File NR: G4-35739
WR Doc ID: 6413963

DEPARTMENT OF ECOLOGY
State of Washington

State of Washington
REPORT OF EXAMINATION
FOR WATER RIGHT APPLICATION

PRIORITY DATE
February 9, 2015

WATER RIGHT NUMBER
G4-35739

MAILING ADDRESS
TEANAWAY RIDGE, LLC
PO BOX 808
CLE ELUM, WA 98922

SITE ADDRESS (IF DIFFERENT)
UNKNOWN

Quantity Authorized for Withdrawal

WITHDRAWAL RATE	UNITS	ANNUAL QUANTITY (AF/YR)
250	GPM	29.57

Purpose

PURPOSE	WITHDRAWAL RATE			ANNUAL QUANTITY (AF/YR)		PERIOD OF USE (mm/dd)
	ADDITIVE	NON-ADDITIVE	UNITS	ADDITIVE	NON-ADDITIVE	
Domestic Multiple (up to 120 connections)	250		GPM	29.57		01/01 - 12/31

REMARKS

For the proposed 120 connections under this approval, the instantaneous quantity combined from the two wells identified by Ecology's Unique Well Tag Nos. BIN-651 and BIN-652 shall not exceed 250 gallons per minute (gpm), 29.57 acre-feet per year (af/yr).

Irrigation, including incidental lawn and/or garden is **not** authorized by this approval.

IRRIGATED ACRES		PUBLIC WATER SYSTEM INFORMATION	
ADDITIVE	NON-ADDITIVE	WATER SYSTEM ID	CONNECTIONS
0	0	AD362M (Palomino Fields)	120

Source Location

COUNTY	WATERBODY	TRIBUTARY TO	WATER RESOURCE INVENTORY AREA
KITTITAS	GROUNDWATER		39-UPPER YAKIMA

SOURCE FACILITY/DEVICE	PARCEL	WELL TAG	TWP	RNG	SEC	QQ Q	LATITUDE	LONGITUDE
Well #1	12586	BIN-651	18N	18E	22	SESW	47.02901	-120.57610
Well #2	12586	BIN-652	18N	18E	22	SESW	47.02870	-120.57609

Datum: NAD83/WGS84

Place of Use (See Attached Map)

PARCELS (NOT LISTED FOR SERVICE AREAS)

18-18-27020-0001, 18-18-27020-0002, 18-18-27020-0003, 18-18-27020-0015, 18-18-27020-0016, and 18-18-27020-0017

LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE

SEE ATTACHMENT 2

Proposed Works

Two wells exist. Well #1 (Ecology Unique Well Tag No. BIN-651) is 8-inches in diameter and 131-feet deep. This well has been shown to produce 60 gpm. Water can be withdrawn from this well using a 10-horsepower (hp) pump. Well No. 2 (Ecology Unique Well Tag No. BIN-652 and considered the "primary source") is 10-inch in diameter and 124-feet deep. This well has been shown to produce 100 gpm. A pump is not yet present for using this well. Both sources will be metered. "The wells are fed individually to the pump house through a totalizing source meter. The line then runs through two 119-gallon bladder tanks and then to the 3-inch water main."[1]

The Palomino Fields properties will be be served by two water systems—a Group A water system as authorized under this proposal for multiple indoor domestic use for an undetermined number of connections. A separate irrigation system will be delivered to the Palomino Fields water users by the Ellensburg Water Company.

Development Schedule

BEGIN PROJECT	COMPLETE PROJECT	PUT WATER TO FULL USE
Started	December 31, 2035	December 31, 2041

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

Measurement of Water Use

How often must water use be measured?	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 wells and the right to use water from them are restricted to and authorized for groundwater withdrawal from the consolidated and unconsolidated sediments aquifer within the Reecer/Currier Creek subbasin.
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

[1] Western Pacific Engineering and Survey, "Water System Plan: Palomino Fields Water System," Moses Lake, Washington, November 2015, page 192.

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 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.
4. Installation and maintenance of an access port as described in WAC 173-160- 291(3) is required for all sources identified.

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. Water use shall be recorded **weekly** and maintained by the applicant for a minimum of five years. The maximum, individual, and combined rater of withdrawal, and the annual individual total volume for each residence shall be submitted to Ecology by January 31st of each calendar year.
3. Recorded water use data shall be submitted via the Internet. To set up an Internet reporting account, contact the Central Regional Office. If you do not have Internet access, you can still submit hard copies by contacting the Central Regional Office for forms to submit your water use data.
4. WAC 173-173 describes the requirements for data accuracy, device installation and operation, and information reporting. It also allows a water user to petition the Department of Ecology for modifications to some of the requirements.

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. Department of Health Requirements

1. 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

E. Easement and Right-of-Way

1. The water source and/or water transmission facilities may not be 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.

F. 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.

G. 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.

H. Schedule and Inspections

1. Department of Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the project location, and to inspect at reasonable times, records of water use, wells, diversions, measuring devices and associated distribution systems for compliance with water law.

I. General Conditions

1. This authorization shall in no way excuse the permittee from compliance with any federal, state, or local statutes, ordinances, permits, or regulations, including those required and administered by other programs of the Department of Ecology.
2. You (applicant) will record with the Kittitas County Auditor a property covenant, which restricts or prohibits trees or shrubs over a septic drain field on Parcel Nos. 18-18-27020-0001, 18-18-27020-0002, 18-18-27020-0003, 18-18-27020-0015, 18-18-27020-0016, and 18-18-27020-0017.
3. The quantity of mitigated water may not exceed the amount of water available under Trust Water Right No. CS4-00756sb2@3 nor exceed the availability of unused storage capacity to retain the Trust Water Right for later release.
4. Any valid priority calls against the source Trust Water Right No. CS4-00756sb2@3, based on local limitations in water availability, will result in temporary curtailment of the use of water under the permit until the priority call for water ends.

Findings of Fact

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. G4-35739, subject to existing rights and the provisions specified above.

YOUR RIGHT TO APPEAL

You have a right to appeal this Decision to the Pollution Control Hearings Board (PCHB) within 30 days of the date of receipt of this Decision. The appeal process is governed by chapter 43.21B RCW and chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal you must do all of the following within 30 days of the date of receipt of this Decision:

- File your appeal and a copy of this Decision with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this Decision on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.

You must also comply with other applicable requirements in chapter 43.21B RCW and chapter 371-08 WAC.

ADDRESS AND LOCATION INFORMATION	
Street Addresses	**Mailing Addresses**
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey WA 98503 **Pollution Control Hearings Board** 1111 Israel Road SW, Suite 301 Tumwater WA 98501	**Department of Ecology** Attn: Appeals Processing Desk PO Box 47608 Olympia WA 98504-7608 **Pollution Control Hearings Board** PO Box 40903 Olympia WA 98504-0903

Signed at Union Gap, Washington, this 27th day of May 2016.

Trevor Hutton

Trevor Hutton, Section Manager

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.

To request ADA accommodation including materials in a format for the visually impaired, call Ecology Water Resources Program at 360-407-6872. Persons with impaired hearing may call Washington Relay Service at 711. Persons with speech disability may call TTY at 877-833-6341.

BACKGROUND

This report serves as the written findings of fact concerning Water Right Application Number G4-35739.

Priority Processing

This application is being priority processed because it qualifies 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

Applicant Name:	Teanaway Ridge, LLC
Date of Application:	December 18, 2014
Place of Use:	Parcel Nos. 18-18-27020-0001, 18-18-27020-0002, 18-18-27020-0003, 18-18-27020-0015, 18-18-27020-0016, and 18-18-27020-0017, within the NW¼ of Section 27 and the NE¼SW¼ of Section 27, T. 18 N., R. 18 E.W.M., Kittitas County Washington. **(SEE ATTACHMENT 2 FOR LEGAL DESCRIPTION.)**

County	Waterbody	Tributary To	WRIA
Kittitas	Groundwater		39-Upper Yakima

Purpose	Rate	Unit	Ac-ft/yr	Begin Season	End Season
1) Drill 2 Permanent Wells for Group A System. 2) Serve up to 120 residences.	Unspecified	GPM	30-35	January 1	December 31

Source Name	Parcel	Well Tag	Twp	Rng	Sec	QQ Q	Latitude	Longitude
Well #1	12586	BIN-651	18N	18E	22	SE SW	N/A	N/A
Well #2	12586	BIN-652	18N	18E	22	SE SW	N/A	N/A

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

On February 9, 2015, the application was amended by the applicant to change the two parameters.

On April 6, 2016, the application was amended a second time.

Table 2 below outlines these amendments:

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

Date of amendment	February 9, 2015	April 6, 2016
Amended water duty	Qi: Unspecified to 250 gallons per minute (gpm). Qa: 30-35 acre-feet per year (af/yr) to 50 af/yr.	Qi: 220 gallons per day and 250 gallons per minute. Qa: 29.57 acre-feet per year.
Amended POW	Existing Well #1 (BIN-651) and Well #2 (BIN-652), both within the SE¼SW¼ in Section 22, T. 18 N., R. 18 E.W.M.	

Legal Requirements for Approval of Appropriation of Water

Although mitigation is not required by a rule in Lower Kittitas like the Upper Kittitas Groundwater Rule (WAC 173-539A), Kittitas County has recently implemented new regulations requiring stricter mitigation standards for new wells in Lower Kittitas County and Ecology has not approved new uses of groundwater in Lower Kittitas County since at least 2009, unless the impacts are mitigated. These new County standards closely mirror the standards placed on Upper Kittitas County since 2009, where new groundwater withdrawals require mitigation under a senior water right. This proposal includes mitigation for the consumptive use.

RCWs 90.03 and 90.44 authorize 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, determination must be made on the following four criteria in order for an application for water rights to be approved:

- Water must be both physically and legally available.
- There must be no impairment of existing water 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 Kittitas County, Washington on March 6th and 13th 2015. No comments or protests were received by Ecology during the 30-day comment period.

Consultation with the Department of Fish and Wildlife

Ecology must give notice to the Department of Fish and Wildlife of applications to divert, withdraw, or store water. Notice was officially provided on April 4, 2016, by Ecology during a Yakima Water Transfer Working Group (WTWG) meeting. The proposal was then re-presented on May 2, 2016. A positive reaction was communicated in response to the 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 are met:

(a) It is a surface water right application for more than 1 cubic foot per second (cfs), unless that project is for agricultural irrigation, in which case the threshold is increased to 50 cfs, so long as that irrigation project will not receive public subsidies.

(b) It is a groundwater right application for more than 2,250 gallons per minute (gpm).

(c) It is an application that, in combination with other water right applications for the same project, collectively exceed the amounts above.

(d) It is a part of a larger proposal that is subject to SEPA for other reasons (e.g., the need to obtain other permits that are not exempt from SEPA).

(e) It is part of a series of exempt actions that, together, trigger the need to do a threshold determination, as defined under WAC 197-11-305.

Because this application does not meet any of these conditions, it is categorically exempt from SEPA and a threshold determination is not required.

INVESTIGATION

Site Visit

A site exam was conducted on the proposed source wells by Ecology employees, Candis Graff and Chris Perra on March 29, 2016. Pat Deneen and Chad Bala, applicant and representative, were also present. Global Positioning Satellite (GPS) coordinates were taken of the location of each well head and photographs were taken. Area geology was also noted.

Proposed Use and Basis of Water Demand

The Department of Health (DOH)-approved Group A water system, Palomino Fields, became effective on December 1, 2015, and is currently approved for an undetermined number of connections although 229 ERUs is the maximum calculated and 120 connections are requested for this proposal.

The Department of Health's (DOH) December 2009 Water System Design Manual (WSDM)[2] contains guidance for establishing water demands. The suggested methods, in order of preference include:

1. Metered water production and water-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.

According to the WSDM, for 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 of this document in order to estimate the Average Daily Demand (ADD) and Maximum Daily Demand (MDD) for residential connections (WAC 246-290-221(3)(a)).[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, "For projects that propose to have separate irrigation systems, the design of the potable (internal use) water system can be predicted on the estimate of 350 gpd/ERU."[4] However, Palomino Fields estimated and DOH-approved an average daily demand calculation of 220 gpd for this water system.

Ecology assumes that 30% domestic in-house use on a septic system is assumed to be consumptively used. Monthly and annual use at full build-out of the project were calculated based on the proposed 120 ERUs and the estimated 220 gpd and are presented below in **Table 3**.

Table 3: Total and Consumptive Use Calculations*

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual
Total Use (af)	2.51	2.27	2.51	2.43	2.51	2.43	2.51	2.51	2.43	2.51	2.43	2.51	**29.57**
Total Consumptive (af)	0.75	0.68	0.75	0.73	0.75	0.73	0.75	0.75	0.73	0.75	0.73	0.75	**8.872**

Note: The calculations in Table 3 are rounded.

[2] Department of Health, "Water System Design Manual," Olympia, WA, 2009, pp. 27-32, www.doh.wa.gov/Portals/1/Documents/Pubs/331-123.pdf, accessed on March 9,2016.

[3] Ibid., p. 28.

[4] Ibid., p. 225.

Proposed Mitigation

The applicant intends to mitigate for consumptive use under the requested appropriation through the transfer of a portion of Lower Kittitas mitigation credits through the Big Creek Water Bank. The Big Creek Water Bank was established by transferring a portion of Court Claim No. 00756 into the Trust Water Right Program (TWRP). Consumptive loss resulting from the applicant's proposed use will be offset with Trust Water Right No. CS4-000756sb2@3.

Other Rights Appurtenant to the Place of Use

A review of Ecology records was conducted for existing water right documents, permits, and claims. There are several water rights appurtenant to the proposed POU and they are described in **Attachment 3**. Surface Water Right No. S4-84605-J, owned by the Ellensburg Water Company will use a portion of their irrigation right in conjunction with the subject proposal. All other water rights appurtenant to the POU for this proposal will not be used in conjunction.

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 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).

Availability and Impairment

According to Ecology's hydrogeolgist and author of the hydrologic/hydrogeologic analysis, Technical Memorandum for this proposal, Chris Perra, it is expected that water is physically available from the unconsolidated and consolidated sediments aquifer in the subject area to satisfy the proposed use. Further, water is available without injury to the Total Water Supply Available (TWSA) by way of mitigation offered through use of Trust Water Right CS4-000756sb2@3. Additionally, the proposed use is not expected to result in severe impacts or impairment to neighboring groundwater users or downstream surface water users.

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 hydrogeolgic setting, observation and interpretation of data from existing wells drilled in the same geographical area and elsewhere, groundwater is physically available from the consolidated and unconsolidated sediments aquifer.

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.
- 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.

The subject of this proposal requires 8.872 acre-feet of mitigation water (see Table 3). Given that the applicant has acquired a portion of trust water under Trust Water Right No. CS4-000756sb2@3 in the amount of 8.872 acre-feet of mitigation, this requirement will be met. This Trust Water Right is dedicated to instream flow for water-banking-mitigation purposes for as long as the right remains in the TWRP.

Based upon the planned mitigation described above, water is considered legally available for permitting purposes.

Beneficial Use

The proposed use of water for multiple domestic purpose is defined in statute as a beneficial use (RCW 90.54.020(1)).

Public Interest Considerations

When Ecology investigates a water right application, consideration of whether the proposal is detrimental to the public interest is required. 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 review of this proposal.

Consideration of Protests and Comments

No protests were filed against this application.

Conclusions

In conclusion:

- Water is physically and legally available for this appropriation.
- The proposed use is a beneficial use of water.
- The proposed use is not detrimental to the public interest.
- The proposed use will not cause impairment or injury to existing water rights.

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:

- 250 gallons per minute (gpm).
- 29.57 acre-feet per year (af/yr).
- For continuous year-round multiple domestic (up to 120 residential connections) with no incidental lawn/garden or other irrigation.

Points of Withdrawal

Well #1: Within the SE¼SW¼, Section 22, Township 18 North, Range 18 E.W.M.
Well #2: Within the SE¼SW¼, Section 22, Township 18 North, Range 18 E.W.M.

Place of Use

See **ATTACHMENT 2** for a complete legal description within Parcel Nos. 18-18-27020-0001, 18-18-27020-0002, 18-18-27020-0003, 18-18-27020-0015, 18-18-27020-0016, and 18-18-27020-0017, Kittitas County, Washington.

Candis L. Graff

Candis L. Graff, Report Writer

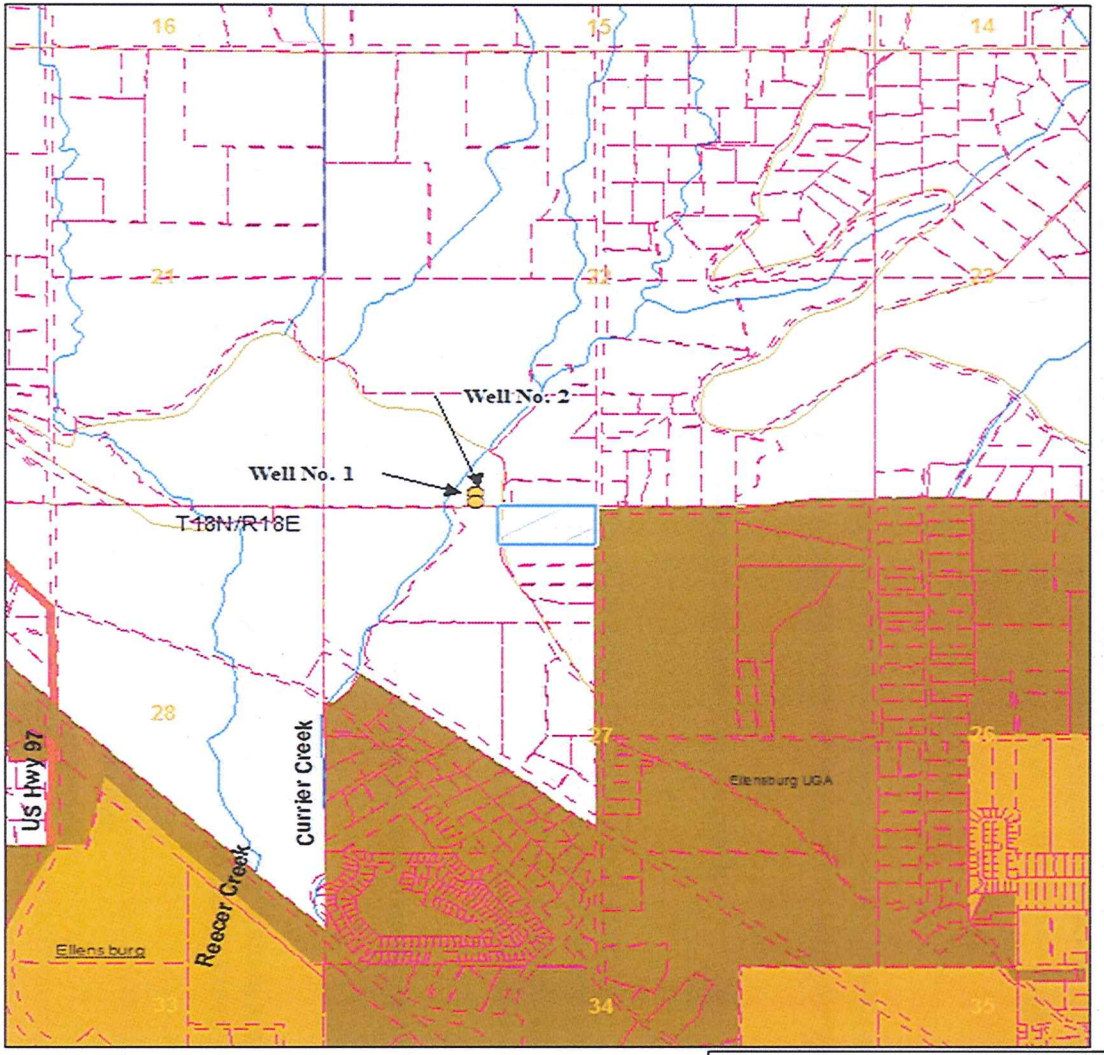
May 26, 2016

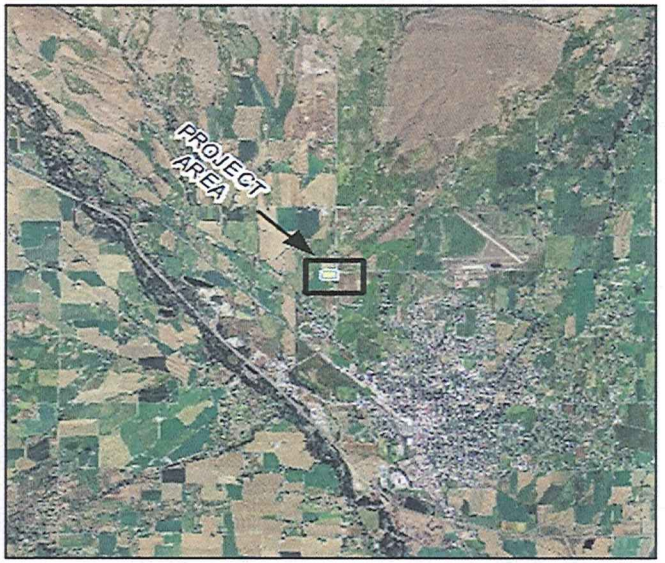
Date

To request ADA accommodation including materials in a format for the visually impaired, call Ecology Water Resources Program at 360-407-6872. Persons with impaired hearing may call Washington Relay Service at 711. Persons with speech disability may call TTY at 877-833-6341.

ATTACHMENT 1

TEANAWAY RIDGE, LLC
G4-35739
T18N/R18E
WRIA 39 - Kittitas County





Basemap - (NAIP 2013)

Legend

- Authorized Place of Use
- Authorized Point of Withdrawal
- Water Courses
- Parcels
- Townships
- Sections
- City

0 0.125 0.25 0.5 0.75 1 Miles

Basemap - (ESRI USTopographic Maps)

Map Date: 3/22/2016

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.

ATTACHMENT 2

LEGAL DESCRIPTION FOR PLACE OF USE

Parcel 1

That portion of the NW¼NW¼ lying east of the center line of the channel of Reecer Creek, as located on October 3, 1967, in Section 27, T. 18 N., R. 18 E.W.M., in the county of Kittitas, state of Washington,

AND

The NE¼NW¼ of Section 27, T. 18 N., R. 18 E.W.M., in the county of Kittitas, state of Washington excepting therefrom:

A tract of land bounded by a line described as follows: commencing at the northeast corner of the NW¼ of said Section 27; and running thence South 0°15' West, 1,321.5 feet; thence North 89°35' West, 500 feet; thence North 27°47' West, 838 feet; thence North 2°2' West, 879 feet; thence North 59°50' East, 79.8 feet; thence East 853.76 feet; thence South 334.09 feet to the Point of Commencement.

The right-of-way of the canal of the Ellensburg Water Company (Town Ditch).

Parcel 2

The NW¼NW¼ of Section 27, T. 18 N., R. 18 E.W.M., in the county of Kittitas, state of Washington, except that portion lying east of the center line of the channel of Reecer Creek as located on October 3, 1967.

AND

All that portion of the SW¼NW¼ of Section 27, T. 18 N., R. 18 E.W.M., in the county of Kittitas, state of Washington, lying north and west of the center line of the channel of Reecer Creek as located on October 3, 1967, and north and east of the northeasterly boundary line of the right-of-way of the Chicago Milwaukee, St. Paul and Pacific Railroad Company.

Parcel 3

Parcels F, G, H, and K, of that certain Survey as recorded February 20, 1997, in Book 22 of Surveys, pages 174 and 175, under Auditor's File No. 199702200014, records of Kittitas County, Washington; excepting any portion of said Parcels F and G, lying within the Cowboy Short Plat, Kittitas County Short Plat No. 04-04, as recorded October 4, 2004, in Book G of Short Plats, pages 202 and 203, under Auditor's File No. 200410040031, records of Kittitas County, state of Washington.

Tract 1

That portion of the NE¼NW¼ of Section 27, T. 18 N., R. 18 E.W.M., county of Kittitas, state of Washington, described as follows:

A tract of land bounded by a line beginning at the northeast corner of said quarter of quarter section and running thence South 0°15' West along the east boundary line of said quarter of quarter section 377.5 feet; thence West 904.7 feet; thence North 2°02' West 377.5 feet to the North boundary line of

said section: and thence South 89°39' East along said north boundary line 917.0 feet to the Point of Beginning.

Tract 2

That portion of the NE¼NE¼ of Section 27, T. 18 N., R. 18 E.W.M., county of Kittitas, state of Washington, described as follows:

A tract of land bounded by a line beginning at the northeast corner of the NE¼NW¼ of said Section; thence South 00°15'00" West along the east boundary line of said quarter of quarter section a distance of 377.50 feet to the true Point of Beginning; thence South 00°15'00" West along the east boundary line of said quarter of quarter section a distance of 34.40 feet; thence North 89°24'55" West a distance of 903.64 feet; thence North 02°11'00" West a distance of 25.19 feet; thence South 90°00'00" East a distance of 904.70 feet to the true Point of Beginning.

Excepting therefrom the right-of-way for the county road known as Reecer Creek Road, and excepting therefrom the right-of-way of the Ellensburg Water Company canal.

ATTACHMENT 3

WATER RIGHTS APPURTENANT TO PLACE OF USE

Control No.	Document Type	Purpose	Qa	Source
S4-84638-J	CFO	SR	166,846	Yakima River
S4-84639-J	CFO	SR	250,261	Kachees River
S4-84640-J	CFO	SR	446,610	Yakima River
S4-84641-J	CFO	SR	38,768	Bumping River
S4-84642-J	CFO	SR	216,850	Tieton River
S4-84643-J	CFO	SR	5,300	Tieton River
S4-84644-J	CFO	SR	472	Yakima River
S4-84645-J	CFO	SR	2	Tieton River
S4-84646-J	CFO	SR	56	Yakima River
S4-84647-J	CFO	SR	60	Yakima River
S4-84648-J	CFO	SR	408	Yakima River
S4-84649-J	CFO	SR	1,265	Tieton River
S4-84650-J	CFO	SR	5,120	Yakima River
S4-84605-J	CFO	IR, DM, ST	9,749	Yakima River
G4-02388CL[5]	Claim	IR	20	Infiltration Trench
G4-02386CL	Claim	ST	2	Infiltration Trench
G4-35799	New Application	DM, IR	149.60	Up to 467 Wells

SR=Storage, IR=Irrigation, DM=Domestic Multiple, ST=Stock water

Surface Water Right Nos. S4-84638-J through S4-84650-J, owned by the United States Bureau of Reclamation, authorize water to be stored for flood-control purposes.

Surface Water Right No. S4-84605-J, owned by the Ellensburg Water Company, authorizes irrigation, multiple domestic, and stock water uses. A portion of this irrigation right is anticipated to be used for lawn/garden irrigation for this proposal.

G4-02388CL and G4-02386CL are long-form claims filed in 1973 and claim quantities for irrigation and stock water purposes. If valid, these claims will not be used on the proposed POU for this authorization.

G4-35799, owned by Kittitas County, is a new application for a mitigated permit for County residences who might need water on property not otherwise covered by a water right.

[5] The above referenced claim was 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 be occurring under these claims.