

WTWG Minutes for Monday, March 27, 2006 at 10:30 AM

Mr. & Mrs. Burrows  
Paul Dempsey  
Stephen Fanciullo  
Chuck Garner  
Ken Hasbrouck  
Stan Isley  
Chris Lynch  
Jim Milton  
Tom Tebb  
Ron Van Gundy

Stuart Crane  
Richard Dinkelmann  
Bill Ferry  
Dan Haller  
Carron Helberg  
Jerry Kelso  
Joe Mentor  
Mr. & Mrs. Pastore  
Michael Tobin

Chuck Garner called the meeting to order at 10:50 AM. The first agenda item started with the approval of the previous meeting minutes. CG asked if there were any comments from the group. Since there was no response, the minutes were approved.

The group continued with the previous proposal for Cowiche Creek (2006-07) with Stan Isley, Stephen Fanciullo and Mike Tobin providing an update to the previous discussion. They discussed various funding sources; the number of barriers, and that they would possibly like to bring it officially to the group in April. Also talked about the fish benefits would be immediate, the improvements they had made, and the changes. SF stated we have some recommendations, it benefits the basin, and it is transparent to project operations. Reclamation will do the contract. So far, everything indicates we will do this project. MT asked if the Conservancy District could do anything to help. SF said we welcome the help and this needs to fit within the system. MT agreed. SI said Lisa Pelly is almost done with all of these in order to submit them to Ecology when she is done.

The group continued with the new proposal for Teanaway Tract Recreation numbered 2006-06, with Paul Dempsey explaining this transfer. PD introduced the Burrow's and Pastore's, which are cabin owners. PD explained it is USFS land, unsatisfactory water right, currently on temporary and revocable permits, and want more reliability. There is no landscaping and this would involve 3.48 AF of irrigation to domestic water right. It is on the North Fork of the Teanaway with no downstream water right access. It is a 55,000/gallon per day upstream transfer. An attempt to memorialize this water right that is 60-80 years in existence. Also wanted to stress it is intermittent use and usually during the summertime. It is a point of diversion change from a seasonal use Ag to year round domestic use only. Believes it is 1 or 2 unnamed springs and unnamed streams, from the middle fork to the north fork in the watershed and close to the north fork. Dick Burrows added some history background for the group. DB explained how the water was used. In 2004, Bob Barwin contacted him. Due to the drought and a temporary water right, BB explained to DB that his temporary permit will not be used that year. Lease or purchase a water right prior to 5-10-05 and then transfer this water right. Dan Haller said he understood the situation and he has until the 3<sup>rd</sup> week in April and he can use a 30-day extension as well. DH commented he will try to solve this situation. He has looked at the global issues and it is not easy or that it is not an "in the box" transfer. It is from one watershed to another watershed. DH needs to work on this to understand the situation

completely, including fish issues, other water rights issues, and the temperature increases plus the change in season of use in the wintertime. He welcomes YN and FWL comments. DH also commented on the septic tank issue and the small CU. The standard is it is metered and returned into the system. PD said the ability to meter is hard and that a storage contract would be a handy solution. TWSA and septic return flow issues need to be worked on. Stuart Crane asked is there a fallowing of the acres? PD stated yes, they want to keep all their options open, they know there will be implications on the remaining acres. SI commented on the validity of the Teanaway CFO (2/9 or 11 of 2001) feels they have not suffered relinquishment and feels it is valid but bumps up against the 5-year relinquishment period this year. SF noted there is little irrigation in the past and it is important to have documentation. PD mentioned they have aerials and other documents to shore-up the BU. SI added that if it did not have an extension of the season of use, it would be so much easier. During the irrigation season, there is fallowing but after there is no fallowing as the season is over. For every drop not going downstream out of season, then it needs to come out of storage to replace it. Jim Milton said it is a net benefit to TWSA and he tried to show that. Feels it is a benefit and we should embrace it. It has been a historical use. SI asked if they had purchased and fallowed more water. Joe Mentor commented that he did not get an answer about the fallowing. PD said the water right is 18+ acre feet on 3.5 acres and moving it upstream. Joe M asked are the water rights appurtenant to a specific parcel of land and he has concerns as a water rights holder downstream. PD replied that they could do that and identify an area. Mr. Wilgus has acquired the entire water right. Mr. Burrows commented that his purchase is pending upon the water right approval. Joe M and Ken Hasbrouck want to see a specific fallowing and identification of a specific area. Joe M explained how the process of transferring would be subordinate to the other water users on the North Fork. Dan Haller talked about the CU calculation. How did the conservancy board ensure that the CU did not increase? RVG said we would want to see the land fallowed, cannot agree to a water spreading situation and needs to be TWSA neutral. PD replied that a proportionate reduction would be done. He will true up the calculation to make this comfortable for everyone and feels he can work with the group. Joe M asked what is the priority right of the acquired water right. PD responded with 1890, but a patchwork and very junior rights otherwise. Need to protect against relinquishment. DH asked for comments from the group by email. SI added BPA & YN, an extension of the season of use. DH will show it to Perry Harvester with Fish and Wildlife. PD is encouraged with the storage contract by next year. RVG added that NEPA and ESA are at least a year out prior to having a contract. PD asked if anything has gone to the Acquavella court on the MOA yet. Bill Ferry stated that Reclamation is making progress. SI said Bob Barwin worked with the State legislators and for the 1905 – he did not get the appropriations that PD's client can put into the trust and donate the water right. If the water right is available to purchase, maybe they should. PD asked what is the TWSA impact in October. BF replied with Sept 15<sup>th</sup> to Oct 20<sup>th</sup>, and assumed it would be year round use. SI stated that the impact is any use outside September 15<sup>th</sup> to April 30<sup>th</sup>. PD said that Reclamation was looking at the target flows at Parker being the focus. Feels a shortfall could be mitigated as needed. BF added that this is not just October water, but also all the winter months. DH asked about other targets to be met. Stephen Fanciullo talked about adequate water for fish passage and that a negative impact has to be made up by storage. DH is looking for a tangible impairment. Chris Lynch said Reclamation knows we have targets for instream flow in the winter. BF added there is also the carry over for Storage. From a

TWSA perspective, CL defers the fish issues to those agencies. SF said the TWSA issues are addressed as soon as the irrigation season is completed, the fish issues and storage capturing. Wintertime changes can harm TWSA. Jim M commented the transfer from 30% to less than 30% from Sept 15<sup>th</sup>, and you were not using all that water, the water is now being used when it, on paper, was not there before, even with it historically it has always been used. It is a hit to TWSA as it is taking water from that period. BF said the surplus water does not affect the storage water if coming off of a drought year, and then we are trying to store it. It is a whole year water year. DH said that Ecology's perspective is recognizing the Conservancy Board process. Tom Tebb added the amount of work that is coming in that we should try and give a word of caution to the CB about the process. BF praised the Burrows for using the earnest money approach to securing the water right first. Jerry Kelso commented that the current criteria is the "in the box" process, so if it is not in the box, that it is risky. PD responded that this is not a new or proposed use and that it is needing to be memorialized (80 years) and reminded the group that the use is so minimal, maybe 1 or 2 cabin owners flushing a toilet and feels that the storage contract is the better solution. CL suggested they pursue the in season use and secure that then pursue the rest of it. Joe M thought that movement on the storage contract is needed, keeping in mind all the new domestic users in the basin (that all uses after 5-10-05 are new). Need a framework for contract users and downstream users, and will appeal the transfer. The group continued to discuss the water use process and that exempt wells are not the solution.

CG asked if there are any other issues before the group. SF suggested that a map be required with the proposals in order to properly review them. It makes it very clear and is helpful. DH said he would.

CG asked the group about setting the next meeting. SF thought that Cowiche Creek would be ready to talk about by April 17<sup>th</sup>. RVG asked for the meeting in the PM. The next meeting was set for April 17<sup>th</sup> at 1:30 PM.

The group adjourned at 12:10 PM.