

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 26 unit development permitted under Water Right No. G4-35247P (Flatwater Project). See attached Permit and map.		
APPLICANT NAME Green Canyon 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 June 5, 2009	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: That portion of Lot 1 boundary line adjustment, recorded in Volume 31, at page 111, within the SW1/4 of Section 30, T. 20N., R. 16 E.W.M. Kittitas County, Washington.	PURPOSE OF USE: Domestic and lawn and garden irrigation
IRRIGATION METHOD:	

<p>CONSUMPTIVE USE CALCULATION:</p> <p>Twenty-six (26) ERUs at 30% consumptive use (CU) for septic system totals 4.35 afy with total CU = 1.30 afy.</p> <p>The storage for the Bureau Exchange is based on the CU (Oct 1 to April 30) = 0.76 afy, and the additional 1/3 of stored quantity to add to Parker target flows = 0.25 afy.</p> <p>The total placed into the Bureau Exchange = 1.01 afy (0.76 + 0.25).</p>
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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. G4-35247P for 26 lots in the Flatwater development. The Water Right Permit authorizes winter mitigation for the development of 26 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 then 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
June 5, 2009	G4-35247	G4-35247P	

NAME			
Green Canyon LLC (Flatwater)			
ADDRESS (STREET)	CITY	STATE)	ZIP CODE)
206 West First Street	Cle Elum, WA	WA	98922-1108

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		
Three wells		
TRIBUTARY OF (IF SURFACE WATERS)		
MAXIMUM CUBIC FEET PER SECOND	MAXIMUM GALLONS PER MINUTE	MAXIMUM ACRE -FEET PER YEAR
	100	8.7
QUANTITY, TYPE OF USE, PERIOD OF USE		
100 gallons per minute, 4.35 acre-feet per year, for year-round multiple domestic supply for up to 26 units, and 4.35 acre-feet per year for the irrigation of 1.75 acres from May 1 through September 30.		

LOCATION OF DIVERSION/WITHDRAWAL

APPROXIMATE LOCATION OF DIVERSION--WITHDRAWAL					
Final well locations to be determined.					
LOCATED WITHIN (SMALLEST LEGAL SUBDIVISION)	SECTION	TOWNSHIP	RANGE,	WRIA	COUNTY
SW¼	30	20 N.	16 EWM	39	Kittitas
PARCEL NO.	LATITUDE	LONGITUDE	DATUM		
	N	W			

LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED

That portion of Lot 1 boundary line adjustment, recorded in Volume 31, at Page 111, more particularly described as: Beginning at the northwest corner of said Lot 1; thence south 00° 22' 57" east, 1,051.54 feet along west line of said Lot 1; thence south 85° 25' 44" east, 32.70 feet; thence south 78° 08' 28" east, 807.15 feet; thence south 72° 08' 05" east, 176.26 feet; thence south 63° 06' 57" east 14.72 feet; thence south 58° 06' 24" east, 366.87 feet; thence north 89° 35' 37" east, 517.19 feet; thence north 89° 51' 33" east, 125.06 feet; thence north 00° 25' 35" east, 675.63 feet to the northeast corner of said Lot 1; thence north 86° 41' 33" west, 125.30 feet; thence north 80° 27' 43" west, 276.02 feet; thence north 65° 39' 48" west, 345.18 feet; thence north 61° 00' 19" west, 410.49 feet; thence north 48° 31' 11" west, 334.71 feet; thence north 66° 21' 38" west, 336.47 feet; thence north 82° 35' 03" west 342.20 to the point of beginning, all within the SW¼ of Section 30, T. 20 N., R. 16 E.W.M., Kittitas County, Washington.

DESCRIPTION OF PROPOSED WORKS

A water supply well has not been constructed at the site. Up to three wells will be completed in the unconsolidated Yakima River alluvium. Water from these wells will be used for domestic supply for a planned 26 unit residential development. The proposed domestic use will be regulated as a Group A, community public water system by the Washington State Department of Health. Domestic wastewater will be discharged to 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, 2021	December 31, 2025

PROVISIONS

Wells

1. The water supply wells shall be drilled and completed in the unconsolidated alluvial deposits in hydraulic continuity with the Yakima River.
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. 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.
6. Required installation and maintenance of an access port as described in WAC 173-160- 291(3).

Provisions continued on Page 3

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 29 day of November 2011.

Ted Sturdevant, Director
Department of Ecology

DATA REVIEW

OK 

by 
Mark Kemner, 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.

Metering and Reporting

7. 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>

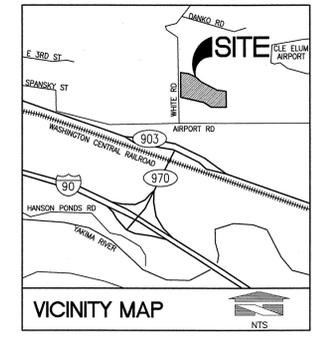
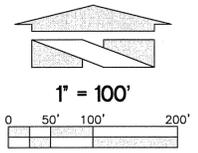
8. Water use data shall be recorded weekly and maintained by the property owner for a minimum of five years. The maximum monthly rate of diversion/withdrawal and the monthly total volume shall be submitted to the Department of Ecology by January 31st of each calendar year.
9. Recorded water use data shall be submitted via the Internet. To set up an Internet reporting account, contact the Central Region Office. If you do not have Internet access, you can still submit hard copies by contacting the Central Region Office for forms to submit your water use data.

General

10. 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.
11. 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.
12. The water source and/or water transmission facilities are not wholly located upon land owned by the applicant. Issuance of a water right 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.
13. 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.
14. Use of water under this authorization shall be contingent upon the Department of Ecology's acceptance and compliance with a storage and release plan, which addresses historic out-of-irrigation season (October 1 to March 31) impacts associated with withdrawals under this permit.
15. Per Chapter 173-539A WAC, consumptive use authorized under this permit is 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.
16. Use of water under this authorization is contingent upon the conveyance of an equal (5.2 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.
17. The connection limit (26 units) is contingent upon the approval of a Group A Water System by the Washington State Department of Health.

PRELIMINARY PLAT MAP OF HENSHAW LAKE

A PORTION OF SW 1/4 OF SECTION 30, TOWNSHIP 20 N., RANGE 16 E., W.M.
KITITAS COUNTY, WASHINGTON

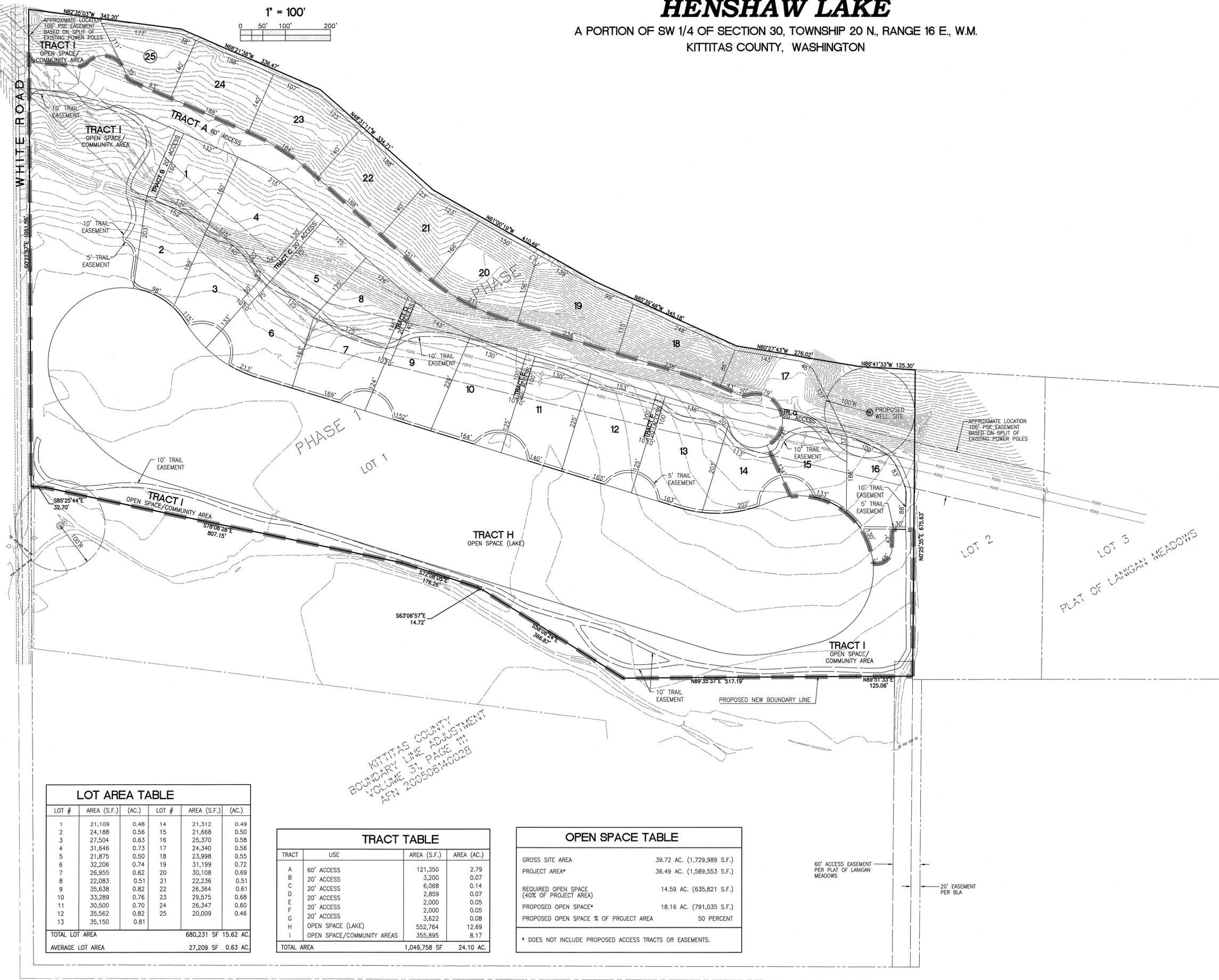


NOTES

- TAX #: 495035
- SITE AREA: 1,729,989 S.F. (39.12 AC)
- EXISTING USE: AGRICULTURE
- PROPOSED USE: 25-LOT RESIDENTIAL SUBDIVISION
- EXISTING ZONING: AG-3
- EXISTING COMPREHENSIVE PLAN DESIGNATION: AGRICULTURAL
- PROPOSED MIN. LOT WIDTH: 113 FEET
- REQUIRED MIN. AVG. LOT WIDTH: 250 FEET
- PROJECT DENSITY: 0.64 DU/ACRE
- REQUIRED MIN. SETBACKS:
FRONT/SIDE STREET: 25 FEET
GARAGE: 25 FEET
INTERIOR: 5 FEET (15 FEET ON CORNERS)
REAR: 25 FEET
- SOURCE OF BOUNDARY AND TOPOGRAPHY: FIELD VERIFIED BY BARGHAUSEN CONSULTING ENGINEERS, INC., JUNE 2007.

UTILITIES/SERVICES:

- WATER:** FUTURE GROUP A PUBLIC WATER SYSTEM
- SEWER:** PRIVATE INDIVIDUAL ON-SITE SEPTIC SYSTEM OR COMMUNITY DRAIN FIELD.
- POWER:** PUGET SOUND ENERGY
105 - 156TH AVENUE N.E.
BELLEVUE, WA 98005
1(800) 321-4321
- PHONE:** QWEST COMMUNICATIONS
P.O. BOX 91073
SEATTLE, WA 98111
1(800) 244-1111
- FIRE:** KITITAS COUNTY FIRE DISTRICT #7
921 UPPER PEOH ROAD
SOUTH CLE ELUM, WA 98943
- SCHOOL:** CLE ELUM-ROSLYN SCHOOL DISTRICT #404
2690 STATE ROUTE 903
CLE ELUM, WA 98922
(509) 649-2393



LOT #	AREA (S.F.)	(AC.)	LOT #	AREA (S.F.)	(AC.)
1	21,109	0.48	14	21,312	0.49
2	24,188	0.56	15	21,668	0.50
3	27,504	0.63	16	25,370	0.58
4	31,646	0.73	17	24,340	0.56
5	21,875	0.50	18	23,998	0.55
6	32,206	0.74	19	31,199	0.72
7	26,955	0.62	20	30,108	0.69
8	22,083	0.51	21	22,236	0.51
9	35,638	0.82	22	26,364	0.61
10	33,289	0.76	23	29,575	0.68
11	30,500	0.70	24	26,347	0.60
12	35,562	0.82	25	20,009	0.46
13	35,150	0.81			
TOTAL LOT AREA			680,231 SF	15.62 AC.	
AVERAGE LOT AREA			27,209 SF	0.63 AC.	

TRACT	USE	AREA (S.F.)	AREA (AC.)
A	60' ACCESS	121,350	2.79
B	20' ACCESS	3,200	0.07
C	20' ACCESS	6,068	0.14
D	20' ACCESS	2,859	0.07
E	20' ACCESS	2,000	0.05
F	20' ACCESS	2,000	0.05
G	20' ACCESS	3,622	0.08
H	OPEN SPACE (LAKE)	552,764	12.69
I	OPEN SPACE/COMMUNITY AREAS	355,895	8.17
TOTAL AREA		1,049,758 SF	24.10 AC.

GROSS SITE AREA	39.72 AC. (1,729,989 S.F.)
PROJECT AREA*	36.49 AC. (1,589,553 S.F.)
REQUIRED OPEN SPACE (40% OF PROJECT AREA)	14.59 AC. (635,821 S.F.)
PROPOSED OPEN SPACE*	18.16 AC. (791,035 S.F.)
PROPOSED OPEN SPACE % OF PROJECT AREA	50 PERCENT

* DOES NOT INCLUDE PROPOSED ACCESS TRACTS OR EASEMENTS.

KITITAS COUNTY
BOUNDARY LINE ADJUSTMENT
VOLUME 31, PAGE 111
AFN 200508140028

No.	Date	By	Appr.	Revision
2	7/1/09	BT	BT	
1	6/10/08	AJ	IH	
1	7/3/07	AJ	IH	

Title: **PRELIMINARY PLAT MAP
OF
HENSHAW LAKE**

For: **HJV L.L.C.
206 WEST FIRST STREET
CLE ELUM, WA
(509) 674-6828**



Scale: Horizontal 1" = 100', Vertical N/A

Designed: []
Drawn: []
Checked: []
Approved: []
Date: 01/31/08

18215 72ND AVENUE SOUTH
KENT, WA 98032
(425)251-6222
(425)251-8782 FAX
CIVIL ENGINEERING, LAND PLANNING,
SURVEYING, ENVIRONMENTAL SERVICES

Job Number: **12915**
Sheet: **1 of 2**
Date: 7/1/2009 10:10 AM
Scale: 1" = 100'

AIRPORT ROAD

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 Flatwater (G4-35247) permit.

As described below, the amount assigned to the Bureau contract will be 1.01 acre-feet per year (afy).

The Flatwater project has been approved in Water Right Permit No. (G4-35247) for up to 26 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). Twenty-six (26) ERUs with 30% consumptive use (CU) for septic system, equates to total use of 4.35 afy with total CU = 1.3 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. Twenty-six (26) ERUs with 90% CU equates to total use of 4.35 afy with total CU = 3.9 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) = 0.76 afy, and the additional 1/3 of stored quantity to add to Parker target flows = 0.25 afy.

Total debited from TWR is the sum of the indoor CU, irrigation CU, and additional 1/3 for storage (1.3 + 3.9 + 0.25) = 5.45 afy. The total placed into the Bureau Exchange = 1.01 afy (0.76 + 0.25).

We have also confirmed that the Contract Cost = \$652.08 (\$22 per afy of stored water with 0.76 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