

Water Transfer Working Group Meeting Minutes Monday, November 4, 2019, @ 1:00 PM

Attendees:

In the room: Paul Dempsey, Scott Turner, Ben Carr, Chris Kossik, Jolee Ramos, Chuck Garner, Stuart Crane, Tom Ring, Danielle Squeochs, Erin Moore, Samantha Cox, Jeff Slothower, Stan Isley, Ben Floyd, Jon Kohr; David Reavill

On the phone: Greg Wendt, Mark Crowley, Jeff Schuster, Dave Nazy, Jerrod McPherson

Approval of Minutes:

- October 7, 2019 – The group approved the draft meeting minutes posted on the website, with the following adjustment to the notes for 2020-02 through 2020-06:

“WDFW noted that some of these areas are adjacent to irrigated parcels and wanted to know what steps were being taken to make sure no irrigation beyond what is authorized was occurring under these rights.”

Previous Business:

- 2019 Lower Kittitas County Green Zone Update. WDFW would still like to review the hydrogeologic information with Kurt Walker, particularly regarding the expansion into the shrub steppe, but there are no objections. **Thumbs up.**

New Business:

- **2020-08 – Hickox (G4-36052).** Chris Kossik 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)). Total consumptive use is 0.112 acre-feet per year (ac-ft/yr). The Exchange Contract will be used to address out of season impacts from 8/1 to 3/31. Groundwater withdrawals are expected to impact the Yakima River. The place of use and point of withdrawal are within the Spex Arth basin, but are unlikely to impact the stream. Impacts are not expected to cause impairment. **Thumbs up.**
- **2020-09 – O’Neal (G4-36058).** Chris Kossik presented. The proposal is for one residential connection with 500 square feet of lawn and garden irrigation, mitigated by Swiftwater Ranch (CS4-02255(A)CTCL@2). Total consumptive use is 0.137 ac-ft/yr. The Exchange Contract will be used to address out of season impacts from 9/1 through 3/31. Groundwater withdrawals are expected to impact Domerie Creek and the Cle Elum River. The group discussed the information included in the review of the local hydrogeology. The group requested that the information note only whether the impacts would or would not impair. Stan Isley noted the original SwiftWater Ranch water right doesn’t have full season availability each year. The group discussed how the water bank water amounts available to use for mitigation are based on the Trust Water Rights Agreements, and consideration of seasonal availability is taken into account in quantifying the water available for mitigation use. Scott additionally noted that Ecology

appreciates the opportunity to research questions ahead of time where Ecology may be able to bring the information to the meeting. **Thumbs up.**

- **2020-10 – Bolender (G4-36060).** Chris Kossik presented. The proposal is for one residential connection and 500 square feet of lawn and garden irrigation, mitigated by New Suncadia (CS4-YRB03CC02255). Total consumptive use is 0.112 ac-ft/yr. The Exchange Contract will be used to address out of season impacts from 9/1 through 3/31. Withdrawals are expected to impact the unnamed creek west of Tillman Creek and the Yakima River. The impacts are not expected to cause impairment. The well is completely outside of the Tillman Creek Basin. WDFW noted that the unnamed creek flows into Tillman Creek, but that the unnamed creek includes KRD canal loss and return flow. Yakama Nation provided historical information on an agreement to move a small portion of flows from the unnamed creek into the lower portion of Tillman Creek. Uses approved could be curtailed if this agreement is altered, but the location is very close to the green zone. **Thumbs up.**
- **2020-11 and 2020-12 – Son Vida II, LLC (CS4-84154-J and CS4-84283-J).** Jeff Slothower presented both proposals together. These rights were confirmed in the Subbasin 9 Conditional Final Order (CFO) as part of the *Acquavella* adjudication. Son Vida's rights are split off from the remainder of the right. The historic POD is different than the location that was confirmed in the CFO, and is ¼ of a mile downstream from the confirmed POD. The historic POD has been used since the 1950s and these changes are filed simply to correct an error made in the course of the adjudication and to correctly describe the location of the POD. The water right comes from a branch of Naneum Creek (called either Mercer Creek or Dry Creek). WDFW questioned if the confirmed POD would continue to be used and asked if the POD is screened. The remainder of the right may be diverted at the confirmed POD and is not screened at this time. WDFW would like to see that the Qi is appropriate to prevent expansion of the Son Vida II rights. Yakama Nation noted WTWG may not be the appropriate place to evaluate this. Jeff noted that once the CFO has been entered, the judges won't reopen them, so a correction to a POD has to go through the change/transfer process with Ecology. The Group wanted to know if the adjudicated certificates have already been recorded. Jeff noted that although the change apps were filed prior to the fee request letter being mailed, the adjudicated certificates will reflect the confirmed POD. Superseding certificates will then need to be recorded if the historic POD is approved. The Group also discussed how the larger rights were divided. **Thumbs up to both.**
- **Benton County Rural Water Program.** Ben Floyd and Dave Nazi presented. The Program is focused on just the Yakima Basin portion of Benton County. The Program is sized to meet the County's growth projections in the comp plan for the next twenty years, although the Program is expected to run longer. Ben provided details of the Program:
 - The history of the comp plan and the issues leading up to the Program proposal
 - Details of the Program and projected population growth and water demand
 - The Program won't use the Exchange Contract
 - Mitigation Water package options

- Metering is required as part of the Program and is paid for by the applicants.
- There is a one-time fee for the package, but an annual metering charge.
- County administrative costs are subject to change
- Future tasks to get the Program running
 - Code language update
 - To the Benton Planning Commission in December
 - Work with Ecology on the Trust Water Agreement

WDFW raised questions about the ESA-listed species in Spring, Snipes, and Corral Creeks. Ben noted that the creeks are supplemented by irrigation district irrigation water spills and return flows and they don't believe the County is legally required to account for that through this Program. Yakama Nation discussed the evapotranspiration consumptive use quantification and requested clarification of the assumptions based on the drainage areas. **Thumbs up.**

Other business:

- Kittitas County requested the addition of the expanded green zone to their Over-The-Counter Program, since the 2019 Green Zone Expansion was approved. **Thumbs up.**
- Starting January of 2020, WTWG meetings will be held at Ecology.