

# Water Transfer Working Group Meeting Minutes

## Monday, February 1, 2020 @ 1:00 PM

### Attendees:

On Skype: Ben Car, Chris Kossik, Jenna Rushing, Scott Turner, Danielle Squeochs, Erin Eaton, Janine Empel, Jonathan Kohr, Justin Bezold, Kerrie Mathews, Larry Martin, Mark Crowley, Paul Dempsey, Samantha Cox, Stuart Crane, Urban Eberhart, Peter Dykstra

### New business:

- **2021-03 – Costea (G4-36104+).** Jenna Rushing presented. The proposal is for one residential connection with 500 square feet of lawn and garden irrigation, mitigated by Kittitas County's Roth right (CS4- 01676sb5d@2b(B)), originally diverted from the Teanaway River. The exchange contract will be used to address out of season impacts (8/1-3/31). The proposed withdrawals will have a relatively minor impact on local groundwater users and is expected to slightly reduce groundwater discharge to the main stem of Yakima River. However, withdrawals are not anticipated to negatively impact flows in Spex Arth Creek. There were questions regarding the impacts on the Yakima River, vs. Spex Arth Creek.  
**Thumbs up**
- **2021-04 – Ayres (G4-36105).** Jenna Rushing presented. The proposal is for one residential connection with 500 square feet of lawn and garden irrigation, mitigated by Kittitas County's Roth right (CS4- 01676sb5d@2b(B)), originally diverted from the Teanaway River. The exchange contract will be used to address out of season impacts (8/1-3/31). Withdrawals are expected to have down gradient impacts to the Yakima River and possibly Nelson Creek but will not cause impairment. John (WDFW) brought up concerns with the language "impairment" and isn't sure that this won't cause impairment, but with mitigation, he gives a thumbs up. **Thumbs up.**
- **2021-05 – WA State Parks and Recreation Commission (KITT-20-02 (CS4-84430-J) and KITT-20-03 (CS4-84502-J)).** Mark Crowley presented. The proposal is to move the current point of diversion (POD), which is a concrete and check board dam gravity diversion that creates a fish passage barrier during the irrigation season and low flows. Parks is working with the Kittitas County Conservation District (KCCD), Fish Barrier Removal Board (FBRB), and the Department of Fish and Wildlife (WDFW) to provide fish passage and screening on the Olmstead State Park. With assistance from a WDFW, Parks, KCCD, Bonneville Power Administration (BPA) FBRB, and a consulting engineer, a decision was made that moving the POD upstream to eliminate the need on an instream check dam structure was the best option. Moving the POD upstream allows irrigation water to be diverted out of the creek at a single location without creating a fish passage barrier, and reduces the need for a fishway

ladder. This also allows for less infrastructure in the creek. Additionally, the new POD will only require one fish screen, rather than two fish screens. Currently, the POD is located 200 feet north, and 800 feet west of the SW corner of Section 9, being within the SE¼SW¼SW¼ of Section 9, T. 17 N., R. 19 E.W.M. This is not where the current POD is actually located. The POD is actually located 500 feet west of the center of Section 9 (lat long: 46.978071; -120.469421). The new POD is located approximately 440 feet west and 500 feet north from the center of Section 9, being within the SE¼NW¼ of Section 9, T 17 N., R. 19 E.W.M. (lat long: 46.979387; -120.468952). Additionally, the irrigation method of the west side of the creek will also be converted from rill irrigation to sprinkler irrigation. Water diverted for rill irrigation has been measured as high as 8 cfs and the new sprinkler irrigation systems will use about 2 cfs. Moving the POD upstream may reduce the amount of water in the stream by 3.5 cfs, the creek will benefit from an increase of water up to 6 cfs in the 3,000 feet below the current POD.

Danielle (Yakima Nation) asked if the existing POD was a ministerial error. It looks like the court had confirmed the POD as it is currently. Also had questions about the savings of 6 cfs, and where the benefit is coming from. The benefit is coming from irrigation and return flows. Yakima Nation needs more time to review this proposal, but so fair gives a thumbs up. John (WDFW) agrees that this is a benefit to fish and gives a thumbs up. **Tentative thumbs up.**

- **2021-06 – Morris (KIT-20-08 (S4-85293-J)).** Justin Bezold presented. The proposal is to remove the Manashtash Creek water right from the place of use (POU) parcel and transfer it to the Washington Trust Water Rights Program (TWRP) for instream flow. Trout Unlimited (TU) acquired the right to improve instream flows and reduce withdrawals. TU has a PSA with the water right owners (Makenzie Jo and Tyler Morris), and has submitted an application to the Kittitas County Water Conservancy Board to change the place and purpose of use. The instream flow reach will extend from the POD to a stream reach as identified as a point of flows. The transfer is not for mitigation and is a primary reach change only. The project is TWSA neutral because the landowner will not increase acreage and will continue irrigation using Kittitas Reclamation District (KRD) water. The landowners understand that the new irrigation amount is limited to the 14 acres assessed by KRD. The consumptive use amounts (4.5 af/acre/avg.yr) is sufficient to meet the irrigation needs and the project will not result in any consumptive use increase in the Yakima Basin. Urban believes this will be positive and will work due to the use of water. There is no major water rights to take this water, easily protectable, and at no risk of being taken by the stream. **Thumbs up.**
- **2021-01 – Rosenberry (KIT-20-04 (CS4-83763-J)).** Paul Dempsey presented. The proposal is to transfer the applicants (Mr. and Mrs. Conner) purchased irrigation right (S4-83763-J) downstream on the Teanaway River to the proposed new/additional place of use (POU) on their farm. The applicants will not irrigate any portion of parcel no. 044835 at the currently authorized POU. Mr. and Mrs. Conner have agreed to the fallowing of 20 acres within the

POU to facilitate the proposed downstream transfer. The Conner's will continue irrigating with their retained right (S4-83763-J) within a modified upstream POU that will no longer include parcel no. 044835. In 2018, S4-83763-J was confirmed under CS4-00746sb3@6, by which the portions of the Conner family's predecessor water right was transferred to instream flow and trust purposes. The portion of S4-83763-J that was purchased by the applicants comes from the Conner's retained irrigation rights under the CS4-0074sb3@6 change authorization (the portion approved for transfer to instream flow is now recognized as S4-85353-J). Under this application, the applicants intend to rely on Ecology's findings under CS4-0074sb3@6. The applicants conducted a pre-application consultation with Ecology concerning the proposed downstream transfer. The applicants conferred with the Department of Fish and Wildlife (WDFW) and Kittitas County to identify acceptable locations for the new points of diversion (POD) in light of Teanaway River seasonal flow and fish habitat considerations. The shallow well is located away from the river about 240' from the ordinary highwater mark, WDFW and Kittitas County confirmed that neither the Hydraulic Project Approval (HPA) nor shorelines substantial development permit requirements will apply in this case. The construction on the diversion is expected to require a HPA permit. The applicants anticipate that the approvals will include metering and reporting conditions consistent with Ch. 173-173 WAV and Acquavella requirements to ensure that upstream and downstream diversions will not exceed the quantities under S4-83763-J.

John (WDFW) pointed out that some of the coordinates may be off, it was ensured that coordinates will be correct when going to the board. **Thumbs up.**

- **2021-02 – Rosenberry (KIT-20-05 (CS4-83764-J).** Paul Dempsey presented. The proposal is to transfer the applicants (Mr. and Mrs. Conner) purchased irrigation right (S4-83764-J) downstream on the Teanaway River to the proposed new/additional place of use (POU) on their farm. The applicants will not irrigate any portion of parcel no. 044835 at the currently authorized POU. Mr. and Mrs. Conner have agreed to the fallowing of 1 acre within the POU to facilitate the proposed downstream transfer. The Conner's will continue irrigating with their early season right (S4-83764-J) as well as their retained portions of the late season right within a modified upstream late season right POU that will no longer include parcel no. 044835. In 2018, S4-83764-J was confirmed under CS4-00746sb3@7, by which the portions of the Conner family's predecessor water right was transferred to instream flow and trust purposes. The portion of S4-83764-J that was purchased by the applicants comes from the Conner's retained irrigation rights under the CS4-0074sb3@7 change authorization (the portion approved for transfer to instream flow is now recognized as S4-85354-J). Under this application, the applicants intend to rely on Ecology's findings under CS4-0074sb3@7. The applicants conducted a pre-application consultation with Ecology concerning the proposed downstream transfer. The applicants conferred with the Department of Fish and Wildlife (WDFW) and Kittitas County to identify acceptable locations for the new points of diversion (POD) in light of Teanaway River seasonal flow and fish habitat considerations. The shallow well is located away from the river about 240' from the ordinary highwater mark, WDFW and Kittitas County confirmed that neither the Hydraulic Project Approval (HPA) nor

shorelines substantial development permit requirements will apply in this case. The construction on the diversion is expected to require a HPA permit. The applicants anticipate that the approvals will include metering and reporting conditions consistent with Ch. 173-173 WAV and Acquavella requirements to ensure that upstream and downstream diversions will not exceed the quantities under S4-83764-J.

John (WDFW) thinks that the project looks good and brings benefits to fish, gives thumbs up. Overall, the group thinks that requesting that the POU modification to eliminate a parcel will keep things much cleaner. **Thumbs up.**

Other business:

- None