



State of Washington REPORT OF EXAMINATION FOR WATER RIGHT APPLICATION

PRIORITY DATE	WATER RIGHT NUMBER
December 23, 2011	G4-35537
MAILING ADDRESS	SITE ADDRESS (IF DIFFERENT)
ALLWEST LLC C/O MITCHELL F & JULIE A WILLIAMS PO BOX 1702 ELLENSBURG WA 98926-1929	Unknown

Quantity Authorized for Withdrawal or Diversion

WITHDRAWAL RATE	UNITS	ANNUAL QUANTITY (AC-FT/YR)
50	GPM	4.03

Purpose

PURPOSE	WITHDRAWAL OR DIVERSION RATE			ANNUAL QUANTITY (AC-FT/YR)		PERIOD OF USE (mm/dd)
	ADDITIVE	NON-ADDITIVE	UNITS	ADDITIVE	NON-ADDITIVE	
Multiple Domestic	50		GPM	4.03		01/01 - 12/31

REMARKS

The combined instantaneous quantity from the two wells shall not exceed 50 gallons per minute (GPM) between 16 connections. Irrigation water for lawn and garden will be supplied by Kittitas Reclamation District (KRD).

IRRIGATED ACRES		PUBLIC WATER SYSTEM INFORMATION	
ADDITIVE	NON-ADDITIVE	WATER SYSTEM ID	CONNECTIONS
0	0		16

Source Location

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

SOURCE FACILITY	PARCEL	WELL TAG	TWP	RNG	SEC	QQ Q	LATITUDE	LONGITUDE
Well #1 (North)	19375	N/A	17N	18E	07	NESE	46.97705	-120.62478
Well #2 (South)	19375	N/A	17N	18E	07	SESE	46.97404	-120.62450

Place of Use (See Attached Map)

PARCEL

19375

LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE

Lot 20 of that certain survey filed in Book 29 of Surveys, page 174, under Kittitas County Auditor's File No. 200312040048, being a portion of the E½SE¼ of Section 7, T. 17 N., R. 18 E.W.M. in the county of Kittitas, state of Washington.

Proposed Works

Well #1 (North): The proposed well was drilled on June 3, 2012 and is located approximately 446.24 feet south and 301.78 feet west from the E¼ corner of Section 7, T. 17 N., R. 18 E.W.M. and shall serve up to 8 lots with a Class B water system. The delivery system shall include a pressure tank.

Well #2 (South): The proposed well has not been drilled to date so the final location is yet to be determined but is proposed to be located 1,555.68 feet south and 205.55 feet west from the E¼ corner of Section 7, T. 17 N., R. 18 E.W.M. and shall serve up to another 8 lots with a Group B water system. The delivery system shall include a pressure tank.

Domestic wastewater shall be discharged to an on-site system individual or group, pursuant to a Declaration of Covenant.

Development Schedule

BEGIN PROJECT	COMPLETE PROJECT	PUT WATER TO FULL USE
Started	April 1, 2021	April 1, 2026

Measurement of Water Use

How often must water use be measured?	Monthly
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 or cfs)

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 Ellensburg Formation aquifer.

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, both 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.

Installation and maintenance of an access port as described in WAC 173-160- 291(3) is required for both wells.

In addition to the required access port, the applicant shall install and maintain, in operating condition, an airline and pressure gage for each proposed source. The pressure gage shall be equipped with a standard tire valve and placed in a location accessible to Department of Ecology personnel. The airline shall extend from land surface to the top of the pump bowls and the total airline length shall be reported to the Department of Ecology upon completion of the pump system.

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.

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 sources are 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.

Water Use Efficiency

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.

Proof of Appropriation

Final beneficial use calculations for each connection to the (two Group B) water systems, 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 systems have 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

You (applicant) will record with the Kittitas County Auditor a property covenant as required under the draft Quia Mitigation LLC Trust Water Right Agreement, dated May 24, 2011, that requires an approved septic or other waste treatment facility that is reasonably designed to infiltrate treated water from which it is withdrawn and that restricts or prohibits trees or shrubs over a septic drain field on Parcel No. 19375.

You (applicant) will record with the Kittitas County Auditor an appropriate conveyance instrument under which the applicant obtains an interest in Trust Water Right No. CS4-01968sb11a to offset the consumptive use.

Any valid priority calls against the source Trust Water Right No. CS4-01968sb11a, 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.

The connection limit for Allwest, LLC (16 connections) is an upper limit and is contingent upon the approval of two Group B Water Systems by the Department of Health (DOH). The permittee recognizes that the DOH may limit the connections to less than requested because the estimated indoor water use is not consistent with the DOH Water System Design Manual, which recognizes that a reasonable level for Maximum Daily Demand (MDD) for internal uses is established at 350 gallons per day (gpd) per Equivalent Residential Unit (ERU). If DOH requires greater than the 225 gpd per connection as proposed, the permittee may choose to reduce the number of connections to accommodate a greater MDD.

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 of use is beneficial; and that there will be no detriment to the public interest.

Therefore, I ORDER approval of Application No. G4-35537, subject to existing rights and the provisions specified above.

Your Right To Appeal

You have a right to appeal this Order to the Pollution Control Hearings Board (PCHB) within 30 days of the date of receipt of this Order. The appeal process is governed by 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
<p>Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503</p>	<p>Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608</p>
<p>Pollution Control Hearings Board 1111 Israel RD SW Ste 301 Tumwater, WA 98501</p>	<p>Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903</p>

Signed at Yakima, Washington, this _____ day of _____ 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

This report serves as the written findings of fact concerning Water Right Application No. G4-35537.

Project Description

On December 23, 2011, Mitchell and Julie Williams of Ellensburg, Washington, on behalf of Allwest LLC (the applicant) filed an application with the Washington State Department of Ecology (Ecology) for a water right permit to appropriate public groundwater. The application was received by Ecology and assigned Application No. G4-35537. The applicant requested authorization for an instantaneous withdrawal (Q_i) of 3.646 gallons per minute (gpm) and a consumptive use annual withdrawal volume (Q_a) of 2.117 acre-feet per year for up to 18 residences.

On January 27, 2012, Ecology received an amendment to the original application from the representative for the applicant, Jeff Slothower, attorney at law, proposing an instantaneous withdrawal (Q_i) of 4.375 gpm.

On April 24, 2012, Ecology received another amendment to the first amended application from the representative for the applicant, Jeff Slothower, attorney at law, proposing an instantaneous withdrawal 225 gallons per day, reduced from 350 gallons per day. Additionally, the applicant wishes to amend the number of connections from the originally-proposed 18 to 16 connections. The total consumptive annual quantity is proposed at 1.210 acre-feet per year (ac-ft/yr) while total use is calculated at 4.033 ac-ft/yr.

On June 26, 2012, the applicant's representative, Jeff Slothower, requested to increase the proposed combined instantaneous quantity to 50 gallons per minute, while maintaining the current total use of 4.03 acre-feet per year of which 1.21 acre-feet per year would be consumptive. As part of this same request, Mr. Slothower requested Ecology to issue a Preliminary Permit to drill Well #1 and Well #2 of this proposal. The primary basis for the request to drill the well in advance of a Permit authorization was outlined in an email to Ecology and was described that in order to comply with necessary approvals outlined by the Department of Health (DOH) and Kittitas County Department of Health, an entire engineering design for the proposed water system as a whole needed to be submitted to those agencies, resulting in the need to provide water quantities and water quality from the well before the complete system analysis could be assessed by DOH et al.

On July 11, 2012, Ecology issued the applicant a Preliminary Permit to drill and test 2 wells for establishing project feasibility and water system capacity, which expires July 11, 2013. One well was completed.

The applicant intends to mitigate for consumptive use under the requested appropriation through the purchase of Lower Kittitas mitigation credits from the Amerivest Class 3 Water Exchange. The Amerivest Water Exchange was established by transferring Court Claim No. 01968 into the Trust Water Right Program (TWRP). Consumptive loss resulting from the applicant's proposed use will be offset with Trust Water Right No. CS4-01968sb11a.

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).

Table 1: Summary of "Requested" Water Right

Applicant Name	Allwest LLC
Date of Application	12/23/2011
Place of Use	Lot 20 of that certain survey filed in Book 29 of Surveys, page 174, under Kittitas County Auditor's File No. 200312040048.

County	Waterbody	Tributary To	WRIA
Kittitas	Groundwater		39-Upper Yakima

Purpose	Rate	Unit	Acre-feet/yr	Begin Season	End Season
Multiple Domestic	50	GPM	4.033	01/01	12/31

Source Names	Parcel	Well Tag	Twp	Rng	Sec	Q	Latitude	Longitude
2 Wells	19375	N/A	17N	18E	07	SE	N/A	N/A

Legal Requirements for Approval of Appropriation of Water

RCWs 90.03 and 90.44 authorized 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 a water right 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 Ellensburg, Washington's The Daily Record on February 24th and March 2nd, 2012. No comments or protests were received by Ecology during the 30-day comment period.

An amended notice of this application was published in the Ellensburg, Washington's The Daily Record on July 25 and August 1, 2012. No comments or protests were received by Ecology during the 30-day comment period.

Consultation with the Department of Fish and Wildlife

The Department must give notice to the Department of Fish and Wildlife of applications to divert, withdraw or store water (RCW 77.57.020). Notice was provided on July 30, 2012 during a Water Transfer Work Group meeting at the Bureau of Reclamation in Yakima, Washington. A positive response was communicated with regard to this proposal.

State Environmental Policy Act (SEPA)

A water right application is subject to a SEPA threshold determination (i.e., an evaluation whether there are likely to be significant adverse environmental impacts) if any one of the following conditions is met:

- (a) It is a surface water right application for more than 1 cubic foot per second, 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

Ecology personnel, Candis Graff and John Kirk, visited the site on May 8, 2012. Photographs and GPS points were recorded and local geology was noted.

Proposed Use and Basis of Water Demand

The December 2009 Water System Design Manual¹ (WSDM) by the 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 Chapter 5.

According to the WSDM, new systems or water systems that have no source meter records, information can be obtained from analogous water systems or from information presented in Appendix D in order to estimate the Average Daily Demand (ADD) and the Maximum Daily Demand (MDD) for residential connections (WAC 246-290-221(3)).² 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 gallons per day (gpd) per Equivalent Residential Unit (ERU).

Since there is no water use for the proposed residences to review and records for qualifying analogous systems are not available, the MDD value is set at 225 gpd/ERU per the applicant's request (for

¹ Department of Health, "Water System Design Manual," Olympia, Wa., 2009, pp. 27-32, www.doh.wa.gov/chp/dw/Publications/331-123.pdf, accessed on February 29, 2012.

² Ibid. p. 28.

developments without irrigation or with restrictions on the external use of water). Monthly and annual indoor total consumptive use for domestic water use at full build-out of the project were calculated based on DOH's lower range of MDD for the area and are summarized in **Table 2**.

Table 2: Estimated Total Indoor Consumptive Use

	Jan	Feb	Mar	Apr	May	Jun	Ju	Aug	Sep	Oct	Nov	Dec	Annual
Total (ac-ft)	.3425	.3093	.3425	.3314	.3425	.3314	.3425	.3425	.3314	.3425	.3314	.3425	4.033
Consumptive (ac-ft)	.1027	.0928	.1027	.0994	.1027	.0994	.1027	.1027	.0994	.1027	.0994	.1027	1.210

Other Rights Appurtenant to the Place of Use

There are several water rights appurtenant to the proposed place-of-use and are described in **Attachment 2**. Other water rights within 0.5-mile vicinity are summarized in **Attachment 3**.

Hydrologic/Hydrogeologic Evaluation

The following hydrologic/hydrogeologic sections were prepared in a technical memorandum dated May 21, 2012, to include the subject wells for this application, by licensed hydrogeologist, John Kirk, and seeks to address, by way of discussion, analysis, and evaluation, physical availability, and potential for impairment to existing water users. On August 27, 2012, John Kirk amended his technical analysis to represent the changes requested by the applicant in instantaneous quantities.

Water Availability

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

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.

When considering applications for new groundwater right permits Ecology has a statutory directive to limit appropriations of groundwater to amounts that will maintain and provide a safe sustaining yield to prior appropriations and to avoid aquifer overdraft (RCW 90.441.130, PCHB No. 94-114). Given the hydraulic relationship described above and the acquisition of trust water under Certificate of Trust Water Right CS4-01968CTCLsb11a in the amount of 4.03 acre feet per year (ac-ft/yr), this directive will be satisfied. This trust right is dedicated to in stream flow for water banking mitigation purposes on Manastash Creek between April 1st and October 31st of each year for as long as the said right remains in the trust water system. The right carries a June 30, 1874 priority date.

With regard to Trust Water Right CS4-01968CTCLsb11a, Ecology's modification order contains the following advisory statement:

The subject right is an 1874 priority class 3 water right on Manastash Creek. In most years Manastash Creek does not have sufficient flow to allow for the exercise of this right throughout the irrigation season. It has been determined that the shut off date for all water use associated with the 1874 class 3 rights typically falls between July 15 and August 15. In exceptional water years there may be sufficient flow to allow for the full exercise of this right through October 15 (for example the 2006 season). This conclusion is based on Manastash Creek stream gage flows, the schedule of adjudicated Manastash Creek water rights, and historic information regarding regulation of Manastash Creek.

Although the trust mitigation water within Manastash Creek is seasonal, the proposed groundwater use and the resulting pumping effects are expected to occur on a year round basis. This means it is likely that the proposed pumping will result in small year round reductions of flow on Manastash Creek and the Yakima River below their confluence. The seasonal and regulated character of the mitigation water will need to be considered in the decision making process. [As such, while the Class 3 Trust Water Right (CS4-01968sb11a) being used by the applicant as mitigation to offset consumptive use for the project is typically curtailed annually between July 15 and August 15 due to low flows on Manastash Creek, it is through the management of Ecology's Class 1 and Williams' Class 1 portfolio of Trust Water Rights (CS4-01553sb11b and CS4-01553sb11a) that any necessary retiming can be accomplished, thereby reducing and/or ultimately eliminating potential impacts to Manastash Creek and the Yakima River.]³

Ecology's well database currently contains about a dozen water well reports that represent wells drilled within said Section 7 where the proposed wells are to be located. All of the wells have been constructed to withdraw groundwater from the Ellensburg Formation. The Ellensburg Formation is generally described in the well reports as clay, sand, and gravel, and/or as a mix of these materials. Well depths range from about 100 to 300 feet below land surface and in each case the wells have been terminated in gravel. Well production reportedly ranges from about 10 gpm to 75 gpm. **The physical availability of water in the quantities requested is not in question.**

³ Robert Barwin. Allwest Proposal Presentation. Yakima Water Transfer Working Group. Bureau of Reclamation, Yakima. 30 Jul. 2012.

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 a drainage where adjudicated rights exceed the average low flow supply, even if the prior rights are not presently being exercised. Water would not become available for appropriation until existing rights are relinquished for non-use by state proceedings.

Legal availability is ultimately a permitting/management decision that is, in part, based on the above information.

Mitigation

According to a Manastash Creek Surface Water Right valuation report prepared for Washington Rivers Conservancy and Ecology in 2008 by Harry Seely of West Water Research, LLC,⁴ a Class 3 water right can be expected to yield 309.12/513 (the downward adjustment to the maximum value reflecting unavailability) of an acre-foot historically awarded by the court. This information then informs Ecology how much of the Class 3 Trust Water right to debit as managers of that water bank. Consequently, if the applicant proposes 1 acre-foot as mitigation to offset consumptive use from the proposed project, a total supply of 1.66 acre-feet (1 X 513/309.12) would need to be mitigated for the project to be defined as water budget neutral. Therefore, this application proposes to use 1.21 consumptively-used acre feet and proposes to mitigate that use with 2.009 acre-feet of Class 3 Trust Water right.

Additionally, as a condition of the Manastash Creek Restoration Project Instream Flow Enhancement Implementation Plan, the applicant intends to comply with the terms of said Plan.

Impairment Considerations

Impairment results from an adverse impact on the physical availability of water to a senior water right holder who is beneficially using water within the authorized quantities. 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.

⁴ Harry Seely, "Economic Evaluation of Manastash Creek Subbasin Surface Water Rights," West Water Research, LLC, January 21, 2008, pp. 25-33.

- 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 Discussion

The nearest Ellensburg Formation well to either of the proposed well locations is about 400 feet. The most conservative estimate of the drawdown impact on neighboring wells would be to model continuous pumping from one of the proposed wells at 50 gpm until all 4.03 acre-feet are withdrawn. Using Ellensburg Formation aquifer parameters calculated the Naches Basin (Golder 2001), the maximum additional drawdown that could be expected at a distance of 400 feet is about 1.74 feet. Given this small amount of potential drawdown, and that the thickness of the Ellensburg Formation in this area of the proposed wells is more than 200 feet, it is concluded that pumping these wells within the authorized quantities will not result in impairment to neighboring groundwater rights.

Beneficial Use

The proposed use of water is defined in statute as a beneficial use (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 use as beneficial use 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 below that is reasonable and beneficial:

- The combined instantaneous quantity from the two wells shall not exceed 50 gallons per minute (GPM) between 16 connections.
- 4.033 acre-feet per year.
- For continuous multiple domestic supply for up to 16 residences.

Points of Withdrawal

Well #1 (North) Approximately 446.24 feet south and 301.78 feet west from the E $\frac{1}{4}$ corner of Section 07, within the SE $\frac{1}{4}$ of Section 07, T. 17 N., R. 18 E.W.M.

Well #2 (South) Approximately 1555.68 feet south and 205.55 feet west from the E $\frac{1}{4}$ of Section 07, within the SE $\frac{1}{4}$ of Section 07, T. 17 N., R. 18 E.W.M.

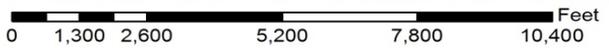
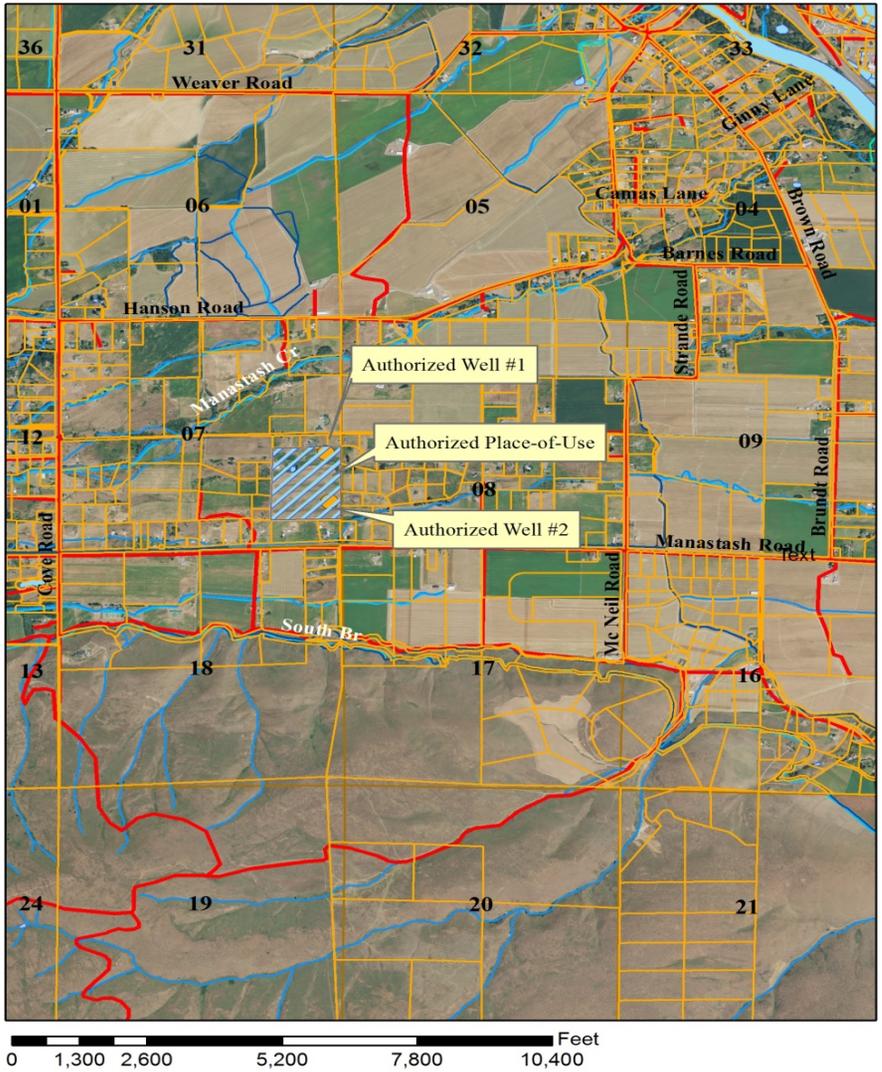
Place of Use

As described on Page 2 of this Report of Examination.

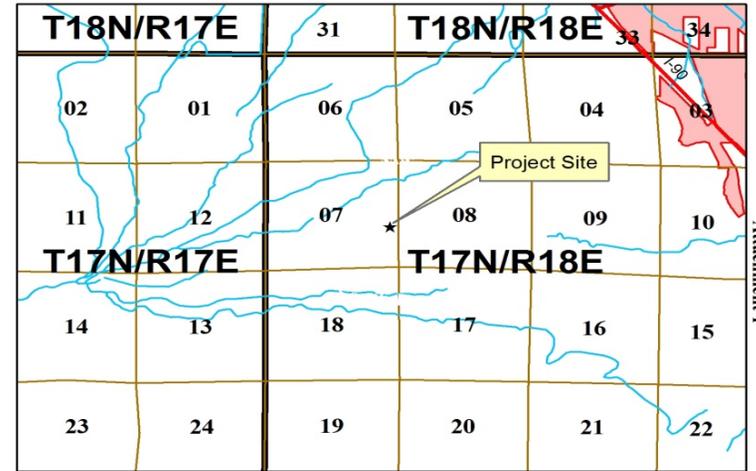
Candis L. Graff, Report Writer

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.



Allwest, LLC
 Permit No. G4-35537
 Sec. 7, T. 17 N., R. 18 E.W.M.
 WRIA 39--Kittitas County



Legend

- Authorized POW
- Local Roads
- City
- Authorized POU
- Streams
- Township
- Parcels
- Sections

Comment:
 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."

ATTACHMENT 2

Table 3: Water Rights Within the Same Proposed Place-of-Use

Control No.	Document Type	Annual Quantity (ac-ft/yr)	Purpose	Source
Claim No. 00465				
S4-84347-J	CFO	336,000	IR, DG, ST, PO	Yakima River
S4-84348-J	CFO	25,000	PO	Yakima River
G4-077463CL ⁵	Claim Short Form	Not specified	DG, ST	Well
Claim No. 01968				
S4-83555-J	CFO	104.8/.36	IR, ST	Manastash Creek
S4-83556-J	CFO	.367	ST	Unnamed Spring
S4-85105-J	CFO	29.07/.09	IR, ST	Manastash Creek
S4-85106-J	CFO	27.60/.08	IR, ST	Manastash Creek
S4-85107-J	CFO	392.29/1.36	IR, ST	Manastash Creek
S4-85108-J	CFO	487.5/1.68	IR, ST	Manastash Creek
S4-85109-J	CFO	410.2/1.43	IR, ST	Manastash Creek
S4-85110-J	CFO	.102	ST	Unnamed Spring
S4-84111-J	CFO	.097	ST	Unnamed Spring
S4-85112-J	CFO	1.374	ST	Unnamed Spring'
S4-84113-J	CFO	1.437	ST	Unnamed Spring

Definitions: RE=Recreational or Beautification, MU=Municipal, DS=Domestic Single, CI=Commercial and Industrial, DM=Domestic Multiple, IR=Irrigation, DG=Domestic General, PO=Power, CFO=Conditional Final Order

Conditional Final Orders S4-84347-J and S4-84348-J authorize water in the area of the proposal for a variety of uses through the Kittitas Reclamation District (KRD). While the proposed place-of-use is within the boundary of KRD, it is supplemental to other water right use.

G4-077463CL appears to be in use although the water duty is unreported.

According to the official Draft Schedule of Rights dated November 22, 2010, Claim No. 01968 has 11 rights, totaling 1,459.837 acre-feet per year for irrigation and stockwatering purposes; however, Ecology has received 2 Change Applications and processed 3 Change/ROEs (relating to S4-83555-J and S4-85108-J), which among other things, changed the purpose of the original claim to instream flows and stockwater uses.

⁵ The 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.

ATTACHMENT 3

Table 4: Other Water Rights Within .5-Mile Vicinity

Control No.	Document Type	Annual Quantity (ac-ft/yr)	Purpose	Source
Claim No. 02270 S4-83525-J	CFO	256.2	IR	Manastash Creek
G4-111291CL	Claim Long Form	20	IR	Well
G4-110774CL	Claim Short Form	Unspecified	IR, DG, ST	Well
G4-141250CL	Claim Short Form	Unspecified	DG	Well
G4-111294CL	Claim Short Form	Unspecified	IR, DG, ST	Well
G4-067744CL	Claim Long Form	2.0	DG	Well
G4-111235CL	Claim Long Form	2.0	DG	Well
G4-27898C	Certificate	10/1	IR,DS	2 wells
Claim No. 01478 S4-83517-J S4-83518-J S4-83519-J S4-83520-J S4-83521-J S4-83522-J S4-83523-J S4-83485-J	CFO CFO CFO CFO CFO CFO CFO CFO	612/1 32 51.26/0.5 28/0.5 28 67.2 107/1 446.7	IR, ST IR IR, ST IR, ST IR IR IR, ST IR	Manastash Creek Manastash Creek Unnamed Spring Unnamed Spring Manastash Creek Manastash Creek Unnamed Spring Manastash Creek
Claim No. 00950 S4-85097-J S4-83496-J	CFO CFO	7598.27/118.2 844.23	IR, ST IR	Manastash Creek Manastash Creek
Claim No. 02283 S4-83527-J	CFO	117.1/1	IR, ST	Manastash Creek
Claim No. 01723 S4-83506-J S4-83507-J S4-83508-J S4-83559-J S4-83565-J S4-83541-J S4-83491-J	CFO CFO CFO CFO CFO CFO CFO	206.77 516 355.3 72.26 216.9 228.3/1 122	IR IR IR IR IR IR, ST IR	Manastash Creek Manastash Creek Manastash Creek Manastash Creek Manastash Creek Manastash Creek Manastash Creek
S4-83532-J	CFO-01846	32/1	IR, ST	Manastash Creek
S4-83535-J	CFO-01153	14.33/1	IR, ST	Manastash Creek

Conditional Final Order S4-83525-J authorizes irrigation; however, Ecology has an application on file requesting for a change.

G4-077463CL appears to be in use although the water duty is unreported.

G4-27898C authorizes both irrigation and domestic singe and G4-111291CL authorizes irrigation; however, Ecology's use of 2011 aerial photographs show questionable use of irrigation for these rights and other water rights overlap the place-of-use.

According to the official Draft Schedule of Rights dated November 22, 2010, Claim No. 01478 has 8 rights, totaling 1375.16 acre-feet per year for irrigation and stockwater purposes; however, Ecology has received 2 Change Applications and processed 3 Change/ROEs (relating to S4-83521-J and S4-83518-J, S4-83521-J), which proposes to change the original water-right footprint.

With regards to Claim No. 00950, there are 2 rights associated, totaling 8,560.4 acre-feet per year for irrigation and stockwater and Ecology has received 2 Change Applications and has processed 4 change/Roes (relating to S4-85097-J and S4-83496-J. Claim No. 02283 similarly authorizes water for irrigation of 15 acres and adequate stockwater. Four Change/Roes have been processed by Ecology changing the purpose for a majority of the water right to instream flows.

Claim No. 01723, there are 7 associated rights for irrigation and stockwater and no changes have been proposed at this time.

Adjudicated water rights S4-83532-J and S4-83535-J authorize irrigation and stockwater, totaling 48.33 acre-feet per year.

DRAFT