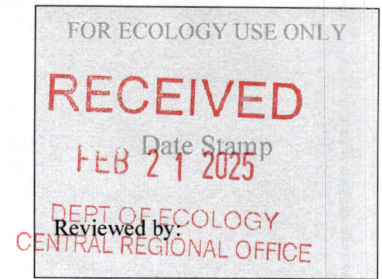




Board Name: Kittitas County
WATER CONSERVANCY BOARD
Application for Change/Transfer
Record of Decision



Applicant Name: Kittitas County

Application Number: S4-83608-J (KITT23-08)

This record of decision was made by a majority of the board at an open public meeting of the (Board Name) Kittitas Water Conservancy Board held on (date meeting was held) 2/18/25. The undersigned board commissioners certify that they each understand the board is responsible "to ensure that all relevant issues identified during its evaluation of the application, or which are raised by any commenting party during the board's evaluation process, are thoroughly evaluated and discussed in the board's deliberations. These discussions must be fully documented in the report of examination." [WAC 173-153-130(5)] The undersigned therefore, certifies that each commissioner, having reviewed the report of examination, knows and understands the content of the report.

☒ **Approval:** The (board name) Water Conservancy Board hereby **grants** conditional approval for the water right transfer described and conditioned within the report of examination on (date report of exam was signed) 2/18/25 and submits this record of decision and report of examination to the Department of Ecology for final review.

☐ **Denial:** The (board name) Water Conservancy Board hereby **denies** conditional approval for the water right transfer as described within the report of examination on (date report of exam was signed) _____ and submits this record of decision to the Department of Ecology for final review.

Signed:

Water Conservancy Board Name: Kittitas County	Date: 2/18/25
Chair Name: Mark Crowley	Signature: <i>Mark Crowley</i>
(choose one) <input checked="" type="checkbox"/> Approve <input type="checkbox"/> Deny <input type="checkbox"/> Abstain <input type="checkbox"/> Recuse <input type="checkbox"/> Other (please explain)	

Water Conservancy Board Name: Kittitas County	Date: 2/18/25
Title: Name: Roberta Soltz	Signature:
(choose one) <input type="checkbox"/> Approve <input type="checkbox"/> Deny <input type="checkbox"/> Abstain <input type="checkbox"/> Recuse <input checked="" type="checkbox"/> Other (please explain) <i>Absent</i>	

Water Conservancy Board Name: Kittitas County	Date: 2/18/25
Title: <i>Board Member</i> Name: Jason McCormick	Signature: <i>Jason McCormick</i>
(choose one) <input checked="" type="checkbox"/> Approve <input type="checkbox"/> Deny <input type="checkbox"/> Abstain <input type="checkbox"/> Recuse <input type="checkbox"/> Other (please explain)	

Water Conservancy Board Name:	Date:
Title: Name:	Signature:
(choose one) <input type="checkbox"/> Approve <input type="checkbox"/> Deny <input type="checkbox"/> Abstain <input type="checkbox"/> Recuse <input type="checkbox"/> Other (please explain)	

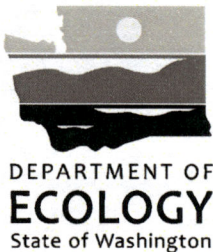
Water Conservancy Board Name:	Date:
Title: Name:	Signature:
(choose one) <input type="checkbox"/> Approve <input type="checkbox"/> Deny <input type="checkbox"/> Abstain <input type="checkbox"/> Recuse <input type="checkbox"/> Other (please explain)	

Mailed with all related documents to the Dept of Ecology (send to the Regional office below), and any other interested parties.

Please check the appropriate Regional Office:

<input type="checkbox"/> Northwest Region Office PO Box 330316 Shoreline, WA 98133-9716 (206) 594-0000	<input type="checkbox"/> Eastern Region Office 4601 N. Monroe St. Spokane, WA 99205-1265 (509) 329-3400
<input type="checkbox"/> Southwest Region Office PO Box 47775 Olympia, WA 98504-7775 (360) 407-6300	<input checked="" type="checkbox"/> Central Region Office 1250 W. Alder St. Union Gap, WA 98903-0009 (509) 575-2490





Board Name: **Kittitas County**

RECEIVED

FEB 21 2025

DEPT OF ECOLOGY
CENTRAL REGIONAL OFFICE

WATER CONSERVANCY BOARD

Application for Change/Transfer

OF A RIGHT TO THE BENEFICIAL USE OF THE PUBLIC WATERS OF
THE STATE OF WASHINGTON

REPORT OF EXAMINATION

NOTE TO APPLICANT: Pursuant to WAC 173-153-130(8), the applicant is not permitted to proceed to act on the proposal until Ecology makes a final decision affirming, in whole or in part, the board's recommendation. It is advised that the applicant not proceed until the appeal period of Ecology's decision is complete.

NOTE TO AUTHOR: Read the instructions for completing a water conservancy board report of examination. Use the Tab key to move through the form or with your mouse, select the fields to enter information.

☒ Surface Water

☐ Ground Water

Date Application Received	September 19, 2023	Water Right Document Number (i.e., claim, permit, certificate, etc.)	S4-83608-J
Water Right Priority Date	June 30, 1885	Board-Assigned Change Application Number	KITT-23-08
Name: Arden Thomas, Kittitas County	Phone: 509-962-7690	Email: arden.thomas@co.kittitas.wa.us	
Address (street): 411 North Ruby, Suite 1	City: Ellensburg	State: WA	City: Ellensburg
Changes Proposed: <input checked="" type="checkbox"/> Change purpose <input type="checkbox"/> Add purpose <input type="checkbox"/> Add irrigated acres <input type="checkbox"/> Change point of diversion/withdrawal <input type="checkbox"/> Add point of diversion/withdrawal <input checked="" type="checkbox"/> Change place of use <input checked="" type="checkbox"/> Other (Temporary, Trust, Interties, etc.) Place Water Right in TWRP (Instream Flow for Mitigation)			
SEPA: The board has reviewed the provisions of the State Environmental Policy Act of 1971, Chapter 43.21C RCW and the SEPA rules, chapter 197-11 WAC and has determined the application is: <input type="checkbox"/> Exempt <input checked="" type="checkbox"/> Not Exempt			

BACKGROUND AND DECISION SUMMARY

Please include a map(s) reflecting all referenced existing and proposed point(s) of diversion or withdrawal and place(s) of use (RCW 90.03.260(7); WAC 173-153-070 (6)(c).

Existing Right (Tentative Determination)							
Maximum cub ft/second	4.33 (Irrigation) 0.03 (Stock water)	Maximum gal/minute	N/A				
Maximum acre-ft/yr	1,075.2 (Irrigation) 3.0 (Stock water)	Describe Type(s) of use, and period(s) of use	Irrigation of 56 acres (4/1-10/15) and Stock water (2/1-11/30)				
Source	Reecer Creek		Tributary of (if surface water)		Yakima River		
At a Point Located: Parcel No.	621033	1/4	SE	1/4	NE	Section	28
Township N.	18 N	Range	18 E.W.M.	WRIA	39	County	Kittitas
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS USED							
The portion of the SW 1/4 SE 1/4 of Section 28, T. 18 N., R. 18 E.W.M. lying southwesterly of the Burlington Northern Railroad right-of-way, and that portion of the NW 1/4 SE 1/4 of said section describes as follows: Commencing at the southwest corner of said NW 1/4 SE 1/4; thence east 300 feet, more or less, to the point of beginning; thence east 850 feet, more or less, to the Burlington Northern Railroad right-of-way; thence northwesterly 1,030 feet, more or less, along said right-of-way; thence southwesterly 720 feet, more or less, to the point of beginning; and that portion of the SE 1/4 SW 1/4 of said section lying east of Desmond Rd.							
Parcel no.	961884 & 961885	1/4	SE, SW, NW	1/4	SW, SE, SE	Section	28

Township N.	18 N.	Range	18 E.W.M.	WRIA	39	County	Kittitas
Proposed Use							
Maximum cub ft/second	4.36	Maximum gal/minute	N/A				
Maximum acre-ft/yr	1,078.2	Describe Type(s) of use, and period(s) of use	Instream Flow for Mitigation				
Source	Reecer Creek			Tributary of (if surface water)		Yakima River	
At a Point Located:							
Parcel No.	621033	1/4	SE	1/4	NE	Section	28
Township N.	18 N	Range	18 E.W.M.	WRIA	39	County	Kittitas
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS USED							
<p>The Primary Reach begins at the authorized point of diversion on Reecer Creek at a point 900 feet north and 1,100 feet west from the east quarter corner of Section 28, being within the NE$\frac{1}{4}$SE$\frac{1}{4}$NE$\frac{1}{4}$ of Section 28, Township 18 North, Range 18 East Willamette Meridian (E.W.M.), and ending at a point located 1,390 feet south and 860 feet west from the northeast corner of Section 33 (within the SE$\frac{1}{4}$NE$\frac{1}{4}$ of Section 33, T. 18 N., R. 18 E.W.M.).</p> <p>The Secondary Reach begins approximately at a point located 1,390 feet south and 860 feet west from the northeast corner of Section 33 (within the SE$\frac{1}{4}$NE$\frac{1}{4}$ of Section 33, T. 18 N., R. 18 E.W.M.), and extends downstream to the confluence with the Yakima River, and continues downstream in the Yakima River to the Yakima Canyon within Kittitas County at river mile 127 within the SE$\frac{1}{4}$NW$\frac{1}{4}$ of Section 33, T. 15 N., R. 19 E.W.M.</p>							
Parcel no.	N/A	1/4	N/A	1/4	N/A	Section	N/A
Township N.	N/A	Range	N/A	WRIA	39	County	Kittitas

Board's Decision on the Application							
Maximum cub ft/second	2.643	Maximum gal/minute	N/A				
Maximum acre-ft/yr	543.17	Describe Type(s) of use, and period(s) of use	Instream Flow for Mitigation				
Source	Reecer Creek			Tributary of (if surface water)		Yakima River	
POD No.	1/4	1/4	Section	Township	Range	Description	Parcel No.
1	SE	NE	28	18 N	18 E	Reecer Creek Diversion	621033

LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS USED

Primary Reach:

Up to 2.613 cubic feet per second (cfs) and 542.17 ac-ft/yr from April 1 through October 15; and 0.03 cfs and 1.00 ac-ft/yr February 1 through November 30 for the purpose of instream flow and mitigation for out of priority uses.

The Primary Reach begins at the authorized point of diversion on Reecer Creek at a point 900 feet north and 1,100 feet west from the east quarter corner of Section 28, being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 28, Township 18 North, Range 18 East Willamette Meridian (E.W.M.), and ending at a point located 1,390 feet south and 860 feet west from the northeast corner of Section 33 (within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 33, T. 18 N., R. 18 E.W.M.).

Secondary Reach:

	Unit	Feb - Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Total
Qa	ac-ft	0.24	13.9	30.69	42.03	33.52	19.12	2.79	0.09	142.38
Average Qi	cfs	0.002	0.227	0.516	0.684	0.546	0.322	0.046	0.002	-

The Secondary Reach begins approximately at a point located 1,390 feet south and 860 feet west from the northeast corner of Section 33 (within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 33, T. 18 N., R. 18 E.W.M.), and extends downstream to the confluence of Reecer Creek and the Yakima River, and further downstream along the Yakima River to the Yakima Canyon within Kittitas County, at river mile 127 within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 33, T. 15 N., R. 19 E.W.M.

Parcel no.	N/A	¼	N/A	¼	WRIA	Section	N/A
Township N.	N/A	Range	N/A	WRIA	39	County	Kittitas

RECEIVED

FEB 21 2025

DEPT OF ECOLOGY
CENTRAL REGIONAL OFFICE

Description of Proposed Works

The water right will be placed in the State's Trust Water Right Program. The property will be redeveloped as a municipal waste transfer station and private construction staging area or be returned to native vegetation.

Development Schedule

Begin project by this date (At least 75 days after Board's ROD issuance):	Begun
Complete project by this date:	Completed upon ROE issuance
Complete change & put water to full use by this date:	Completed upon ROE issuance

Report

BACKGROUND [See WAC 173-153-130(6)(a)]

On September 19th, 2023, Kittitas County (County) of Washington State filed an application to change the purpose and place of use under Certificate of Adjudicated Water Right (Certificate) S4-83608-J. The application was accepted at an open public meeting, and the Board assigned application number KITT-23-08. Copies of the certificate and change application are provided in Attachments 1 and 2, respectively.

Kittitas County is the current water right holder for Certificate S4-83608-J. The County is applying to place the water right in the State's Trust Water Right Program (TWRP). Once the water right is in the TWRP, the County may make the water available through market re-allocation to mitigate out of priority water use. This water right could potentially be allocated to an existing Group A Water System through the Kittitas County bank, but this option is dependent on securing funding for that use provide. In addition, non-consumptive water will be left instream to benefit Reecer Creek and the mainstem Yakima River.

Attributes of the water right as currently documented

Name on certificate, claim, permit: Duke and Dude, LLC

Water right document number (e.g., cert #, claim #, permit #, superseding document #): Certificate of Adjudicated Water Right S4-83608-J

As modified by certificate of change number: N/A

Priority date, first use Date of priority or claimed date water was originally first put to beneficial use: June 30, 1885

Water quantities: Qi (Instant qty): 4.33 (Irrigation); 0.03 (stock water) cubic feet per second Qa (Annual qty): 1,075.2 (Irrigation); 3.0 (stock water) ac-ft/yr

Source (well, river, etc): Reecer Creek

Point of diversion/withdrawal (Distance from ¼¼, Section, Township, Range EWM): 900 feet north and 1,100 feet west from the east quarter corner Section 28, being within the NE¼SE¼NE¼ of Section 28, T. 18 N., R. 18 E.W.M.

Purpose of use: Irrigation and stock water Number of Acres if Irrigation: 56 acres

Period of use: April 1 to October 15 for irrigation; February 1 to November 30 for stock water

Place of use: The portion of the SW¼SE¼ of Section 28, T. 18 N., R. 18 E.W.M. lying southwesterly of the Burlington Northern Railroad right-of-way, and that portion of the NW¼SE¼ of said section describes as follows: Commencing at the southwest corner of said NW¼ SE¼; thence east 300 feet, more or less, to the point of beginning; thence east 850 feet, more or less, to the Burlington Northern Railroad right-of-way; thence northwesterly 1,030 feet, more or less,

along said right-of-way; thence southwesterly 720 feet, more or less, to the point of beginning; and that portion of the SE¼SW¼ of said section lying east of Desmond Rd.

Existing provisions (family farm act, interruptable, etc.): None

Tentative determination of the water right

The tentative determination is provided on the front page of this report.

History of water use

Describe the historical water use information that was considered by the board:

A water right with attributes described in the table above was confirmed under Certificate S4-83608-J, in the Yakima River Basin surface water (Acquavella) adjudication for Subbasin No. 7, Reecer Creek drainage basin, with a Conditional Final Order (CFO) signed on October 25, 2001.

The County purchased the property for redevelopment into a municipal waste transfer station. Since that time, the County subdivided and sold the northern 10.87 acres to D&N Development, LLC, but reserved all water rights via deed. Redevelopment plans for the northern parcel include a construction equipment staging and spoils area.

Surface water is diverted from Reecer Creek near the Dry Creek Road underpass which is located approximately 0.4 miles north from the place of use. The diverted water is conveyed via gravity southward in a buried pipe that passes under Highway 10 and discharges to an unlined ditch. The unlined ditch flows through a red clay pipe beneath the Northern Pacific Railroad.

The property has historically been irrigated using surface flood irrigation methods. A concrete-lined ditch delivers water under gravity to the northernmost portions of the field for irrigation. Water is collected and redistributed throughout the central and southern portions of the field using a series of unlined and concrete-lined ditches. Return flow is captured by a series of unlined collection ditches, ultimately conveying water back to Reecer Creek.

Water is also used on the property for stock water. Interview with the farm manager indicates that the property typically hosts 30 cow calf pairs and 2 bulls (62 cattle total) when stock water is available, typically February 1 to November 30.

In 2016 the County installed a flow meter located approximately 35 feet downstream of the railroad tracks to monitor water use. In 2021 the County started to redevelop the property (putting up fences, paving roads, excavation of retention ponds, etc.) in preparation of redevelopment. Although irrigation has continued to occur on the property, the construction efforts have decreased the number of available irrigated acres. Most recently, prior to the 2023 irrigation season, the County installed a new drainage ditch that runs along north and east edges of the property. The drainage ditch is approximately 5 to 6 feet below grade to facilitate redirection of upgradient return flows. Following approval of the proposed water right change, the only water entering the ditch system will be return flows associated with the upstream water right (S4-83621-J). In addition to the construction of the drainage ditch, a pipeline was also installed to allow for the short-term irrigation of the place of use until redevelopment began.

A project vicinity and location map is shown in Figure 1.

RECEIVED

FEB 21 2025

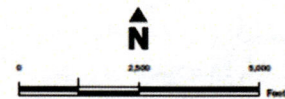
DEPT OF ECOLOGY
CENTRAL REGIONAL OFFICE



- ▲ Existing Point of Diversion¹
- Authorized Place of Use¹
- Primary Reach
- Secondary Reach
Extends to River Mile 127
- Watercourse (WA DNR)²
- USGS River Mile

Notes:

1. Place of use and point of withdrawal mapped using Ecology's online GIS database.
2. Some watercourse data from WA DNR has been slightly altered for cartographic purposes.



**Duke and Dude Project
Vicinity Map**

S4-83608-J Report of Examination
Kittitas County, Washington

Aspect
CONSULTING

FEB-2024
PROJECT NO.
210077

BY
SSS / WRO
DRAWN BY
AMJ

FIGURE NO.
1

Previous changes

Describe any previous change decisions associated with the water right:

Since signing of the CFO, no formal changes have been completed on the water right.

SEPA

The board has reviewed the proposed project in its entirety (Provide a detailed explanation of how the board complied with the State Environmental Policy Act):

The County has submitted a non-project SEPA checklist and preparation of a Mitigated Determination of Non-Significance to expand the County's existing water bank.

Kittitas County acted as lead agency for the SEPA review for this proposal. A checklist was completed and a Determination of Non-Significance (DNS) was issued by the County. Notice of the DNS was published in the Daily Record and the Northern Kittitas County Tribune on January 21, 2025. No action was taken on this application for 14 days following the publication of the determination per WAC 197-11-340.

The information or conclusions in this section were authored and/or developed by (Name of Person): Tyson Carlson, LHG, CWRE and Silas Sleeper of Aspect Consulting.

COMMENT AND PROTESTS [See WAC 173-153-130(6)(b)]

Public notice of the application was given in The Daily Record of Ellensburg, Washington on February 8th and 15th, 2024. The protest period ended on March 16, 2024. The Board notified the following parties of this application Ecology, United States Department of Fish & Wildlife, Washington State Department of Fish and Wildlife (WDFW), Confederated Tribes and Bands of the Yakama Nation, Washington State Department of Archaeology & Historic Preservation, and the Tri County Ecologic Development District.

Pursuant to RCW 90.42.040(5)(b), Ecology will issue notice to the creation of the subject trust water right. The notice will be sent to all appropriate state agencies, potentially affected local governments and federally recognized tribal governments, and other interested parties.

Summary of Comments:

The Kittitas Reclamation District (KRD) submitted a comment letter on March 13, 2024. In the comment letter, KRD voiced concerns regarding the water consumption of the property (specifically via subirrigation) following the transfer of water to instream flow. KRD's position is that even in the absence of active irrigation, the property's consumptive use will be greater than the "natural consumptive use" because the existing crop (pasture turf) will consume water via subirrigation. Therefore, KRD believes that the proposed water right change will enlarge the consumptive quantity of the water right which is not allowed under the water code (RCW 90.03.380).

The information or conclusions in this section were authored and/or developed by (Name of Person): Tyson Carlson, LHG, CWRE and Silas Sleeper of Aspect Consulting.

INVESTIGATION [See WAC 173-153-130(6)(c)]

The following information was obtained from the following:

- Research of records including the Ecology Water Rights Tracking System (WRTS) database, the Ecology Well Log Database, Kittitas County online Compass for tax parcel ownership, aerial imagery (i.e. Google Earth, USGS Earth Explorer, Landsat, Department of Natural Resources), Acquavella adjudicated records and Ecology water right files.
- Conversations with current landowners, attorney, and other interested parties.
- Multiple site visits were completed in support of the application to observe irrigation methods and native and irrigated vegetation conditions. Silas Sleeper visited the site on March and May 2023, and again on April 24, 2024. An additional site visit was completed on August 20, 2024, by Jason McCormick (Kittitas County Water Conservancy Board) and Tyson Carlson and Silas Sleeper (Aspect Consulting). During the site visit, the point of diversion was located and the place of use and associated irrigation infrastructure was observed along with vegetative conditions.

Proposed project plans and specifications

Describe proposed use of water to include # of connections, method of irrigation, type of crop, commercial use, etc. Also describe any issues related to development, such as the proposed development schedule and an analysis of the effect of the proposed transfer on other water rights, pending change applications & instream flows established under state law.

The purpose of this application is to change the purpose and place of use to instream flow for mitigation in Reecer Creek and the Yakima River from existing point of diversion at Reecer Creek, downstream to the confluence with the Yakima River and further downstream to the Yakima Canyon within Kittitas County at river mile 127. The resulting water right will be placed in the State's TWRP and used for mitigation of out of priority uses and to benefit instream flows in Reecer Creek and the Yakima River. Figure 1 above shows the location of the existing point of diversion and place of use.

Other water rights appurtenant to the property (if applicable)

Describe any other water rights or other water uses associated with both the current and proposed place of use and an explanation of how those other rights or uses will be exercised in conjunction with the right proposed to be transferred.

No other water rights are appurtenant to the subject place of use. Notably, the authorized point of diversion on Reecer Creek is not metered and shared by another water right holder (S4-83621-J). This water right is authorized to divert 4.49 cfs and 618 ac-ft/yr and is located upstream (north) of the railroad and Highway 10.

The only overlapping water rights are large-area water rights held by the Ellensburg Water Company, City of Ellensburg, County of Kittitas, and USBR.

RECEIVED

FEB 21 2025

DEPT OF ECOLOGY
CENTRAL REGIONAL OFFICE

Public Interest (groundwater only)

If the proposed transfer is authorized pursuant to RCW 90.44.100, describe whether it is detrimental to the public interest. Public interest shall not be considered if the proposed transfer is authorized pursuant to RCW 90.03.380 exclusively.

N/A

Tentative Determination

In order to make a water right change decision, the Board must be a tentative determination on the validity and extent of the right. There are several circumstances that can cause the tentative determination to differ from the stated extent of the water right within water right documentation. Water right documents attempt to define a maximum limitation to a water right, rather than the actual extent to which a water right has been developed and maintained through historic beneficial use. Additionally, except for a sufficient cause pursuant to RCW 90.14.140, water rights, in whole or in part, not put to a beneficial use for five consecutive years since 1967 may be subject to relinquishment under Chapter 90.14.130 through 90.14.180 RCW. Water rights may additionally be lost through abandonment.

The Board's tentative determination is based upon the following findings: the water right has been the subject of the *Acquavella* Adjudication which established legal standing of this right through signing of the CFO on October 25, 2001. Since signing of the CFO, 43.65 acres have been continually irrigated. Therefore, because the water right has been put to continuous beneficial use within a consecutive five-year window, the water right remains valid and is eligible for change. However, irrigation quantities associated with undeveloped and/or fallowed acreage have been relinquished. These quantities include up to 10.35 acres within the place of use and up to 2 acres not included in the place of use. In addition, a portion of stock water has also been relinquished.

Estimate of Water Use

The amount of water beneficially used on the property was determined using a multiple line of evidence approach, including review of metering data, aerial photographs, Landsat imagery, Acquavella adjudicated records and crop water use calculations.

A description of each of these is provided below.

Aerial Photo Review

Aerial photographs taken during the irrigation season for the years 2000, 2003, 2005, 2006, 2009, 2011, 2015, 2017, 2018, 2020, and 2023 were reviewed for evidence of irrigation and to measure irrigated acreage. Each of the photographs shows clear evidence of active irrigation (e.g., green/darker vegetation, visible water in canals) and areas where irrigation has been less effective over time. Copies of the aerial photographs with the authorized place of use outlined in blue are provided in Attachment 3. A summary of the aerial photo review is included below in Table 1.

Table 1. Aerial Imagery Review

Year	Irrigated Acres	Fallow Acres	Imagery Source
2000	54	0	Google Earth
2003	51.05	2.95	Google Earth
2005	49.86	4.14	Google Earth
2006	40.76	13.24	Google Earth
2007	44	10	Landsat
2008	42.18	11.82	Landsat
2009	43.3	10.7	Google Earth
2010	43.65	10.35	Landsat
2011	42.1	11.9	Google Earth
2013	41.6	12.4	Google Earth
2014	39.67	14.33	Landsat
2015	51.03	2.97	Google Earth
2017	51.68	2.32	Google Earth
2018	54	0	Google Earth
2023	51.69	2.31	Google Earth

Note: The area of the authorized place of use is approximately 54.0 acres

From the year of the CFO (2001) to 2006 the place of use was fully irrigated with the exception of 3 to 4 acres located in the southwestern portion of the property. After 2006, the dry area in the southwestern portion of the property was noted to be about 10 acres.

The Report of Referee indicates the original drainage characteristics in the area were altered by the widening of Highway 97, causing the southwest portion of the property to be too wet to irrigate. However, the Supplemental Report of Referee indicated that drains were installed in this area and that irrigation of the entire property had resumed by 1995.

Based on the location of conveyance ditches and the presence of furrows, as determined from aerial imagery, it appears irrigation water has been continuously delivered to the southwest portion of the property since 2000. It is likely that the installation of field drains within the coarse-grained soils in this area resulted in insufficient water retention for pasture growth resulting in the dry acreage observed in the 2006 to 2014 time-period.

A new lateral and check dam was constructed in the southwestern portion of the property prior to the 2015 irrigation season to deliver water more effectively to this area, resulting in a significant improvement in pasture growth from 2015 to 2023. In 2023, the initial phases of construction associated with the transfer station were completed (e.g., drainage ditches, roads, sidewalks and retention ponds) resulting in a reduction in irrigatable area by approximately 2.3 acres.

Information from 2023 and 2024 Site Visits

Multiple visits were completed in 2023 and 2024 to document site conditions prior to the start of construction. Photos from the site visits represent early season conditions (March to May) and are used to inform water conveyance infrastructure, crop growing patterns, and hydraulic controls. In addition, GPS locations were taken at various locations to map the flow path of upstream water from the point of diversion.

The field photos and GPS locations document the newly constructed drainage ditch system that redirect upgradient return flows around the place of use. The unlined drainage ditch is approximately 5 to 6 feet deep and composed mainly of sand and gravel. Although water flow has been observed in upstream reaches of the drainage ditch (located at the north edge of the property), the downstream reach of the drainage ditch (located at the SE corner of the property) was dry during all three site visits. This observation is indicative of highly permeable soil and low groundwater conditions consistent with information documented in the supplemental Report of Referee which states "The high water duty being recommended is in recognition of the porous nature of the soils...". No indication of high groundwater conditions or subirrigation of the place of use was observed.

Photos and GPS locations from the site visits are included in Attachment 4.

Flow Meter Data

Following purchase of the property, the County installed a flow meter on the pipe directly down gradient of the Northern Pacific Railroad. The flow meter is checked at the end of every season to evaluate the annual water use. Documented annual quantities for the 2017 through the 2020 season align with aerial imagery presented above (Table 1) and water use estimates presented below. However, the 2021 and 2022 flow meter data are deemed unreliable due to consistent clogging of the flow meter from suspended sediments and debris in the irrigation water. Flow meter data from 2016 to 2022 is presented below in Table 2.

Table 2. Annual Flow Meter Data

Irrigation Season	Meter Readings (0.1 ac-ft/yr)	Annual Metered Water Use (ac-ft)
2016	0	Not recorded
2017	69510	695.10
2018	165582	960.72
2019	214187	486.05
2020	287333	731.46
2021	290119	27.86
2022	291431	13.12

No direct measurement of historic instantaneous quantity is available.

Trust Water Calculations

This section describes how the nonconsumptive and consumptive water use values were calculated to identify how much water will be eligible for transfer from discontinued use of the water right, including following of 43.65 acres, for the purposes of instream flow for mitigation in Reecer Creek and the Yakima River.

In absence of reliable direct water use records, Ecology and Water Conservancy Boards use various estimation methods, such as the Washington Irrigation Guide (WIG), to estimate water use. The updated WIG data show the estimated average amount of water required by a crop above the portion of the requirement that might be met by antecedent moisture in the root zone under average climatic conditions (the amount of water a crop needs in excess of rainfall). The monthly WIG data indicate that the updated Crop Irrigation Requirement (CIR) for pasture is 2.62 feet/acre.

Using Ecology's Guidance Document, GUID-1210, Determining Irrigation Efficiency and Consumptive Use, application efficiency (Ea) was estimated to be about 14 percent. This estimate results from a calculation of the annual CIR (2.76 feet/acre) divided by the Court confirmed water duty or Total Irrigation Requirement (TIR; 19.2 feet/acre). However, since the adjudication the property has transitioned from growing timothy hay to pasture grass. The Court previously determined that the site-specific water duty for pasture grass is 12.4 feet/acre (as documented in the Report of the Referee). Therefore, using a water duty (TIR) of 12.4 feet/acre and a CIR of 2.62 feet/acre for pasture results in a calculated Ea of approximately 21 percent.

As noted above, area fields are relatively coarse-grained, requiring a higher water duty to meet the CIR, resulting in a lower than average application efficiency specified in guidance. The sum of the monthly TIR multiplied by the number of authorized irrigated acres is the total quantity of water required to fully irrigate the authorized place of use (542.17 ac-ft/yr). The monthly TIR (in acre-feet) is converted to an instantaneous rate (in cfs) by dividing by the number of days in each

respective month, then by the conversion factor 1.9834 ac-ft/day/cfs, resulting in a maximum diversion rate (July TIR) of 2.613 cfs.

Based on this analysis, the TIR for the 43.65 acres is summarized in Table 3 below.

Table 3 – Total Irrigation Requirement (TIR)								
	Unit	May	Jun	Jul	Aug	Sep	Oct	Total
Qa	ac-ft	52.92	117.23	160.67	128.09	72.92	10.34	542.17
Average Qi	cfs	0.861	1.970	2.613	2.083	1.226	0.168	-

In determining percent of consumptive use (%CU), 5 percent was added to the Ea to account for evaporative losses, totaling about 26%CU. Monthly consumptive use for irrigation was then calculated by multiplying the TIR by the specified %CU and the area to be fallowed (CU = TIR x %CU). Total consumptive use is the sum of the monthly consumptive use.

Based on this analysis, Table 4 summarizes the amount of consumptive use from fallowing of 43.65 acres for mitigation and instream flows that will be transferred to the TWRP.

Table 4 – Irrigation Consumptive Use (Secondary Reach)								
	Unit	May	Jun	Jul	Aug	Sep	Oct	Total
Qa	ac-ft	13.81	30.60	41.94	33.43	19.03	2.70	141.51
Average Qi	cfs	0.225	0.514	0.682	0.544	0.320	0.044	-

Stock Water Use

In the last 5 years, stock watering has provided for approximately 30 cow calf pairs and 2 bulls (62 cattle total). Stock water use estimates are based on the water demand requirements listed in the Washington State Department of Health Water System Design Manual (DOH, 2009). The listed stock water requirement for Cattle or Steers is 12 gallons per day per head. In addition, requirements for cow-calf pairs were estimated at 35 gallons per day per pair (20 gallons for Heifer + 15 gallons for calf). Therefore, based on the maximum number of stock on-farm during the period of use, the annual on-farm stock water use is estimated at 1.00 acre-foot.

Stock water is mostly consumptive, through respiration and evaporation, but a small portion of return flow is associated with animal waste. Limited data on the consumptive use of stock water have been identified. Provisional stock water use data available from the USGS Washington Water Science Center presents stock water use by county in 1995. Based on this data, consumptive use associated with stock water in Kittitas County is estimated at 87 percent. Therefore, the consumptive use associated with the stock water use is estimated to be 0.87 (1.0 x 0.87) ac-ft/yr (CU).

Based on the rationale above, Table 5 summarized the amount of consumptive use associated with stock water.

Table 5 – Stock Water Consumptive Use (Secondary Reach)										
	Unit	Feb - Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Total
Qa	ac-ft	0.24	0.09	0.09	0.09	0.09	0.09	0.09	0.09	0.87
Average Qi	cfs	0.002	0.002	0.002	0.002	0.002	0.002	0.002	0.002	-

Table 6 provides the total consumptive use associated with fallowing 43.65 acres and stock water under the subject water right.

Table 6 – Total (Irrigation + Stock Water) Consumptive Use (Secondary Reach)										
	Unit	Feb - Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Total
Qa	ac-ft	0.24	13.9	30.69	42.03	33.52	19.12	2.79	0.09	142.38
Average Qi	cfs	0.002	0.227	0.516	0.684	0.546	0.322	0.046	0.002	-

RECEIVED

FEB 21 2025

DEPT OF ECOLOGY
CENTRAL REGIONAL OFFICE

Other

Provide any other pertinent information relative to the investigation of this application.

N/A

The information or conclusions in this section were authored and/or developed by: Tyson Carlson, LHG, CWRE and Silas Sleeper of Aspect Consulting.

CONCLUSIONS [See WAC 173-153-130(6)(d)]

Tentative determination (validity and extent of the right)

Describe whether, and to what extent, a valid water right exists.

Based on the information above, Certificate **S4-83608-J** represents a valid water right for 2.613 cfs and 542.17 ac-ft./yr for the irrigation of 43.65 acres (April 1 through October 15) and 0.03 cfs and 1.0 ac-ft/yr for stock water (February 1 to November 30).

Relinquishment or abandonment concerns

Describe any relinquishment or abandonment of the water right associated with the water right transfer application as discussed in the investigation section of this report.

As discussed above approximately 12.35 acres of irrigation (and the associated annual quantity of 533.02 ac-ft/yr) have been relinquished due to non-use. In addition, 2.0 ac-ft/yr of stock water have also been relinquished.

Consideration of comments and protests

Discuss the board's conclusions of issues raised by any comments and protests received.

The Kittitas Reclamation District (KRD) submitted a comment letter on March 13, 2024 as summarized above.

Response to Comment: Following the water right transfer the existing place of use will be converted from agricultural land to a municipal waste transfer station and construction staging area. Redevelopment will require the construction of infrastructure and impermeable surfaces (roads and building). Areas covered by the newly constructed impermeable surfaces will not allow for any vegetation growth or evaporation from the soil and will result in an overall consumptive use that is less than the property's natural consumptive use. Upgradient return flow will be conveyed around the perimeter of the property. Storm water from the facility will be routed by several newly constructed ditches to a bioinfiltration pond. Runoff from impermeable surfaces will be collected in several artificially constructed detention/retention ponds, and following treatment, will either be discharged to the sewer or directly to Reecer Creek. Existing wetlands (with buffer) will remain undisturbed (see discussion below).

In summary, the redevelopment footprint of the place of use consists of the following:

- A new unlined drainage ditch that redirects upgradient return flows from upstream water rights away from the historic place of use.
- The transfer station redevelopment footprint is estimated to be about 26 acres. All indoor and any outdoor watering of ornamental landscaping will be served by the City of Ellensburg municipal water supply. A site plan of the future transfer station is included as Attachment 5.
- Redevelopment of the northern parcel by D&N Development, LLC includes spoils and construction equipment staging area across the 10-acre parcel. Irrigation on the property has not occurred since 2023. Following redevelopment, continued water use beyond the natural consumptive use on the parcel is not expected to occur.
- No irrigation will occur on the remaining, approximately 10 acres north and east of the transfer station. Specific land uses are in development, and will be consistent with the light industrial zoning for the property
- About 10.35 acre have been relinquished via non-use from 2006 to 2014. During this time period the area was dry, but in coordination with irrigation improvements, wetlands were reestablished and the area will be returned to native vegetation with proper wetland buffers.

Based on this information, the approval of the proposed change is not expected to result in an enlarge the consumptive quantity authorized under the water right.

Additionally, the total amount of new consumptive use authorized by the County under this water right through a water bank plus any incidental consumptive use (should there be any that occurs on the property due to the presence of project water) shall not adversely affect Total Water Supply Available (TWSA).

The County will provide an annual report to the Water Transfer Working Group that includes the total amount of mitigation water issued through each Kittitas County-managed water bank or County associated Trust Water Right, any temporary use authorizations, any portion of a water bank or water right reserved for instream use only, the remaining water bank or water right balances, and the proportion water allocated through the domestic-use program that was actually used, based on annual metering data. This information will provide transparency about the net impact of the County's water banking program on TWSA and enables analysis of the impact of this water right transfer, subsequent County water bank decisions, and potential incidental consumptive use from project water on TWSA.

Impairment

Describe how or if the transfer proposal will impair existing rights of others.

Under RCW 90.38.040(5)(a), a trust water right may be exercised only if the Board first determines that the authorization will not impair or injure other water rights. Consistent with Ecology policy and current case law (Big Creek Water Users Association v. Ecology and Trendwest Investments) impairment is evaluated at the authorized point of diversion on Reecer Creek.

No water right on Reecer Creek or the Yakima River will be negatively affected by increased instream flows during the irrigation season. Therefore, based on these considerations, transferring Certificate S4-83608-J to instream flow for mitigation is not expected to impair other water rights.

Public Interest

If the proposed transfer is authorized pursuant to RCW 90.44.100, describe whether it is detrimental to the public interest. Public interest shall not be considered if the proposed transfer is authorized pursuant to RCW 90.03.380 exclusively.

N/A

DECISION [See WAC 173-153-130(6)(e)]

Provide a complete description of the board's decision, fully and comprehensively addressing the entire application proposal.

Based on the above investigation and conclusions, the Board recommends that the request for change to Certificate S4-83608-J be approved in the amounts and within the limitations listed below and subject to the provisions established by Ecology for the management of the trust water.

Primary Reach:

The Primary Reach begins at the authorized point of diversion on Reecer Creek at a point 900 feet north and 1,100 feet west from the east quarter corner of Section 28, being within the NE¼SE¼NE¼ of Section 28, Township 18 North, Range 18 East Willamette Meridian (E.W.M.), and ending at a point located 1,390 feet south and 860 feet west from the northeast corner of Section 33 (within the SE¼NE¼ of Section 33, T. 18 N., R. 18 E.W.M.).

Secondary Reach:

	Unit	Feb - Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Total
Qa	ac-ft	0.24	13.9	30.69	42.03	33.52	19.12	2.79	0.09	142.38
Average Qi	cfs	0.002	0.227	0.516	0.684	0.546	0.322	0.046	0.002	-

The Secondary Reach begins approximately at a point located 1,390 feet south and 860 feet west from the northeast corner of Section 33 (within the SE¼NE¼ of Section 33, T. 18 N., R. 18 E.W.M.), and extends downstream to the confluence of Reecer Creek and the Yakima River, and further downstream along the Yakima River to the Yakima Canyon within Kittitas County, at river mile 127 within the SE¼NW¼ of Section 33, T. 15 N., R. 19 E.W.M.

Provide any other pertinent information relative to the board's decision.

N/A

RECEIVED

FEB 21 2025

DEPT OF ECOLOGY
CENTRAL REGIONAL OFFICE

The information or conclusions in this section were authored and/or developed by (Name of Person): Tyson Carlson, LHG, CWRE and Silas Sleeper of Aspect Consulting.

PROVISIONS [See WAC 173-153-130(6)(f)]

Conditions and limitations

Identify any conditions and limitations recommended as part of an approved transfer, and/or any other corrective action necessary to maintain the water use in compliance with state laws and regulations.

The water will be placed in the Trust Water Right Program and managed by Ecology to be made available to Kittitas County under amendment to the governing Trust Water Right Agreement.

The real property owned by Kittitas County which is appurtenant to this water right shall remain fallow unless authorized by a future water right decision.

The undersigned board commissioner certifies that he/she understands the board is responsible "to ensure that all relevant issues identified during its evaluation of the application, or which are raised by any commenting party during the board's evaluation process, are thoroughly evaluated and discussed in the board's deliberations. These discussions must be fully documented in the report of examination." [WAC 173-153-130(5)] The undersigned therefore, certifies that he/she, having reviewed the report of examination, knows and understands the content of this report and concurs with the report's conclusions.

Signed at

Ellensburg

Washington

(City)

This

18

day of

February

2025

Date (Day)

(Month)

(Year)

Name of Board Representative:

Mark Crowley

Name of Water Conservancy Board:

Kittitas County Conservation District

Signature:

Mark Crowley