



File NR: G4-35744
WR Doc ID: 6457786

State of Washington REPORT OF EXAMINATION FOR WATER RIGHT APPLICATION

PRIORITY DATE January 26, 2015	WATER RIGHT NUMBER G4-35744
MAILING ADDRESS D & H RANCH, INC. 620 S.E. EVERETT MALL WAY, STE. 360 EVERETT, WA 98208	SITE ADDRESS (IF DIFFERENT) ROBINSON CANYON ROAD ELLENSBURG, WA 98926

Quantity Authorized for Withdrawal		
WITHDRAWAL RATE	UNITS	ANNUAL QUANTITY (AF/YR)
8.96	GPM	0.560

Purpose						
PURPOSE	WITHDRAWAL RATE			ANNUAL QUANTITY (AF/YR)		PERIOD OF USE (mm/dd)
	ADDITIVE	NON-ADDITIVE	UNITS	ADDITIVE	NON-ADDITIVE	
Domestic Multiple (2 Connections)	8.96			0.560		01/01 - 12/31

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

IRRIGATED ACRES		PUBLIC WATER SYSTEM INFORMATION	
ADDITIVE	NON-ADDITIVE	WATER SYSTEM ID	CONNECTIONS
0	0	N/A	N/A

Source Location			
COUNTY	WATERBODY	TRIBUTARY TO	WATER RESOURCE INVENTORY AREA
KITITAS	GROUNDWATER		39-UPPER YAKIMA

SOURCE FACILITY/DEVICE	PARCEL	WELL TAG	TWP	RNG	SEC	QQ Q	LATITUDE	LONGITUDE
1 Existing Well	18-17-36057-0003 & 18-17-36057-0004	BAP-308	18N	17E	36	NENE	47.01364	-120.65040

Datum: NAD83/WGS84

Place of Use (See Attached Map)

PARCELS (NOT LISTED FOR SERVICE AREAS)

18-17-36057-0003 and 18-17-36057-0004

LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE

Lots 5A and 5B of SKY SWEEPER SHORT PLAT, (within the NE¼ of Section 36, T. 18 N., R. 17 E.W.M.) No SP-07-00153, filed in Book K of Short Plats, pages 133 and 134, and recorded under Kittitas County Auditor’s File No. 201001270026, in the county of Kittitas, state of Washington, being a portion of Lots 4 and 5 of HIGH VALLEY RANCHETTES, as per plat thereof recorded in Book 10 of Plats, pages 86 through 92, in the records of Kittitas County, Washington.

Proposed Works

A well, 255 feet of completed depth with a 6-inch casing, to serve 2 residential connections. The 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 January 22, 2015, by the subject applicant

Development Schedule

BEGIN PROJECT	COMPLETE PROJECT	PUT WATER TO FULL USE
Started	December 31, 2024	December 31, 2026

In determining the timeframe of the above Development Schedule, in other words how Ecology considered the amount of time for the applicant to implement the authorized use of water, a reasonable and just time was considered and allowed under the existing conditions to complete construction of the project for two residential homes. 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 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 well and the right to use water from it are restricted to and authorized for the sediments 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 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.

B. Measurements, Monitoring, Metering, and Reporting

1. An approved measuring device shall be installed and maintained for the source 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 the Department of 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 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 the Department of Ecology.
2. You (applicant) will record with the Kittitas County Auditor a property covenant that restricts or prohibits trees or shrubs over a septic drain field on Parcel Nos. 18-17-36057-0003 and 18-17-36057-0004.
3. 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. S4-01724CTCLsb7 to offset consumptive use.
4. Any valid priority calls against the source Trust Water Right No. S4-01724CTCLsb7, based on local limitations in water availability, will result in temporary curtailment of the use of water under the permit until the priority call for water ends.

Findings of Fact

Upon reviewing the investigator's report, I find all facts, relevant and material to the subject application, have been thoroughly investigated. Furthermore, I concur with the investigator that water is available from the source in question, that there will be no impairment of existing rights, that the purpose of use is beneficial, and that there will be no detriment to the public interest.

Therefore, I ORDER approval of Application No. G4-35744, 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.

ADDRESS AND LOCATION INFORMATION

Street Addresses

Department of Ecology
Attn: Appeals Processing Desk
300 Desmond Drive SE
Lacey, WA 98503

Pollution Control Hearings Board
1111 Israel RD SW Ste 301
Tumwater, WA 98501

Mailing Addresses

Department of Ecology
Attn: Appeals Processing Desk
PO Box 47608
Olympia, WA 98504-7608

Pollution Control Hearings Board
PO Box 40903
Olympia, WA 98504-0903

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 29th day of August 2016.



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 G4-35744.

Priority Processing

This application is being priority processed because it qualifies under the criteria under which an application may be processed prior to competing applications (WAC 173-152), where the proposed water use is water budget neutral as defined in WAC 173-152-020(18).

Table 1: Summary of "Requested" Water Right

Applicant Name	D & H Ranch, Inc.
Date of Application	January 26, 2015
Place of Use	Lots 5A and 5B of SKY SWEEPER SHORT PLAT, No SP-07-00153, filed in Book K of Short Plats, pages 133 and 134, and recorded under Kittitas County Auditor's File No. 201001270026, in the county of Kittitas, state of Washington, being a portion of Lots 4 and 5 of HIGH VALLEY RANCHETTES, as per plat thereof recorded in Book 10 of Plats, pages 86 through 92, in the records of Kittitas County, Washington. (Parcel Nos. 18-17-36054-0003 and 18-17-36054-0004.)

County	Waterbody	Tributary To	WRIA
Kittitas	Groundwater		39-Upper Yakima

Purpose	Rate	Unit	Ac-ft/yr	Begin Season	End Season
Domestic Multiple	20	GPM	0.148 (CU)	January 1	December 31

Source Name	Parcel	Well Tag	Twp	Rng	Sec	QQ Q	Latitude	Longitude
1 Well	18-17-36054-0004	BAP-308	18N	17E	36	NE NE	N/A	N/A

GPM=Gallons per minute; Ac-ft/yr = Acre-feet per year; Sec. = Section; QQ Q = Quarter-quarter of a section; Twp=Township; Rng=Range; WRIA = Water Resource Inventory Area; E.W.M. = East of the Willamette Meridian; CU=Consumptive Use.

On February 10, 2015, the application was amended by the applicant to change the following parameters:

Table 2: Summary of "Amended Requested" Water Right

Date of Amendment	February 10, 2015
Amended Parcel for Point of Withdrawal (POW)	From 18-17-36054-0004 To 18-17-36057-0003 and 18-17-36057-0004
Amended Parcels for Place of Use (POU)	From 18-17-36054-0003 and 18-17-36054-0004 To 18-17-36057-0003 and 18-17-36057-0004

On June 7, 2016, the application was amended by the applicant to change the following parameter:

Table 3: Summary of "Amended Requested" Water Right

Date of Amendment	June 7, 2016
Amended Water Duty	From 220 gallons per day To 250 gallons per day
	From 0.1478 total consumptive use To 0.168 total consumptive use

Legal Requirements for Approval of Appropriation of Water

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

RCWs 90.03 and 90.44 authorize the appropriation of public water for beneficial use and describe the process for obtaining water rights. Laws governing the water right permitting process are contained in RCW 90.03.250 through 90.03.340 and RCW 90.44.060. In accordance with RCW 90.03.290, determination must be made on the following four criteria in order for an application for water rights to be approved:

- Water must be both physically and legally available.
- There must be no impairment of existing water rights.
- The water use must be beneficial.
- The water use must not be detrimental to the public interest.

Public Notice

RCW 90.03.280 requires that notice of a water right application be published once a week, for two consecutive weeks, in a newspaper of general circulation in the county or counties where the water is to be stored, diverted, and used. Notice of this application was published in the Daily Record of Kittitas, Washington on June 21st and 28th, 2016. No comments or protests were received by Ecology during the 30-day comment period.

Consultation with the Department of Fish and Wildlife

Ecology must give notice to the Department of Fish and Wildlife of applications to divert, withdraw, or store water. Notice was officially provided on August 1, 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

Site Visit

A site exam was conducted on the proposed source well by Ecology employees, Candis Graff, Chris Perra, and Jacquelyn Metcalfe on June 14, 2016. Global Positioning Satellite (GPS) coordinates were taken of the location of the well head and area geology was also noted.

Proposed Use and Basis of Water Demand

The Department of Health's (DOH) December 2009 Water System Design Manual (WSDM)¹ contains guidance for establishing water demands. The suggested methods, in order of preference include:

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

According to the WSDM, for new systems or existing water systems that have no source meter records, information can be obtained from analogous water systems or from information presented in Appendix D of this document in order to estimate the Average Daily Demand (ADD) and Maximum Daily Demand (MDD) for residential connections (WAC 246-290-221(3)(a)).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, "For projects that propose to have separate irrigation systems, the design of the potable (internal use) water system can be predicted on the estimate of

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

² Ibid., p. 28.

350 gallons per day (gpd)/Equivalent residential unit (ERU).”³ However, Ecology and the applicant estimated an average daily demand calculation of 250 gpd for this specific water system.

Ecology assumes that 30% domestic in-house use on a septic system is assumed to be consumptively used. Monthly and annual use at full build-out of the project were calculated based on the proposed 2 ERUs and the estimated 250 gpd and are presented below in **Table 4**.

Table 4: Total and Consumptive Use Calculations*

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual
Total Use (af)	.048	.043	.048	.046	.048	.046	.048	.048	.046	.048	.046	.048	0.560
Total Consumptive (af)	.014	.013	.014	.014	.014	.014	.014	.014	.014	.014	.014	.014	0.168

*Calculations are rounded.

Proposed Mitigation

The applicant intends to mitigate for consumptive use under the requested appropriation through the transfer of a portion of Lower Kittitas mitigation credits through the Reecer Creek Golf Course/SC Aggregate Water Bank (RCWB). The RCWB was established by transferring a portion of Court Claim No. 01724 into the Trust Water Right Program (TWRP). Consumptive loss resulting from the applicant’s proposed use will be offset with Trust Water Right No. S4-01724CTCLsb7.

Other Rights Appurtenant to the Place of Use

A review of Ecology records was conducted for existing water right certificates, permits, claims, and other documents. There are several water rights appurtenant to the proposed POU and they are described in **Attachment 2**.

Impairment Considerations

Impairment is an adverse impact on the physical availability of water for a beneficial use that is entitled to protection. A water right application may not be approved if it would:

- Interrupt or interfere with the availability of water to an adequately constructed groundwater withdrawal facility of an existing right. An adequately constructed groundwater withdrawal facility is one that:
 - (a) Is constructed in compliance with well construction requirements, 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.
- 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).

³ Ibid., p. 225.

Availability and Impairment

According to Ecology's hydrogeologist and author of the hydrologic\hydrogeologic analysis, Technical Memorandum for this proposal, Chris Perra, it is expected that water is physically available from the sediments aquifer in the subject area, to satisfy the proposed use. "Based on the analysis presented above, any groundwater drawdown that might occur as a result of the permitting action is not expected to interfere with the ability of nearby well owners to fully utilize their well(s)."⁴

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 groundwater present in quantities and quality and on a sufficiently frequent basis to provide a reasonably reliable source for the requested beneficial use. 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 Ecology cannot ascertain the extent to which existing rights are consistently utilized and cannot affirmatively find that water is available for further appropriation.

Based on the hydrogeologic setting, observation and interpretation of data from existing data from existing wells that are drilled in the same geographical area and elsewhere, groundwater is physically available from the sediments aquifer.

Legal Availability

To determine whether water to be legally available for appropriation, the following factors are considered:

- Regional water management plans – which may specifically close certain water bodies to further appropriation.
- Existing rights – which may already appropriate physically available water.
- Fisheries and other instream uses (e.g., recreation and navigation). Instream needs, including instream and base flows set by regulation. Water is not available for out of stream uses where further reducing the flow level of surface water would be detrimental to existing fishery resources.
- Ecology may deny an application for a new appropriation in a drainage where adjudicated rights exceed the average low flow supply, even if the prior rights are not presently being exercised. Water would not become available for appropriation until existing rights are relinquished for non-use by state proceedings.

⁴ Chris Perra, "Technical Memorandum," Department of Ecology, Yakima, WA, June 16, 2016, p. 5.

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

Beneficial Use

The proposed use of water is defined in the statute as a beneficial use (RCW 90.54.020(1)). Public Interest Considerations

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

Consideration of Protests and Comments

No protests were filed against this application.

Conclusions

In conclusion:

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

RECOMMENDATIONS

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

Purpose of Use and Authorized Quantities

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

- 8.96 gallons per minute (gpm).
- 0.560 acre-feet per year (af/yr).
- For continuous year-round multiple domestic (up to 2 residential connections) **with no** domestic, incidental lawn/garden or other irrigation.

Point of Withdrawal

Approximately 1,325 feet west and 220 feet south from the northeast corner of Section 36, and within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 36, Township 18 North, Range 17 E.W.M., Kittitas County, Washington.

Place of Use

Lots 5A and 5B of SKY SWEEPER SHORT PLAT, (within the NE¼ of Section 36, T. 18 N., R. 17 E.W.M.) No. SP-07-00153, filed in Book K of Short Plats, pages 133 and 134, and recorded under Kittitas County Auditor's File No. 201001270026, in the county of Kittitas, state of Washington, being a portion of Lots 4 and 5 of HIGH VALLEY RANCHETTES, as per plat thereof recorded in Book 10 of Plats, pages 86 through 92, in the records of Kittitas County, Washington. (Parcel Nos. 18-17-36057-0003 and 18-17-36057-0004.)


Candis L. Graff, Report Writer

August 29, 2016

Date

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ATTACHMENT 2

WATER RIGHTS APPURTENANT TO PLACE OF USE

Control No.	Document Type	Purpose	Qa	Source
S4-84638-J	CFO	SR	166,846	Yakima River
S4-84639-J	CFO	SR	250,261	Kachees River
S4-84640-J	CFO	SR	446,610	Yakima River
S4-84641-J	CFO	SR	38,768	Bumping River
S4-84642-J	CFO	SR	216,850	Tieton River
S4-84643-J	CFO	SR	5,300	Tieton River
S4-84644-J	CFO	SR	472	Yakima River
S4-84645-J	CFO	SR	2	Tieton River
S4-84646-J	CFO	SR	56	Yakima River
S4-84647-J	CFO	SR	60	Yakima River
S4-84648-J	CFO	SR	408	Yakima River
S4-84649-J	CFO	SR	1,265	Tieton River
S4-84650-J	CFO	SR	5,120	Yakima River
S4-84347-J	CFO	IR, DS, ST, PO	336,000	Yakima River
S4-84348-J	CFO	PO	25,000	Yakima River
S4-83496-J	CFO	IR, ST	6,659.53	Manastash Creek
CS4-00950sb11(A)	Change/ROE	IR, ST	7716.47	Manastash Creek
CS4-00950CTCLsb11@1	Change App.	IR, ST	8447.5	Manastash Creek
CS4-00950sb11@2(A)	Change/ROE	IR, ST	7343.47	Manastash Creek
CS-400950sb11@3(B)	Change/ROE	IR, ST	659.52	Manastash Creek
G4-051004CL ⁵	Claim	DG, ST	Unspecified	1 Well
G4-35643(A)	New Application	DM	336	1200 Wells
G4-35643(B)	New Application	DM	336	1200 Wells
G4-35799(B)	New Application	DM, IR	149.6	14 Wells
G4-35799(C)	New Application	DM, IR	149.6	14 Wells

SR=Storage, IR=Irrigation, DS=Domestic Single, ST=Stock water, PO=Power, DG=Domestic General, DM=Domestic Multiple

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

Surface Water Right Nos. S4-84347-J and S4-84348-J, owned by Kittitas Reclamation District, authorize water use for irrigation, stock water, domestic single, and non-consumptive power. Neither of these two Surface Water Rights will be used for this proposal.

Surface Water Right S4-83496-J, owned by Manastash Water Ditch Association, authorizes use for irrigation and stock water purposes.

⁵ The above-referenced claim was filed under claims registration act, RCW 90.14. The intent of this act was to document those uses of surface water in existence prior to the adoption of the State Surface Water Code, RCW 90.03, which was adopted in 1917, and those uses of groundwater in existence prior to the adoption of the State Groundwater 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 Groundwater Code RCW 90.4 4.050. Ecology recognizes that the final determination of the validity and extent associated with the claim registered in accordance with RCW 90.14 ultimately lies with the Superior Court through the general adjudication process provided for by RCW's 90.0 3.110 – 90.0 3.240. Ecology does, however, recognize that water use may be occurring under these claims.

ATTACHMENT 2

Surface Water Change Authorization Nos. CS4-00950sb11(A), CS4-00950sb11@2(A), and CS4-00950sb11@3(B) are change ROEs, for irrigation and stock water use. They also are owned by the Manastash Water Ditch Association and will not be used for the purpose of domestic.

Surface Water Change Application No. CS4-00950CTCLsb11@1 is a change application and has not yet been processed by Ecology.

G4-051004CL is a short-form claim filed in 1973 and claims irrigation and stock water purposes. If valid, this claim will not be used on the proposed POU for this authorization.

G4-35643(A) and G4-35643(B) are new applications for multiple domestic that have not yet been processed by Ecology.

G4-35799(B) and G4-35799(C), owned by Kittitas County, are also new applications for multiple domestic and irrigation but have not yet been processed by Ecology.