



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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February 19, 2010

Kittitas Co Conservation District  
Attn: Anna Lael  
607 E Montian Veiw Ave  
Ellensburg WA 98926-3863

**Re: Water Right Application No. S4-35265 – Temporary Surface Water Diversion on Manastah Creek to be Used for Testing of Two Newly Reconstructed HeadWorks and Fish Screens**

**THIS AUTHORIZATION SHALL IN NO MANNER BE CONSTRUED TO GUARANTEE OR IMPLY THAT A PERMANENT WATER RIGHT WILL ISSUE FOR THE WATER USE HEREIN AUTHORIZED.**

**Background**

On December 24, 2009, Kittitas County Conservation District, of Ellensburg, Washington, filed an application to divert water from Manastash Creek to test two newly reconstructed headworks and fish screens from February 1, 2010 through March 31, 2010.

The applicant proposes to temporarily divert a maximum 37.96 cubic feet per seconde (cfs) from February 1 through March 31, 2010, as applied for in Water Right Application No. S4-35265. The water diverted for this project will be used to test two reconstructed headworks and fish screening facilities on Manastash Creek at the Barnes Road and the Manastash Water Ditch Association's (MWDA) headworks. The Barnes Road Diversion, proposes to divert a maximum of 10 cfs and is located NW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 4, T. 17 N., R. 18 E.W.M. The MWDA proposes to divert a maximum of 27.96 cfs and is located within the NW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 14, T. 17 N., R. 17 E.W.M. The water will flow down the ditches wetting the system and infiltrate into the alluvial aquifer.

**Public Notice**

Public notice of the application was published in the Ellensburg Daily Record on on January 9, and January 16, 2010. No letters of protest or comments were received during the 30-day protest period.

**Other Water Rights Appurtenant to the Point of Diversion**

Yakima Adjudication Court confirmed Claim No. 00950 within the Manastash Subbasin which authorizes the diversion of 13.98 cfs for year-round stock water from the MWDA diversion.



### **Impairment**

Manastash Creek is a tributary to the Yakima River, all of which are part of the Yakima Basin Adjudication. The requested period of use for this Temporary Authorization is during the non-irrigation season. The probability of impairing senior water rights by diverting water only during the months of February and March is minimal. In addition there are no points of diversion within the bypass reach. Typically, the high flow of Manastash Creek during February and March is at a level that would allow the diversion to take place without being detrimental to aquatic species.

### **Public Interest**

Washington State Department of Fish and Wildlife considers this project beneficial to fish. The goal of rebuilding the headworks and installing fish screening is to improve fish passage and enhance instream flow that will benefit Manastash Creek

### **Conclusions and Decision**

There is water available for the proposed project and can take place on a temporary basis without impairing existing water rights, is non-consumptive, and is not contrary to public interest.

### **Provisions**

This Temporary Authorization is subject to the following limitations and provisions:

1. The priority date of this water right is December 24, 2009.
2. The points of diversion will be:
  - Barnes Road Diversion, diverting a maximum of 10 cfs, located NW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 4, T. 17 N., R. 18 E. W.M.
  - Manastash Water Ditch Association, diverting a maximum of 27.96 cfs, located within the NW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 14, T. 17 N., R. 17 E. W.M.
3. The period of use will be February 19 through March 31.
4. This authorization will expire March 31, 2010, unless sooner revoked for cause.
5. The diversions shall not exceed 37.96 cfs and limited to the individual quantities listed in Provision No. 2.
6. The purpose of use is for testing of the newly constructed headworks and fish screens.
7. The diversion intake shall be tightly screened at all times with wire mesh having openings with dimensions not greater than 0.125 (1/8) inch.
8. Water below the diversions shall be maintained at a level that any Steelheads Redds remain under water.

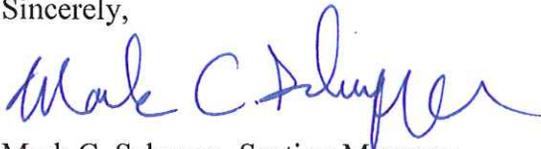
No. 12, Section III ("Appeals Procedures"). The content of the notice of appeal must conform to RCW 34.05.546. Specifically, the notice of appeal must include:

- The name and mailing address of the appellant;
- Name and address of the appellant's attorney, if any;
- The name and address of the Department of Ecology;
- The specific application number of the decision being appealed;
- A copy of the decision;
- A brief explanation of Ecology's decision;
- Identification of persons who were parties in any adjudicative proceedings that led to Ecology's decision;
- Facts that demonstrate the appellant is entitled to obtain judicial review;
- The appellant's reasons for believing that relief should be granted; and
- A request for relief, specifying the type and extent of relief requested.

The "parties of record" who must be served with copies of the notice of appeal under RCW 34.05.542(3) are limited to the applicant of the decision subject to appeal, Ecology and the Office of the Attorney General.

All others receiving notice of this Decision, who wish to file an appeal, must file the appeal with the Yakima County Superior Court within **thirty (30) days of the date the Order was mailed**. The appeal must be filed in the same manner as described above.

Sincerely,



Mark C. Schuppe, Section Manager  
Water Resources Program

MCS:EH:gg/100211

Certified Mail: 7006 0100 0002 8191 9574

Enclosures: Water Measuring Requirements

cc: Philip Rigdon, Director, Natural Resources Division, Yakama Nation