



State of Washington
REPORT OF EXAMINATION
FOR WATER RIGHT APPLICATION

PRIORITY DATE September 2, 2011	WATER RIGHT NUMBER G4-35517P	
MAILING ADDRESSES	<p>WILLIAM RISS 1615 94TH AVE NE CLYDE HILL WA 98004</p>	<p>SITE ADDRESS Highway 93/Ronald Rd Cle Elum WA 98922</p>
ON BEHALF OF:		
<p>Todd Allen, Jenni Sears, Tobin & Katherine Sears, & Gregory & Illya Cusanza 3612 35th Ave SW Seattle WA 98126 (Parcel No. 20348)</p>		
<p>Edward & Shealia Raught PO Box 279 Carnation WA 98014 (Parcel No. 20559)</p>	<p>Kathleen A. Rogers 15927 SE 41st Pl Bellevue WA 98006 (Parcel No. 20343)</p>	
<p>Erez & Charlotte Yarkoni 5618 Old Stump Dr NW Gig Harbor WA 98332 (Parcel No. 20563)</p>	<p>Paul & Lois Boyer 27208 SE 27th St Sammamish WA 98075 (Parcel 20561)</p>	
<p>Terry & Karen Gilmore 2101 N Columbia River Rd Pasco WA 99301 (Parcel No. 20558)</p>	<p>Michael Little & Sally Patton PO Box 969 Cle Elum WA 98922 (Parcel No. 036935)</p>	
<p>David & Mary Moyer 5230 111th Ave NE Kirkland WA 98033 (Parcel No. 176935)</p>	<p>Harvey, Pam, & Kyle Bush 4005 151st Ave SE Bellevue WA 98006 (Parcel No. 20553)</p>	
<p>Jared S & Charles M Pritchett 10815 Meadow Rd SW Lakewood WA 98499 (Parcel No. 20555)</p>	<p>William & Cheryl Sundby 2002 5th St SE Puyallup WA 98372 (Parcel Nos. 16620 & 20479)</p>	
<p>Martha Troglia 2516 NW Stoney Creek Dr Issaquah WA 98027 (Parcel No. 20554)</p>	<p>James & Lois Doreen 589 Saddleback Lp Way NW Issaquah WA 98027 (Parcel No. 20554)</p>	

Quantity Authorized for Withdrawal

WITHDRAWAL RATE	UNITS	ANNUAL QUANTITY (AC-FT/YR)
25*	GPM	5.378

Purpose

PURPOSE	WITHDRAWAL OR DIVERSION RATE			ANNUAL QUANTITY (AC-FT/YR)		PERIOD OF USE (mm/dd)
	ADDITIVE	NON-ADDITIVE	UNITS	ADDITIVE	NON-ADDITIVE	
Domestic multiple	25		GPM	5.097		01/01 - 12/31
Irrigation		25	GPM	0.281		06/01 - 09/30

*The individual instantaneous quantity from each of the five proposed wells is 4.48 gallons per minute, identified by Ecology's unique Well Tag IDs AGM634, AGM635, AGM643, AGM644, and AGM645. The **combined** maximum instantaneous quantity from the five proposed wells shall not exceed 125 gallons per minute between all 27 connections.

IRRIGATED ACRES		PUBLIC WATER SYSTEM INFORMATION	
ADDITIVE	NON-ADDITIVE	WATER SYSTEM ID	TOTAL CONNECTIONS
0.149		Five (The Crest) Group B Water Systems Pending	27

Source Location

COUNTY	WATERBODY		TRIBUTARY TO				WATER RESOURCE INVENTORY AREA		
KITTITAS	GROUNDWATER						39-UPPER YAKIMA		
SOURCE FACILITY	PARCEL	WELL TAG	TWN	RNG	SEC	QQ Q	LATITUDE	LONGITUDE	DATUM
Well #1	20347	AGM634	21 N	14 EWM	34	NE¼NE¼	47.27438	-121.06297	NAD83
Well #2	20557	AGM635	21 N	14 EWM	34	NE¼NE¼	47.27195	-121.06544	
Well #3	20556	AGM643	21 N	14 EWM	34	NE¼NE¼	47.27225	-121.06584	
Well #4	20564	AGM644	21 N	14 EWM	34	NW¼NE¼	47.27382	-121.06885	
Well #5	20553	AGM645	21 N	14 EWM	34	NW¼NE¼	47.27418	-121.07092	

Places of Use (See Attached Map)

PARCELS (NOT LISTED FOR SERVICE AREAS)

20348, 20559, 20343, 20563, 20561, 20558, 036935, 176935, 20553, 20555, 20554, 16620, and 20479

LEGAL DESCRIPTION OF AUTHORIZED PLACES OF USE

See Attachment 1

Proposed Works

Well #1 (AGM634): The well was drilled in 2002 to 437 feet deep with a 6-inch casing and uses a Berkeley submersible 5 HP pump, three 119-gallon pressure tanks, and a 2-inch water main from the well distribution system, which serves a residential system of 7 total connections.

Well #2 (AGM635): The well was drilled in 2002 to 595 feet deep with a 6-inch casing and uses a Goulds submersible 2 HP pump, three 119-gallon pressure tanks, and a 2-inch water main from the well distribution system, which serves a residential system of 3 total connections.

Well #3 (AGM643): The well was drilled in 2002 to 215 feet deep with a 6-inch casing and uses a Franklin submersible 3 HP pump, three 119-gallon pressure tanks, and a 2-inch water main from the well distribution system, which serves a residential system of 8 total connections.

Well #4 (AGM644): The well was drilled in 2002 to 719 feet deep with a 6-inch casing and uses a Goulds submersible 3 HP pump, three 119-gallon pressure tanks, and a 2-inch water main from the well distribution system, which serves a residential system of 4 total connections.

Well #5 (AGM645): The well was drilled in 2002 to 579 feet deep with a 6-inch casing and uses a Berkeley submersible 3 HP pump, three 119-gallon pressure tanks, and a 2-inch water main from the well distribution system, which serves a residential system of 5 total connections.

Domestic wastewater will be discharged to individual or group on-site septic systems, pursuant to the Declaration of Covenants signed by the subject applicant(s).

Development Schedule		
BEGIN PROJECT	COMPLETE PROJECT	PUT WATER TO FULL USE
Begun	December 31, 2030	December 31, 2032

Measurement of Water Use	
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

Wells, Well Logs and Well Construction Standards

The subject wells and the right to use water from them are restricted to and authorized for the Lower Roslyn Formation (LRF).

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.

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.

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.

The applicants and owners of Parcel Nos. 20559 and 20561 (Boyer and Raught) and whose property intersects with Spring Creek, must obtain Hydraulic Project Approval from the Washington Department of Fish and Wildlife for all construction activities occurring within the high water mark of Spring Creek. Please contact the Department of Fish and Wildlife, Region 2, 3860 Chelan Hwy N., Wenatchee, WA 98801, or by telephoning Graham Simon at 509-662-0503.

Measurements, Monitoring, Metering and Reporting

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.

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 the Department of Ecology by January 31st of each calendar year.

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.

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.

Water Level Measurements

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 (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.

Department of Health Requirements

Prior to any new construction or alterations of a public water supply system, the State Board of Health rules require public water supply owners to obtain written approval from the Office of Drinking Water of the Washington State Department of Health. Please contact the Office of Drinking Water prior to beginning (or modifying) your project at DOH/Division of Environmental Health, 16201 E. Indiana Avenue, Suite 1500, Spokane Valley, WA 99216, (509) 329-2100.

Easement and Right-of-Way

The water source and/or water transmission facilities are not wholly located upon land owned by the applicant. Issuance of a water right 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.

Water Use Efficiency

Use of water under this authorization shall be contingent upon the water right holder's maintenance of efficient water delivery systems and use of up-to-date water conservation practices consistent with established regulation requirements and facility capabilities.

Proof of Appropriation

Final beneficial use calculations for each connection to the proposed "Crest @ Lake Cle Elum Home Owners Association" water system, either independently or combined, shall be determined during the investigation at the Proof of Appropriation stage.

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.

Schedule and Inspections

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.

General Conditions

The applicant will pay to Ecology the sum of \$762.72, which represents a proportionate amount of the payment due and owing to the United States for storage and deliver of water under paragraph 15(a) of the 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, 2009¹. The consumptive use of 0.937 acre-feet from September 1 through March 31 is subject to the terms and conditions in the Water Storage and Exchange Contract No. 09XX101700.

The applicant(s) 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. 20348, 20479, 20553, 20554, 20555, 20558, 20559, 20343, 20561, 20563, 036935, 176935, and 16620.

The applicant will record with the Kittitas County Auditor an appropriate conveyance instrument under which the applicant obtains an interest in Trust Water Right No. S4-05259CTCL@2sb7 to offset consumptive use.

Any valid priority calls against the source Trust Water Right No. S4-05259CTCL@2sb7, 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.

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 August 22, 2011.

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. G4-35517, 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 Hearing 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.

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

Signed at Yakima, Washington, this 14 day of MAY 2012



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

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>.

BACKGROUND

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 and WAC 173-539A).

Project Description

On September 2, 2011, William J. Riss of Clyde Hill, Washington, (the applicant) on behalf of Todd Allen of Seattle, Washington, Gregory and Illya Cusanza of Redmond, Washington, Jenni Sears of Phoenix, Arizona, and Tobin and Katherine Sears of Fall City, Washington, Edward and Shealla Raught of Carnation, Washington, Kathleen Rogers of Bellevue, Washington, Erez and Charlotte Yarkkoni of Gig Harbor, Washington, Paul and Lois Boyer of Sammamish, Washington, Terry and Karen Gilmore of Pasco, Washington, Michael Little and Sally Patton of Cle Elum, Washington, David and Mary Anne Moyer of Kirkland, Washington, Harvey and Pam Bush and Kyle Bush of Bellevue, Washington, Jared and Charles Pritchett of Lakewood, Washington, Martha Troglia and Jim and Lois Doreen of Issaquah, Washington, and William and Cheryl Sundby of Puyallup, Washington, filed an application with the Washington State Department of Ecology (Ecology) for a water right permit to appropriate public groundwater. The application was assigned Application No. G4-35517. The applicant requested authorization for a collective instantaneous withdrawal (Qi) of 220 gallons per minute (gpm) and an annual withdrawal volume (Qa) of 5.097 acre-feet per year (ac-ft/yr) for thirteen residences and 0.281 ac-ft/yr for 0.149 acre (6,500 square feet) of incidental lawn and garden irrigation. Five existing wells are proposed under this application; and while this application requests appropriation from five proposed wells for thirteen residences, a collective total of twenty-seven residences within the Crest @ Lake Cle Elum Water System potentially plan to use the five wells for domestic and irrigation of incidental lawn and garden use.

The applicant intends to mitigate for consumptive use under the requested appropriation through the purchase of mitigation certificates from the Suncadia Water Exchange. The Suncadia Water Exchange was established by transferring Court Claim Nos. 05259 and 00626 into the Trust Water Right Program (TWRP). Consumptive loss resulting from the applicant's proposed use will be offset with Trust Water Right No. S4-05259CTCL@2sb7.

Attributes of Proposal

Table 1: Application Summary

Name	William J. Riss
Priority Date	9/2/2011
Instantaneous Rate	220 gpm (combined rate)
Annual Quantity	5.378 ac-ft/yr
Purpose(s) of Use	Domestic Multiple (DM), Irrigation (IR)
Period of Use	Year-round/Seasonal
Place(s) of Use	Parcel Nos. 20348, 20559, 20343, 20563, 20561, 20558, 036935, 176935, 20553, 20555, 20554, 16620, and 20479

Table 2: Proposed Sources of Withdrawal

Source Name	Parcels	Well Tag	Twp	Rng	Sec	QQ Q
Well #1	20347	AGM634	21 N	14 EWM	34	NE¼NE¼
Well #2	20557	AGM635	21 N	14 EWM	34	NE¼NE¼
Well #3	20556	AGM643	21 N	14 EWM	34	NE¼NE¼
Well #4	20564	AGM644	21 N	14 EWM	34	NW¼NE¼
Well #5	20553	AGM645	21 N	14 EWM	34	NW¼NE¼

Legal Requirements for Approval of Appropriation of Water

RCWs 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 through 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 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 of Ellensburg, Washington during the weeks of October 18 and October 25, 2011.

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). Official notice was provided on November 7, 2011, during a Yakima Water Transfer Workgroup (WTWG) meeting. A positive response was received 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 feet per second, unless that project is for agricultural irrigation, in which case the threshold is increased to 50 cubic feet per second, 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, it is categorically exempt from SEPA and a threshold determination is not required.

INVESTIGATION

Site Visit

A site visit was performed on August 16, 2011, by Candis Graff and Anna Hoselton from Ecology, on behalf of a previous Spring Creek Application No. G4-35510. Global Positioning Satellite (GPS) coordinates were taken of the area wells.

Other Rights Appurtenant to the Place-of-Use

No other water rights are appurtenant to the proposed places-of-use. Other water rights within 0.5-mile vicinity are summarized in **Attachment 2**.

Proposed Use and Basis of Water Demand

The December 2009 Water System Design Manual² (WSDM) 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.

² Department of Health, "Water System Design Manual," Olympia, WA, 2009, pp. 27-32, www.doh.wa.gov/ehp/dw/Publications/331-123.pdf, accessed on January 4, 2011.

According to the WSDM, "For new water systems with no source meter records, the design engineer can use information from analogous water systems or the information in Appendix D to estimate ADD and 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 sizes, 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 gpd/ERU.

The MDD values are set at 350 gpd/equivalent residential unit, 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 use and 90% of outdoor domestic use is assumed to be consumptive.

Monthly and annual indoor totals for domestic water use at full build-out of the project were calculated based on the proposed 13 ERU, DOH's MDD, Ecology's *Guidance Document 1210, Determining Irrigation Efficiency and Consumptive Use*, the *Washington Irrigation Guide* (WIG) 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 that outdoor use is 90% consumptive, consistent with WAC 173-539A, and applying the WIG's CIR, the outdoor water requirement for 6,500 square feet (0.149 acres) of grass is 0.281 acre-feet per year. The calculated consumptive use and total calculations are summarized in **Table 3**.

Table 3: *Estimated Total (Indoor and Outdoor) and Consumptive Use

	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Annual
Total Use (acre-feet)	.433	.391	.433	.419	.433	.419	.433	.433	.419	.433	.419	.433	5.378
Consumptive (acre-feet)	.130	.117	.130	.126	.130	.172	.221	.015	.197	.174	.130	.126	1.782

*Quantities are rounded.

Further, to arrive at the instantaneous (Qi) water duty for this proposal, Ecology used the technical rationale for the water duty authorized in the previous permit authorization nos. G4-35414, G4-35418, G4-35419, G4-35420, G4-35459, G4-35462, G4-35465, and G4-35510, which also authorize water to be withdrawn from Well No. 1 (AGM634), Well No. 2 (AGM643), and Well No. 3 (AGM644) at a rate of 4.48 gpm per connection and an up to 25 gpm per source. Pump tests also substantiate this calculation.

Hydrologic/Hydrogeologic Evaluation

The following hydrologic/hydrogeologic sections were prepared in a technical memorandum dated February 23, 2011, and modified later on September 6, 2011, and again on February 7, 2012, to include the subject wells for this application, by licensed hydrogeologist, Anna Hoselton and seeks to address, by way of discussion, analysis, and evaluation, physical availability, and potential for impairment to existing water users.

³ Ibid, p. 28.

Hydrogeologic Discussion

The primary hydrogeologic unit underlying Section 34, T. 21 N., R. 14 EW.M., and general vicinity is the lowermost of the three (upper, middle, lower) members that compose the Eocene Roslyn Formation. The lower half of the LRF is composed of interbedded rhyolite flows and tuffs, tuffaceous to arkosic sandstones, conglomerates, siltstones, claystones and carbonaceous shales consisting of "thin dirty coal beds" (Walker, 1980). The upper portion of the LRF, however, lacks the rhyolite flows and carbonaceous shale interbeds, is finer grained and contains fewer conglomeratic sandstones (Wilson, 2008). Tabor, et al. (2000) noted that the LRF contains discernable crossbedding, pebble stringers, and cut and fill structures giving evidence that deposition occurred in a fluvial environment. The LRF conformably overlies the Teanaway Formation basalts and has a basal unit that is often found to be darker in color, red to red-brown, than the more commonly white to yellow to pale orange colored beds higher up in the section (Tabor et al., 2000). The LRF constitutes about 3,000 ft of the otherwise approximately 8,500 ft total thickness of the entire Roslyn Formation (Walker, 1980; Tabor, et al., 1984 and 2000). The LRF, unlike the upper Roslyn Formation (URF), has not been impacted by coal mining extraction.

Within the boundaries described above, the LRF generally dips south-southeast and strikes east-northeast reflecting an eastward bending of the southern half of the synclinal structure that forms the Roslyn Basin. Locally, mapped dip angles for the LRF range from between 15 and 30 degrees (Tabor, et al., 2000). In this area, thin alluvial sediments blanket the upper slopes of the LRF and gradually thicken in a down slope direction to where they come in contact with and interfinger with glacial drift sediments that dominate the lower slopes along the Lake's edge. Beyond the Lake's edge, the Lake bottom is composed of fine-grained lacustrine clays that overlie bedrock, including the LRF, and impede leakage from the Lake bottom (Link, 1989). Upstream of the Cle Elum Lake dam, the Lake bottom sediments were found to be approximately 25 to 45 feet thick during construction; however, thickness of the fine-grained lacustrine sediments was not determined in the vicinity of the dam itself. Link also noted that in some places erosional "windows" in the lake bottom clays had cut down into the underlying more permeable sediments and, as a result, required plugging or sealing to prevent seepage downstream of the dam.

The LRF, in the subject area, is recharged by local precipitation where the Formation outcrops at or near the land surface (diffuse infiltration) and where precipitation may enter the Formation by means of fracture systems (focused infiltration). Recharge is also assumed to enter the lower elevations of the western edge of the Formation by leakage of groundwater stored in the overlying alluvial and glacial sediments. Some small amount of recharge may enter down dipping LRF bedding along the reaches of Bear and Spring Creeks where they may flow over exposed units.

Groundwater flow within and discharge from the LRF will be influenced, in part, by the Formation's structural attitude. Additionally, secondary permeabilities will encourage preferential flow through units that have been fractured during faulting and folding. In the subject area, groundwater flow within the LRF is interpreted to generally follow a south-southeast or down dip direction. While variations in structural orientation may direct some groundwater eastward from the subject area into the Sandstone Creek basin, there are no springs identified in water right documents or on USGS topographic quads suggesting that is happening. Groundwater discharge from the LRF in the subject area is interpreted to be to area wells and to the overlying middle Roslyn Formation. It may be that Bear Creek, as suggested by its perennial characteristics, receives a small but sustaining volume of groundwater discharge from the LRF on its up-dip (north) side of the drainage, while Spring Creek with its intermittent characteristics may not receive enough groundwater discharge to sustain flows from the up-dip side of its drainage. The difference may be Bear Creek's proximity to the up dip LRF contact with the Teanaway Formation where recharge from the basalt unit may be entering the LRF.

The LRF's recharge/discharge relationship with Cle Elum Lake is, however, largely uncertain. The uncertainty occurs, in part because while the LRF outcrops east of Cle Elum Lake as described above, LRF outcrops are missing west of the Lake. West of the Lake, however, the underlying Teanaway Formation and a small wedge of the overlying middle member of the Roslyn Formation are present (Tabor, 2000). As a result, it can be reasonably concluded that the LRF's west most boundary terminates somewhere under the lake offshore of Section 28, 33, and 34 of T. 20 N., R. 14 E. Consequently, the LRF may derive recharge from Lake bottom leakage depending on head relationships. The LRF may possible, however, discharge to the lake bottom clays in a small area around the southeast end of Cle Elum Lake depending on the actual area exposure, structural attitude and head relationships. Additional study is needed to determine which may be occurring and what significance it may pose.

The stratigraphy of the LRF is extremely complex, so no attempt to identify and correlate every change in lithology as recorded by well drillers, on area logs, was made. However, depths to water bearing units recorded on the driller's logs of four wells (Well ID # AGM635, AGM643, AGM644, and AGM645) whose approximate locations were known and recognized to be approximately parallel to dip were given further consideration. Depths to the well's water bearing units were converted to elevations and compared. The comparison suggested the water bearing units correlate reasonably with the Formation's local dip angles and direction. Additionally, the four well's static water levels (swls) appear to suggest a general trend of deeper groundwater levels as well depth increases, a hydrogeologic characteristic consistent with the behavior of a recharge area. Aquifer properties are expected to be anisotropic and heterogenous because of the LRF's depositional, erosional and deformational history. Transmissivities reflecting primary porosities, within the LRF, are expected to be in the low to moderate range for sandstone/shale units, while transmissivities reflecting secondary porosities are likely to be higher.

Well ID # AGM634, AGM643, and AGM644, are constructed into and withdraw groundwater from the lower member of the Roslyn Formation sandstones/shales. Well ID # AGM635 and AGM645 are likewise constructed into and withdraw groundwater from the lower member of the Roslyn Formation sandstones/shales.

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).

Impairment, Qualifying Ground Water Withdrawal Facilities, and Well Interference

Qualifying groundwater withdrawal facilities are defined as those wells which in the opinion of the Department are adequately constructed. An adequately constructed well is one that (a) is constructed in compliance with well construction requirements; (b) fully penetrates the saturated thickness of an aquifer or withdraw water from a reasonable and feasible pumping lift (WAC 173-150); (c) the withdrawal facilities must be able to accommodate a reasonable variation in seasonal pumping water levels; and (d) the withdrawal facilities including pumping facilities must be properly sized to the ability of the aquifer to produce water.

Well interference may occur when several wells penetrate and withdraw groundwater from the same aquifer. Each pumping well creates a drawdown cone. When several wells pump from the same aquifer, well density, aquifer characteristics, and pumping demand may result in individual drawdown cones that intersect and form a composite drawdown cone. At any point in an aquifer, the composite drawdown caused by pumping wells will be greatly influenced by the transmissivity (T) of the aquifer. In aquifers with high Ts, composite drawdown will generally be much less than in aquifers with similar properties but with low Ts. Transmissivity is related to hydraulic conductivity (K) and the saturated thickness (b) of an aquifer by the relationship $T = Kb$.

An aquifer's hydraulic conductivity (K) is derived from the physical properties of both the fluid and geologic materials that form an aquifer. Once formed, an aquifer's saturated thickness (b) becomes important in evaluating its transmissivity. For regions of similar K in an aquifer, a large saturated thickness will result in a much higher T than a small saturated thickness. As a result, regions of similar K in an aquifer with a large saturated thickness will experience less composite drawdown or well interference than with a small saturated thickness.

Some conditions, however, will increase or steepen composite drawdown in an aquifer. For instance, where characteristics (such as very fine, clay-rich, or poorly sorted sediments) of an unconfined aquifer cause significant drawdown relative to the saturated thickness, the composite drawdown will increase as saturated thickness is reduced and T becomes smaller. Additionally, in regions where negative or no-flow boundaries occur, such as near the edges of a valley fill aquifer where it is bounded by bedrock, composite drawdown will be steeper than in the central part (generally the greatest thickness region) of the aquifer. Consequently, it is commonly understood that the greatest composite drawdown or well interference is more likely to occur in regions of low transmissivities, thin saturated thicknesses and near negative or no-flow boundaries than in regions of high transmissivities, large saturated thicknesses, and away from negative or no-flow boundaries.

The concepts discussed above come together when potential for impairment is being considered. For example, to claim impairment, a groundwater right holder must have a qualifying groundwater withdrawal facility and be able to demonstrate that withdrawals by another groundwater user is causing an impairing effect along with showing there is a right to protect and other factors (please refer to WAC 173-150). Consequently when a proposed withdrawal is evaluated, consideration is given to how the withdrawal may affect other existing groundwater users.

Impairment between groundwater uses is not anticipated, however, if effects on Spring Creek are an issue of concern, then additional mitigation may be necessary.

Water Availability, Planned Mitigation, & Water Duty

Water availability includes physical availability (for example, productivity of the aquifer) and legal availability (for example, closure of basins to future appropriations).

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.

Consequently, as discussed above, groundwater appears to be physically available.

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 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.

Under WAC 173-539A all groundwater in upper Kittitas County, including the project site discussed in this proposal, was withdrawn from further appropriation, except where the new appropriation is water budget neutral. The rule defines water budget neutral as "...an appropriation or project where withdrawals of groundwater of the state are proposed in exchange for discharge of water from the other water rights that are placed into the trust water right program were such discharge is at least equivalent to the amount of consumptive use".

The appropriation proposed under the subject application will be water budget neutral by dedicating 1.782 ac-ft/yr of consumptive use available from the Suncadia Exchange to mitigation purposes. Month-by-month mitigation is offered to account for the project's indoor and outdoor uses during the trust water right's irrigation season (April 1-August 31). Out of irrigation season (September-March 31) use will be mitigated through an acceptable storage and release program to address out-of-season impacts. Table 3 above represents the estimated monthly consumptive use for the project.

Beneficial Use

The uses of water for multiple domestic and incidental irrigation purposes 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.

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:

- 4.48 gallons per minute at each source.
- 5.378 acre-feet per year (5.097 ac-ft/yr for multiple domestic and 0.281 ac-ft/yr for irrigation).
- Continuous indoor multiple domestic for up to 13 residences.
- Seasonal irrigation of up to 0.149 acres (6,500 square feet) of lawn and garden from June 1 through September 30 annually.

Points of Withdrawal

Well #1 (AGM634) approximately 328 feet west and 250 feet south from the northeast corner of Section 34, being within the NE¼NE¼ of Section 34, T. 21 N., R. 14 E.W.M.

Well #2 (AGM635) approximately 947 feet west and 1149 feet south from the northeast corner of Section 34, being within the NE¼NE¼ of Section 34, T. 21 N., R. 14 E.W.M.

Well #3 (AGM643) approximately 1048 feet west and 1053 feet south from the northeast corner of Section 34, being within the NE¼NE¼ of Section 34, T. 21 N., R. 14 E.W.M.

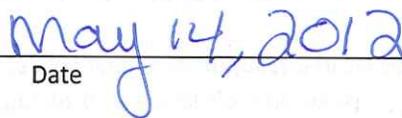
Well #4 (AGM644) approximately 1785 feet west and 484 feet south from the northeast corner of Section 34, being within the NW¼NE¼ of Section 34, T. 21 N., R. 14 E.W.M.

Well #5 (AGM645) approximately 2309 feet west and 332 feet south from the northeast corner of Section 34, being within the NW¼NE¼ of Section 34, T. 21 N., R. 14 E.W.M.

Place of Use

As described in **Attachment 1** of this Report of Examination.


Candis L. Graff, Water Resources Program


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.

ATTACHMENT 1: LEGAL DESCRIPTION FOR PLACES OF USE

Parcel 11 of that certain Survey as recorded August 12, 2004, in Book 30 of Surveys, page 115, under Auditor's File No. 200408120039, records of Kittitas County, Washington; being a portion of the NE¼ of Sec. 34, T. 21 N., R. 14 E.W.M. in the county of Kittitas, State of Washington. (Parcel No. 20348.)

Lots 4B & 4C of that certain Survey as recorded August 9, 2007, in Book 34 of Surveys, page 112, under Auditor's File No. 200708090039, records of Kittitas County, Washington; being a portion of Lots 4B and 4C of APEX ENTERPRISES LLC SHORT PLAT, Kittitas County Short Plat No. 02-17, as recorded February 10, 2005, in Book H of Short Plats, pages 12 and 13, under Auditor's File No. 200502100044, records of Kittitas County, State of Washington; being a portion of the NE¼ of Sec. 34, T. 21 N., R. 14 E.W.M. in the county of Kittitas, State of Washington. (Parcel No. 20559.)

Parcel 6 of that certain Survey as recorded in Book 30 of Surveys, page 115, under Auditor's File No. 200408120039, records of Kittitas County, Washington; being a portion of the NE¼ of Sec. 34, T. 21 N., R. 14 E.W.M. in the county of Kittitas, State of Washington. (Parcel No. 20343.)

Lot 2C of BULLFROG FLATS LLC SHORT PLAT, Kittitas County Short Plat No. 02-13, as recorded February 10, 2005, in Book H of Short Plats, pages 14 and 15, under Auditor's File No. 200502100045, records of Kittitas County, State of Washington; being a portion of the NE¼ of Sec. 34, T. 21 N., R. 14 E.W.M. in the county of Kittitas, State of Washington. (Parcel No. 20563.)

Lots 4C & 4D of that certain Survey as recorded August 9, 2007, in Book 34 of Surveys, page 112, under Auditor's File No. 200708090039, records of Kittitas County, Washington; being a portion of Lots 4C and 4D of APEX ENTERPRISES LLC SHORT PLAT, Kittitas County Short Plat No. 02-17, as recorded February 10, 2005, in Book H of Short Plats, pages 12 and 13 under Auditor's File No. 200502100044, records of Kittitas County, State of Washington; being a portion of the NE¼ of Sec. 34, T. 21 N., R. 14 E.W.M. in the county of Kittitas, State of Washington. (Parcel No. 20561.)

Lot 3D, TIMBER POND LLC SHORT PLAT, Kittitas County Short Plat No. 02-14, as recorded in Book H of Short Plats, pages 10 and 11, under Auditor's file No. 200502100043, records of Kittitas County, Washington; being a portion of the NE¼ of Sec. 34, T. 21 N., R. 14 E.W.M., in the county of Kittitas, State of Washington. (Parcel No. 20558.)

Lot 2A of the Bullfrog Flats LLC Short Plat, Kittitas County Short Plat No. SP-02-13, as per short plat recorded in Book H of Short Plats, pages 14 and 15, under Auditor's File No. 200502100045, records of Kittitas County, State of Washington. **EXCEPT** that portion of said Lot 2A which lies northwesterly of the following described line: Beginning at the northwest corner of said Lot 2A; thence South 89°24'28" East along the north boundary of said Lot 2A 192.69 feet to the northeast corner of said Lot 2A and the TRUE POINT OF BEGINNING of said line; thence South 24°10'23" West 275.26 feet to the southwestern boundary of said Lot 2A and the terminus of said line. (Parcel No. 036935.)

Lot 1A of the Rye Patch LLC Short Plat, Kittitas County short Plat No. SP-02-10, as per short plat recorded in Book H of Short Plats, pages 16 and 17, under Auditor's File No. 200502100046, records of Kittitas County, State of Washington, **AND** that portion of Lot 2A of the Bullfrog Flats LLC Short Plat, Kittitas County Short Plat No. SP-02-13, as per short plat recorded in Book H of Short Plats, pages 14 and 15, under Auditor's File No. 200502100045, records of Kittitas County, State of Washington, which lies northwesterly of the following described line: Beginning at the northwest corner of said Lot 2A; thence South 89°24'28" East along the north boundary of said Lot 2A 192.69 feet more or less to the northeast corner of said Lot 2A and the TRUE POINT OF BEGINNING of said line; thence South 24°10'23" West 275.28 feet to the southwestern boundary of said Lot 2A and the terminus of said line. (Parcel No. 176935.)

Lot 1B of the Rye Patch LLC Short Plat, Kittitas County Short Plat No. SP-01-10, as per short plat recorded in Book H of Short Plats, pages 16 and 17, under Auditor's File No. 200502100046, records of Kittitas County, State of Washington. (Parcel No. 20553.)

Lot 1D of the Rye Patch LLC Short Plat, Kittitas County Short Plat No. SP-01-10, as per short plat recorded in Book H of Short Plats, pages 16 and 17, under Auditor's File No. 200502100046, records of Kittitas County, State of Washington. (Parcel No. 20555)

Lot 1C of the Rye Patch LLC Short Plat, Kittitas County Short Plat No. SP-01-10, as per short plat recorded in Book H of Short Plats, pages 16 and 17, under Auditor's File No. 200502100046, records of Kittitas County, State of Washington. (Parcel No. 20554.)

Lots 5A and 5B of TANEUM CREEK SHORT PLAT, Kittitas County Short Plat No. 02-22, as recorded January 7, 2005, in Book G of Short Plats, pages 231 and 232 under Auditor's File No. 200501070059, records of Kittitas County, State of Washington; being a portion of the N½ of the NE¼ of Sec. 34, T. 21 N., R. 14 E.W.M., in the county of Kittitas, State of Washington. (Parcel Nos. 16620 & 20479.)

ATTACHMENT 2: WATER RIGHTS WITHIN 0.5-MILE VICINITY

Table 4: Other Vicinity Water Rights

<i>Control Number</i>	<i>Document Type</i>	<i>Authorized/Claimed Annual Quantity (Qa)</i>	<i>Purpose</i>	<i>Source</i>
G4-CV3P1168	Certificate of Change	60 ac-ft/yr	DM	1 Well
CG3-22462C	Change/ROE	30 ac-ft/yr	MU	3 Wells
CG4GWC4396-A	Change/ROE	2 ac-ft/yr	DS	3 Wells
G4-22756C	Certificate	4 ac-ft/yr	CI	1 Well
G3-+20709C	Certificate	4 ac-ft/yr	DM	1 Well
G4-27075C	Certificate	2 ac-ft/yr	DS	1 Well
G4-35414P	Mitigated Permit	.414 ac-ft/yr	DS, IR	1 Well
G4-35418P	Mitigated Permit	1.241 ac-ft/yr	DM, IR	1 Well
G4-35419P	Mitigated Permit	.414 ac-ft/yr	DS, IR	1 Well
G4-35420P	Mitigated Permit	.414 ac-ft/yr	DS, IR	1 Well
G4-35465P	Mitigated Permit	.414 ac-ft/yr	DS, IR	1 Well
G4-35439P	Mitigated Permit	.176 ac-ft/yr	DS, IR	1 Well
G4-35440P	Mitigated Permit	.176 ac-ft/yr	DS, IR	1 Well
G4-35441P	Mitigated Permit	.176 ac-ft/yr	DS, IR	1 Well
G4-35442P	Mitigated Permit	.352 ac-ft/yr	DM, IR	2 Wells
G4-35510P	Mitigated Permit Pending	.414 ac-ft/yr	DS, IR	1 Well
G4-35462	Mitigated Permit	.414 ac-ft/yr	DS, IR	1 Well
G4-35459	Mitigated Permit	.435 ac-ft/yr	DS, IR	1 Well
S4-83004-J	Conditional Final Order	1 ac-ft/yr	IR	Spring Creek
S4-83005-J	Conditional Final Order	2 ac-ft/yr	DS, IR	Spring Creek
S4-83007-J	Conditional Final Order	0.5 ac-ft/yr	DS, RE	Unnamed Spring
G4-028177CL	Claim Long Form ⁴	Not Specified	DG	1 Well
G4-072947CL	Claim Long Form	2 ac-ft/yr	DG, IR	1 Well
G4-000079CL	Claim Long Form	40 ac-ft/yr	None Listed	1 Well
G4-154939CL	Claim Long Form	2 ac-ft/yr	DG	1 Well
G4-154937CL	Claim Long Form	0.5 ac-ft/yr	DG	1 Well
G4-001518CL	Claim Long Form	1.5 ac-ft/yr	DG, IR	1 Well
G4-038280CL	Claim Short Form	Not Specified	DG	1 Well
G4-033805CL	Claim Long Form	0.75 ac-ft/yr	DG	1 Well
G4-037381CL	Claim Long Form	160 ac-ft/yr	DG, IR	1 Well
G4-039984CL	Claim Short Form	Not Specified	DG, IR	1 Well
G4-013221CL	Claim Long Form	2 ac-ft/yr	DG	1 Well
G4-000078CL	Claim Long Form	30 ac-ft/yr	None Listed	1 Well
G4-113172CL	Claim Long Form	2 ac-ft/yr	DG	1 Well
G4-059812CL	Claim Long Form	1 ac-ft/yr	DG	1 Well

⁴The 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.

Control Number	Document Type	Authorized/Claimed Annual Quantity (Qa)	Purpose	Source
G4-004066CL	Claim Long Form	4 ac-ft/yr	DG, IR	1 Well
G4-059813CL	Claim Long Form	1 ac-ft/yr	DG	1 Well
G4-059811CL	Claim Long Form	1 ac-ft/yr	DG	1 Well
G4-016967CL	Claim Long Form	1 ac-ft/yr	DG	1 Well
G4-082322CL	Claim Short Form	Not Specified	DG	1 Well
G4-071664CL	Claim Long Form	Not Specified	DG	1 Well

Definitions: RE=Recreational or Beautification, MU=Municipal, DS=Domestic Single, CI=Commercial and Industrial, DM=Domestic Multiple, IR=Irrigation, DG=Domestic General

Certificate of Change No. G4-CV3P1168 is authorized for community domestic use for Driftwood Acres, a neighboring water system. Similarly, Change Authorization Nos. CG4-GWC4396-A and CG3-22462C also allow water to the Driftwood Acres water system. Each original certificate was modified to authorize combining the points of withdrawal of 3 wells through a common distribution system to provide water to the combined entire development.

Certificate No. G4-22756C is owned by Boulder Creek Enterprises and attests to the withdrawal of 4 ac-ft/yr for commercial use.

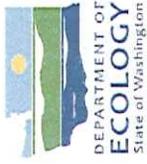
G3-+20709CWRIS authorizes water for domestic multiple for 4 acre-feet per year (ac-ft/yr) for up to 2 residences while G4-24075C authorizes water for the purpose of domestic single in the amount of 2 ac-ft/yr.

Water Budget Neutral or Mitigated Permit Nos. G4-35414P, G4-35418P, G4-35419P, G4-35420P, G4-35465P, G4-35439P, G4-35440P, G4-35441P, G4-35442P, G4-35462P, G4-35459P, and G4-35510 request similar amounts of water as the proposed request. Pending Mitigated Permit No. G4-35510 has not been approved but requests water for one residence and also is a part of the Crest @ Lake Cle Elum water system.

Adjudicated Surface Water Right No. S4-83004-J is for ½ acre of irrigation, S4-83005-J for one resident and irrigation, and S4-83007-J is similarly authorized for single domestic and related recreation/beautification purposes.

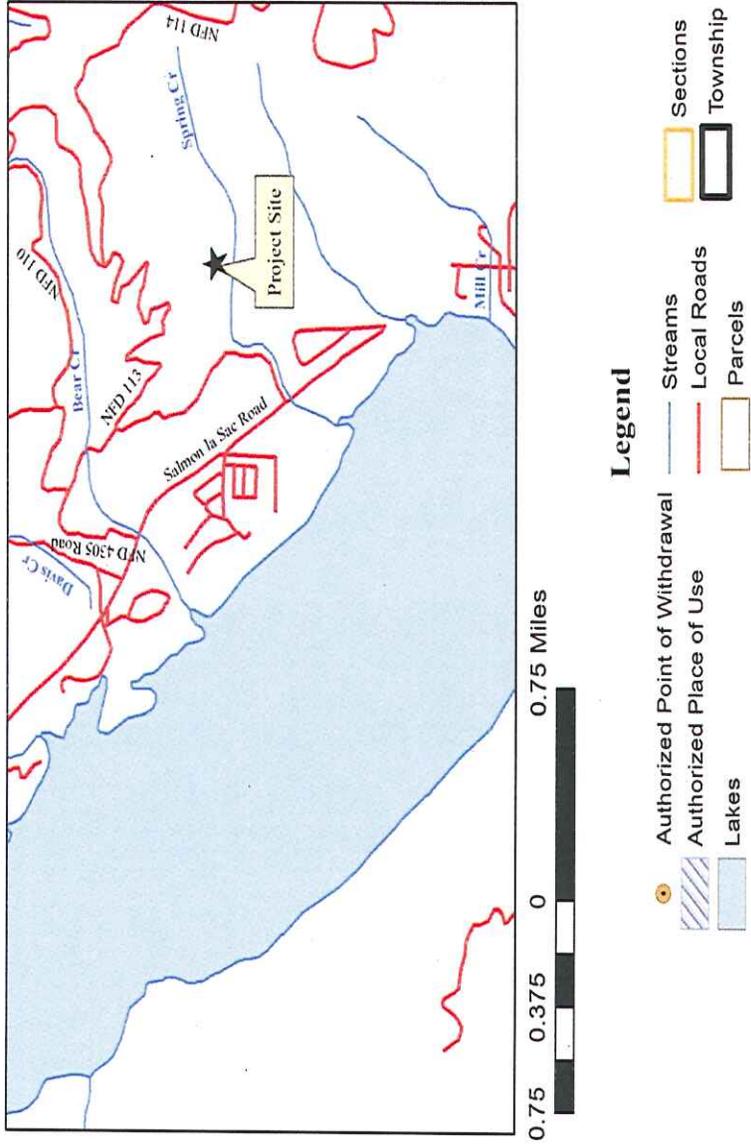
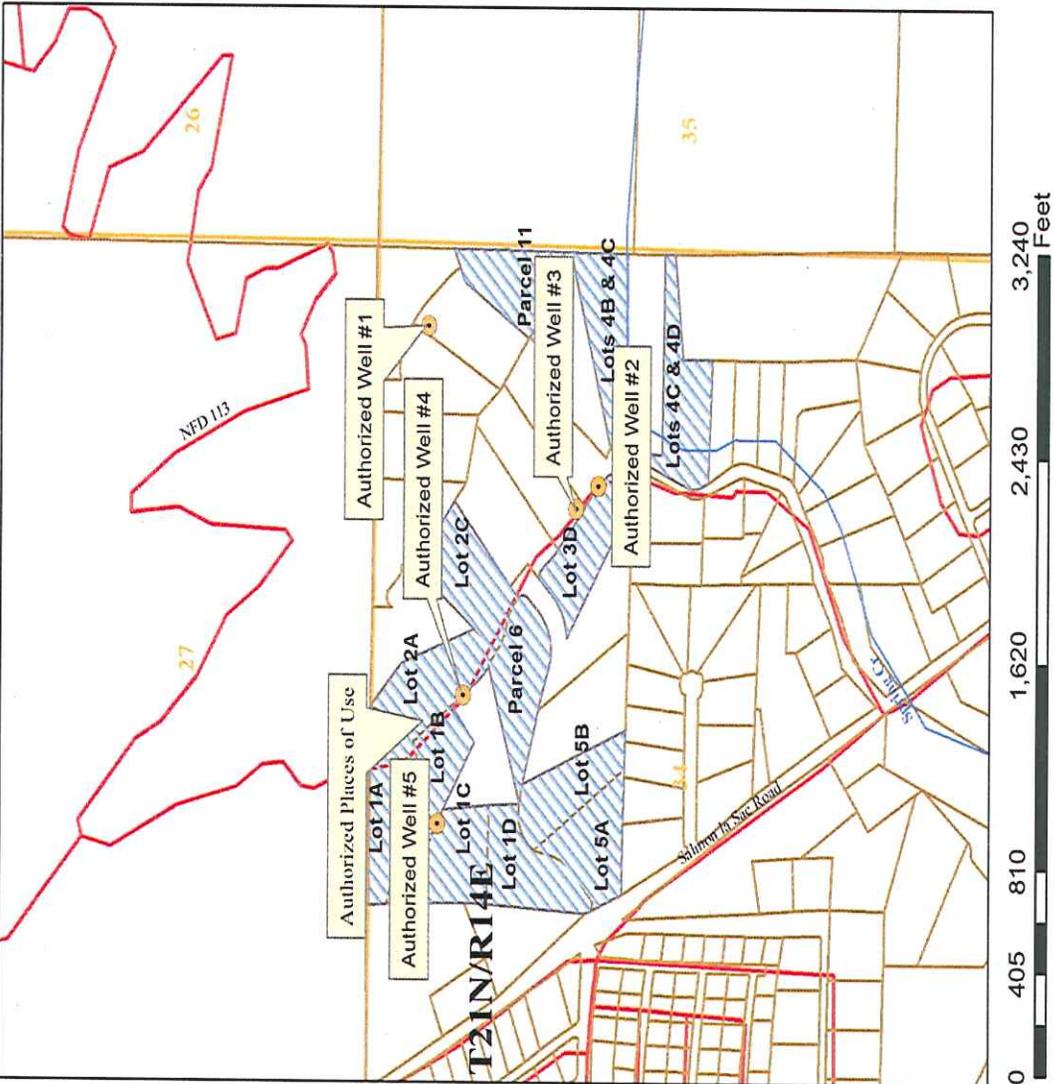
The validity of G4-028177CL, G4-000079CL, G4-038280CL, G4-039984CL, G4-000078CL, G4-082322CL, and G4-071664CL is suspect since there is either no reported water use or no purpose for water use.

The validity of Claim Nos. G4-072947CL, G4-154939CL, G4-154937CL, G4-001518CL, G4-033805CL, G4-037381CL, G4-013221CL, G4-113172CL, G4-059812CL, G4-004066CL, G4-059813CL, G4-059811CL, and G4-016967CL may also be in question since the reported dates of first use fall after the adoption of RCW 90.44: "Regulation of Public Ground Water of 1945."



William J. Riss
 Application No. G4-35517
 Sec. 34, T. 21 N., R. 14 E.W.M.
 WRIA 39 - Kittitas County

Attachment 3



Comments:
 Place of use and points of withdrawal are as defined on the cover sheet under the heading, 'LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED.'

REPORT OF EXAMINATION