WTWG Minutes Monday, April 5, 2010, 1:00 PM

Attendees: Bob Barwin, Dave Brown, Tom Cowan, Stuart Crane, Rick Dieker, Melissa Downes, Urban Eberhart, Bill Ferry, Chuck Garner, Jim Hay on phone, Ken Hasbrouck, Teresa Hauser, Carron Helberg, Jeff Hutchison, Brian Iller, Stan Isley, Paul LaRiviere, Walter Larrick, David Lester, Chris Lynch, Larry Martin, Joe Mentor on phone, Jim Milton, Lenny Morrison, Scott Revell, Tom Ring, Mark Schuppe, Jeff Slothower, Tom Tebb, Jim Trull, Ron Van Gundy, Dawn Wiedmeier.

Chuck called the meeting to order and started with the approval of the minutes. The group accepted them as written.

Since Jason McCormick was not here yet, the group began with 2010-31, per Walt Larrick's request to go first.

New Proposals:

2010-31, Sunnyside Division: Walt began by explaining about Sunnyside Valley ID's Phase I water conservation program and the allocation of the conserved water, with 2/3rds of it going to instream flow use under the normal YRBWEP formula, and the proposed allocation of Sunnyside's 1/3rd block to instream flow use during full water supply years and during years of minor prorationing when proratable rights receive a greater than 70% supply. Managing the 1/3 water for instream flow enhancement is a great benefit to the trust program. Bill has drafted a petition and proposed order pendent lite asking the Acquavella Court to add an instream flow purpose of use and to add a place of use (the lower Yakima River) to the irrigation water rights confirmed to the United States on behalf of Sunnyside. It is a temporary, 20-year, water transfer. Walt said in a water year that is above 70%, the water will stay in trust, but in a short water year (i.e., 70% or worse prorationing) it will go to help the other TWSA water users who will be short. Tom Cowan asked how this would be done in a prorated year. Bill said it will follow the month to month changes. Bill added that the Petition and Proposed Order Pendente Lite will be filed with the court in April and will be on the court's docket for the May water day hearing, and that it will have the proration language in it. Tom Ring said he could not give any thumb (i.e., any recommendation) for this proposal until his managers at the Yakama Nation have reviewed it. Bill asked if those comments could be sent directly to him and Tom Ring agreed. The group gave a tentative thumbs-up, depending on Tom's response (thumb).

2010-26 and 2010-27 Teanaway Valley Farms: Jeff Slothower started with both of the Teanaway Valley Farms by explaining these proposals. The ring well was damaged in the January 2009 flood. They are now looking at directly pumping from the river and pumping into the ring well. This transfer gives an additional point of diversion. Jeff added there will be no permanent fixture in the river and it will have a fish screen. Tom Ring asked if there could be an injection well issue. Bob Barwin said there could potentially be a problem. Jeff asked Ecology to write this into the permit. Preferably, the diverted water will not be pumped into the ring well, but rather will be plumbed into the

irrigation mainline down-pipe from the ring well. The group gave a thumbs-up recommendation with this well issue added to permit.

2010-28 Ellensburg Cement Products (ECP): Jeff Slothower explained this water right was originally used in Subbasin 7 in the Ellensburg area and a few years ago they changed the purpose of use from irrigation to industrial on a portion of the water and fallowed the appropriate portion of land to allow transfer and use of the water in the Cle Elum area. ECP has added a similar type of facility to make concrete in Easton. The 10.6 acre-feet of water is used to make concrete at both sites, and if using the water at Easton, they would not be able to use the water at Cle Elum and vice versa. The land remains fallowed and there is no change in period of use. The group gave it a thumbs-up recommendation.

2010-29 and 2010-30 ECP: Jeff continued as these both are a non consumptive water right, subject to CFO. In 2005, this group approved the 0.7 cfs, and now we are adding an additional withdrawal of 0 .7 cfs, but will not be used in all places at the same time, with Jim Hay on phone in agreement. Stan asked if the priority date 1971 was correct and Jeff said yes. Jeff added that if the use interferes with operations, then their use will stop. On the proposal, the period of use should be listed as October 1, instead of October 31, and this is not a change. After a short discussion about filtering ponds, if they are separate from the river and the previous right is recognized with no impairment, the group gave a thumbs-up recommendation.

<u>Other Issues</u>**:**

Kittitas County Agreement In Principle (AIP): Tom Tebb started by explaining the Kittitas County proposed AIP and wanted comments about this program, including input from the group. Bob Barwin commented about his involvement in creating a water mitigation banking program. Mark Schuppe commented that getting opinions of other stakeholders is important, so that it includes more than just Ecology. Tom Tebb explained what happens now and that Ecology wants the same type of group structure as this group with the right people represented. Emergency rule #6 has now expired and the State is interested in the group's comments.

Dave Brown asked why they do not create a large rural water system. The water meter reading issue would be a real water accounting issue and would eliminate the need for so many holes in the ground (new wells). He named places to get that information. Ron Van Gundy seconded it as a good long term solution and a short term one as well. Roza would like it to be in every water year, (not just in years of prorationing) and appreciates what Ecology is doing. Ron Van Gundy asked if you eliminate the emergency rule how does the county get involved in mitigation. Jeff added that the county ignored the districts and he feels they are not competent to run this program. He is generally supportive but impairment is an issue and can not interfere with Reclamation's ability to operate. Dave Brown: would they put on a staff person(s) to do this, you would think that is what Kittitas County would need to do. RVG: can they create these districts? Bob said they can; that it would be a taxing district. Dave said a use-based fee system. Bill:

Ecology does not create an emergency rule if a body is created, with the program that is identified. The group talked about how the bank would work, TWSA. Joe Mentor gave a summary of the requests for mitigation water he has received and how he is dealing with the volume. Joe asked he is not clear about existing homes or new homes, on drought year vs. non-drought year. Tom reminded the group this is the county's proposal not Ecology's. Stan asked Joe what he thinks about Dave Brown's idea and having Suncadia become a regional rural water purveyor. Joe feels that is what he is doing and talked about covenants, like protecting a septic against trees, etc. Joe also added comments about low interest loans.

Previous Proposals:

2010-15 Wadkins: Jason did not make the meeting, but Stan spoke instead, by explaining that this long-term (20 years) donation to the trust was previously approved by WTWG, but Ecology does not analyze proposed donations to the trust program in detail. Stan stated that Jason and WWT will provide him the fallowed consumptive use water quantities and that Ecology will confirm the accuracy of the CU calculation and will confirm that the ground is fallowed. Stan asked if, with these assurances, the fallowed consumptive use water can be added to the target flows at Parker and Prosser. With these assurances, it is a thumbs-up for the group. Stan and Melissa will get with Jason on this to ensure the ground is fallowed.

Next meeting will be held on Monday, May 3, 2010 at 1:00 PM.

The meeting was adjourned at 2:30 PM.