



# Yakima County Water Conservancy Board

2301 Fruitvale Boulevard  
Yakima, Washington 98908  
(509) 574-2650 / Fax (509) 574-2651

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**APR 15 2024**

**Dept of Ecology  
Central Regional Office**

April 15, 2024

Washington State Department of Ecology  
1250 West Alder Street  
Union Gap, Washington 98903

RE: TRANSMITTAL OF RECORD OF DECISION AND REPORT OF EXAMINATION – YAKI-01-24  
ROBERT AND CAROL INOUE

Gentlemen:

Attached is the Report of Examination, Record of Decision, Public Notice and Site Visit Report which came before the Yakima County Water Conservancy Board at its regularly scheduled on Thursday, April 11, 2024. The Board approved the application and held the protest hearing on this date.

The Water Conservancy number assigned is: YAKI-01-24

For questions or concerns, please feel free to contact the Clerk of the Board at (509) 388-4589.

Sincerely

*Sylvia E. Cervantes*

Sylvia E. Cervantes  
Clerk of the Board

Cc: Applicant (Robert Inouye)  
Parties of Record  
Rattlesnake Ditch Association

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El Sol de Yakima

**AFFIDAVIT OF PUBLICATION**

Bob Inouye  
1780 Nile Rd.  
Naches WA 98937

**STATE OF WASHINGTON, COUNTIES OF YAKIMA**

The undersigned, on oath states that he/she is an authorized representative of Yakima Herald-Republic, Inc., publisher of Yakima Herald-Republic and El Sol de Yakima, of general circulation published daily in Yakima County, State of Washington. Yakima Herald-Republic and El Sol de Yakima have been approved as legal newspapers by orders of the Superior Court of Yakima County.

The notice, in the exact form annexed, was published in the regular and entire issue of said paper or papers and distributed to its subscribers during all of the said period.

02/03/2024, 02/10/2024

Agent

JACKIE CHAPMAN

Signature

Jackie Chapman

Subscribed and sworn to before me on

February 12, 2024

R. Rene Connatser

(Notary Signature) Notary Public in and for the State of Washington, residing at Yakima

Publication Cost: \$530.40  
Order No: 72488  
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Order No: 72488  
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PO #:

**YAKIMA COUNTY WATER CONSERVANCY BOARD  
WATER RIGHT CHANGE/TRANSFER**

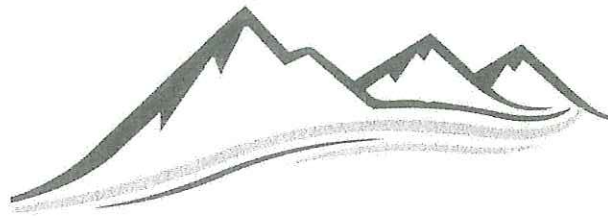
*Public Notice* is hereby given that the Yakima County Water Conservancy Board is reviewing application No. YAKI-24-01 by Robert and Carol Inouye, who reside in Yakima County, for transfer of water right S4-83445-J, with priority date July 22nd, 1891, and diversion point from Rattlesnake Creek is 75' N and 1450' W from the SE corner of Sec 4, in the SW ¼ SE ¼ of Sec 4, T. 15 N., R. 15 E.W.M. The place of use is that portion of the NW ¼ SW ¼ of Sec 3, T. 15 N., R. 15 E.W.M adjacent to the Rattlesnake Ditch. The purpose of use is stock watering and wildlife, with instantaneous rate at 0.25 cfs continuous (181 AFY).

The proposed new diversion point is 840' W and 320' N of the SE corner of Sec 4, in the SE ¼ SE ¼ of Sec 4, T. 15 N., R. 15 E.W.M., in Yakima County parcel 15150444003. The proposed new place of use is Yakima County parcels 151503 32001 (in W ½, SW¼, Sec. 3), 151504 44003 (in E ½, SE ¼, Sec 4) and 151503 31007 (in SW ¼, Sec 3), all in T. 15N, R. 15 EWM. Purpose, rate and quantities are unchanged.

The application under review by the Yakima County Water Conservancy Board will be considered at the meeting to be held the second Thursday of every month at 6:00 P.M., at the office of the City of Yakima Public Works Administration Building located at 2301 Fruitvale Boulevard, Yakima, WA. The meeting is open to the public. Additional water right information also is available upon request by contacting the Clerk of the Board at (509) 388-4589.

Under WADOE Rule WAC 173.153 and other agency regulations, any protests or objections to the approval of this application may be filed with the Department of Ecology and must include a detailed statement of the basis for objections: protests must be accompanied by a fifty dollar (\$50.00) recording fee and filed with the Cashiering Section, State of Washington, Department of Ecology, P. O. Box 47611, Olympia, WA 98504-7611 within thirty (30) days from the last date of publication. Any interested party may submit comments, objections, and other information to the YCWCB regarding this application, per the above address. The comments and information may be submitted in writing, or verbally at any public meeting of the YCWCB: YCWCB, 2301 Fruitvale Boulevard, Yakima, Washington 98902 (509) 388-4589. Comments should include: name, address, and phone number of commenting party: identification of the change receiving comments and detailed information or documentation to substantiate facts presented within the comments. Comment period ends 30 days after the second publication date.

(72488) February 3 and 10, 2024



*Rattlesnake Ditch Association*  
*Serving the Nile Valley since 1891*

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Central Regional Office

March 5, 2024

Yakima County Water Conservancy Board  
402 East Yakima Avenue, Suite 360  
Yakima, WA 98901

RE: YAKI-01-24 – Inouye

Gentlemen/women:

We write in regard to the above-captioned application by Robert Inouye to transfer his existing water right (S4-83445-J):

- ❖ Source: Rattlesnake Creek via Rattlesnake Ditch
- ❖ Quantity: 0.25 cubic feet per second
- ❖ Purpose of use: stock watering and wildlife
- ❖ Period of use: continuous

from the Rattlesnake Irrigation Ditch to his side channel (S4-35271). Rattlesnake Ditch Association supports this transfer. However, as the Association that operates and manages the diversion and the ditch, it is important that we clarify certain statements made by Mr. Inouye in his application to avoid a decision by the Conservancy Board that makes factual findings that are not accurate.

"The Rattlesnake Ditch Association was re-organized in recent years to implement improvements to the ditch in order to reduce water losses and enhance water availability throughout the length of the ditch, within the quantities of the adjudicated water right authorizations of the members of the association" (YAKI-21-01). The Inouyes, though non-members of the Association, are assigned the same Point of Diversion on their adjudicated water right as are the members.

- **Section 3A and B** - The Inouye water right does not provide 181-acre ft/yr, as it is not an irrigation water right but only for stock watering and livestock. Thus, that notation should be removed from the Existing and Proposed Use sections.
- **Section 5A** – Mr. Inouye does not have "irrigated acres." As noted, the Inouye water right is not for irrigation.

YAKI-01-24



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- **Section 6.2** – The Inouye application does not acknowledge an existing compliance/enforcement action. The conflict between Mr. Inouye’s vision for the ditch (“natural, creek-like form,” “riparian habitat”) and that of the Association (“equitable distribution and accountability of water”) led us to court in 2020. On May 8, 2020, a Stipulation and Agreed Order of Dismissal was entered in Yakima County Superior Court of Washington between the Inouyes and the Association which states in part, “The Association has authority to access, operate, and maintain the diversion, and *the sole authority to conduct maintenance in the Ditch and along the ditch banks that it deems reasonably necessary for the efficient flow of water*” (emphasis ours). This Court Order clearly recognizes the function of the ditch to be the delivery of irrigation water. Further, Mr. Inouye was ordered to “not perform further activities in or along the Ditch” and to “not take any action to interfere with the Association’s right to access the diversion and Ditch.”
- **Section 6.9** – Rattlesnake Ditch is an unnatural water course or ditched conveyance system that delivers water moved by gravity from Rattlesnake Creek, in Yakima County. It is a long-ago constructed ditch that extends approximately two miles, beginning in Section 4, Township 15 North, Range 14 E.W.M., and entering Section 3 thereof and terminating in Section 33, Township 16 North, Range 15 East at Dry Creek. A “Notice of Location of Ditch” was filed with the Yakima County Auditor on July 22, 1891, by Messrs. Rufus Henson and Henry Sedge. The first approximately 2800 feet of the ditch contains the RDA head works at Rattlesnake Creek and crosses the Inouye properties in section 4 and then 3 of Township 15 North, Range 15 East, crossing Inouye owned parcels; 151504-44003 and 151503-3200, before continuing to serve the remaining 16 water rights/users of the POD.
- **Sections 6.11, 7.2, 8.1, 8.10** – Mr. Inouye’s application stating that “Our 0.25 cfs was used from 1891 to 2022 in the irrigation ditch to create riparian or natural habitat for stock and wildlife” is incorrect. What is known today as the Rattlesnake Ditch was dug in 1891 expressly for the purpose of irrigation. From a Notice of Location of Ditch filed on July 22, 1891: “We hereby certify that said ditch was located by us on the first day of April, A.D. 1891 and the said water is used and claimed for the purposes of irrigation on unsurveyed land now settled up on and claimed by us in what is known as the Nile Valley.” (Filed by Rufus Henson and Henry Sedge.)
  - No water in the ditch was claimed for “riparian habitat” until Mr. Inouye went to court in the Acquavella adjudication in 1993. The judge at that time repeatedly referred to “wildlife and stock water” and “for stock water and wildlife watering” (see attachment). It seems clear the court was referring to wildlife drinking from the ditch. Mr. Inouye has construed his water right to mean “create riparian habitat for stock and wildlife,” but this is his own definition, not the court’s. Note that Mr. Inouye does not include “habitat” as a purpose of use on his application nor is it on his Certificate of Adjudicated Water Right. In fact, Mr. Inouye states, “No added purpose of use: it will continue to be stock watering and wildlife.”
  - Mr. Inouye states, “Their work successfully reduced the conveyance loss” but then wrongfully accuses Association members of using his water, saying “those same ‘improvements’ also cause much of our 0.25 wildlife cfs to flow unused through the more efficient ditch and instead continue on down-ditch to their irrigated hayfields.” Irrigators down-ditch from the Inouye property use only the amount of water they have requested and are authorized to use under their water rights, and that has been turned into the ditch for their use. Any of the Inouyes’ 0.25 stock and wildlife cfs not consumed on the Inouye property would continue down the ditch and either be absorbed or returned to the watershed via overflow into Dry Creek.

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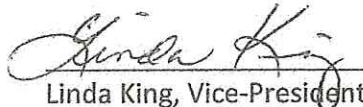
- Shutdowns have always occurred during the coldest months of winter due to the build-up of ice at the headworks and other areas of the ditch, often leading to costly maintenance issues. The ditch is also shut down every year for necessary maintenance. Maintenance needs have been compounded by neglect of the ditch infrastructure prior to the reformation of the Association. The slowing of water flow through the Inouye property in the past led to the introduction of noxious weeds, requiring yearly drying of the ditch to facilitate their removal. Water right S4-83445-J has been diverted from Rattlesnake Creek as requested, first as the full 0.25 cfs, then reduced to 0.01 and then to zero when the water right was in the Trust Water Program.

In closing, RDA, with the above corrections noted, supports the Point of Diversion change of the Inouye water right (S4-83445-J) to the Inouye side channel (S4-35271). In light of the above-referenced Court Order, the Association has a duty to its members to protect the ditch and access to it, hence our appearance at your meetings and our submission of these comments to ensure that RDA is not misrepresented in documentation and a decision by this Board, and to maintain full and uninterrupted access to the diversion and the ditch. We would request that the Conservancy Board and the Department of Ecology affirm, if approving the transfer of the Inouye water right, that our access is not interfered with by the influx of additional water into the side channel.

BOARD OF DIRECTORS, RATTLESNAKE DITCH ASSOCIATION



Justin Briscoe, President



Linda King, Vice-President



Carla Jaeger, Vice-President



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 Yakima, Washington  
(City)  
This 11 day of Apr. 2024  
Date (Day) (Month) (Year)

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Name of Board Representative: \_\_\_\_\_ Name of Water Conservancy Board: \_\_\_\_\_

David Brown Yakima County

Signature: \_\_\_\_\_

[Signature]

# Attachment One to Report of Examination

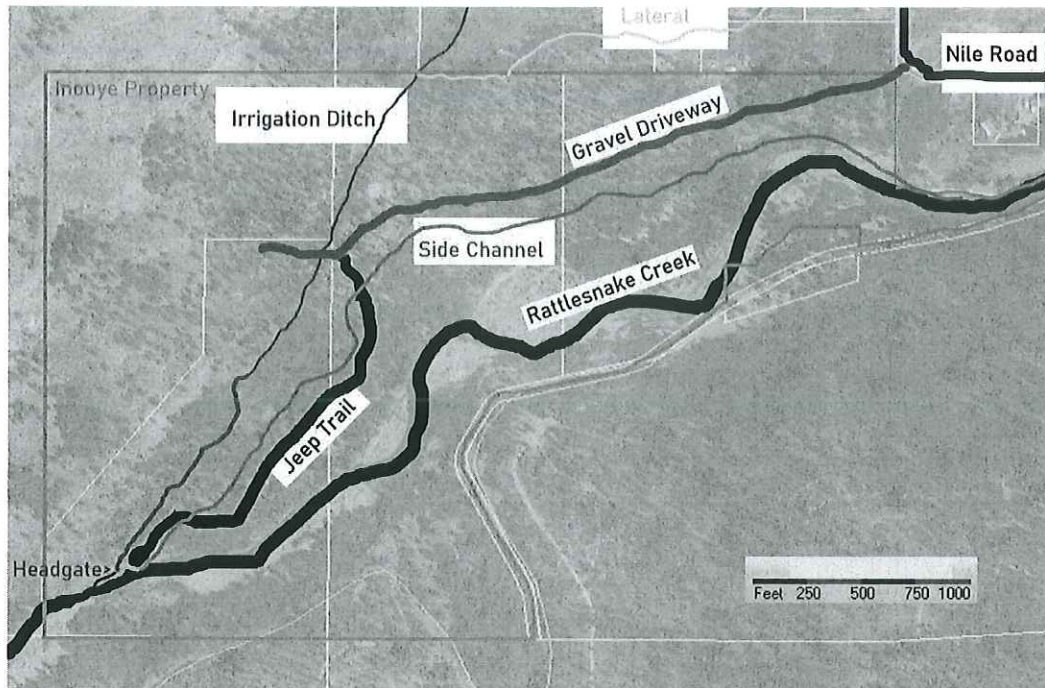
S4-83445-J YAKI-24-01 2-8-2024

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This map shows the Irrigation Ditch (in red) which takes off from Rattlesnake Creek through a Headgate. Also shown (in green) is the Side Channel. The existing 0.25 cfs water right certificate (S3-83445-J) authorizes diversion from the creek into the irrigation ditch. The requested transfer will authorize diversion into the side channel instead:



This enlargement of the Headgate area shows the irrigation ditch beginning at its diversion point on Rattlesnake Creek. 150' downstream is the separate diversion point for the side channel, which has its own water right (S4-35271):





This drone photo shows the original diversion point for the 0.25 cfs water right ("Irrigation Ditch Headgate"), and "Rattlesnake Creek" where the water is presently trusted on a temporary basis, and the nearby "Side Channel" which the 0.25 cfs will be moved to, with flow controlled by the "Headgate".

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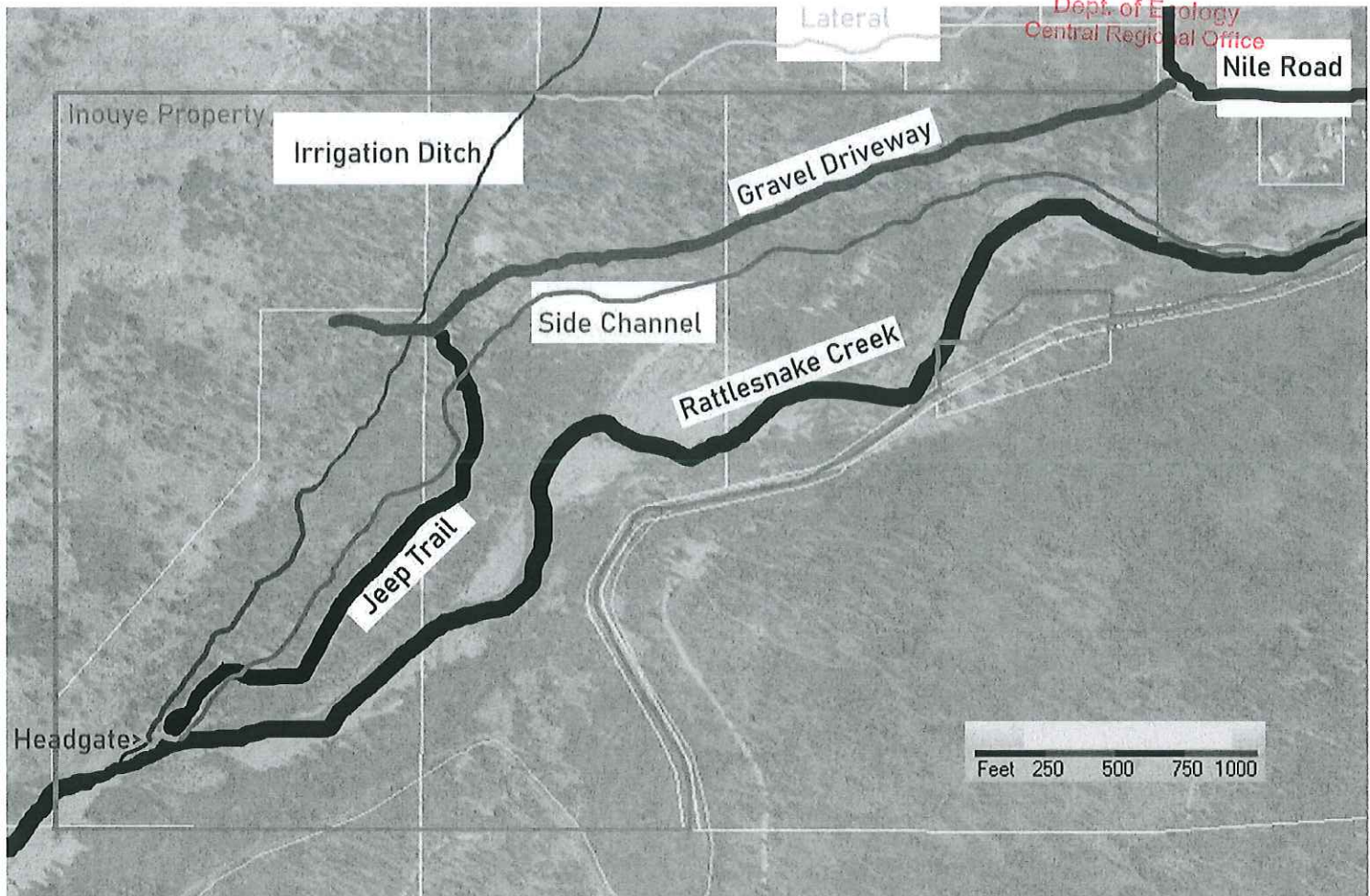


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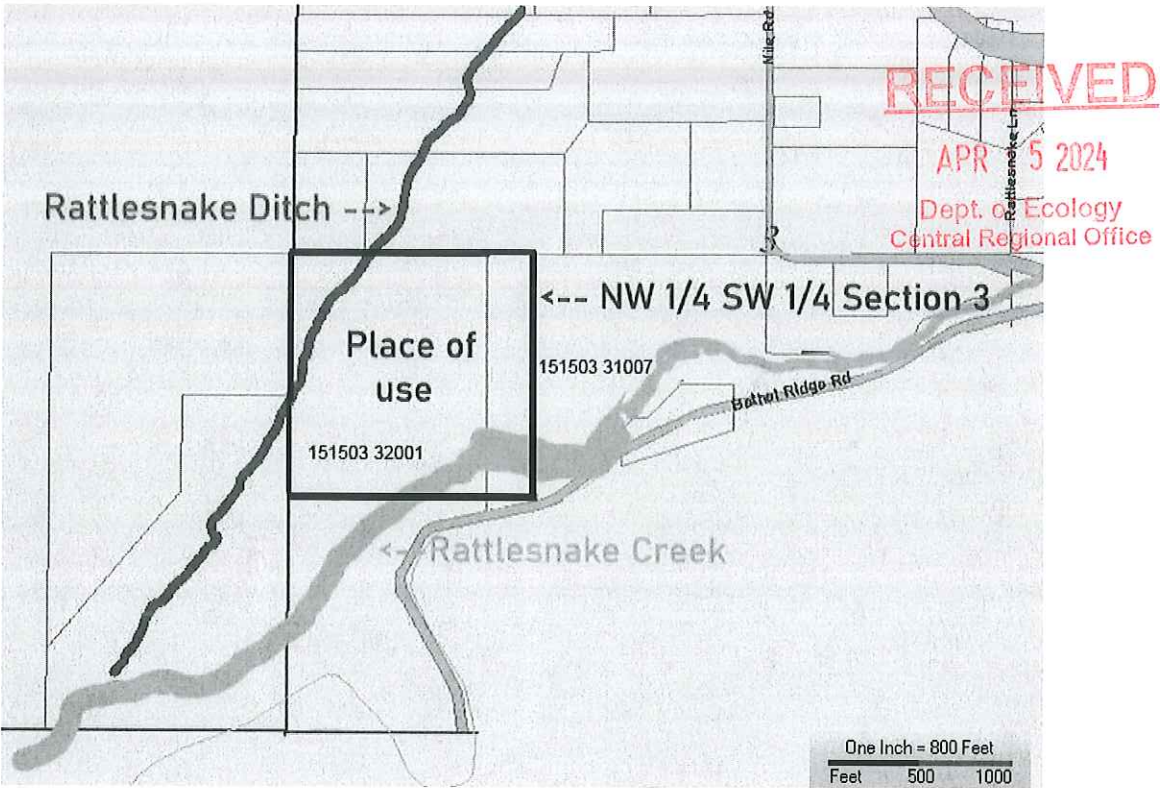
The full length of the mile long side channel is shown here in green; at right it empties back into Rattlesnake Creek:



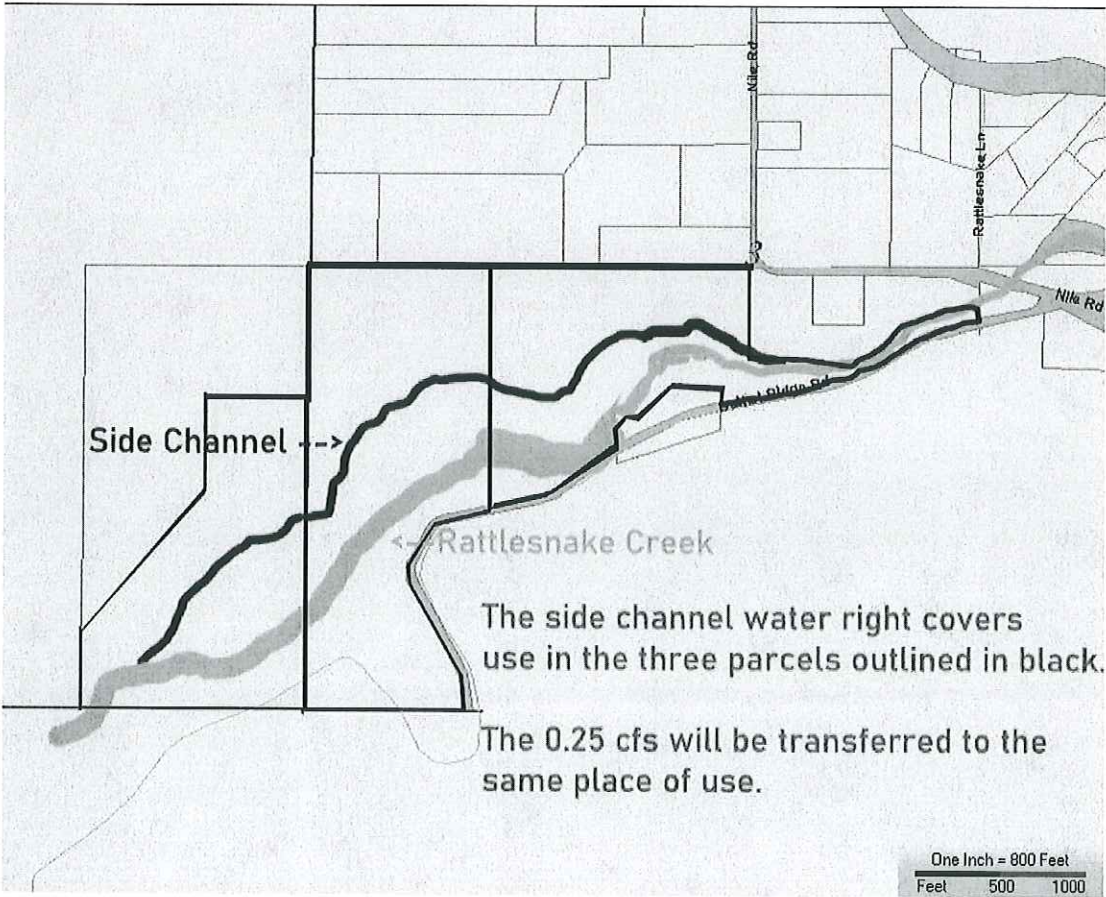
The green line shows only the main stem of the braided side channel, at one fixed point in time. Over the years the location shifts around as beavers build dams and create varied ponds. However the overall complex remains within the three parcels listed as Place of Use in the side channel's water right.



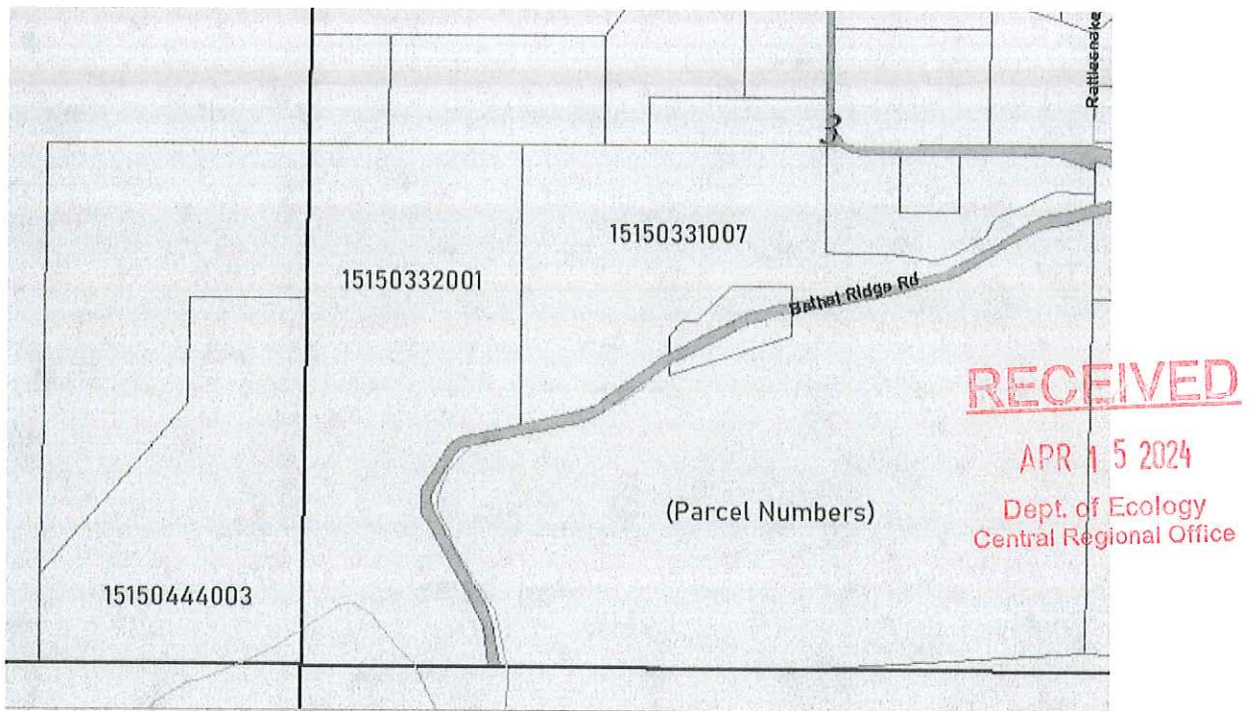
The current place of use for the 0.25 cfs water right (NW ¼ SW ¼ Sec 3) is the black square. It overlaps two parcels:



The side channel water right’s Place of Use is the three parcels outlined in black below:



The three parcel numbers are shown here:



The new Place of Use for the 0.25 cfs water right should be identical to the Place of Use for the side channel, since they will comeingle as they enter the side channel's headgate.



# Water Use Records Considered by the Board

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week	2006	2007	2008 (leap year)	2009	2010	2011	2012 (leap year)	2013	2014	2015	2018
1	0.0	0.3	0.4	0.4	0.3	0.2	0.7	0.3	0.5	0.7	0.5
2	0.0	0.2	0.5	1.0	0.3	0.3	0.6	0.3	0.5	0.5	0.5
3	0.0	0.2	0.6	1.0	0.3	0.3	0.3	0.3	0.6	1.0	0.5
4	0.0	0.0	0.6	1.0	0.2	0.6	0.3	0.3	0.7	1.0	0.5
5	0.0	0.0	0.4	0.9	0.4	0.6	0.0	0.3	0.7	1.0	0.8
6	0.0	0.7	0.5	1.0	0.3	0.8	0.2	0.3	0.7	1.0	0.8
7	0.0	0.7	0.7	1.4	0.5	0.7	1.5	0.4	0.5	1.0	0.8
8	0.0	0.7	0.7	1.4	0.7	0.8	1.5	0.4	0.5	0.3	0.5
9	0.0	0.7	0.7	0.8	1.3	0.5	1.5	0.7	0.5	0.5	0.5
10	0.0	2.5	0.6	0.8	1.3	0.8	1.2	0.8	0.7	0.7	0.5
11	0.0	2.8	0.6	1.1	1.2	0.9	0.8	0.8	0.8	0.7	0.5
12	0.0	2.1	0.6	1.0	1.2	0.8	0.8	0.5	0.8	0.5	0.5
13	0.6	1.1	0.6	1.0	1.6	0.8	1.0	0.5	0.8	1.0	0.5
14	0.6	0.7	0.6	0.6	2.1	0.4	1.0	0.7	0.9	1.0	1.0
15	0.6	1.6	2.3	1.2	1.2	0.4	1.3	0.5	1.8	0.8	1.6
16	0.6	0.8	2.0	1.4	1.2	0.5	1.4	1.0	2.7	3.0	1.5
17	0.6	2.1	1.8	2.1	1.1	0.8	1.5	1.3	2.7	3.2	7.2
18	1.4	2.1	1.7	1.7	1.3	1.5	1.5	1.9	2.7	3.3	5.1
19	1.8	2.2	1.9	1.7	1.4	1.6	1.8	2.3	2.9	3.8	5.1
20	2.2	2.2	2.1	1.9	1.5	1.5	1.9	1.8	3.3	3.3	5.6
21	2.2	2.2	2.3	1.7	1.3	2.1	2.3	2.9	3.1	3.4	4.2
22	2.2	2.2	2.3	1.8	1.3	2.1	2.3	1.3	3.0	3.2	4.4
23	2.3	2.2	1.8	1.9	1.4	1.6	2.1	2.0	3.0	3.0	5.0
24	2.3	1.8	2.8	1.9	1.6	1.7	1.9	2.6	3.0	3.5	3.8
25	2.3	2.3	1.9	1.9	1.5	1.7	2.0	2.8	3.0	3.5	3.7
26	2.7	2.2	2.9	2.3	1.6	1.7	1.8	2.2	2.6	4.0	4.0
27	3.0	2.3	2.5	2.4	2.1	2.2	3.2	2.2	3.3	3.8	3.4
28	3.1	2.3	2.3	2.3	2.5	2.2	3.3	2.3	3.5	4.0	3.3
29	2.7	2.3	2.8	2.6	2.6	1.7	3.2	3.1	3.2	3.7	3.1
30	3.0	2.3	2.3	2.6	2.5	2.4	3.2	2.9	3.2	4.0	4.8
31	3.0	2.2	2.3	2.5	2.4	2.6	2.6	2.8	3.5	4.0	4.9
32	3.1	2.3	2.1	2.6	2.4	2.7	3.4	3.0	3.4	3.9	4.8
33	3.0	2.5	2.7	2.5	2.3	2.7	3.3	3.0	3.4	3.7	3.7
34	2.5	2.2	2.3	2.3	2.3	2.8	2.9	3.0	3.3	3.5	3.3
35	2.4	2.3	2.3	2.5	2.5	2.5	2.8	2.8	3.3	4.2	2.2
36	2.9	2.2	2.3	2.5	2.5	2.5	2.9	3.0	3.4	3.5	1.9
37	2.8	2.3	2.3	2.5	2.7	2.5	2.6	2.5	3.5	4.2	2.2
38	2.9	2.4	2.3	2.5	2.9	2.7	2.6	2.2	3.4	4.0	2.2
39	2.7	2.4	2.3	2.4	2.6	2.7	2.7	2.1	3.2		2.0
40	2.4	2.3	2.2	1.9	2.6	2.3	2.5	2.4	3.1		2.4
41	2.2	1.9	1.4	1.7	2.6	1.9	2.5	1.5	3.0		2.3
42	1.9	1.9	1.6	1.2	2.0	1.7	2.7	1.4	2.8		2.1
43	1.7	1.3	1.6	0.8	2.0	1.1	2.4	1.3	1.5		1.9
44	2.7	2.2	1.6	0.9	0.8	1.1	2.4	1.2	0.8		3.2
45	1.5	0.6	0.7	0.6	0.8	0.7	1.5	1.1	1.5		1.5
46	0.5	0.6	0.6	0.7	0.6	0.8	1.5	1.0	1.0		0.9
47	0.5	0.6	0.7	0.7	0.4	0.8	0.8	1.2	0.8		0.5
48	0.1	0.6	0.7	0.7	0.4	0.7	1.3	1.1	0.8		0.6
49	0.0	0.6	0.6	0.6	0.2	0.7	0.6	1.3	0.8		0.7
50	0.1	0.6	0.4	0.6	0.1	0.6	0.3	1.3	0.8		0.6
51	0.1	0.6	0.0	0.6	0.2	0.5	0.3	1.3	0.8		0.6
52	0.0	0.6	0.3	0.6	0.2	0.5	0.3	0.2	0.7		0.6
53	0.0	0.6	0.4	0.6	0.6	0.6	0.3		0.7		

Day	Reporting Person	DATE	Percent age of 3.47 Max	CF5 - 1 Max Inst	Stock	Conv	Irrigation
1	CJ	Wednesday, January 1, 2020		0.5	0.26	0.24	
2	CJ	Thursday, January 2, 2020		0.5	0.26	0.24	
3		Friday, January 3, 2020		0.25	0.25	0	
4		Saturday, January 4, 2020		0.25	0.25	0	
5		Sunday, January 5, 2020		0.25	0.25	0	
6		Monday, January 6, 2020		0.25	0.25	0	
7		Tuesday, January 7, 2020		0.25	0.25	0	
8		Wednesday, January 8, 2020		0.25	0.25	0	
9		Thursday, January 9, 2020		0.25	0.25	0	
10		Friday, January 10, 2020		0.25	0.25	0	
11		Saturday, January 11, 2020		0.25	0.25	0	
12		Sunday, January 12, 2020		0.25	0.25	0	
13		Monday, January 13, 2020		0.25	0.25	0	
14		Tuesday, January 14, 2020		0.25	0.25	0	
15		Wednesday, January 15, 2020		0.25	0.25	0	
16		Thursday, January 16, 2020		0.25	0.25	0	
17	WW	Friday, January 17, 2020		0.5	0.26	0.24	
18		Saturday, January 18, 2020		0.5	0.26	0.24	
19		Sunday, January 19, 2020		0.5	0.26	0.24	
20		Monday, January 20, 2020		0.5	0.26	0.24	
21		Tuesday, January 21, 2020		0.5	0.26	0.24	
22		Wednesday, January 22, 2020		0.5	0.26	0.24	
23		Thursday, January 23, 2020		0.5	0.26	0.24	

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24	RK	Friday, January 24, 2020		0.5	0.26	0.24	
25		Saturday, January 25, 2020		0.5	0.26	0.24	
26		Sunday, January 26, 2020		0.5	0.26	0.24	
27		Monday, January 27, 2020		0.5	0.26	0.24	
28		Tuesday, January 28, 2020		0.5	0.26	0.24	
29		Wednesday, January 29, 2020		0.5	0.26	0.24	
30		Thursday, January 30, 2020		0.5	0.26	0.24	
31		Friday, January 31, 2020		0.5	0.26	0.24	
32		Saturday, February 1, 2020		0.5	0.26	0.24	
33		Sunday, February 2, 2020		0.5	0.26	0.24	
34	WW	Monday, February 3, 2020		0	0	0	
35	WW	Tuesday, February 4, 2020		0.26	0.26	0	
36		Wednesday, February 5, 2020		0.26	0.26	0	
37		Thursday, February 6, 2020		0.26	0.26	0	
38	WW	Friday, February 7, 2020		0.26	0.26	0	
39		Saturday, February 8, 2020		0.26	0.26	0	
40		Sunday, February 9, 2020		0.26	0.26	0	
41		Monday, February 10, 2020		0.26	0.26	0	
42		Tuesday, February 11, 2020		0.26	0.26	0	
43		Wednesday, February 12, 2020		0.26	0.26	0	
44		Thursday, February 13, 2020		0.26	0.26	0	
45		Friday, February 14, 2020		0.26	0.26	0	
46		Saturday, February 15, 2020		0.26	0.26	0	
47		Sunday, February 16, 2020		0.26	0.26	0	
48		Monday, February 17, 2020		0.26	0.26	0	
49	CJ	Tuesday, February 18, 2020		0.26	0.26	0	
50		Wednesday, February 19, 2020		0.26	0.26	0	

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51		Thursday, February 20, 2020		0.26	0.26	0	
52		Friday, February 21, 2020		0.26	0.26	0	
53		Saturday, February 22, 2020		0.26	0.26	0	
54		Sunday, February 23, 2020		0.26	0.26	0	
55		Monday, February 24, 2020		0.26	0.26	0	
56		Tuesday, February 25, 2020		0.26	0.26	0	
57		Wednesday, February 26, 2020		0.26	0.26	0	
58		Thursday, February 27, 2020		0.26	0.26	0	
59		Friday, February 28, 2020		0.26	0.26	0	
60		Saturday, February 29, 2020		0.26	0.26	0	
61		Sunday, March 1, 2020		0.26	0.26	0	
62		Monday, March 2, 2020		0.26	0.26	0	
63		Tuesday, March 3, 2020		0.26	0.26	0	
64		Wednesday, March 4, 2020		0.26	0.26	0	
65		Thursday, March 5, 2020		0.26	0.26	0	
66		Friday, March 6, 2020		0.26	0.26	0	
67		Saturday, March 7, 2020		0.26	0.26	0	
68		Sunday, March 8, 2020		0.26	0.26	0	
69	CJ	Monday, March 9, 2020		0.26	0.26	0	
70		Tuesday, March 10, 2020		0.26	0.26	0	
71		Wednesday, March 11, 2020		0.26	0.26	0	
72		Thursday, March 12, 2020		0.26	0.26	0	
73		Friday, March 13, 2020		0.26	0.26	0	
74		Saturday, March 14, 2020		0.26	0.26	0	
75	CJ	Sunday, March 15, 2020		0.26	0.26	0	
76		Monday, March 16, 2020		0.26	0.26	0	
77		Tuesday, March 17, 2020		0.26	0.26	0	

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78		Wednesday, March 18, 2020		0.26	0.26	0	
79		Thursday, March 19, 2020		0.26	0.26	0	
80		Friday, March 20, 2020		0.26	0.26	0	
81		Saturday, March 21, 2020		0.26	0.26	0	
82	CJ	Sunday, March 22, 2020		0.26	0.26	0	
83		Monday, March 23, 2020		0.26	0.26	0	
84		Tuesday, March 24, 2020		0.26	0.26	0	
85		Wednesday, March 25, 2020		0.26	0.26	0	
86		Thursday, March 26, 2020		0.26	0.26	0	
87		Friday, March 27, 2020		0.26	0.26	0	
88	RK	Saturday, March 28, 2020		0.26	0.26	0	
89		Sunday, March 29, 2020		0.26	0.26	0	
90		Monday, March 30, 2020		0.26	0.26	0	
91		Tuesday, March 31, 2020	0.00%	0.26	0.26	0	0.0000
92	CJ	Wednesday, April 1, 2020	7.49%	0.26	0.26	0	0.0000
93		Thursday, April 2, 2020	7.49%	0.26	0.26	0	0.0000
94		Friday, April 3, 2020	7.49%	0.26	0.26	0	0.0000
95		Saturday, April 4, 2020	7.49%	0.26	0.26	0	0.0000
96		Sunday, April 5, 2020	7.49%	0.26	0.26	0	0.0000
97		Monday, April 6, 2020	7.49%	0.26	0.26	0	0.0000
98		Tuesday, April 7, 2020	7.49%	0.26	0.26	0	0.0000
99	RK	Wednesday, April 8, 2020	11.53%	0.4	0.26	0.03	0.1100
100		Thursday, April 9, 2020	11.53%	0.4	0.26	0.03	0.1100
101		Friday, April 10, 2020	11.53%	0.4	0.26	0.03	0.1100
102		Saturday, April 11, 2020	11.53%	0.4	0.26	0.03	0.1100
103	WW	Sunday, April 12, 2020	11.53%	0.4	0.26	0.13	0.0100
104		Monday, April 13, 2020	11.53%	0.4	0.26	0.13	0.0100

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14	105		Tuesday, April 14, 2020	11.53%	0.4	0.26	0.13	0.0100
15	106	CJ	Wednesday, April 15, 2020	21.61%	0.75	0.26	0.13	0.3600
16	107		Thursday, April 16, 2020	21.61%	0.75	0.26	0.13	0.3600
17	108	WW	Friday, April 17, 2020	46.40%	1.61	0.26	0.46	0.8900
18	109		Saturday, April 18, 2020	46.40%	1.61	0.26	0.46	0.8900
19	110		Sunday, April 19, 2020	46.40%	1.61	0.26	0.46	0.8900
20	111	CJ	Monday, April 20, 2020	51.87%	1.8	0.26	0.7	0.8400
21	112		Tuesday, April 21, 2020	51.87%	1.8	0.26	0.7	0.8400
22	113		Wednesday, April 22, 2020	51.87%	1.8	0.26	0.7	0.8400
23	114		Thursday, April 23, 2020	51.87%	1.8	0.26	0.7	0.8400
24	115		Friday, April 24, 2020	51.87%	1.8	0.26	0.7	0.8400
25	116		Saturday, April 25, 2020	51.87%	1.8	0.26	0.7	0.8400
26	117		Sunday, April 26, 2020	51.87%	1.8	0.26	0.7	0.8400
27	118	ww	Monday, April 27, 2020	53.03%	1.84	0.26	0.7	0.8800
28	119		Tuesday, April 28, 2020	53.03%	1.84	0.26	0.7	0.8800
29	120		Wednesday, April 29, 2020	53.03%	1.84	0.26	0.7	0.8800
30	121		Thursday, April 30, 2020	53.03%	1.84	0.26	0.7	0.8800
31	122		Friday, May 1, 2020	53.03%	1.84	0.26	0.7324	0.8476
32	123		Saturday, May 2, 2020	53.03%	1.84	0.26	0.7324	0.8476
33	124	RK	Sunday, May 3, 2020	56.48%	1.96	0.26	0.7324	0.9676
34	125		Monday, May 4, 2020	56.48%	1.96	0.26	0.7324	0.9676
35	126		Tuesday, May 5, 2020	56.48%	1.96	0.26	0.7324	0.9676
36	127		Wednesday, May 6, 2020	56.48%	1.96	0.26	0.7324	0.9676
37	128		Thursday, May 7, 2020	56.48%	1.96	0.26	0.7324	0.9676
38	129	CJ	Friday, May 8, 2020	59.08%	2.05	0.26	0.7324	1.0576
39	130		Saturday, May 9, 2020	59.08%	2.05	0.26	0.7324	1.0576
40	131		Sunday, May 10, 2020	59.08%	2.05	0.26	0.7324	1.0576

41	132	RK	Monday, May 11, 2020	51.59%	1.79	0.26	0.7324	0.7976
42	133		Tuesday, May 12, 2020	51.59%	1.79	0.26	0.7324	0.7976
43	134		Wednesday, May 13, 2020	51.59%	1.79	0.26	0.7324	0.7976
44	135		Thursday, May 14, 2020	51.59%	1.79	0.26	0.7324	0.7976
45	136	CJ	Friday, May 15, 2020	100.00%	3.47	0.26	0.7324	0.0000
46	137	CJ	Saturday, May 16, 2020	28.24%	0.98	0.26	0.7324	0.0000
47	138		Sunday, May 17, 2020	28.24%	0.98	0.26	0.7324	0.0000
48	139	RK	Monday, May 18, 2020	15.56%	0.54	0.26	0.7324	0.0000
49	140		Tuesday, May 19, 2020	15.56%	0.54	0.26	0.7324	0.0000
50	141		Wednesday, May 20, 2020	15.56%	0.54	0.26	0.7324	0.0000
51	142		Thursday, May 21, 2020	15.56%	0.54	0.26	0.7324	0.0000
52	143	WW	Friday, May 22, 2020	24.50%	0.85	0.26	0.7324	0.0000
53	144		Saturday, May 23, 2020	24.50%	0.85	0.26	0.7324	0.0000
54	145		Sunday, May 24, 2020	24.50%	0.85	0.26	0.7324	0.0000
55	146	WW	Monday, May 25, 2020	34.58%	1.2	0.26	0.7324	0.2076
56	147		Tuesday, May 26, 2020	34.58%	1.2	0.26	0.7324	0.2076
57	148		Wednesday, May 27, 2020	34.58%	1.2	0.26	0.7324	0.2076
58	149	CJ	Thursday, May 28, 2020	39.19%	1.36	0.26	0.7324	0.3676
59	150	RK	Friday, May 29, 2020	39.19%	1.36	0.26	0.7324	0.3676
60	151		Saturday, May 30, 2020	39.19%	1.36	0.26	0.7324	0.3676
61	152		Sunday, May 31, 2020	39.19%	1.36	0.26	0.7324	0.3676
62	153	CJ	Monday, June 1, 2020	54.76%	1.9	0.26	0.7324	0.9076
63	154		Tuesday, June 2, 2020	54.76%	1.9	0.26	0.7324	0.9076
64	155		Wednesday, June 3, 2020	54.76%	1.9	0.26	0.7324	0.9076
65	156		Thursday, June 4, 2020	54.76%	1.9	0.26	0.7324	0.9076
66	157	RK	Friday, June 5, 2020	57.35%	1.99	0.26	0.7324	0.9976
67	158		Saturday, June 6, 2020	57.35%	1.99	0.26	0.7324	0.9976

68	159		Sunday, June 7, 2020	57.35%	1.99	0.26	0.7324	0.9976
69	160	CJ	Monday, June 8, 2020	56.72%	1.97	0.26	0.7324	0.9776
70	161		Tuesday, June 9, 2020	56.72%	1.97	0.26	0.7324	0.9776
71	162		Wednesday, June 10, 2020	56.72%	1.97	0.26	0.7324	0.9776
72	163	RK	Thursday, June 11, 2020	46.11%	1.6	0.26	0.7324	0.0076
73	164	RK	Friday, June 12, 2020	48.99%	1.7	0.26	0.7324	0.7076
74	165		Saturday, June 13, 2020	48.99%	1.7	0.26	0.7324	0.7076
75	166		Sunday, June 14, 2020	48.99%	1.7	0.26	0.7324	0.7076
76	167	CJ	Monday, June 15, 2020	100.00%	3.47	0.26	0.7324	2.4776
77	168	CJ	Tuesday, June 16, 2020	50.43%	1.75	0.26	0.7324	0.7576
78	169	RK	Wednesday, June 17, 2020	48.41%	1.68	0.26	0.7324	0.6876
79	170		Thursday, June 18, 2020	48.41%	1.68	0.26	0.7324	0.6876
80	171	WW	Friday, June 19, 2020	46.46%	1.61	0.26	0.7324	0.6176
81	172		Saturday, June 20, 2020	46.46%	1.61	0.26	0.7324	0.6176
82	173	CJ	Sunday, June 21, 2020	50.72%	1.75	0.26	0.7324	0.7576
83	174	CJ	Monday, June 22, 2020	53.89%	1.87	0.26	0.7324	0.8776
84	175		Tuesday, June 23, 2020	53.89%	1.87	0.26	0.7324	0.8776
85	176	RK	Wednesday, June 24, 2020	58.79%	2.04	0.26	0.7324	1.0476
86	177		Thursday, June 25, 2020	58.79%	2.04	0.26	0.7324	1.0476
87	178	RK	Friday, June 26, 2020	56.20%	1.95	0.26	0.7324	0.9576
88	179		Saturday, June 27, 2020	56.20%	1.95	0.26	0.7324	0.9576
89	180		Sunday, June 28, 2020	56.20%	1.95	0.26	0.7324	0.9576
90	181	CJ	Monday, June 29, 2020	46.40%	1.61	0.26	0.7324	0.6176
91	182		Tuesday, June 30, 2020	46.40%	1.61	0.26	0.7324	0.6176
92	183	RK	Wednesday, July 1, 2020	49.57%	1.72	0.26	0.7324	0.7276
93	184		Thursday, July 2, 2020	49.57%	1.72	0.26	0.7324	0.7276
94	185	RK	Friday, July 3, 2020	55.62%	1.93	0.26	0.7324	0.9376

95	186		Saturday, July 4, 2020	55.62%	1.93	0.26	0.7324	0.9376
96	187		Sunday, July 5, 2020	55.62%	1.93	0.26	0.7324	0.9376
97	188	CJ	Monday, July 6, 2020	60.52%	2.1	0.26	0.7324	1.1076
98	189		Tuesday, July 7, 2020	60.52%	2.1	0.26	0.7324	1.1076
99	190		Wednesday, July 8, 2020	60.52%	2.1	0.26	0.7324	1.1076
100	191		Thursday, July 9, 2020	60.52%	2.1	0.26	0.7324	1.1076
101	192		Friday, July 10, 2020	51.01%	1.77	0.26	0.7324	0.7776
102	193	WW	Saturday, July 11, 2020	51.01%	1.77	0.26	0.7324	0.7776
103	194		Sunday, July 12, 2020	51.01%	1.77	0.26	0.7324	0.7776
104	195	CJ	Monday, July 13, 2020	100.00%	3.47	0.26	0.7324	2.4776
105	196	CJ	Tuesday, July 14, 2020	62.54%	2.17	0.26	0.7324	1.1776
106	197	RK	Wednesday, July 15, 2020	60.52%	2.1	0.26	0.7324	1.1076
107	198		Thursday, July 16, 2020	60.52%	2.1	0.26	0.7324	1.1076
108	199	WW	Friday, July 17, 2020	53.89%	1.87	0.26	0.7324	0.8776
109	200		Saturday, July 18, 2020	53.89%	1.87	0.26	0.7324	0.8776
110	201		Sunday, July 19, 2020	53.89%	1.87	0.26	0.7324	0.8776
111	202	CJ	Monday, July 20, 2020	59.37%	2.06	0.26	0.7324	1.0676
112	203		Tuesday, July 21, 2020	59.37%	2.06	0.26	0.7324	1.0676
113	204	RK	Wednesday, July 22, 2020	59.37%	2.06	0.26	0.7324	1.0676
114	205		Thursday, July 23, 2020	59.37%	2.06	0.26	0.7324	1.0676
115	206	RK	Friday, July 24, 2020	60.52%	2.1	0.26	0.7324	1.1076
116	207	RK	Saturday, July 25, 2020	60.52%	2.1	0.26	0.7324	1.1076
117	208		Sunday, July 26, 2020	60.52%	2.1	0.26	0.7324	1.1076
118	209		Monday, July 27, 2020	63.40%	2.2	0.26	0.7324	1.2076
119	210		Tuesday, July 28, 2020	63.40%	2.2	0.26	0.7324	1.2076
120	211	CJ	Wednesday, July 29, 2020	63.40%	2.2	0.26	0.7324	1.2076
121	212		Thursday, July 30, 2020	63.40%	2.2	0.26	0.7324	1.2076

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122	211	CJ	Friday, July 31, 2020	63.40%	2.2	0.26	0.7324	1.2076
123	214		Saturday, August 1, 2020	51.87%	1.8	0.26	0.7324	0.8076
124	215	SM	Sunday, August 2, 2020	54.76%	1.9	0.26	0.7324	0.9076
125	216	CJ	Monday, August 3, 2020	54.76%	1.9	0.26	0.7324	0.9076
126	217		Tuesday, August 4, 2020	54.76%	1.9	0.26	0.7324	0.9076
127	218	CJ	Wednesday, August 5, 2020	51.76%	1.9	0.26	0.7324	0.9076
128	219	RK	Thursday, August 6, 2020	54.76%	1.9	0.26	0.7324	0.9076
129	220	RK	Friday, August 7, 2020	51.87%	1.8	0.26	0.7324	0.8076
130	221		Saturday, August 8, 2020	51.87%	1.8	0.26	0.7324	0.8076
131	222	CJ	Sunday, August 9, 2020	51.87%	1.8	0.26	0.7324	0.8076
132	223		Monday, August 10, 2020	54.76%	1.9	0.26	0.7324	0.9076
133	224	RK	Tuesday, August 11, 2020	57.64%	2	0.26	0.7324	1.0076
134	225		Wednesday, August 12, 2020	54.76%	1.9	0.26	0.7324	0.9076
135	226	CJ	Thursday, August 13, 2020	54.76%	1.9	0.26	0.7324	0.9076
136	227		Friday, August 14, 2020	54.76%	1.9	0.26	0.7324	0.9076
137	228	CJ	Saturday, August 15, 2020	100.00%	3.47	0.26	0.7324	2.4776
138	229	CJ	Sunday, August 16, 2020	57.64%	2	0.26	0.7324	1.0076
139	230		Monday, August 17, 2020	57.64%	2	0.26	0.7324	1.0076
140	231	RK	Tuesday, August 18, 2020	57.64%	2	0.26	0.7324	1.0076
141	232	CJ	Wednesday, August 19, 2020	54.76%	1.9	0.26	0.7324	0.9076
142	233		Thursday, August 20, 2020	54.76%	1.9	0.26	0.7324	0.9076
143	234	CJ	Friday, August 21, 2020	51.87%	1.8	0.26	0.7324	0.8076
144	235		Saturday, August 22, 2020	51.87%	1.8	0.26	0.7324	0.8076
145	236		Sunday, August 23, 2020	54.76%	1.9	0.26	0.7324	0.9076
146	237	RK	Monday, August 24, 2020	54.76%	1.9	0.26	0.7324	0.9076
147	238		Tuesday, August 25, 2020	54.76%	1.9	0.26	0.7324	0.9076
148	239		Wednesday, August 26, 2020	54.76%	1.9	0.26	0.7324	0.9076

149	240		Thursday, August 27, 2020	54.76%	1.9	0.26	0.7324	0.9076
150	241		Friday, August 28, 2020	63.40%	2.2	0.26	0.7324	1.2076
151	242	BW	Saturday, August 29, 2020	63.40%	2.2	0.26	0.7324	1.2076
152	243		Sunday, August 30, 2020	63.40%	2.2	0.26	0.7324	1.2076
153	244		Monday, August 31, 2020	57.64%	2	0.26	0.7324	1.0076
154	245		Tuesday, September 1, 2020	57.64%	2	0.26	0.7324	1.0076
155	246		Wednesday, September 2, 2020	57.64%	2	0.26	0.7324	1.0076
156	247		Thursday, September 3, 2020	57.64%	2	0.26	0.7324	1.0076
157	248		Friday, September 4, 2020	57.64%	2	0.26	0.7324	1.0076
158	249		Saturday, September 5, 2020	57.64%	2	0.26	0.7324	1.0076
159	250	CJ	Sunday, September 6, 2020	57.64%	2	0.26	0.7324	1.0076
160	251	CJ	Monday, September 7, 2020	57.64%	2	0.26	0.7324	1.0076
161	252	CJ	Tuesday, September 8, 2020	57.64%	2	0.26	0.7324	1.0076
162	253	RK	Wednesday, September 9, 2020	57.64%	2	0.26	0.7324	1.0076
163	254	RK	Thursday, September 10, 2020	57.64%	2	0.26	0.7324	1.0076
164	255		Friday, September 11, 2020	57.64%	2	0.26	0.7324	1.0076
165	256	RK	Saturday, September 12, 2020	57.64%	2	0.26	0.7324	1.0076
166	257	RK	Sunday, September 13, 2020	57.64%	2	0.26	0.7324	1.0076
167	258		Monday, September 14, 2020	57.64%	2	0.26	0.7324	1.0076
168	259	BW	Tuesday, September 15, 2020	100.00%	3.47	0.26	0.7324	2.4776
169	260	BW	Wednesday, September 16, 2020	51.87%	1.8	0.26	0.7324	0.8076
170	261		Thursday, September 17, 2020	51.87%	1.8	0.26	0.7324	0.8076
171	262		Friday, September 18, 2020	43.23%	1.5	0.26	0.7324	0.5076
172	263	CJ	Saturday, September 19, 2020	43.23%	1.5	0.26	0.7324	0.5076
173	264		Sunday, September 20, 2020	43.23%	1.5	0.26	0.7324	0.5076
174	265	CJ	Monday, September 21, 2020	43.23%	1.5	0.26	0.7324	0.5076
175	266		Tuesday, September 22, 2020	43.23%	1.5	0.26	0.7324	0.5076

176	267		Wednesday, September 23, 2020	43.23%	1.5	0.26	0.7324	0.5076
177	268	RK	Thursday, September 24, 2020	43.23%	1.5	0.26	0.7324	0.5076
178	269	CJ	Friday, September 25, 2020	46.11%	1.6	0.26	0.7324	0.6076
179	270		Saturday, September 26, 2020	46.11%	1.6	0.26	0.7324	0.6076
180	271		Sunday, September 27, 2020	46.11%	1.6	0.26	0.7324	0.6076
181	272		Monday, September 28, 2020	46.11%	1.6	0.26	0.7324	0.6076
182	273	RK	Tuesday, September 29, 2020	46.11%	1.6	0.26	0.7324	0.6076
183	274		Wednesday, September 30, 2020	46.11%	1.6	0.26	0.7324	0.6076
184	275		Thursday, October 1, 2020	46.11%	1.6	0.26	0.7324	0.6076
185	276		Friday, October 2, 2020	46.11%	1.6	0.26	0.7324	0.6076
186	277		Saturday, October 3, 2020	46.11%	1.6	0.26	0.7324	0.6076
187	278		Sunday, October 4, 2020	46.11%	1.6	0.26	0.7324	0.6076
188	279		Monday, October 5, 2020	46.11%	1.6	0.26	0.7324	0.6076
189	280		Tuesday, October 6, 2020	46.11%	1.6	0.26	0.7324	0.6076
190	281	RK	Wednesday, October 7, 2020	46.11%	1.6	0.26	0.7324	0.6076
191	282		Thursday, October 8, 2020	46.11%	1.6	0.26	0.7324	0.6076
192	283		Friday, October 9, 2020	46.11%	1.6	0.26	0.7324	0.6076
193	284		Saturday, October 10, 2020	46.11%	1.6	0.26	0.7324	0.6076
194	285		Sunday, October 11, 2020	46.11%	1.6	0.26	0.7324	0.6076
195	286		Monday, October 12, 2020	46.11%	1.6	0.26	0.7324	0.6076
196	287		Tuesday, October 13, 2020	46.11%	1.6	0.26	0.7324	0.6076
197	288	CJ	Wednesday, October 14, 2020	46.11%	1.6	0.26	0.7324	0.6076
198	289		Thursday, October 15, 2020	46.11%	1.6	0.26	0.7324	0.6076
199	290		Friday, October 16, 2020	46.11%	1.6	0.26	0.7324	0.6076
200	291		Saturday, October 17, 2020	46.11%	1.6	0.26	0.7324	0.6076
201	292		Sunday, October 18, 2020	46.11%	1.6	0.26	0.7324	0.6076
202	293	RK	Monday, October 19, 2020	46.11%	1.6	0.26	0.7324	0.6076

203	294		Tuesday, October 20, 2020	46.11%	1.6	0.26	0.7324	0.6076
204	295		Wednesday, October 21, 2020	46.11%	1.6	0.26	0.7324	0.6076
205	296		Thursday, October 22, 2020	46.11%	1.6	0.26	0.7324	0.6076
206	297		Friday, October 23, 2020	46.11%	1.6	0.26	0.7324	0.6076
207	298		Saturday, October 24, 2020	46.11%	1.6	0.26	0.7324	0.6076
208	299	CJ	Sunday, October 25, 2020	46.11%	1.6	0.26	0.7324	0.6076
209	300		Monday, October 26, 2020	46.11%	1.6	0.26	0.7324	0.6076
210	301		Tuesday, October 27, 2020	46.11%	1.6	0.26	0.7324	0.6076
211	302		Wednesday, October 28, 2020	46.11%	1.6	0.26	0.7324	0.6076
212	303		Thursday, October 29, 2020	46.11%	1.6	0.26	0.7324	0.6076
213	304		Friday, October 30, 2020	46.11%	1.6	0.26	0.7324	0.6076
214	305		Saturday, October 31, 2020	46.11%	1.6	0.26	0.7324	0.6076
306		CJ	Sunday, November 1, 2020	18.22%	0.6324	0.26	0.3724	0.0000
307			Monday, November 2, 2020	18.22%	0.6324	0.26	0.3724	0.0000
308			Tuesday, November 3, 2020	18.22%	0.6324	0.26	0.3724	0.0000
309			Wednesday, November 4, 2020	18.22%	0.6324	0.26	0.3724	0.0000
310			Thursday, November 5, 2020	18.22%	0.6324	0.26	0.3724	0.0000
311		RK	Friday, November 6, 2020	14.41%	0.5	0.26	0.24	0.0000
312			Saturday, November 7, 2020	14.41%	0.5	0.26	0.24	0.0000
313			Sunday, November 8, 2020	14.41%	0.5	0.26	0.24	0.0000
314			Monday, November 9, 2020	14.41%	0.5	0.26	0.24	0.0000
315			Tuesday, November 10, 2020	14.41%	0.5	0.26	0.24	0.0000
316			Wednesday, November 11, 2020	14.41%	0.5	0.26	0.24	0.0000
317			Thursday, November 12, 2020	14.41%	0.5	0.26	0.24	0.0000
318			Friday, November 13, 2020	14.41%	0.5	0.26	0.24	0.0000
319			Saturday, November 14, 2020	14.41%	0.5	0.26	0.24	0.0000
320			Sunday, November 15, 2020	14.41%	0.5	0.26	0.24	0.0000

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321		Monday, November 16, 2020	14.41%	0.5	0.26	0.24	0.0000
322		Tuesday, November 17, 2020	14.41%	0.5	0.26	0.24	0.0000
323	CI	Wednesday, November 18, 2020	14.41%	0.5	0.26	0.24	0.0000
324		Thursday, November 19, 2020	14.41%	0.5	0.26	0.24	0.0000
325		Friday, November 20, 2020	14.41%	0.5	0.26	0.24	0.0000
326		Saturday, November 21, 2020	14.41%	0.5	0.26	0.24	0.0000
327		Sunday, November 22, 2020	14.41%	0.5	0.26	0.24	0.0000
328		Monday, November 23, 2020	14.41%	0.5	0.26	0.24	0.0000
329		Tuesday, November 24, 2020	14.41%	0.5	0.26	0.24	0.0000
330		Wednesday, November 25, 2020	14.41%	0.5	0.26	0.24	0.0000
331		Thursday, November 26, 2020	14.41%	0.5	0.26	0.24	0.0000
332		Friday, November 27, 2020	14.41%	0.5	0.26	0.24	0.0000
333		Saturday, November 28, 2020	14.41%	0.5	0.26	0.24	0.0000
334		Sunday, November 29, 2020	14.41%	0.5	0.26	0.24	0.0000
335		Monday, November 30, 2020	14.41%	0.5	0.26	0.24	0.0000
336		Tuesday, December 1, 2020	14.41%	0.5	0.26	0.24	0.0000
337		Wednesday, December 2, 2020	14.41%	0.5	0.26	0.24	0.0000
338		Thursday, December 3, 2020	14.41%	0.5	0.26	0.24	0.0000
339		Friday, December 4, 2020	14.41%	0.5	0.26	0.24	0.0000
340		Saturday, December 5, 2020	14.41%	0.5	0.26	0.24	0.0000
341		Sunday, December 6, 2020	14.41%	0.5	0.26	0.24	0.0000
342		Monday, December 7, 2020	14.41%	0.5	0.26	0.24	0.0000
343		Tuesday, December 8, 2020	14.41%	0.5	0.26	0.24	0.0000
344		Wednesday, December 9, 2020	14.41%	0.5	0.26	0.24	0.0000
345		Thursday, December 10, 2020	14.41%	0.5	0.26	0.24	0.0000
346		Friday, December 11, 2020	14.41%	0.5	0.26	0.24	0.0000
347		Saturday, December 12, 2020	14.41%	0.5	0.26	0.24	0.0000

	Remaining Stock	Remaining Irrigation
	-0.011	41.735448
	AcFtYr	AcFtYr
	107	364.5
Allowed From Water Rights	AcFtYr	AcFtYr
	Stock	Irrigation
Total Percentage Used	100.01%	88.55%

348		Sunday, December 13, 2020	14.41%	0.5	0.26	0.24	0.0000
349		Monday, December 14, 2020	14.41%	0.5	0.26	0.24	0.0000
350	RK	Tuesday, December 15, 2020	14.41%	0.5	0.26	0.24	0.0000
351		Wednesday, December 16, 2020	14.41%	0.5	0.26	0.24	0.0000
352		Thursday, December 17, 2020	14.41%	0.5	0.26	0.24	0.0000
353		Friday, December 18, 2020	14.41%	0.5	0.26	0.24	0.0000
354		Saturday, December 19, 2020	14.41%	0.5	0.26	0.24	0.0000
355		Sunday, December 20, 2020	14.41%	0.5	0.26	0.24	0.0000
356		Monday, December 21, 2020	14.41%	0.5	0.26	0.24	0.0000
357		Tuesday, December 22, 2020	14.41%	0.5	0.26	0.24	0.0000
358		Wednesday, December 23, 2020	14.41%	0.5	0.26	0.24	0.0000
359		Thursday, December 24, 2020	14.41%	0.5	0.26	0.24	0.0000
360		Friday, December 25, 2020	14.41%	0.5	0.26	0.24	0.0000
361	CI	Saturday, December 26, 2020	7.20%	0.25	0.25	0	0.0000
362		Sunday, December 27, 2020	7.20%	0.25	0.25	0	0.0000
363		Monday, December 28, 2020	7.20%	0.25	0.25	0	0.0000
364		Tuesday, December 29, 2020	7.20%	0.25	0.25	0	0.0000
365		Wednesday, December 30, 2020	7.20%	0.25	0.25	0	0.0000
366	CI	Thursday, December 31, 2020	7.20%	0.25	0.25	0	0.0000
TOTALS			CFS - 1	Stock	Conv	Irrigation	
			Max Inst				
			CFS	420.71	94.45	163.03	163.0124
				Total	Total	Total	
			AcFtYr	187.011		322.764552	

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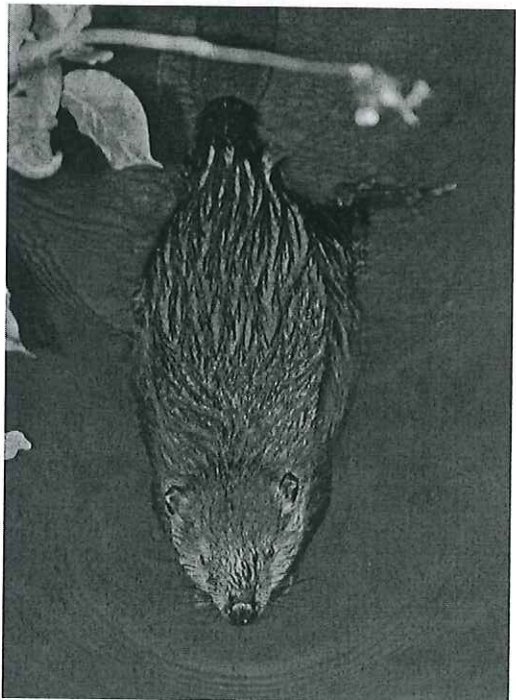
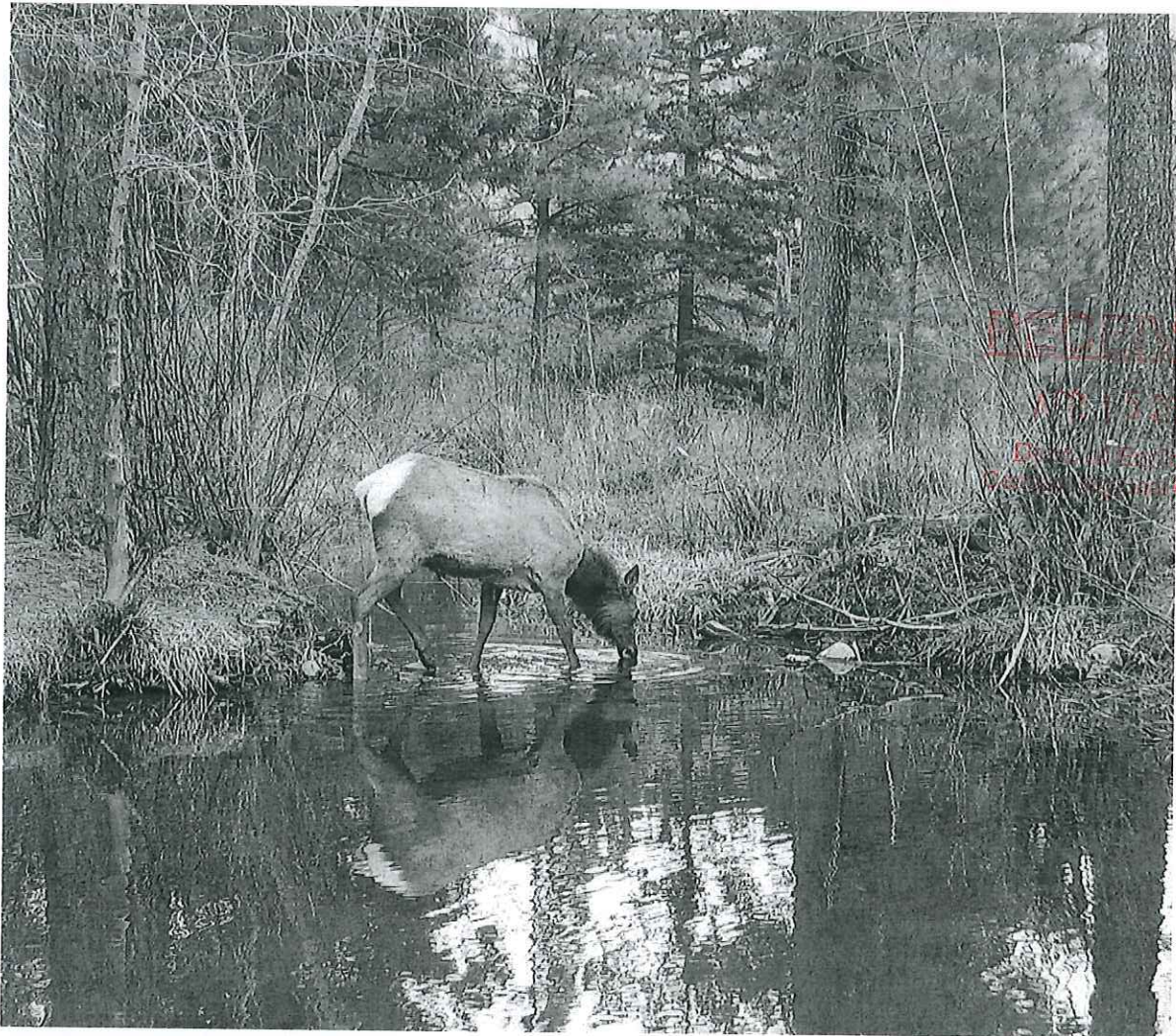


The land adjacent to the irrigation ditch, with its riparian vegetation, is shown in this photograph which was considered when the court confirmed this “wildlife and stock” water right in 1993:





Elk, beaver and otter in the creek-like irrigation ditch, taking advantage of the 0.25 cfs wildlife water right:





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The shared irrigation ditch headgate was closed shut and locked by other downditch irrigators, during winters starting in 2021, thereby making it impossible for the Inouyes to continue using their winter wildlife water right in the ditch:



Plastic ditch liner installed by downditch irrigators on the Inouyes' land, in the Inouyes' original place of use, which effectively limits their use of the 0.25 cfs wildlife water right along the shared irrigation ditch:





This email from DOE confirms DOE's acceptance of the Inouyes' temporary donation of their 0.25 cfs water right, for instream flow in Rattlesnake Creek:

On Fri, Oct 6, 2023 at 7:46 AM Bingham, Rachael (ECY) <[rbin461@ecy.wa.gov](mailto:rbin461@ecy.wa.gov)> wrote:

Dear Robert and Carol Inouye,

Thank you for submitting your trust water rights application for S4-83445-J.

Please keep this email as proof of Ecology's acceptance of your donation request. Your assigned tracking number is CS4-83445-J. Please refer to this number when corresponding with us about this trust water right.

In response to your request to add the remaining .01 CFS to your current donation, Ecology accepts your full donation as summarized below:

Purpose	Instream Flow
Rate	0.25 Cubic Feet per Second
Season	Continuous

**This trust water right expires on December 30, 2031.**

In accordance with RCW 90.42.040(6), RCW 90.14.140(2)(h), and RCW 90.14.215, a water right is not subject to relinquishment while it is managed within the Trust Water Rights Program.

Ecology's acceptance of the donated water right into the Trust Water Rights Program is not evidence of the validity or quantity of the right. When the period of trust ends, the water right will revert to the water right holder or landowner in the full quantity accepted into the Trust Water Rights Program and as described on the water right certificate or most recent approved change authorization.

RCW 90.42.080 provides that the water right remaining with the donor plus the donated portion of the water right may not exceed the extent to which the water right was exercised during the five years before the donation.

If, prior to expiration of this temporary donation, you would like to extend, modify, or terminate the temporary donation, please email Ecology at: [wrCRO@ecy.wa.gov](mailto:wrCRO@ecy.wa.gov). Ecology will review your request and notify you whether the donation can be extended, modified, or terminated.

Thank you,

Rachael Bingham  
WRTS Coordinator/Permit Writer  
Central Region Office  
Department of Ecology

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Two Determinations of Nonsignificance issued by WDFW for the side channel:



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Central Regional Office

State of Washington

**DEPARTMENT OF FISH AND WILDLIFE**

Mailing Address: 600 Capitol Way N - Olympia, Washington 98501-1091 - (360) 902-2200, TDD (360) 902-2207  
Main Office location: Natural Resources Building - 1111 Washington Street SE - Olympia, WA

**DETERMINATION OF NONSIGNIFICANCE (DNS)**

**Name of Proposal:** RATTLESNAKE CREEK SIDE CHANNEL RESTORATION

**Description of Proposal:**

The proposed project would restore a side channel on Rattlesnake Creek. It will allow fish access to a 1.3 km side channel providing excellent rearing habitat for juvenile salmonids. Project components will include: modifying existing headgate and wingdam to improve fish passage, replacing existing fish screen with a smaller screen meeting water rights of Rattlesnake Ditch users further down the ditch, creating hardened ford or other crossing structure across channel to maintain vehicular access to screen facilities for maintenance, adjust ditch and side channel elevations, install flow regulation and measuring devices in irrigation ditch and side channel, and plant and seed disturbed areas with native vegetation.

**Proponent/Applicant:**

Robert Inouye, landowner  
1780 Nile Road  
Naches, WA 98937  
(509) 574-2717  
[bobinouye@gmail.com](mailto:bobinouye@gmail.com)

Jennifer Scott, WDFW  
701 S. 24th Avenue  
Yakima, WA 98902  
(509) 457-9307  
[jennifer.scott@dfw.wa.gov](mailto:jennifer.scott@dfw.wa.gov)

**Location of Proposal, including street, if any:** 1780 Niles Road, Naches, Washington, 98937; Yakima County; Section 3 & 4, Township 15 North, Range 15 East WM

**Lead Agency:** Washington Department of Fish and Wildlife (WDFW)

WDFW has determined that this proposal will likely not have a significant adverse impact on the environment. Therefore, state law<sup>1</sup> does not require an environmental impact statement (EIS). WDFW made this determination of nonsignificance (DNS) after we reviewed the environmental checklist and other information on file with us.

We issued this DNS according to state rules.<sup>2</sup> We will **not act on this proposal for 14 days** from the date we issued the DNS. Agencies, affected tribes, and members of the public are invited to comment on this proposal or DNS. We must receive your comments within 14 days of the date of this letter. This means we must receive your comments by **January 23, 2012**.



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**Method of Comment:**

The following procedures shall govern the method to comment on agency SEPA proposals. Comments received through these procedures are part of the official SEPA record for this proposal.

You can submit your comments any one of the following ways:

- Email to [SEPAdesk2@dfw.wa.gov](mailto:SEPAdesk2@dfw.wa.gov)
- Online at the WDFW SEPA website comment link at: <http://wdfw.wa.gov/licensing/sepa/>
- Fax to (360) 902-2946;
- Mail to the address below.

**Responsible Official:** Bob Zeigler

**Position/Title:** SEPA/NEPA Coordinator, WDFW Regulatory Services Section

**Address:** 600 Capitol Way North, Olympia, WA 98501-1091

After the comment period closes, applicants may view the updated status of this proposal on the WDFW SEPA website: <http://wdfw.wa.gov/licensing/sepa/>. Once the status is posted as final, applicants and permittees may take action on the proposal. When a proposal is modified or withdrawn, notice will be given in accordance with state law.<sup>1</sup>

If you have questions about this DNS or the details of the proposal, contact Bob Zeigler at the address, e-mail, or fax number above; you can also call him at (360) 902-2578.

**DATE OF ISSUE:** December 30, 2011 **SIGNATURE:**

*Bob Zeigler*

**Footnotes**

1. RCW 43.21C.030(2)(c)

2. WAC 197-11-340(2).

SEPA Log Number: 11 - 104



State of Washington

**DEPARTMENT OF FISH AND WILDLIFE**

Mailing Address: 800 Capitol Way N - Olympia, Washington 98501-1091 - (360) 902-2200, TDD (360) 902-2207  
Main Office location: Natural Resources Building - 1111 Washington Street SE - Olympia, WA

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**ADDENDUM TO DETERMINATION OF NONSIGNIFICANCE**

**# 11-104 DATED:** December 30, 2011

**Name of DNS:** RATTLESNAKE CREEK SIDE CHANNEL RESTORATION

**Description of DNS:** The proposed project would restore a side channel on Rattlesnake Creek. It will allow fish access to a 1.3 km side channel providing excellent rearing habitat for juvenile salmonids. See attached sheet. Also create two hardened fords to maintain vehicular access to existing fish screen on Rattlesnake Ditch. Some changes:

- New Point of Diversion for side channel located just downstream of existing fish screen bypass pipe. A new headgate with trashrack will be located on the bank of Rattlesnake Creek. Excavate 420' of side channel from new point of diversion to existing side channel, lower 240' of existing side channel to maintain appropriate grade for sediment transport and fish passage.
- Back fill around new point of diversion to match existing bank grade.
- Place some boulders near the fish bypass return to Rattlesnake Creek to protect and enhance the pool and alder cluster.
- Abandon and fill 180' of previously excavated side channel connected to the irrigation ditch.
- Side channel and irrigation ditch will be completely separate with no shared infrastructure and no changes to the ditch other than plugging the existing side channel diversion off of the ditch.
- An additional hardened ford would be required across the side channel for access to the screen site (2 total hardened fords).

**Proponent/Applicant:**

Robert Inouye, landowner  
1780 Nile Road  
Naches, WA 98937  
(509) 574-2717  
[bobinouye@gmail.com](mailto:bobinouye@gmail.com)

Jennifer Scott, WDFW  
701 S. 24th Avenue  
Yakima, WA 98902  
(509) 457-9307  
[jennifer.scott@dfw.wa.gov](mailto:jennifer.scott@dfw.wa.gov)

**Location of DNS, including street, if any:** 1780 Nile Road, Naches, Washington, 98937;  
Yakima County; Section 3 & 4, Township 15 North, Range 15 East WM



Lead Agency: Washington Department of Fish and Wildlife (WDFW)

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WDFW is providing updated information on this project that may be of interest to other agencies or the public. The updated information provided below does not substantially change the analysis of significant impacts in the existing environmental checklist.

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Central Regional Office

The original environmental checklist dated December 30, 2011, should be modified to reflect the following change:

Background 11: The proposed project will allow fish access to a 1.3 km side channel providing excellent rearing habitat for juvenile salmonids. Project components will include: installing new point of diversion on Rattlesnake Creek, creating 2 hardened fords or other crossing structure across channel to maintain vehicular access to screen facilities for maintenance, adjust side channel elevations, install flow regulation and measuring devices in side channel, eliminate connection between irrigation ditch and side channel, and plant and seed disturbed areas with native vegetation. Also delete Figure 2.

Earth 1 e. Up to 80 cy of quarry spalls for approaches at 2 hardened fords crossing the side channel to maintain vehicular access to the existing fish screen. Total excavation will still not exceed 1500 because we eliminate the proposed work in the ditch. There will be more excavation through dry ground than was originally proposed (420'). Also reference to 50 cy goes away as there will be no work associated with the existing wingdam and no new wingdam is proposed. There will be up to 10 cy of material within the OHWM of Rattlesnake Creek to construct the culvert point of diversion and protect/enhance the fish screen bypass pipe outfall.

3 Water, a Surface, 1) The proposed point of diversion for the side channel is downstream of the point of diversion for Rattlesnake Ditch. There will be no shared infrastructure.

3 Water, a. Surface, 3) No more than 10 cy of material below OHWM of Rattlesnake Creek will be excavated and backfilled with installation of the new point of diversion. It's fair to keep 1200 cy of material excavated although it will largely be in dry land for the new side channel; about 300 cy will be within the existing side channel so that we maintain the appropriate grade to the headgate. Up to 80 cy will be used for the approaches to the 2 hardened fords.

8. Land and Shoreline Use d. This should be deleted, and the only thing that will be demolished is the section of preliminary side channel that connects the irrigation ditch to the side channel. It will be filled in.

14. Transportation d. There will be 2 new fords (one already exists, but both will be improved).

Based on the original environmental checklist and the updated information provided in this addendum, we have determined that a new threshold determination is not warranted. There is no comment period associated with this SEPA environmental checklist addendum.

Responsible Official: Bob Zeigler

Position/Title: SEPA/NEPA Coordinator, Regulatory Services Section

Address: 600 Capitol Way North, Olympia, WA 98501

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If you have questions about this action, please contact:

Bob Zeigler **Phone:** (360) 902-2578 **Fax:** (360) 902-2946 or  
**email:** [SEPAdesk2@dfw.wa.gov](mailto:SEPAdesk2@dfw.wa.gov)

**DATE OF ISSUE:** April 13, 2012 **SIGNATURE:**

*Bob Zeigler*

SEPA Log Number: 12-029ADDns





## Public Services

128 North Second Street • Fourth Floor Courthouse • Yakima, Washington 98901  
(509) 574-2300 • 1-800-572-7354 • FAX (509) 574-2301 • [www.co.yakima.wa.us](http://www.co.yakima.wa.us)

VERN M. REDIFER, P.E. - Director

June 11, 2012

Jennifer Scott  
Washington Department of Fish and Wildlife  
Habitat Program  
1701 South 24<sup>th</sup> Avenue  
Yakima, WA 98902

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Dept. of Ecology  
Central Regional Office

Subject: Application for a development permit for a fish enhancement program project on Rattlesnake Creek - reference FLD2012-00051 and EAC2012-00012

Dear Ms. Scott:

The project proposed replaces an existing fish screen and provides improved water conveyance to an existing side channel of Rattlesnake Creek for the purpose of improving fish rearing habitat within the side channel. The work being done is, by necessity, located in the stream channel and within the floodplain. The work is not shown as having a deleterious effect on anticipated flood water levels or on diversion of floodwaters onto areas currently not flooded.

The FEMA Region X Policy on Fish Enhancement Projects allows for such projects to be relieved of the requirement from the National Flood Insurance Program (NFIP) requirement for a study to be conducted to substantiate that the project will cause no increase in the base flood elevation. The policy does require that the project be shown to keep any rise in 100 year flood levels as close to zero as practically feasible within the requirements of the functioning of the fish enhancement project. The policy also provides that the project be shown to not impact structures by any potential rise in the 100 year flood levels due to the project. It is evident from your submittal that any rise in the 100 year flood level due to the project is the minimum rise consistent with the proper functioning to the fish enhancement project. It is also evident, by the absence of structures as defined in the NFIP, from the reach of the stream that might be affected by the project, that no structures will be impacted by any rise due to the project.

The permanent installations of the project are not required to have flood elevation certificates and a zero rise certification is not required for the project. Please accept this letter as authorization for the development work involved in the project. This authorization, or flood hazard development permit is issued under the provisions of YCC 16C.05.

Sincerely,

A handwritten signature in black ink, appearing to read "David Saunders".

David Saunders, P.E., R.A., A.C.O.  
Yakima County Building Official/Floodplain Manager



REPLY TO  
ATTENTION OF

Regulatory Branch

DEPARTMENT OF THE ARMY  
SEATTLE DISTRICT, CORPS OF ENGINEERS  
P.O. BOX 3755  
SEATTLE, WASHINGTON 98124-3755

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Dept. of Ecology  
Central Regional Office

Mr. Robert Inouye  
1780 Nile Road  
Naches, Washington 98937

Reference: NWS-2012-436  
Inouye, Robert

Dear Mr. Inouye:

We have reviewed your application to enhance a side channel of Rattlesnake Creek, near Naches, Yakima County, Washington. The purpose of the project is to enhance rearing habitat for salmonids and other native species. Based on the information you provided to us, Nationwide Permit (NWP) 27, *Aquatic Habitat Restoration, Establishment, and Enhancement Activities* (Federal Register February 21, 2012, Vol. 77, No. 34), authorizes your proposal as depicted on the enclosed drawings dated May 4, 2012.

In order for this authorization to be valid, you must ensure the work is performed in accordance with the enclosed *NWP 27, Terms and Conditions* and the following special conditions:

- a. In order to meet the requirements of the Endangered Species Act (ESA) 2008 Fish Passage and Restoration Programmatic Consultation (National Marine Fisheries Reference No. 2008/03598; U.S. Fish and Wildlife Service Reference No. 1341-2008-FWS- #F-0209), you must comply with the conditions included in the Specific Project Information Form dated May 1, 2012. If you cannot comply with the terms and conditions of this programmatic consultation, you must, prior to commencing construction, contact the U.S. Army Corps of Engineers (Corps), Seattle District, Regulatory Branch for an individual consultation in accordance with the requirements of the ESA and the Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996.
- b. In order to meet the requirements of the Endangered Species Act and protect Middle Columbia River steelhead and Columbia River bull trout, the permittee may conduct the authorized activities from 1 August through 30 August in any year this permit is valid. The permittee shall not conduct work authorized by this permit from 1 September through 31 July in any year this permit is valid.



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-2-

To satisfy the provisions of the 2008 Fish Passage and Restoration programmatic consultation in accordance with Special Condition "a" above, please be reminded that you must provide the following information upon completion of your project:

1. Project completion date.
2. Fish capture and release report for projects requiring dewatering. For additional details, see Appendix A "Dewatering and Fish Capture Protocol" in the Specific Project Information Form (SPIF) you submitted.
3. Sediment monitoring report for projects requiring in-water work, including the extent and duration of downstream turbidity impacts measured every 20 minutes during construction. For additional details, see question I.R. of the SPIF.

We have reviewed your project pursuant to the requirements of the Endangered Species Act, the Magnuson-Stevens Fishery Conservation and Management Act, and the National Historic Preservation Act. We have determined this project complies with the requirements of these laws provided you comply with all of the permit general and special conditions.

The authorized work complies with the Washington State Department of Ecology's (Ecology) Water Quality Certification requirements for this NWP. No further coordination with Ecology is required.

In the project area, we have determined that Rattlesnake Creek is a water of the United States. We have completed an approved jurisdictional determination for your project area dated May 22, 2012, which can be found on our website at: [www.nws.usace.army.mil](http://www.nws.usace.army.mil) select Regulatory/Permits and then "Jurisdictional Determinations." If you object to this determination, you may request an administrative appeal under our regulations (33 CFR, Part 331) as described in the enclosed *Appeal Process Fact Sheet* and the *Notification of Administrative Appeal Options and Process and Request for Appeal* form (*Appeal Form for Approved Jurisdictional Determinations*).

Our verification of this NWP authorization is valid for two years from the date of this letter unless the NWP is modified, reissued, or revoked prior to that date. If the authorized work has not been completed by that date, please contact us to discuss the status of your authorization. Failure to comply with all terms and conditions of this NWP verification invalidates this authorization and could result in a violation of Section 404 of the Clean Water Act. You must also obtain all State and local permits that apply to this project.

Upon completing the authorized work, you must fill out and return the enclosed *Certificate of Compliance with Department of the Army Permit* form. Thank you for your cooperation during the permitting process. We are interested in your experience with our Regulatory Program and encourage you to complete a customer service survey form. This form and information about our program is available on our website at [www.nws.usace.army.mil](http://www.nws.usace.army.mil) (select

-3-

"Regulatory/Permits" and then "Forms." If you have any questions, please contact me via email at: karen.m.urelius@usace.army.mil or at (206) 764-3482.

Sincerely,



Karen Urelius, Project Manager  
Regulatory Branch

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Enclosures

cc:

letter only via email to Washington Department of Ecology, Federal Permit Coordinator at:  
ecyrefedpermits@ecy.wa.gov

w/drawings only to U.S. Fish and Wildlife Service (Wenatchee)

letter only to Washington Department of Fish and Wildlife  
ATTN: Jennifer Scott, WDFW, Region 3, 1701 S 24<sup>th</sup> Avenue, Yakima, WA 98902-5720

URELIUS/OD-RG/s/

OD-RG File



DOE's acceptance of the Inouyes' donation of 0.25 cfs for instream flow:

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On Fri, Oct 6, 2023 at 7:46 AM Bingham, Rachael (ECY) <rbin461@ecy.wa.gov> wrote:

Dear Robert and Carol Inouye,

Thank you for submitting your trust water rights application for S4-83445-J.

Please keep this email as proof of Ecology's acceptance of your donation request. Your assigned tracking number is CS4-83445-J. Please refer to this number when corresponding with us about this trust water right.

In response to your request to add the remaining .01 CFS to your current donation, Ecology accepts your full donation as summarized below:

Purpose	Instream Flow	□
Rate	0.25 Cubic Feet per Second	□
Season	Continuous	□

This trust water right expires on December 30, 2031.

In accordance with RCW 90.42.040(6), RCW 90.14.140(2)(h), and RCW 90.14.215, a water right is not subject to relinquishment while it is managed within the Trust Water Rights Program.

Ecology's acceptance of the donated water right into the Trust Water Rights Program is not evidence of the validity or quantity of the right. When the period of trust ends, the water right will revert to the water right holder or landowner in the full quantity accepted into the Trust Water Rights Program and as described on the water right certificate or most recent approved change authorization.

RCW 90.42.080 provides that the water right remaining with the donor plus the donated portion of the water right may not exceed the extent to which the water right was exercised during the five years before the donation.

If, prior to expiration of this temporary donation, you would like to extend, modify, or terminate the temporary donation, please email Ecology at: [wrCRO@ecy.wa.gov](mailto:wrCRO@ecy.wa.gov). Ecology will review your request and notify you whether the donation can be extended, modified, or terminated.

Thank you,

Rachael Bingham

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Central Regional Office

State of Washington  
Department of  
Ecology  
**CERTIFICATE OF ADJUDICATED  
WATER RIGHT**



*This certificate of adjudicated water right is issued pursuant to the Final Decree made and entered by the Superior Court of the State of Washington in and for Yakima County on the 9th day of May 2019 in the case of State of Washington, Department of Ecology v. James J. Acquavella, et al., County Cause No. 77-2-01484-5. This water right is subject to and will be administered according to the Final Decree, which under Paragraph 8 incorporates all orders and opinions entered in the case. In the event of a conflict between this Certificate and the Final Decree, the Final Decree shall govern.*

<b>WATER RIGHT HOLDER:</b> Robert Ward Inouye Carol Grow Inouye	<b>MAILING ADDRESS:</b> Robert Ward Inouye 1780 Nile Road Naches, WA 98937-8925
---	--

<b>CERTIFICATE NUMBER:</b> S4-83445-J	<b>COURT CLAIM NUMBER:</b> 07735 (A)07736 (A)08001	<b>PRIORITY DATE:</b> July 22, 1891
<b>SUBBASIN NUMBER:</b> 16	<b>SUBBASIN NAME:</b> Upper Naches	<b>CFO DATE:</b> April 8, 1993

**Source**

Rattlesnake Creek via Rattlesnake Ditch

**Quantity**

0.25 cubic foot per second

**Purpose of Use**

Stock watering and wildlife

**Period of Use**

Continuous



### Point of Diversion

75 feet north and 1450 feet west from the southeast corner of Section 4, in the SW¼SE¼ of Section 4, T. 15 N., R. 15 E.W.M.

### Place of Use

That portion of the NW¼SW¼ of Section 3, T. 15 N., R. 15 E.W.M. adjacent to the Rattlesnake Ditch.

### Provisions and Limitations of Use

The right to the use of a water right established under the laws of the State of Washington and confirmed hereby is restricted to the lands or place of use, purpose(s) of use, and to the other specified terms and conditions herein described, unless approved for change as provided in RCW 90.03.380 or other statute.

This certificated water right may be subject to relinquishment for nonuse of water as provided in Chapter 90.14 RCW.

Given under my hand and the seal of this office at Union Gap, Washington, this 20<sup>th</sup> day of July, 2022.



Laura Watson, Director  
Department of Ecology

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Central Regional Office

A handwritten signature in black ink, appearing to read "Mark C. Schuppe".

Mark Schuppe, Interim Section Manager  
Central Regional Office  
Water Resources Program

DATA REVIEW  
OK LB

*To request ADA accommodation including materials in a format for the visually impaired, call Ecology Water Resources Program at 360-407-6872. Persons with impaired hearing may call Washington Relay Service at 711. Persons with speech disability may call TTY at 877-833-6341.*

Water Right Permit for the side channel, at 6,289 AFY, specifying place of use as three parcels:

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Dept. of Ecology  
Central Region Office  
File NR 54-35271  
WRA Doc ID 4675523



DEPARTMENT OF  
**ECOLOGY**  
State of Washington

## State of Washington WATER RIGHT PERMIT

**PRIORITY DATE**

3/8/2010

**WATER RIGHT NUMBER**

54-35271

**MAILING ADDRESS**

ROBERT & CAROL INOUE  
1780 NILE RD  
NACHES WA 98937-2024

**SITE ADDRESS (IF DIFFERENT)**

### Quantity Authorized for Withdrawal or Diversion

WITHDRAWAL OR DIVERSION RATE	UNITS	ANNUAL QUANTITY (AF/YR)
• 8 cfs from November 1 through February 28 (29 <sup>th</sup> in Leap years)	Unit	6289
• 12 cfs from March 1 through June 30		
• 8 Cfs from July 1 through July 31		
• 6 cfs from August 1 through September 30		
• 4 cfs from October 1 through October 31		

### Purpose

PURPOSE	WITHDRAWAL OR DIVERSION RATE			ANNUAL QUANTITY (AF/YR)		PERIOD OF USE (mm/dd)
	ADDITIVE	NON-ADDITIVE	UNITS	ADDITIVE	NON-ADDITIVE	
Fish propagation						01/01 - 12/31

ADDITIVE	IRRIGATED ACRES		PUBLIC WATER SYSTEM INFORMATION	
	NON-ADDITIVE		WATER SYSTEM ID	CONNECTIONS

### Source Limitations

SOURCE FACILITY/DEVICE	A S	WITHDRAWAL OR DIVERSION RATE	ANNUAL QUANTITY (AF/YR)	PERIOD OF USE (mm/dd)
RATTLESNAKE CREEK				01/01 - 12/31
340 feet north and 830 feet west from the SE corner of Section 4 being within the SE¼SE¼ of Section 4, T. 15 N., R. 15 E.W.M., being within Yakima County Parcel No. 15150444003 in WIRA 38				

WATER RIGHT PERMIT



**Source Location**

COUNTY YAKIMA	WATERBODY RATTLESNAKE CREEK	TRIBUTARY TO NACHES RIVER	WATER RESOURCE INVENTORY AREA 38-NACHES					APR 15 2024 Dept. of Ecology Central Regional Office Datum: NAD83/WGS84	
SOURCE FACILITY/DEVICE RATTLESNAKE CREEK	PARCEL 15150444003	WELL TAG	TWP 15N	RNG 15E	SEC 04	QQ Q SESE	LATITUDE	LONGITUDE	

**Place of Use (See Attached Map)**

PARCELS (NOT LISTED FOR SERVICE AREAS)

15150444003, 15150332001, AND 15150331007

LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE

**Development Schedule**

BEGIN PROJECT Begun	COMPLETE PROJECT April 1, 2013	PUT WATER TO FULL USE January 1, 2014
------------------------	-----------------------------------	--

**Measurement of Water Use**

How often must water use be measured?	Monthly
How often must water use data be reported to Ecology?	Annually (Jan 31)
What volume should be reported?	Total Annual Volume
What rate should be reported?	Annual Peak Rate of Withdrawal (gpm or cfs)

**Provisions****Provisions****Measurements, Monitoring, Metering and Reporting**

An approved measuring device shall be installed and maintained for each of the sources identified by this water right in accordance with the rule "Requirements for Measuring and Reporting Water Use", WAC 173-173.

Recorded water use data shall be submitted via the Internet. To set up an Internet reporting account, contact the Central Regional Office. If you do not have Internet access, you can still submit hard copies by contacting the Central Regional Office for forms to submit your water use data.

WAC 173-173 describes the requirements for data accuracy, device installation and operation, and information reporting. It also allows a water user to petition the Department of Ecology for modifications to some of the requirements.

**Department of Fish and Wildlife Requirement(s)**

The water diverted into the side channel shall be reduced to 4 cfs when the flow in Rattlesnake Creek is less than 30 cfs at a point within 100 feet downstream of the authorized point of diversion.

**Water Use Efficiency**

The water right holder is required to maintain efficient water delivery systems and use of up-to-date water conservation practices consistent with RCW 90.03.005.

WATER RIGHT PERMIT

2

S4-35271P



### Proof of Appropriation

The water right holder shall file the notice of Proof of Appropriation of water (under which the Certificate 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. The Certificate will reflect the extent of the project perfected within the limitations of the permit. 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.

### Schedule and Inspections

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.

### This Permit Subject to Cancellation


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 the Department documenting such compliance.

Given under my hand and the seal of this office at Yakima, Washington this 9 day of January 2013.

Department of Ecology

OK 

by



Mark Kemner, LHG  
Section Manager  
Water Resources Program

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WATER RIGHT PERMIT

3

S4-35271P



## CULTURAL RESOURCES REPORT COVER SHEET

Author: Fennelle Miller, MA, RPA

APR 15 2024

Title of Report: A Cultural Resources Inventory of The Inouye Rattlesnake Creek  
Side Channel Improvement Project, Naches, Washington

Dept. of Ecology  
Central Regional Office

Date of Report: April, 2012

County (ies): Yakima

Section: 3, 4 Township: 15N Range: 15 E

Quad: Nile Acres: <1

CD Submitted? No

PDF of Report? Yes

Historic Property Export Files? Yes

Archaeological Site(s)/Isolate(s) Found or Amended? No

TCP(s) found? No

Replace a draft? No

Satisfy a DAHP Archaeological Excavation Permit requirement? No

DAHP Archaeological Site #:

**A Cultural Resources Inventory of The Inouye Rattlesnake Creek  
Side Channel Improvement Project, Naches, Washington**

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***Prepared for:***

Robert & Carol Inouye  
1780 Nile Road  
Naches, WA 98937

APR 15 2024  
Dept. of Ecology  
Central Regional Office

***Lead Federal Agency:***

US Army Corps of Engineers

***Lead State Agency:***

Washington State Department of Fish & Wildlife

***Prepared by:***

Fennelle Miller  
Fennelle deForest Miller Archaeological Consultants  
605 North Anderson Street  
Ellensburg, Washington 98926

**April, 2012**



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## ABSTRACT

Fennelle deForest Miller Archaeological Consultants (FDMC) conducted a cultural resources inventory of the proposed Inouye Side Channel Project, located parallel to the Big Rattlesnake Creek, just upstream of its mouth near the community of Nile, in Yakima County.

The project includes a proposal to complete the construction of a side channel to the Big Rattlesnake Creek, to provide fish and other animal habitat.

The cultural resources inventory involved a records search of the online records maintained by the Department of Archaeology and Historic Preservation, background research at the Ellensburg Public Library, a pedestrian survey of the project area, the excavation of two shovel probes, and the monitoring of two backhoe trenches. Prior to fieldwork, we had learned of the existence of an irrigation ditch of historic age.

Upon completion of fieldwork, the historic ditch was the only historic property identified in the APE. The project's only effect to the ditch will be to close up a 3-foot breach that was cut in the levee/berm in 2010 to temporarily provide water to a side channel. This will actually bring the historic ditch back to its original condition.

We recommend that the Army Corps of Engineers, in consultation with the Department of Archaeology and Historic Preservation and the Yakama Nation, determine that this project will have **No Adverse Effect on Historic Properties.**

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## Introduction

Robert and Carol Inouye (“Project Proponents”) propose to complete the creation of a side channel of Big Rattlesnake Creek through their property near Nile, Washington. In 2010, working with the Washington Department of Fish and Wildlife (WDFW), the project proponents created two-thirds of the side channel by excavating into the floodplain, and supplying water to the channel by creating a three-foot breach and gate in an irrigation ditch. In 2012, they propose to complete excavation of the side channel, connecting directly to the Big Rattlesnake Creek at both ends. Because the US Army Corps of Engineers (ACOE) is involved with the issuance of a Joint Aquatic Resource Permit, this project is subject to review under Section 106 of the National Historic Preservation Act (NHPA), and its implementing regulations codified in 36CFR800.

This report describes the results of a cultural resources inventory of the Inouye Rattlesnake Side Channel Project conducted March 31 through April 1, 2012 by Fennelle deForest Miller Archaeological Consultants (FDMC). Although no Traditional Cultural Property studies were completed as part of this inventory, the scope of work for this project dictated that archival research and field studies cover known ethnographic resources, historic structures and sites, and prehistoric archaeological resources. Personnel carrying out the work include Fennelle Miller, who managed the project, along with Wilbur Barrick, Holly Shea, Jon Thornton, and Amie Bach who assisted with fieldwork. Finally, it should be noted that landowner Robert Inouye was extremely knowledgeable and helpful – collecting records and excavating two backhoe trenches for us.

## Project Description

Located in portions of Sections 3 and 4 of Township 17 North, Range 18 East, on the Nile 7.5' USGS Topographic Quadrangle (Figure 2 and 3), the Inouye Rattlesnake Creek Side Channel Improvements Project includes the excavation of a new portion of side channel, from the Rattlesnake to the existing side channel, which was completed in 2010, is in operation, and has fish and beavers. The current project involves creation of the top segment of the side channel, where it meets up with the creek and gets its water.

Figure 4 is a project overview, including the driveway, which is the site access. Figure 5 is an enlargement of the primary work site. #1 is a staging site. At #2 the driveway crosses the side channel, so rock will be added to reduce silt. #3 is the primary work site, where a new diversion (headgate and culvert and barb) will be added, 450 feet of new side channel will be excavated, and the existing connection to the irrigation ditch (dashed blue line) will be abandoned. At the #4 location, surplus excavated material may be used to improve a roadside berm. The primary work site (#3) has to a great extent been gone over by heavy equipment in past decades, in the maintenance of the irrigation ditch. Bulldozers and trackhoes have kept up the headworks,



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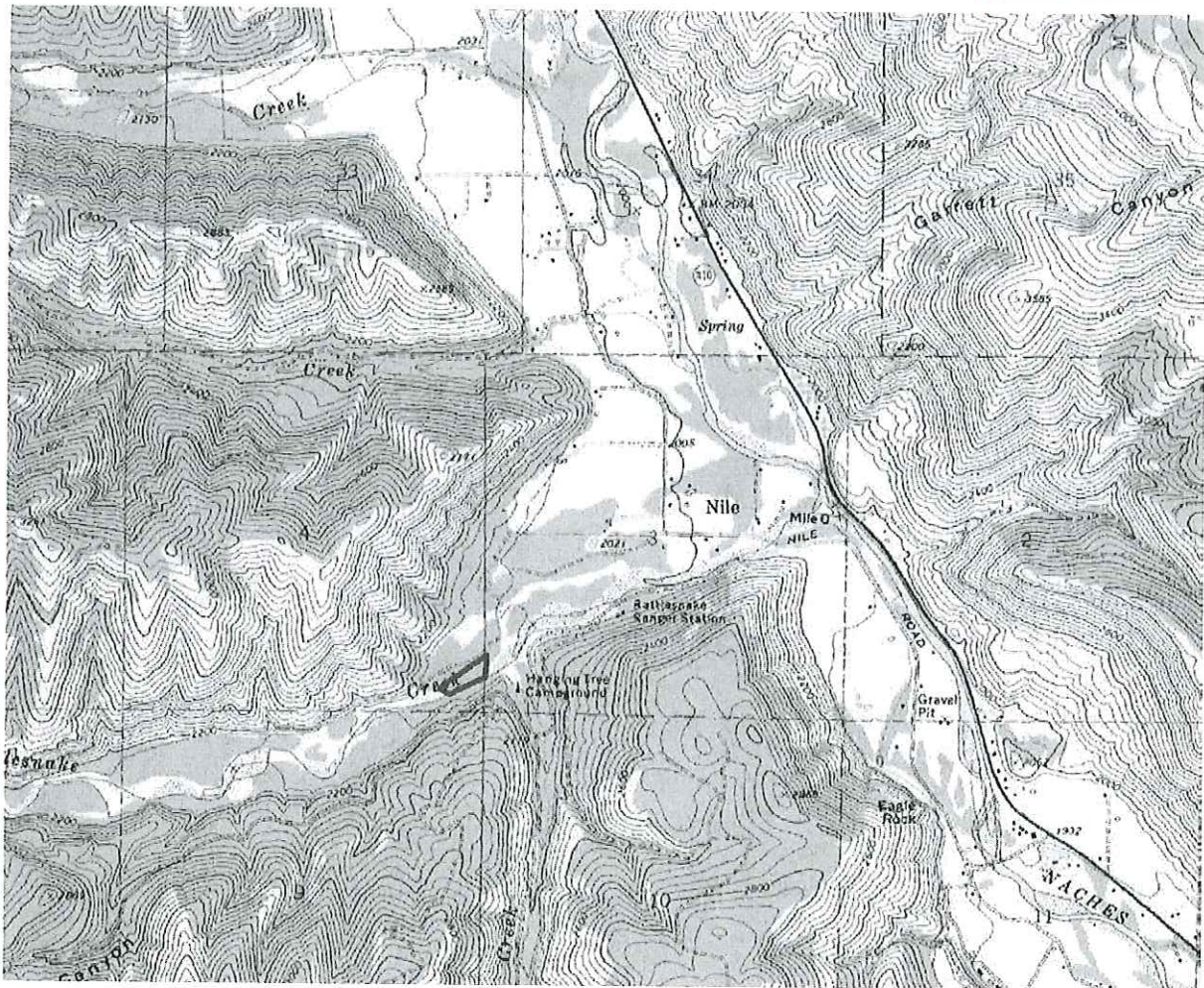


Figure 1. Location of Project in Washington State

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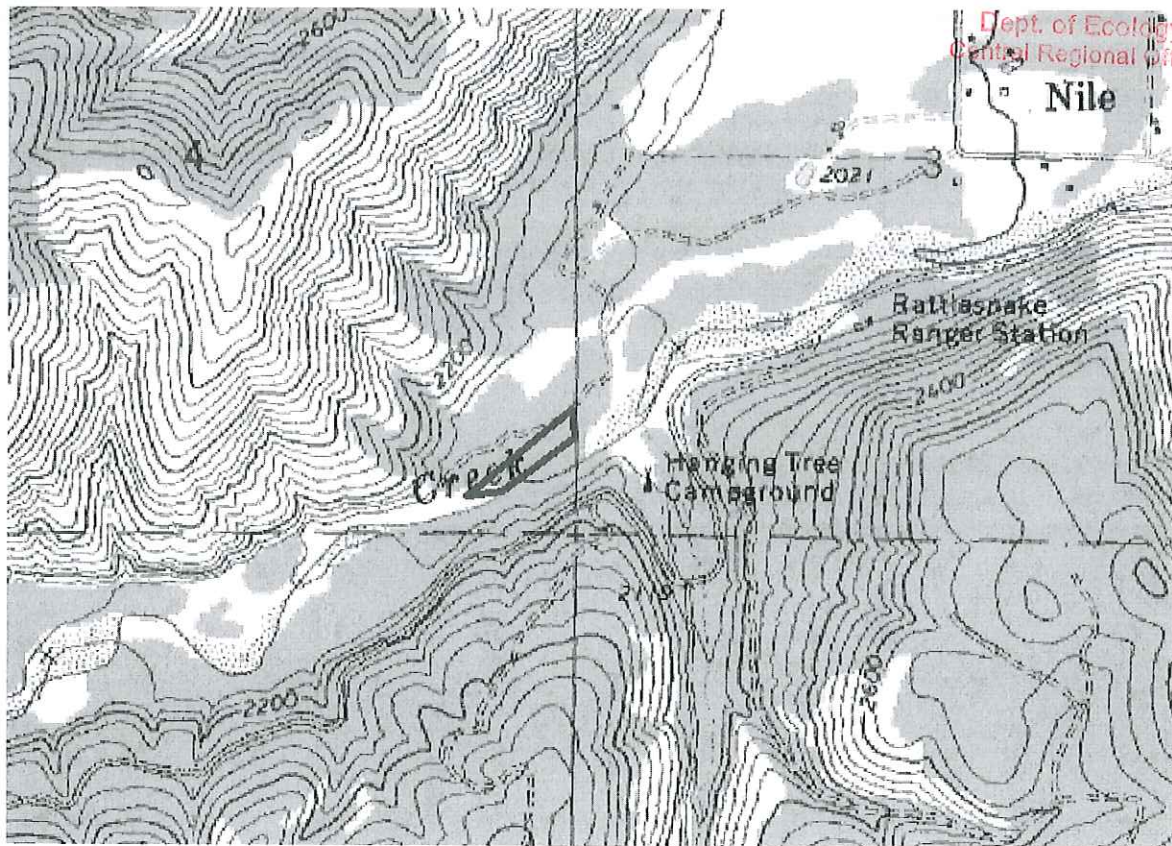
**Figure 2. Location of APE (red polygon)**  
Nile USGS 7.5' Topographic Quadrangle



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**Figure 3. Closer Location of APE (red polygon)**  
Nile USGS 7.5' Topographic Quadrangle

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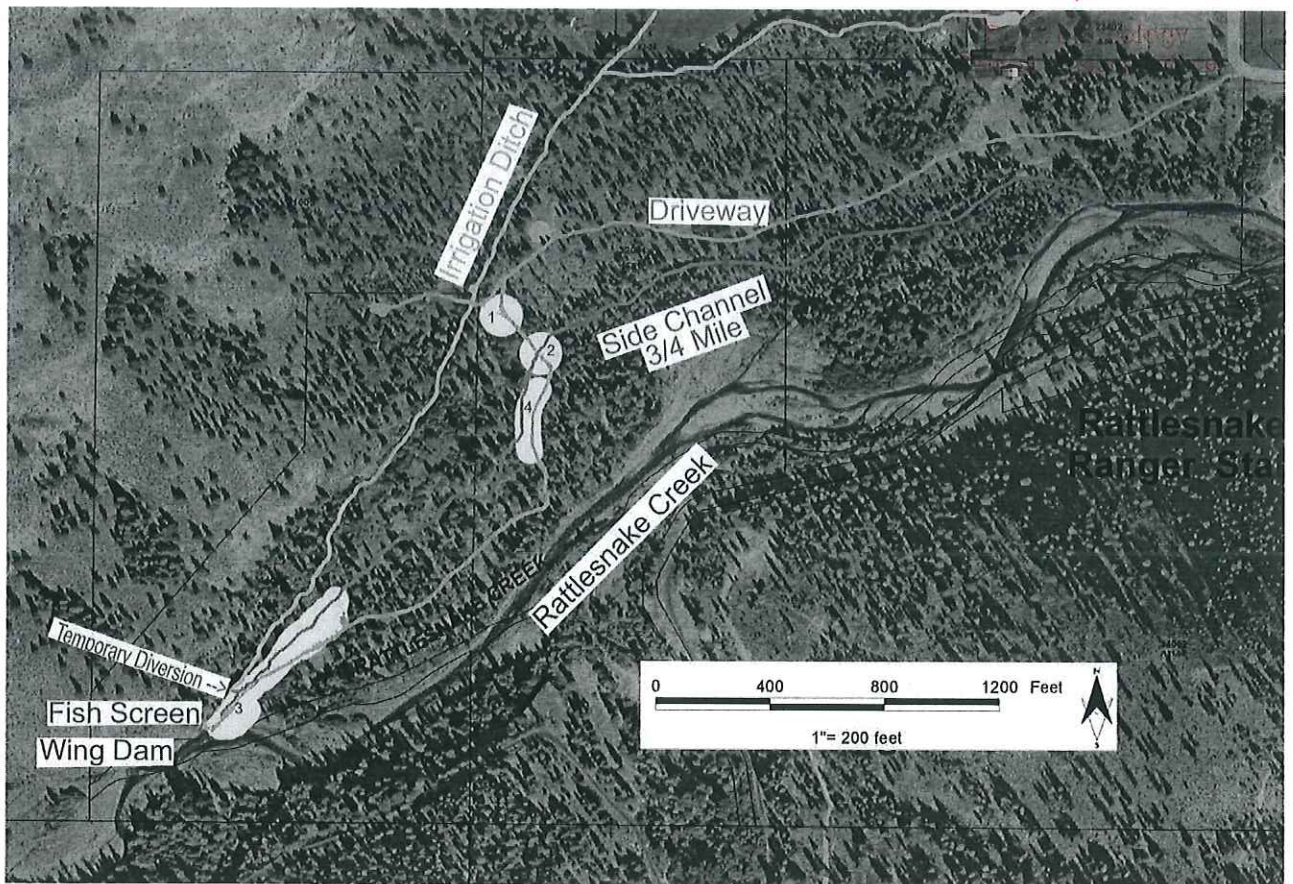
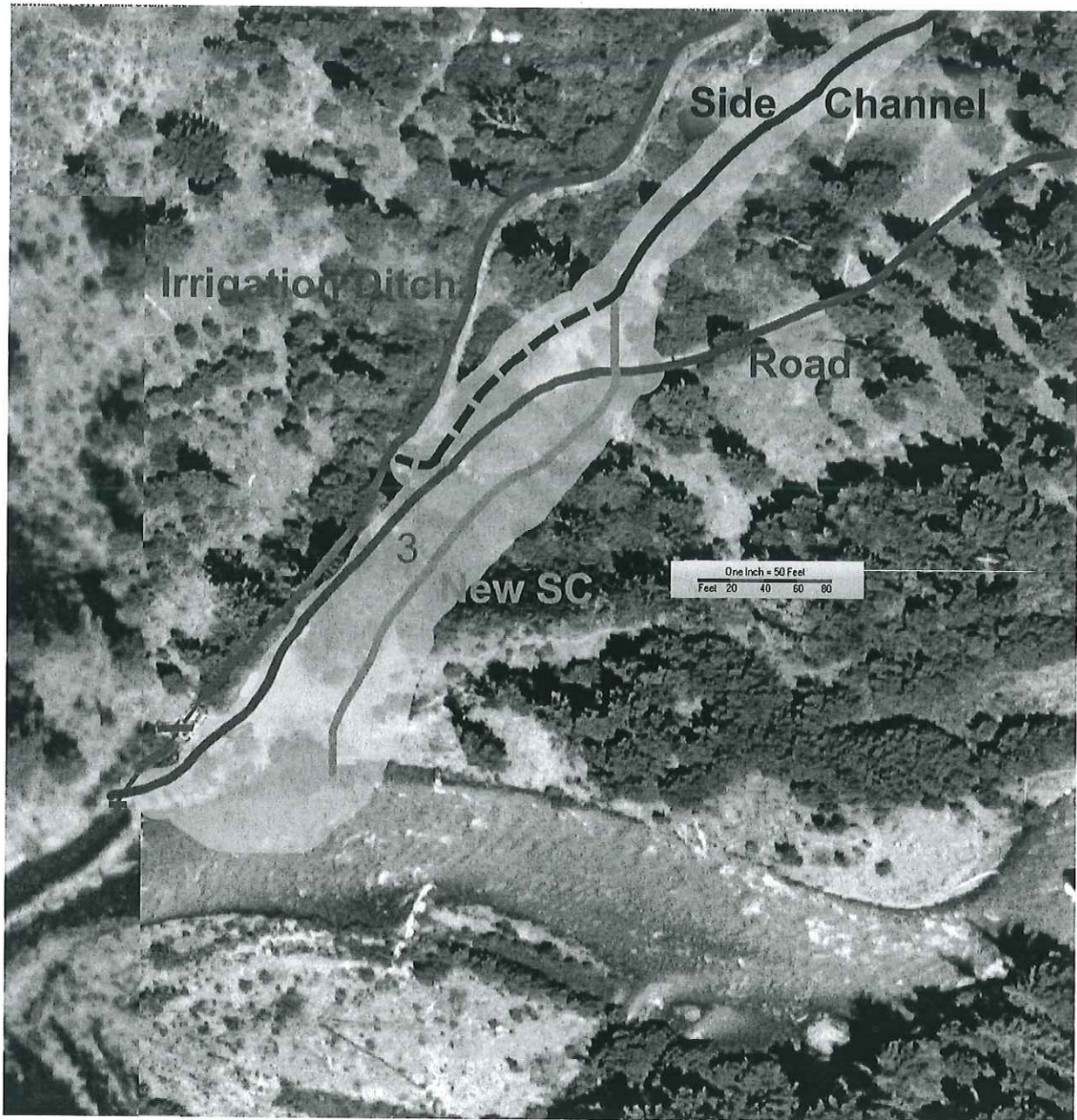


Figure 4. View of APE on Aerial Photo



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**Figure 5. Detailed View of Primary Work Area in APE**

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including annual rebuilding work as needed. The Screen Shop installed and later rebuilt the large fish screen structure. Rattlesnake Creek makes great leaps sideways some years during spring flooding: some of the work site was washed away (turned into creek) during the 1996 flood, then reclaimed (with fill and levy) to be dry ground.

### Legal Framework

The Inouyes' project is being completed voluntarily, initiated by the landowners at their discretion. Thus, there is no federal or state funding triggering any regulatory regime. However, because there are permits required from both the Washington Department of Fish & Wildlife and the US Army Corps of Engineers (ACOE) to use water from Big Rattlesnake Creek, the project is subject to the National Historic Preservation Act (NHPA). Section 106 of the NHPA states that when a federal agency (ACOE) proposes an undertaking (permitting the use of Rattlesnake Creek waters), it must take into consideration the potential impacts of that undertaking upon significant cultural resources. Implementation of Section 106 of the NHPA is outlined in 36CFR, part 800; it is these implementing rules that have necessitated the cultural resources inventory and evaluation for the Inouye project described in this report.

The first step in implementing Section 106 involves consultation. This step will be initiated by the ACOE, who will write letters to the Washington Department of Archaeology and Historic Preservation (DAHP) and the Yakama Nation, notifying them of the project, and inviting comment.

Finally, it should be noted that because compliance with Section 106 is ultimately the responsibility of the ACOE, this report includes recommendations only; all decisions regarding cultural resources must be made by the ACOE in consultation with the DAHP and the Yakama Nation. Authority for a federal agency to allow the use of consultants in the preparation of technical reports and recommendations is found in 36CFR800.2(a)3.

### Purpose of Project

The purpose of this cultural resource inventory project was 1) identify historic properties within the project area, 2) evaluate the significance of any properties identified, and 3) evaluate the potential effects of this project on any significant historic properties identified.

### Area of Potential Effects (APE)

The Area of Potential Effects (APE) for a project must be defined as prescribed under 36 CFR 800.4. The APE is the area in which the project has the potential to impact significant cultural resources – historic resources, archaeological resources, and Traditional Cultural Properties that have been determined to be eligible for listing on the National Register of Historic Places (NRHP).



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In most projects with archaeological potential, an APE is defined as roughly the area in which any ground-disturbing activities have the potential to effect subsurface archaeological resources, or where potential archaeological resources may be buried under fill. These resources are generally considered for eligibility under NRHP Criteria A, B, or D, and do not involve integrity issues beyond the archaeological sites themselves (for example, setting and viewshed are not normally factors). For above-ground resources such as buildings and engineered features, however, integrity of setting becomes a factor when evaluating under Criterion C.

The project calls for limited subsurface excavation, no deeper than 5 feet below the modern ground surface 4 feet wide. However, there are some places where dig may drop to 6' (primarily to seat the culvert); and while the side channel will be dug 4 feet wide, the 1:1 taper on the sides could result in a total width of 14 feet at existing ground level. Also anticipated are a staging area and two areas in which fill may be placed. The staging area is already severely disturbed, as previously it has been used for staging heavy equipment for the first stage of the side channel improvements project, for horse trailers and trucks, etc. The two areas where fill may be emplaced are also part of the APE.

Given the project description and the cultural resources setting, the APE is defined as those areas in which archaeological resources may be affected by the project – or the footprint of ground-disturbing activities along the proposed new segment of side channel (the solid blue line marked “New SC” in Figure 4). The depth of the APE may extend up to 6 feet (1.8 meters) below the surface in this area. The APE also includes areas marked #1, 2, and #4 in Figure 3, though effects to these areas will be surficial. Finally, included within the APE, but not accessible, is 450 feet of the current side channel, which will be deepened a foot or two.

## Environmental Setting

The Project is situated on the western edge of the Columbia Basin portion of the Basin and Range physiographic province, along the eastern slopes of the Cascade Mountain Range in central Washington. The Project is located at the mouth of the Big Rattlesnake Creek in the lower section of the Nile Valley, along the middle stretch of the Naches River Valley. The Naches drains into the Yakima River, one of the important feeders of the Columbia River system.

The main portion of the project area, approximately 450 feet in length, roughly 14 feet in width, and 6 feet in maximum depth, is relatively uniform in slope, aspect, and elevation. It is hummocky throughout, but the overall landscape is nearly level, with slopes nowhere exceeding 2%. There is, however, an almost imperceptible east-southeasterly aspect to the whole area. Elevation in the project area is about 2,250 feet above mean sea level (AMSL). In general, the land covered by the project area is a low-lying braided floodplain of Big Rattlesnake Creek. There are flood chutes, braided channels, and levees of the floodplain present in the project area, and much of this area was under water in the 1996 flood. Significant as a possible predictor for the presence of pre-Contact period archaeological sites, the APE is located immediately upstream from the mouth of the Little

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Rattlesnake Creek, at its confluence with the Big Rattlesnake, and it is immediately downstream from a bedrock constriction that created a series of rapids in the Big Rattlesnake. This type of location was frequently a major fish-processing site for Native Americans.

### **Geology and Soils**

The landscape in the Naches Valley is influenced by the underlying geology, which consists of a series of basalt flows. The major river bottoms, including and especially the Yakima River floodplain, contains deep deposits of Quaternary glacio-alluvial gravels deposited by glaciers, and subsequently reworked by alluvial processes. The Rattlesnake drainage also contains Miocene-Pliocene andesitic sandstone (Alt and Hyndman 1984).

Soils present in the project area include only those mapped as Weirman Sandy Loam, Channeled. These soils formed in alluvium on flood plains and terraces. They are excessively well-drained, flood frequently, and have a water table at about 36 to 60 inches. A typical profile is represented thus: 0 to 8 inches, Sandy loam; 8 to 21 inches, Loamy fine sand; and 21 to 60 inches, Very gravelly loamy sand. The active nature of the floodplain in areas mapped with Weirman soils is not conducive to archaeological sites or their preservation.

### **Flora**



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Due to past agricultural activities such as grazing, irrigating, and logging, there has likely been some change in the native vegetation historically present in the project area. We observed Ponderosa pine, Douglas fir, cottonwood, snowberry, red osier dogwood, bitterbrush, ocean spray, wild rose, lomatium, and bunch grass. This is typical of a mesic Ponderosa pine-Douglas fir parkland (Taylor and Douglas 1995).

### Fauna

During field survey, the only mammals identified within the project area were two elk and a domesticated dog. We observed a red-tailed hawk as well. The following list of animals can reasonably be expected to have been present historically in the project area: Black bear, coyote, Rocky Mountain elk, mule deer, ground squirrel, packrat, rabbit, beaver, river otter, and other rodents; and numerous birds including eagle, hawk, osprey, great-blue heron, and woodpeckers. Anadromous and resident fish populations are present in Big Rattlesnake Creek, and there may have been fresh water mussels as well. Although no evidence was observed, there is likely a suite of amphibian species present in the project area. Again, this list is not exclusive. Of these animals, a majority may have been used as food for native populations, and were equally likely exploited by Euroamericans during the historic period. However, it is the deer, elk, and fish that were likely the most important sources of food for native peoples.

### Cultural Overview

#### Prehistoric Period

Reference to regional models of prehistory, settlement patterns, and paleoenvironments provide a basis for generating expectations regarding what types of archaeological resources, if any, might occur within the project area. Further, this information provides a context in which the significance of any remains that are discovered can be evaluated. Care must be exercised, however, in using established models uncritically, thus generating self-fulfilling prophecies.

Although predictions concerning the location of archaeological sites must include an understanding of the social, political, technological, and environmental constraints of specific times, a number of generalizations can be made for the prehistoric (or pre-contact) and protohistoric periods based upon the distribution of known sites.

It seems as though there have been almost as many chronological sequences developed to explain the prehistory of the Columbia Plateau as there have been researchers working in the area. Many of these chronologies focus upon a series of projectile point styles which are thought to be temporally sensitive, and thus diagnostic of a specific time period (ie. Galm et al 1981; Leonhardy and Rice 1970; Nelson 1969). A suite of cultural traits, both behavioral as well as technological, is generally assigned

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to these time periods as well. Unfortunately, lithic specialists have demonstrated that projectile point morphology is more dependent upon technology than time; that is, point types may simply be a result of reuse than abrupt changes in style preferences through time (Flenniken 1997). It is not the goal of the present project to assess the validity of the various explanations for projectile point styles, so emphasis will be placed on providing a very basic synthesis of the more widely accepted theories of cultural change in the Columbia Plateau. Galm et al.'s (1981) phase names will be used.

Although there are no known sites attributable to the early Holocene period within the Naches Valley, there are several sites dating to this time period in the Columbia Plateau, and there is a report of a fluted point found by a local collector immediately northeast of the dam in present-day Lake Cle Elum (Holmes 1980). A number of large stemmed projectile points believed to be associated with the end of this period is reported by Zweifel and Reid (1991:11). The period of time from 11,000 to about 8,000 years before present, called "Windust" in the Galm et al. (1985) sequence, has been characterized as much cooler and wetter than current conditions. In reality, this period saw cooler, wetter winters and hotter, drier summers -- climatically this period is referred to as the Anathermal. People responded to those conditions by developing a strategy of seasonal transhumance, focusing along the larger river systems, but using the uplands regularly for short periods of time.

There is currently much debate over whether salmon and other fish played a major role in the diet of early Holocene people in this area (Chatters 1989; Schalk 1983), and this debate will not be revisited here. Cleveland and Fraser (2000:2-3) suggest that, given more dramatic climatic extremes, the habitat of ungulates such as deer and elk would have been located closer to the valley floor than it is today. The subsistence of these early "Windust Phase" populations was undoubtedly at least partly centered upon the hunting of mammals. Large game such as deer, elk, antelope, and -- perhaps - the Pleistocene mammoth, mastodon, and bison were believed to have been preferred. Technologically, it seems apparent that the predominance of thrusting spears (lanceolate points) early in this period gave way to the atlatl and dart (large stemmed points), towards the end of the Windust Phase

Use of the uplands appears to have been limited (Burtchard et al. 1998), and it is in the lowlands, near larger bodies of water, that most Windust sites are found. Thus it becomes increasingly likely that areas in or near the project area may have been preferred "large mammal procurement and processing sites" (Cleveland and Fraser 2000:3) during the Anathermal period.

The following time period, from roughly 8,000 to 4,500 b.p., is characterized by a set of human cultural traits which will collectively be referred to as the "Vantage Phase." The climate during this time was the Altithermal, a period in which the overall climate became progressively warmer and dryer. Towards the middle of this period, the climate actually became hotter and more arid than it is today, and the distribution of resources became a major consideration for the semi-nomadic human populations. During this time, and likely in response to unpredictable resource distribution, the human diet in this area became more diversified (Nelson et al. 1996). There is evidence that plant gathering, processing, and consumption began to increase in importance, as did the procurement of fish and smaller game. Use of the uplands intensified during this period, likely as a result of the climatic stresses (Burtchard et al. 1998; Schalk 1988).



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The atlatl and dart continued to be used, as were a wider variety of artifact and raw material types than ever before. A bone technology and grinding implements are also present on many sites dating to this period. Housepits increased dramatically during this time, and suggest that people were semi-sedentary, moving from winter settlements along the larger rivers, into the uplands for the late spring, summer, and early fall.

It is possible that sites dating to the Vantage Phase may be present in or near the project area, around Big Rattlesnake Creek. Specific types of sites that could be expected include short-term residential or task-specific sites. More permanent residential sites would have been located along the Naches and Yakima Rivers; fish procurement and processing sites would also have been located along both rivers as well as along the Rattlesnake; and plant and hunting camps would likely have been located further upland.

The Frenchman Springs Phase, dating from roughly 4500 to 2800 b.p., is believed to have been associated with a period of climatic moderation, with cooler and wetter conditions - approaching those of modern times. The pattern of diversification continued through this period, with a dramatic increase in the use of upland sites, and a similar increase in the size of settlements along the rivers. The Binfordian pattern of task groups moving out from and back to home bases (Binford 1979) is pronounced. Clusters of housepits gave way to villages, and less portable objects such as hopper-mortar bases begin to appear at upland sites, indicating that use of the uplands become more intensive (Chatters 1989). At the same time, exploitation of riverine resources -- both animal and vegetal -- became increasingly important, as attested to by the quantity of salmon bones and river mussel shell in riverine sites dating to this period. Side- and corner-notched dart points are the characteristic form of projectile points found on Frenchman Springs Phase sites.

As with the preceding period, it is possible that sites dating to the Frenchman Springs Phase may be present in or near the project area, around Big Rattlesnake Creek. Specific types of sites that could be expected include short-term residential or task-specific sites. As with Vantage Phase sites, most significant archaeological sites dating to this period would have been located either on the Naches River, or further into the uplands.

From approximately 2800 b.p. to the ethnographic or historic period (Cayuse Phase), the patterns established earlier persisted. People lived through the winter in larger groups in housepits along the larger rivers, moving into the uplands as smaller task or family groups (Binford 1979) in the late spring to begin their seasonal rounds of root digging, fishing, hunting, and berry and bark picking (Burthchard et al. 1998). The technology associated with both fishing and storage became more sophisticated, making fishing more productive. Trade was well-established, bringing "exotic" goods such as *olivella* shells into the region from coastal areas. Perhaps only a factor of better preservation because of their younger age, perishable items such as textiles and cordage are much better represented in Cayuse Phase sites than in earlier contexts. Finally, it is during this period that the bow and arrow were adopted as a favored means of hunting, and the predominant projectile point form (from about 1000 b.p. on) is the small, triangular, notched arrow point (Nelson et al. 1996).

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It is interesting to note that, contrary to the established theories of uplands utilization summarized above, Burtchard et al (1998) posit that the primary use of the uplands in the Canteen Flats/Bald Mountain/Manastash area was for hunting purposes. Gathering, they claim, was an ancillary activity throughout prehistory. They cite as evidence for this the presence of relatively large quantities of mammal bone in archaeological assemblages, and a concomitant paucity of plant-processing tools. Further studies are needed to support or refute this hypothesis.

We might expect to find evidence of short-term residential areas, including shallow midden, throughout the project area. There might be features such as individual housepits, hearths, and activity areas.

### The Ethnographic Period

It is known that bands of Yakima Indians used most of Yakima County during the ethnographic past, as residential areas, as resource procurement areas, and as movement corridors for their long-distance horse trade with Euroamerican settlements in the Puget Sound area. There were villages described in the literature (Ray 1936; Teit 1928) (Figure 4), which were likely not occupied year-round, but were winter villages that began to disperse in early spring, as families and resource groups left to gather plants and fish. The nearest ethnographically documented village was at the mouth of the Naches River, where there was also an important fishery.

That seasonal nomadism was practiced until the late nineteenth century, at least, is well-known (Kennedy et al. 1997; Ray 1936; Splawn 1958; Teit 1928). This meant that family and band members lived together in winter villages along the major rivers and creeks (in this case, the Yakima River and its major tributaries). As with many other Indian groups in the Pacific Northwest, spring meant the beginning of seasonal rounds to procure foodstuffs and other necessary raw materials. Small groups would begin to move into the surrounding uplands as the first plants began to ripen in early spring (Meninick 1994), returning to the river bottoms to catch the spring fish runs and process the food. Later in the summer, a return trip to the mountains netted huckleberries and other plant foods. Returning once again to the lowlands, there was fall fishing and the hunting of deer and elk as they began to yard for the winter (Aronica 2002). Throughout the months of gathering, fishing, and hunting, food was dried and smoked to be stored for winter.

Subsistence and other patterns evolved from native cultures became dramatically and irreversibly altered not when the first white face was seen in the Yakima Valley in the early 1800s, but 50 or 100 years earlier, as Euroamerican trade items began to drift in from the southeast. Although glass trade beads, metal, textiles, and other small trade items may have changed the material cultures of the Yakama Indians, it was the arrival of the horse in the early to mid-1700s that truly changed Native American cultures throughout the Columbia Basin. Seasonal rounds were undoubtedly wider, and annual or semi-annual treks to far-flung reaches such as Idaho or southern Oregon (Meninick 1994)



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for trade, specialized resource procurement, or family visits (Kennedy et al. 1997) became much easier to accomplish with horses.

Although the specific timing is uncertain, at regular intervals large groups of Indians would gather together at certain locations to perform communal activities (Kennedy et al. 1997; Schuster 1975). Beyond that, large-scale travel also occurred when bands of Yakama would travel from their homes to the Celilo Falls area near The Dalles, Oregon. They followed well-established trails from Yakima through Toppensih to Ft. Simcoe, and then on to Celilo. Once at Celilo, trading was the order of the day, as was socializing with friends and distant kin.

According to Aronica (2002), when a family left a piece of land to dig roots, pick huckleberries, or fish after 1868, they would often return to find their winter camps/houses occupied by a homesteader's cabin. This suggests that the pattern of seasonal mobility continued well after initial contact with the non-Native population, a fact supported by other ethnographies (Kennedy et al. 1998; Ray 1936; Teit 1928) and early histories (Splawn 1958).

Contact/ethnographic period sites such as Grissom have yielded a variety of tools, including stone, bone, and metal (McMeans 2002), suggesting a synchronous use of traditional and traded materials.

Expectations generated for late protohistoric, or ethnographic period sites include the remote possibility of finding archaeological manifestations of use or activity areas. They could include chipping stations, or hunting and/or processing sites. Plant processing areas with a suite of ground stone tools might be expected in the area around the creek where wetlands may have existed.

## The Historic Period

The history of the area encompassed by the APE has been very well described by Gretta Peterson Gossett in her seminal work, Beyond The Bend (Gossett 1979). We will focus only briefly on those themes that have some relevance to the Inouye property, and the APE. For detailed information on the history of the Nile area, the reader is referred to Gossett's book.

### The Early Historic Period: Short-Lived Euroamerican Tenancies, 1805-1861

The first Euroamerican believed to have entered the Yakima Valley was a member of the Lewis and Clark company, in 1805 (Gossett 1979: 15-18). Although there were likely incursions into the valley by fur trappers and other "mountain men" for the next forty years, there is no record of any non-Native person in the valley until the Hudson Bay Company ordered Pierre Pambrun and Cornelius Rogers to find a route between Fort Walla Walla and Nisqually (Gossett 1979:18). They made their way through the Nile Valley, and became the first documented non-natives to pass through the area. Throughout the next decade, a series of parties passed through a number of variations of the route, including White Pass, Cayuse Pass, Chinook Pass, and other unnamed routes.

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Jesuit priests Pandosy and Chirouse established a Catholic mission on Ahtanum Creek in 1847 (Lyman 1919), which became the first tenanted occupation of the middle Yakima Valley. In 1853 the first "road" was used to cross into Yakima County from the Puget Sound over Naches Pass; the Longmire company was the first group to successfully negotiate this dreadful crossing of the Cascade Mountains.

Although the Nile Valley had yet to see a Euroamerican settler, hostilities between the native population and the newcomers in the region increased throughout the period, particularly as the United States Army began increasing its presence on the landscape of what is now eastern Washington. In June of 1855, the Yakama Indians and other groups signed a treaty with the government of the United States at Walla Walla, but by that fall skirmishes had resulted in the death of Indian Agent A.J. Bolon (Glauert and Kunz 1976:104). This "murder" set off the "Yakima Indian Wars," which was a period of ongoing hostilities, raids, broken promises, and frequent killings between Indians from the Klickitat, Yakama, and the United States Army and all Euroamericans in the area. This kept the newcomers from settling in the region.

#### 1861-1888: The Age of the Pioneers

##### Homesteading

Just as the region was settling into more peaceful relations between the native residents and the newcomers, tensions between the North and South increased, and it became clear there would be a nationwide war. During the middle part of the Civil War, the first non-Native settlers arrived in the Yakima Valley (Gossett 1979:37); settlement of the Yakima Valley by non-Natives was quick to commence. The early 1860's through late 1870's can be characterized as a period of immigration and settlement into the Yakima Valley by ranchers and homesteaders. The early Euroamerican Yakima Valley settlers came to the valley in search of new and better pasturage for the cattle herds. These newcomers supported themselves as ranchers and traders, establishing homesteads with the primary focus of ranching. Not to be forgotten was the importance of gold discoveries in the mountains above the Nile Valley; as Gossett says (1979:38), "this brought prospectors into all the tributaries of the Naches."

The first permanent settlers in the Nile Valley were Elijah Denton and Lee and Philander Kelly, who arrived in 1876 (Gossett 1979:39). They were all cattle ranchers, and were followed in the next decade by sheep men. It probably wasn't long before the dry lands became attractive to a different breed of settlers.

##### Logging and the Timber Industry

By the early 1880s, logging began in earnest, using oxen and horses to skid cut trees. The first mill in the Yakima Valley had been constructed on the Ahtanum in 1872 (Gossett 1979: 367), but it was not until 1894 that the Nile Valley had its first mill – a whipsaw built by a group of men, powered by a



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ditch "a half a mile up the Rattlesnake" (Gossett 1979:371) on what is now the Inouye property. The whipsaw mill did not last long, and other circular sawmills were established in the Nile Valley over the 50 years. They were all fed by the booming timber industry, and by the beginning of the twentieth century, Cascade Lumber Company owned much of the forested land in the middle Naches drainage, including the land on which the APE sits. Later, of course, Cascade Lumber became Boise Cascade, and they continued to own the Inouye land until 1992, when they sold to the Inouyes (Inouye 2012: personal communication).

### Agriculture And Irrigation

Due to the urgent need of pioneer populations much removed from the nearest established markets to be self-sufficient, crops were probably planted immediately upon homesteading. Edward Whitley wrote a Master's Thesis on agriculture in the Kittitas Valley, and many of his observations hold true for the Naches/Nile Valley as well. Whitley (1949) notes that although each homestead had its own garden in which oats, barley, and/or wheat were grown, it does not appear that these crops were ever exported. Rather, the grain crops were grown exclusively for local consumption. Key to the success of a farming industry in this semi-arid landscape was the ability to move water around as necessary. As it has been said, "The valley was a fine range for cattle...but without irrigation almost no intensive agriculture would have been possible" (Whitley 1949:26).

Irrigation projects grew larger with the passage of time, while small ditches to irrigate single family farms continued to be dug. Although most ditches conveyed water for which the owner had a legal right, some did not. Water was a precious commodity, and a series of water rights disputes broke out as early as the mid-1880s - continuing in no less heated a manner to the present day (Acquavella). Legal disputes aside, most farms had adequate access to water, either naturally or by irrigation, the land in the Nile Valley not excepted.

Ditches were also created to supply water for mills, and the Nile Valley had several of these (Gossett 1995). The Rattlesnake Ditch Association constructed a 2-mile-long ditch from the Big Rattlesnake Creek to water the lands of Nine Mile Flat, upstream from the confluence of the Rattlesnake and the Naches River.

## METHODOLOGY

Extensive pre-field research was conducted for this project. Research and background studies began with a records search of all relevant forms, reports, and maps on file at the Department of Archaeology and Historic Places (DAHP), using the online WISAARD. This was followed by research using published and unpublished primary and secondary sources at the Ellensburg Public Library, and primary and secondary sources collected by the Inouyes.

Results of Pre-Field Research

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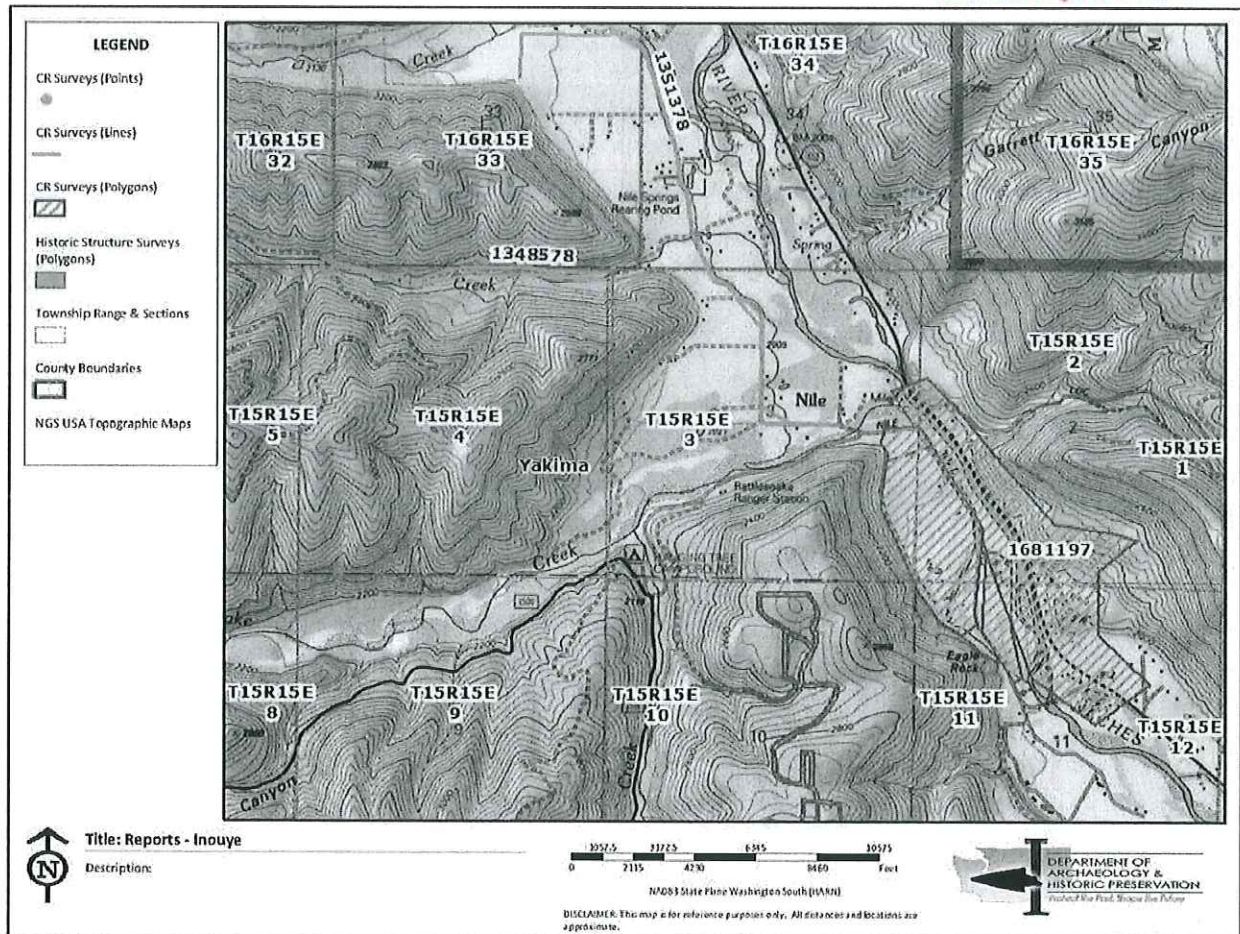


Figure 7. WISAARD Map Showing Previous Surveys



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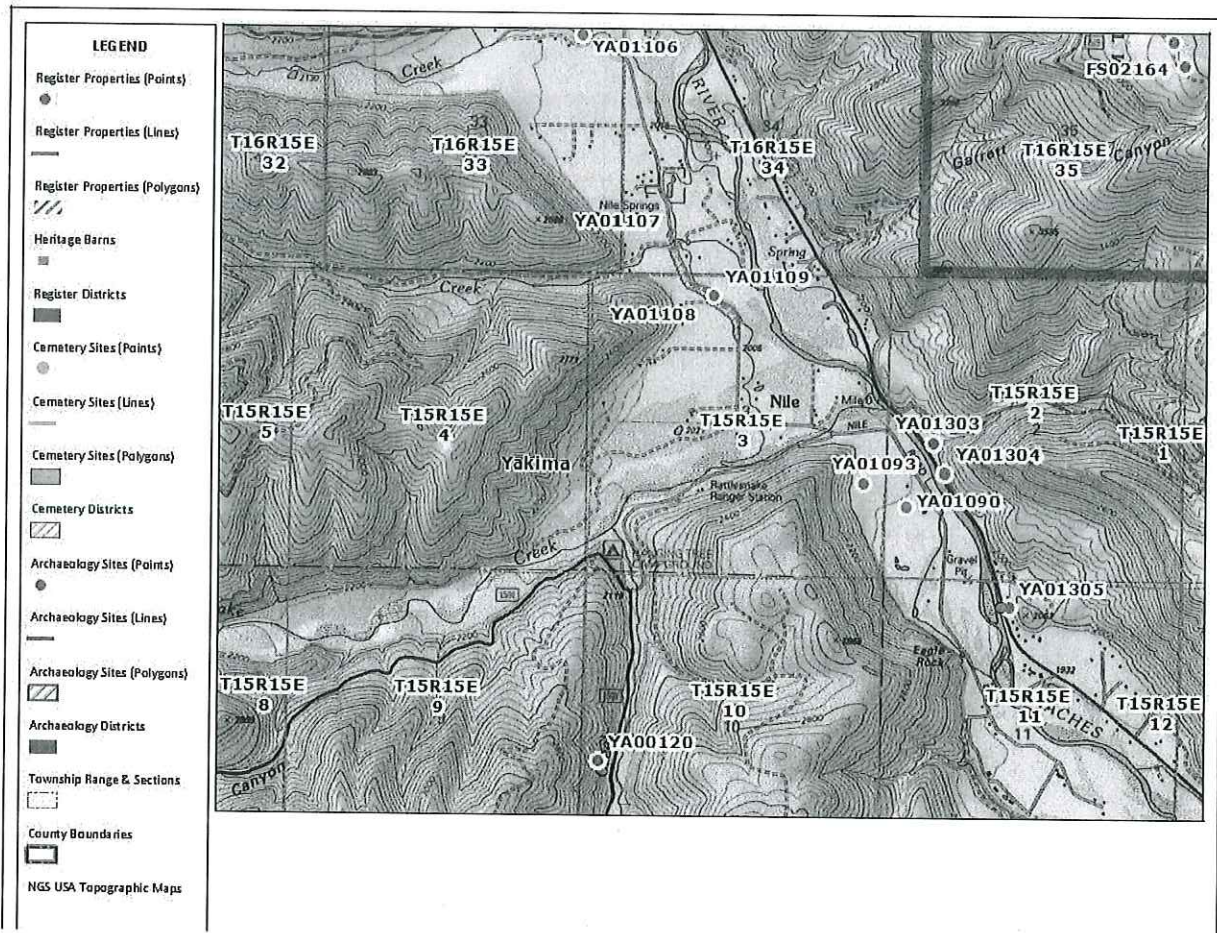


Figure 8. WISAARD Map Showing Archaeological Sites and Other Historic Properties

## Fieldwork

Fieldwork began with a drive-by inspection with the landowner to acquire a general idea of the project area, then followed with a pedestrian survey of the entire project area, walking one transect on each side of the centerline of the proposed new side channel, all of the staging area, and the road, from the fish screen to the driveway intersection. There were no above-ground historic resources (buildings or structures) identified in the APE as a result of the pedestrian survey. During survey, we also identified and marked two locations in which subsurface testing might be possible, though there were very few areas identified in which fine sediments were present. A vast majority of the APE has been severely scoured and cobbles and large gravels are present on the surface.



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Archaeological testing was conducted in the only two locations identified during survey as having potential for buried deposits. For this project, the APE for archaeological resources was defined as having a vertical extent of five feet (1.5 m) below the modern ground surface. Shovel test probes (SPs) measuring approximately 50x50cm were excavated to a depth of 75 and 65 cm below modern ground surface (bmgs), terminated when extremely compacted, cobbly soils precluded deeper excavation. All material excavated was screened through ¼-inch hardware mesh. At the conclusion of each test, the excavated dirt was backfilled into the hole. The location of each shovel test probe is depicted in Figure 9.

Following excavation of the two shovel test probe, two backhoe trenches (BHTs) were excavated and monitored on or near the centerline of the proposed new side channel. BHT 1, dug adjacent to SP 1, was terminated at 90cm due to the presence of boulders, while BHT 2 was terminated for the same reason at 75cm.

For the purposes of this project, cultural resource definitions include the following: *Artifacts* are defined as “portable things with attributes of form or location that cannot be exclusively attributed to natural causes and are considered likely to have been created by human action.” The definition of a *feature* is “a non-portable thing with attributes of form or location that cannot be exclusively attributed to natural causes and is considered likely to have been created by human action.” *Isolates* are “individual artifacts that occur at a density of less than 10 items per 100 square meters.” *Sites* are “places of interpretable human activity - where artifacts occur at a density of 10 or more per 100 square meters or where one or more features are present.” The term *prehistoric* or *pre-Contact* refers to “artifacts and features believed to be of American Indian manufacture prior to A.D. 1814,” and the term *historic* applies to “artifacts and features believed to be of manufacture after A.D. 1814.”

## RESULTS OF FIELDWORK

Because of its location immediately downstream from a narrowing in Big Rattlesnake Creek, the APE has been subjected to high velocity flooding for hundreds if not thousands of years. It is a hummocky landscape, with a few, isolated pockets of sediment present, but the vast majority of the APE is a series of old braided channels and flood chutes of the creek. Boulders, cobbles, and gravels are the dominant clast size deposited onto this landscape, and it immediately became clear that there was little possibility of encountering archaeological materials. We identified two areas closest to the downstream end of the proposed new side channel segment that had the highest likelihood of containing intact sediment, and we tested there.

The excavation and careful screening of two subsurface shovel probes failed to produce any significant archaeological materials. SP-1 (Figure 9 and 10) was excavated next to the ditch road, in the proposed centerline of the new side channel. From 0-34cm bmgs, we encountered brown sandy loam with decaying wood and a few gravels. From 34-40cm, we noted brown sandy loam with some gravel and decaying wood; from 40-48cm, yellowish-brown sand; 48-56cm, fine gray-brown gravels

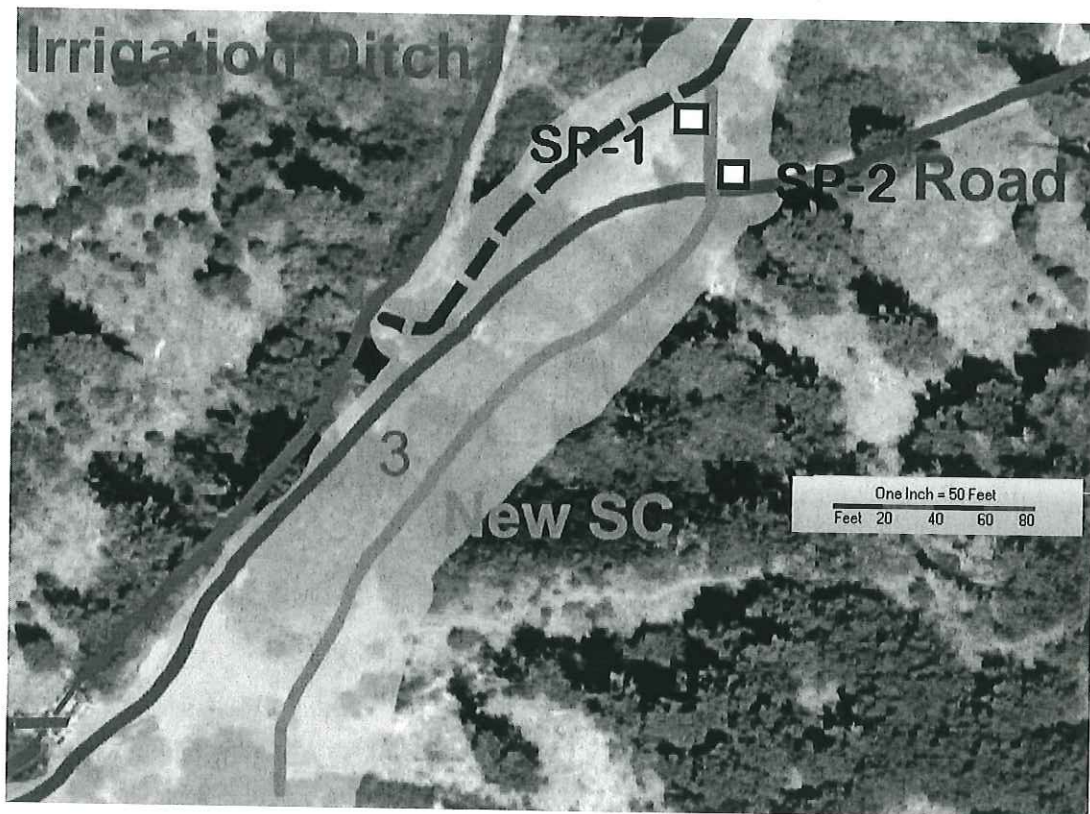
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with sand; and from 56-75cm a layer of tephra sat atop cobbles. No cultural material was encountered. In SP-2 (Figure 9), which was excavated just west of the centerline of the new side channel, 5 m southwest of the existing side channel, we found less rock. From 0-25cm bms, we noted brown sand; from 25-34cm brown sand with large amounts of pine needles and twigs (not in situ); from 34-53cm, brown sand; and from 53-65cm, we identified ashy sand. There was no rock identified in this probe, and no cultural material.

In order to explore the area around SP-1 more fully, we asked Mr. Inouye to excavate the first backhoe test unit (BHT-1) in this location (Figure 11). The side channel will be about 3 feet (.9m) deep in this location. The trench was 2.45 meters long, 1.1 meter wide, and .9 meter deep (Figure 12). The profile was fairly homogenous in terms of sediment, but we noted a relict tree stump in place here, as well as small pockets of what appeared to be tephra. This test was terminated at 90 cm due to the presence of boulders.



**Figure 9. Shovel Test Probes in APE**  
Units in white



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Excavated across the ditch road from BHT-1, we dug BHT-2 to 75cm bmg, where we were forced to terminate due to boulders and cobbles. This trench profile displayed more heterogeneity: 0-18cm, medium yellowish-brown sand; 18-38cm, coarse brown sand and gravels; 38-50cm, fine yellowish-brown sand; 50-60cm, cobbles; and 60-75cm, cobbles and boulders. This trench measured 2.65 meters long and .75 meter deep (Figure 11). What we discovered in subsurface testing confirmed our preliminary observations during surface survey: this is a dynamic landscape with little chance of occupation or significant use prehistorically, and one in which archaeological resources would not preserve *in situ*, even had they been present.

#### The Rattlesnake Ditch Association Ditch

However, we did note that the historic irrigation ditch (of which we had been aware since the inception of the project) was in remarkably good condition. Formally called the Rattlesnake Ditch Association Ditch, this ditch was constructed for irrigation of agricultural lands on the Nine Mile Flat. Two miles long, two feet deep, and four feet wide, this gravity-flow earthen ditch was constructed by R. Henson and Henry Sedge in 1891, but is associated with 11 legal water claims. It has been in continuous use since 1891, and has been subject to water rights adjudication through the Acquavella case. It runs roughly northwesterly through the Inouye property.

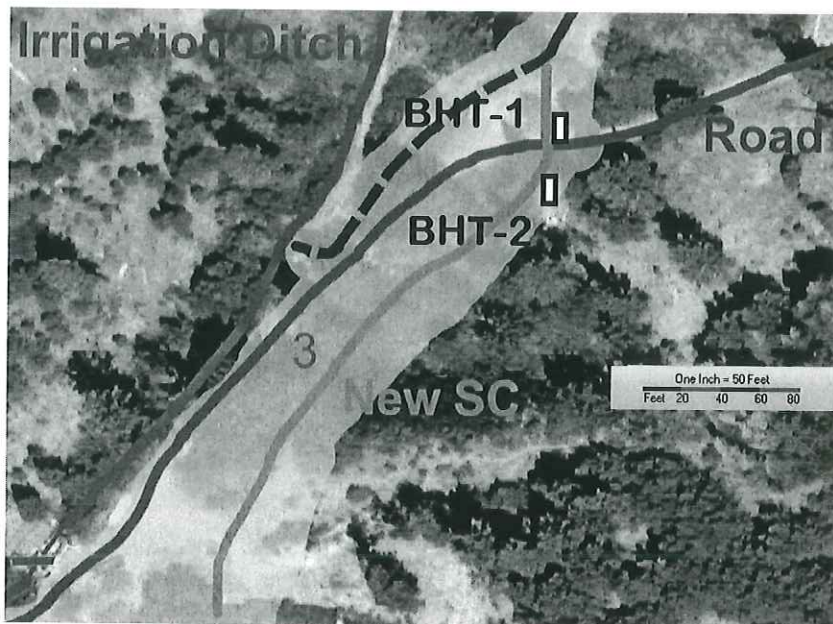


**Figure 10. Shovel Probe 1, facing West**

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**Figure 11. Backhoe Trenches in APE**  
Units in white



**Figure 12. View of Backhoe Trench 1 Being Excavated by Mr. Inouye**



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This is an open irrigation ditch constructed of earth, with berms on either side. As noted above, it is 2 miles long, continuing off the Inouye property, and these sections were not documented. The ditch is 4 ft wide, 2 ft deep, and carries 1500-1600 inches (30- 32 cu ft/second) of water to downstream irrigators on the Nine Mile Flat (Acquavella).

Although it has been continuously used and maintained by a loose group of property owners, the ditch does not have the large piles of excavated material lining it that most modern ditches do. It starts at a wild section of the Big Rattlesnake Creek (about 2 miles from its mouth), and traverses through land that was used for livestock grazing and timber production for 100 years. The only development that exists on the Inouye-owned stretch of ditch is the house and garage, and a small barn and horse arena, which are not obtrusive. The ditch passes through a very natural setting that likely looks just as it did 100+ years ago. It has a roughly northwesterly course as it crosses the Inouye property, a course it has maintained since 1891.

We also identified what was probably a second historic ditch (now relict), and the remains of a historic mountaineering lodge, but because they were located substantially outside the APE, we did not record them. Finally, the landowner showed us what appears to be an extraordinarily early (1811) inscription on a sandstone outcrop, but as it is also well outside the APE of this project, and we are still investigating its authenticity, we did not record it either.

## EVALUATION OF ELIGIBILITY & EFFECTS

The Rattlesnake Ditch Association Ditch is in excellent condition, and possesses integrity of location, design, setting, materials, workmanship, feeling, and association. The Rattlesnake Ditch Association Ditch appears to be eligible for listing on the National Register of Historic Places (NRHP) under Criterion B, for its association with “events important in history” – namely the settlement of the arid Interior Northwest. Farmsteads and homesteads were made possible only by the supply of water to otherwise dry lands, where no agricultural crop could grow without imported water, in the form of irrigation ditches.

Although we recommend that the Rattlesnake Ditch Association Ditch is certainly eligible for listing on the NRHP, the Inouye Rattlesnake Creek side channel improvement project will merely close the levee/berm gap which Mr. Inouye created. When he opened this breach in 2010 to provide water for the first portion of the side channel he was constructing, Mr. Inouye created the only substantial change to this ditch since it was initially constructed in 1891. The proposed project’s only impacts to this historic property would be to close the breach, and thus it would be beneficial to the character-defining features of the ditch. We recommend that the Army Corps of Engineers, in consultation with DAHP and the Yakama Nation, determine that this project as proposed will have **No Adverse Effects Upon Historic Properties.**



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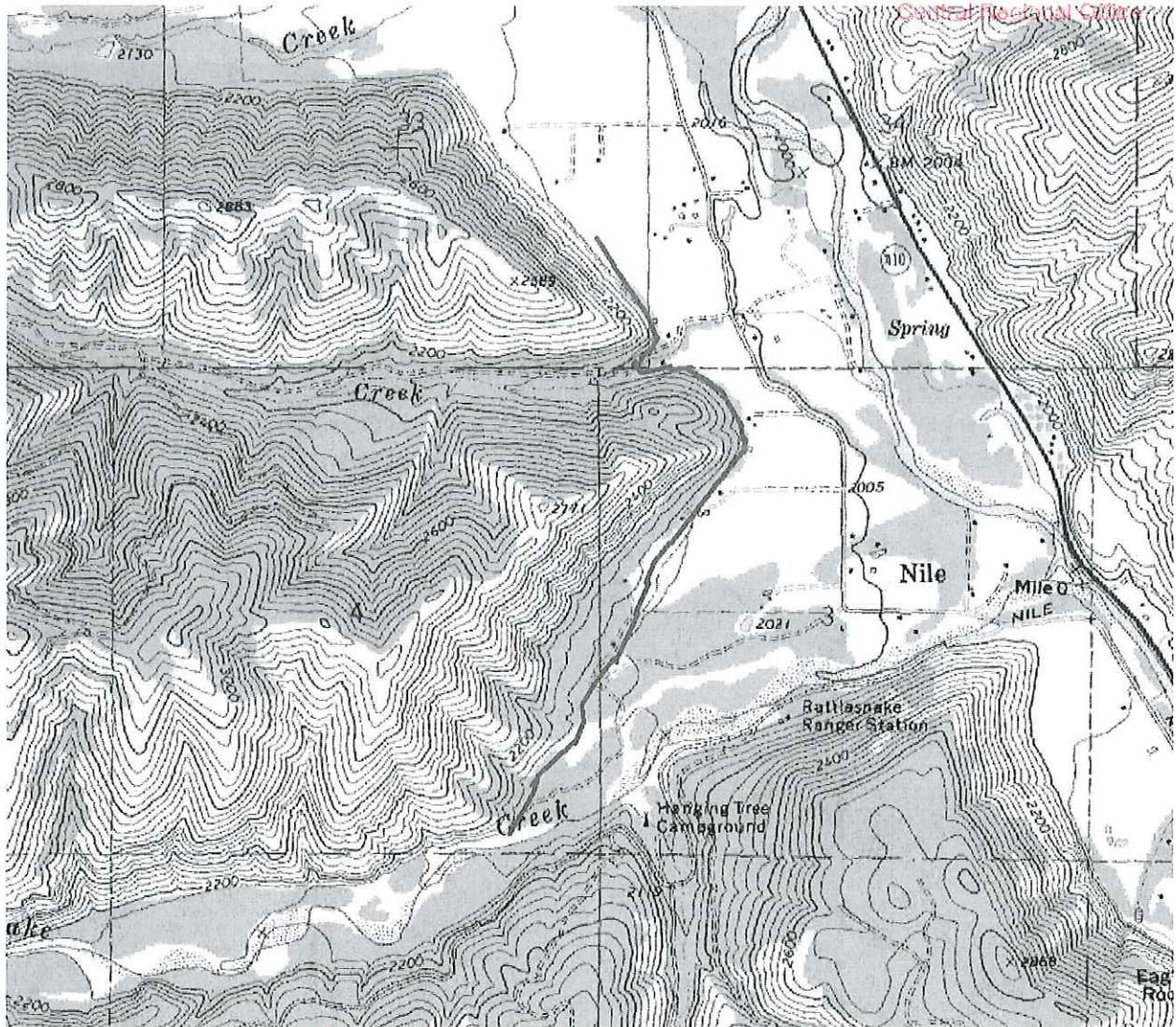


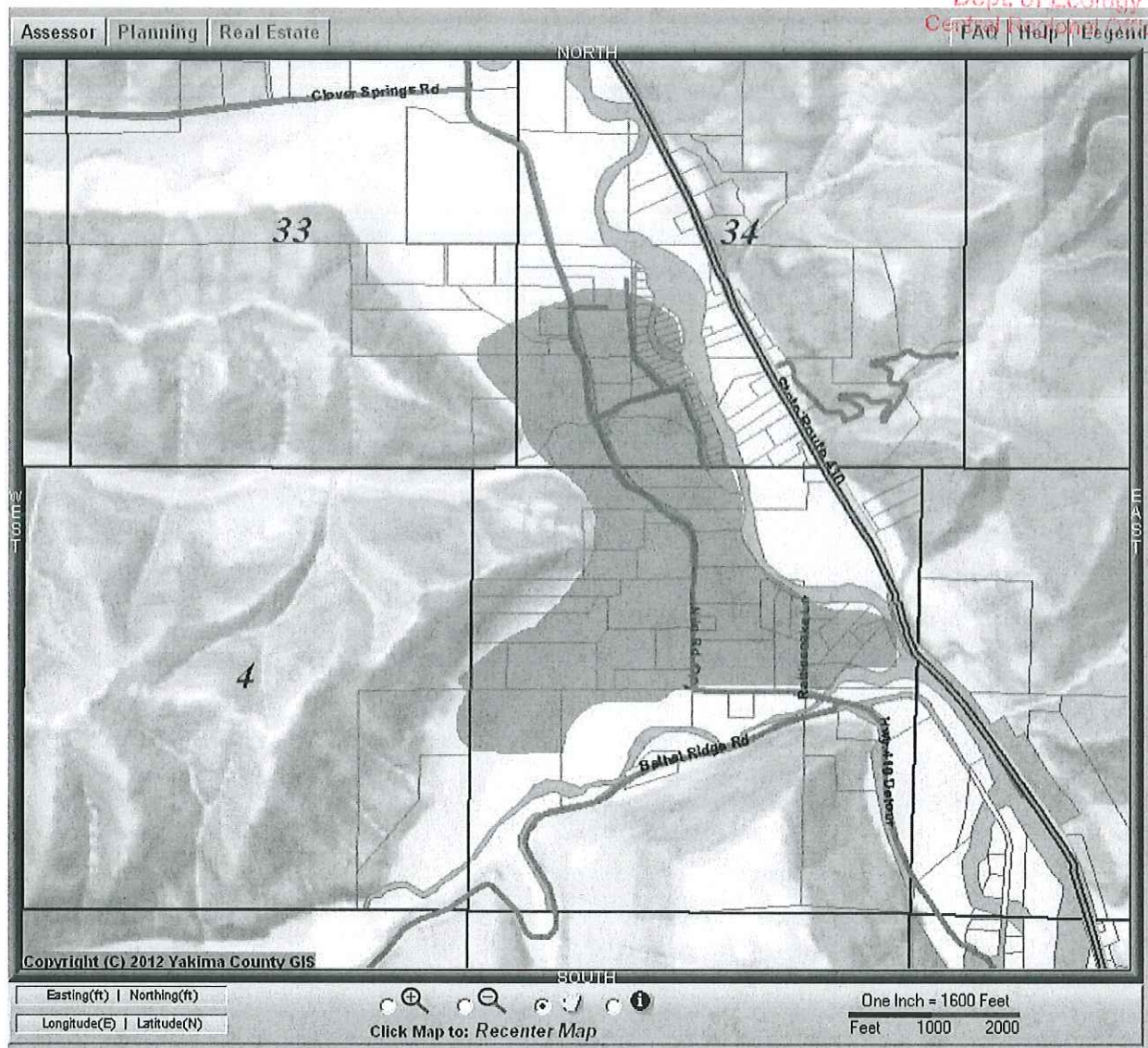
Figure 13. Location of a portion of the Rattlesnake Ditch Association Ditch  
(not GPS'd)



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**Figure 14. Map of minimum of lands irrigated by the Rattlesnake Ditch Association Ditch**  
Indicated by green polygon

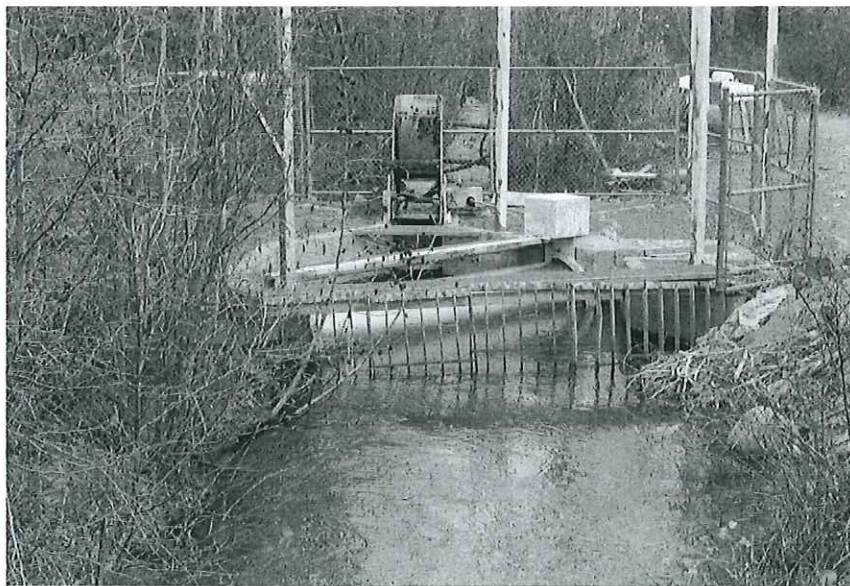
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Pre-1996 headgate on ditch destroyed by 1996 flooding



New trash rack and fish screen on ditch

**Figure 15. Photos of the Rattlesnake Creek Ditch Association Ditch**



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Ditch running along hillside, facing north



New, temporary gate in ditch for side channel diversion, created by Inouye in 2010

**Figure 16. Additional Photos of the Rattlesnake Creek Ditch Association Ditch**

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## SUMMARY/CONCLUSIONS

Despite intensive background research, pedestrian survey, and both hand and mechanical subsurface testing of the APE, we did not identify any archaeological resources. We did identify a significant historic property in the form of the historic ditch, but do not consider that the proposed side channel improvements project will have any adverse effects on the ditch. We have documented the ditch more fully in DAHP's Historic Property Inventory (HPI) database.

The research design produced for this project suggested there was a moderate likelihood that the area contained archaeological deposits dating to the prehistoric period, but that there was a low likelihood that the APE would contain historic-period archaeological resources – other than the ditch. Once we began the fieldwork, it was obvious that a vast majority of the APE was heavily disturbed from past flooding, and that there was no surface that had been stable long enough to contain or preserve any archaeological resources.



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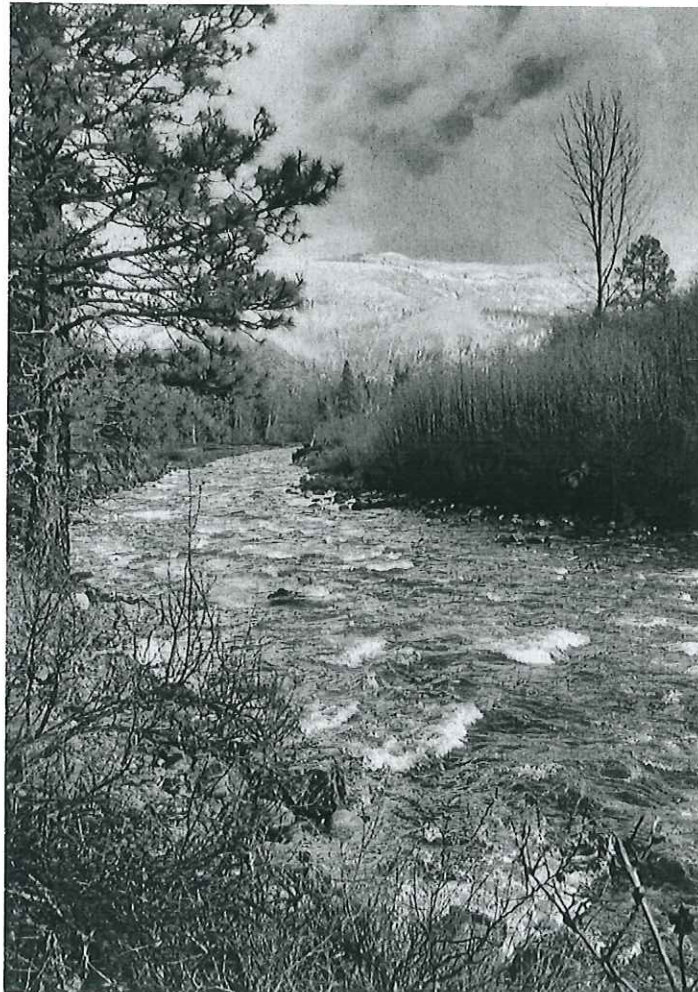
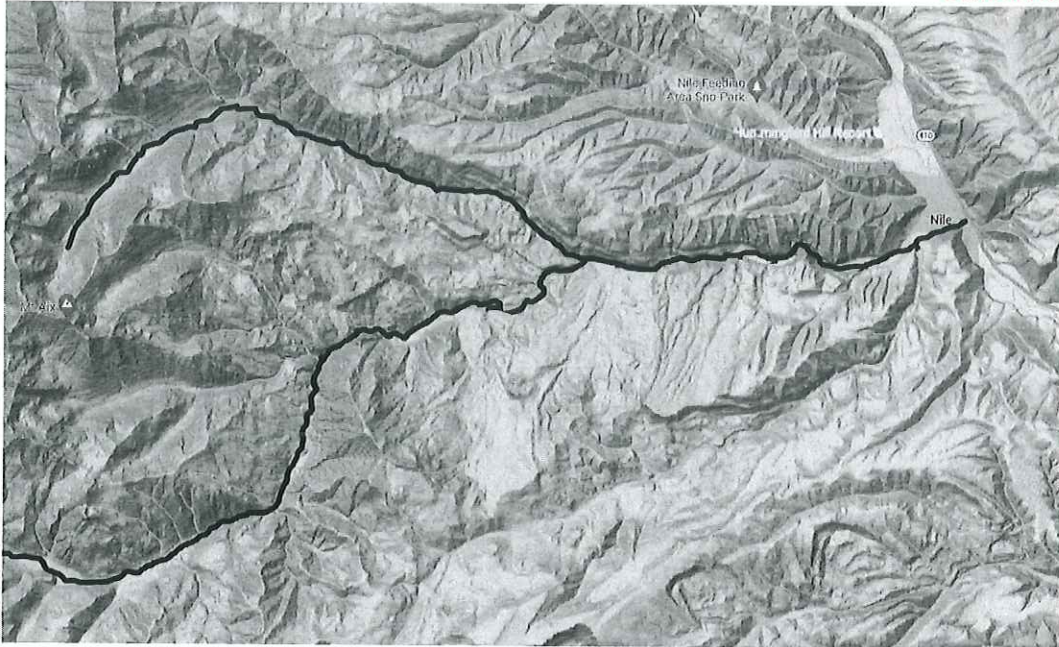
## Attachment Three: Rattlesnake Creek Side Channel

*A brief history of the side channel, and the support donated by many agencies.*

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Rattlesnake Creek flows untamed out of the William O. Douglas Wilderness, below Mt. Aix. It runs east towards the Nile and empties into the Naches River:

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Chinook salmon and Steelhead travel hundreds of miles from the Pacific Ocean to spawn in Rattlesnake Creek, but rising water temperatures making it challenging for them to reach this spawning ground. Recurring floods wash woody debris out of the wide creek channel, leaving less cover to protect young fish from predators.

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In 2010 we began a project to make our part of the Rattlesnake Creek drainage more hospitable for juvenile salmon: we built a mile long side channel through the dry forest parallel to Rattlesnake Creek. Our goal was to create a shaded environment with plentiful woody debris: young fish would enter from both the western upstream end (where water feeds in from Rattlesnake Creek) and from the eastern lower end (where side channel water returns to the creek):



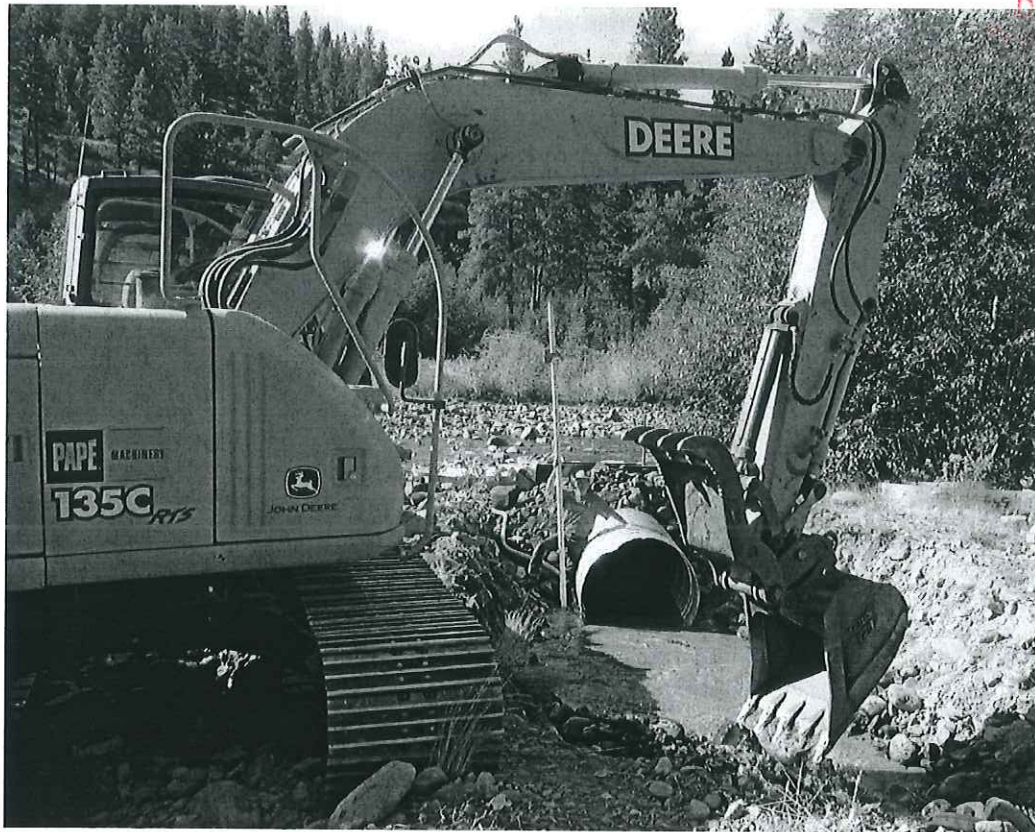
Creating this side channel posed a number of challenges. One was the daunting slew of permits required by numerous agencies. Fortunately Jennifer Nelson (WDFW) offered to prepare those complicated applications for us. Jon Kohr (WDFW) measured creek flows to determine how much water Rattlesnake Creek could spare, then DOE authorized a substantial new water right for the side channel. Gina McCoy (WDFW) helped with engineering design work.

A second challenge was plotting out the best winding path for the new side channel to take through the forest. Eric Bartrand (WDFW) and Todd Newsome (Yakama Nation) assisted with selecting an optimal route for fish and riparian habitat.



A third challenge was orchestrating the “big dig” to install headworks near the creek. Jenn Nelson (WDFW) guided us in applying for a grant from Washington State’s Salmon Recovery Funding Board. After detailed vetting by the Yakima Basin Fish & Wildlife Recovery Board, the State grant paid enough to have a local contractor do the trackhoe work:

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Later, when extensive repair work was needed after a major flood event, Todd Newsome (Yakama Nation) brought in a backhoe crew:





Both WDFW and the Yakama Nation helped with netting and electrofishing to safely move fish out of the way during construction:



Perry Harvester of WDFW has lent agency support to our side channel efforts. Mid-Columbia Fisheries Enhancement Group donated truckloads of rock and gravel to improve the fords:





Families of beavers quickly moved in and began constructing dams. DOE donated funds to have Beaver Dam Analogues (BDAs) installed to further spread out the waters and stimulate additional riparian growth. Connor Parrish (Mid-Columbia) organized the BDA crew with their hydraulic post pounder:



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Fourteen years later this side channel continues to evolve just like a natural creek. Beavers fell hundreds of cottonwoods and alders, build dozens of large dams and ponds and create secondary channels and springs:





Wildlife use the side channel habitat, including cougars, elk, deer, bear, heron, geese, harlequin ducks, kingfishers, owls, bull trout, salmon, crayfish, mink and water snakes:



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The side channel does require some human management. Inflow from Rattlesnake Creek is regulated by a headgate to keep flows within the permitted 6,289 AFY.

Rattlesnake Creek's impressive spring flood waters can wash away the wing dam that feeds the side channel and clog the intake with silt. Some years the repair work can be done by hand, other years call for a trackhoe with permit guidance from Eric Bartrand (WDFW):

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The side channel benefits are multiple and varied. Our initial goal (to build shaded complex habitat for juvenile salmonids) was easily achieved:



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Over the years the side channel has flourished as extensive riparian vegetation matures:





In early years we added woody debris to the channel by hand; these days beavers do most of that work. Their dams create acres of ponds, add to bank storage and raise the water table:

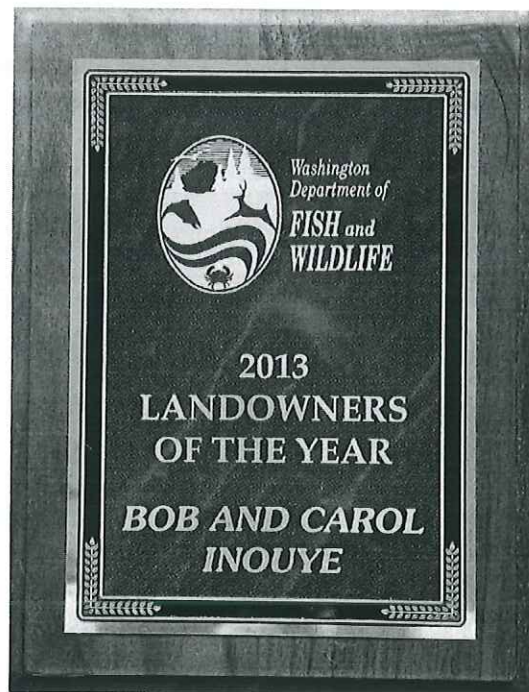


The sub-surface flows feed cooler water back into Rattlesnake Creek during hot summers. Surrounding areas grow denser vegetation including hundreds of young cottonwood trees, creating food and cover for herds of deer and elk.





WDFW recognized the side channel in 2013 with their *Landowners of the Year* award:



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These agencies have volunteered generous help, guidance and funding to create and improve the side channel:

Washington Department of Fish and Wildlife

Jennifer Nelson, Gina McCoy, Perry Harvester, Eric Bartrand, Jon Kohr, Mark Divens

Yakama Nation

Todd Newsome, Ralph Lampman

Washington State Department of Ecology

Mark Dunbar

Mid-Columbia Fisheries Enhancement Group

Margaret Newman, Rebecca Wassell, Connor Parrish and his crew

Salmon Recovery Funding Board

Kay Caromile

Yakima Basin Fish & Wildlife Recovery Board

Alex Conley



## Yakima County Water Conservancy Board

2301 Fruitvale Blvd.  
Yakima, Washington 98902  
(509) 454-5315

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Jeff Stevens, Chair Dave England, Member Dave Brown, Member Jamin Ankey, Alternate  
Member Jared McMeen

### SITE VISIT REPORT

Date of Inspection: February 19, 2024

Applicant Name: Bob Inouye

DOE No.:

YCWCB No.: YAKI 24-01

Inspector: David Brown, Jared McMeen

Applicant(s) Present: Bob Inouye

#### Existing Right:

#### Comment

Verified Point of  
Diversion/Withdrawal Yes No NA

Headgate or pump (type): Looked at both Rattle Snake ditch and new temporary diversions  
from creek

Type of Metering: Weir

Verified Place of Use Yes No NA

Crop Type: No crops just fish rearing habitat, stock watering

Irrigation Equipment: None

Obtained Water Use Data Yes No NA

Describe: Will supply in ROE

#### Proposed Change:

#### Comment



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Verified Point of  
Diversion/Withdrawal      Yes   No   NA

Headgate or pump (type):   Temporary River diversion

Type of Metering:   Weir

Verified Place of Use      Yes   No   NA

Crop Type:   No change, fish rearing and habitat stock watering

Irrigation Equipment:   No equipment , already in use

**Discussions with Applicant**

Discussed how his system work to supply side channels for fish rearing and habitat. Plus putting water in ground to have cooling

**Field Observations**

**Other Comments/Recommendations**



## Yakima County Water Conservancy Board

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