



WR Doc ID: 6801403

STATE OF WASHINGTON REPORT OF EXAMINATION FOR WATER RIGHT CHANGE

Changed Place of Use
Added or Changed Point of Withdrawal

APPLICATION DATE	WATER RIGHT CHANGE APPLICATION NUMBER
October 6, 2015	CG4-35799(D)P

PRIORITY DATE OF PERMIT PROPOSED FOR CHANGE	PERMIT NUMBER PROPOSED FOR CHANGE
May 6, 2018	G4-35799(D)P

NAME AND MAILING ADDRESS	SITE ADDRESS (IF DIFFERENT)
KITTITAS COUNTY 205 W. 5 TH AVENUE, STE. 108 ELLENSBURG, WA 98926-2887	VARIOUS

Total Rate and Quantity Authorized for Withdrawal

WITHDRAWAL RATE (gpm)	ANNUAL QUANTITY (ac-ft/yr)
92.682 (non-additive)	149.6 (non-additive)

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

Attention: The total rate from all sources must not exceed the total authorized for withdrawal listed above. Additionally, total withdrawals authorized under all G4-35799-series of rights, authorized through the Over-the-Counter program (OTC), and through other Ecology-approved water banks managed by Kittitas County, must not exceed specific **permit** authorization limits nor the limits of the **OTC program** as agreed upon by the Water Transfer Working Group (WTWG).

Purpose(s)

PURPOSE	WITHDRAWAL RATE (gpm)	ANNUAL QUANTITY (ac-ft/yr)	PERIOD OF USE
Multiple Domestic (up to 467 residences)	92.682	149.6	Continuous

SPECIAL REMARKS:

Up to 262 residences under the County's "Package A" (0.092 acre-feet per year (ac-ft/yr) for indoor only).

Up to 205 residences under the County's "Package B-Upper" (0.112 ac-ft/yr for indoor year-round and 500 sq. ft. outdoor irrigation between May 1 and October 31 annually), **OR**

Up to 205 residences under the County's "Package B-Lower" (0.126 ac-ft/yr for indoor year-round and 500 sq. ft. outdoor irrigation between May 1 and October 31 annually).

Source Locations*

COUNTY	WATERBODY	TRIBUTARY TO	WATER RESOURCE INVENTORY AREA
KITTITAS	GROUNDWATER		39

Up to 467 wells in the Sediments Aquifer within the lower Kittitas County within Ecology's mapped boundaries (see **ATTACHMENT C**).

SECTION	TOWNSHIP	RANGE	WRIA	COUNTY
Portions of Sections 1-4, 11-12	16 N.	19 E.W.M.	39	KITTITAS
Portions of Sections 3-10, 14-18, 21-23	16 N.	20 E.W.M.		
Portions of Sections 1, 12	17 N.	17 E.W.M.		
Portions of Sections 1-18*, and 21-26	17 N.	18 E.W.M.		
Portions of Sections 1-36	17 N.	19 E.W.M.		
Portions of Sections 2-11, 13-23, and 28-34	17 N.	20 E.W.M.		
Portions of Sections 1-4*, 8-16, 22-26, and 35-36	18 N.	17 E.W.M.		
Portions of Sections 1-36	18 N.	18 E.W.M.		
Portions of Sections 2-11, 13-36	18 N.	19 E.W.M.		
Portions of Sections 17-21, and 28-34	18 N.	20 E.W.M.		
Portions of Sections 25-28, and 33-36	19 N.	17 E.W.M.		
Portions of Sections 19-21, 26-35	19 N.	18 E.W.M.		

***ATTACHMENTS D & E** more precisely identify the place of use limitations surrounding both Manastash and Taneum Creeks.

Place of Use

SECTION	TOWNSHIP	RANGE	WRIA	COUNTY
Portions of Sections 1-4, 11-12	16 N.	19 E.W.M.	39	KITTITAS
Portions of Sections 3-10, 14-18, 21-23	16 N.	20 E.W.M.		
Portions of Sections 1, 12	17 N.	17 E.W.M.		
Portions of Sections 1-18, and 21-26	17 N.	18 E.W.M.		
Portions of Sections 1-36	17 N.	19 E.W.M.		
Portions of Sections 2-11, 13-23, and 28-34	17 N.	20 E.W.M.		
Portions of Sections 1-4, 8-16, 22-26, and 35-36	18 N.	17 E.W.M.		
Portions of Sections 1-36	18 N.	18 E.W.M.		
Portions of Sections 2-11, 13-36	18 N.	19 E.W.M.		
Portions of Sections 17-21, and 28-34	18 N.	20 E.W.M.		
Portions of Sections 25-28, and 33-36	19 N.	17 E.W.M.		
Portions of Sections 19-21, 26-35	19 N.	18 E.W.M.		

Proposed Works

The proposed works will use a combination of single residence wells, independent, multiple residence wells, and Washington State Department of Health-defined and approved Group A and Group B wells, up to 467 sources to supply up to 467 residences. Depending on whether Package A, Package B-Upper, or Package B-Lower (described above) is being used, a mix of public water systems and individual or independent systems may be developed.

Development Schedule		
BEGIN PROJECT	COMPLETE PROJECT	PUT WATER TO FULL USE
Started	December 31, 2026	December 31, 2028

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

In determining a timeframe of the above development schedule, that is to say the amount of time for the applicant to implement the authorized use of water, a reasonable and just time was considered and allowed under the existing conditions to complete construction of the project. Sufficient time was also awarded in order for the applicant to collect water-use data to put the water to full beneficial use. The development schedule also reflects consideration of the cost and magnitude of the project and the potential engineering and physical features typically to be encountered.

Measurement of Water Use	
HOW OFTEN MUST WATER USE BE MEASURED?	Once each year during each the months of March, July, August, September, and October
HOW OFTEN MUST WATER USE DATA BE REPORTED TO ECOLOGY?	Annually
WHAT VOLUME SHOULD BE REPORTED?	Total annual quantity in acre-feet
WHAT RATE SHOULD BE REPORTED?	Annual peak rate of withdrawal in gpm

Provisions

A. Wells

1. The proposed wells and the right to use water from them are restricted to and authorized for groundwater withdrawals from the Sediments Aquifer.
2. All wells constructed in the state shall meet the "Minimum Standards of the Construction of Wells" (WAC 173-160) and "Water Well Construction" (RCW 18.104). In general, wells shall be located at least 100 feet from sources of contamination and at least 1,000 feet of the boundary of a solid waste landfill. Any well(s) which is unusable, abandoned, or is an environmental, safety, or public health hazard shall be decommissioned.
3. Installation and maintenance of an access port as described in WAC 173-160-29(3) is required for all new wells.
4. In addition to the required access port as described above for all new wells, the owner(s) of each new source shall install and maintain, in operating condition, an airline and pressure gage. The pressure gage shall be equipped with a standard tire valve and placed in a location accessible to Department of Ecology personnel. The airline shall extend from land surface to the top of the pump bowls and the total airline length shall be reported to the Department of Ecology upon completion of the pump system.
5. All wells shall 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 shall remain attached to the well. If you are required to submit water measuring reports, reference this tag number.

6. For wells 600 feet or closer to Type 1 and Type 2 stream and rivers, and natural wetlands, creeks, lakes, and ponds, Kittitas County Ordinance 2015-007 specifying well setback, casing, and sealing requirements, must be met.
7. New wells constructed under this authorization should observe a minimum 50-foot setback from property boundaries and other wells to minimize potential for well interference.

B. Measurements

1. Each water user shall install and maintain an approved measuring device for each of their uses in accordance with the rule, "Requirements for Measuring and Reporting Water Use," WAC 173-173.
2. Kittitas County shall monitor and analyze water-usage data at least once every year during each of the following months: March, July, August, September, and October.
3. 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.
4. 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.

C. Municipal Supply and Public Water Systems

1. Prior to any new construction or alterations of a public water supply system, the State Board of Health rules require public water supply owners to obtain written approval from the Office of Drinking Water of the Washington State Department of Health. Please contact the Office of Drinking Water prior to beginning (or modifying) your project at:

DOH/Division of Environmental Health
16201 E. Indiana Avenue, Suite 1500
Spokane Valley, WA 99216
Phone: (509) 329-2100

D. Schedule and Inspection

1. 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.
2. 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 when the permanent distribution systems have been constructed and the quantity of water required by the project has been put to full beneficial use. The PA documents the project is complete and all the 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 Right Examiner (CWRE) to conduct this proof exam. 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. 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. The certificate will reflect the extent of the project perfected within the limitations of the permit. Statutory county and state filing fees may apply prior to certificate issuance.

E. Real Estate Excise Tax

1. This decision may indicate a Real Estate Excise Tax liability for the seller of water rights. The Department of Revenue has requested notification of potentially taxable water right related actions, and therefore will be given notice of this decision, including document copies.

F. General Conditions

1. Any withdrawals permitted within the Manastash Creek subbasin must use Kittitas County's Amerivest and/or Williams' Trust Water Right Nos. CS4-01968sb11a(Bb) or CS4-01553sb11a(B), not to exceed 78.947 acre-feet in total.
2. Each water user (or group system) is required to maintain efficient water delivery systems and use of up-to-date water conservation practices consistent with RCW 90.03.005.
3. The water source and/or water transmission facilities are not wholly located upon land owned by the applicant. Issuance of a water right authorization by this department does not convey a right of access to, or other right to use, land which the applicant does not legally possess. Obtaining such a right is a private matter between applicant and owner of that land.
4. This authorization shall in no way excuse the permittee from compliance with any federal, state, or local statutes, ordinances, permits, or regulations, including those required and administered by other programs of Ecology.
5. You (applicant) will record with the Kittitas County Auditor, individual property covenants that restrict or prohibit trees or shrubs over any septic drain field(s).
6. You (applicant) will record with the Kittitas County Auditor an appropriate conveyance instrument under which the mitigation credit purchaser obtains an interest in Trust Water Right Nos. CS4-01676sb5d@2b(B), CS4-01676sb5d@3b(B), CS4-01968sb11a(Bb), or CS4-01553sb11a(B) by documenting purpose(s), water quantity, and place of use.
7. The quantity of mitigated water may not exceed the amount of water available under Trust Water Right Nos. CS4-01676sb5d@2b(B)-Roth, CS4-01676sb5d@3b(B)-Clennon, CS4-01968sb11a(Bb)-Amerivest, and CS4-01553sb11a(B)-Williams, nor exceed the availability of unused storage capacity to retain the Trust Water Right for later release.
8. Any valid priority calls against the sources Trust Water Right Nos. CS4-01676sb5d@2b(B)-Roth, CS4-01676sb5d@3b(B)-Clennon, CS4-01968sb11a(Bb)-Amerivest, and CS4-01553sb11a(B)-Williams based on local limitations in water availability, will result in temporary curtailment of the use of water under the permit until the priority call for water ends or until other suitable mitigation is provided.
9. As determined by the location of point of withdrawal (refer to Page 11 under heading, **Total Water Supply Available (TWSA) & United States Bureau of Reclamation (USBR) Water Exchange Contract (USBR Storage Contract)**), you (applicant) shall submit an appropriate sum to Ecology, which will represent a proportionate amount of the payment due and owing to the United States for storage and delivery of water under Paragraph 15(a) of the Long-Term Water

Storage and Exchange Agreement Between the United States and the State of Washington,
Department of Ecology: Yakima River Basin Project, dated January 29, 2009,¹ Contract

No. 09XX101700 (Storage Contract). The consumptive use from September 1 through March 31 is subject to the terms and conditions in the Storage Contract. Kittitas County will collect annual storage costs from each water bank user based on \$2.51 (average storage cost of Package A & B at \$22.00/year/cubic foot) per year, multiplied by the number of annual customers through an annual metering fee charged to future users. If Ecology determines the storage fee is to exceed the amount included in the metering fee, Kittitas County will modify annual fees as necessary.

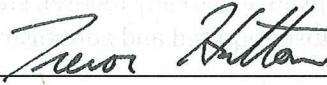
10. No construction shall occur over, in, or adjacent to (within 200 feet) any surface water body, to include year-round and seasonal streams, saltwater, lakes, ponds, or wetlands.

Findings of Fact

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 Change Application No. CG4-35799(D)P, subject to existing rights and the provisions specified above.

Signed at Union Gap, Washington, this 24th day of July, 2018



Trevor Hutton, Section Manager
Water Resources Program
Department of Ecology

¹ Long-Term Water Storage and Exchange Agreement Between the United States and the State of Washington of Washington, Department of Ecology, (Contract No. 09XX101700), https://fortress.wa.gov/ecy/wrx/fsvr/ecylcyfsvrxfile/WaterRights/wrwebpdf/exchangecontract_012909.pdf, accessed on May 21, 2018.

Your Right To Appeal

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

To appeal, you must do the following within 30 days of the date of receipt of the Order:

- File your appeal and a copy of this Order with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this Order to Ecology in paper form - by mail or in person (see addresses below). E-mail is not accepted.

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

Street Addresses	Mailing Addresses
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
Pollution Control Hearings Board 1111 Israel RD SW, Ste 301 Tumwater, WA 98501	Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903

For additional information visit the Environmental Hearings Office Website: <http://www.eho.wa.gov>

To find laws and agency rules visit the Washington State Legislature Website: <http://www.leg.wa.gov/CodeReviser>

BACKGROUND

This report serves as the written findings of fact concerning Water Right Change Application No. CG4-35799(D)P.

On May 7, 2018, Kittitas County submitted an application to the Department of Ecology (Ecology) to add points of withdrawal (POWs) and to change (add) the place of use (POU) under Ground Water Permit No. G4-35799(D)P. The application was accepted and was assigned Ground Water Change Application No. CG4-35799(D)P. The change in POWs and the change in POU are the result of the County's interest to expand the area within lower Kittitas County where a permit may be required for new domestic water use.

Table 1: Existing Water Right Attributes

Name on Water Right Document	Kittitas County
Priority Date	October 6, 2015
County	Kittitas
WRIA	39
Water Source	Up to 467 Wells
Period of Use	Continuous, year-round
Places of Use & Points of Withdrawal	SEE ATTACHMENT A
Instantaneous Quantity	92.682 gpm
Annual Quantity	149.6 ac-ft/yr

Table 2: Requested Water Right Attributes

Applicant Name	Kittitas County
Date of Application	May 7, 2018
County	Kittitas
WRIA	39
Water Source	Up to 467 Wells
Period of Use	Continuous, year-round
Places of Use & Points of Withdrawal	SEE ATTACHMENT A
Instantaneous Quantity	92.682 gpm
Annual Quantity	149.6 ac-ft/yr

Table 3: Authorized Water Right Attributes

Applicant Name	Kittitas County
Date of Application	May 7, 2018
County	Kittitas
WRIA	39
Water Source	Up to 467 Wells
Period of Use	Continuous, year-round
Places of Use & Points of Withdrawal	SEE ATTACHMENT B
Instantaneous Quantity	92.682 gpm
Annual Quantity	149.6 ac-ft/yr

INVESTIGATION

History of Water Use

On October 6, 2015, Ecology received an application for permit from Kittitas County, who holds an interest in the Roth, Clennon, Williams, and Amerivest Water Banks, and allow the County to provide mitigated water use to both permit-exempt and permit-required groundwater uses within Kittitas County. The application proposed mitigated, permitted use for multiple domestic use of up to 467 residences within lower Kittitas County. Subsequently, on January 31, 2017, Groundwater Permit No. G4-35799(D)P issued to the County for said use. Since the issuance of said Permit, approximately 17 uses have been permitted/mitigated through Permit No. G4-35799(D)P.

Proposed Changes

To meet Kittitas County demand for new, permit-exempt and permit-required domestic uses, the County acquired the whole of the existing Williams' water bank and portions of the existing Roth, Clennon, and Amerivest water banks to offset these new uses. Through the County's permits they seek to obtain groundwater mitigation permits to provide "mitigation certificates" to Kittitas County building-permit applicants whose new uses require a permit. This application for change proposes to add additional lower Kittitas County territory (places of use and areas for points of withdrawal) in order to provide permit-required uses to a bigger, future population based upon a better definition of the source aquifer. Therefore, in a unified effort with Ecology, Kittitas County filed a change application to Permit No. G4-35799(D)P with Ecology in order to add points of withdrawal and change (expand) the place of use so future landowners who need a mitigated permit, can comply with Kittitas County code 13-35-027, *Adequate Water Supply Determination: Permanent Measures*, (Ord. 2015-007, 2015), which states:

All new uses of ground water shall require either:

- 1) a letter from a water purveyor stating that the purveyor has adequate water rights and will provide the necessary water for the new use;
- 2) an adequate water right for the proposed new use; or
- 3) a certificate of water budget neutrality from the Department of Ecology or other adequate interest in water rights from a water bank.

No new use to which this chapter is applicable shall be approved without one of these required submissions.

Other Rights Appurtenant with Project or Place of Use

Ecology requires documentation of other water rights appurtenant to the proposed change in place of use so these water rights can be considered when Ecology evaluates water availability and impairment to exiting water rights. Since this change in place of use encompasses nearly the entire lower Kittitas County, hundreds of water rights overlap the same place of use. Water availability and any potential impacts to exiting users will be evaluated in the Hydrologic and Impairment sections below. Additionally, to that end, no other water right for domestic use will be used in conjunction with this Change Authorization.

ANALYSIS

Under Washington State statutory and case law, the following criteria must be assessed for a groundwater change.

- The proposed change and resulting water use must not cause impairment of existing rights.
- The existing right must not be enlarged.
- The water source must not change.
- The proposed change and resulting water use must not be detrimental to the public interest.

Impairment

In analyzing impairment, Ecology must consider the following in order to make a determination as to whether existing water rights, including prescribed instream flows, may be impaired by the proposed change:

- Potential impairment of water quantity and quality.
- Potential impairment of appropriative rights – would require a finding that a senior right would no longer have the ability to produce (at similar costs) their full allocation.
- Impairment of instream flows would be a finding of any anticipated reduction in flows during periods with prescribed flows.

In March 2018, the Central Regional Office's Water Resources' water master, Scott Turner performed historical research of Ecology's files in search for evidence of water shortage on Currier, Johns, Reecer, Dry, Robinson, and Badger Creeks. According to Mr. Turner, "After extensive research of the document and files at the Department of Ecology's Central Regional Office, it is my opinion that there has not been extensive priority regulation on Currier, Johns, Reecer, Dry, Robinson or Badger Creeks below the KRD canal. Approval of the withdrawal of domestic water from groundwater wells in the area will unlikely have an effect on the regulatory scheme of the above mentioned creeks."²

Total Water Supply Available (TWSA) & United States Bureau of Reclamation (USBR) Water Exchange Contract (USBR Storage Contract)

TWSA means the amount of water calculated by USBR to be available to the Yakima Project Water Users pursuant to the 1945 Consent Decree and the Acquavella Final Decree. The water is calculated as all of the estimated natural flow plus all of the stored water available to meet all demands. In order to accomplish this, USBR maintains instream target flows in the lower Yakima River at the Parker and Prosser, Washington stream-flow gauges between April 1 and October 31 annually.

All future water users who use this Change Authorization will have their consumptive use offset by the Kittitas County Water Bank trust water rights, which meet the TWSA neutrality requirement at the Parker stream-flow gauge. If any of the County's water banks do not fully mitigate for fall and winter fish targets, the USBR Storage Contract³ must be used. The combination of the USBR Storage Contract

² Scott Turner, memo to Candis Graff, Department of Ecology, Union Gap, WA, 07 June 2018.

³ The USBR Storage Contract, dated January 29, 2009, allows Ecology to utilize storage space in the Federal Yakima Project water storage reservoirs when available, to store up to 1,000 acre-feet of state trust water for re-timing and later release for mitigation or other purposes during the non-irrigation season or when needed.

and the Kittitas County Water Bank trust water rights should ensure that fall and winter fish targets are not impaired.

The USBR Storage Contract is expected to be applied in the following ways to the newly-permitted water uses:

- The Storage Contract will be applied to permitted water uses in upper Kittitas County above the confluence of the Teanaway and Yakima Rivers between the end of the trust water rights' authorized irrigation season and March 31 of the following year.
- The Storage Contract will not be applied to permitted water uses in lower Kittitas County below the confluence of the Teanaway and Yakima Rivers.⁴

Enlargement

A water right may not be enlarged through the change process. Ecology must evaluate the nature of the subject right and its historic use to determine the quantity of water that may be changed.

This proposal does not seek to increase water use.

Hydrogeologic/Hydrologic Evaluation

To meet the expectations of both the applicant and other water-right holders ("no impairment") competing for the same source of water, it is necessary to consider the hydrologic effects between older systems and the newer systems. Through this analysis, an understanding can be gained of the potential for the addition in places of use (POU), points of withdrawal (POW), and water systems to affect other water-right holders. Finally, a conclusion whether impairment would occur and what conditions might prevent it can then be formulated.

The following hydrogeologic/hydrologic sections were prepared by senior hydrogeologist, Kurt Walker, and seeks to address, by way of discussion, analysis, and evaluation, physical availability, and potential for impairment to existing water users.

Physical Water Availability (Walker, June 28, 2018)⁵

Ecology staff have generally reviewed the occurrence, behavior, and fate of groundwater within the requested place of use. The original permit authorizes withdrawals from a groundwater source, which will be referred to as "the sediment aquifer" for this report. This large aquifer is aerially extensive and geologically diverse. The aquifer is composed of the Ellensburg Formation, Thorp Gravel, and glacial deposits, with lesser amounts of recent alluvial material. It extends across the entire lower Kittitas valley and is bound horizontally and vertically by low permeable basalt. Aquifer characteristics vary by location, and are primarily controlled by the nature of deposition. Shallow portions of the aquifer are expected to display water table conditions, but with increasing depth there is a greater likelihood of encountering semi-confined to confining conditions. **ATTACHMENT F** (Sediment Aquifer Overview Map) represents the best understanding of the sediment aquifers aerial extent across lower Kittitas County. Groundwater from the requested sources are physically available throughout the aquifer; however, it

⁴ Ecology reserves the right to apply the Storage Contract in the reach below the Teanaway but above the Cascade Irrigation District diversion.

⁵ Kurt Walker, email to Candis Graff, Department of Ecology, Union Gap, WA, 28 June 2018.

should be noted that pumping capacity, and available and saturated thickness are variable and particularly limited along the margins of the aquifer. For additional information regarding the sediment aquifer the reader is referred to the original permitting decision, and other Ecology decisions in the area.

Same Source (Walker, June 28, 2018)

Ecology finds that much of the proposed place of use overlies the same body of public groundwater as currently authorized. **ATTACHMENT F** illustrates the best understanding of the aerial extent of the authorized groundwater source (body of public groundwater).

Public Interest

When investigating an application to change a groundwater right, Ecology must examine the impact(s) such a change will have on the public interest (RCW 90.44.100). Public interest includes issues such as harm to fish and wildlife, effects on endangered or threatened species, impacts to wetlands, recreation and water quality, or other concerns expressed by protesting and commenting parties. Public interest issues are commonly articulated in the form of protest letters; however, Ecology received no letters of protest.

Other Administrative Requirements

The following must be considered when evaluating a proposed water right change.

State Environmental Policy Act (SEPA)

Under WAC 197-11, 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.

The original application for Groundwater Permit No. G4-35799(D)P was not exempt from the above-referenced conditions due to the series of exempt and non-exempt actions; therefore SEPA review was also conducted for this application. A SEPA checklist was completed May 7, 2018, and a Mitigated Determination of Nonsignificance--Addendum (MDNS) was issued by the county on May 16, 2018.

Water Resources Statutes and Case Law

RD Merrill 137 Wn. 2d at 130 provides for a change to an unperfected groundwater right.

RD Merrill 137 Wn. 2d at 131 supports changes in well location(s) or place of use of the water, i.e. changes permitted under RCW 90.44.100, as long as they do not alter the original project or the quantity of water needed as authorized by the permit.

RCW 90.44.100 states that a ground water permit holder may construct wells or other means of withdrawal at a new location. The new well(s) may substitute or add to those at the original location.

RCW 90.44.100(1) states that a ground water permit can be amended to replace or add wells.

RCW 90.44.100(2) requires that the combined total withdrawal from the original well and any additional well shall not enlarge the right defined by the original permit or certificate and must tap the same body of public groundwater as the original well on the permit.

RCW 90.03.380(5)(b) states that applications relating to existing surface or groundwater rights may be processed and decision on them rendered independently of processing and rendering decisions on pending applications for new water rights within the same source of supply without regard to the date of filing of the pending applications for new water rights.

RCW 90.03.380 states that the point of diversion of water for beneficial use or the purpose of use may be changed, if such change can be made without detriment or injury to existing rights.

Priority Processing

This application is being priority processed because it qualifies under the criteria under which an application for change or transfer may be processed prior to competing applications (WAC 173-152-050), where the proposed water use would result in providing public water supplies to meet general needs of the public for regional areas.

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 Daily Record of Ellensburg, Washington on June 12 and June 19, 2018.

Consideration of Protests

No protests were filed against this application.

Conclusions

Ecology finds that:

- The proposed change will not impair existing rights.
- The proposed change will not result in an enlargement of the subject water right.
- The existing and proposed points of withdrawal draw water from the same source.
- Approval of this change application will not be detrimental to the public welfare.

RECOMMENDATIONS

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

Authorized Quantities, Purpose of Use, and Project Location

The total instantaneous and annual quantities authorized are maximum quantities between all Kittitas County G4-35799-related permits collectively. The permit holder may only withdraw water at a rate and quantity within the specified limits that are reasonable and beneficial:

Table 4: Approved Project Limits and Locations

Maximum Instantaneous Quantity (gpm)	92.682
Maximum Annual Quantity (ac-ft/yr)	149.6
Purpose(s) of Use	Multiple Domestic up to 467 residences
Points of withdrawal	SEE ATTACHMENT B
Place of Use	SEE ATTACHMENT B

Report Writer



Date

7-23-18

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.

ATTACHMENT A

EXISTING Permit-Authorized Points of Withdrawal and Places of Use

Portions of Sections 1-4, 11-12 in T. 16 N., R. 19 E.W.M.
Portions of Sections 3-10, 14-18, and 21-23 in T. 16 N., R. 20 E.W.M.
Portions of Sections 1, 3, 11-13, and 24 in T. 17 N., R. 18 E.W.M.
Portions of Sections 1-36 in T. 17 N., R. 19 E.W.M.
Portions of Sections 2-11, 13-23, and 28-34 in T. 17 N., R. 20 E.W.M.
Portions of Sections 1, 11-14, 23-27, and 34-36 in T. 18 N., R. 18 E.W.M.
Portions of Sections 2-11, and 13-36 in T. 18 N., R. 19 E.W.M.
Portions of Sections 17-21, and 28-34 in T. 18 N., R. 20 E.W.M., all within Kittitas County, Washington.

PROPOSED Permit-Points of Withdrawal and Places of Use

Portions of Sections 1-4, 11-12 in T. 16 N., R. 19 E.W.M.
Portions of Sections 3-10, 14-18, and 21-23 in T. 16 N., R. 20 E.W.M.
Portions of Sections 1-2, 11-14 in T. 17 N., R. 17 E.W.M.
Portions of Sections 1-18, and 21-26 in T. 17 N., R. 18 E.W.M.
Portions of Sections 1-36 in T. 17 N., R. 19 E.W.M.
Portions of Sections 2-11, 13-23, and 28-34 in T. 17 N., R. 20 E.W.M.
Portions of Sections 1-6, 8-16, 22-27, and 34-35 in T. 18 N., R. 17 E.W.M.
Portions of Sections 1-36 in T. 18 N., R. 18 E.W.M.
Portions of Sections 1-36 in T. 18 N., R. 19 E.W.M.
Portions of Sections 17-21, 28-34 in T. 18 N., R. 20 E.W.M.
Portions of Sections 20-21, 26-29, 32-36 in T. 19 N., R. 17 E.W.M.
Portions of Sections 26-36 in T. 19 N., R. 18 E.W.M., all within Kittitas County, Washington.

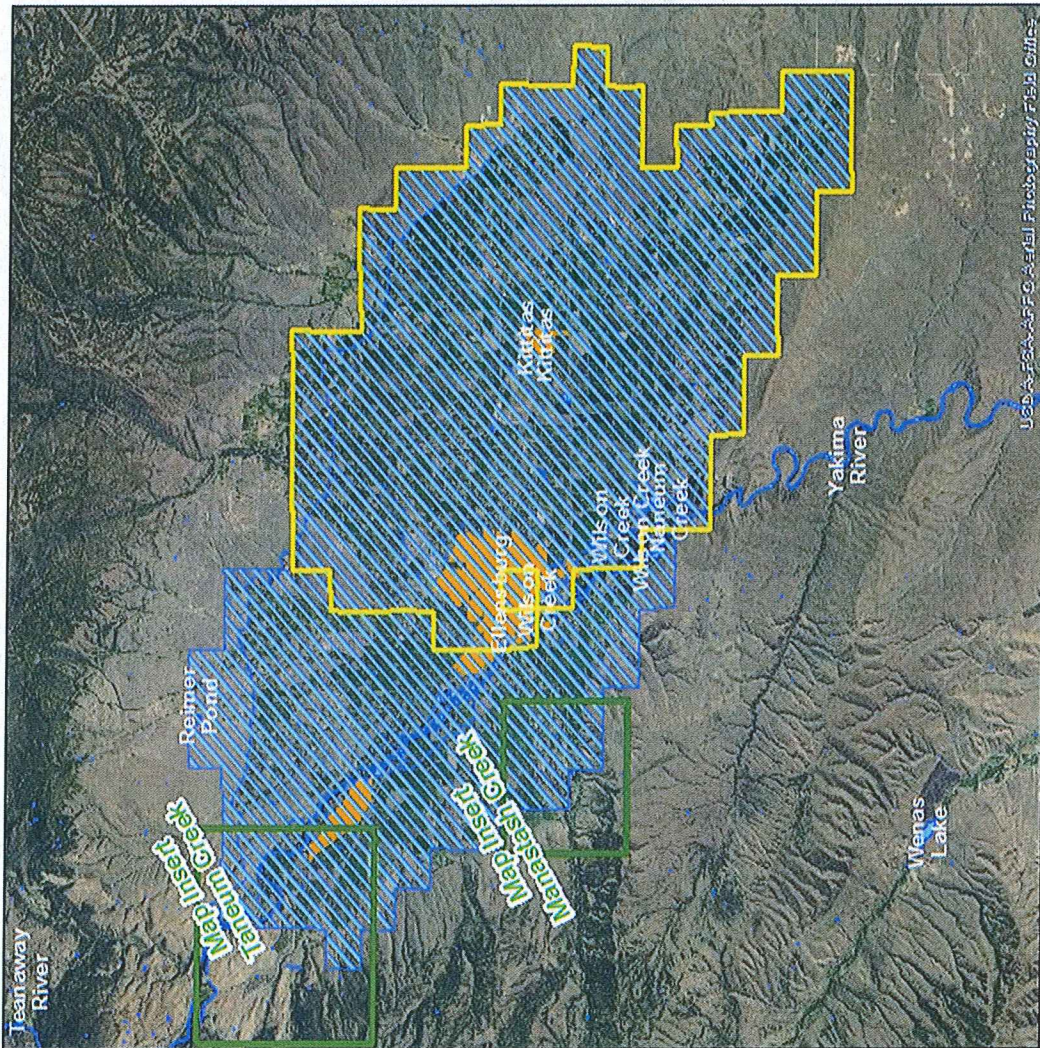
ATTACHMENT B

AUTHORIZED Change-Authorized Points of Withdrawal and Places of Use

Portions of Sections 1-4, 11-12 in T. 16 N., R. 19 E.W.M.
Portions of Sections 3-10, 14-18, 21-23 in T. 16 N., R. 20 E.W.M.
Portions of Section 1, 12 in T. 17 N., R. 17 E.W.M.
Portions of Sections 1-18, 21-26 in T. 17 N., R. 18 E.W.M.
Portions of Sections 1-36 in T. 17 N., R. 19 E.W.M.
Portions of Sections 2-11, 13-23, 28-34 in T. 17 N., R. 20 E.W.M.
Portions of Sections 1-4, 8-16, 22-26, 35-36 in T. 18 N., R. 17 E.W.M.
Portions of Sections 1-36 in T. 18 N., R. 18 E.W.M.
Portions of Sections 2-11, 13-36 in T. 18 N., R. 19 E.W.M.
Portions of Sections 17-21, 28-34 in T. 18 N., R. 20 E.W.M.
Portions of Sections 25-28, 33-36 in T. 19 N., R. 17 E.W.M.
Portions of Sections 19-21, 26-35 in T. 19 N., R. 18 E.W.M., all within Kittitas County, Washington.

KITTITAS COUNTY
CG4-35799(D)
LOWER KITTITAS COUNTY
WRIA 39 - Kittitas County

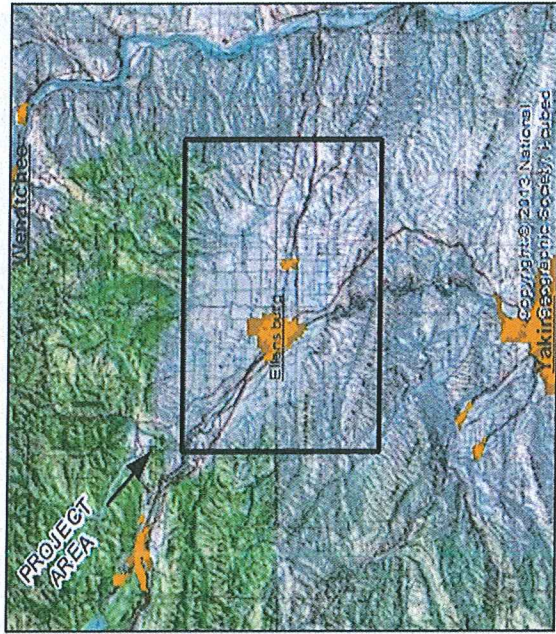
ATTACHMENT C



0 1.75 3.5 7 10.5 14 Miles
Basemap - (USDA NAIP Washington 2017)
Map Date: 7/9/2018
USDA APFO Aerial Photography Field Office

Comment:

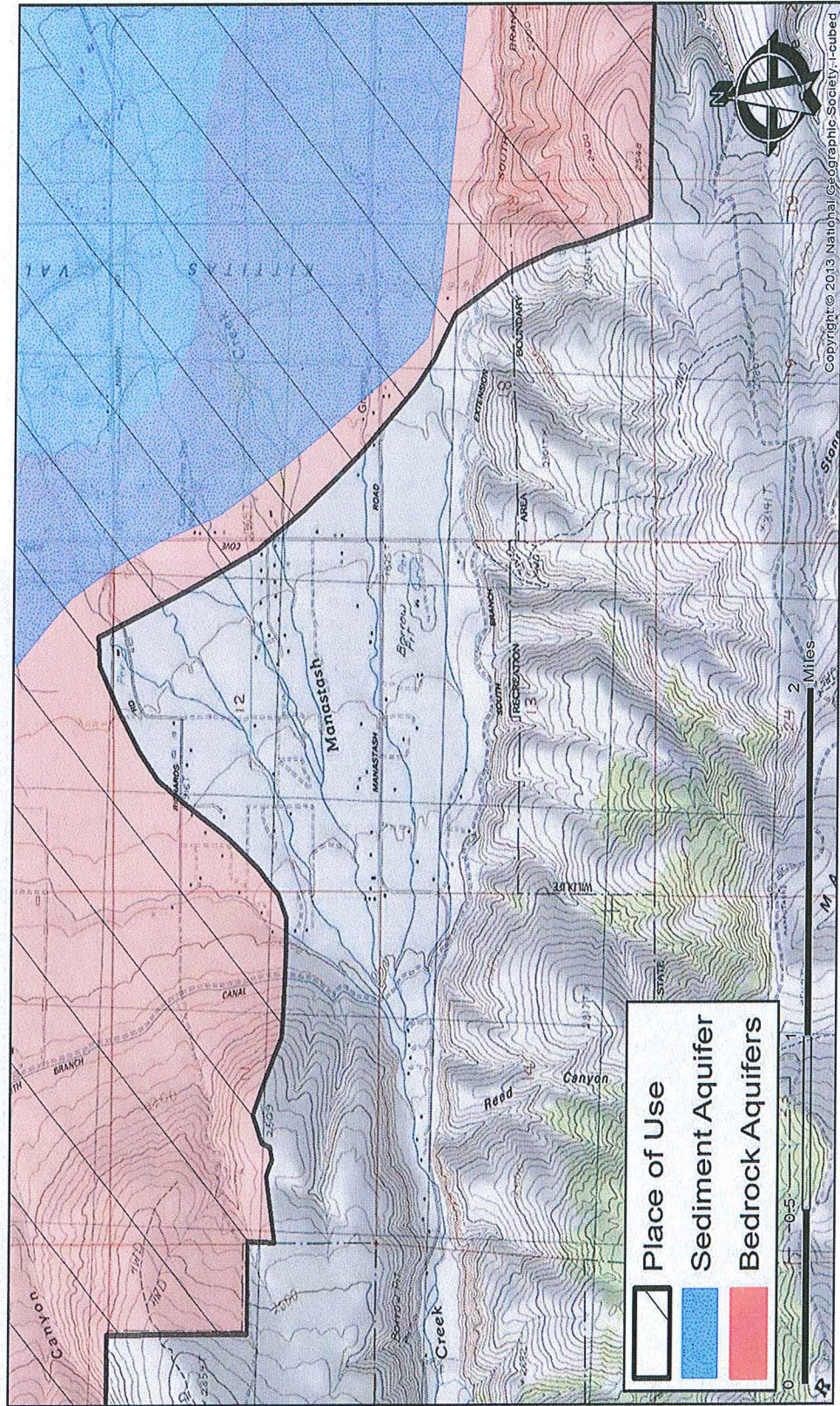
Place of use and source locations are as defined within the Report of Examination cover sheet for the document identified in the header above.



Legend
Authorized Changed Place of Use
City
Water Courses
Original Permit POU
Basemap - (ESRI US Topographic Maps)

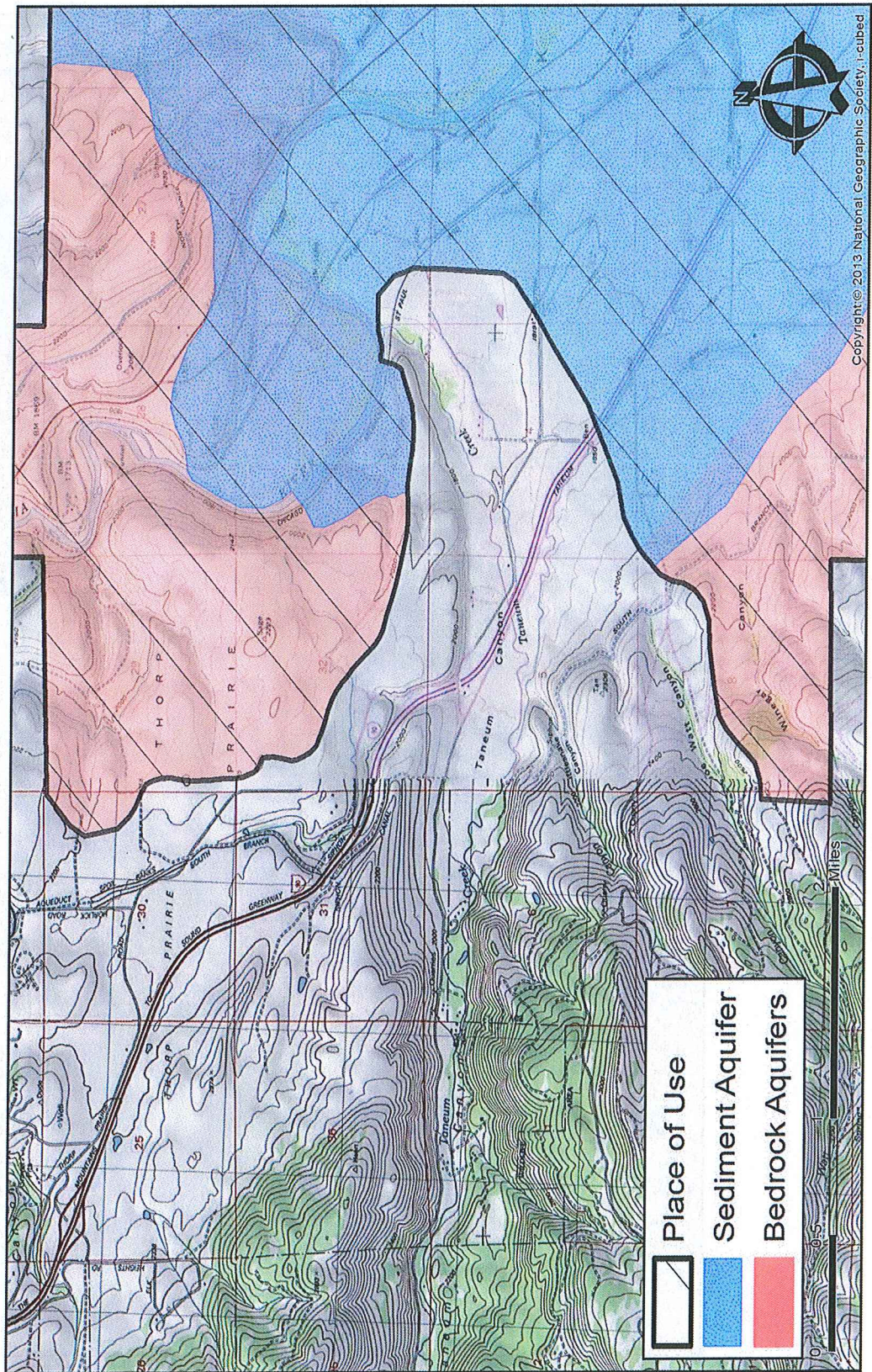
ATTACHMENT D

Manastash Creek Subbasin Boundaries



ATTACHMENT E

Lower Taneum Creek Watershed Boundary Outline



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ATTACHMENT F

Sediment Aquifer Overview Map

