

Water Transfer Working Group Meeting Minutes Monday, October 1, 2018, @ 1:00 PM

Attendees:

In the room: Chad Stuart, Stan Isley, Dave Brown, Scott Turner, Chris Kossik, Jolee Ramos, Stuart Crane, Jon Kohr, Chris Lynch, Larry Martin, Kerrie Mathews

On the phone: Meghan O'Brien, Mark Crowley, Tom Ring

- Approval of Minutes:

August 6, 2018 – The group approved the draft meeting minutes posted on the website.

Previous Business:

- **2018-25 – Brian Patton (CS4-01676sb5@7 (KITT-18-01)).** The applicant is proposing to place the right in the TWRP for instream flow and mitigation. The right was confirmed for 0.64 cfs, 173.2 ac-ft/yr, 27.3 acres for irrigation. There was a stock water portion that was not protected and has likely relinquished. It is a Class 16 right that originated in the Teanaway and was later changed. The right is not reliable past July 23rd. No mitigated use has been identified at this time, but availability will be considered in future mitigation. CIR was determined using the Penman-Monteith methodology, which identified irrigation requirements in April and October. These requirements were accounted for in May and September in the irrigation schedules provided. TIR is 103.78 ac-ft. The group discussed how to properly assign consumptive use outside of the authorized season of use. There was also discussion that local practice and the climate has changed as well. Additionally, there have been at least three changes on other portions of the claim. USBR has concerns based on the availability issue and the fact that imagery is not conclusive the water was applied consistently. Aspect noted that the right was confirmed in the Elk Heights subbasin adjudication in 2001, and there has not been non-use for a period of more than five years since then.

The issue of reliability was brought up again. The transfer does not add to target flows at Parker past July 23rd. The plan is for the full amount to be placed instream for mitigation, with the understanding that further permitting actions and the Trust Water Rights Agreement would note the availability limitations. Yakama Nation would like to see the decision definitively state the issue of reliability (i.e, the post-July 23rd portion of the right is not available for future mitigation use). **Thumbs up, with the reliability provision.**

New Business:

- **2019-01 - Gardner (G4-35988).** Chris Kossik presented. The proposal is for one residential connection at 275 gpd used year round with 500 square feet of lawn and garden irrigation, mitigated by Kittitas County's Roth right (CS4-01676sb5d@2b(B)). The exchange contract will be used to address out of season impacts (8/1-3/31). Erin Moore at Kittitas County has already talked to the applicant about making sure they drill their

well in the yellow zone, and the determination will also have a provision to that effect. Impacts, if the well is drilled there, are expected to hit the unnamed creek west of Tillman Creek and the Yakima River. Local mitigation is not needed. The questions raised about the proposal were: 1) who checks to see that the well is drilled in the correct area, and 2) why it was not being mitigated by the Burchak right. The Yakama Nation would like to see the provision added for curtailment if the Fish Instream Flow Treaty Right can't be met. **Thumbs up, with the possible future curtailment provision.**

- **2019-02 - Shupert (G4-35996).** Chris Kossik presented. The proposal is for one residential connection at 275 gpd used year round with 500 square feet of lawn and garden irrigation, mitigated by Kittitas County's Roth right (CS4-01676sb5d@2b(B)). The exchange contract will be used to address out of season impacts (8/1-3/31). The location is in the yellow zone, but it just outside of the green zone near Nelson Creek. WDFW says lower Nelson Creek has a lot of problems, but WDFW does not object to this proposal. Pumping impacts are expected to hit the Yakima River, possibly Nelson Creek. **Thumbs up.**
- **2019-03 - Wooden Shoe LLC (CS4-01180sb12@3, KITT-18-02).** Scott presented. There are a total of three changes related to the project this proposal is a part of. Ecology will likely request an extension for this Conservancy Board decision to continue its review. USBR mentioned they couldn't track the consumptive use and it didn't appear that historic return flow and consumptive use had been separated. Only consumptive use should be protected as additions to the Parker and Prosser instream flow targets. The instantaneous rate needs to be addressed (i.e., the split portions of the water right must add up to 2.16 cfs, not 2.18 cfs). Stan recommends using an efficiency factor of 75% to determine the historic consumptive use. They will retain a small portion of the water right for irrigation of 1.3 acres and continuous stock water, and the POU should be revised to define that small retained portion. The project won't carry anything more than the fallowed consumptive use past the Parker and Prosser gauges. Recommend this be brought back to the November meeting with revised numbers.

Other business:

- There is a conflict with the meeting room for the November 5th WTWG meeting time. WTWG will still be held at USBR, but Chad will confirm which room the meeting will be held in later.