

Water Transfer Working Group Meeting Minutes for March 26, 2007 at 1:00 PM

Bob Barwin, Stuart Crane, Jim Davis, Paul Dempsey, Melissa Downes, Bill Ferry, Chuck Garner, Carron Helberg, Stan Isley, Paul LaRiviere, Chris Lynch, George Marshall, Jim Milton, Tom Ring, Tom Tebb, Scott Turner, Ron Van Gundy

Chuck Garner called the meeting to order. He asked if there were any additions to the minutes for February 26, 2007, with no corrections or additions the minutes were accepted as written.

The group started with the new proposal for Cascade Irrigation District (CID), 2007-28, with Paul Dempsey commenting it is a change in Point of Diversion (POD). Tom Tebb deferred to Melissa Downes. MD said it is south of the Yakima River, 2.0 acres, outside CID service area, this change adds the diversion to CID, and it reflects the direction of the court. CG asked if this was not granted how it would be served. MD said it was originally served by CID until the river changed course. Stan Isley agreed. Tom Ring asked if it was between Strawberry Flats and Clarke. PD said it is depicted on the map attached to the proposal, but was hard to see. The group discussed this location. Bill Ferry and PD said this was hard to true up. MD said the CFO was confirmed in July 2006 and Ecology then proceeded to go through the documents to get to where we are now. SI feels it is a non-issue and gives it a thumbs up. TR said as long as this falls within the acreage Qi and Qa and PD said it did. Paul LaRiviere asked is the Buck diversion screened, and PD said yes. TT asked if it is a thumbs up and the group gave it the thumbs up.

The group continued with the MOU agenda item with Bill Ferry saying after getting a couple of grammatical corrections made, the agreement was signed, but it is not posted on Ecology's website yet with signatures. We are waiting for a better copy. The next step for Reclamation is to shoot for publishing a notice in the Federal Register by April 15 then to draft an agreement by May 15 and share with Ecology. Ron Van Gundy asked what the state's intent is. Bob Barwin said they have a directive to solve the water right problems for the post 1905ers, buy water rights and put them in the trust water right program and then work with Reclamation. Ecology will be paying an annual fee for Operation and Maintenance (O&M) and it will become a revolving account. Ecology's budget for this program is still being worked on and seems to be following this with the 2007-2009 budget with funding to start this program. RVG asked BB will you do a reverse auction again. BB said yes, as there is a specific amount of water we are looking for. Tom Tebb said this is a big step forward. TR asked is there a process in mind, if someone wants to be a part of the program - what about mitigation for Total Water Supply Available (TWSA) and impairment. BB stated in the world of domestic use, the existing post 1905ers need mitigation, free of the curtailment order. For anyone new, they need to meet the four tests and the tributaries will come up and mitigation will come up. A public process would be a part of a new right. The post 1905ers are first, all others are unknown. This group will cover less than half the water in the MOU, and expects a total of no more than 500 AF of water.

The group returned to the agenda item for Ahtanum Irrigation District proposals 2007-4 to 2007-27 with CG asking if TT had developed language and Paul LaRiviere was able to do a site visit before this meeting. TT said Scott Turner is working with TR. TR had some concerns and provided legal language to the tribe. ST is looking at fish screening the site. ST asked if the language was adequate. TR said he forwarded it to his attorney. That Jim Davis, Alan Reichman and the tribe's attorney will work it out. Approval of proposals in this group is with no clouds on the water right. The draft language changes are approved, subject to the water right's confirmation. I did not think this was appropriate for this group. JD said that usually this group is by consensus, a change in point of diversion and it is contingent by the final order anyway. TR said the language for the transfers is "in the box" and without a cloud on the water right. TT said this group is a technical group and the proposals are with harm to the resource. Because it is in litigation, it is not for us to say. JD asked if he should go directly to the judge. TT said he needs to separate legal from transfer. He wants to be able to finish this transfer, and come back to the group and his hope is to resolve the technical issues. JD said he will take this up with Jeff Schuster and Alan Reichman. TT said concerning the technical, there is a fish screen at the upper diversion. ST said at the Bachelor/Hatton fish screen, and he originally thought it would not need to be screened. However, after conversing with the Fish & Wildlife folks, felt it needs to be screened. PL said the HPA permits could be issued. He is not willing to say they are not required to be screened. He is still working on restoring the flood plains and leaving open as an option, and desired conditions and legal issue of not screening. He is still working on how to do this. He feels every move is a good move, he would like to work this out, and it is good for fish. TT asked what the irrigation districts think. JD said the legal issue is it a ditch or a stream. The diversion size is quite small and he does not see why we need to spend a bunch of money. TT asked PL for documentation on the fish issues and the authority of the hydraulic code as it relates to Ahtanum ID. ST said it is set up to keep out anadromous fish and not game fish and they are asking to do the opposite. PL said yes he would provide this to Ecology, as he wants a win-win situation; the ag folks get screened without spending a lot of money and restore the fish. TT added and that irrigation has input into this process. JD asked to be kept in the loop on these issues. PL his agency can utilize the code to apply practices to manage the stream, and he will continue looking at the ditch vs. stream issue. George Marshall said as the ditchrider for AID he received a letter from Fish & Wildlife on the screen issue and it was discussed last week. TT said there were discussions last week. ST said F& WL discussion was asking if there were interest, not about the letter. The group continued to discuss the district's situation with JD asking to be kept in the loop and he received phone numbers and email addresses in order to communicate with them. CG said any decision would be on hold by this group. TR talked about funding and agrees with JD; it is a diversion. On July 10, it is shut down and it dries up. GM and TR discussed how operated, with TR adding we are talking about 10 cfs. There are a lot of issues to work out. TT is trying to move this work forward. TR said he cannot help on the screen issue, this is new and cannot solve for you. PL commented that it needs reviewed by the AG's office to resolve. Having a fish screen fits how F & WL manages fish life. TT said lets talk (TT & PL). PL added if the landowner agrees, then that is where they need to go. ST agrees with GM, the landowners say why screen it if it is screened above. It needs a legal basis for putting it

in. PL added he would keep every one informed, and get back to TT. TT said if it were not ready for April, then it would be for May.

The group decided on April 23, 2007 for the next meeting at 1:00 PM at YFO Conference Room.