

## WATER TRANSFER WORKING GROUP PROJECT DESCRIPTION

APPLICATION NO./COURT CLAIM NO.		
<b>CS4-01724(B)CTCL @2 / Kittitas 06-14</b>		
APPLICANT NAME	CONTACT NAME	TELEPHONE NO.
<b>Suncadia, LLC City of Roslyn</b>	<b>Jamie M. Morin Adam Gravley</b>	<b>206-838-7654 206-382-9540</b>
WATER RIGHT HOLDER'S NAME (if different)		EMAIL
<b>Suncadia, LLC</b>		<a href="mailto:morin@mentorlaw.com">morin@mentorlaw.com</a> <a href="mailto:agravley@gordonderr.com">agravley@gordonderr.com</a>

DATE OF APPLICATION	PRIORITY DATE
<b>Kittitas WCB October 17, 2006</b>	<b>October 30, 1884</b>

WATER SOURCE:	CROP:
<b>From Cle Elum &amp; Yakima Rivers to Domerie Creek</b>	<b>Not Applicable</b>
INSTANTANEOUS QUANTITY:	ANNUAL QUANTITY:
<b>0.09 cfs</b>	<b>34.7 AF / Yr</b>
PERIOD OF USE:	
<b>April 1 to October 15, available only when Cle Elum River flows exceed a specified amount (to be determined annually by the U.S. Bureau of Reclamation's Systems Operations Advisory Committee).</b>	
PLACE OF USE:	PURPOSE OF USE:
<b>From the area served by the Cle Elum &amp; South Cle Elum's Department of Heath approved water system service area to the area served by the City of Roslyn's approved water system service area.</b>	<b>Municipal Supply Purposes</b>
IRRIGATION METHOD:	
<b>Not Applicable</b>	

CONSUMPTIVE USE CALCULATION:

NARRATIVE DESCRIPTION OF PROJECT:
<b>(The following are excerpts from the draft Report of Examination under review by the Kittitas County Water Conservancy Board. Please contact the Jamie Morin for if you require a copy of the full report.)</b>
<b>Suncadia, LLC's (Suncadia) predecessor, Trendwest Resorts, Inc., entered an Agreement with the City of Roslyn in 2002 to change and transfer a water right for</b>

**34.7 acre-feet to the City of Roslyn in mitigation for increased water demands resulting from growth within the City of Roslyn attributable to the Suncadia Resort.**

**To meet this contractual obligation Suncadia proposes to change and transfer a portion of one of its water rights already approved for diversion and use for development activities within the City of Cle Elum to the City of Roslyn. The water right subject to this application is one of three water rights owned by Suncadia, which were formerly used for irrigation and stockwater by the Pautzke Bait Company, Inc. Suncadia's predecessor acquired three water rights from Pautzke Bait Company. Suncadia's predecessor split each of these water rights and applied for the change and transfer of each part to different development proposals. One part of each was authorized for change and transfer to provide water for the Suncadia Resort. One part of each was authorized for change and transfer to provide water for Suncadia's development activities within the City of Cle Elum, one of which is the water right subject to this application. A remainder water right from each of the three Pautzke Bait water rights remains at the previous point of diversion unchanged.**

**The water right subject to this application was previously approved for change by the Kittitas County Water Conservancy Board on April 1, 2002 for use within the City of Cle Elum's water system service area. The Department of Ecology issued a modification to the Board's decision on May 23, 2002, which the Applicant appealed to the Yakima Superior Court. The parties to the appeal entered a Stipulation and Settlement Agreement and Agreed Order of Dismissal at the Yakima Superior Court on March 27, 2003, and a superseding modification letter approving the change and transfer was issued by the Department of Ecology on March 28, 2003. Although approved for use within the City of Cle Elum's water system service area, the water right has not been formally conveyed to the City but remains owned by Suncadia, LLC. During the 2005 irrigation season, Suncadia, temporarily transferred all surplus water rights, including the underlying water right, to the Kittitas Reclamation District for the 2005 irrigation season.**

**On December 8, 2004, Suncadia filed an application with the Department of Ecology to change a portion of its water right CS4-01724(B)CTCL equivalent to 34.7 acre-feet, and transfer that portion to the City of Roslyn for diversion from the City of Roslyn's diversion on Domerie Creek and for use within the City of Roslyn's service area. On October 17, 2006, Suncadia moved the application to the Kittitas County Water Conservancy Board (Board). The Board accepted the application at an open public meeting on October 17, 2006, and assigned application number Kittitas 06-14. The purpose of the change application is to provide an additional municipal water supply for the area served by the City of Roslyn. The unchanged portion of the water right will remain as municipal water supply for the area served by the City of Cle Elum.**

**The underlying water right as previously changed authorizes its use for municipal supply purposes within the area served by the City of Cle Elum and South Cle Elum as described herein. The previous change authorization provides a 30 year development schedule to complete full beneficial use under the changed water right. Suncadia's development within the City of Cle Elum's water system service area has not yet begun and the underlying water right has not been conveyed to the City.**

**During the 2005 irrigation season, the underlying water right, together with all surplus waters from other water rights Suncadia owns, was transferred to the Kittitas Reclamation District by order of the Yakima Superior Court.**

**Suncadia proposes to change and transfer a portion of the water right previously approved to the City of Roslyn for diversion from the City of Roslyn's Domerie Creek diversion for use within the Area served by the City of Roslyn's municipal water system. The sole source of supply for the City of Roslyn is Domerie Creek, a tributary of the Cle Elum River. Raw water is provided from a small impoundment located approximately five miles from the City on Domerie Creek. The source intake area consists of an irregularly shaped, excavated, unlined holding pond with a concrete dam and spillway. Water from the Domerie Creek intake is conveyed by gravity through approximately four miles of 12-inch steel transmission main and one mile of 16-inch ductile iron main to the City of Roslyn's water treatment plant. The City of Roslyn's existing Domerie Creek diversion will not require modification as a result of this change and transfer. The portion proposed for change and transfer is: 34.7 AF / Yr.**

**The underlying water right was used as confirmed by the Acquavella court for irrigation purposes on the former Pautzke Bait Company property up until 2001. A change in place of use, purpose of use and location of diversion was approved by the Board and Ecology in 2003. The underlying water right has not yet been conveyed to the City of Cle Elum and has not been put to beneficial use within the place of use approved in 2003. However, the underlying water right was last used by temporary order of the Yakima Superior Court in 2005. During the 2005 irrigation season, Suncadia entered an agreement the Kittitas Reclamation District, that was supported by the Department of Ecology and the Bureau of Reclamation and approved by the Yakima Superior Court, to transfer all surplus water available under Suncadia's mainstem water rights to the KRD for use during the 2005 drought season.**

**A change in the place of use, point of diversion, and/or purpose of use of a water right to add new uses may be permitted if the change results in no increase in the annual consumptive quantity of water used under the water right. The applicant does not propose to add a purpose of use to the water right so there is no need to conduct an Annual Consumptive Quantity Analysis. The underlying water right in its entirety has a consumptive use limitation of 33.13 acre-feet of the 123.64 acre-feet or 27% authorized for municipal purposes. See Previous Transfer Authorization: Department of Ecology, Letter of Modification dated March 28, 2003 at provision 7. Applying a proportionate share analysis to this transfer, 27% of the 34.7 acre feet proposed for transfer would mean a consumptive use quantity of 9.3 acre-feet. Documentation provided to the Board estimates the City of Roslyn's water use returns flows at 80%, or a consumptive estimate of 20%.**

**The proposed change and transfer concerns a municipal purpose water right, and therefore is subject to the system reliability standards for public drinking water systems. The Department of Health generally does not approve an interruptible water supply for a public drinking water system. However, the City of Roslyn has a year-round water right from Domerie Creek. The subject water right has a limited season of use, which corresponds to the City's peak demand season. Therefore, the**

seasonality of the subject water right does not raise any system reliability concerns but rather complements the City's water supply portfolio.

Domerie Creek is a tributary to the Cle Elum River. Domerie Creek flows into the lower Cle Elum River below Lake Cle Elum. The City of Roslyn is the only water right diversion on Domerie Creek. Streamflow studies of Domerie Creek are limited. According to a report of David D. Wooldridge, Domerie Creek Streamflow and Water Quality Monitoring, September 1977 through September 1982 (Feb. 15, 1983), average daily flows during the period of record (1977 to 1982) ranged between 5.82 cfs (in water year 1978-79) and 8.7 cfs (in water year 1977-78). The City of Roslyn's existing Domerie Creek right authorizes 3.14 cfs. The additional 0.09 cfs from this change and transfer will still be well within the average annual flows previously documented.

#### **Impact on Other Water Rights and Pending Applications**

The only surface water right on Domerie Creek is the City of Roslyn's Domerie Creek water right. There are no surface water rights between the authorized point of diversion for the underlying water right on the Cle Elum River and the City of Roslyn's Domerie Creek diversion (the proposed diversion for this application).

#### **Instream Flows—Domerie Creek and the Cle Elum River**

There are no minimum instream flow targets for Domerie Creek. Flows on the Cle Elum River are regulated by the Bureau of Reclamation as determined annually by the U.S. Bureau of Reclamation's (USBR) System Operations Advisory Committee (SOAC). The underlying water right can only be diverted from the Cle Elum River when flows on the Cle Elum River exceed SOAC recommended flows. This condition will apply to the diversion on Domerie Creek. With this condition, the change and transfer of this water right is not expected to have an impact on instream flows.

#### **Other Water Rights—Pat Deneen**

The Board received comments from Mr. Pat Deneen of Cle Elum, Washington. Mr. Deneen's comments concerned the possible impairment of his groundwater right as a result of this change. Mr. Deneen described his water right as junior in priority, from a well near Ronald that is 500 foot deep terminating in the coal mine(s) under the town of Ronald. Mr. Deneen suggested that the Board review the 1981 study done by the United States Geological Survey in cooperation with the Department of Ecology, entitled "Reconnaissance of Water Availability and Quality in Abandoned Coal Mines near Roslyn, Kittitas County, Washington." The purpose of the USGS study was to evaluate the water contained in the abandoned coal mines near Roslyn and Cle Elum as a short term emergency supply during drought. According to the USGS study, the abandoned coal mines under Roslyn, Ronald and Cle Elum form a kind of reservoir system. The reservoir system captures surface and subsurface flows traveling toward the Cle Elum River from the east. The report does not indicate that the reservoir system is fed by the Cle Elum River.

The Board requested technical assistance from the Department of Ecology regarding Mr. Deneen's claim of impairment. Ecology reviewed the geology of the Evergreen Valley area where Mr. Deneen's well is located, the USGS report and other information that covers the area where Mr. Deneen's well is located. The

**Board, with Ecology's technical assistance, could not identify how Mr. Deneen's well might be impaired by this change. Furthermore, the underlying water right is limited in diversion when the flows in the Cle Elum River are at or above SOAC recommended flows. This limitation will carry forward to the portion transferred to the City of Roslyn.**

**Total Water Supply Available**

**The underlying water right transfer was previously subject to review for protection of TWSA. To remain TWSA neutral, the underlying water right transfer was limited in diversion when the flows in the Cle Elum River are at or above SOAC recommended flows. This limitation will carry forward to the portion transferred to the City of Roslyn.**

WTWG Project form