.0*	0	N/A	N/A

\*Up to 4 acres depending on choice of crop(s), not to exceed total annual quantity (Qa) above.

Source Location									
COUNTY		WATERBODY			TRIBUTARY TO			WATER RESOURCE INVENTORY AREA	
KITTITAS		GROUNDWATER						39-UPPER YAKIMA	
SOURCE DEVICE	PARCELS	WELL TAG	TWP	RNG	SEC	Q	LATITUDE	LONGITUDE	
1 Existing Well	17758	AGL-807	20 N.	13 E.	03	SW	47.25263°	-121.21594°	
2 Proposed Wells	17758	N/A	20 N.	13 E.	03	SW	N/A	N/A	
	18474 or 710836	N/A	20 N.	13 E.	04	SE	N/A	N/A	

**Place of Use (See Attached Map)**

**PARCELS**

Parcel Nos. 18474 and 492836 (must be sold together), 17758 and 472836 (one lot boundary as an improvement lot and must be sold together), & 710836.

**LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE**

**TRACT A:**

PARCEL 3 OF THAT CERTAIN Survey as recorded August 2, 1991, in Book 18 of Surveys, pages 33 and 34, under Auditor's File No. 541569, records of Kittitas County, state of Washington; being a portion of the SE¼ of Section 4, T. 20 N., R. 13 E.W.M., in the county of Kittitas, state of Washington.

**TRACT B:**

Parcels A-2-1 and A-2-2 of that certain Survey as recorded May 16, 1995, in Book 20 of Surveys, pages 246 and 247, under Auditor's File No. 581504, records of Kittitas County, state of Washington; being a portion of the NW¼ and the SW¼ of Section 3, T. 20 N., R. 13 E.W.M., Kittitas County, state of Washington.

**Proposed Works**

The one existing source, (Ecology Unique Well ID #AGL-807) was completed on May 23, 2001, to a depth of 179 feet with a 6-inch casing.

Two proposed wells are yet to be drilled. The water distribution system will include a 1¼" mainline from each well to storage tanks and extend to each field and one residence. Each field will be divided into separate zones where each zone will have a 1¼" irrigation line running down the center of the plant beds and drip irrigation (2 gallons per hour) from the irrigation line to the plants.

Domestic wastewater will be discharged to an on-site septic system, pursuant to the Declaration of Covenant signed June 13, 2014, by the current property owners.

<b>Development Schedule</b>		
<b>BEGIN PROJECT</b>	<b>COMPLETE PROJECT</b>	<b>PUT WATER TO FULL USE</b>
Started	December 31, 2023	December 31, 2025

In determining the timeframe of the above Development Schedule, that is to say 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.

<b>Measurement of Water Use</b>	
How often must water use be measured?	Bi-Weekly
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 (gpm)

## Provisions

### A. Wells, Well Logs and Well Construction Standards

1. The **existing** and **proposed** wells and the right to use water from them are restricted to and authorized for the Naches Formation bedrock 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 Washington State Department of Ecology (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 Ecology's Central Regional 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 on undrilled, proposed wells as described in WAC 173-160- 291(3) is required.
5. In addition to the required access port, the applicant shall install and maintain, in operating condition, an airline and pressure gage on undrilled, proposed wells. The pressure gage shall be equipped with a standard tire valve and placed in a location accessible to Ecology personnel. The airline shall extend from land surface to the top of the pump bowls and the total airline length shall be reported to Ecology upon completion of the pump system.

### 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. WAC 173-173 describes the requirements for data accuracy, device installation and operation, and information reporting. It also allows a water user to petition Ecology for modifications to some of the requirements.

### C. Water Level Measurements

1. In order to maintain a sustainable supply of water and ensure that your water source is not impaired by future withdrawals, static water levels **should** be measured and recorded monthly using a consistent methodology. 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 level data **should** include the following elements:
  - Unique Well ID Number.
  - Measurement date and time.
  - Measurement method (airline, 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. Family Farm Permit**

1. This authorization to use public waters of the state is classified as a Family Farm Permit in accordance with RCW 90.66. This means the land being irrigated under this authorization shall comply with the following definition:

Family Farm: A geographic area including not more than 6,000 acres of irrigated agricultural lands, whether contiguous or noncontiguous, the controlling interest in which is held by a person having a controlling interest in no more than 6,000 acres of irrigated agricultural lands in the state of Washington which are irrigated under water rights acquired after December 8, 1977.

Furthermore, the land being irrigated under this authorization must continue to conform to the definition of a family farm.

**E. 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.

**F. 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.

**G. Schedule and Inspections**

1. 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.

**H. 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 Ecology.
2. You (applicant) will pay the sum of **\$420.38**, which represents a proportionate amount of the payment due and owing to the United States Bureau of Reclamation for storage and delivery of water under Paragraph 15(a) of Water Storage and Exchange Contract No. 09XX101700 (Storage Contract), between the United States Bureau of Reclamation and the state of Washington

Department of Ecology, Yakima project, Washington, dated January 29, 2009.<sup>1</sup> The consumptive use of 0.562 acre-feet from September 1 through March 31 is subject to the terms and conditions in the Storage Contract.

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 Nos. 18474, (492836), 17758, (472836), & 710836.
4. 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. CS4-05259CTCL@2sb7 to offset consumptive uses.
5. The quantity of mitigated water may not exceed the amount of water available under Trust Water Right No. CS4-05259CTCL@2sb7 nor exceed the availability of unused storage capacity to retain the Trust Water Right for later release.

### 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. G4-35705, 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 RCW 43.21B and WAC 371-08. "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.

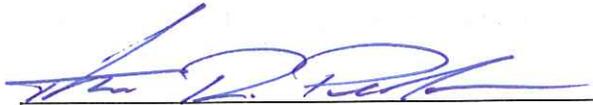
- Serve a copy of your appeal and this Order on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.
- You must also comply with other applicable requirements in RCW 43.21B RCW and WAC 371-08.

<sup>1</sup> "Long-Term Water Storage and Exchange between the United States Department of Reclamation and the state of Washington, Department of Ecology" (Contract No. 09XX101700), [http://www.ecy.wa.gov/programs/wr/cro/images/pdfs/exchangecontract\\_012909.pdf](http://www.ecy.wa.gov/programs/wr/cro/images/pdfs/exchangecontract_012909.pdf), accessed on November 5, 2013.

ADDRESS AND LOCATION INFORMATION	
Street Addresses	Mailing Addresses
<b>Department of Ecology</b> Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503  <b>Pollution Control Hearings Board</b> 1111 Israel RD SW Ste. 301 Tumwater, WA 98501	<b>Department of Ecology</b> Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608  <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://www1.leg.wa.gov/CodeReviser>.

Signed at Union Gap, Washington, this 29<sup>TH</sup> day of DECEMBER, 2015.



Thomas Perkow, Acting Section Manager  
 Water Resources Program  
 Central Regional Office

*If you need this document in a format for the visually impaired, 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 G4-35705.

### 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), where the proposed water use is water budget neutral as defined in WAC 173-152-020(18).

**Table 1: Summary of "Requested" Water Right**

<b>Applicant Name</b>	Easton Farms, LLC
<b>Date of Application</b>	June 24, 2014
<b>Place of Use</b>	Parcel Nos. 18474, 492836, 17758, 472836, & 710836

Purpose	Rate	Unit	Ac-ft/yr	Begin Season	End Season
Domestic Single	10	GPM	0.392	01/01	12/31
Irrigation	60	GPM	8.302	Seasonal	Unspecified

Source Name	Parcel(s)	Well Tag	Twp	Rng	Sec	QQ Q	Latitude	Longitude
1 Existing Well	17758	AGL-807	20 N.	13 E.	03	SW	N/A	N/A
2 Proposed Wells	Undetermined but within Parcel No. 17758-472836	N/A	20 N.	13 E.	03	SW	N/A	N/A
	Parcel Nos. 18474- 492836, or 710836	N/A	20 N.	13 E.	04	SE		

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

On July 7, 2014, the application was amended by the applicant's representative to change the following parameter:

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

<b>Date of amendment</b>	July 7, 2014
<b>Amended location for points of withdrawal</b>	SW¼, Sec. 3, and SE¼, Sec. 4, T. 20 N., R. 13 E.W.M.

Subsequently, Ecology received two additional amendments, one on September 19, 2014, and another one on September 24, 2015, outlining the following changes:

**Table 3: Summary of "Second Amended Requested" Water Right**

<b>Date of amendment</b>	September 19, 2014 and October 21, 2014
<b>Amended location for points of withdrawal</b>	<u>Existing source:</u> Parcel No. 17758 <u>Proposed sources:</u> Parcel Nos. 17758, 472836, 492836, 18474, or 710836.

<b>Proposed use</b>	Single domestic and irrigation of lavender (2.25 acres), grapes (0.37 acre), raspberries (0.10 acre), and cherries without cover (0.20 acre).
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**Table 4: Summary of "Final Amended Requested" Water Right**

<b>Date of amendment</b>	September 24, 2015
<b>Proposed use</b>	Single domestic and irrigation of up to 4 acres of lavender, cherries, grapes, and raspberries (acreage totals of each crop undetermined).
<b>Proposed water duty</b>	0.392 ac-ft/yr total use for single domestic. 3.066 ac-ft/yr total use for irrigation.

### Legal Requirements for Approval of Appropriation of Water

RCWs 90.03 and 90.44 authorized the appropriation of public water for beneficial use and describe the process for obtaining water rights. Laws governing the water right permitting process are contained in RCW 90.03.250 through 90.03.340 and RCW 90.44.060. In accordance with RCW 90.03.290, determinations must be made on the following four criteria in order for an application for water rights 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.

#### *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, Ellensburg, Washington on July 30 and August 6, 2014. No comments or protests were received by Ecology during the 30-day comment period.

#### *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. Notice was officially provided on November 2, 2015, during a Yakima Water Transfer Working Group (WTWG) meeting. A majority, positive response was communicated in response 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.
- (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**

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### *Site Visit*

A site visit was performed by Ecology employees Candis Graff and Jacquelyn Metcalfe on March 23, 2015. Jessica Kuchan, applicant's representative and Kevin Razze, farm manager were also present. Global Positioning Satellite (GPS) coordinates were taken at the location of the existing well head. Photographs were taken of the source location and of the proposed place of use (POU).

### **Proposed Use and Basis of Water Demand**

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The Easton subbasin is located within the upper Kittitas County and new groundwater appropriations in the Easton subbasin are subject to the provisions of WAC 173-539A. WAC 173-539A-050 provides that a new use of groundwater can be approved if the consumptive use associated with a new groundwater use is offset by an equal or greater amount of a pre-1905 water right held by Ecology in the Trust Water Right Program (TWRP).

Through Groundwater Application No. G4-35705, Easton Farms, LLC is seeking authorization to withdraw new groundwater. The application proposes new uses of groundwater that would be made water budget neutral by assigning a portion of Suncadia's October 30, 1884, Trust Water Right No. CS4-00626CTCL@2sb7 to the project from the TWRP.

### *Domestic and Irrigation Water Use*

The December 2009, Water System Design Manual<sup>2</sup> (WSDM), published by the Washington State 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.

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<sup>2</sup> Department of Health, "Water System Design Manual," Olympia, Wa, 2009, pp. 27-32, <http://www.doh.wa.gov/Portals/1/Documents/Pubs/331-123.pdf>, accessed on May 13, 2014.

According to the WSDM, new systems or existing 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 Maximum Daily Demand (MDD) for residential connections (WAC 246-290-221(3)(a)).<sup>3</sup> 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 practices. Since there is no water use for the proposed residence to review and records for qualifying analogous systems are not available, a reasonable level for a MDD for indoor use can be established at 350 gallons per day (gpd), which is consistent with the WSDM. Under WAC 173-539A, 30% domestic in-house use on a septic system is assumed to be consumptively used and 90% of outdoor use is assumed to be consumptive. Therefore, using the assumptions above, for indoor use 0.392 ac-ft was calculated for total use and 0.118 ac-ft was calculated as consumptive use.

Monthly and annual use at full build-out of the project were calculated based on the proposed one ERU, DOH's MDD, Ecology's Guidance Document 1210 entitled, Determining Irrigation Efficiency and Consumptive Use, the Washington Irrigation Guide (WIG), the applicant's testimony of current efficiencies and water-duty requirements, and the assumptions found in WAC 173-539A. Further, in order to provide the applicant with a flexible farm plan regarding the number of acres planted with four distinctly different crops, Ecology calculated water duty for cherries, which of the four crops proposed, is the highest water requirement according to the WIG, as the standard calculation for Storage Contract water and for Trust Water debiting purposes. Thusly, using cherries as the crop for total irrigation requirement results in total use of 3.066 ac-ft and 2.877 ac-ft of consumptive use for up to 1.408 acres. (See Consumptive Use Calculator via Ecology's file.)

### Other Rights Appurtenant to the Place of Use

There are no other water rights appurtenant to the proposed POU.

### Hydrologic/Hydrogeologic Evaluation

The following hydrologic/hydrogeologic technical excerpts were prepared and stamped by licensed hydrogeologist Anna Hoselton, 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.

#### *General Geology and Hydrogeology*

The subject parcels are situated on glacially scoured hills to the southeast of Amabilis Mountain and to the west of the regional Straight Creek Fault that approximately parallels the northwest-southeast trending long axis of Kachess Lake. The subject parcels and general area are located within the western succession of the Challis unconformity-bounded sequence of Eocene arkosic and volcanic rocks (Bush, Cheney, 1996) of the Naches Formation.

While the Naches Formation includes rhyolite, andesite, basalt, feldspathic subquartzose sandstone, siltstone and rare coal beds, only the rhyolite unit and the continental sedimentary deposits of sandstone and volcanic rocks are found in the subject area. These units are generally overlain by

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<sup>3</sup> Ibid., p. 28.

Kachess, Roxer and Thetis ashy sandy loam soils (Gentry, 2006) and thickly vegetated by sub-alpine forest reflecting the approximate 54 inches of average annual precipitation locally (PRISM, 2004).

Although the subject area receives substantial precipitation, both the underlying rock types and overlying well drained soils foster runoff of precipitation not infiltrated or consumed by evapotranspiration to local surface water features including the Yakima River and to Lake Easton.

Logs from existing wells drilled within Sections 3 and 4 of T. 20 N., R. 13 E.W.M., were reviewed, including the existing subject well, AGL807. Logs from wells drilled into and withdrawing groundwater from valley floor sediment deposits were discarded as it became quickly apparent that wells drilled on the subject parcels would more likely be completed into Naches Formation rhyolite, sandstone or volcanic (including basalt) bedrock units. Of the 13 water well logs from wells drilled in Sections 3 and 4, five (including subject well AGL807) were constructed into bedrock.

The bedrock wells nearest the subject parcels range in depth from 179 to 457 feet and first encounter bedrock at depths ranging from 2 ft to 78 feet below the land surface. Bedrock types described by drillers include sandstone, shale, basalt, and granite. The driller described "granite" is more likely the Naches Formation rhyolite unit as rhyolite is the extrusive (volcanic) form of the intrusive (plutonic) granite and can be mistaken for granite in the form of well cuttings. Estimated well yields from four of the wells reasonably range from 7 to 15 gallons per minute (gpm) with the fifth well (AGM353) reporting an outlier driller estimate of 45 gpm. Since bedrock wells tend to be dependent predominately on classic fracture flow, sustainability of 45 gpm is suspect.

Fracture flow within the Naches Formation bedrock units will be dependent on individual fracture size, density of fractures, and connectivity of fractures. Recharge to fracture flow systems is likewise dependent on surface infiltration into fracture systems or leakage into fracture systems from saturated overburden. Because the local fracture system is annually recharged by relatively high rates of average annual precipitation, sustainability of the local bedrock fracture flow aquifer is likely especially while land use is limited and well densities remain low. However, while driller estimated well yields may suggest moderate to high pumping rates are temporarily possible, it is more likely that modest to low pumping rates will foster sustainability for the fracture flow source.

### 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.
  - (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 (POD) 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).

#### *General Impairment Discussion*

The concepts discussed above must be evaluated when impairment is being considered. For example, to claim impairment, a senior groundwater right holder must have a qualifying groundwater withdrawal facility and be able to demonstrate that withdrawals by a junior water user are causing an interruption or interference in the availability of water. The claim must also show there is a right to protect, and possibly other pertinent factors. Consequently when a proposed withdrawal is evaluated, consideration is given to how the withdrawal may affect other existing groundwater and surface water rights.

In the case of the subject application, local well density is low as there are few existing wells nearby. Domestic wells owned by Vang, Tuttle, and Knott are located on parcels adjacent to the subject parcels in Section 4. Parcel size in this area, however, is generally greater than 20 acres presently. All of the existing wells, including subject well AGL807, are constructed into the Naches Formation and withdraw groundwater from fracture flow systems. Much of the remaining surrounding property is publicly owned by the State of Washington Parks & Recreation and Wildlife. It is anticipated that these public lands will not be subject to future private well drilling.

It is expected that given the current low well densities, the nature of the bedrock fracture flow system, and the relatively high precipitation rate that impairing conditions between wells is unlikely. Likewise, because the request is fully mitigated for impacts to the main stem Yakima River, the project is considered water budget neutral and without impairing effects to the surface water system.

#### Water Availability

For water to be available for appropriation, it must be both physically and legally available.

##### *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.

Based on the hydrogeologic setting and limited well data, groundwater is considered to be physically available within the study area Naches Formation bedrock aquifer for the above request.

### ***Legal Availability***

To determine whether water is 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.
- Ecology 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.

Legal availability is ultimately a permitting and management decision that is, in part, based on the information below; therefore, water is considered to be legally available.

### ***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 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.

On April 7, 2011, Ecology issued a Report of Examination (ROE) No. CS4-00626CTCL@2sb7 authorizing Suncadia LLC to permanently transfer a total of 195 ac-ft/yr of their October 30, 1884 Yakima River water right to the TWRP for the purpose of instream flow and water banking to offset the consumptive use associated with new groundwater uses in the Yakima Basin. The applicant has entered into a contract with Suncadia for a beneficial interest in a portion of Trust Water Right No. CS4-00626CTCL@2sb7 in order to offset the consumptive use portion of this proposal. The consumptive use portion to be debited from Trust Water Right CS4-00626CTCL@2sb7 is 3.064 ac-ft, which includes the contracted amount between Suncadia and the applicant (2.877 ac-ft) plus water to be added to Parker (0.187 ac-ft).

### **Water Duty**

In planning a project, source capacity must be considered and recognized. Lacking metered water-use records, Ecology relied on the Yakima River Basin Water Rights Adjudication: Report of Referee, Subbasin No. 2 (ROR) to set maximum instantaneous rate of withdrawal. According to the ROR, "The upper part of the Easton basin, due to its shorter growing season, higher elevation and precipitation, has a lower water duty than the lower basin." Therefore, "For each irrigated acre, the Referee has calculated the maximum instantaneous rate of diversion to be 0.02 cfs (9\* gpm). \*Rounded up.

### **Beneficial Use**

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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**

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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 consideration during the consideration of this application.

#### *Consideration of Protests and Comments*

No protests were filed against this application.

### **Conclusions**

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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**

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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**

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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:

- 36.00 gpm distributed between 3 sources.
- 3.46 ac-ft/yr, (0.392 ac-ft/yr for single domestic and 3.058 ac-ft/yr for irrigation).

- For continuous, year-round single domestic (without irrigation of lawn/garden) and for seasonal irrigation for up to 4 acres (depending on crop-type planted) between June 1 and September 30 annually.

**Points of Withdrawal**

- 1 existing well located within the SW¼ of Section 3, Township 20 N., Range 13 E.W.M., and
- 2 proposed wells to be determined within either the SW¼ of Section 3, or the SE¼ of Section 4, Township 20 N., Range 13 E.W.M.

**Place of Use**

**TRACT A:**

PARCEL 3 OF THAT CERTAIN Survey as recorded August 2, 1991, in Book 18 of Surveys, pages 33 and 34, under Auditor's File No. 541569, records of Kittitas County, state of Washington; being a portion of the SE¼ of Section 4, T. 20 N., R. 13 E.W.M., in the county of Kittitas, state of Washington.

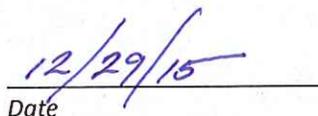
**TRACT B:**

Parcels A-2-1 and A-2-2 of that certain Survey as recorded May 16, 1995, in Book 20 of Surveys, pages 246 and 247, under Auditor's File No. 581504, records of Kittitas County, state of Washington; being a portion of the NW¼ and the SW¼ of Section 3, T. 20 N., R. 13 E.W.M., Kittitas County, state of Washington.

(Parcel Nos. 18474 and 492836 (improvement site listed under 2 parcel numbers and must be sold together), 17758 and 472836 ((improvement site listed under 2 parcel numbers and must be sold together), and 710836.)



Candis L. Graff, Report Writer



Date

*If you need this document in a format for the visually impaired, 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.*

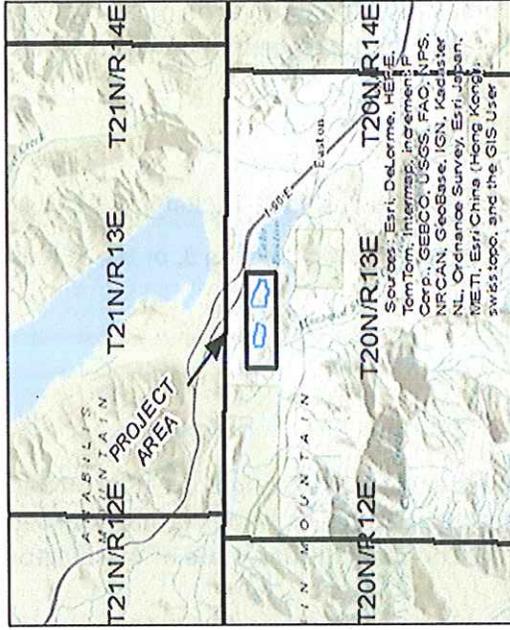
**Selected References**

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John E. Acord, "Report of Referee, Re: Subbasin No. 2," Superior Court of the State of Washington, Yakima County, June 20, 1994, pp. 2-3.

ATTACHMENT 1

EASTON FARMS, LLC  
 G4-35705  
 Secs. 03, 04, T20N/R13E. W.M.  
 WR1A 39 - Kittitas County

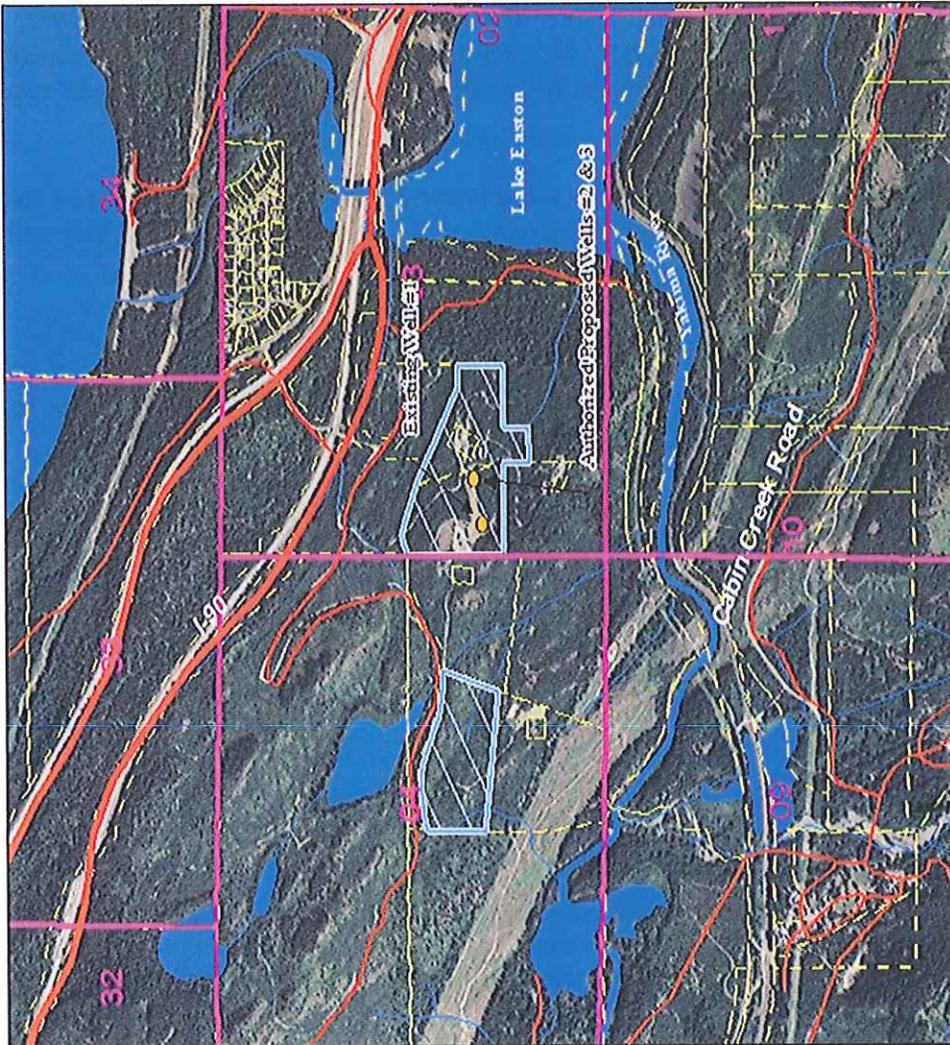


Basemap - (ESRI US Topographic Maps)

Legend

- Authorized Place of Use
- Parcels
- Major Highways
- Townships
- Water Bodies
- Sections
- Authorized Point of Withdrawal

**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.



Basemap - (NADP 2011 1m color Map)  
 Scale: 0 700 1,400 2,800 4,200 5,600 Feet

Map Date: 3/23/2015

