



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

REPORT OF EXAMINATION
To Appropriate Public Waters of the State of Washington

APPLICATION DATE	APPLICATION NO.
June 5, 2009	G4-35250

NAME		
Cool Water LLC, Fortune Creek LLC, and Back Country LLC		
ADDRESS/STREET	CITY/STATE	ZIP CODE
206 West First Street	Cle Elum, WA	98922

PUBLIC WATERS TO BE APPROPRIATED

SOURCE		
Up to four wells		
TRIBUTARY OF (IF SURFACE WATERS)		
MAXIMUM CUBIC FEET PER SECOND	MAXIMUM GALLONS PER MINUTE	MAXIMUM ACRE-FEET PER YEAR
	120	21.9

QUANTITY, TYPE OF USE, PERIOD OF USE

120 gallons per minute, 10.95 acre-feet per year for year-round multiple domestic supply for up to 65 units, and 10.95 acre-feet per year for the irrigation of 4.4 acres from May 1 through September 30.

LOCATION OF DIVERSION/WITHDRAWAL

APPROXIMATE LOCATION OF DIVERSION—WITHDRAWAL					
Final well locations to be determined during construction phase of the project					
LOCATED WITHIN (SMALLEST LEGAL SUBDIVISION)	SECTION	TOWNSHIP	RANGE	WRIA	COUNTY
SW1/4	7	19 N.	15 E.W.M.	39	Kittitas
PARCEL NUMBER	LATITUDE	LONGITUDE	DATUM		
19-15-07000-0028	47.15138	-121.02258	NAD 83		

LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED

[Attachment 1 shows location of the authorized place of use and point(s) of diversion or withdrawal.]

Parcel E, Parcel F, and Parcel G of that certain Survey recorded June 1, 2004, in book 30 of Surveys, page 61, under Auditor's File No. 200406010081, records of Kittitas County, Washington; being a portion of Section 7, Township 19 North, Range 15 East, W.M., in the County of Kittitas, State of Washington;

And

A sixty foot easement for ingress, egress and utilities over and under the existing road as delineated on that certain Survey recorded June 1, 2004, in book 30 of Surveys, page 61, under Auditor's File No. 200406010081, records of Kittitas County, Washington; being a portion of Section 7, Township 19 North, Range 15 East, W.M., in the County of Kittitas, State of Washington.

DESCRIPTION OF PROPOSED WORKS

One existing well (Ecology Well ID AKW658) was drilled to a total depth of 68 feet in June 2006. Up to three additional wells may also be completed to provide additional instantaneous capacity. Water from this well will be used for domestic supply for a planned 65 unit residential development. The proposed domestic use will be regulated as a Group A, community public water system by the Washington State Department of Health. Domestic wastewater will be discharged to one or more onsite, engineered community drain fields.

DEVELOPMENT SCHEDULE

BEGIN PROJECT BY THIS DATE	COMPLETE PROJECT BY THIS DATE	WATER PUT TO FULL USE BY THIS DATE
December 31, 2011	December 31, 2021	December 31, 2025

PROVISIONS

Wells

- The water supply wells shall be drilled and completed in the unconsolidated alluvial and landslide deposits in hydraulic continuity with the Yakima River or its tributaries.
- 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.
- 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.
- Flowing wells shall be constructed and equipped with valves to ensure that the flow of water can be completely stopped when not in use. Likewise, the well shall be continuously maintained to prevent the waste of water through leaky casings, pipes, fittings, valves, or pumps -- either above or below land surface.
- 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.
- Required installation and maintenance of an access port as described in WAC 173-160- 291(3).
- In order to maintain a sustainable supply of water, pumping must be managed so that static water levels do not progressively decline from year to year. 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 levels shall be measured and recorded monthly, using a consistent methodology. Data for the previous year shall be submitted by January 31 to the Department of Ecology.
- Static water level data shall be submitted in digital format and shall 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.

Metering and Reporting

- An approved measuring device shall be installed and maintained for each of the sources authorized by this water right in accordance with the rule "Requirements for Measuring and Reporting Water Use", WAC 173-173. <http://www.ecy.wa.gov/programs/wr/measuring/measuringhome.html>
- Water use data shall be recorded weekly and maintained by the property owner for a minimum of five years. The maximum monthly rate of diversion/withdrawal and the monthly 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.

General

- 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.
- The water right holder shall file the notice of Proof of Appropriation of water (under which the permit 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. A certificate will reflect the extent of the project perfected within the limitations of the water right. 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.
- 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 the Department of Ecology 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.
- 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.
- Use of water under this authorization shall be contingent upon the Department of Ecology's acceptance and compliance with a storage and release plan, which addresses historic out-of-irrigation season (October 1 to March 31) impacts associated with the withdrawals under this permit.
- Per Chapter 173-539A WAC consumptive use authorized under this permit is water budget neutral. Consumptive use quantities (total withdrawal minus return flow) must be fully offset by debit of an equal consumptive use quantity of seasonal irrigation water rights placed into permanent trust in the Washington State Trust Water Right Program (TWRP) by Northland Resources LLC.
- Water use under this authorization is contingent upon the conveyance of an equal (13.1 acre-feet per year) or greater amount of consumptive use from a suitable instream flow right (see trust water right agreement) to the Washington State Trust Water Right Program. The connection limit (65 units) is contingent upon the approval of a Group A Water System by the Washington State Department of Health.

FINDINGS OF FACT AND ORDER

Upon reviewing the investigator's report, I find all facts, relevant and material to the subject application, have been thoroughly investigated. Furthermore, I find the appropriation of water as recommended: is physically and legally available, is a beneficial use, will not impair existing rights, and is not detrimental to the public interest.

Therefore, I ORDER the approval of Application No. G4-35250 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.

ADDRESS AND LOCATION INFORMATION

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 4224 – 6 th Avenue SE Rowe Six, Building 2 Lacey WA 98503	Pollution Control Hearings Board PO Box 40903 Olympia WA 98504-0903

Signed at Yakima, Washington, this 15 day of July 2010.

Mark C. Schuppe, WR Section Mgr., by Melissa Downes.
Mark Schuppe, Section Manager
Water Resources Program
Central Region Office

INVESTIGATOR'S REPORT

BACKGROUND

Project Description

On June 5, 2009, Cool Water LLC and Fortune Creek LLC (the applicant), of Cle Elum, 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. G4-35250. The applicant requested authorization for an instantaneous withdrawal (Qi) of 250 gallons per minute (gpm) and an annual withdrawal volume (Qa) of 20 acre-feet per year (ac-ft/yr) for multiple domestic supply for a planned 51 unit residential development, referred to as Woods and Steele.

In a memorandum to Ecology dated October 19, 2009, the applicant requested the Qa be increased to 26 ac-ft/yr to supply 65 residential units. The purpose of the requested change to the application was to provide service to additional residential units at the planned Evergreen Park development, owned by Back Country LLC and located adjacent to the Woods and Steele development. Despite the request, Ecology determines the maximum instantaneous and annual quantity necessary to satisfy the requirements of the project.

The applicant intends to mitigate for consumptive use under the requested appropriation through creation of a water banking program, referred to as the Northland Water Exchange. The Northland Water Exchange will be established by transferring into the Washington State Trust Water Right Program (TWRP) water rights that divert water from the Yakima River or its tributaries and have a pre-1905 priority date (Trust Water Rights). The Trust Water Rights will be maintained in trust to mitigate for new out-of-priority water right permits, including the subject application. Specific terms of the Northland Water Exchange are described in Attachment 2 – Trust Water Right Agreement between Northland Resources, LLC and the State of Washington, Department of Ecology.

Table 1
Summary of Application No. G4-35250

<i>Attributes</i>	<i>Proposed (as in amended application and Public Notice)</i>
Applicant	Cool Water LLC, Fortune Creek LLC and Backcountry LLC
Date of Application	June 5, 2009
Instantaneous Quantity	250 gpm
Annual Quantity	26 ac-ft/yr
Source	One or more wells
Point of Withdrawal	SW ¹ / ₄ of Section 7, T. 19 N., R. 15 E.W.M.
Purpose of Use	Multiple domestic
Period of Use	Year-round
Place of Use	As described on page 1 of this Report of Examination

Legal Requirements for Application Processing

The following requirements must be met prior to processing a water right application:

- **Public Notice**
Notice of the application was published in the *Daily Record* of Ellensburg, Washington, on October 24 and 31, 2009. No comments or protests were received by Ecology during the 30-day comment period.
- **State Environmental Policy Act (SEPA)**
On June 1, 2006, Kittitas County (SEPA lead agency) issued a Mitigated Determination of Non-Significance (MDNS) for the Evergreen Park (P-06-13) 14-lot Performance Based Cluster Plat. On October 29, 2009, Kittitas County issued a MDNS for the F&G (LP-08-00019) 51-lot Performance Based Cluster Plat. These decisions were made after review of completed environmental checklists and other information on file with the lead agency. Kittitas County determined certain mitigation measures or conditions were necessary in order to issue Determinations of Non-Significance. Conditions relevant to this water right application include providing water service through a public water system approved by Department of Health and compliance with Department of Ecology rules and regulation for groundwater withdrawals. These conditions were considered and incorporated into this report.
- **Water Resources Statutes and Case Law**
Chapter 90.44 RCW, specifically 90.44.060, authorizes the appropriation of public groundwater for beneficial use and Chapter 90.03 describes the process for obtaining water rights. RCW 90.42.100(2)(c) authorizes Ecology to issue new water rights using the Trust Water Right Program for water banking purposes. In addition, this application qualifies for expedited process under WAC 173-539A-060(2).

INVESTIGATION

Site Visit

A site visit was performed on July 1, 2010 by Melissa Downes from Ecology and Sean Northrop from Northland Resources.

Domestic Water Use

The proposed Woods and Steele and Backcountry developments do not currently have a Group A water system plan. However, the applicant has presented water demand estimates by month (see Table 2). Average daily demand (ADD) for indoor water use purposes is estimated at 150 gallons per day (gpd) per equivalent residential unit (ERU). Outdoor water use is expected to primarily consist of lawn and garden irrigation, and is estimated using methods and assumptions found in Ecology's GUID 1210, *Determining Irrigation Efficiency and Consumptive Use*¹, and Chapter 173-539A WAC.

The 2009, *Water System Design Manual*² (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 246-290-2321(3)(a) and Section 5.2.3.
3. The criteria presented in this chapter.

Analogous water systems are defined in Section 5.2.3 of the WSDM as systems with similar characteristics such as: demographics, housing size, income levels, lot sizes, climate, water pricing structure, conservation practices, use restrictions, soils and landscaping, and maintenance practices.

There is no water use for the proposed development to review, and records for qualifying analogous systems are not available. Currently, the proposed water demand estimates are not consistent with the WSDM. As a result, Ecology's connection approval (65 units) is only tentative and is contingent upon DOH's approval of a Group A water system which remains within the other limitations of this permit (i.e. Qi, Qa, irrigated acres, etc.). DOH has full discretion and authority to limit the number of connections to less than the proposed 65 units.

¹ Ecology's GUID 1210, *Determining Irrigation Efficiency and Consumptive Use*
<http://www.ecy.wa.gov/programs/wr/rules/images/pdf/guid1210.pdf>

² Department of Health's *Water System Design Manual* <http://www.doh.wa.gov/ehp/dw/Publications/331-123.pdf>

Table 2
Domestic Water Use

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Indoor (gpd per ERU)	150	150	150	150	150	150	150	150	150	150	150	150
Outdoor (gpd per ERU)	0	0	0	0	70	380	540	480	320	0	0	0
Total (gpd per ERU)	150	150	150	150	220	530	690	630	470	150	150	150

Monthly and annual total and consumptive use at full build-out of the project were calculated based on the planned 65 ERUs, the indoor and outdoor water use per ERU in Table 2, and the consumptive use factors specified in the *Upper Kittitas Emergency Groundwater Rule* (WAC 173-539A). Under WAC 173-539A, 30 percent of domestic indoor use on a septic system is assumed to be consumptively used and 90 percent of outdoor use is assumed to be consumptively used. Calculated total use and consumptive use are summarized in Table 3.

Table 3
Estimated Total and Consumptive Use at Full Build-Out

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual
Total (acre-feet)	0.93	0.84	0.93	0.90	1.36	3.17	4.27	3.90	2.81	0.93	0.90	0.93	21.9
Consumptive (acre-feet)	0.28	0.25	0.28	0.27	0.67	2.32	3.28	2.95	1.99	0.28	0.27	0.28	13.1

Ecology's Guidance Document 1210, *Determining Irrigation Efficiency and Consumptive Use*, and the assumptions found in WAC 173-539A were used to calculate the area that could be irrigated with the proposed quantities of 0.17 acre-feet per ERU. A crop irrigation requirement (CIR) for grass in the Cle Elum area of 24 inches was estimated using the ASCE-Penman Monteith method. Assuming the outdoor use is 90 percent consumptive, consistent with the assumptions in WAC 173-539A, and applying the ASCE-Penman Monteith CIR, the assumed outdoor use is sufficient to irrigate approximately 2,950 square feet of grass per ERU or 4.4 acres for the entire development.

Hydrologic/Hydrogeologic Evaluation

The project site is located on the north flank of South Cle Elum Ridge between two drainages that form part of the headwaters of Spex Arth Creek, a tributary of the Yakima River. Surficial geology at the site is mapped as alluvium overlying Darrington phyllite and Shuksan Greenschist bedrock (Tabor, et al., 2000). Based on the location and topography, the alluvium appears to be alluvial fan deposits formed along the lower elevations of South Cle Elum Ridge.

The applicant has two existing wells at the site. The first well (Ecology Well ID AKW658), located in the NW¼SW¼ of Section 7, was completed in June 2006 to a depth of 68 feet below ground surface (bgs). The driller's log describes cobbles, gravel, and sand to a depth of 28 feet bgs, clay and gravel from 28 to 52 feet bgs, and cemented sand and gravel from 52 to the total depth of 68 feet bgs. The static water level was reported as a depth of 42 feet. An air lift test was performed after well completion, with an estimated yield of approximately 12 gpm. A higher yield is anticipated based on the coarse grained nature of the overburden encountered and pump placement utilizing the total available drawdown in the well.

The second well (Well ID APB361), located in the SE¼SW¼ of Section 7, was completed in December 2006 to a depth of 300 feet bgs. The driller's log describes clay and gravelly clay to a depth of 30 feet bgs, overlying shale to the total depth. The static water level was reported as a depth of 30 feet. An air lift test was performed after well completion, with an estimated yield of approximately 7 gpm.

Based on the relatively shallow depth to water in well AKW658 and completion of this well in coarse-grained water bearing zones of the alluvium, this well is determined to be in hydraulic continuity with the surface water system of Spex Arth Creek and Yakima River. Due to the depth and completion in bedrock, continuity between well APB361 and surface water cannot be determined based on existing information.

The Ecology well log database was searched for nearby driller's logs to provide additional information on local hydrogeologic conditions. Six well logs were identified that appear to be located in quarter-quarter sections adjacent to the property. One well is described as being completed in bedrock (phyllite) between depths of

72 and 78 feet. The remaining five wells are described as being completed in unconsolidated deposits at total depths of about 60 to 120 feet. The well logs indicate the unconsolidated deposits consist of clay and silt, silty or clayey sand and gravel, and water bearing zones of sand and gravel, and are interpreted to be alluvial fan deposits. None of these five wells encountered bedrock to the total depth drilled. Based on the depth of completion and depth to water at the time of drilling, available drawdown in these wells ranges from about 25 to 50 feet. Reported yields range from 7 to 35 gpm.

Should additional wells be required to meet project demand they shall be completed in the unconsolidated alluvial deposits that are ultimately in continuity with the Yakima River, rather than the bedrock. Based on test results for other wells completed in the unconsolidated alluvial deposits, well yields are expected to be in the range of 10 to 30 gpm.

Planned Mitigation

The Northland Water Exchange has been created by the transfer of pre-1905 water rights to instream flow and water banking purposes through the TWRP. As a result of these transfers, the Exchange represents mitigation credits based on the consumptive use of these water rights on a month-by-month basis. The mitigation credits will be debited to mitigate for consumptive use under the subject application. The Exchange currently has mitigation credits represented by the following approved applications:

- **CS4-02223CTCLsb2@1 (Pasco).** This application, approved by Ecology on April 19, 2010, permanently changes the use from year-round domestic supply and seasonal irrigation and stock watering to instream flow for water banking purposes. The historic authorized point of diversion is an unnamed spring, tributary to Spex Arth Creek and the Yakima River. Consumptive use recognized under this Trust Water Right is 55 ac-ft/yr.
- **CS4-01676(B)CTCL@1 (Newton).** This application, approved by Ecology on May 14, 2010, permanently changes the use from seasonal irrigation and stock watering to instream flow for water banking purposes. The historic authorized point of diversion is the Younger Ditch diversion from the Yakima River. Consumptive use recognized under this Trust Water Right is 73.7 ac-ft/yr.
- **CS4-00365CTCLsb5 (Henshaw).** This application, approved by Ecology on May 24, 2010, permanently changes the use of a portion of Acquavella Adjudicated Court Claim No. 00365 from seasonal irrigation to instream flow for water banking purposes. The historic authorized point of diversion is the Younger Ditch diversion from the Yakima River. Consumptive use recognized under this trust water right is 89 ac-ft/yr.

The current mitigation credits represented by the transfer and change of the three above water rights are as follows by estimated total monthly consumptive use:

Table 4
Available Consumptive Use Mitigation Credits

Water Right	Apr	May	Jun	Jul	Aug	Sep	Annual
Pasco	0.09	4.18	11.5	15.9	14.0	9.22	55
Newton	0	15.7	26.6	31.4	0	0	73.7
Henshaw	0	1.4	17.3	28.6	25.2	16.5	89
Total	0.09	21.28	55.4	75.9	39.2	25.72	217.7

Note: Pasco water right includes approximately 0.01 acre-feet per month consumptive use mitigation credits from October through March. Consumptive use mitigation credits under the Newton water right will be used prior to July 29 each year.

The total year round consumptive use associated with proposed use is 13.1 ac-ft/yr. Table 4 presents the estimated monthly consumptive use. The consumptive use impacts to surface water flows in the Yakima River associated with this application will be mitigated on a month to month basis by a combination of assigning consumptive use mitigation from the Northland Water Exchange and providing scheduled releases from storage to address new out-of-season impacts. Specific terms of the Northland Water Exchange, including requirements to provide sufficient storage for release of mitigation water outside the historical irrigation season, are described in Attachment 2.

Impairment Considerations

Groundwater

One existing water supply well (AKW658) is completed in the water bearing sands and gravels of the alluvium. Any additional wells required to provide sufficient capacity to serve the project shall also be completed in the alluvium. The potential effect of pumping a well completed in the alluvium on water levels at other nearby wells was evaluated using the Theis nonequilibrium equation and the following parameters. A transmissivity of 150 feet squared per day was estimated based on the 15 foot saturated thickness of the sand and gravel deposits

tapped by well AKW658 and an assumed hydraulic conductivity of 10 feet per day for these materials. A storativity of 0.2 was assumed, based on typical specific yield for sands. A worst case scenario was evaluated assuming pumping of a single well at an instantaneous pumping rate of 120 gpm for 50 days, until the annual quantity of 21.9 acre-feet is exhausted. The exact location of the existing water supply well or any additional wells relative to other nearby wells has not been established, so a conservative distance to the nearest well of 500 feet was assumed. Applying the above values, the estimated drawdown at 500 feet from the pumping well after 41 days is 0.6 feet.

Surface Water

No surface water rights were identified as diverting from Spex Arth Creek downstream of the Woods and Steele project. Consumptive use impacts to the mainstem Yakima River associated with the project will be mitigated through use of mitigation available from transfer of pre-1905 water rights to the TWRP and scheduled surface water releases.

Water Availability

Water availability includes legal availability (e.g., closure of basins to further appropriation) and physical availability (e.g., productivity of the aquifer). Under WAC 173-539A all groundwater in upper Kittitas County, including the project site, 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 ground water of the state are proposed in exchange for discharge of water from other water rights that are placed into the trust water right program where 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 13.1 ac-ft/yr of consumptive use available from the Northland Water Exchange to mitigation purposes. Month by month mitigation is offered to account for the project's indoor and outdoor uses during the irrigation season (April 1 – September 30). Out-of-irrigation season (October 1 – March 31) uses will be mitigated through an acceptable storage and release program to address out-of-season impacts.

The existing well is capable of producing a Qi of at least 12 gpm, based on an air lift test. This well may sustain higher withdrawals if pump placement fully utilizes all of the available drawdown. Other wells in the area completed in the alluvium report yields in excess of 30 gpm. Should higher Qi be required to meet project needs, additional wells would be completed in the alluvium at the site. It is expected that a total of four wells could produce a Qi of 120 gpm.

Public Interest Considerations

When investigating a water right application, Ecology is required to consider whether the change is detrimental to the public interests. Ecology must consider how the change will affect an array of factors such as wildlife habitat, recreation, water quality, and human health. The environmental amenities and values associated with the area were taken into account during the consideration of this application.

Consideration of Protests and Comments

No protests or comments were received during the 30-day comment period following publication of the public notice.

CONCLUSIONS

- Water is physically available at quantities sufficient to meet project demand, although multiple wells may be required to achieve the necessary Qi. When combined with the proposed mitigation measures, water is legally available under the provisions of WAC 173-539A.
- According to RCW 90.54.020 multiple domestic use is considered a beneficial use.
- Approval of the proposed appropriation, when combined with the proposed mitigation measures, will not result in impairment of existing water right holders.
- Approval of the proposed appropriation, when combined with the proposed mitigation measures, is not detrimental to the public interest.

RECOMMENDATIONS

Based on the above investigation and conclusions, I recommend that the Application No. G4-35250 be authorized, in the amounts and within the limitations listed below and subject to the provisions beginning on Page 2.

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.

- 120 gallons per minute
- 21.9 acre-feet per year (10.95 for domestic supply and 10.95 for irrigation)
- Irrigation of 4.4 acres from May 1 to September 30
- Year-round multiple domestic supply of up to 65 units

Point of Withdrawal

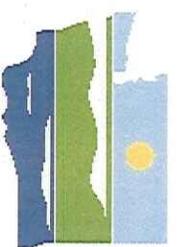
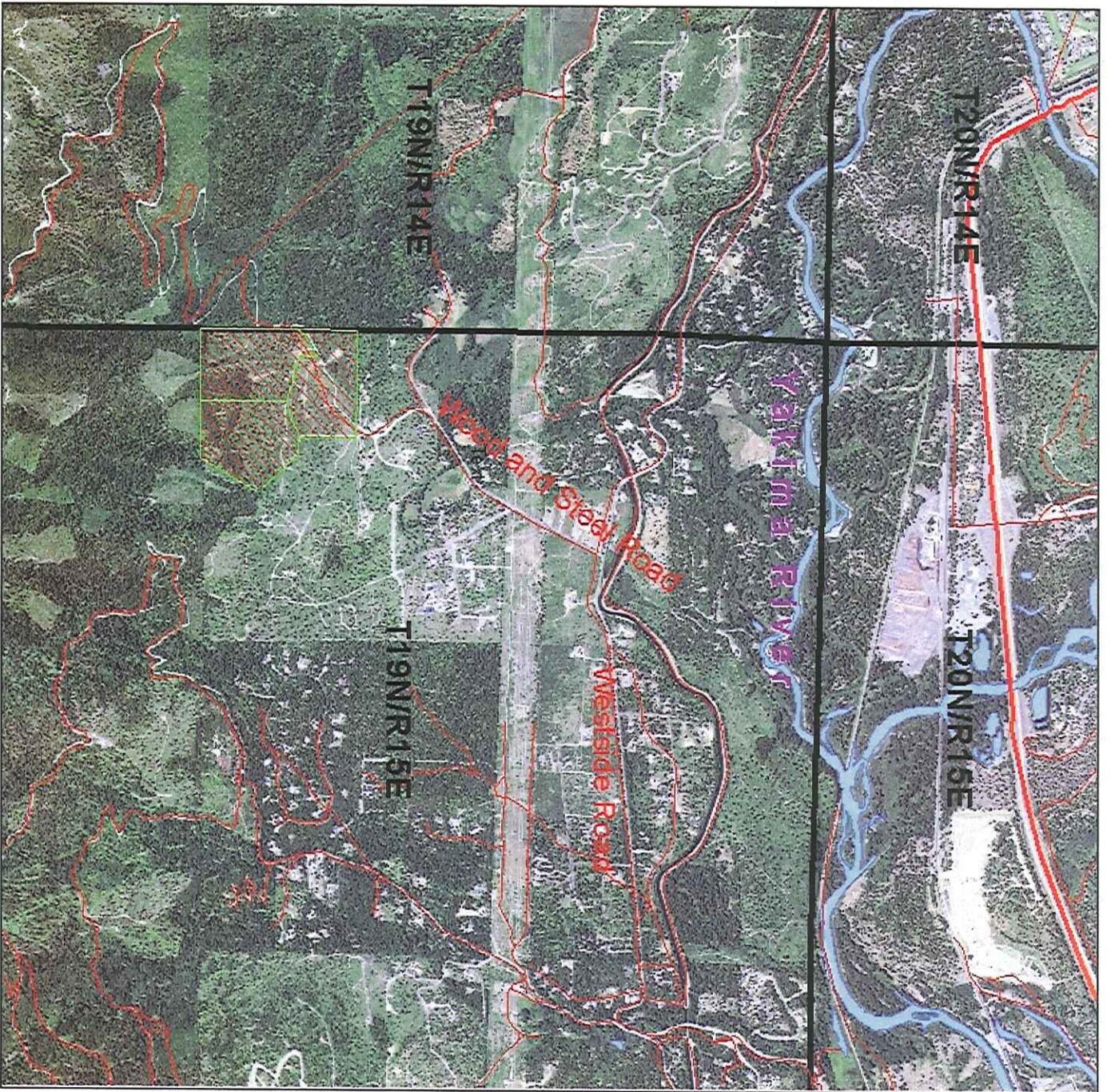
SW¼, Section 7, Township 19 North, Range 15 E.W.M.

Place of Use

As described on Page 1 of this Report of Examination.

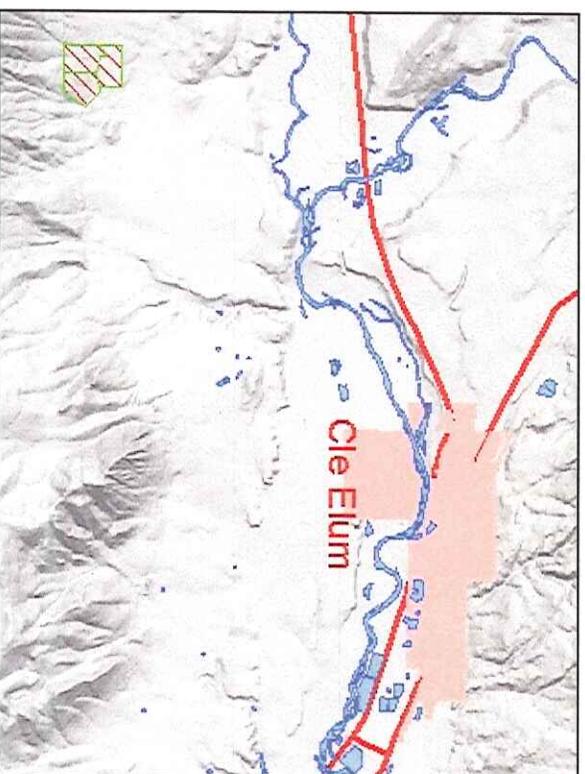
Report by: Melissa Downes 7-16-2010
 Melissa Downes, Water Resources Program Date

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DEPARTMENT OF
ECOLOGY
State of Washington

Cool Water LLC/Fortune Creek LLC
G4-35250



-  Place of Use
-  township
-  Major Roads

