File NR: G4-35801
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DEPARTMENT OF ECOLOGY
State of Washington

# State of Washington
# REPORT OF EXAMINATION
# FOR WATER RIGHT APPLICATION

**PRIORITY DATE**
October 16, 2015

**WATER RIGHT NUMBER**
G4-35801

**MAILING ADDRESS**
MAXFIELD INVESTMENT PROPERTIES, LLC
3803 NORTH LAKE DRIVE
WEST RICHLAND, WA 99353

**SITE ADDRESS (IF DIFFERENT)**
NIGHT SKY DRIVE
RONALD, WA 98940

## Quantity Authorized for Withdrawal

| WITHDRAWAL RATE | UNITS | ANNUAL QUANTITY (AF/YR) |
|---|---|---|
| 8.96 | GPM | 0.827 |

## Purpose

| | WITHDRAWAL RATE | | | ANNUAL QUANTITY (AF/YR) | | |
|---|---|---|---|---|---|---|
| PURPOSE | ADDITIVE | NON-ADDITIVE | UNITS | ADDITIVE | NON-ADDITIVE | PERIOD OF USE (mm/dd) |
| Domestic Multiple (2 homes) | 8.96 | | GPM | 0.784 | | 01/01 - 12/31 |
| Irrigation of Lawn/Garden | | 8.96 | GPM | 0.043 | | 06/01 - 09/30 |

**REMARKS:** Up to 8.96 gallons per minute (gpm) in total instantaneous quantity for 2 sources (4.48 gpm from each source).

| IRRIGATED ACRES | | PUBLIC WATER SYSTEM INFORMATION | |
|---|---|---|---|
| ADDITIVE | NON-ADDITIVE | WATER SYSTEM ID | CONNECTIONS |
| 0.023 | | N/A | N/A |

## Source Location

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

| SOURCE FACILITY/DEVICE | PARCELS | WELL TAG | TWP | RNG | SEC | Q | LATITUDE | LONGITUDE |
|---|---|---|---|---|---|---|---|---|
| Up to 2 Proposed Wells | 954010 & 954011 | N/A | 21N | 14E | 09 | NW | N/A | N/A |

## Place of Use (See Attached Map)

**PARCELS (NOT LISTED FOR SERVICE AREAS)**

954010 and 954011

**LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE**

Lot 1 and Lot 2 of Timber Park Short Plat, Kittitas County Short Plat No. SP-07-34 as recorded February 12, 2008, in Book J of Short Plats, pages 110 and 111, under Auditor's File No. 200802120001, records of Kittitas County, state of Washington, being a portion of Lot 5, Plat of Timber Ridge, Plat P-04-07 in the county of Kittitas, state of Washington, per plat recorded in Book 10 of Plats, pages 127 and 128, records of Kittitas County.

## Proposed Works

The proposed works will include up to 2 wells, supplying up to 8.96 gpm of water for domestic supply for up to 2 residences, using a maximum of 350 gallons per day per residence year-round, and irrigating up to 1,000 square feet (sq. ft.) per residence for a total of 0.023 irrigated acreage.

The wells are not yet drilled. When the water delivery system is complete, each source will use a 1-horsepower (hp) pump and 1-inch mainlines to deliver water to each residence. Each source shall be metered.

Domestic wastewater will be discharged to an individual or group on-site septic system, pursuant to the Declaration of Covenant, signed October 13, 2015, by the subject applicant.

## Development Schedule

| BEGIN PROJECT | COMPLETE PROJECT | PUT WATER TO FULL USE |
|---|---|---|
| December 31, 2017 | December 31, 2020 | December 31, 2022 |

In determining the timeframe of the above Development Schedule, in other words when Ecology considered 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 begin construction and to complete construction of the project. Sufficient time was also awarded in order for the applicant to collect water use data and to put the water to full beneficial use. The Development Schedule above reflects consideration of the cost and magnitude of the project's two proposed residences and the potential engineering and physical features typically to be encountered.

## 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) |

## Provisions

### A. Wells, Well Logs, and Well Construction Standards

1. The subject wells and the right to use water from them are restricted to and authorized for the Swauk Formation aquifer.
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 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 (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 each source.

5. In addition to the required access port, the applicant shall install and maintain, in operating condition, an airline and pressure gage for each source. The pressure gage shall be equipped with a standard tire valve and placed in a location accessible to 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 Ecology upon completion of the pump system.

6. It is recommended that new wells constructed under this authorization observe a minimum 50-foot setback from property boundaries to minimize potential for well interference.

7. 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.

**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 data shall be recorded monthly and maintained by the property owner for a minimum of five years. The maximum rate of withdrawal and the annual total volume shall be submitted to 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. 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.

**E. 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 subsequent 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.

**F. 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.

**G. 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 Ecology.
2. You (applicant) will pay the sum of **$104.54**, which represents a proportionate amount of the payment due and owing to the United States for storage and delivery of water under Paragraph 15(a) of Water Storage and Exchange Contract No. 09XX101700 (Storage Contract), between the United States Bureau of Reclamation and the State of Washington Department of Ecology, Yakima Project, Washington, dated January 29, 2009.[1] The consumptive use of 0.144 acre-feet from September 1 to March 31 is subject to the terms and conditions in the Storage Contract.
3. You (applicant) will record with the Kittitas County Auditor a property covenant as required under WAC 173-539A-050 that restricts or prohibits trees or shrubs over a septic drain field on Parcel Nos. 954010 and 954011.
4. 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. CS4-02255(A)CTCL@2 to offset consumptive use.

[1] *Long-Term Water Storage and Exchange Agreement between the U.S. and the State of Washington, Department of Ecology,* (Contract No. 09XX101700), http://www.ecy.wa.gov/programs/wr/cro/images/pdfs/exchangecontract_012909.pdf, accessed on December 8, 2015.

5. The quantity of mitigated water may not exceed the amount of water available under Trust Water Right No. CS4-02255(A)CTCL@2 nor exceed the availability of unused storage capacity to retain the Trust Water Right for later release.
6. Any valid priority calls against the source Trust Water Right No. CS4-02255(A)CTCL@2, 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 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 sources 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. G4-35801, 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 RCW 43.21B and WAC 371-08. "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 RCW 43.21B and WAC 371-08.

| Street Addresses | Mailing Addresses |
|---|---|
| **Department of Ecology**<br>Attn: Appeals Processing Desk<br>300 Desmond Drive S.E.<br>Lacey, WA 98503 | **Department of Ecology**<br>Attn: Appeals Processing Desk<br>P.O. Box 47608<br>Olympia, WA 98504-7608 |
| **Pollution Control Hearings Board**<br>1111 Israel RD. S.W., Ste. 301<br>Tumwater, WA 98501 | **Pollution Control Hearings Board**<br>P.O. Box 40903<br>Olympia, WA 98504-0903 |

*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://www.leg.wa.gov/CodeReviser*

Signed at Union Gap, Washington, this 8th day of April, 2016.

Trevor Hutton

Trevor Hutton, Section Manager
Water Resources Program
Central Regional Office

*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 G4-35801.

### *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).

On October 16, 2015, Ronald O. Maxfield, on behalf of Maxfield Investment Properties, LLC, submitted an application to the Department of Ecology (Ecology) requesting a new water right with the following parameters:

**Table 1:** Summary of "Requested" Water Right

| | |
|---|---|
| **Applicant Name:** | Maxfield Investment Properties, LLC |
| **Date of Application:** | October 16, 2015 |
| **Place of Use:** | Lot 1 and Lot 2 of Timber Park Short Plat, Kittitas County Short Plat No. SP-07-34 as recorded February 12, 2008, in Book J of Short Plats, pages 110 and 111, under Auditor's File Number 200802120001, records of Kittitas County, state of Washington, being a portion of Lot 5, plat of Timber Ridge, Plat P-04-07 in the county of Kittitas, state of Washington, per plat recorded in Book 10 of Plats, pages 127 and 128, records of Kittitas County, Parcel Nos. 954010 and 954011. |

| County | Waterbody | Tributary To | WRIA |
|---|---|---|---|
| Kittitas | Groundwater | | 39-Upper Yakima |

| Purpose | Rate | Unit | Ac-ft/yr | Begin Season | End Season |
|---|---|---|---|---|---|
| Domestic Multiple | <25 | GPM | 0.784 | Continuous | |
| Irrigation | <25 | GPM | 0.043 | Seasonal | |

| Source Name | Parcel | Well Tag | Twp | Rng | Sec | QQ Q | Latitude | Longitude |
|---|---|---|---|---|---|---|---|---|
| 1 or 2 Proposed | 954010 & 954011 | N/A | 21N | 14E | 09 | Unspecified | | |

GPM = Gallons per Minute, Ac-ft/yr = Acre-Feet per Year, Sec. = Section, Twp. = Township; Rng = Range, QQ Q = Quarter-Quarter of a Section, WRIA = Water Resource Inventory Area.

## Legal Requirements for Approval of Appropriation of Water

The place of use (POU) for the subject permit application, G4-35801, is located wholly within the area covered by the Upper Kittitas Groundwater Rule, WAC 173-539A so the permit application is subject to the provisions of this rule, which provides that all new groundwater withdrawals in the area must be water budget neutral. A water budget neutral project is defined in rule as ". . . an appropriation or project where withdrawals of groundwater of the state are proposed in exchange for discharge of water from other water rights that are placed into the Trust Water Right Program (TWRP) where such discharge is at least equivalent to the amount of 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,

determinations must be made on the following four criteria in order for an application for a new water right can 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 Northern Kittitas County Tribune of Cle Elum, Washington on December 17 and 24nd, 2015. No comments nor protests were received by Ecology during the 30-day comment period.

### *Consultation with the Department of Fish and Wildlife*

The Storage Contract and the Swiftwater Ranch Trust Water Right Agreement require that Ecology must give notice to the Department of Fish and Wildlife of applications to divert, withdraw, or store water. Notice was officially provided on March 7, 2016, by Ecology during a Yakima Water Transfer Working Group (WTWG) meeting. 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

### Proposed Use and Basis of Water Demand

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

1. Metered water production and use records.
2. Comparable metered water production and use data from analogous water systems. See WAC 246-290-221(3)(a) and Section 5.2.3.
3. The criteria presented in Chapter 5.

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)).[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. Since there is no water use for the proposed residences to review and records for qualifying analogous systems are not available, the MDD values are set at 350 gallons per day (GPD)/equivalent residential unit (ERU).

Monthly and annual indoor and outdoor totals for domestic water use at full build-out of the project were calculated based on the proposed 2 ERUs, DOH's MDD, Ecology's Guidance Document 1210, Determining Irrigation Efficiency and Consumptive Use, the Washington Irrigation Guide (WIG) for outdoor water use, and the assumptions found in WAC 173-539A. Under WAC 173-539A, 30% domestic in-house on a septic system is assumed to be consumptively used. A crop irrigation requirement (CIR) for pasture/turf in the Cle Elum area of 18.10 inches was estimated using the WIG. Assuming the outdoor use is 90% consumptive, consistent with the assumptions in WAC 173-539A and applying the WIG's CIR, it was assumed outdoor use is sufficient to irrigate approximately 1,000 square feet of turf per resident, or 0.023-acre for the entire development. The calculated consumptive use and total calculations considered factors specified in WAC 173-539A and are summarized in **Table 2** below.

**Table 2**: Estimated Total (Indoor & Outdoor) and Consumptive Use

| | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec | Annual |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Total Use (acre-feet) | .0666 | .0602 | .0666 | .0644 | .0666 | .0724 | .0821 | .0780 | .0727 | .0666 | .0644 | .0666 | 0.827 |
| *Consumptive (acre-feet) | .0200 | .0180 | .0200 | .0193 | .0200 | .0265 | .0340 | .0303 | .0268 | .0200 | .0193 | .0200 | 0.274 |

[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 December 9, 2015.

[3] Ibid., p. 28.

***Proposed Mitigation***

The applicant intends to mitigate for consumptive use under the requested appropriation through the purchase of Upper Kittitas mitigation credits through the Swiftwater Ranch Water Exchange. The Swiftwater Water Exchange was established by transferring a portion of Court Claim No. 02255 into the TWRP. Consumptive loss resulting from the applicant's proposed use will be offset with Trust Water Right No. CS4-02255(A)CTCL@2.

***Water Duty***

In planning a development, source capacity must be considered and recognized. The total daily source capacity, in conjunction with storage designed to accommodate peak-use periods, must be able to reliably provide sufficient water to meet the MDD for a water system. Reliability and sustainability must also be considered when planning for a water system. Lacking metered water-use records, Ecology relied on the Yakima River Basin Water Rights Adjudication: Report of Referee, Subbasin No. 1 for the purpose of domestic supply with a small lawn and garden (under ½-acre each residence) to set the water duty at 0.01 cubic feet per second (cfs) or 4.48 gallons per minute (gpm) per residence.

## Other Rights Appurtenant to the Place of Use

There are no other domestic or irrigation water rights appurtenant to the place of use (POU).

## 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:
    - Is constructed in compliance with well construction requirements.
    - 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).

## 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.

**Hydrologic/Hydrogeologic Analysis**

The Ecology report entitled, Technical Memorandum, dated December 17, 2015, analyzes the study area in detail. Ecology's hydrogeologist, Chris Perra (author) and unit supervisor, Danielle Jansik-Squeochs (reviewer) prepared the above-referenced report in order to analyze this proposal for water availability and potential impairment to existing users in this area. (See report upon request.)

## Availability and Impairment

According to Chris Perra, it is expected that water is physically available from the Swauk Formation aquifer in the subject area to satisfy the proposed uses. Further, water is available without injury to the Total Water Supply Available by way of mitigation offered through use of Trust Water Right No. CS4-02255(A)CTCL@2 in accordance with WAC 173-539A-060.

### *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.

When evaluating legal availability regarding applications for new groundwater permits, Ecology must statutorily limit appropriations of groundwater to:

1. Uses for a structure for which a building permit is granted and the building permit application vested prior to July 16, 2009.
2. Uses determined to be water budget neutral pursuant to WAC 173-539A-050, which provides that the water budget neutral projects may be approved. A water budget neutral project is one that is mitigated by a pre-1905 water right held by Ecology within the TWRP.

This proposal requires 0.274 acre-feet of trust water for the project. Given that the applicant has acquired a sufficient portion of trust water under Trust Water Right No. CS4-02255(A)CTCL@2 in the amount of 0.274 acre-feet, this requirement will be fully 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. Such trust water right has an equal or greater contribution to flow during irrigation season as measured on the Yakima River at Parker that would serve to mitigate the proposed use for impacts to the total water supply available.

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

## Beneficial Use

The proposed uses of water for domestic and irrigation are defined in statute as beneficial uses (RCW 90.54.020(1)).

## Public Interest Considerations

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

### *Consideration of Protests and Comments*

No protests were filed against this application.

## Conclusions

In conclusion,

- Water is physically and legally available for the proposed appropriation.
- The proposed uses will not cause detriment or injury to existing water rights.
- The proposed uses are beneficial uses of water.
- The proposed uses are not detrimental to the public interest.

## RECOMMENDATIONS

Based on the above investigation and conclusions, I recommend that this request for a water right be approved in the amounts and within the limitations listed below and subject to the provisions listed above.

## Purpose of Use and Authorized Quantities

The amount of water recommended is a maximum limit and the water user may only use that amount of water within the specified limit that is reasonable and beneficial:

- 8.96 gallons per minute (gpm).
- 0.827 acre-feet per year (ac-ft/yr).
- For the purposes of continuous indoor multiple domestic (up to 2 residences) and seasonal irrigation of 0.023-acre of lawn/garden.

***Points of Withdrawal***

Up to 2 wells within the NW¼ of Section 9, Township 21 N., Range 14 E.W.M. (Parcel Nos. 954010 and/or 954011.)

***Place of Use***

Lot 1 and Lot 2 of Timber Park Short Plat, Kittitas County Short Plat No. SP-07-34 as recorded February 12, 2008, in Book J of Short Plats, pages 110 and 111, under Auditor's File Number 200802120001, records of Kittitas County, state of Washington, Being a portion of Lot 5, plat of Timber Ridge, Plat P-04-07 in the county of Kittitas, state of Washington, per plat recorded in Book 10 of Plats, pages 127 and 128, records of Kittitas County.

FOR CANDICE L. GRAFF

*Candis L. Graff, Report Writer*

4/5/16

*Date*

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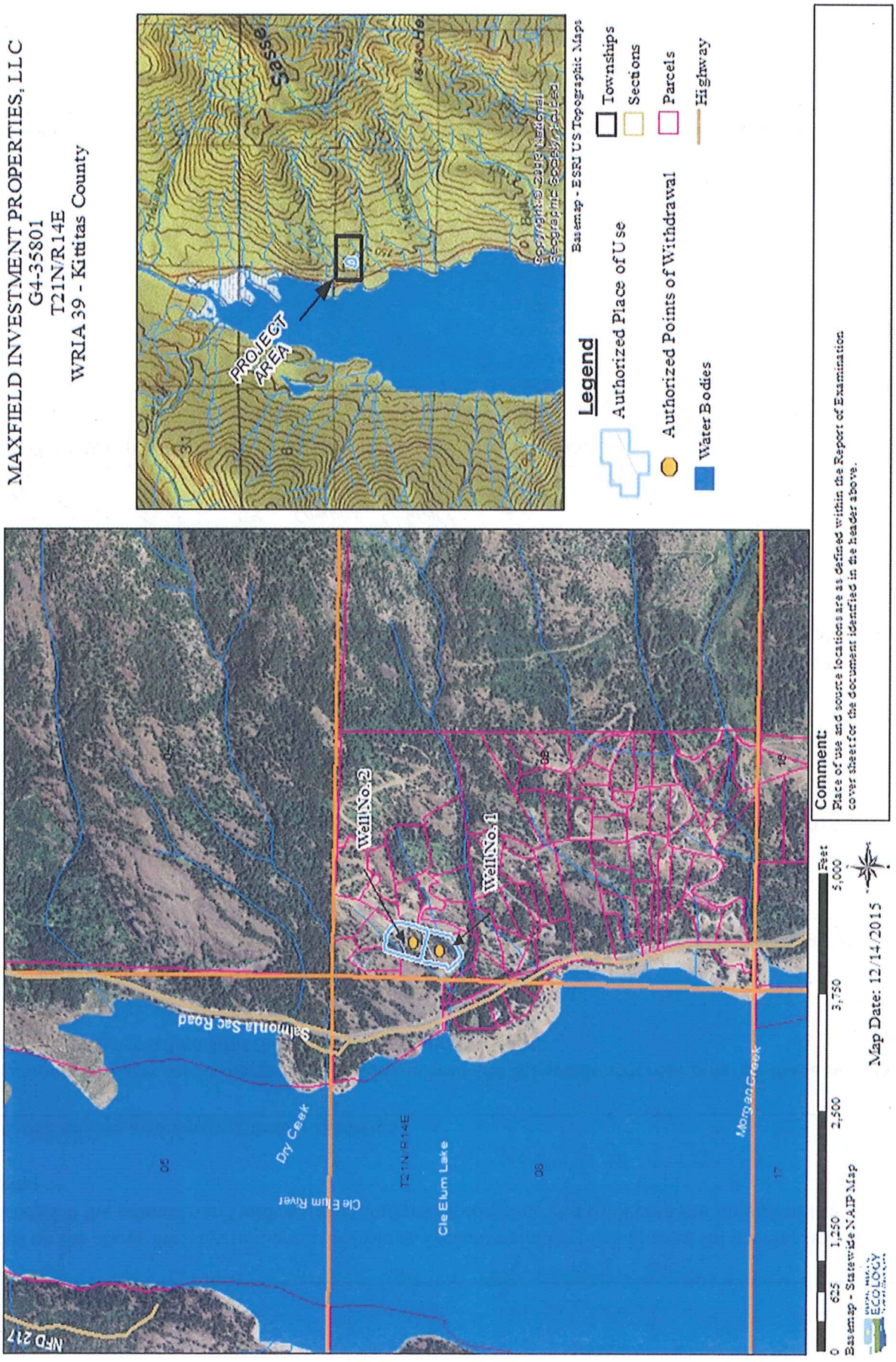
**ATTACHMENT 1**