

Minutes for the Water Transfer Working Group Meeting February 19, 2009 10:00 AM

Attendees: Dave Brown, Stuart Crane, Melissa Downes, Tim Flynn, Chuck Garner, David Gleason, Teresa Hauser, Carron Helberg, Margo Hines, Stan Isley, John Kirk, Paul LaRiviere, Chris Lynch, Larry Martin, Jim Milton, Tom Ring, Mark Schuppe, Jeff Slothower, Ron Van Gundy, Dawn Wiedmeier

Dawn Wiedmeier opened the meeting with the first agenda item for the approval of the previous meeting minutes from January 26, 2009. Stan Isley had some corrections, and will provide them to Carron for incorporation.

Dawn continued with the next agenda item of previous proposal 2009-06 for MTA Holdings, by asking if Tom Ring emailed his comments to the group. Tom Ring's update and comments to the group are as follows: 1) the water use is TWSA neutral, 2) he is not sure if the change in timing of recharge and discharge resulting from switching from surface to groundwater is positive negative or neutral with respect to TWSA. These comments translate into a lack of objection from Tom Ring, thus the group gave a thumbs-up recommendation.

The group continued to the next agenda item with proposal 2009-08 for Shaw, with John Kirk discussing this proposal. John commented that the CFO came out in 2006; it will transfer into wells downstream to Benton City from Kittitas Valley, with 160 acres being assessed by KRD. It has an 1873 priority date and it is just below the Highline canal. The group discussed the flow late in the season, John stated that the Benton County Conservancy Board looked at this and approved it. The board does not mention fallowing the land. Jeff Slothower said it is 125 irrigable acres. John said the court ordered 160 acres. Stan Isley thought because of the creek right? Jeff S. says it is classified as non-irrigable (class 4 & 5) at 125 acres. Tom Ring stated they are moving TWSA water to Benton City. It is an increase in consumptive use (CU), not TWSA budget neutral. This is a thumbs-down, right? The group discussed the return flow, if this needs to be added to the target flows at Parker, and a new right versus fallowing the existing right. If 45 acres are fallowed, then that amount can be transferred. The group continued to discuss the flow. Stan said the new use will be pulled out. John said it shows they are irrigating more than 125 acres. Chris Lynch said it added up to 205 acres. John said the Ecology views the KRD water as either an alternative or standby situation. Ron Van Gundy agreed with that. SI said even if they are additive, people have used both rights and used a lot of acre feet per acre per year. If people use water fully, the crop is only using so much, but it still comes down to CU. Dave B commented about the carriage water. John asked is this a TWSA issue. RVG said since it is deliverable, then it is not protected. Paul also noted that on both proposals that the creek names are not correct, as the one of them should not Taneum Creek. Tom Ring said it is outside the box and asked if Ecology is going to reverse the Conservancy Board decision. Melissa Downes said they will take this advice into account. Ecology does not disagree with the group. The water right can not be additive (stacked and taken apart). In conclusion, the group gave a clear thumbs-down as is, but if the land is fallowed, then 35 acres of CU could be transferred and the group would approve that.

The next new proposal is 2009-09 for Swiftwater. Melissa explained these three rights, Teanaway Creek; historically it shows a slight downstream move. She discussed the season of use, fill reservoir (mitigation) and release to river in winter. Feels the CU would not go over the 29.9. Tom R asked what is going on the land, adding Suncadia's part is already fallowed. Suncadia purchased the Walker Ranch water right, but it was not enough to cover what they needed. The group discussed how they are filling the pond, how they are pumping during the irrigation season and in the winter months pumping back into the river. Paul L asked in trying to keep TWSA neutral, why we would take it out during a critical period, and feels it is awkward timing. The group discussed mimicking historic use, extending the period of use, and release to mitigate. The pond water is not going in the houses, using the wells and releasing the same amount into the river. Paul L does not agree with this transfer, the plats they are proposing are in the flood plain, and in conflict with the public policies. Currently feels it is not showing in the flood plain map. David Gleason and Tim Flynn joined the group, and said they met with F&WL. Paul L asked for an EIS on this. David has complied with all the requests of F&WL and he is here today to work out the water right issues. The group discussed moving all the lots out away from the dike. David Gleason discussed the changes he is making. Paul is currently working on this with William Meyers, and others. Larry Martin asked are we as a group getting into flood plain issues. The group discussed flooding and the flows in the area, the beneficial use analysis, seasonal to year round use, hydraulic continuity and impairment, and mitigation. Stan corrected the statement of the priority of the water right in the proposal, which the Teanaway is subject to the regulations. The group discussed curtailment in a worst case scenario; zero-scapping; metering; if the water right is under utilized, would they later ask to use the difference; relinquishment; and municipal supply. The group is not giving a thumbs-up as a municipal water right. Tim Flynn explained the CU of the project and in season and out of season use, and shows the mitigation amount. Paul L asked if David G wanted to get with Mark and William of F&WL. Paul will take his queue from them. It is not necessarily a bad thing, but will stay neutral. Tim asked if the land issues be separated from the WR, but PL said he is putting them together and asking it to stay with this group. Suncadia took out the homes in order to keep them out of the flood plain, but this one is entirely on the historic flood plain. Tom R added that curtailment statement needs to be added, and Stan talked about the Masterson water right, and added that legally the provision needs to be on the water right, and all are subject and it is on all decisions made by Ecology. Stan Tim and Tom R discussed all rights are subject to this regulation. The group gave no recommendation and this will come back to the group. Dawn asked aside from the working out the issue with F&WL, is the group is ok with the transfer. The group agrees that the water right is ok, and recommends a conditional thumbs-up, which is conditional on coordination with F&WL to work out the other issues outside the water right.

The group continued with the box checklist discussion. Dawn asked for comments, and the group discussed the additional changes to the checklist. Dawn asked Carron to incorporate these changes and send it out to the group for final review.

Next meeting is Monday March 30, 2009 1:00 PM.

Dawn adjourned the meeting at 12:00 PM