



STATE OF WASHINGTON
DRAFT
REPORT OF EXAMINATION
FOR WATER RIGHT APPLICATION

WR Doc ID 6806006

PRIORITY DATE	WATER RIGHT APPLICATION NUMBER
March 20, 2024	G4-36189

NAME AND MAILING ADDRESS	SITE ADDRESS (IF DIFFERENT)
Haybrook Land Holding, LLC PO Box 1359 Ellensburg WA, 98926	Look Road Ellensburg, WA, 98926 Kittitas County Parcel Nos. 10595, 10596, 10597, 10598 and 639136.

Total Rate and Quantity Authorized for Withdrawal	
WITHDRAWAL RATE (gpm)	ANNUAL QUANTITY (ac-ft/yr)
120	4.75 (1.428 CU)

gpm = Gallons per Minute; ac-ft/yr = Acre-feet per Year; Consumptive Use = CU

Attention: The consumptive use associated with this permit cannot exceed 1.428 ac-ft/yr.

Purpose(s)			
PURPOSE	WITHDRAWAL RATE (gpm)	ANNUAL QUANTITY (ac-ft/yr)	PERIOD OF USE
Multiple Domestic	120	4.75 (1.428 CU)	Continuous

IRRIGATED ACRES		PUBLIC WATER SYSTEM INFORMATION	
ADDITIVE	NON-ADDITIVE	WATER SYSTEM NAME and ID	CONNECTIONS
-	-	TBD	17

SPECIAL REMARKS:

This authorization is for indoor domestic use only. Mitigation for the project is being provided by SC Aggregate Water Bank under Trust Water Right No. S4-83658-J.

Source Location			
COUNTY	WATERBODY	TRIBUTARY TO	WATER RESOURCE INVENTORY AREA
Kittitas	Groundwater	-	Upper Yakima - 39

SOURCE NAME	PARCEL	WELL TAG	TOWNSHIP	RANGE	SECTION	QQ Q	LATITUDE	LONGITUDE
Well No. 1	10597	BPX114	18 N.	19 E.	30	NWSW	47.020638	-120.517499
Well No. 2	639136	BPX115	18 N.	19 E.	30	NWSW	47.020788	-120.515100

QQ Q = Quarter Quarter

Datum: NAD83/WGS84

Place of Use
PARCEL(S)
Kittitas County Parcel Nos. 10595, 10596, 10597, 10598 and 639136.

LEGAL DESCRIPTION OF THE AUTHORIZED PLACE OF USE

Parcel No. 10595 Legal Description: Lot 1, Haybrook No. 2 (Kittitas County Short Plat No. SP-94-26), as per short plat thereof recorded in Book D of Short Plats at Pages 235 and 236, Records of Kittitas County, Washington.

Parcel No. 10596 Legal Description: Lot 2, Haybrook No. 2 (Kittitas County Short Plat No. SP-94-26), as per short plat thereof recorded in Book D of Short Plats at Pages 235 and 236, Records of Kittitas County, Washington.

Parcel No. 10597 Legal Description: Lot 3, Haybrook No. 2 (Kittitas County Short Plat No. SP-94-26), as per short plat thereof recorded in Book D of Short Plats at Pages 235 and 236, Records of Kittitas County, Washington.

Parcel No. 10598 Legal Description: Lot 4, Haybrook No. 2 (Kittitas County Short Plat No. SP-94-26), as per short plat thereof recorded in Book D of Short Plats at Pages 235 and 236, Records of Kittitas County, Washington.

Parcel No. 639136 Legal Description: Parcel D1 of that certain survey recorded December 20, 2013, in Book 39 of surveys at pages 9 – 11, under Auditor’s File No. 201312200041, Records of Kittitas County Washington; Being a portion of the southwest quarter of Section 30, T. 18 North, R. 19 E.W.M., in the County of Kittitas, State of Washington.

All within the NW¼SW¼ and NE¼SW¼ of Section 30, T. 18 N., R. 19 E.W.M., within Kittitas County, Washington.

Proposed Works

The proposed project includes the buildout of a residential development that will occur over two phases. The first phase will be the development of a Group B Water System that will serve Parcel Nos. 10595, 10596, 10597 and 10598. The planning documents for the Group B Water System are currently pending with Washington State Department of Health. The second phase will be a second Group B Water System that will serve Parcel No. 639136. At full buildout, the two water systems will serve 17 equivalent residential units.

The five existing parcels (10595, 10596, 10597, 10598 and 639136) are currently going through the platting process with Kittitas County. Following approval of the proposed plats Parcel Nos. 10595, 10596, 10597 and 10598 will each be divided into two parcels while Parcel No. 639136 will be divided into 9 parcels. Preliminary plat applications (SP-22-00002, SP-22-00004, and LP-22-00003) and preliminary plat maps are included in the water right file.

The proposed water systems will be served by the property’s two existing groundwater wells which are completed in the Sedimentary Aquifer.

Development Schedule

BEGUN PROJECT BY THIS DATE	COMPLETE PROJECT BY THIS DATE	PUT WATER TO FULL USE BY THIS DATE
1/1/2026	1/1/2040	1/1/2046

Attention: These dates represent deadlines that must be met or risk cancellation of this authorization. Submittal of formal documentation for each stage is required. Extensions may be requested.

Measurement of Water Use	
HOW OFTEN MUST WATER USE BE MEASURED AND RECORDED?	Weekly
HOW OFTEN MUST WATER USE DATA BE REPORTED TO ECOLOGY?	Annually by January 31
WHAT QUANTITY SHOULD BE REPORTED?	Total annual quantity in acre-feet
WHAT RATE SHOULD BE REPORTED?	Annual peak rate of withdrawal in gpm

Provisions

Mitigation

Water use under this authorization is contingent upon the conveyance of an equal (1.428 acre-feet per year) amount of consumptive use from a suitable instream flow right (Trust Water Certificate No. S4-83658-J to the Washington State Trust Water Right Program (TWRP)).

During periods of water shortages, valid priority calls against the source for Trust Water Certificate No. S4-83658-J based on local limitations in water availability, may result in temporary curtailment of the use of the water available under the permit until the priority call for water ends.

Measurements, Monitoring, Metering, and Reporting

An approved measuring device must 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", chapter 173-173 WAC, which 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 (Ecology) for modifications to some of the requirements.

Recorded water use data shall be submitted electronically by January 31 each year. To set up an Internet reporting account, contact the Regional Office. If you do not have Internet access, you can still submit hard copies by contacting the Regional Office for forms to submit your water use data.

Wells, Well Logs, and Well Construction Standards

Wells will be drilled into the unconsolidated sand and gravel aquifer. All wells constructed in the state must meet the construction requirements of WAC 173-160 titled "Minimum Standards for the Construction and Maintenance of Wells" and RCW 18.104 titled "Water Well Construction." Installation and maintenance of an access port is required as described in WAC 173-160-291(3).

All wells (existing and proposed) must be tagged with a Department of Ecology unique well identification number. If you have an existing well and it does not have a tag, please contact the well-drilling coordinator at the regional Department of Ecology office issuing this decision. This tag must remain attached to the well. If you are required to submit water measuring reports, reference this tag number.

Water Use Efficiency

Use of water under this authorization will be contingent upon the water right holder's maintenance of efficient water delivery systems and use of up-to-date water conservation practices consistent with established regulation requirements and facility capabilities.

Proof of Appropriation

Consistent with the development schedule given in this report (unless extended by Ecology), the water right holder must file a Notice of Proof of Appropriation (PA) of Water with Ecology. The PA documents the project is complete and all the water needed has been put to full beneficial use (perfected). In order to verify the extent of water use under this permit, an inspection of water use is typically required,

known as a “proof exam”. After filing the PA, the water right holder’s next step is to hire a Certified Water Rights Examiner (CWRE) to conduct this proof exam. A list of CWREs is provided to the water right holder upon filing the PA with Ecology. The final water right document, a water right certificate, then may issue based upon the findings of the CWRE. Statutory county and state filing fees may apply prior to certificate issuance.

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.

Findings of Fact and Order

Upon reviewing the investigator’s report, I find all facts, relevant and material to the subject application, have been thoroughly investigated.

Therefore, I ORDER **APPROVAL** of Application No. G4-36189, subject to existing rights and the provisions specified above.

Your Right To Appeal

You have a right to appeal this decision to the Pollution Control Hearings Board (PCHB) within 30 days of the date of receipt. The appeal process is governed by chapter 43.21B RCW and chapter 371-08 WAC. “Date of receipt” is defined in RCW 43.21B.001(2).

To appeal, you must do all of the following within 30 days of the date of receipt of this decision:

- File your notice of appeal and a copy of this decision with the PCHB (see filing information below). “Filing” means actual receipt by the PCHB during regular business hours as defined in WAC 371-08-305 and -335. “Notice of appeal” is defined in WAC 371-08-340.
- Serve a copy of your notice of appeal and this decision on the Department of Ecology by mail, in person, or by email (see addresses below).

You must also comply with other applicable requirements in chapter 43.21B RCW and chapter 371-08 WAC.

Filing An Appeal

Filing with the PCHB

For the most current information regarding filing with the PCHB, visit: <https://eluhho.wa.gov/> or call: 360-664-9160.

Service on Ecology

Street Address:

Department of Ecology
Attn: Appeals Processing Desk
300 Desmond Drive SE
Lacey, WA 98503

E-mail Address:

ecologyappeals@ecy.wa.gov

Mailing Address:

Department of Ecology
Attn: Appeals Processing Desk
PO Box 47608
Olympia, WA 98504-7608

Authorizing Signature

Signed at Union Gap, Washington, this _____ day of _____, 2026.

Heather Simmons, Section Manager
Water Resources Program
Central Regional Office
Department of Ecology

HS:AR:jw (250139)

DRAFT

INVESTIGATOR'S REPORT

Water Right Application No.: G4-36189 (Haybrook Land Holding, LLC)

Investigator: Silas Sleeper and Tyson Carlson, Aspect Consulting

Reviewed by: Andrea Reyes and Michael Callahan, Department of Ecology

BACKGROUND

This report serves as the written findings of fact concerning Water Right Application Number G4-36189.

On March 20, 2024, Haybrook Land Holding, LLC (Haybrook) filed Application No. G4-36189 with the Washington State Department of Ecology (Ecology) requesting an appropriation of public groundwater. The applicant requested to withdraw an instantaneous quantity (Q_i) of 120 gallons per minute (gpm) and a cumulative annual quantity (Q_a) not to exceed 1.428 acre-feet per year (ac-ft/yr) consumptive use (CU), from two existing groundwater wells.

The proposed purpose of use is for domestic supply for two Group B water systems totaling 17 equivalent residential units (ERUs). Water use under the proposed appropriation will be for indoor use only and each ERU will not use more than 250 gallons per day (or 0.28 ac-ft/yr annually). Under the proposed project, water will be returned to the ground via an on-site septic system.

The application proposes to mitigate CU with Trust Water Right No. S4-83658-J held by SC Aggregate Company, Inc. The application would therefore be water budget neutral with respect to Total Water Supply Available (TWSA). No out-of-season and/or carry over impacts to TWSA are expected to occur. However, Ecology and the United States Bureau of Reclamation (USBR) Water Storage and Exchange Contract (No. 09XX101700) may be available to mitigate any out of season impacts as needed.

Table 1. Summary of Requested Water Right

Applicant Name	Haybrook Land Holding, LLC
Priority Date	March 20, 2024
County	Kittitas
WRIA	Upper Yakima – 39
Water Source	Groundwater
Place of Use	<p>Parcel No. 10595 Legal Description: Lot 1, Haybrook No. 2 (Kittitas County Short Plat No. SP-94-26), as per short plat thereof recorded in Book D of Short Plats at Pages 235 and 236, Records of Kittitas County, Washington.</p> <p>Parcel No. 10596 Legal Description: Lot 2, Haybrook No. 2 (Kittitas County Short Plat No. SP-94-26), as per short plat thereof recorded in Book D of Short Plats at Pages 235 and 236, Records of Kittitas County, Washington.</p> <p>Parcel No. 10597 Legal Description: Lot 3, Haybrook No. 2 (Kittitas County Short Plat No. SP-94-26), as per short plat thereof recorded in Book D of Short Plats at Pages 235 and 236, Records of Kittitas County, Washington.</p> <p>Parcel No. 10598 Legal Description: Lot 4, Haybrook No. 2 (Kittitas County Short Plat No. SP-94-26), as per short plat thereof recorded in Book D of Short Plats at Pages 235 and 236, Records of Kittitas County, Washington.</p> <p>Parcel No. 639136 Legal Description: Parcel D1 of that certain survey recorded December 20, 2013, in Book 39 of surveys at pages 9 – 11, under Auditor’s File No. 201312200041, Records of Kittitas County Washington; Being a portion of the southwest quarter of Section 30, T. 18 N., R.19 E.W.M., in the County of Kittitas, State of Washington.</p> <p>All within the NW¼SW¼ and NE¼SW¼ of Section 30, T. 18 N., R.19 E.W.M., within Kittitas County, Washington.</p>

Purpose	Instantaneous Rate (gpm)	Annual Quantity (ac-ft/yr)	Begin Season	End Season
Multiple Domestic	120	4.75(1.428 CU)	January 1	December 31

Source Name	Parcel	Well Tag	Township	Range	Section	QQ Q	Latitude	Longitude
Well No. 1	10597	BPX114	18 N.	19 E.	30	NWSW	47.020638	-120.517499
Well No. 2	639136	BPX115	18 N.	19 E.	30	NWSW	47.020788	-120.515100

WRIA = Water Resource Inventory Area; gpm = Gallons per Minute; ac-ft/yr = Acre-feet per Year; QQ Q = Quarter Quarter Datum: NAD83/WGS84

Cost Reimbursement

This application is being processed under a cost reimbursement agreement between the applicant and the Department of Ecology. This report has been prepared by Aspect Consulting and reviewed by Andrea Reyes with the Department of Ecology’s Water Resources Program.

INVESTIGATION

In consideration of the application, Aspect reviewed available documents pertaining to site conditions, local well logs, area water rights, project plans and the associated water demands. This includes

information submitted by the applicant and pertinent Ecology records including water right records and water resource policy and guidance documents.

The applicant, applicant's attorney (Jessica Kuchan) and water right consultants (Tyson Carlson and Silas Sleeper) attended a kickoff meeting with Ecology's Water Resources Staff (Andrea Reyes and Christopher Kossik) on February 2, 2025, to discuss the proposed project and mitigation suitability of the mainstem Yakima River water right, including local groundwater availability and potential impairment to senior water rights and Endangered Species Act (ESA)-listed species. Based on basin- and application-specific considerations Ecology determined that the project could advance directly to the Phase II of the Cost Reimbursement Process.

A site visit was completed on March 18, 2025. Silas Sleeper of Aspect Consulting walked the property with the applicant to confirm the location of the proposed points of withdrawals, and observe the proposed place of use.

Proposed Use and Basis of Water Demand

Site Description

This applicant owns approximately 25 acres situated in the SW¼ of Section 30, T. 18 N., R.19 E.W.M.,. The property (Figure 1) is located within the City of Ellensburg's Urban Growth Area. The property is bounded by Wilson Creek to the east and Look Road to the west. The property is relatively level and historically used to grow hay, silage, and pasture grass.

Proposed Use and Water System Description

The proposed project will be completed in two phases. The first phase will be the development of a Group B Water System that will serve Parcel Nos. 10595, 10596, 10597 and 10598. The second phase will be another Group B Water System that will serve Parcel No. 639136.

The five existing parcels (10595, 10596, 10597, 10598 and 639136) are currently going through the platting process with Kittitas County. Following approval of the proposed plats, Parcel Nos. 10595, 10596, 10597 and 10598 will each be divided into two parcels while Parcel No. 639136 will be divided into 9 parcels.

The entire project will supply a total of 17 ERUs and will be served by the property's two existing groundwater wells. The existing groundwater wells are equipped with a 5-horsepower submersible Goulds pump (Model No. 45GS50). Outdoor irrigation will be supplied by the Kittitas Reclamation District.

Under the proposed application, water use will be limited to 250 gallons per day per ERU (or 0.28 ac-ft/yr). Consumptive use is assumed to occur at 30 percent of total annual use consistent with the Upper Kittitas Groundwater Rule (Chapter 173-539A Washington Administrative Code (WAC)). Table 2 presents the total and consumptive water use proposed under the subject application.

Table 2. Total Water Use and Consumptive Water Demand

Parcel No.	ERUs	Gallons Per Day ¹	Total Annual Quantity (ac-ft/yr)	Consumptive Annual Quantity (ac-ft/yr CU)
10595	2	500	0.56	0.168
10596	2	500	0.56	0.168
10597	2	500	0.56	0.168
10598	2	500	0.56	0.168
639136	9	2,250	2.52	0.756
Total	17	4,250	4.76	1.428

¹The DOH Water System Design Manual (2020) states that the baseline water demand for indoor use is 200 gallons per day.

Other Rights Associated with Project or Place of Use

Ecology’s Water Resources Explorer and Geographic Water Information System (GWIS) databases were queried in consideration of overlapping water rights. In each case, the available online water right files were reviewed to determine if the identified water right is appurtenant to the proposed place of use. Excluding large area water right associated with the Yakima Project (i.e., KRD and Reclamation), the following water rights have places of use that overlap with that of Water Right Application No. G4-36189 (Table 3). No other water right applications were identified within the proposed place of use.

Table 3. Other Water Rights Overlapping the Place of Use

Record No.	Person or Organization	Priority Date	Purpose of Use	Record Type
G4-023567CL	3 Bar G Ranch Inc*	5/31/1950	Irrigation; Stock Watering	Claim - Long Form
G4-35799(D)P	Kittitas County	10/5/2015	Domestic Multiple	Superseding Permit
S4-84164-J	Willard	1871/04/19	Irrigation; Stock Watering	Adjudicated Certificate
S4-84166-J	Willard	1874/05/31	Irrigation; Stock Watering	Adjudicated Certificate

¹The authorized purpose of use for water right S4-84347-J includes: Domestic General; Domestic Single; Irrigation; Power; and Stock Watering.

Historically, S4-86184 has been used to irrigate the proposed place of use. In preparation for the upcoming project, the water right holder (Matt Wilard) temporarily donated a portion of S4-86184-J to the State Trust Water Right Program on September 12, 2024 (under tracking number CS4-84164-J). The temporary donation included the water right quantities historically used to irrigate the proposed place of use (Parcel Nos. 10595, 10596, 10597, 10598 and 639136).

Although the subject application includes indoor use only, future irrigation of the property will be provided by the Kittitas Reclamation District (KRD). The property is currently assessed for approximately 17 acres of KRD water. The breakdown of KRD assessments is included below in Table 4.

Table 4. KRD Water on Subject Property

Parcel No.	KRD Irrigatable Acres	Land Acres
10595	2	2.44
10596	2	2.38
10597	2	2.33
10598	2	2.27
639136	9	14.09
Total	17	23.51

Each of the 17 proposed lots are expected to have at least 0.5 acres of impermeable area due to construction of buildings, roads and driveways. The expected construction will reduce the total permeable area by 8.5 acres resulting in only 15 acres of permeable ground. Therefore, outdoor irrigation within the place of use can be fully satisfied by the existing KRD assessments.

Hydrogeologic Evaluation

Aspect completed a site specific hydrogeologic investigation (Aspect, 2025) in support of permitting a new groundwater right for the proposed project. The objective of the investigation was to evaluate legal and physical availability of groundwater, and whether local impairment of senior surface water rights, groundwater rights, or ESA-listed species would occur.

Based on the hydrogeologic investigation, it was determined that the subject wells are completed in the Sedimentary aquifer is includes the Thorp Gravels and Ellensburg Formation. This aquifer is laterally extensive across the subject property and Kittitas Valley. The Sedimentary aquifer ultimately discharges to the Yakima River system at the entrance to the Yakima River Canyon (River Mile 148).

Drawdown effects from pumping the proposed wells would reduce lateral groundwater flow in the Sedimentary aquifer which, in turn, would reduce baseflow downstream contribution to the Yakima River and impact TWSA. Therefore, the proposed wells completed in Sedimentary aquifer are considered to be in hydraulic continuity and competing for water with the mainstem Yakima River.

In addition, based on the site-specific hydrogeologic conceptual model presented in the technical memorandum, it was determined that groundwater in the source aquifer is physically available for appropriation and authorization of the proposed well will not impair nearby groundwater users, surface water, or ESA-listed species.

Mitigation Suitability

The subject application proposes to mitigation up to 1.428 ac-ft (CU) with water made available through Water Right No. S4-83658-J, held by SC Aggregate Company, Inc (SC Aggregate). The applicant has entered into a memorandum of agreement with SC Aggregate to permanently allocate the consumptive use portion of this permit to instream flow immediately following Ecology's approval of this Report of Examination.

The suitability of water rights for mitigation in Kittitas County are illustrated by the current mainstem Yakima River water right mitigation suitability map (as shown by Ecology Water Resource Explorer or Kittitas County Compass websites). The map indicates that the proposed place of use is in the green zone and suitable for mitigation with mainstem Yakima River water rights. No tributary-specific mitigation is required.

The appropriation proposed under the subject application will be water budget neutral by dedicating up to 1.428 acre-feet (CU) from water right No. S4-83658-J. The application is therefore water budget neutral with respect to Total Water Supply Available (TWSA).

ANALYSIS

Under Washington State law (RCW 90.03.290), each of the following four criteria must be met for an application for a new water right permit to be approved:

- Water must be available for appropriation.
- Water withdrawal and use must not cause impairment of existing water rights.
- The proposed water use must be beneficial.
- Water use must not be detrimental to the public interest (public welfare).

Water Availability

For any new appropriation, water must be both physically and legally available.

Physical Availability

For water to be physically available for appropriation, water must be present in quantities and quality and on a sufficiently frequent basis to provide a reasonably reliable source for the requested beneficial use or uses. An analysis of physical availability is required for both surface water and groundwater applications.

Based on the Well No. 1 pumping test and well yields documented on the well logs, each proposed point of withdrawal is capable of producing 60 gpm (120 gpm total). Therefore, based on the hydrogeologic setting, review of local well logs, and well-specific test results, groundwater is physically available from the Sedimentary aquifer.

Legal Availability

To meet the legal availability test, the proposed appropriation may not withdraw and use water that is already “spoken for”, such as water from sources that are protected by administrative rule or court order.

Primarily due to the influence of irrigation development and canal leakage, groundwater elevations are generally considered stable in the shallow Sedimentary Aquifer. In addition, the subject application proposes to mitigate year-round CU with 1.428 ac-ft/yr of reliable water enrolled in the TWRP under No. S4-83658-J. The trust water will be left instream in the mainstem Yakima River from the historic point of diversion, before being withdrawn from the project wells. Therefore, the subject application will be water budget neutral to TWSA. No out-of-season and/or carry over impacts to TWSA are expected to occur. However, Ecology and the USBR Water Storage and Exchange Contract (No. 09XX101700) is available to mitigate out-of-season of season impacts as needed. Based on this information and in consultation with the WTWG, water is determined to be legally available for appropriation.

Impairment

RCW 90.03.290 and RCW 90.44.060 require a determination that the change will not impair existing rights.

Using the reported aquifer parameters¹ by Aspect (2025) and the governing Theis equation (Theis, 1935), Aspect estimated the interference drawdown from pumping the proposed points of withdrawal on neighboring wells completed in the source aquifer. Aspect reviewed Ecology’s Well Report Viewer to locate the nearest non-project well completed the source aquifer. It was determined that the closest neighboring well to the proposed points of withdrawal is Well ID: 450596² which is located approximately 670 feet to the north of Well No. 1.

¹ Aquifer parameters documented in Aspect (2025) are as follows: Transmissivity = 170 ft²/day, Storativity = 0.001

² Well ID. 450596 is located on Kittitas County Parcel No. 18-19-30060-0014.

Although not documented on Ecology's Well Log Database, there are two residential homes (241 Look Road and 291 Look Road) located across the street from the proposed place of use. For the purposes of this impairment analyses we have assumed that these residential homes withdrawal water from a permit-exempt well completed in the same source aquifer as the proposed points of withdrawal.

The property boundary for the 291 Look Road property is approximately 350 feet west of Well No. 1. Assuming the well location for the 291 Look Rd is in compliance with Kittitas County Code 13.20.040, the well location is at least 50 feet away from all roads and property lines. Therefore, for the purposes of this impairment analyses the well associated with 291 Look Road is assumed to be at least 400 feet away from Well No. 1.

Using the Theis (1935) equation, the interference drawdown from continuously pumping the proposed point of withdrawal at the maximum withdrawal rate (120 gpm) for 30 days is approximately 35 feet for Well ID 450596 and 45.7 feet for the 291 Look Road Well. However, this analysis is considered conservative because continually pumping at 120 gpm would exhaust the annual quantity of the water right (4.75 ac-ft/yr) after approximately 9 days of pumping. Alternately, if the annual quantity was continuously withdrawn over one year that would equate to an average withdrawal rate of 3 gpm. The withdrawal of 3 gpm over one year would equate to an interference drawdown of less than 2 feet at both Well ID 450596 and the 291 Look Rd Well.

Considering that Well ID 450596 has over 100 feet of available drawdown, we conclude that although some interference drawdown is possible, no impairment of existing groundwater rights—either permit or permit-exempt—will occur in the source aquifer with full use of the requested quantity.

Additionally, the project well logs document a low permeability (confining) unit that is over 150 feet thick separating the source aquifer and nearby surface waters (e.g., Wilson Creek). Withdrawals from the subject aquifer will likely cause a small impact to local stream flows. The impacts will be greatly attenuated within the adjacent reach where streamflow is generally augmented by imported irrigation water, especially during the irrigation season. The capture of surface water does not constitute an adverse change in streamflow. Therefore, no impairment to local surface water is expected to occur.

The proposed water right transfer will be water budget neutral with respect to TWSA as measured at the Parker gage. The closest surface water body listed by Washington State Department of Fish and Wildlife (WDFW) database to have Endangered Species Act (ESA)-listed species is the adjacent reach of the Yakima River. However, because all mainstem impacts will be fully mitigated, no impairment of surface water, minimum instream flows, or ESA-listed species is expected to occur.

Beneficial Use

In the Supreme Court case *Ecology v. Grimes* (1993), the Court held that “for the purposes of appropriated water rights, ‘beneficial use’ has two elements: (1) the purposes or types of activities for which the water may be used and (2) the amount of water that may be used as limited by the principle of ‘reasonable use’ ”

In accordance with RCW 90.54.020(1), the proposed mitigated permit for multiple domestic supply is a beneficial use of water. As detailed on the Application for Permit and from project design and planning documents, the proposed new wells will be supported by the necessary infrastructure to deliver the full appropriation with the proposed development.

Public Interest

The withdrawal and associated use must not be detrimental to the public interest. At a minimum, the following are considered when making this assessment.

When investigating a water right application, Ecology is required to consider whether the proposal is detrimental to the public interest. Ecology must consider how the proposal will affect an array of factors such as wildlife habitat, recreation, water quality, and human health. The mitigating water right will be held in the TWRP, and the subject application will result in no net increase in consumptive use. Domestic use is a long-established public value in the Kittitas Valley and this development will contribute jobs, property tax, and sales tax revenue to Kittitas County public welfare (e.g. schools, roads). In addition, the proposed use of the water is in accordance with the fundamentals for utilization and management of State waters outlined in RCW 90.54.020.

There has been no public expression, protest, or concern regarding the subject proposal, and no findings through this investigation indicate that there would be any detrimental impact to the public welfare through issuance of the proposed appropriation.

Notification to the Washington Department of Fish and Wildlife

Per RCW 90.03.280 and 77.57.020, Ecology must give notice to the Washington Department of Fish and Wildlife (WDFW) of applications to divert, withdraw, use, or store water.

This project was presented to the Water Transfer Working Group (WTWG) on December 1, 2025. The WTWG includes private, federal, state (including Washington Department of Fish and Wildlife), and tribal representatives involved in water right changes within the Yakima Basin. The project received a “thumbs up” from the group; however, this approval was accompanied by a disclaimer from the Yakama Nation. Their stated concerns focus on the curtailment that occurred in October of 2025 and the potential need for a U.S. Bureau of Reclamation (USBR) storage and exchange contract for projects impacting the Yakima River below the Teanaway River.

State Environmental Policy Act (SEPA)

Under chapter 197-11 WAC, a water right application is subject to a SEPA threshold determination (i.e., an evaluation of whether there will be significant adverse environmental impacts) if any of the following conditions are met:

- It is a surface water right application for more than 1 cfs, unless that project is for agricultural irrigation, in which case the threshold is increased to 50 cfs, so long as that irrigation project will not receive public subsidies;
- It is a groundwater right application for more than 2,250 gpm;
- It is an application that, in combination with other water right applications for the same project, collectively exceed the amounts above;
- It is a part of a larger proposal that is subject to SEPA for other reasons (e.g., the need to obtain other permits that are not exempt from SEPA);
- It is part of a series of exempt actions that, together, trigger the need to do a threshold determination, as defined under WAC 197-11-305.

Considering that none of the above conditions are met, the application under review is categorically exempt from a SEPA threshold determination.

Public Notice

RCW 90.03.280 requires that notice of a water right application be published once a week, for two consecutive weeks, in a newspaper of general circulation in the county or counties where the water is to be stored, diverted, and used. Notice of this application was published in the Ellensburg Daily Record on April 15 and 22, 2025.

No protests to this water right application were received during the 30-day comment period.

Enhanced Tribal Consultation with the Yakima Nation

Water right application No. G4-36189, has undergone Enhanced Tribal Consultation with the Yakama Nation per a settlement agreement approved by the Pollution Control Hearings Board in September of 2021. This application was sent to the Yakama Nation on January 16, 2025, for a period of 35 days.

The Yakama Nation had no comments on application No. G4-36189 during the consultation period and Ecology considers consultation completed.

Conclusions

I find that:

- Water is physically and legally available.
- The appropriation will not impair existing rights.
- The proposed domestic use is a beneficial use.
- Approval of this application will not be detrimental to the public interest.

RECOMMENDATIONS

Based on the above investigation and conclusions, I recommend this request for a water right be **APPROVED** in the amounts and within the limitations listed below and subject to the provisions listed above.

Recommended Quantities, Purpose of Use, and Project Location

The rate and quantity of water recommended are maximum limits. The permit holder may only withdraw water at a rate and quantity within the specified limits that are reasonable and beneficial:

Table 4. Recommended Limits and Location

Maximum Instantaneous Rate (gpm)	120
Maximum Annual Quantity (ac-ft/yr)	4.75 (1.428 CU)
Purpose(s) of Use	Multiple Domestic
Point of Withdrawal	Two groundwater wells located in the NW¼SW¼ of Section 30, T. 18 N., R.19 E.W.M.,
Place of Use	Parcel No. 10595 Legal Description: Lot 1, Haybrook No. 2 (Kittitas County Short Plat No. SP-94-26), as per short plat thereof recorded in Book D of Short Plats at Pages 235 and 236, Records of Kittitas County, Washington. Parcel No. 10596 Legal Description: Lot 2, Haybrook No. 2 (Kittitas County Short Plat No. SP-94-26), as per short plat thereof recorded in Book D of Short Plats at Pages 235 and 236, Records of Kittitas County, Washington. Parcel No. 10597 Legal Description: Lot 3, Haybrook No. 2 (Kittitas County Short Plat No. SP-94-26), as per short plat thereof recorded in Book D of Short Plats at Pages 235 and 236, Records of Kittitas County, Washington. Parcel No. 10598 Legal Description: Lot 4, Haybrook No. 2 (Kittitas County Short Plat No.

	<p>SP-94-26), as per short plat thereof recorded in Book D of Short Plats at Pages 235 and 236, Records of Kittitas County, Washington.</p> <p>Parcel No. 639136 Legal Description: Parcel D1 of that certain survey recorded December 20, 2013, in Book 39 of surveys at pages 9 – 11, under Auditor’s File No. 20131220041, Records of Kittitas County Washington; Being a portion of the southwest quarter of Section 30, T. 18 N., R.19 E.W.M., in the County of Kittitas, State of Washington.</p> <p>All within the NW¼SW¼ and NE¼SW¼ of Section 30, T. 18 N., R.19 E.W.M., within Kittitas County, Washington.</p>
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Silas Sleeper, Aspect Consulting *Date*

Andrea Reyes, Ecology *Date*

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.

References

Aspect Consulting (Aspect), 2025, Water Right Application G4-36189 DRAFT Hydrogeologic Memorandum

Driscoll, F. G., 1986, Groundwater and Wells (2nd Edition), Johnson Screens, St. Paul, MN.

Theis, C.V., 1935, The relation between the lowering of the piezometric surface and the rate and duration of discharge of a well using ground-water storage, Transactions, American Geophysical Union 16: 519–524.

Vaccaro, J., Jones, M., Ely, D., Keys, M., Olsen, T., and Welch, W.B., 2009. Hydrogeologic Framework of the Yakima River Basin Aquifer System, Washington, USGS Scientific Investigations Report No. 2009-5152.

Waite, Richard B, Jr., 1979, Late Cenozoic Deposits, Landforms, Stratigraphy, and Tectonism in Kittitas Valley, Washington. Geological Survey Professional Paper 1127.



Note: The proposed place of use is within the NW¼SW¼ and NE¼SW¼ of Section 30, T. 18N., R. 19 E.W.M.

G4-36189 Water Right Map

Mitigated Water Right Application
 Haybrook Land Holding, LLC
 Kittitas County, Washington

	DEC-2024	REV: SSS / ---	FIG. NO. 1
	PROJ. NO. _____	REV. DT: --- / --- / ---	