

WTWG Minutes Monday, March 8, 2010, 1:00 PM

Attendees: Bob Barwin, David Blanchard, Dave Brown, Kelsey Collins, Stuart Crane, Urban Eberhart, Bill Ferry, Tim Flynn (phone), Chuck Garner, Randy Giles, Ken Hasbrouck, Carron Helberg, Bruce Higgs, Brian Iller, Stan Isley, Paul LaRiviere, Walt Larrick, Chris Lynch, Jason McCormick, Tim McCoy, Joe Mentor, Sean Northrup, Lisa Pelly, Cape Powers, Scott Revell, Tom Ring, Jeff Slothower, Mark Schuppe, Traci Shallbetter, Scott Turner, Ron Van Gundy, Kurt Walker, Sara Watkins

Chuck called the meeting to order and started with the approval of the previous meeting minutes. The group approved the minutes which already included Stan's edits. Chuck continued the meeting with the first amended proposal.

2010-04 Amended WSDOT Randy Giles explained the process for this coming year of separating this coming year from the rest of the permit period and in order to be ready for this year's work, he needed to amend the petition which included making changes with Ecology's help. The temporary permit requested for this year is less than 60 acre feet, or 0.9 cfs for this coming year and then the longer-term permit for the five-year time period can continue to be completed by Ecology. Mark talked about the cost reimbursement process. Stan and Randy talked about the longer-term permit. WSDOT is also seeking an Adjudication Court Order Pendente Lite to authorize WSDOT's water use this 2010 construction period. The group had already approved this proposal in total, but the group accepted the amendment.

2010-06 Henshaw Tim Flynn explained the change in the numbers on his proposal, as it was previously approved subject to any change in the numbers. The group gave a thumbs-up recommendation.

Chuck continued with the new proposals:

2010-17 Masterson Jason McCormick began by explaining this proposal, saying the CU cfs secondary reach instream flow quantity for August should be 1.61 cfs instead of 1.67 cfs and Stan said the August CU gallons per minute figure changed also (from 747.43 gpm to 723.34 gpm). Also, the September CU cfs quantity should be 2.79 cfs instead of 1.39 cfs, effective from September 1 through September 15, which is the end of the authorized season of use for the Masterson water right. Jason adjusted the numbers. The Group gave this a thumbs-up recommendation.

2010-18 Mundy This one is similar to Masterson, except that there is no consumptive use water associated with this Mundy transfer. The water from this 2010-only transfer will be assigned to instream flow use in the Teanaway River, in the primary reach only, ending at the Teanaway's confluence with the Yakima River. The Group gave a thumbs-up recommendation.

2010-19 Downs, on the Teanaway. The CU secondary reach instream flow amount for September should change to 0.36 cfs instead of 0.18 cfs, effective from September 1

through 15, which is the end of the authorized season of use for the Downs's irrigation water rights. The group gave a thumbs-up recommendation.

2010-20 Mittelstaedt, on the Teanaway The CU secondary reach instream flow amount for September should change to 0.28 cfs instead of 0.14 cfs. The group gave a thumbs-up recommendation.

2010-21 Suncadia LLC Joe Mentor began explaining this is a temporary transfer to the trust program for 2010, and talked about Suncadia's water rights, and that two of the three mainstem rights have been transferred already, this is the third one, and how it will be used in the trust water program. Suncadia submitted their annual report, 2½ golf courses and 10% of the domestic use have been developed. Anderson & Lamb water rights are going into the trust water program. All of this main stem water right will be put in trust water; it can be used for instream flow over Parker and Prosser or for other uses this year. Tom Ring asked Joe about the temporary purposes – it is accounted for with measured instream target flow additions going past Parker and Prosser, but for other uses how is it accounted for. Joe talked about being reviewed at this group and then approved. Mark talked about the process and Joe & Tom talked about how this would work. As the season goes by it would stay in instream flow. Stan explained how the CU is accounted for, that the water may instead go to drought relief and nothing would go over Parker or Prosser as instream target flow additions. Tom R wanted to make sure it is TWSA neutral. The group gave a thumbs-up on this last part.

2010-22 thru 2010-25 Suncadia Joe continued with these four new proposals by showing the group the map of suitability for mitigation for ground water development. He has received 550 requests for connections so far. He went through the questions he asks of each request, that he will preview with this group those requests, make an offer, establish and accept a down payment, put the down payment in escrow, have the permit application filed with Ecology, and submit the application with Kittitas County for the well siting permit, get a certificate of mitigation and it would be recorded on the land. Ron Van Gundy and Bob Barwin talked about how this would work, that the actual use would be taken out of the purchased water quantity each month during the irrigation season, what are the obligations to mitigate and come up with an amount of water that needs to be held back in storage for non-irrigation season use under the new federal-state storage contract, this includes identifying the mitigation, time of year, hold the water in the reservoir and let it out later in the year. Tom asked what part goes into the contract with Reclamation. Bob said the map's green areas show limited risk of unmitigatable flow and fish impacts and would likely be yes approvals, the map's yellow areas could also be mitigatable, but the criteria in the contract would need to be met, on a case by case basis, with more info needed to determine if below the 1% of low flow reduction threshold. Bill commented that the lawn & garden use would be used only in the irrigation season, but the domestic would be used later in the season (year-round). Urban asked who would make the offer on the water. Joe said he is not there yet, he needs to make sure what costs there are involved and he's trying to identify those costs. He will start with 500 sq ft of irrigation and add from there up to 1,500 sq ft for additional cost. Anything over that up to 5,000 sq ft is another price. Above that, it will go to Ecology

for a new request, but will not fall under this Suncadia program. A lot that has a sewer system is less water consumptive than a lot that relies on an on-site septic system. In the area he is talking, the fire station needing 3 connections, so he is assuming 70 units at 1,500 sq ft, would be CU of 12 ac ft. The 2010-24 proposal in the green zone, includes 70 units, 12 ac ft, 5.25 ac ft in the contract, and 1.75 af instream flow. Bob explained how this works. Bill added that the process is long, it is expensive and that this is not a guarantee. Joe said the deposit is refundable, and included costs such as escrow fees, recording fee, excise tax, and a processing fee by Ecology is possible. Paul asked about the 1% threshold. Joe summarized all four proposals as follows:

2010-22: 26 connections, 4.5 ac ft CU, 1.95 ac ft contract, instream flow of 0.65 ac ft

2010-23: 30 connections, 5.16 ac ft CU 2.25 ac ft contract, instream flow of 0.75 ac ft

2010-24: 70 connections, 12 ac ft CU, 5.25 ac ft contract, instream flow of 1.75 ac ft

2010-25: 25 connections, 2.75 ac ft CU, 1.2 ac ft contract, instream flow of 0.4 ac ft

Total of all: 142 units, 24.4 ac ft total CU, contract amount of 10.65 ac ft , and instream flow of 3.55 acre feet.

Balance remaining of one of the Anderson water rights: 163.3 ac ft. less 28 ac ft = 135 ac ft

Tom Ring wondered how it will look at the other end of this process. Mark suggested an accounting of how it goes out of the trust to be put on the web site and mentioned Stan's spreadsheet of trust water additions to the instream target flows at Parker and Prosser. Tom Ring asked if this is for every year not just drought years. Bob explained this is in part for preventing impairment during drought years, but is in place every year. Tom Ring commented it has to be "in the box". Paul commented about the impacts with respect to SEPA review and the possible conflicts. Joe summarized how he would complete the communication with this group in the future. Paul did not agree with 2010-23, since it is not in the green area. Bob and Paul talked about how the exchange contract works. Bill & Tom R clarified that they want an aggregated cluster to assess the impacts. Paul feels it conflicts with other public policy, but agrees with these to go to the next level of review. Joe discussed how covenants are treated and Paul asked about adding the local names of streams to the maps. The group agrees that Suncadia should go forward to the next level of this process.

Chuck asked if there is anything else to be discussed, and Jason M. commented that Wadkins (2010-15) should be tabled for now until the next meeting.

The group agreed the next meeting should be held on Monday, April 5th at 1:00 PM.

The meeting was adjourned at 3:20 PM.