

WATER TRANSFER WORKING GROUP PROJECT DESCRIPTION

APPLICATION NO./COURT CLAIM NO.		
Commitment of Trust Water under Water Right Nos. CS4-00365CTCLsb5, CS4-01676(B)CTCL@1 and CS4-02223CTCLsb2@1 for winter mitigation for 12 unit development permitted under Water Right No. G4-35273(C)P (Ponderosa Pines Project). See attached Permit and map.		
APPLICANT NAME Cooper Pass LLC	CONTACT NAME David Blanchard	TELEPHONE NO. (509) 674-6828
WATER RIGHT HOLDER'S NAME (if different) Scatter Creek Resources LLC		EMAIL

DATE OF APPLICATION March 16, 2010	PRIORITY DATE June 5, 1886 CS4-00365CTCLsb5 June 30, 1900 CS4-01676(B)CTCL@1 July 31, 1903 CS4-02223CTCLsb2@1
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WATER SOURCE: Well(s)	CROP:
INSTANTANEOUS QUANTITY:	
PERIOD OF USE: Continuous	
PLACE OF USE: Lot 10-D, SP-2003-08 BROOKSIDE TRAILS EAST LARGE LOT SUBDIVISION, Kittitas County, Washington, per plat recorded in Book 8 of plats, pages 227-228; and said easement under Auditors File No. 200510270006.	PURPOSE OF USE: Domestic and lawn and garden irrigation
IRRIGATION METHOD:	

<p>CONSUMPTIVE USE CALCULATION:</p> <p>Twelve (12) ERUs at 30% consumptive use (CU) for septic system totals 2.0 afy with total CU = 0.60 afy.</p> <p>The storage for the Bureau Exchange is based on the CU (Oct 1 to April 30) = 0.35 afy, and the additional 1/3 of stored quantity to add to Parker target flows = 0.12 afy.</p> <p>The total placed into the Bureau Exchange = 0.47 afy (0.35 + 0.12).</p>

NARRATIVE DESCRIPTION OF PROJECT:

This proposal is to use water already in the trust water right program and committed to an approved Water Right No. G4-35273(C)P for 12 lots in the Brookside Trails East Large Lot Subdivision. The Water Right Permit authorizes winter mitigation for the development of 12 connections from storage that may be provided by the applicant's private storage or upon Ecology's approval, under the Bureau-Ecology Exchange Contract. Because the applicant has not constructed storage, the winter use of water for this project will be mitigated by asking Ecology to use the available and already committed trust water for the water right for the Bureau Exchange contract. See attached letter to Mark Kemner. There is no new or additional impact to the system than already permitted; rather the applicant is using the Bureau Exchange as storage for mitigation and not its own storage. The drainage from the development is to the Yakima River.

WTWG Project form



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PERMIT

TO APPROPRIATE PUBLIC WATERS OF THE STATE OF WASHINGTON

- Surface Water (Issued in accordance with the provisions of Chapter 117, Laws of Washington for 1917, and amendments thereto, and the rules and regulations of the Department of Ecology.)
- Ground Water (Issued in accordance with the provisions of Chapter 263, Laws of Washington for 1945, and amendments thereto, and the rules and regulations of the Department of Ecology.)

PRIORITY DATE	APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
March 16, 2010	G4-35273	G4-35273(C)P	
NAME			
Cooper Pass LLC (Ponderosa Pines Project)			
ADDRESS (STREET)	CITY	STATE)	ZIP CODE)
206 West First Street	Cle Elum	WA	98922

The applicant is hereby granted a permit to appropriate the following public waters of the State of Washington, subject to existing rights and to the limitations and provisions set out herein.

PUBLIC WATERS TO BE APPROPRIATED

SOURCE

Two wells.

TRIBUTARY OF (IF SURFACE WATERS)

MAXIMUM CUBIC FEET PER SECOND	MAXIMUM GALLONS PER MINUTE	MAXIMUM ACRE -FEET PER YEAR
	30	4.0
QUANTITY, TYPE OF USE, PERIOD OF USE		
30 gallons per minute, 2.0 acre-feet per year for year-round multiple domestic supply for up to 12 units, and 2.0 acre-feet per year for the irrigation of 0.81 acres from May 1 through September 30.		

LOCATION OF DIVERSION/WITHDRAWAL

APPROXIMATE LOCATION OF DIVERSION-WITHDRAWAL

1,700 feet east and 1,600 feet south from the northwest of Section 25, T. 20 N., R. 15 E.W.M. – Well ID APB363.

2,300 feet east and 1,500 feet south from the northwest of Section 25, T. 20 N., R. 15 E.W.M. – Well ID APB242.

LOCATED WITHIN (SMALLEST LEGAL SUBDIVISION)	SECTION	TOWNSHIP N.	RANGE, (E. OR W.) W.M.	W.R.I.A.	COUNTY
SE¼NW¼	25	20	15 E.	39	Kittitas

RECORDED PLATTED PROPERTY

LOT	BLOCK	OF (GIVE NAME OF PLAT OR ADDITION)

LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED

Parcel 1: Lot 10-D, SP-2003-08 BROOKSIDE TRAILS EAST LARGE LOT SUBDIVISION, in the County of Kittitas, State of Washington, as per plat thereof recorded in Book 8 of Plats, Pages 227 and 228, records of said County.

Parcel 2: A sixty foot (60') easement for ingress, egress and utilities over and across those roads as delineated on the Brookside Trails East Large Lot Subdivision, as per plat thereof recorded in Book 8 of Plats, Pages 227 and 228, AND a sixty foot (60') easement for ingress, egress and utilities over and upon those roads as contained in Easement Exchange recorded on December 4, 1978, under Kittitas County Auditor's File No: 428448 and as further delineated on that certain Survey recorded October 27, 2005, in Book 31 of Surveys, Pages 224 and 225, under Auditor's File No. 200510270006.

COPY

DESCRIPTION OF PROPOSED WORKS

Two existing points of withdrawal (Ecology Well IDs APB242 and APB363) at the Ponderosa Pines development will be used to provide domestic supply for a planned 12 unit residential development. The proposed domestic use will be regulated as a Group B, community public water system by the Washington State Department of Health (System ID AC276D). Domestic wastewater will be discharged to individual septic systems or an onsite, engineered community drain field.

DEVELOPMENT SCHEDULE

BEGIN PROJECT BY THIS DATE:	COMPLETE PROJECT BY THIS DATE:	WATER PUT TO FULL USE BY THIS DATE:
December 31, 2011	December 31, 2028	December 31, 2030

PROVISIONS

Wells

1. Any future water supply wells for Ponderosa Pines shall be drilled and completed into the bedrock aquifer consistent with the authorized existing well.
2. 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.
3. 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.
4. Flowing wells shall be constructed and equipped with valves to ensure that the flow of water can be completely stopped when not in use. Likewise, the well shall be continuously maintained to prevent the waste of water through leaky casings, pipes, fittings, valves, or pumps -- either above or below land surface.
5. The water source and/or water transmission facilities are not wholly located upon land owned by the applicant. Issuance of a water right change authorization by the Department of Ecology does not convey a right of access to, or other right to use, land which the applicant does not legally possess. Obtaining such a right is a private matter between applicant and owner of that land.
6. 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.
7. Required installation and maintenance of an access port as described in WAC 173-160-291(3).
8. In order to maintain a sustainable supply of water, pumping must be managed so that static water levels do not progressively decline from year to year. 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 levels at each well used under this authorization shall be measured and recorded bi-annually (May and September), using a consistent methodology. Data for the previous year shall be submitted by January 31 to the Department of Ecology.
9. Static water level data shall be submitted in digital format and shall include the following elements:
 - a. Unique Well ID Number
 - b. Measurement date and time
 - c. Measurement method (air line, electric tape, pressure transducer, etc.)
 - d. Measurement accuracy (to nearest foot, tenth of foot, etc.)
 - e. Description of the measuring point (top of casing, sounding tube, etc.)
 - f. Measuring point elevation above or below land surface to the nearest 0.1 foot
 - g. Land surface elevation at the well head to the nearest foot
 - h. Static water level below measuring point to the nearest 0.1 foot

Metering and Reporting

10. An approved measuring device shall be installed and maintained for each of the sources authorized by this water right in accordance with the rule "Requirements for Measuring and Reporting Water Use", WAC 173-173. <http://www.ecy.wa.gov/programs/wr/measuring/measuringhome.html>
11. Water use data shall be recorded weekly and maintained by the property owner for a minimum of five years. The maximum monthly rate of diversion/withdrawal and the monthly total volume shall be submitted to the Department of Ecology by January 31st of each calendar year.
12. 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.

General

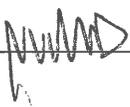
13. Department of Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the project location, and to inspect at reasonable times, records of water use, wells, diversions, measuring devices and associated distribution systems for compliance with water law.
14. The water right holder shall file the notice of Proof of Appropriation of water (under which the permit 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. A certificate will reflect the extent of the project perfected within the limitations of the water right. 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.
15. The water source and/or water transmission facilities may not be wholly located upon land owned by the applicant. Issuance of a water right change authorization by the Department of Ecology does not convey a right of access to, or other right to use, land which the applicant does not legally possess. Obtaining such a right is a private matter between applicant and owner of that land.
16. Use of water under this authorization shall be contingent upon the water right holder's maintenance of efficient water delivery systems and use of up-to-date water conservation practices consistent with established regulation requirements and facility capabilities.
 - a. Use of water under this authorization shall be contingent upon the Department of Ecology's written approval of, and the permit holder's compliance with a storage and release plan consistent with the mitigation offered, which addresses out-of-irrigation season (October 1 to March 31) impacts associated with the withdrawals under this authorization. If the aforementioned storage and release plan is not implemented consistent with the mitigation offered, all outdoor use shall no longer be authorized until such time that the Department of Ecology issues a letter stating that mitigation has been sufficiently reinstated.
17. Per WAC 173-539A consumptive use authorized under this authorization must be water budget neutral. Consumptive use quantities (total withdrawal minus return flow) must be fully offset by debit of an equal consumptive use quantity of seasonal irrigation water rights placed into permanent trust in the Washington State Trust Water Right Program (TWRP) by Northland Resources LLC.
18. Water use under this authorization is contingent upon the conveyance of an equal (2.4 acre-feet per year) or greater amount of consumptive use from a suitable instream flow right (see trust water right agreement) to the Washington State Trust Water Right Program.
19. The connection limit for Ponderosa Pines (12 units) is an upper limit and is contingent upon the approval of a Group B Water System by the DOH. The permittee recognizes that the DOH may limit the connections to less than requested because the estimated indoor water use is not consistent with the DOH Water System Design Manual which recommends a minimum of 200 gpd for indoor use. If DOH requires greater than the 150 gpd per connection as proposed, the permittee may choose to reduce the number of connections and/or acres of irrigation to accommodate a greater minimum daily demand.

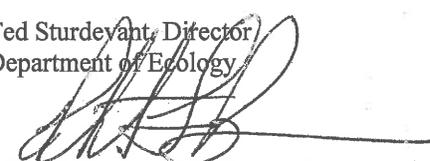
This permit shall be subject to cancellation should the permittee fail to comply with the above development schedule and/or to give notice to the Department of Ecology on forms provided by that Department documenting such compliance.

Given under my hand the seal of this office at Yakima, Washington, this 9th day of AUGUST 2011.

Ted Sturdevant, Director
Department of Ecology

DATA REVIEW

OK 

by 

Robert F. Barwin, Acting Section Manager
Water Resources Program/CRO

*If you need this publication in an alternate format, please call Water Resources Program at 509 575 2490.
Persons with hearing loss can call 711 for Washington Relay Service. Persons with a speech disability can call 877-833-6341.*

RECEIVING NUMBER

P-08-XX

PLAT OF PONDEROSA PINES
 PART OF THE
PLAT OF PONDEROSA PINES
 NW 1/4 NW 1/4, NE 1/4 NW 1/4 - NW 1/4 NE 1/4, SE 1/4 NW 1/4,
 SEC. 25, T.20N., R.15E., W.M.
 KITTITAS COUNTY, STATE OF WASHINGTON



- 3-05-02 FOUND 1" REBAR WITH "X"
 EXISTING R.P.'S:
 1) 10" ALDER N85E 6.04'
 2) 10" ALDER N85E 6.04'
 3) 30" FIR N63W 33.107'
 4) 38" FIR STUMP 2' HIGH
 555W 21.16'

- NW COR. SEC. 25
 3-05-02 FOUND 1" REBAR IN
 MOUND OF STONE WITH 1-1/4"
 DIA. IRON ROD ON EAST
 SIDE OF MOUND
 EXISTING R.P.'S:
 1) 16" PINE N66E 26.76'
 2) 16" PINE N85E 33.09'
 3) 8" PINE STUB N85E 33.09'
 4) 16" FIR N07W 24.63'

- EXISTING 60' EASEMENT, SEE
 SP-2004-19 SKI RIDGE, FILED
 UNDER AFN, 200501260008 AND
 EAST-CORNER BROOKSIDE TRAILS
 EAST, FILED UNDER AFN,
 200307110061

- NOTES:
 1. EACH LOT TO BE SERVED BY ON SITE SEPTIC SYSTEMS.
 2. NO KNOWING EASEMENTS EXIST ON THIS SITE.
 3. CONTOUR INTERVAL = 5'

- SURVEY NOTES:**
 1. BEARINGS AND DISTANCE BREAKDOWN ARE PER A SURVEY BY
 BLUMH & ASSOC. FILE NUMBER 200409300027, RECORDS OF KITTITAS
 COUNTY, STATE OF WASHINGTON.
 2. THE PURPOSE OF THIS DOCUMENT IS TO CLUSTER PLAT PARCEL 2 OF
 THAT CERTAIN SURVEY AS RECORDED BY BLUMH & ASSOC. IN BOOK 30 OF
 SURVEYS ON PAGES 147 THRU 149 UNDER AUDITOR'S FILE NUMBER
 200409300027 TO THE CONFIGURATION SHOWN HEREON.
 3. KITTITAS COUNTY RELIES ON ITS RECORD THAT A SUPPLY OF POTABLE
 WATER EXISTS. THE APPROVAL OF THIS DIVISION OF LAND INCLUDES NO
 GUARANTEE THAT THERE IS A LEGAL RIGHT TO WITHDRAW
 GROUNDWATER WITHIN THE LAND DIVISION.

- W1/4 COR. SEC. 25**
 9-25-01 FND CONCRETE
 EXISTING R.P.'S:
 1) BASKETBALL HOOP S62W
 13.87' AND OTHER R.P.'S
 AVAILABLE

- APPROXIMATE LOCATION
 EPA EASEMENT



Encompass
 ENGINEERING & SURVEYING
 108 EAST 2ND STREET
 GLE ELUM, WA 98922
 PHONE: (509) 974-7433
 FAX: (509) 674-7419

2012-12
PERFORMANCE BASED PLAT
 PART OF NW 1/4 NW 1/4, NE 1/4 NW 1/4, SE 1/4 NW 1/4,
 SECTION 25, T. 20N., R. 15E., W.M.
 KITTITAS COUNTY, STATE OF WASHINGTON

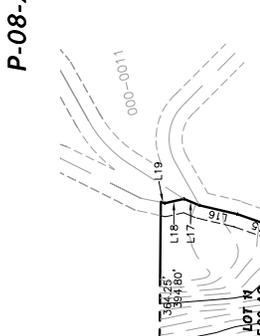
DWN BY: STAYLOR
 CHKD BY: D. NELSON
 DATE: 03/2008
 SCALE: 1"=200'
 JOB NO.: 08020
 SHEET: 1 of 2

SURVEYOR'S CERTIFICATE
 This map correctly represents a survey made by me or under my direction in conformance with the requirements of the Survey Recording Act at the request of: COOPER PASS, LLC.
 in: T.20N., R.15E., W.M.
 Certificate No. 18092

RECORDER'S CERTIFICATE
 Filed for record this day of 20..... at M
 in book of at page at the request of

 Surveyor's Name: DAVID P. NELSON
 County Auditor: Deputy County Auditor

OWNER:
 COOPER PASS, LLC
 GLE ELUM, WA 98922
PARCEL # 20-15-25058-0004
 60.11 ACRES
 12 LOTS
 WATER SOURCE: XX
 SEWER SOURCE: XX
 ZONE: XA



VICINITY MAP
 N.T.S.

APPROVALS
 KITTITAS COUNTY DEPARTMENT OF PUBLIC WORKS
 EXAMINED AND APPROVED THIS DAY OF A.D., 200.....
 KITTITAS COUNTY ENGINEER
 KITTITAS COUNTY HEALTH DEPARTMENT
 I HEREBY CERTIFY THAT THE XXX
 PLAT HAS BEEN EXAMINED BY ME AND I FIND THAT
 THE SEWAGE AND WATER SYSTEM HEREIN SHOWN
 DOES MEET AND COMPLY WITH ALL REQUIREMENTS
 OF THE COUNTY HEALTH DEPARTMENT.
 DATED THIS DAY OF A.D., 200.....
 KITTITAS COUNTY HEALTH OFFICER
 CERTIFICATE OF COUNTY PLANNING DIRECTOR
 I HEREBY CERTIFY THAT THE PONDEROSA PINES PLAT
 HAS BEEN EXAMINED BY ME AND I FIND THAT IT CONFORMS
 TO THE COMPREHENSIVE PLAN OF THE KITTITAS
 COUNTY PLANNING COMMISSION.
 DATED THIS DAY OF A.D., 200.....
 KITTITAS COUNTY PLANNING DIRECTOR
 CERTIFICATE OF KITTITAS COUNTY TREASURER
 I HEREBY CERTIFY THAT THE TAXES AND ASSESSMENTS
 ARE PAID FOR THE PRECEDING YEARS AND FOR THIS
 YEAR IN WHICH THE PLAT IS NOW TO BE FILED.
 PARCEL NO. 20-15-25058-0004 (19157)
 DATED THIS DAY OF A.D., 200.....
 KITTITAS COUNTY TREASURER
 CERTIFICATE OF KITTITAS COUNTY ASSESSOR
 I HEREBY CERTIFY THAT THE XXX PLAT
 HAS BEEN EXAMINED BY ME AND I FIND THE PROPERTY
 TO BE IN AN ACCEPTABLE CONDITION FOR
 PLATING. PARCEL NO. 20-15-25058-0004
 DATED THIS DAY OF A.D., 200.....
 KITTITAS COUNTY ASSESSOR
 KITTITAS COUNTY BOARD OF COMMISSIONERS
 EXAMINED AND APPROVED THIS DAY OF
 A.D., 200.....
 BOARD OF COUNTY COMMISSIONERS
 KITTITAS COUNTY, WASHINGTON
 BY: CHAIRMAN
 ATTEST: CLERK OF THE BOARD
**NOTICE: THE APPROVAL OF THIS PLAT IS NOT A
 GUARANTEE THAT FUTURE PERMITS WILL BE GRANTED.**

December 30, 2011

Mark Kemner
 Water Resources Manager
 Central Regional Office
 Department of Ecology
 15 West Yakima Ave., Suite 200
 Yakima, WA 98902-3452



Re: Request for Trust Water Commitment for Bureau Exchange Contract

Dear Mark:

On behalf of Sapphire Skies, I am requesting that mitigation water available from the Sapphire Skies trust water rights represented by Henshaw, CS4-00365CTCLsb5, Newton, CS4-01676(B)CTCL@1, and Pasco, CS4-02223CTCLsb2@1, be assigned to the Bureau of Reclamation water exchange contract to provide storage for winter mitigation of the Ponderosa Pines (G4-35273(C) permit.

As described below, the amount assigned to the Bureau contract will be 0.47 acre-feet per year (afy).

The Ponderosa Pines project has been approved in Water Right Permit No. G4-35273(B) for 12 residential units. The right is conditioned on mitigation allocated from the Sapphire Skies Instream Flow Water Rights in the state Trust Water Right Program as provided in the permit, and further recognized in the Superseding Trust Water Right Agreement between Ecology and Sapphire Skies. Therefore, this is not a request for a water budget neutral project. Rather, as we have completed in the past for other permitted projects, it is a request to have that portion of the approved mitigation quantity under the permit for winter mitigation be stored and available under the Bureau exchange contract, rather than private storage constructed by Sapphire Skies. This is consistent with the terms of the Superseding Trust Water Right Agreement.

The quantity of water allocated to the exchange for this permit is as follows:

Ecology has authorized 150 gpd indoor use per Equivalent Residential Unit (ERU). Twelve (12) ERUs with 30% consumptive use (CU) for septic system, equates to total use of 2.0 afy with total CU = 0.60 afy.

Mark Kemner
December 30, 2011
Page 2

Ecology has authorized 0.168 afy per ERU for irrigation use from May 1 through September 30. Twelve (12) ERUs with 90% CU equates to total use of 2.0 afy with total CU = 1.80 afy.

Trust water rights held in the Sapphire Skies Water Exchange exceed the CU for this and other projects mitigated by the exchange between May 1 and September 30.

The storage for the Bureau Exchange is based on the CU (Oct 1 to April 30) = 0.35 afy, and the additional 1/3 of stored quantity to add to Parker target flows = 0.12 afy.

Total debited from TWR is the sum of the indoor CU, irrigation CU, and additional 1/3 for storage $(0.60 + 1.80 + 0.12) = 2.52$ afy. The total placed into the Bureau Exchange = 0.47 afy $(0.35 + 0.12)$.

We have also confirmed that the Contract Cost = \$300.30 (\$22 per afy of stored water with 0.35 afy stored for 39 years). We will provide you with a check for this amount upon your approval of this request.

When approved, please provide us with documentation that we can provide to the County for obtaining necessary permits to develop the project. We ask that the documentation state with specificity that Ecology certifies that the project has available water for year-round residential use in compliance with WAC 173-539A.

Thank you for attention to this matter.

Sincerely,



Thomas McDonald
Direct Line: (360) 786-5039
Email: tmcdonald@cascadialaw.com
Office: Olympia

TM:en

cc: Melissa Downes, DOE
David Blanchard and Sean Northrop, Northland Resources