



# Yakima County Water Conservancy Board

402 East Yakima Avenue, Suite 360  
Yakima, Washington 98901  
(509) 574-2650

**RECEIVED**

January 16, 2024

JAN 25 2024

Dept. of Ecology  
Central Regional Office

Washington State Department of Ecology  
1250 West Alder Street  
Union Gap, Washington 98903

RE: TRANSMITTAL OF NEW APPLICATION – YAKI-01-24  
ROBERT AND CAROL INOUE

Gentlemen:

Attached is a new application which came before the Yakima County Water Conservancy Board at its regularly scheduled on Thursday, January 11, 2024. The Board approved the application is will conduct it's review at it's next scheduled meeting.

The Water Conservancy number assigned is: YAKI-01-24

For questions or concerns, please feel free to contact the Clerk of the Board at (509) 388-4589.

Sincerely

*Sylvia E. Cervantes*  
Sylvia E. Cervantes  
Clerk of the Board

**RECEIVED**

JAN 25 2024

Dept of Ecology  
Central Regional Office



January 16, 2024

Washington State Department of Ecology  
1250 West Alder Street  
Union Gap, Washington 98903

RE: TRANSMITTAL OF NEW APPLICATION – YAKI-01-24  
ROBERT AND CAROL INOUE

Gentlemen:

Attached is a new application which came before the Yakima County Water Conservancy Board at its regularly scheduled on Thursday, January 11, 2024. The Board approved the application is will conduct it's review at it's next scheduled meeting.

The Water Conservancy number assigned is: YAKI-01-24

For questions or concerns, please feel free to contact the Clerk of the Board at (509) 388-4589.

Sincerely

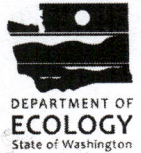
Sylvia E. Cervantes  
Clerk of the Board

*Sylvia E. Cervantes*



# Application for Change/Transfer of a Water Right

Form No. ECY 040-1-97 (Rev 01/2023)



- We strongly encourage applicants to seek pre-application consultation prior to applying.
- Refer to accompanying guidance to complete this form.
- Incomplete applications will be returned.
- All fees are non-refundable (RCW 90.03.470(13)).

**RECEIVED**

JAN 25 2024

Dept. of Ecology  
Central Regional Office

## Processing option you are choosing:

☐ **Standard Processing**

(Department of Ecology)

A minimum \$50 fee is required to apply. Additional fees may apply. Drought applications are exempt.

☐ **Cost Reimbursement**

**Processing** (Ecology Contractor)

Contact Department of Ecology to obtain information on fees for this option.

☒ **County Water Conservancy Board Processing**

(not available in all counties)

Fees charged by boards vary. Consult with the appropriate board to determine the fee.

## Where to mail your application:

Submit all applications for Department of Ecology and Cost Reimbursement processing to the Ecology's Cashiering Section address below. County Water Conservancy Board applications should be submitted directly to the appropriate board, if one exists.

DEPARTMENT OF ECOLOGY  
CASHIERING SECTION  
PO BOX 47611  
OLYMPIA, WA 98504-7611

Check the box for the region where your project is located.

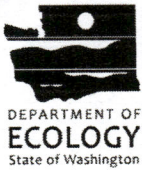
- ☒ Central Region  
☐ Eastern Region  
☐ Northwest Region  
☐ Office of Columbia River (OCR)\*  
☐ Southwest Region



\* OCR has jurisdiction for designated OCR projects, and new projects located within one mile of the Columbia River.

To request ADA accommodation including materials in a format for the visually impaired, call Ecology Water Resources Program at 360-407-6872. People with impaired hearing may call Washington Relay Service at 711. People with speech disability may call TTY at 877-833-6341.





# WATER RESOURCES PROGRAM

## Application for Change/Transfer of a Water Right

For Ecology Use  
**RECEIVED**  
Date Stamp  
**JAN 25 2024**  
Dept. of Ecology  
Central Regional Office

A minimum filing fee of \$50.00 is required for most applications. Additional fees may be required.

**YAKI-24-01**

I am applying to (check all that apply):

- ☐ Change purpose(s) of use  
☒ Add purpose(s) of use or acres  
☒ Change/transfer place of use  
☒ Change point(s) of diversion/withdrawal  
☐ Add point(s) of diversion/withdrawal  
☐ Add or modify period of use  
☐ Other (i.e., consolidation, intertie, trust water)  
Describe:

No filing fee is required for applications for:

- ☐ Drought  
☐ Cost Reimbursement Processing  
☒ Water Conservancy Board Processing

County: **YAKIMA**

**YAK**

### FOR OFFICIAL USE ONLY

DATE APPLICATION RECEIVED

CHECK NO.

FEE \$

DATE ACCEPTED

BY

CHANGE NO.

COUNTY

WRIA

SPECIAL AREA

SEPA: ☐ EXEMPT ☐ NOT EXEMPT

ECY CODING: 001-002-WR10285-000011

DOC ID NO: \_\_\_\_\_

APP NO.

PERMIT NO.

CERT NO.

CERT OF CHG NO.

Date of pre-application consultation with Ecology: **7-12-2023**

Ecology staff contact: **Jolee Ramos**

## 1. Water Right Information

WATER RIGHT OR CLAIM NUMBER <b>54-83445-J</b>		RECORDED NAME(S) <b>Robert &amp; Carol Inouye</b>	
HAS THE WATER BEEN USED AS DESCRIBED ON YOUR WATER RIGHT DOCUMENT IN THE LAST FIVE (5) YEARS? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO			
WATER RIGHT OWNER <b>Robert &amp; Carol Inouye</b>		PHONE NO. <b>509 426-0497</b>	ALT PHONE NO. <b>509 658-2024</b>
ADDRESS <b>1780 Nile Rd.</b>			
CITY <b>Naches</b>		STATE <b>WA</b>	ZIP CODE <b>98937</b>
EMAIL ADDRESS (IF AVAILABLE) <b>bob inouye@gmail.com</b>			

## 2. Applicant Information

APPLICANT/BUSINESS NAME <b>Same</b>		PHONE NO.	ALT PHONE NO.
ADDRESS			
CITY		STATE	ZIP CODE
EMAIL ADDRESS (IF AVAILABLE)			



CONTACT (IF DIFFERENT FROM ABOVE) <i>Same</i>	PHONE NO.	ALT PHONE NO. <b>RECEIVED</b>
ADDRESS		
CITY	STATE	ZIP CODE <b>IAN 25 2024</b> Dept. of Ecology Central Regional Office
EMAIL ADDRESS (IF AVAILABLE)		

### 3. Purpose(s) and Period of Use

#### A. Existing

PURPOSE OF USE	GPM or CFS	ACRE-FT/YR	PERIOD OF USE
<i>Stockwatering &amp; Wildlife</i>	<i>0.25</i>	<i>181</i>	<i>Continuous</i>

#### B. Proposed (if different from 3A)

PURPOSE OF USE	GPM or CFS	ACRE-FT/YR	PERIOD OF USE
<i>Same</i>			

### 4A. Existing Locations of Point(s) of Diversion or Withdrawal

Describe your existing water use in Section 4A: source description, and either surface water or groundwater. Describe your proposed water use in Section 4B: source description, and either surface water or groundwater. Refer to accompanying guidance document for more information. Attach additional sheets if needed.

Source Name	Source Location Information (Legal Description)					
SOURCE NAME (Reference by number below)	QTR QTR	QTR	SEC	TWP	RGE	PARCEL NO.
1. <i>Rattlesnake Creek</i>	<i>SE</i>	<i>SE</i>	<i>4</i>	<i>15N</i>	<i>15EWM</i>	<i>151504-44003</i>
2.						
3.						
4.						

Complete one of the following tables: A) for surface water, or B) for groundwater

#### A) For existing surface water diversions

<input type="checkbox"/> SPRING <input checked="" type="checkbox"/> CREEK <input type="checkbox"/> RIVER <input type="checkbox"/> LAKE <input type="checkbox"/> OTHER:		
SOURCE from 4A above	TRIBUTARY TO:	GPS/ LAT-LONG
1.	<i>Naches River</i>	<i>120 55 50.2 W    46 49 14.1 N</i>
2.		
3.		
4.		

DO YOU OWN THE POINT(S) OF DIVERSION? ☐ YES ☐ NO



RECEIVED

JAN 25 2024

Dept. of Ecology  
Central Regional Office

B) For existing groundwater diversions

N/A

WITHDRAWAL DEVICE: <input type="checkbox"/> WELL <input type="checkbox"/> OTHER:			
EXISTING WELL: <input type="checkbox"/> YES <input type="checkbox"/> NO			
SOURCE from 4A above	WELL NO.	WELL TAG NO.	GPS/ LAT-LONG
1.			
2.			
3.			
4.			

DO YOU OWN THE POINT(S) OF WITHDRAWAL? ☐ YES ☐ NO

4B. Proposed Point(s) of Diversion or Withdrawal

Source Name	Source Location Information					
SOURCE NAME (Reference by number below)	QTR QTR	QTR	SEC	TWP	RGE	PARCEL NO.
1. Rattlesnake Creek	SE	SE	4	15N	15EWM	151504-44003
2.						
3.						
4.						

Complete one of the following tables: A) for surface water, or B) for groundwater

A) For proposed surface water diversions

<input type="checkbox"/> SPRING <input checked="" type="checkbox"/> CREEK <input type="checkbox"/> RIVER <input type="checkbox"/> LAKE <input type="checkbox"/> OTHER:		
SOURCE from 4B above	TRIBUTARY TO:	GPS/ LAT-LONG
1.	Naches River	120 55 50.2 W 46 49 14.1 N
2.		
3.		
4.		

DO YOU OWN THE POINT(S) OF DIVERSION? ☒ YES ☐ NO

B) For proposed groundwater diversions

N/A

WITHDRAWAL DEVICE: <input type="checkbox"/> WELL <input type="checkbox"/> OTHER:			
EXISTING WELL: <input type="checkbox"/> YES <input type="checkbox"/> NO			
SOURCE from 4B above	WELL NO.	WELL TAG NO.	GPS/ LAT-LONG
1.			
2.			
3.			
4.			

DO YOU OWN THE POINT(S) OF WITHDRAWAL? ☐ YES ☐ NO



## 5. Place of Use

**RECEIVED**

JAN 25 2024

### A. Existing

QTR QTR	QTR	SEC	TWP	RGE	COUNTY	PARCEL #	# OF IRRIGATED ACRES
LEGAL DESCRIPTION OF LANDS WHERE WATER IS PRESENTLY USED:							
See Attached Pages							

LEGAL LAND OWNER OF <u>EXISTING</u> PLACE OF USE (IF DIFFERENT THAN APPLICANT)	PHONE NO.	ALT PHONE NO.
SAME		
ADDRESS		
CITY	STATE	ZIP CODE
EMAIL ADDRESS (IF AVAILABLE)		

### B. Proposed (if different than 5.A)

QTR QTR	QTR	SEC	TWP	RGE	COUNTY	PARCEL #	# OF IRRIGATED ACRES
LEGAL DESCRIPTION OF LANDS WHERE NEW USE IS PROPOSED:							
See Attached Pages							

LEGAL LAND OWNER OF <u>PROPOSED</u> PLACE OF USE (IF DIFFERENT THAN APPLICANT)	PHONE NO.	ALT PHONE NO.
Same		
ADDRESS		
CITY	STATE	ZIP CODE
EMAIL ADDRESS (IF AVAILABLE)		



All applicants must also complete Sections 6 through 11, **except** drought and Quincy Basin Artificially Stored Groundwater applications (see below).

RECEIVED

JAN 25 2024

Dept. of Ecology  
Central Region Office

If you do not have the required information, make an appointment with your Ecology regional office to discuss your application. Applications submitted without the required information will be returned as incomplete.

- If your water right change would impair an existing right, complete Section 6 through 11, and Attachment A, **mitigation plan**. Changes to water rights that will impair an existing right will be denied unless a mitigation plan is approved.
- If you are applying to **consolidate permit-exempt wells**, complete Sections 6 through 11, and Attachment B.
- If you are applying for a change related to the **Quincy Basin Artificially Stored Groundwater**, stop here. Complete only Sections 7 & 11, and continue with Attachment C.
- If you are applying for a change related to **drought**, stop here. Complete only Section 11, and continue with Attachment D.

## 6. Project Description

(Provide your answers in a separate report, and reference the section number in your responses)

Section	Required information	Reference(s)
6.1	Provide a brief narrative explaining the general nature and intent of the proposed change(s) to the water right.	
6.2	Are you aware of any compliance/enforcement actions that concern this water right? If so, describe.	
6.3	If this water right has previously been changed, summarize whether the previously authorized changes have been completed.	
6.4	If the water right includes a diversion from a permitted reservoir, list all the associated water rights, the maximum volume of water stored in the reservoir, and the means of withdrawal.	
6.5	Attach a copy of any SEPA checklists or environmental analyses related to this project with this application.	
6.6	<b><u>For period of use change proposals</u></b> , indicate the time of the year that the water use is proposed.	POL 1200
6.7	<b><u>For temporary change proposals</u></b> , indicate the timeframe that the proposed change would be in effect.	POL 1035
6.8	<b><u>For municipal change proposals</u></b> , provide the most recent water right self-assessment, if one exists, as submitted to the Department of Health (DOH).	



## SYSTEM DESIGN AND OPERATION

**RECEIVED**

Section	Required information	Reference(s)
6.9	Provide a description of the existing water supply system from the point of diversion or withdrawal to the place of use.	JAN 25 2024 Dept. of Ecology Central Regional Office
6.10	Provide preliminary design plans and specifications for the proposed change, including diversion or withdrawal and conveyance facilities, if applicable, and the proposed flow rate and volume design capacity.	
6.11	<b><u>For change proposals adding a purpose of use or adding irrigated acres,</u></b> describe how the change proposal would affect return flow.	
6.12	Provide the current and projected system efficiency covered by the water right proposed for change.	
6.13	Provide an explanation of how the proposed use will not increase the authorized maximum flow rate (Qi) or annual volume (Qa).	PRO 1210 GUID 1210
6.14	<b><u>For surface water diversions,</u></b> describe how your plans comply with WDFW fish screening requirements.	RCW 77.57

## DEVELOPMENT SCHEDULE

Section	Required information	
6.15	Provide a general timeline that includes the steps needed to begin the project, complete the project, and put the water to full beneficial use.	
6.16	<b><u>For changes to water rights currently under a development schedule,</u></b> provide a description of the current status of your project.	
6.17	Identify and discuss other land-use or environmental permits required and the timeline to obtain those permits.	

## 7. Related Water Rights

Section	Required information	Reference(s)
7.1	List any other water rights (applications, permits, certificates, or claims) related to this change application. Include any rights that overlap the place of use.	
7.2	Explain how the water rights listed above have been exercised.	
7.3	List all wells that have been added through a Showing of Compliance form.	POL 1260 ECY 040-74

## 8. Historical Use

Section	Required information	
8.1	Describe how the water proposed for change has been beneficially used since the water right was established.	



Section	Required information	RECEIVED JAN 25 2024 Dept. of Ecology Central Regional Office
8.2	For the water right proposed for change and the portfolio of any related rights, provide the historical flow rate from each point of diversion or withdrawal (in cubic feet per second or gallons per minute) and explain how the amount was determined (e.g., meter data or power records). Include information on how the water right was used historically, and how it is being used currently.	
8.3	If the requested change/transfer is for a water right claim, include evidence demonstrating use of water prior to 1917 for surface water, or 1945 for ground water.	
8.4	<b>For surface water diversions</b> , explain whether streamflows were adequate to exercise the right throughout the historical period of diversion. If available, provide streamflow records to support the conclusion.	
8.5	<b>For groundwater withdrawals</b> , explain whether there has been an adequate supply of groundwater to exercise the water right throughout the historical period of withdrawal. Provide all groundwater data and methods used to support the conclusion.	
8.6	Describe your procedures for remaining in compliance with the provisions of your existing water right.	
8.7	If a water measuring device was installed, provide your measurement data.	
8.8	If a measuring device was not installed, do the pumps have a dedicated power meter(s)? If so, provide an estimate of water use using the power consumption to water consumption equation described in WAC 173-173-160(2).	
8.9	If no water use data are available, estimate annual use by using an alternative method and explain your methodology.	
8.10	Provide aerial photos, remotely sensed images, or other information and explain how they support the historical use.	

## WATER USED FOR IRRIGATION

Section	Required information	Reference(s)
8.11	<b>If changing the purpose of use</b> , refer to the Provisions section of your water right document to determine whether the right is subject to the Family Farm Water Act. If so, contact the appropriate Ecology regional office prior to completing this form (refer to map on page 1).	RCW 90.66
8.12	Describe your irrigation scheduling practices (e.g., frequency and duration of irrigation sets). Describe how data from soil moisture probes, weather forecasts, crop inspection, or other irrigation scheduling techniques were used to determine irrigation practices.	
8.13	If adding the irrigation of additional acres or a new purpose of use, provide metering data for the most recent five-year period of continuous use. If metering data are unavailable, provide an estimate of water use for the most recent five-year period of continuous use and describe the methodology for this estimate.	POL 1210 GUID 1210 RCW 90.03.380



Section	Required information	Reference(s)
8.14	If water has been used from a state or federal water project (contract water) on the historical place of use, explain when and how that contract water was used.	RECEIVED JAN 25 2024 Dept. of Ecology Central Regional Office

## 9. Hydrogeologic Setting

We strongly recommend that applicants consult with Ecology in a pre-application meeting prior to conducting any hydrogeologic work, to determine the scope of data required for processing this application.

Section	Required information	
9.1	Provide a description of existing authorized points of withdrawal and proposed wells, their locations, water well report, static water levels, pumping rates and schedules, etc.	
9.2	If known, describe: <ul style="list-style-type: none"> <li>• Geographic recharge and discharge areas</li> <li>• Seasonal variations of groundwater elevations</li> <li>• Interrelationships between surface water and groundwater, and between aquifers</li> <li>• Barriers to flow</li> <li>• Hydrologic boundaries</li> </ul>	
9.3	Attach any available well information including: <ul style="list-style-type: none"> <li>• Water well report</li> <li>• Well diameter and depth</li> <li>• Motor and pump specifications (i.e., make, horsepower, and type)</li> <li>• Pump test data</li> <li>• Well locations (must be identified as outlined in Section 11)</li> </ul>	
9.4	If known, describe the following characteristics of the aquifer, and cite the source of that information: <ul style="list-style-type: none"> <li>• Aquifer transmissivity</li> <li>• Aquifer storage coefficient and specific yield</li> <li>• Saturated thickness</li> <li>• Aquitard leakage</li> <li>• A detailed description of groundwater-flow boundaries</li> <li>• Water-level hydrographs for wells</li> <li>• Associated water-quality information</li> </ul>	
9.5	Additional hydrogeologic work may be required to process your application.	

## 10. Environmental Assessment

Section	Required information	
10.1	Describe the aquatic uses of any related surface water bodies (i.e., fish and wildlife, recreation and aesthetic, water quality, etc.).	



Section	Required information	RECEIVED
10.2	Indicate whether the related surface water is fish-bearing, including whether it is inhabited by salmonids. List species and the times of year they are present. <a href="https://apps.wdfw.wa.gov/salmonscape/">https://apps.wdfw.wa.gov/salmonscape/</a>	JAN 25 2024 Dept. of Ecology Central Regional Office

## 11. Maps and Other Documentation

Section	Required information	
11.1	<p>Attach detailed map(s) clearly indicating the following:</p> <ul style="list-style-type: none"> <li>The existing places of use for all rights related to this proposed change. If any overlapping water rights for the place of use, or multiple rights that share the same point(s) of diversion/withdrawal exist, provide one map depicting all of the historical points of diversion, means of conveyance, and places of use. Identify related rights as such by water right number.</li> <li>The county parcel numbers for the existing and proposed place(s) of use, unless the place(s) of use are for large service area such as that served by an irrigation district or municipal water system. Identify the name of the irrigation district or the water system.</li> <li>The existing and proposed locations of the point(s) of diversion/withdrawal.</li> <li>The names, informal or formal, used to identify each point of diversion/withdrawal (e.g., Well No. 1, River Well, S01, Smith Dam, etc.).</li> <li>The proposed place(s) of use.</li> <li>A grid layer referencing Section, Township, and Range of the area.</li> <li>The location of the water delivery system and other such features relevant to your proposed change/transfer (e.g., mainlines, reservoirs, booster pumps, etc.)</li> </ul>	




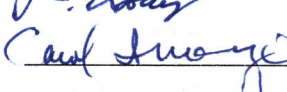
Certain applications may incur a Real Estate Excise Tax liability for the seller of the water rights. The Department of Revenue has requested notification of potential taxable water right related actions and therefore may be provided with a copy of this request. For further information, contact:

Department of Revenue  
Real Estate Excise Tax  
PO Box 47477  
Olympia, WA 98504-7477  
Phone (360) 570-3265

**RECEIVED**  
**JAN 25 2024**  
Dept. of Ecology  
Central Regional Office

## 12. Signatures:

I certify that the information above is true and accurate to the best of my knowledge. I understand that in order to process my application, I hereby grant staff from the Department of Ecology or the County Water Conservancy Board access to the above site(s) for inspection and monitoring purposes. If assisted in preparing this above application, I understand that all responsibility for the accuracy of the information rests with me

ROBERT INOUE CAROL INOUE	 	1-4-23 1-4-23
Applicant Printed Name – Title	Applicant Signature	(Date: MM/DD/YYYY)
SAM E		
Water Right Holder Printed Name	Water Right Holder Signature	(Date: MM/DD/YYYY)
SAM E		
Landowner of Existing Place of Use Printed Name	Landowner of Existing Place of Use Signature	(Date: MM/DD/YYYY)
SAM E		
Landowner of Proposed Place of Use Printed Name	Landowner of Proposed Place of Use Signature	(Date: MM/DD/YYYY)
NONE		
Authorized Representative Printed Name	Authorized Representative Signature	(Date: MM/DD/YYYY)



**RECEIVED**

JAN 25 2024

Dept. of Ecology  
Central Regional Office

For additional information, contact the Ecology regional office where your project is located:

Region	Counties served	Mailing Address	Phone
<b>Central</b>	Benton, Chelan, Douglas, Kittitas, Klickitat, Okanogan, Yakima	1250 W Alder St Union Gap, WA 98903	509-575-2490
<b>Eastern</b>	Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman	4601 N Monroe Spokane, WA 99205	509-329-3400
<b>Northwest</b>	Island, King, Kitsap, San Juan, Skagit, Snohomish, Whatcom	PO Box 330316 Shoreline, WA 98133	206-594-0000
<b>Southwest</b>	Clallam, Clark, Cowlitz, Grays Harbor, Jefferson, Mason, Lewis, Pacific, Pierce, Skamania, Thurston, Wahkiakum	PO Box 47775 Olympia, WA 98504	360-407-6300

### ADA Requests

To request ADA accommodation including materials in a format for the visually impaired, call Ecology Water Resources Program at 360-407-6872. People with impaired hearing may call Washington Relay Service at 711. People with speech disability may call TTY at 877-833-6341.



# Attachment A: Mitigation Plan

RECEIVED

Section	Required information	Reference(s)
A1	Identify any water rights (including permits, certificates, claims, instream flows, or legal permit-exempt wells), you expect to be impaired and identify the expected nature of that impairment.	Dept. of Ecology Central Regional Office
A2	Identify the source of supply for the proposed mitigation water.	
A3	Describe how this mitigation water source will offset the impacts of the proposed change. This should specifically address how the change in the amount of water in Section A4 will be offset by the source identified in Section A5.	
A4	Estimate the change in consumptive quantity that would be available for the use being impaired. Describe the methodology used to support your estimate.	
A5	Describe actions that will be taken to ensure mitigation will be maintained for the duration of the water right change authorization.	
A6	List each water right being proposed for transfer, relinquishment, or conveyance to the Trust Water Rights Program.  Provide a history of beneficial use of each water right listed above and identify whether a separate water right change application has been filed for these water rights.	
A7	Provide copies of any agreements between you and other parties regarding mitigation for impacts, if applicable.	
A8	Describe the benefits and costs, including environmental effects, of any water impoundment or other resource management technique that is included as a component of the application.	RCW 90.03.255 RCW 90.44.055
A9	For surface water, analyze whether there will be any increased water supply from the impoundment or technique, including recharge of groundwater, as a means of making water available or otherwise offsetting diversion impacts.	
A10	For groundwater, analyze whether there will be any increased water supply from the impoundment or technique, including recharge of groundwater, as a means of making water available or otherwise offsetting the impact of the diversion of surface water.	
A11	If you intend to offset your new use, describe how and when non-consumptive water returns to ground water or surface water, and explain how this volume was estimated. Specifically describe how the quantity, timing and location of return flow would change if the proposed change is approved.	WAC 173-500-050(5) WAC 173-500-050(9) POL 1020



## Attachment B: Consolidation of Exempt Wells **RECEIVED**

RCW 90.44.105 provides that permit-exempt uses (RCW 90.44.050) may be consolidated with a valid right to withdraw groundwater only if all the following conditions are met.

Section	Required information	Reference(s)
B1	Provide evidence that water from the exempt wells tap the same body of public groundwater as the well with the water right to withdraw public ground waters.	RCW 90.44.105(1)
B2	Show that suitable arrangements have been made to discontinue use of the permit exempt well established under the exemption upon approval of the consolidation amendment.	RCW 90.44.105(2)
B3	Provide copies of legally enforceable agreements that bind present and future owners of the land from drilling and using another permit exempt well through appropriate title limitations.	RCW 90.44.105(3)
B4	Show that suitable arrangements have been made to properly decommission the permit exempt well(s) in accordance with RCW 18.104 and relevant Ecology rules.	RCW 90.44.105(4) RCW 18.104.048 WAC 173-160-381 RCW 18.104.043 RCW 18.104.040(4)(b)
B5	Describe impacts to other existing rights, including ground and surface water rights and minimum stream flows adopted by rule.	RCW 90.44.105(5)
B6	Provide evidence that the amount of water used is consistent with the average amount of water used for similar uses in the general area and explain how this was determined.	
B7	Is there an adopted Coordinated Water System Plan (CWSP) or Comprehensive Land Use Plan or another comprehensive watershed management plan in place for this location? Please indicate yes or no. If yes, please document whether your project is consistent with this plan.	RCW 70.116.030(1) RCW 36.70A.070



# Attachment C: Quincy Basin Change Authorizations

Complete this attachment and the following sections of the Application for Change/Transfer of a Water Right:

- Sections 1 through 5
- Section 7. Related Water Rights
- Section 11. Maps and other Documentation

RECEIVED  
JAN 25 2024  
Dept. of Ecology  
Central Regional Office

Section	Required information	Reference
C1	Provide a brief narrative explaining the general nature and intent of the proposed change(s) to the water right.	WAC 173-124
C2	If this water right has previously been changed, summarize whether the previously authorized changes have been completed.	



## Attachment D: Drought Change Authorizations

Complete this attachment and the following sections of the Application for Change/Transfer of a Water Right:

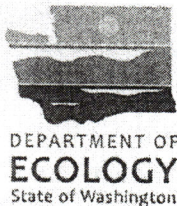
- Sections 1 through 5
- Section 11. Maps and other Documentation

**Note:** In order to apply for a Drought Change Authorization, your water source must be within an area covered by a formal drought declaration.

**RECEIVED**  
JAN 25 2024  
Dept. of Ecology  
Central Regional Office

Section	Required information	Reference(s)
D1	Describe the specific circumstances pertaining to your water shortage. Describe how existing water rights are insufficient to address these impacts due to the drought.	
D2	Describe how the water right proposed for change will address these impacts.	
D3	Have you had any previous drought-specific authorizations for the subject parcels? If yes: <ul style="list-style-type: none"><li>• What are the Drought Authorization numbers?</li><li>• Did those former authorizations cause impairment to other water users?</li></ul>	RCW 43.83B.410
D4	<b><u>For irrigation changes</u></b> , indicate what types of crop(s) or orchard(s) you will be growing this year. Describe how the crop(s) or orchard(s) may be impacted by this year's drought.	





State of Washington  
WATER RIGHT PERMIT

RECEIVED

File NR S4-35271

WR Doc ID 4672525

JAN 25 2024

Dept. of Ecology  
Central Regional Office

PRIORITY DATE  
3/8/2010

WATER RIGHT NUMBER  
S4-35271

MAILING ADDRESS  
ROBERT & CAROL INOUE  
1780 NILE RD  
NACHES WA 98937-2024

SITE ADDRESS (IF DIFFERENT)

Quantity Authorized for Withdrawal or Diversion

WITHDRAWAL OR DIVERSION RATE	UNITS	ANNUAL QUANTITY (AF/YR)
<ul style="list-style-type: none"><li>8 cfs from November 1 through February 28 (29<sup>th</sup> in Leap years)</li><li>12 cfs from March 1 through June 30</li><li>8 Cfs from July 1 through July 31</li><li>6 cfs from August 1 through September 30</li><li>4 cfs from October 1 through October 31</li></ul>	Unit	6289

Purpose

PURPOSE	WITHDRAWAL OR DIVERSION RATE			ANNUAL QUANTITY (AF/YR)		PERIOD OF USE (mm/dd)
	ADDITIVE	NON-ADDITIVE	UNITS	ADDITIVE	NON-ADDITIVE	
Fish propagation						01/01 - 12/31

ADDITIVE	IRRIGATED ACRES		PUBLIC WATER SYSTEM INFORMATION	
	NON-ADDITIVE		WATER SYSTEM ID	CONNECTIONS

Source Limitations

SOURCE FACILITY/DEVICE	A S	WITHDRAWAL OR DIVERSION RATE	ANNUAL QUANTITY (AF/YR)	PERIOD OF USE (mm/dd)
RATTLESNAKE CREEK				01/01 - 12/31

340 feet north and 830 feet west from the SE corner of Section 4 being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 4, T. 15 N., R. 15 E.W.M., being within Yakima County Parcel No. 15150444003 in WIRA 38

WATER RIGHT PERMIT



**RECEIVED**

JAN 25 2024

**Source Location**

COUNTY YAKIMA	WATERBODY RATTLESNAKE CREEK	TRIBUTARY TO NACHES RIVER	WATER RESOURCE INVENTORY AREA 38-NACHES					
SOURCE FACILITY/DEVICE RATTLESNAKE CREEK	PARCEL 15150444003	WELL TAG	TWP 15N	RNG 15E	SEC 04	QQ Q SESE	LATITUDE	LONGITUDE

Datum: NAD83/WGS84

**Place of Use (See Attached Map)**

PARCELS (NOT LISTED FOR SERVICE AREAS)

15150444003, 15150332001, AND 15150331007

LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE

**Development Schedule**

BEGIN PROJECT

Begun

COMPLETE PROJECT

April 1, 2013

PUT WATER TO FULL USE

January 1, 2014

**Measurement of Water Use**

How often must water use be measured?

Monthly

How often must water use data be reported to Ecology?

Annually (Jan 31)

What volume should be reported?

Total Annual Volume

What rate should be reported?

Annual Peak Rate of Withdrawal (gpm or cfs)

**Provisions****Provisions****Measurements, Monitoring, Metering and Reporting**

An approved measuring device shall 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", WAC 173-173.

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.

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.

**Department of Fish and Wildlife Requirement(s)**

The water diverted into the side channel shall be reduced to 4 cfs when the flow in Rattlesnake Creek is less than 30 cfs at a point within 100 feet downstream of the authorized point of diversion.

**Water Use Efficiency**

The water right holder is required to maintain efficient water delivery systems and use of up-to-date water conservation practices consistent with RCW 90.03.005.

WATER RIGHT PERMIT



**RECEIVED**

JAN 25 2024

Dept. of Ecology  
Central Regional Office

**Proof of Appropriation**

The water right holder shall file the notice of Proof of Appropriation of water (under which the Certificate of Water Right is issued) when the permanent distribution system has been constructed and the quantity of water required by the project has been put to full beneficial use. The Certificate will reflect the extent of the project perfected within the limitations of the permit. 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.

**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.

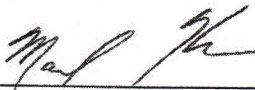
**This Permit Subject to Cancellation**

This permit shall be subject to cancellation should the permittee fail to comply with the above development schedule and/or to give notice to the Department of Ecology on forms provided by the Department documenting such compliance.

Given under my hand and the seal of this office at Yakima, Washington this 9 day of January 2013.

Department of Ecology

OK 

by   
Mark Kemner, LHG  
Section Manager  
Water Resources Program





STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

15 W Yakima Ave, Ste 200 • Yakima, WA 98902-3452 • (509) 575-2490

**RECEIVED**

JAN 25 2024

Dept. of Ecology  
Central Regional Office

January 9, 2013

Robert & Carol Inouye  
1780 Nile Rd  
Naches WA 98937-2024

Re: Water Right No. S4-35271P

Dear Mr. and Mrs. Inouye:

Enclosed is your Permit to be retained for your records. Please read the enclosed information sheet, as well as your entire Permit.

You must meet the provisions of your Permit before we will issue a final *Certificate of Water Right*. Our information indicates your system has been completed.

If you have any questions, please contact Teresa Mitchell at 509-575-2597.

Sincerely,

Mark Kemner, LHG  
Water Resources Program

MK:EH:gh  
130106

Enclosures: Permit  
*Important Information About Your Water Right*

CC: Philip Rigdon, Yakama Nation

Permit-pa stage.doc





week	2006	2007	2008 (leap year)	2009	2010	2011	2012 (leap year)	2013	2014	2015	2018
1	0.0	0.3	0.4	0.4	0.3	0.2	0.7	0.3	0.5	0.7	0.5
2	0.0	0.2	0.5	1.0	0.3	0.3	0.6	0.3	0.5	0.5	0.5
3	0.0	0.2	0.6	1.0	0.3	0.3	0.3	0.3	0.6	1.0	0.5
4	0.0	0.0	0.6	1.0	0.2	0.6	0.3	0.3	0.7	1.0	0.5
5	0.0	0.0	0.4	0.9	0.4	0.6	0.0	0.3	0.7	1.0	0.8
6	0.0	0.7	0.5	1.0	0.3	0.8	0.2	0.3	0.7	1.0	0.8
7	0.0	0.7	0.7	1.4	0.5	0.7	1.5	0.4	0.5	1.0	0.8
8	0.0	0.7	0.7	1.4	0.7	0.8	1.5	0.4	0.5	0.3	0.5
9	0.0	0.7	0.7	0.8	1.3	0.5	1.5	0.7	0.5	0.5	0.5
10	0.0	2.5	0.6	0.8	1.3	0.8	1.2	0.8	0.7	0.7	0.5
11	0.0	2.8	0.6	1.1	1.2	0.9	0.8	0.8	0.8	0.7	0.5
12	0.0	2.1	0.6	1.0	1.2	0.8	0.8	0.5	0.8	0.5	0.5
13	0.6	1.1	0.6	1.0	1.6	0.8	1.0	0.5	0.8	1.0	0.5
14	0.6	0.7	0.6	0.6	2.1	0.4	1.0	0.7	0.9	1.0	1.0
15	0.6	1.6	2.3	1.2	1.2	0.4	1.3	0.5	1.8	0.8	1.6
16	0.6	0.8	2.0	1.4	1.2	0.5	1.4	1.0	2.7	3.0	1.5
17	0.6	2.1	1.8	2.1	1.1	0.8	1.5	1.3	2.7	3.2	7.2
18	1.4	2.1	1.7	1.7	1.3	1.5	1.5	1.9	2.7	3.3	5.1
19	1.8	2.2	1.9	1.7	1.4	1.6	1.8	2.3	2.9	3.8	5.1
20	2.2	2.2	2.1	1.9	1.5	1.5	1.9	1.8	3.3	3.3	5.6
21	2.2	2.2	2.3	1.7	1.3	2.1	2.3	2.9	3.1	3.4	4.2
22	2.2	2.2	2.3	1.8	1.3	2.1	2.3	1.3	3.0	3.2	4.4
23	2.3	2.2	1.8	1.9	1.4	1.6	2.1	2.0	3.0	3.0	5.0
24	2.3	1.8	2.8	1.9	1.6	1.7	1.9	2.6	3.0	3.5	3.8
25	2.3	2.3	1.9	1.9	1.5	1.7	2.0	2.8	3.0	3.5	3.7
26	2.7	2.2	2.9	2.3	1.6	1.7	1.8	2.2	2.6	4.0	4.0
27	3.0	2.3	2.5	2.4	2.1	2.2	3.2	2.2	3.3	3.8	3.4
28	3.1	2.3	2.3	2.3	2.5	2.2	3.3	2.3	3.5	4.0	3.3
29	2.7	2.3	2.8	2.6	2.6	1.7	3.2	3.1	3.2	3.7	3.1
30	3.0	2.3	2.3	2.6	2.5	2.4	3.2	2.9	3.2	4.0	4.8
31	3.0	2.2	2.3	2.5	2.4	2.6	2.6	2.8	3.5	4.0	4.9
32	3.1	2.3	2.1	2.6	2.4	2.7	3.4	3.0	3.4	3.9	4.8
33	3.0	2.5	2.7	2.5	2.3	2.7	3.3	3.0	3.4	3.7	3.7
34	2.5	2.2	2.3	2.3	2.3	2.8	2.9	3.0	3.3	3.5	3.3
35	2.4	2.3	2.3	2.5	2.5	2.5	2.8	2.8	3.3	4.2	2.2
36	2.9	2.2	2.3	2.5	2.5	2.5	2.9	3.0	3.4	3.5	1.9
37	2.8	2.3	2.3	2.5	2.7	2.5	2.6	2.5	3.5	4.2	2.2
38	2.9	2.4	2.3	2.5	2.9	2.7	2.6	2.2	3.4	4.0	2.2
39	2.7	2.4	2.3	2.4	2.6	2.7	2.7	2.1	3.2		2.0
40	2.4	2.3	2.2	1.9	2.6	2.3	2.5	2.4	3.1		2.4
41	2.2	1.9	1.4	1.7	2.6	1.9	2.5	1.5	3.0		2.3
42	1.9	1.9	1.6	1.2	2.0	1.7	2.7	1.4	2.8		2.1
43	1.7	1.3	1.6	0.8	2.0	1.1	2.4	1.3	1.5		1.9
44	2.7	2.2	1.6	0.9	0.8	1.1	2.4	1.2	0.8		3.2
45	1.5	0.6	0.7	0.6	0.8	0.7	1.5	1.1	1.5		1.5
46	0.5	0.6	0.6	0.7	0.6	0.8	1.5	1.0	1.0		0.9
47	0.5	0.6	0.7	0.7	0.4	0.8	0.8	1.2	0.8		0.5
48	0.1	0.6	0.7	0.7	0.4	0.7	1.3	1.1	0.8		0.6
49	0.0	0.6	0.6	0.6	0.2	0.7	0.6	1.3	0.8		0.7
50	0.1	0.6	0.4	0.6	0.1	0.6	0.3	1.3	0.8		0.6
51	0.1	0.6	0.0	0.6	0.2	0.5	0.3	1.3	0.8		0.6
52	0.0	0.6	0.3	0.6	0.2	0.5	0.3	0.2	0.7		0.6
53	0.0	0.6	0.4	0.6	0.6	0.6	0.3		0.7		



**RECEIVED**

**JAN 25 2024**

**Dept. of Ecology  
Central Regional Office**

**WAC 197-11-960 Environmental checklist.**

**ENVIRONMENTAL CHECKLIST**

*Purpose of checklist:*

The State Environmental Policy Act (SEPA), chapter 43.21C RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the agency identify impacts from your proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the agency decide whether an EIS is required.

*Instructions for applicants:*

This environmental checklist asks you to describe some basic information about your proposal. Governmental agencies use this checklist to determine whether the environmental impacts of your proposal are significant, requiring preparation of an EIS. Answer the questions briefly, with the most precise information known, or give the best description you can.

You must answer each question accurately and carefully, to the best of your knowledge. In most cases, you should be able to answer the questions from your own observations or project plans without the need to hire experts. If you really do not know the answer, or if a question does not apply to your proposal, write "do not know" or "does not apply." Complete answers to the questions now may avoid unnecessary delays later.

Some questions ask about governmental regulations, such as zoning, shoreline, and landmark designations. Answer these questions if you can. If you have problems, the governmental agencies can assist you.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

*Use of checklist for nonproject proposals:*

Complete this checklist for nonproject proposals, even though questions may be answered "does not apply." IN ADDITION, complete the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (part D).

For nonproject actions, the references in the checklist to the words "project," "applicant," and "property or site" should be read as "proposal," "proposer," and "affected geographic area," respectively.

**A. BACKGROUND**

**1. Name of proposed project, if applicable:**

**Rattlesnake Creek Side Channel Restoration**

**2. Name of applicant:**

**Robert Inouye, landowner**

**Jennifer Scott, WDFW**

**3. Address and phone number of applicant and contact person:**

**1780 Nile Road**

**1701 S. 24<sup>th</sup> Avenue**

**Naches, WA 98937**

**Yakima, WA 98902**

**(509) 574-2717**

**(509) 457-9307**

**bobinouye@gmail.com**

**jennifer.scott@dfw.wa.gov**

**4. Date checklist prepared:**

**December 29, 2011**

**5. Agency requesting checklist:**

**WDFW**

**6. Proposed timing or schedule (including phasing, if applicable):**

**June 1, 2012-October 31, 2013**



7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.  
**Not other than routine maintenance.**

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

**Water Right Permit Application 2010**

**Annual water use report for Ecology's temporary water right**

**Amended Water Right Permit Application 2011**

**Salmon Recovery Funding Board project application**

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

**An application for a permanent water right for this side channel is under review at Ecology for the amounts below. This water use will be non-consumptive and will benefit fish, wildlife, and their habitats.**

**Table 1. Proposed diversion amounts in water right application for side channel.**

Purpose(s) of Use	Rate (check one box only)	Acre-Feet per Year (AF/YR) (If known)	Period of Use (Continuously or Seasonal)
	<input checked="" type="checkbox"/> Cubic Feet per Second (CFS) <input type="checkbox"/> Gallons per Minute (GPM)		
<b>Create side channel habitat for fish and wildlife, and conveyance loss</b>	<b>8 cfs November through February =</b>	<b>1,920 AFY</b>	<b>Continuously</b>
	<b>12 cfs March through June =</b>	<b>2,905 AFY</b>	
	<b>8 cfs in July =</b>	<b>492 AFY</b>	
	<b>6 cfs August and September =</b>	<b>726 AFY</b>	
	<b>4 cfs October =</b>	<b>246 AFY</b>	
<b>TOTAL:</b>	<b>12 cfs max 8.7 cfs average</b>	<b>6,289 AFY</b>	

10. List any government approvals or permits that will be needed for your proposal, if known.

**Yakima County Shorelines, Critical Areas, and Floodplain Management review**

**Washington Department of Ecology Water Right Permit and Clean Water Act Section 401 Review**

**Washington Department of Fish and Wildlife Hydraulic Project Approval**

**US Army Corps of Engineers Clean Water Act Section 404 Permit**

**National Historic and Preservation Act Section 106 Compliance (SHPO and THPO)**

**Endangered Species Act Section 7 Compliance (NOAA Fisheries and USFWS)**

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

**The proposed project will allow fish access to a 1.3 km side channel providing excellent rearing habitat for juvenile salmonids. Project components will include: modifying existing headgate and wingdam to improve fish passage, replacing existing fish screen with a smaller screen meeting water rights of Rattlesnake Ditch users further down the ditch, creating hardened ford or other crossing structure across channel to maintain vehicular access to screen facilities for maintenance, adjust ditch and side channel elevations, install flow regulation and measuring devices in irrigation ditch and side channel, and plant and seed disturbed areas with native vegetation. Figure 1 shows the existing layout and where the side channel and irrigation ditch run. Figure 2 shows the proposed layout for the headworks and new screen; the hardened ford is not shown in Figure 2, but its location will not change from where it currently crosses the side channel in Figure 1.**



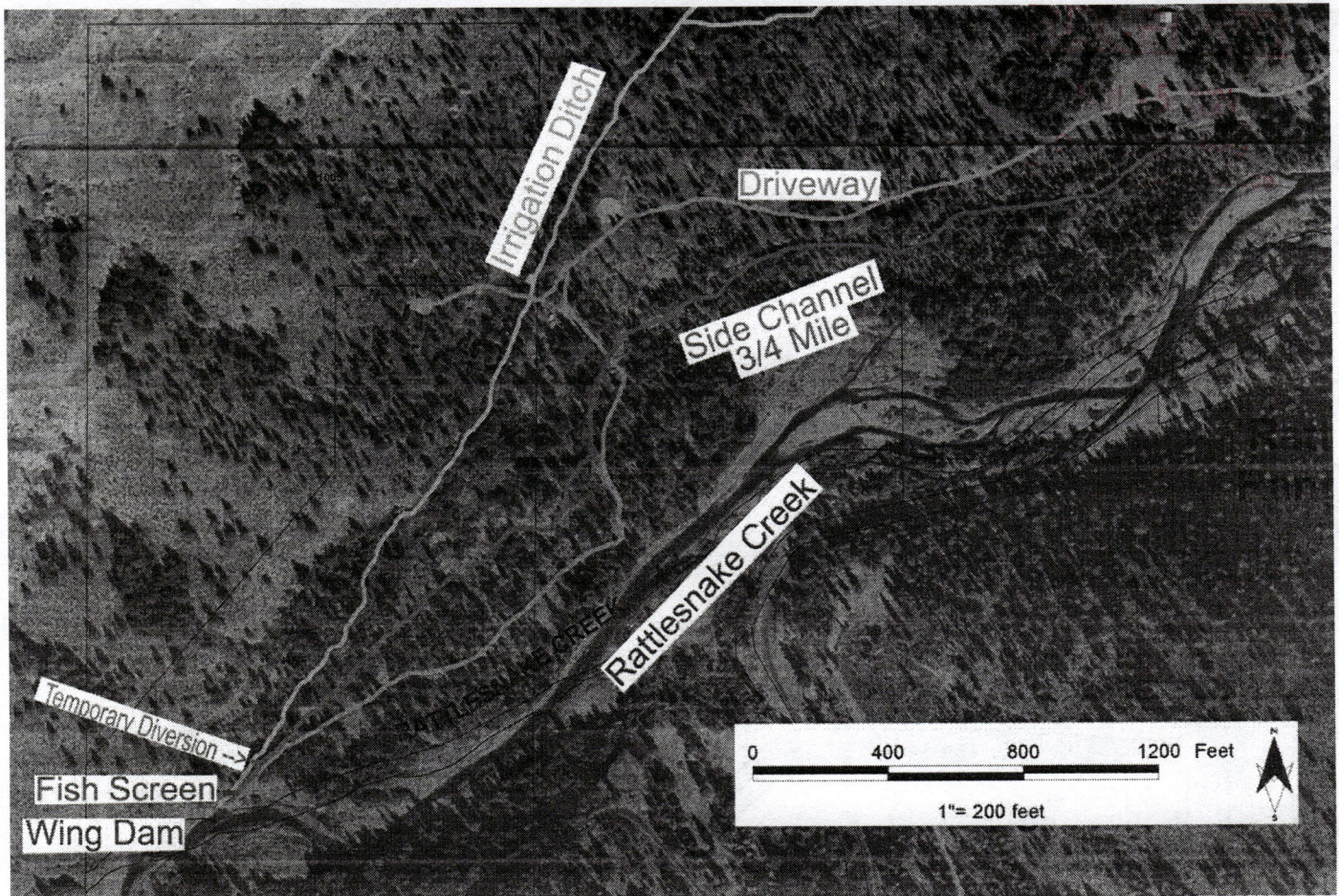
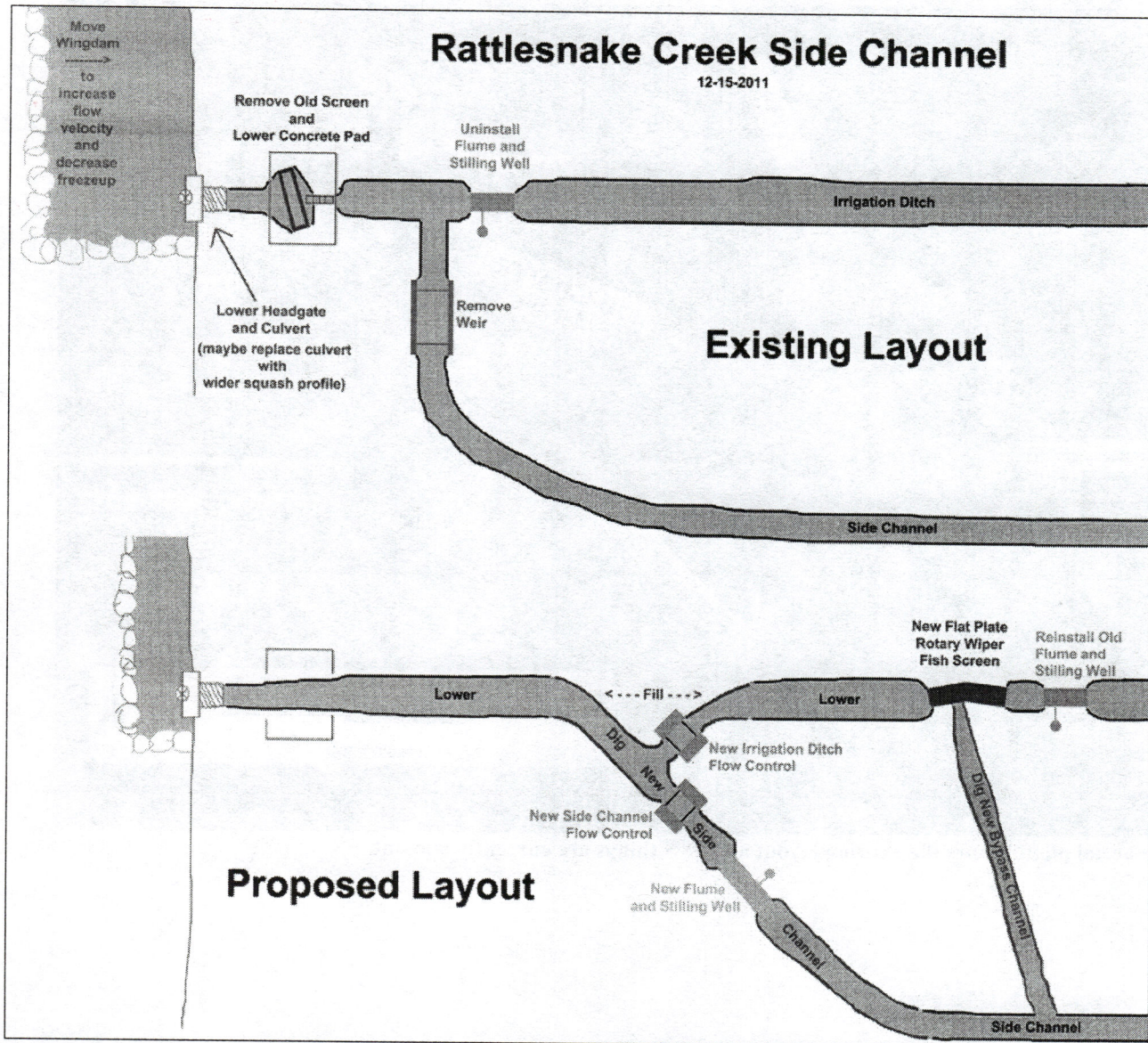


Figure 1. This aerial photo shows the existing layout and how things are currently laid out.





**Figure 2.** This schematic shows the existing configuration and proposed layout of headworks and new fish screen. There are no changes proposed to the senior water rights in Rattlesnake Ditch.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

1. Yakima County
2. Township 15, Range 15, Sections 3 & 4
3. Parcel # 15150444003, 15150332001
4. 1780 Nile Road Naches, WA 98937
5. 120° 56' 59.5" W; 46° 48' 60.0" N
6. WRIA 38
7. The above locations are the headgate and where the vehicular access road crosses the side channel of Rattlesnake Creek (see Figure 1).



RECEIVED

JAN 25 2024

Dept. of Ecology  
Central Regional Office

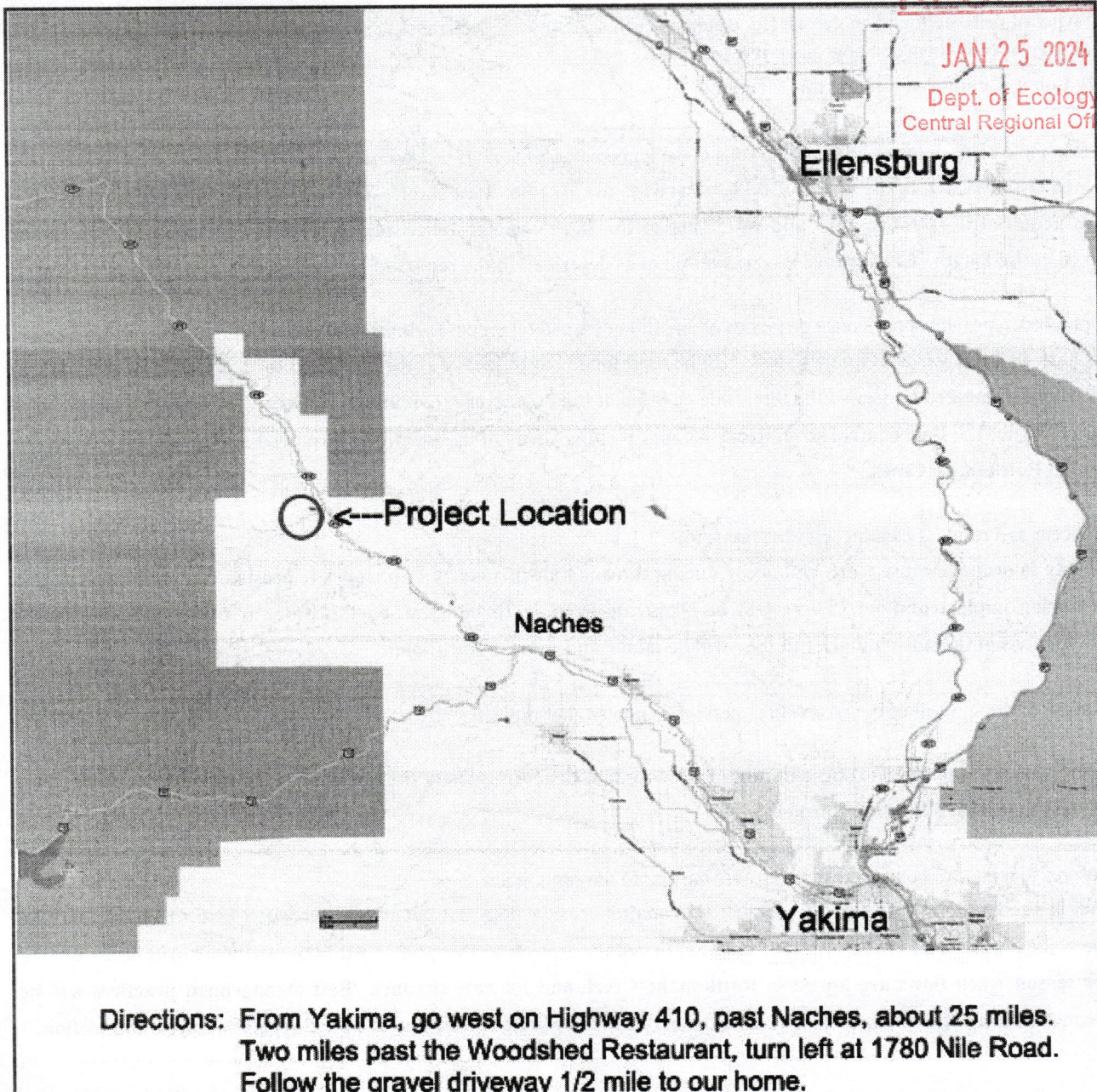


Figure 3. Project location in relation to nearby Cities and highways.

## B. ENVIRONMENTAL ELEMENTS

### 1. Earth

a. General description of the site (circle one): Flat, rolling, hilly, steep slopes, mountainous, other . . . . .

All work areas are generally flat and on the floodplain of Rattlesnake Creek. Steep cliffs and mountains are upstream of this project area.

b. What is the steepest slope on the site (approximate percent slope)?

2%



- c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland.

**Weirman Sandy Loam, Channeled—not prime farmland**

- d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

**The floodplain was last activated in the floods of 1996, otherwise, the area has been stable. The temporary water right for the side channel was acquired in October 2010 and water began flowing down the relict side channel to test its ability to remain watered up its entire length. Conveyance loss was minimal as described in the report to Ecology.**

- e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.

**Approximately 20 to 40 cubic yards of quarry spalls will be used for the approaches at the hardened ford, about 1500 cubic yards of material will be excavated to deepen the ditch/side channel at the upstream extent and to construct the bypass from the new screen, and construct the flow control structures. About 50 cubic yards of material will be moved and/or placed to reshape the wingdam in Rattlesnake Creek.**

- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

**Erosion is not likely to occur because work will occur during the dry time of year and appropriate erosion control measures will be applied during implementation. There will be slight increases in turbidity when the water is turned into the newly constructed portions of the side channel, but they will be minor and short in duration.**

- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

**Two to four ecology blocks may be incorporated into the flow control structures where the side channel splits from the ditch. This will amount to less than 1% of the entire project area.**

- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

**The side channel is sized to convey up to 12 cfs such that major erosion does not occur. A hardened ford or culvert will be constructed where the access road crosses the side channel to reduce erosion at this point. Additionally, work will occur during the dry summer season when flows are lowest in Rattlesnake Creek and the side channel. Best management practices will be applied during construction to minimize erosion and all disturbed areas will be reseeded with native vegetation upon completion.**

## **2. Air**

- a. What types of emissions to the air would result from the proposal (i.e., dust, automobile, odors, industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known.

**Emissions from tractors, backhoes, trackhoes, and dump trucks will be associated with this project. No more than two pieces of equipment plus a dump truck are expected to be operating at the same time and construction is expected to last no more than two months total.**

- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

**No**

- c. Proposed measures to reduce or control emissions or other impacts to air, if any:

**Equipment will be appropriately sized and will be turned off when not in operation.**

## **3. Water**

- a. Surface:



JAN 25 2024

Dept. of Ecology

Central Regional Office

- 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

**Yes, Rattlesnake Creek is a tributary to the Naches River, which is a tributary to the Yakima River. The proposed side channel shares a headgate and diversion structure from Rattlesnake Creek with an irrigation ditch, Rattlesnake Ditch.**

- 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

**Yes, all work will occur in or within 200 feet of Rattlesnake Creek or the new side channel.**

- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

**About 50 cubic yards of material will be reconfigured and supplemented with additional large rock if needed to construct a more efficient wingdam in Rattlesnake Creek (see Figure 2). Approximately 1200 cubic yards of material will be excavated from the shared ditch/side channel at the upstream extent to ensure the appropriate grade is achieved for proper screen function. About 20 to 40 cubic yards of quarry spalls will be obtained from local sources to harden the approaches where the driveway crosses the side channel, or about 100 yards if a culvert is used instead.**

- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

**Yes. There will be no change to the existing water rights or diversion associated with the irrigators on Rattlesnake Ditch.**

**The side channel is requesting a permanent water right ranging from 4 cfs to 12 cfs year round (see Table 1) in addition to the existing Rattlesnake Ditch water rights. The new side channel will divert water from Rattlesnake Creek to enhance fish and wildlife habitat and will return to Rattlesnake Creek through the side channel (1.3 km) and/or hyporheic flows via floodplain storage.**

- 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

**Yes, the majority of the project area is within the 100 year floodplain for Rattlesnake Creek.**

- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

**No**

**b. Ground:**

- 1) Will ground water be withdrawn, or will water be discharged to ground water? Give general description, purpose, and approximate quantities if known.

**There are no plans for any groundwater withdrawals or discharges. Water diverted for the side channel will charge the floodplain and potentially increase hyporheic exchange with Rattlesnake Creek.**

- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

**Not applicable**



c. Water runoff (including stormwater):

- 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

**Stormwater runoff from rural homes is first intersected by Rattlesnake Ditch which does not return to Rattlesnake Creek, but serves irrigated fields. Stormwater or runoff from other areas will flow through a well vegetated floodplain prior to reaching the side channel or Rattlesnake Creek. The driveway and access roads produce very little runoff because they are graveled and level with the surrounding topography for the most part.**

- 2) Could waste materials enter ground or surface waters? If so, generally describe.

**Not likely.**

d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:

**During construction, best management practices will be applied to ensure runoff does not enter waterbodies. These measures will be kept in place until disturbed areas are well vegetated.**

4. Plants

a. Check or circle types of vegetation found on the site:

- ☒ — deciduous tree: alder, maple, aspen, other  
☒ — evergreen tree: fir, cedar, pine, other  
☒ — shrubs  
☒ — grass  
——— pasture  
——— crop or grain  
☒ — wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other  
——— water plants: water lily, eelgrass, milfoil, other  
☒ — other types of vegetation

b. What kind and amount of vegetation will be removed or altered?

**There will be minimal shrub disturbance associated with completion of this project and no trees greater than 4" in diameter will be altered or removed except one 10" Ponderosa might be removed. The location of the new channel was selected to provide the appropriate grade while minimizing disturbance to existing vegetation. All trees removed will be incorporated into the side channel complex to provide instream cover for fish.**

c. List threatened or endangered species known to be on or near the site.

**Ute Ladies'-Tresses (not known to occur in Yakima County or at this site, but are listed for the County)**

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

**Existing vegetation will be preserved to the greatest extent possible and disturbed areas will be seeded with a native grass mix and planted with native stakes from local sources.**

5. Animals

a. Circle any birds and animals which have been observed on or near the site or are known to be on or near the site:

**birds: hawk, heron, eagle, songbirds, other:**  
**mammals: deer, bear, elk, beaver, other:**  
**fish: bass, salmon, trout, herring, shellfish, other:**



**RECEIVED**

**JAN 25 2024**

**Dept. of Ecology  
Central Regional Office**

- b. List any threatened or endangered species known to be on or near the site.

**Middle Columbia River Steelhead, Columbia River Bull Trout, Gray Wolf, and Canada Lynx.**

- c. Is the site part of a migration route? If so, explain.

**Yes, this is a known migration corridor for bull trout that generally spawn higher in the watershed. Additionally, steelhead, Chinook salmon, and coho salmon migrate through, spawn, and rear in this reach of Rattlesnake Creek. This is also prime winter range for elk and deer. Migratory birds are also present throughout the seasons on this property.**

- d. Proposed measures to preserve or enhance wildlife, if any:

**The proposed side channel will provide excellent rearing conditions for juvenile salmonids by providing sufficient refuge from high and low flows as well as increasing ground water storage and moderating stream temperatures in the winter and summer. The side channel already has a resident beaver colony at its downstream extent that took hold when the temporary water right was issued and began flowing down the partial side channel in 2010.**

## **6. Energy and natural resources**

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

**Solar panels will provide power to the water measuring devices for the ditch and the side channel.**

- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

**No**

- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:

**All equipment and materials will be sized to the minimum necessary to successfully complete the project.**

## **7. Environmental health**

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.

**There is always a slight risk of a petroleum spill or a fire during construction. The risks are minimized when best management practices are implemented as they will be for this project.**

- 1) Describe special emergency services that might be required.

**In the event of an emergency, Yakima County Sheriff's and the Fire District may respond. In the event of a chemical spill, the Departments of Military, Ecology, Health, and Fish and Wildlife would likely respond.**

- 2) Proposed measures to reduce or control environmental health hazards, if any:

**Equipment will be kept clean and in good working order and will be inspected daily to minimize risks of petroleum spills. All local, state, and federal laws will be adhered to ensuring a safe working environment.**

## **b. Noise**

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

**None**

- 2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.



During construction, noise from heavy equipment and dump trucks would occur during daylight hours. Upon completion, traffic and equipment used for routine maintenance will not change from current conditions.

3) Proposed measures to reduce or control noise impacts, if any:

Equipment will be turned off when not in use and the amount of equipment used will be kept to a minimum.

#### 8. Land and shoreline use

a. What is the current use of the site and adjacent properties?

This site is currently used as an irrigation diversion for irrigated parcels north of Rattlesnake Creek. The property surrounding the side channel is managed for fish and wildlife habitat with some forest health thinning ongoing. Properties upstream are owned by state and federal land managers and much of the upper watershed is within the William O. Douglas Wilderness. Downstream properties are rural homes with irrigated agriculture.

b. Has the site been used for agriculture? If so, describe.

Yes, this site currently serves as an agricultural irrigation diversion. Additionally, the property has been logged in the past.

c. Describe any structures on the site.

A rock wingdam extends into Rattlesnake Creek to divert water through the existing headgate and rotary drum fish screen feeding Rattlesnake Ditch and the preliminary side channel. A vehicular access road serves the headgate and fish screen area for routine maintenance. Water measuring devices are present in the ditch and the side channel.

d. Will any structures be demolished? If so, what?

Yes, the winddam will be reconfigured as will the headgate to provide better fish passage conditions. The existing screen and part of its concrete base will be removed and replaced with a flat plate screen further down the ditch. The water measuring devices will be replaced with the proposed project.

e. What is the current zoning classification of the site?

Remote/Extremely Limited Development Potential

f. What is the current comprehensive plan designation of the site?

Rural Remote/Limited Development

g. If applicable, what is the current shoreline master program designation of the site?

Conservancy

h. Has any part of the site been classified as an "environmentally sensitive" area? If so, specify.

Yes, Rattlesnake Creek and its associated floodplain are sensitive areas as are the associated wetlands.

i. Approximately how many people would reside or work in the completed project?

There will be no change.

j. Approximately how many people would the completed project displace?

None

k. Proposed measures to avoid or reduce displacement impacts, if any:

Not applicable



RECEIVED

JAN 25 2021

Dept. of Ecology  
Central Regional Office

- l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

**The proposed project is designed to enhance fish and wildlife habitat, consistent with the Conservancy designation for the shoreline of Rattlesnake Creek. Additionally, all local, state, and federal reviews will occur to ensure the project is consistent with existing and proposed future land uses.**

9. Housing

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

**None, not applicable**

- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

**None, not applicable**

- c. Proposed measures to reduce or control housing impacts, if any:

**None, not applicable**

10. Aesthetics

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

**Poles for solar panels to power the water measuring devices are not likely to exceed 7 feet in height.**

- b. What views in the immediate vicinity would be altered or obstructed?

**None, the side channel proposal will enhance natural features of the floodplain.**

- c. Proposed measures to reduce or control aesthetic impacts, if any:

**Disturbance will be minimized to the greatest extent possible and vegetation restored as quickly as possible.**

11. Light and glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

**There will be minimal glare from the screen structure and water measuring devices that would only occur during direct daylight hours.**

- b. Could light or glare from the finished project be a safety hazard or interfere with views?

**No**

- c. What existing off-site sources of light or glare may affect your proposal?

**None known**

- d. Proposed measures to reduce or control light and glare impacts, if any:

**All infrastructure (headgate, fish screen, water measuring devices) will be sized appropriately to minimize glare throughout the project site.**

12. Recreation

- a. What designated and informal recreational opportunities are in the immediate vicinity?

**The property surrounding this site is privately owned and used to watch wildlife, hike and ride horses. Anglers frequently fish this reach of Rattlesnake Creek and hunters and hikers use the public lands upstream of the private lands.**



b. Would the proposed project displace any existing recreational uses? If so, describe.

No

c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

**This project is designed and proposed to enhance fish and wildlife habitat and may improve recreational fishing opportunities in Rattlesnake Creek and the Naches River by providing excellent rearing conditions for juvenile salmonids.**

### 13. Historic and cultural preservation

a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe.

**None known at this time**

b. Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site.

**None known at this time**

c. Proposed measures to reduce or control impacts, if any:

**Compliance with NHPA Section 106 will ensure that any historic or cultural items of significance will be preserved.**

### 14. Transportation

a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any.

**The property is accessed from Nile Road, then through a private drive way and vehicular access road to the headgate.**

b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?

**No, public transit is more than five miles away.**

c. How many parking spaces would the completed project have? How many would the project eliminate?

**None, not applicable**

d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private).

**No, the vehicular access road will have a new hardened ford or culvert, but it is a private road.**

e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

No

f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur.

**Routine maintenance will continue and vehicular trips are not anticipated to be any greater than currently exists.**

g. Proposed measures to reduce or control transportation impacts, if any:

**Not applicable**



**RECEIVED**

JAN 25 2024

City of Inouye  
City Engineer's Office

**15. Public services**

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)? If so, generally describe.

Not likely

- b. Proposed measures to reduce or control direct impacts on public services, if any.

Not applicable

**16. Utilities**

- a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other.

Utilities are available to the nearby residences, but not at the project location and they will not be needed.

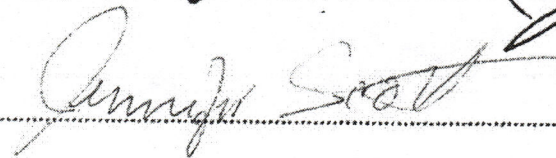
- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

None needed

**C. SIGNATURE**

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature:  (Inouye)

Signature:  (Scott)

Date Submitted: Dec 30, 2011



**15. Public services**

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)? If so, generally describe.

**Not likely**

- b. Proposed measures to reduce or control direct impacts on public services, if any.

**Not applicable**

**16. Utilities**

- a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other.

**Utilities are available to the nearby residences, but not at the project location and they will not be needed.**

- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

**None needed**

**C. SIGNATURE**

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: .....(Inouye)

Signature: .....(Scott)

Date Submitted: .....



RECEIVED

JAN 25 2024

Dept. of Ecology  
Central Regional Office  
Fri, Oct 6 at 7:46 AM  
23

**Temporary Trust Water Donation Acceptance CS4-83445-J**

**Bingham, Rachael (ECY)** <rbin461@ecy.wa.gov>

To: Robert Inouye <bobinouye@gmail.com>

Cc: Cousens, Heidi (ECY) <hcou461@ecy.wa.gov>, prigdon@yakama.com <prigdon@yakama.com>

Dear Robert and Carol Inouye,

Thank you for submitting your trust water rights application for S4-83445-J.

Please keep this email as proof of Ecology's acceptance of your donation request. Your assigned tracking number is CS4-83445-J. Please refer to this number when corresponding with us about this trust water right.

In response to your request to add the remaining .01 CFS to your current donation, Ecology accepts your full donation as summarized below:

<b>Purpose</b>	Instream Flow
<b>Rate</b>	0.25 Cubic Feet per Second
<b>Season</b>	Continuous

**This trust water right expires on December 30, 2031.**

In accordance with RCW 90.42.040(6), RCW 90.14.140(2)(h), and RCW 90.14.215, a water right is not subject to relinquishment while it is managed within the Trust Water Rights Program.

Ecology's acceptance of the donated water right into the Trust Water Rights Program is not evidence of the validity or quantity of the right. When the period of trust ends, the water right will revert to the water right holder or landowner in the full quantity accepted into the Trust Water Rights Program and as described on the water right certificate or most recent approved change authorization.

RCW 90.42.080 provides that the water right remaining with the donor plus the donated portion of the water right may not exceed the extent to which the water right was exercised during the five years before the



donation.

If, prior to expiration of this temporary donation, you would like to extend, modify, or terminate the temporary donation, please email Ecology at: [wrCRO@ecy.wa.gov](mailto:wrCRO@ecy.wa.gov). Ecology will review your request and notify you whether the donation can be extended, modified, or terminated.

Thank you,

Rachael Bingham

WRTS Coordinator/Permit Writer

Central Region Office

Department of Ecology





STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

Central Region Office  
1250 West Alder St., Union Gap, WA 98903-0009 • 509-575-2490

RECEIVED

JAN 25 2024

Dept. of Ecology  
Central Regional Office

SENT VIA EMAIL

April 11, 2023

Robert and Carol Inouye  
1780 Nile Rd  
Naches, WA 98937-8925  
Email: [bobinouye@gmail.com](mailto:bobinouye@gmail.com)

RE: Trust Water Donation No. CS4-83445-J

Dear Robert and Carol Inouye:

The purpose of this letter is to acknowledge the Department of Ecology's (Ecology) acceptance of your donation to the Washington State Trust Water rights program. The trust water right has been assigned file number CS4-83445-J. Please refer to this number when corresponding with us about this trust water right.

Under RCW 90.42.080(1) (b), Ecology accepts your donation, as summarized below.

Benefiting Water Body	Rattlesnake Creek
Purpose	Instream Flow
Rate	0.24 Cubic Feet per Second (cfs)
Season	Continuous

\* Applicant is retaining 0.01 cfs and 7 acre-feet per year for the stockwater and wildlife

**Trust Water Expiration Date: December 30, 2031**

In accordance with RCW 90.42.040(6), RCW 90.14.140(2)(h), and RCW 90.14.215, a water right is not subject to relinquishment while it is managed within the Trust Water Rights Program.

Ecology's acceptance of the donated water right into the Trust Water Rights Program is not evidence of the validity or quantity of the right. When the period of trust ends, the water right will revert back to the water right holder or landowner in the full quantity accepted into the trust water rights program and as described on the water right certificate or the most recent approved change authorization.

RCW 90.42.080 provides that the water right remaining with the donor plus the donated portion of the water right may not exceed the extent to which the water right was exercised during the five years before the donation.



Robert and Carol Inouye

April 11, 2023

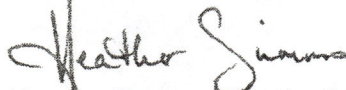
Page 2 of 2

Ecology has simplified how we manage the Trust Water Rights Program and we have a new donation form that can be found on our Trust Water Rights Program webpage at: <https://ecology.wa.gov/Water-Shorelines/Water-supply/Water-rights/Trust-water-rights>.

If, prior to the expiration of this temporary donation, you would like to extend, modify, or terminate the temporary donation, please email Ecology at [wrCRO@ecy.wa.gov](mailto:wrCRO@ecy.wa.gov). Ecology will review your request and notify you whether the donation can be extended, modified, or terminated.

If you have any questions, please contact Anthony DeJesus via email at [Anthony.dejesus@ecy.wa.gov](mailto:Anthony.dejesus@ecy.wa.gov) or by phone at (509) 406-4873.

Sincerely,



Heather Simmons, Section Manager  
Water Resources Program  
Central Regional Office

HS:AD:aa (230422)

By certified mail: **Sent electronically with read receipt, delivery confirmation/notification**

cc: Phil Rigdon, Yakama Nation – ecc





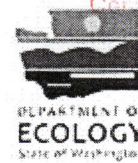
RECEIVED

JAN 25 2024

Dept. of Ecology  
Central Regional Office



State of Washington  
Department of  
Ecology  
CERTIFICATE OF ADJUDICATED  
WATER RIGHT



*This certificate of adjudicated water right is issued pursuant to the Final Decree made and entered by the Superior Court of the State of Washington in and for Yakima County on the 9th day of May 2019 in the case of State of Washington, Department of Ecology v. James J. Acquavella, et al., County Cause No. 77-2-01484-5. This water right is subject to and will be administered according to the Final Decree, which under Paragraph 8 incorporates all orders and opinions entered in the case. In the event of a conflict between this Certificate and the Final Decree, the Final Decree shall govern.*

<b>WATER RIGHT HOLDER:</b> Robert Ward Inouye Carol Grow Inouye	<b>MAILING ADDRESS:</b> Robert Ward Inouye 1780 Nile Road Naches, WA 98937-8925
---	--

<b>CERTIFICATE NUMBER:</b> S4-83445-J	<b>COURT CLAIM NUMBER:</b> 07735 (A)07736 (A)08001	<b>PRIORITY DATE:</b> July 22, 1891
<b>SUBBASIN NUMBER:</b> 16	<b>SUBBASIN NAME:</b> Upper Naches	<b>CFO DATE:</b> April 8, 1993

**Source**

Rattlesnake Creek via Rattlesnake Ditch

**Quantity**

0.25 cubic foot per second

**Purpose of Use**

Stock watering and wildlife

**Period of Use**

Continuous



RECEIVED

IAN 25 2024

Dept. of Ecology

**Point of Diversion**

75 feet north and 1450 feet west from the southeast corner of Section 4, in the SW¼SE¼ of Section 4, T. 15 N., R. 15 E.W.M.

**Place of Use**

That portion of the NW¼SW¼ of Section 3, T. 15 N., R. 15 E.W.M. adjacent to the Rattlesnake Ditch.

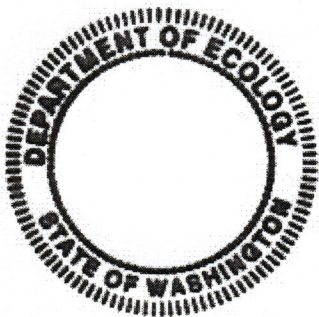
**Provisions and Limitations of Use**

The right to the use of a water right established under the laws of the State of Washington and confirmed hereby is restricted to the lands or place of use, purpose(s) of use, and to the other specified terms and conditions herein described, unless approved for change as provided in RCW 90.03.380 or other statute.

This certificated water right may be subject to relinquishment for nonuse of water as provided in Chapter 90.14 RCW.

Given under my hand and the seal of this office at Union Gap, Washington, this 20<sup>th</sup> day of July, 2022.

Laura Watson, Director  
Department of Ecology



DATA REVIEW  
OK LB

A handwritten signature in black ink, appearing to read "Mark C. Schuppe".

Mark Schuppe, Interim Section Manager  
Central Regional Office  
Water Resources Program

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.



**RECEIVED**

10/16/2023

For Publication and Distribution

JAN 25 2024

Dept. of Ecology  
Central Regional Office

**BENTON COUNTY WATER CONSERVANCY BOARD  
WATER RIGHT CHANGE/TRANSFER**

Public Notice is hereby given that the BCWCB is reviewing applications for water right change/transfers, for parent water rights listed below and existing, associated Temporary Trust Water Right Program donations. The applications are under review for formal acceptance by the BCWCB, at a meeting to be held on October 30, 2023, 4:00 p.m., at the office of Pacific NW Project, 3030 W. Clearwater, Ste. 205-A, Kennewick, WA (509-783-1623). The meeting is open to the public (call-in numbers provided upon request, 509-783-1623).

The below change/transfer applications supersede existing applications (withdrawn per previous applicant request to the BCWCB). Note that application tracking numbers may be revised for new applications submitted by: Bret Anderson, Regional Asset Manager, US Row Crops, contact at [banderson@WGIglobal.com](mailto:banderson@WGIglobal.com). Change to G4-26018C, BENT-23-01, priority date of October 10, 1978, and joint use right G4-26464C, BENT-23-02, priority date of November 8, 1979; authorizing joint use of 4,400 gpm, 1,820 acre-ft., 455 acres, irrigation March 1-October 31 (Note: includes Trust Program Donation rights designated below). The existing point of surface water diversion all within NW1/4 of NW1/4 of Section 15, T.5N, R.27 EWM; and associated river-groundwater withdraws all within sections 10 and 11, T.5N, R.27 EWM. No change to point of diversion/withdrawal or place of use for the parent water rights. Per change/transfer for existing Trusted acres (below), parent water rights will be reduced.

Associated below to parent rights, change to Temporary Trust Donation water right CG4-26018C@10\* authorizing 0.0 gpm, 277.6 acre-ft., 69.4 acres per Trusting, 3/01-10/31 (irrigation use period), being moved from Trust to irrigation use; change to Temporary Trust Donation water right CG4-26018@11 authorizing 1,228 gpm, 506.4 acre-ft., 126.6 acres per Trusting, 3/01-10/31 (irrigation use period), being moved from Trust to irrigation use; change to Temporary Trust Donation water right CG4-26464@3, authorizing 1,228 gpm, 0.0 acre-ft., 0.0 acres per Trusting, 3/01-10/31 (irrigation use period), being moved from Trust to irrigation use. Existing point of surface water diversion all within NW1/4 of NW1/4 of Section 15, T.5N, R.27 EWM; and associated river-groundwater withdraws all within sections 10 and 11, T.5N, R.27 EWM. The existing place of use is all within Temporary Trust Donation, Lower Columbia River. The new point of diversion for change/transfer rights is all within SW1/4 of SW14, of Section 7, and NW1/4 of NW1/4 of Section 18, T.5N, R. 26 EWM. The new place of use is all within portions of existing water rights place of use S4-15042(A)C and S4-14583(A)C, within US Row Crops ownership, all within or portions of Section 1, 2, 3, 10, 11, 12, 14, 15, 21, 22, T.5N, R.25 EWM and Section 7, T.5N, R.26 EWM. Specific Parcel Nos. for the new ownership will be provided upon request at 509-783-1624. The change/transfer is to supplement existing water duties for varied row crop rotations (total irrigated acres POU for new site up to 3,200 acres).



**RECEIVED**

Additional water right information also is available upon request. Per WAC 173-153-080 administrative rule for public notice information, interested parties are hereby directed to request the actual application documentation, and the detailed legal descriptions therein, from the BCWCB, at 509-783-1623.

Under WADOE Rule WAC 173-153 and other agency regulations, any protests or objections to the approval of this application may be filed with the Department of Ecology and must include a detailed statement of the basis for objections; protests must be accompanied by a fifty dollar (\$50) recording fee and filed with the Cashiering Section, State of Washington, Department of Ecology, P.O. Box 47611, Olympia, WA 98504-7611 within thirty (30) days from the date of publication. Any interested party may submit comments, objections, and other information to the BCWCB regarding this application, per the above address. The comments and information may be submitted in writing, or verbally at any public meeting of the BCWCB; BCWCB, 3030 W. Clearwater, Ste. 205-A, Kennewick, WA 99336, 509-783-1623. Comments should include: name, address, and phone number of commenting party; identification of the change/transfer receiving comments; and detailed information or documentation to substantiate facts presented within the comments.

**Note to publisher: Publish 2 times, once each week, for two weeks.**



**Attachment to Application for Change/Transfer of a Water Right**

**Applicants: Robert and Carol Inouye**

**RECEIVED**

**JAN 25 2024**

**Dept. of Ecology  
Central Regional Office**

**5. Place of Use**

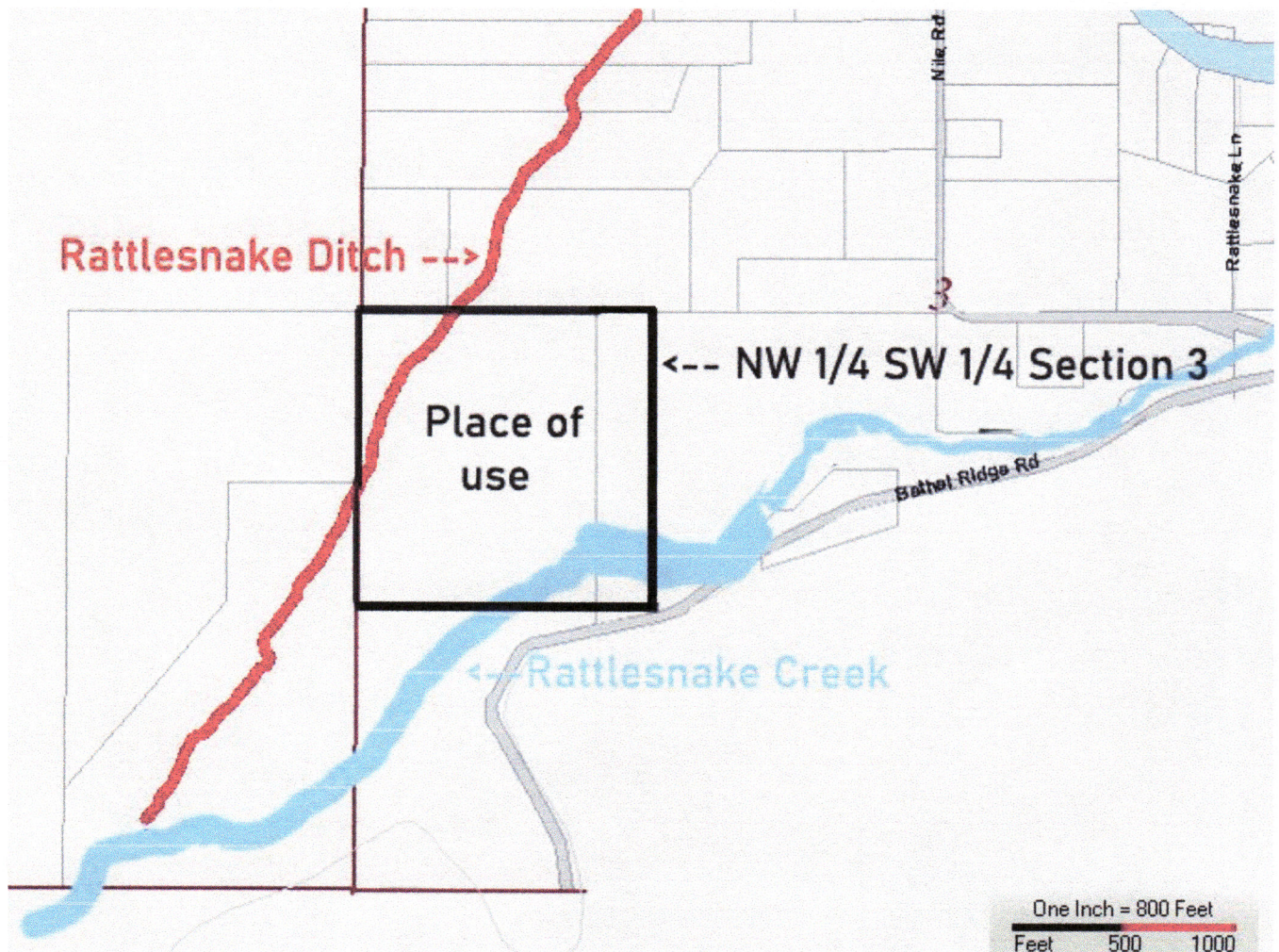
**A. Existing**

Parcel No. 151503 32001:

Location: NW  $\frac{1}{4}$ , SW  $\frac{1}{4}$ , Sec 3, Township 15N, Range 15 EWM, Yakima County.

Legal Description: TH PT OF W $\frac{1}{2}$  SW $\frac{1}{4}$  LY W'LY OF BETHEL RIDGE RD DESC AS FOL: BEG E LN SW $\frac{1}{4}$ TH W'LY & S'LY TO S LN OF SW $\frac{1}{4}$  & END OF SD LN EX E 254.25 FT EX CO RD R/W

Irrigated Acres: "adjacent to the Rattlesnake Ditch" per Certificate. No amount of acreage is specified; instead the diversion from Rattlesnake Creek is continuous year-round at 0.25 cfs.





## B. Proposed

The proposed new place of use is these three parcels:

**RECEIVED**

JAN 25 2024

Dept. of Ecology  
Central Regional Office

**Parcel No. 151503 32001:**

Location: W  $\frac{1}{2}$ , SW  $\frac{1}{4}$ , Sec 3, Township 15N, Range 15 EWM, Yakima County.

Legal Description: TH PT OF W1/2 SW1/4 LY W'LY OF BETHEL RIDGE RD DESC AS FOL:  
BEG E LN SW1/4TH W'LY & S'LY TO S LN OF SW1/4 & END OF SD LN EX E 254.25 FT EX CO  
RD R/W

Irrigated Acres: Specify only by parcel number (not by acres), as in the related Water  
Right Permit S4-35271.

**Parcel No. 151504 44003:**

Location: E  $\frac{1}{2}$ , SE  $\frac{1}{4}$ , Sec 4, Township 15N, Range 15 EWM, Yakima County.

Legal Description: Section 04 Township 15 Range 15 Quarter SE: BEG SE COR SE1/4, TH  
W 1320 FT, TH N 448.26 FT, TH N 39°E 1135.74 FT, TH N 536 FT, TH E 592 FT, TH S 1856  
FT TO POB

Irrigated Acres: Specify only by parcel number (not by acres), as in the related Water  
Right Permit S4-35271.

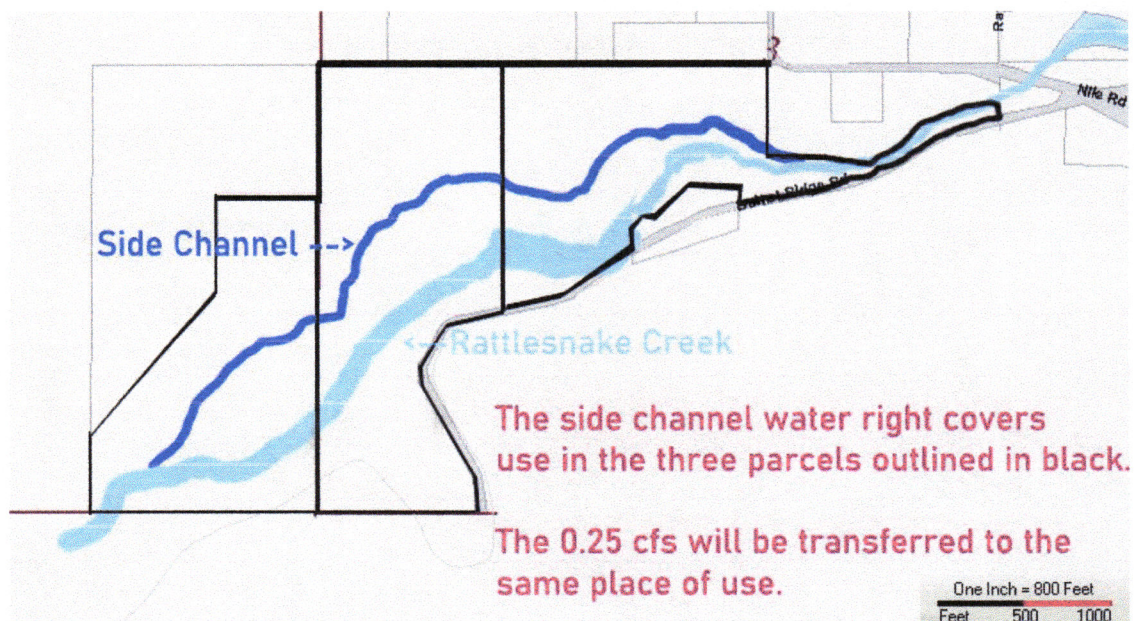
**Parcel No. 151503 31007:**

Location: SW  $\frac{1}{4}$ , Sec 3, Township 15N, Range 15 EWM, Yakima County.

Legal Description: Section 03 Township 15 Range 15 Quarter SW: TH PT OF SW1/4 LY N  
OF BETHEL RIDGE RD EX W 1065.75 FT EX BEG 1824.7 FT N & 148.9 FT W OF S 1/4 COR,  
TH N 100 FT, TH W 300 FT, TH S 45°E 1135.74 FT, TH W 75 FT, TH S 45° 00' 00" W 100 FT, TH S  
200 FT, TH N 72° 25' 00" E 652 FT, TH N 148 FT TO BEG ALSO TH PT OF NW1/4 SE1/4 LY  
S OF CEN LN OF RATTLE- SNAKE CR & N OF BETHEL RIDGE

Irrigated Acres: Specify only by parcel number (not by acres), as in the related Water  
Right Permit S4-35271.

Those three parcels are the same ones specified in Water Right Permit S4-35271, which  
authorizes use of 4 to 12 cfs (6,289 AFY) to create fish habitat along an artificial side channel.  
The side channel migrates, braids and shifts around over time, within those three parcels. The  
transferred 0.25 cfs will join the existing 4 to 12 cfs which flows in the side channel:





## 6. Project Description

RECEIVED

6.1 Provide a brief narrative explaining the general nature and intent of the proposed change(s) to the water right.

JAN 25 2024  
Dept. of Ecology  
Central Regional Office

Transfer an existing 0.25 cfs surface water right from an irrigation ditch to a nearby side channel. The transferred water will continue to serve its same purpose: "Stockwatering and wildlife". In its new location the 0.25 cfs will add 181 AFY to the 6,289 AFY already flowing into the side channel.

The present diversion point for the 0.25 cfs, from Rattlesnake Creek, will move downstream about 200 feet, to another existing diversion & headgate which presently services the mile-long side channel:

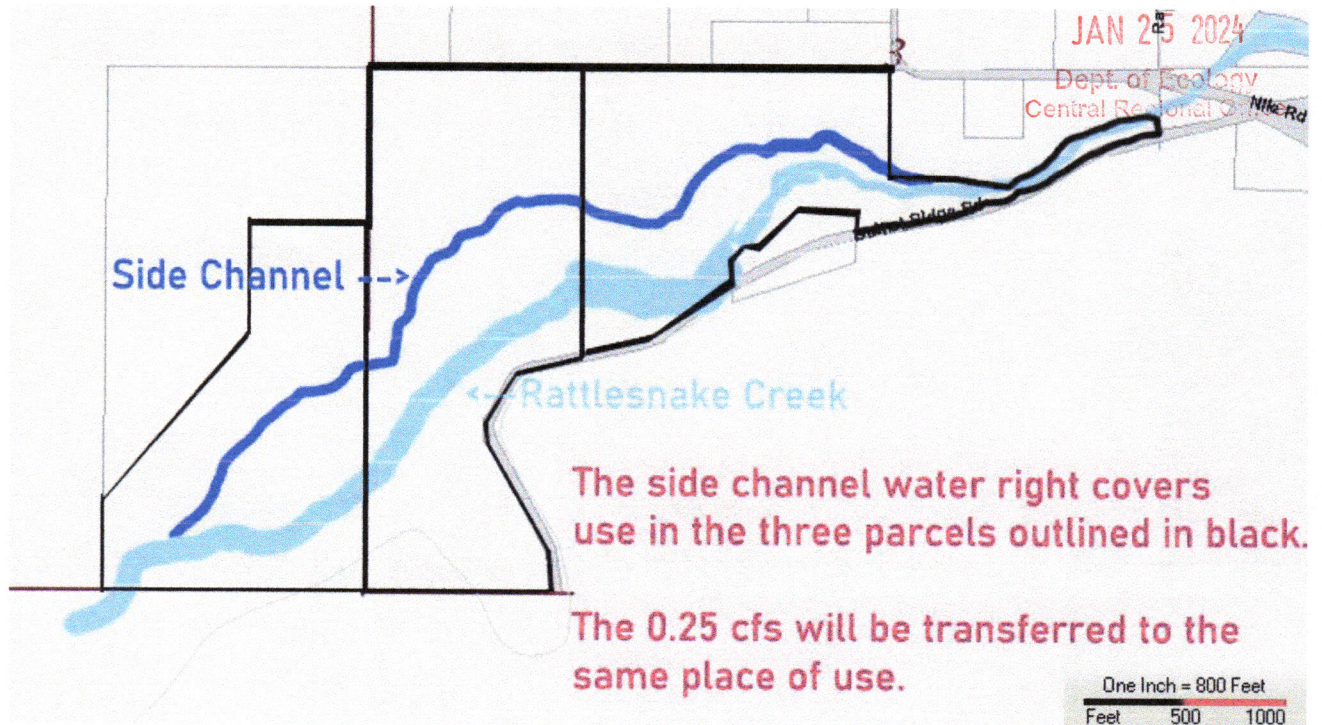


There are no diversion points or water users in the 200 feet of creek between the irrigation ditch headgate, and the side channel headgate.

We built the side channel 13 years ago to create habitat supportive of native fish populations. The side channel meanders through our forest land for a mile, then returns the remaining water to Rattlesnake Creek. The transferred 0.25 cfs will increase the existing side channel flow by 3%.



The new place of use for the 0.25 cfs will be identical to the place specified in the water right for the side channel. All involved parcels are owned by the same landowners. **RECEIVED**



Note: The blue line above represents just the main stem of the side channel, at one point in time. In reality the side channel moves, spreads and braids. This ongoing creation of evolving fish habitat is the intended function and purpose of this "fish propagation" water right.

DOE has supported this design with a grant to install artificial dams to back up and spread the side channel waters even further.

The spread of the side channel is limited by (1) the 6,289 AFY water right and (2) the boundaries of the three designated parcels.



Over time, the side channel moves around within the three parcels, pushed by beaver dams, snow, ice and flood events:

RECEIVED

JAN 25 2024

Department of Ecology  
Central Regional Office



DOE also funded the installation of eight artificial dams to increase ponding and spreading out of the side channel waters:





The side channel is already used by horses and a variety of wildlife, including salmon, trout, elk, deer and ducks. That matches the existing use specified for the 0.25 cfs we will move into the side channel:

RECEIVED

JAN 25 2024

Dept. of Ecology  
Central Regional Office



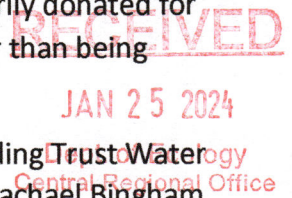
6.2 Are you aware of any compliance/enforcement actions that concern this water right? If so, describe.

No.

6.3 If this water right has previously been changed, summarize whether the previously authorized changes have been completed.



Pending approval of this application, the water right has been temporarily donated for instream flow, so it is temporarily being left in Rattlesnake Creek rather than being diverted into the irrigation ditch.



Attached: see the 4-11-2023 acknowledgement letter from DOE regarding Trust Water Donation No. CS4-83445-J, and the 10-6-2023 acceptance email from Rachael Bingham at DOE.

6.4 If the water right includes a diversion from a permitted reservoir, list all the associated water rights, the maximum volume of water stored in the reservoir, and the means of withdrawal.

Not applicable.

6.5 Attach a copy of any SEPA checklists or environmental analyses related to this project with this application.

Attached: the SEPA environmental checklist that WDFW prepared for us in 2011 when we installed the side channel diversion. This is the side channel which the 0.25 cfs will be added to.

6.6 For period of use change proposals, indicate the time of the year that the water use is proposed.

Not applicable. The water right is and will continue to be year-round.

6.7 For temporary change proposals, indicate the timeframe that the proposed change would be in effect.

Not applicable. This will be a permanent change.

6.8 For municipal change proposals, provide the most recent water right self-assessment, if one exists, as submitted to the Department of Health (DOH).

Not applicable.

#### **SYSTEM DESIGN AND OPERATION**

6.9 Provide a description of the existing water supply system from the point of diversion or withdrawal to the place of use.

At present the 0.25 cfs is donated to the Washington State Trust Water rights program. The water remains in Rattlesnake Creek. This was set up as a temporary donation, until the 0.25 cfs could be transferred to the nearby side channel.

Prior to that Trust donation the 0.25 cfs was diverted from Rattlesnake Creek into an open ditch which ran about 1/3 of a mile to reach its place of use. The water's purpose was to create natural habitat in and along the open ditch banks for wildlife and stock.



6.10 Provide preliminary design plans and specifications for the proposed change, including diversion or withdrawal and conveyance facilities, if applicable, and the proposed flow rate and volume design capacity.

RECEIVED

JAN 25 2024

Dept of Ecology  
Central Regional Office

There will be no new diversion facility. The transferred water will continue to travel in Rattlesnake Creek about 200 feet past the irrigation ditch headgate it used to use, then divert into the separate headgate which services the side channel:



The side channel headgate presently handles the side channel's 12 cfs water right. It can easily accommodate an additional 3%.

6.11 For change proposals adding a purpose of use or adding irrigated acres, describe how the change proposal would affect return flow.

No added purpose of use: it will continue to be "stock watering and wildlife".

Prior to the donation to Trust, the 0.25 cfs achieved its wildlife purpose by being absorbed into the ditch banks to create riparian habitat. When the 0.25 cfs is moved to the side channel, it will function in the same way, by adding to the much larger amount of water which already flows in the side channel. No water will be used for irrigation, but as before wildlife will benefit from the resulting flows, ponding and natural riparian growth.

The place of use specified in the existing water right for 0.25 cfs is "That portion of the NW ¼ SW ¼ of Section 3, T. 15 N., R. 15 E.W.M. adjacent to the Rattlesnake Ditch". That



JAN 25 2024

Dept of Ecology  
Central Regional Office

land falls within the place of use of the side channel water right: "Parcels 15150444003, 15150332001, and 15150331007". The new place of use for the 0.25 cfs will be those same three parcels. Within those three parcels the side channel is designed to shift around over time like a wild creek. It continuously self-adjusts due to natural processes (flooding, beaver dams, windfall trees, silt deposits). Sometimes human intervention is required to avoid driveway flooding and otherwise redirect flows to maximize wildlife benefits. Two fixed points are where the side channel begins (diverted from Rattlesnake Creek), and where it ends (returning into Rattlesnake Creek).

Return flow: Return flow will continue to be the same: any water absorbed into the ground might find its way underground to a distant creek or river. Any water not absorbed (or drunk by wildlife or stock) will flow above ground all the way down the side channel and thence back into Rattlesnake Creek.

- 6.12 Provide the current and projected system efficiency covered by the water right proposed for change.

"Efficiency" is not a concept which lines up well with this side channel project. There are no pumps or sprinklers.

All of the diverted 0.25 cfs will arrive immediately into the existing side channel, thus begin serving its wildlife and stock purposes. The water will create riparian habitat as it flows through the side channel, to benefit wildlife and stock. At the downstream end of the mile long side channel any remaining water returns to the creek. All of these are intended uses, rather than "inefficiencies".

- 6.13 Provide an explanation of how the proposed use will not increase the authorized maximum flow rate ( $Q_i$ ) or annual volume ( $Q_a$ ).

The water diverted from the creek into the side channel has been measured and reported to DOE for about 12 years. The  $Q_i$  and  $Q_a$  under the present side channel permit will increase by addition of the  $Q_i$  and  $Q_a$  of the transferred in water right.

- 6.14 For surface water diversions, describe how your plans comply with WDFW fish screening requirements.

Because the side channel is intended to provide fish habitat, it is intentionally not screened. The original design, which we developed in consultation with WDFW, allows fish to freely swim back and forth between the creek and the side channel. If future side channel modifications create a dead end segment inconsistent with fish travel, WDFW may then require installation of a fish screen to protect just that specific segment; we consult regularly with WDFW and comply with their direction.



## DEVELOPMENT SCHEDULE

RECEIVED

JAN 25 2024

Dept. of Ecology  
Regional Office

- 6.15 Provide a general timeline that includes the steps needed to begin the project, complete the project, and put the water to full beneficial use.

Beneficial use will begin immediately by merely opening the nearby side channel headgate a bit wider, so the additional 0.25 cfs can flow into the side channel.

- 6.16 For changes to water rights currently under a development schedule, provide a description of the current status of your project.

Not applicable.

- 6.17 Identify and discuss other land-use or environmental permits required and the timeline to obtain those permits.

I am not aware of other required permits. The side channel itself was built with permits which WDFW wrote and processed for us more than 10 years ago.

## 7. Related Water Rights

- 7.1 List any other water rights (applications, permits, certificates, or claims) related to this change application. Include any rights that overlap the place of use.

We are proposing that our 0.25 cfs be moved to the same diversion point and place of use as our existing side channel. The side channel permit S4-35271 authorizes diversion of 4 to 12 cfs (depending on the month), for a yearly total of 6,289 AFY, with the specified purpose of fish propagation.

The existing place of use for our 0.25 cfs is a quarter quarter section that is included within the proposed new place of use. The proposed new place of use for our 0.25 cfs is identical to the current place of use for our side channel water right. (See maps above.)

The irrigation ditch that our 0.25 cfs used to flow in (prior to 2023) still exists and conveys water through two of our parcels for use on other land owned by about 10 other people. Those users are shown in the maps at the end of this document.

- 7.2 Explain how the water rights listed above have been exercised.

Our 0.25 cfs was used from 1891 to 2022 in the irrigation ditch to create riparian habitat for stock and wildlife. See photo below at Section 8.10. Starting in 2023 we transferred the 0.25 cfs to Trust for temporary use in Rattlesnake Creek, until the transfer to our side channel is approved.

The side channel water right has been used since we built the side channel in 2010. It creates aquatic and riparian habitat which assist with fish propagation.

The irrigation ditch is still used for a number of irrigation water rights, as shown below in Section 11.



- 7.3 List all wells that have been added through a Showing of Compliance form.

None relating to this.

RECEIVED

JAN 25 2024

Dept. of Ecology

Central Business Office

## 8. Historical Use

- 8.1 Describe how the water proposed for change has been beneficially used since the water right was established.

The irrigation ditch water right was established by court order in *Aquavella* (77-2-01484-5) on 4-8-1993. The priority date of 7-22-1891 is established by court order dated 6-29-93. I am personally familiar with the use of this water since we bought the land, which was before those 1993 court orders.

The irrigation ditch runs almost continuously. It has occasionally been disrupted by extreme flooding or ice buildup in Rattlesnake Creek, but that is rare. The last two winters we were unable to get our water through the headgate for several months because it had been locked shut by other ditch users, but usually it runs year-round except as required for short maintenance work.

Over the last three years it has become increasingly difficult to fully use our 0.25 cfs "stock watering and wildlife" water in the irrigation ditch because other users have sought to change the ditch from its natural creek-like form into a streamlined ditch optimized only for conveying irrigation water with minimal loss. To safely preserve our wildlife water right we Trusted it to the State until we could complete this transfer of the 0.25 cfs into our side channel where it will again serve its court-ordered wildlife purpose.

- 8.2 For the water right proposed for change and the portfolio of any related rights, provide the historical flow rate from each point of diversion or withdrawal (in cubic feet per second or gallons per minute) and explain how the amount was determined (e.g., meter data or power records). Include information on how the water right was used historically, and how it is being used currently.

The historical use of this water right was the subject of the superior court hearing in 1993. The 1993 court orders confirming the water right embody the court's then finding regarding the historical use of the water: 0.25 cfs, continuous, for stock watering and wildlife, since 1891.

From that 1993 court hearing until 2006 DOE did not require measuring or reporting for this small irrigation ditch. During those years the combined inflows to the irrigation ditch were often ad hoc and excessive. Since 2006 inflows have been measured by a ramp flume and reported to DOE annually.

Since the 1993 court order confirming this water right, the water has continued to be fully used, with the short exceptions noted in 8.1 above.

No shut downs have extended for 5 years. The temporary shut-downs which did occur were because other users unilaterally locked our shared headgate shut, including the



winters starting in 2021 and 2022. Because of these conflicts we placed our 0.25 cfs in Trust to preserve it pending completion of this transfer to our side channel.

RECEIVED  
JAN 25 2024  
Dept. of Ecology  
Central Regional Office

8.3 If the requested change/transfer is for a water right claim, include evidence demonstrating use of water prior to 1917 for surface water, or 1945 for ground water.

This 0.25 cfs is an adjudicated water right with a priority date of July 22<sup>nd</sup>, 1891, reviewed and confirmed by the court in 1993. Those court findings conclusively establish continuous use since 1891.

8.4 For surface water diversions, explain whether streamflows were adequate to exercise the right throughout the historical period of diversion. If available, provide streamflow records to support the conclusion.

Yes, streamflows have always been adequate.

Rattlesnake Creek is a wild creek flowing out of the William O. Douglas Wilderness, with no dams or other artificial constraints. In our 30 years here, and in every oral history report we have heard, the creek has never run dry. There has always been sufficient water to feed the diversion. Occasionally the creek levels would drop so that it was necessary to work on the wing dam to keep adequate water flowing to the headgate. I am not aware of any time that the creek flow was less than our 0.25 cfs.

I am not aware of any regular stream flow records kept for Rattlesnake Creek. This chart, which I believe came from a Forest Service report, shows maximum flows in Rattlesnake Creek:

TABLE B-10 Calculated Flood Flows  
CALCULATED FLOOD FLOWS BY REGIONAL REGRESSION FORMULAS  
WITH STANDARD DEVIATIONS  
USING CURRENT & FORESTED CONDITIONS

FLOWS IN CFS	RETURN PERIOD IN YEARS				
	5	10	25	50	100
Sub-basin					
Upper Rattlesnake	2246	2792	3845	4536	5464
+1 STD. DEV.	3373	4054	5702	7063	9081
-1 STD. DEV.	1118	1530	1988	2010	1847
N F Rattlesnake	832	1080	1527	1838	2252
+1 STD. DEV.	1249	1568	2265	2862	3743
-1 STD. DEV.	414	592	790	814	761
Little Rattlesnake	538	750	1114	1381	1729
+1 STD. DEV.	809	1090	1652	2150	2874
-1 STD. DEV.	268	411	576	612	585
Rattlesnake Total	3696	4689	6567	7803	9430
+1 STD. DEV.	5551	6808	9739	12150	15673
-1 STD. DEV.	1840	2570	3395	3457	3187

WDFW has done spot checks of creek flows a few times in recent years during the summer, I don't have those records, but they never resulted in a request to reduce the flow of our 0.25 cfs senior water right which dates back to 1891.

8.5 For groundwater withdrawals, explain whether there has been an adequate supply of groundwater to exercise the water right throughout the historical period of withdrawal. Provide all groundwater data and methods used to support the conclusion.

Not applicable.



8.6 Describe your procedures for remaining in compliance with the provisions of your existing water right.

For years I managed the irrigation ditch headgate. I bought and installed the original ramp flume and for years monitored. More recently that monitoring has been taken over by other ditch users.

DOE has agreed to accept just one set of cfs readings which reflect all water rights in the ditch, including our 0.25 cfs. Those ramp flume readings have been reported to DOE yearly since the reporting requirement came into effect for this ditch in 2006; but there was one gap when some of the ditch users removed the ramp flume, until a new one was installed.

WDFW requires that the irrigation ditch water be screened. The Yakima Screen Shop regularly maintains and repairs the fish screen under a federal grant. Our predecessor in interest (Boise Cascade) granted WDFW an easement for their installation and maintenance of the fish screen.

8.7 If a water measuring device was installed, provide your measurement data.

I will attach measurement data for the irrigation ditch from the years when I was measuring and recording and reporting to DOE. I kept those records starting in 2006 when I installed the ramp flume, until 9-21-2015 when a down-ditch irrigator came in with a backhoe and removed the ramp flume.

More recently those duties were taken over by Rattlesnake Ditch Association; I believe they have forwarded annual reports to DOE. Regardless, I know from living here that creek water has continued to flow into the ditch every year.

8.8 If a measuring device was not installed, do the pumps have a dedicated power meter(s)? If so, provide an estimate of water use using the power consumption to water consumption equation described in WAC 173-173-160(2).

Not applicable. No pumps.

8.9 If no water use data are available, estimate annual use by using an alternative method and explain your methodology.

The amounts diverted from the creek were measured as explained above.

The 1993 the court order decided that our place of use naturally consumed our 0.25 cfs water right as it created wildlife habitat and serviced our several horses. That continued to be a valid estimate for decades. I spot checked occasionally with other measuring devices to confirm that our land did in fact consume the 0.25 cfs. It wasn't until the last three or four years that Rattlesnake Ditch Association began aggressively streamlining the ditch including pond liner in one stretch, so that our full 0.25 cfs could no longer be consumed on our place of use. Our only recourse was to put our 0.25 cfs water right in trust, to preserve it, until we could complete this transfer to our side channel.

RECEIVED

JAN 25 2024

Dept. of Ecology  
Central Regional Office



8.10 Provide aerial photos, remotely sensed images, or other information and explain how they support the historical use.

RECEIVED

This photo from the 1990's was considered by the *Aquavella* court when it granted the 0.25 cfs water right. It shows the irrigation ditch in its natural wild state and the extensive lush wildlife habitat that flourished along the riparian area. That habitat was the basis on which the court recognized this unusual right consisting of "stock watering and wildlife" use, dating back to 1891:





Some of the wildlife seen in the irrigation ditch have included beaver, otter, snakes (eating a frog) and elk:

RECEIVED

JAN 25 2024

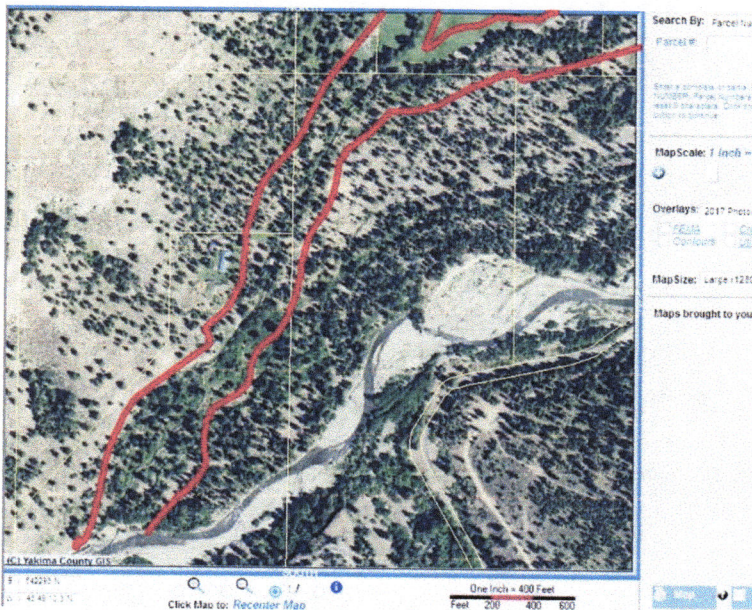
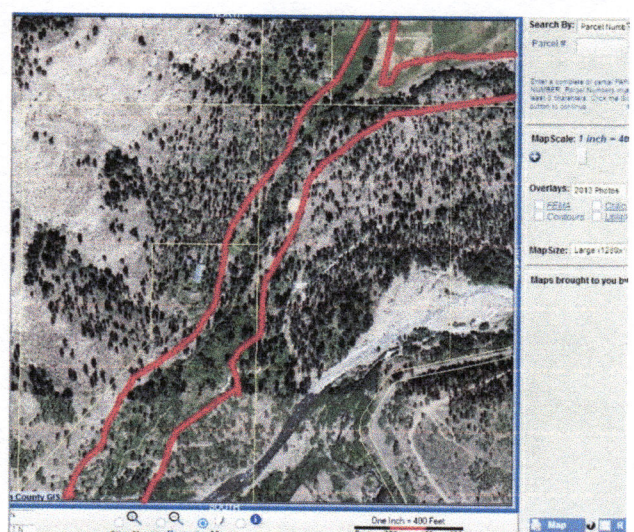
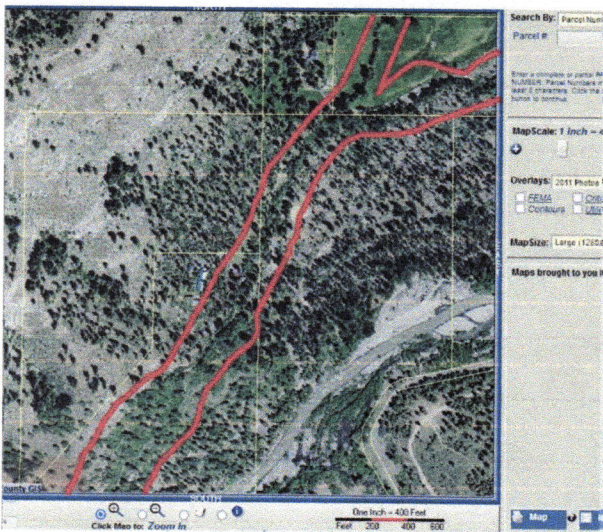
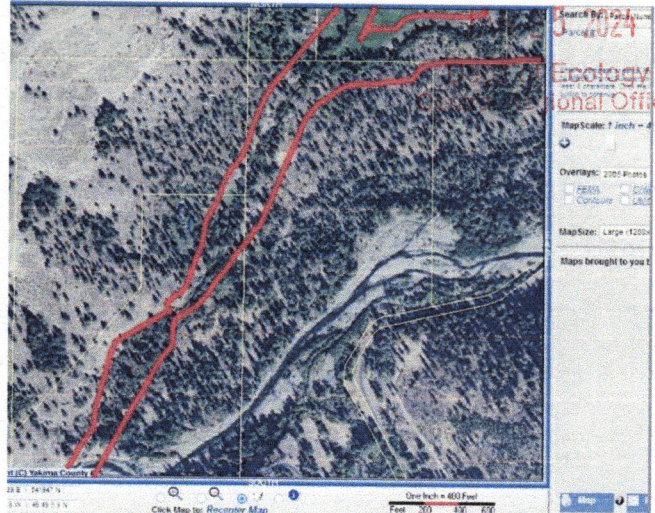
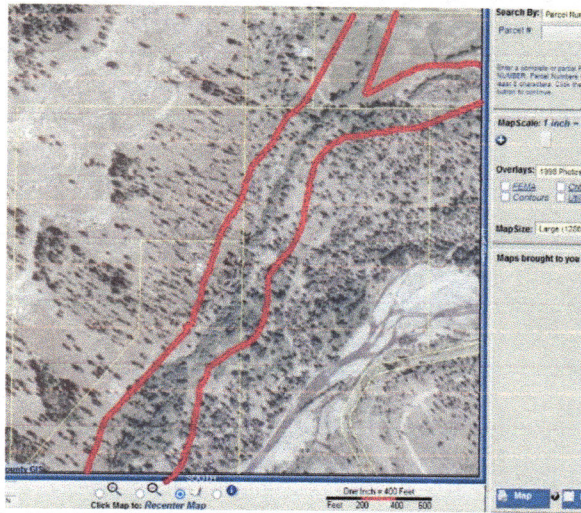
Dept. of Ecology  
Central Regional Office





These Yakimap aerial photos show the path of the natural vegetation which lined this open ditch:

RECEIVED





Over the last three years the irrigation ditch has become less able to provide the wildlife habitat which the 0.25 cfs water right was created for. Other ditch users have insisted on streamlining the ditch, including some plastic lining. Their work successfully reduced the conveyance loss, but those same "improvements" also cause much of our 0.25 wildlife cfs to flow unused through the more efficient ditch and instead continue on down-ditch to their irrigated hayfields.

While the ditch has historically and capably served both of its dual wildlife and irrigation purposes, this recent redesign has sacrificed our wildlife benefits to maximize only efficient conveyance of irrigation water for others. Faced with this diminishing wildlife use, we transferred our 0.25 cfs to Trust in the creek until it could be transferred to the side channel for continued wildlife benefit.

### **WATER USED FOR IRRIGATION**

8.11 If changing the purpose of use, refer to the Provisions section of your water right document to determine whether the right is subject to the Family Farm Water Act. If so, contact the appropriate Ecology regional office prior to completing this form (refer to map on page 1).

Not applicable.

8.12 Describe your irrigation scheduling practices (e.g., frequency and duration of irrigation sets). Describe how data from soil moisture probes, weather forecasts, crop inspection, or other irrigation scheduling techniques were used to determine irrigation practices.

Not applicable.

8.13 If adding the irrigation of additional acres or a new purpose of use, provide metering data for the most recent five-year period of continuous use. If metering data are unavailable, provide an estimate of water use for the most recent five-year period of continuous use and describe the methodology for this estimate.

The new place of use for the 0.25 cfs (three parcels) will be larger in acres than the present place of use (1/4 1/4 section adjacent to the irrigation ditch). But the 0.25 cfs and its 181 AFY will be added into the existing side channel (on those same three parcels) which has a water right for 4 to 12 cfs totalling 6,289 AFY.

See 8.7 above for the metering data for the 0.25 cfs.

8.14 If water has been used from a state or federal water project (contract water) on the historical place of use, explain when and how that contract water was used.

Not applicable.



JAN 25 2024

Department of Ecology  
Central Regional Office

## 9. Hydrogeologic Setting

We strongly recommend that applicants consult with Ecology in a pre-application meeting prior to conducting any hydrogeologic work, to determine the scope of data required for processing this application.

Not applicable. No hydrogeologic work was suggested during our 7-12-23 pre-application meeting with DOE.

## 10. Environmental Assessment

10.1 Describe the aquatic uses of any related surface water bodies (i.e., fish and wildlife, recreation and aesthetic, water quality, etc.).

Rattlesnake Creek: is fish bearing and supports diverse wildlife. Water quality is good, though seasonally turbid.

The Side Channel: this mile long channel was built 13 years ago, parallel to Rattlesnake Creek. It is designed to provide protective habitat supportive of juvenile salmonids. The resulting beaver ponds and riparian growth create habitat which support a wide variety of animals (bear, cougar, elk, deer, bobcat, mink, beaver), birds (heron, eagles, hawks, ducks), and stock (horses).

10.2 Indicate whether the related surface water is fish-bearing, including whether it is inhabited by salmonids. List species and the times of year they are present.

<https://apps.wdfw.wa.gov/salmonscape>

Yes, Rattlesnake Creek is fish bearing, including salmonids. Here are the results pulled from <https://apps.wdfw.wa.gov/salmonscape/map.html> :

Coho: documented historic presence  
Spring Chinook: documented spawning.  
Summer Steelhead: documented spawning  
Bull Trout: documented presence

The side channel project was expressly designed in consultation with WDFW for the purpose of creating favorable habitat for juvenile salmonids. The project has been very successful, and has received funding and other support from WDFW, YIN, DOE, the Salmon Recovery Funding Board and Mid-Columbia Fisheries. The transferred water will go into the side channel to assist with that 13 year old fish propagation project.



RECEIVED

JAN 25 2024

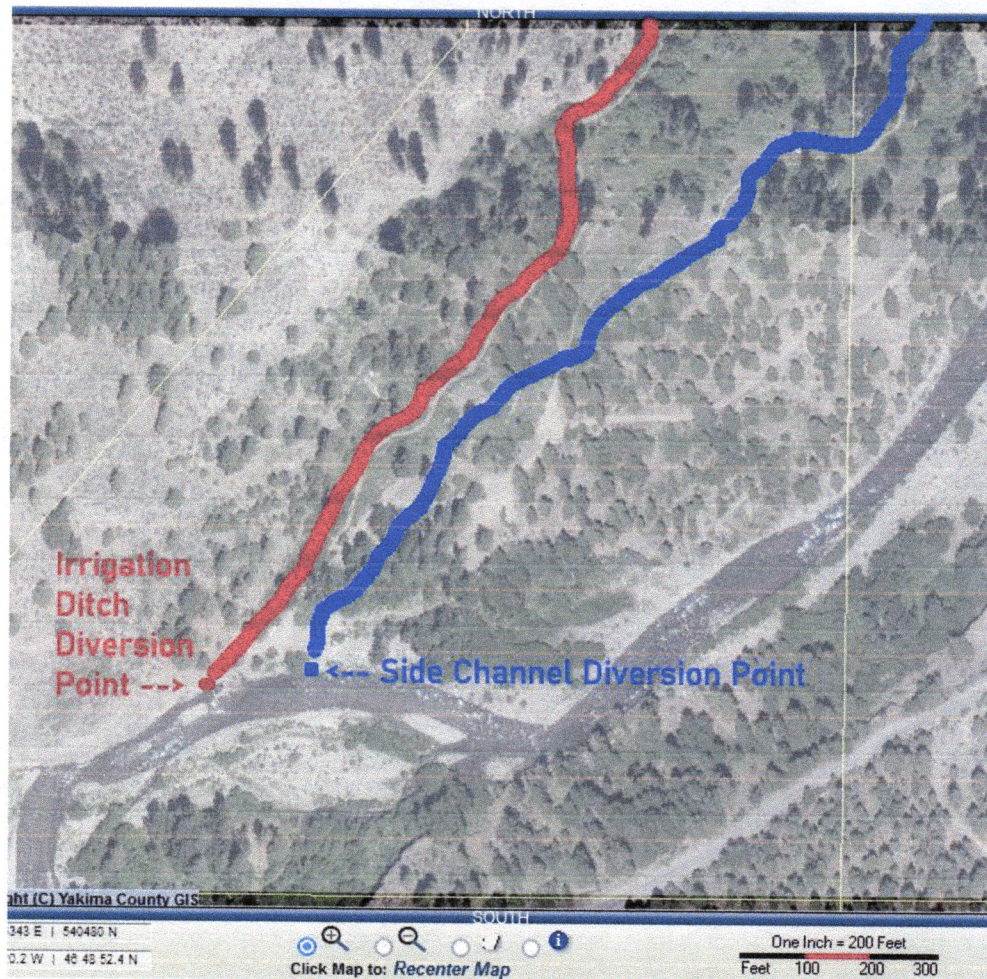
Dept. of Ecology  
Central Regional Office

## 11. Maps and Other Documentation

### 11.1 Attach detailed map(s) clearly indicating the following:

- The existing places of use for all rights related to this proposed change. If any overlapping water rights for the place of use, or multiple rights that share the same point(s) of diversion/withdrawal exist, provide one map depicting all of the historical points of diversion, means of conveyance, and places of use. Identify related rights as such by water right number.

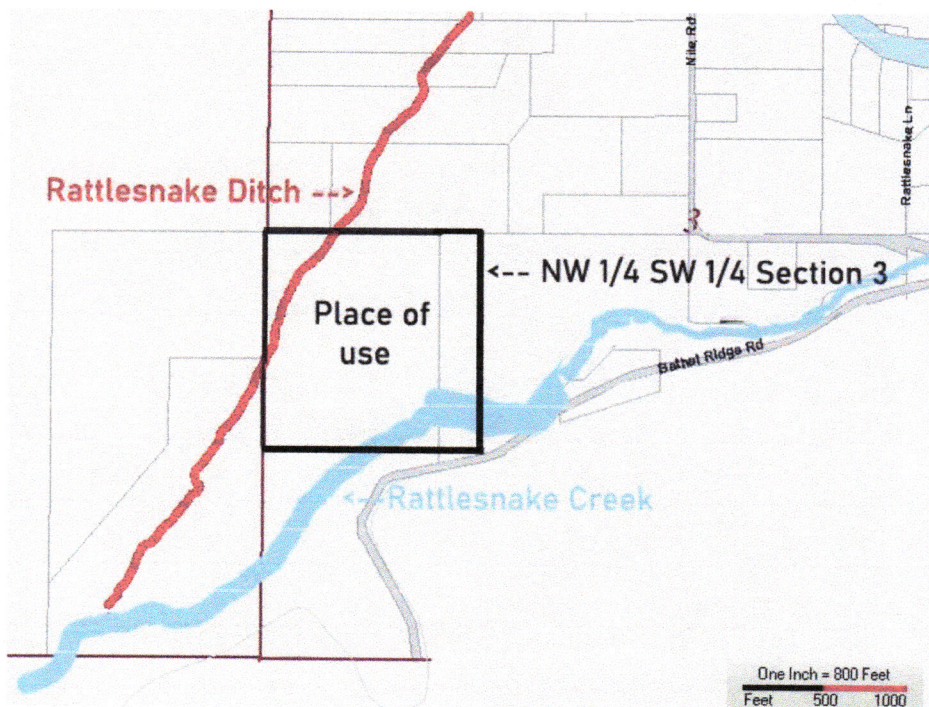
This map shows the existing diversion point on Rattlesnake Creek (for the irrigation ditch) and the proposed diversion point on Rattlesnake Creek for the side channel. The proposed move of our 0.25 cfs is 200 feet downstream:





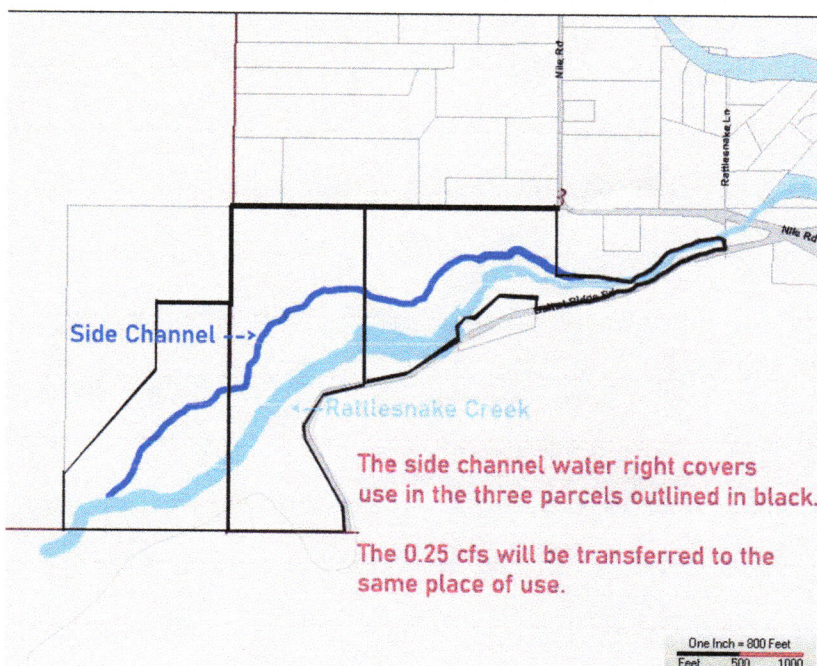
This map shows the original place of use for our 0.25 cfs “stock watering and wildlife” water right. The place of use is “That portion of the NW ¼ SW 14 of Section 3, T. 15 N., R. 15 E.W.M. adjacent to the Rattlesnake Ditch”:

**RECEIVED**  
JAN 25 2024  
Dept. of Ecology  
Central Regional Office



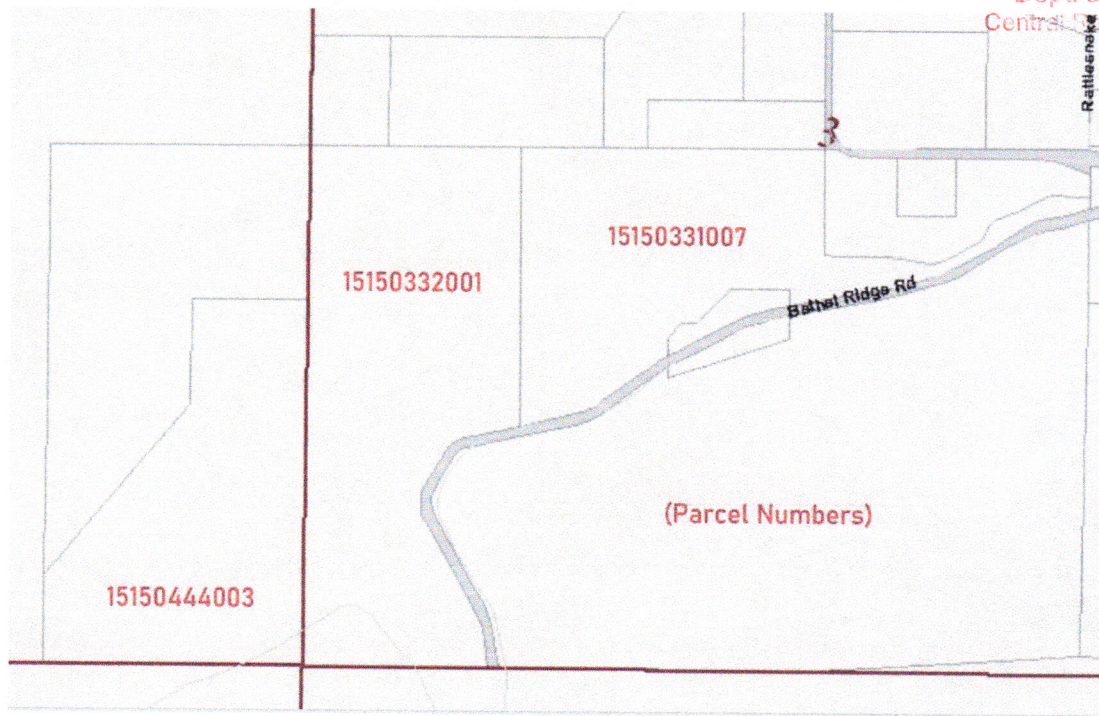
However, since 2023 our 0.25 cfs water right has been accepted by DOE as a donation to the Washington State Trust Water rights program for instream flow (file number CS4-83445-J). Our donation to the creek is temporary, until this transfer of the 0.25 cfs to our side channel is approved by DOE.

This map shows the new proposed place of use for our 0.25 cfs. It will be the same as the existing place of use for our side channel water right: “PARCELS 15150444003, 15150332001, AND 15150331007”:

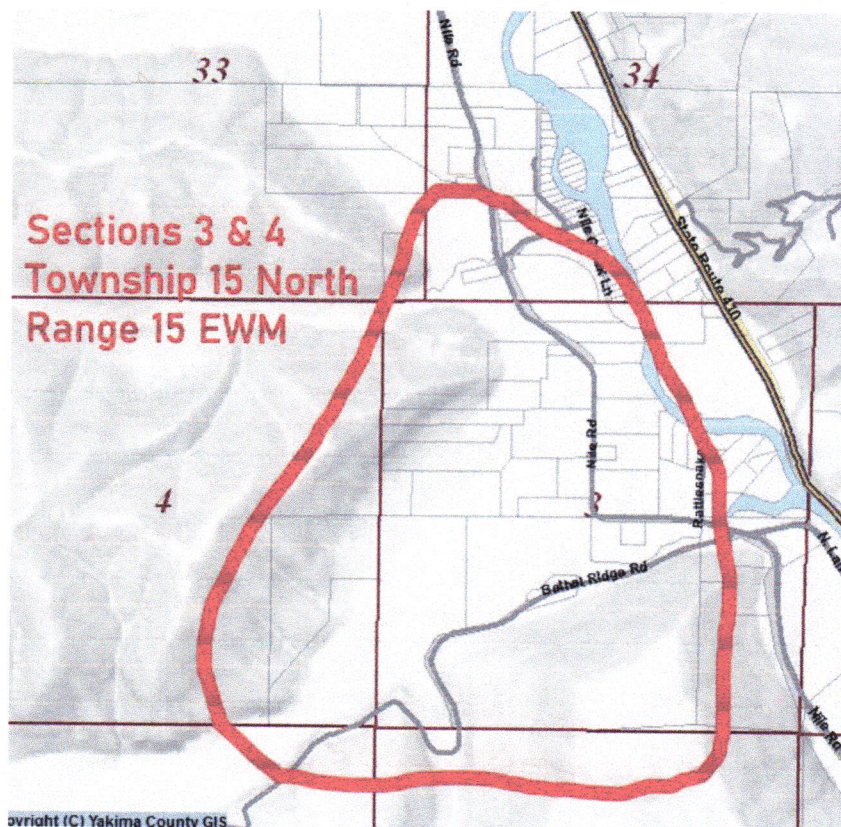




This map shows the county parcel numbers for the existing place of use (parts of 151503 32001 and 151503 31007), and for the proposed place of use (all of 151503 32001, 151503 31007 and 151504-44003):



This map shows Sections 3 and 4 of Township 15 North, Range 15 EWM:





Regarding other water rights in the irrigation ditch, these two maps were prepared by the Rattlesnake Ditch Association:

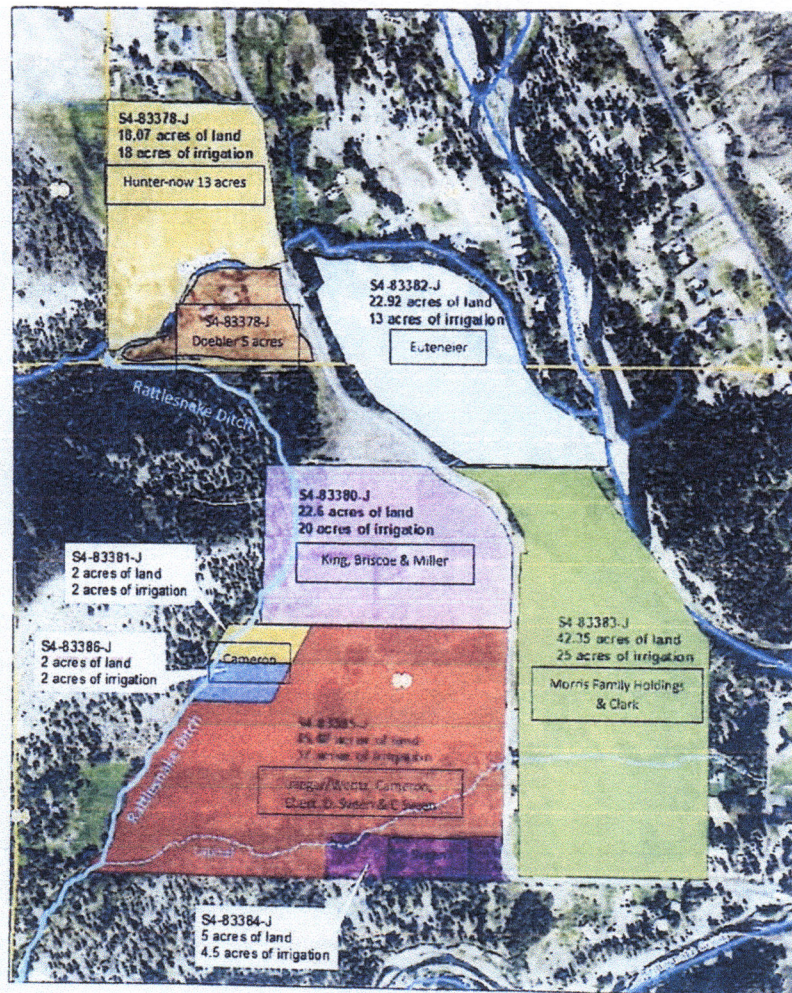
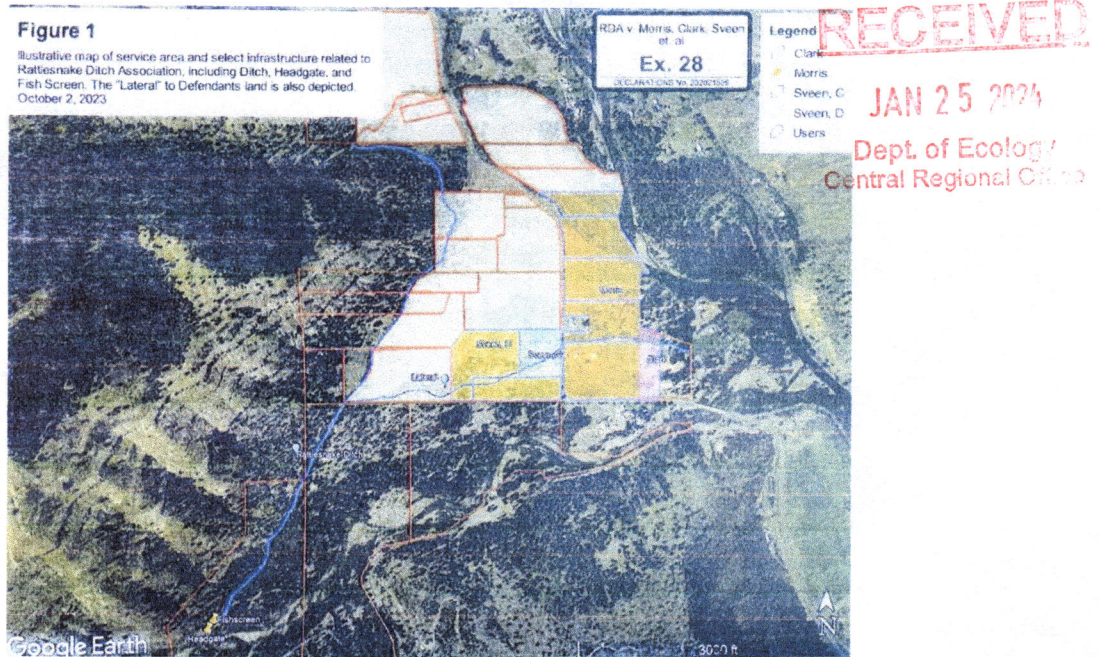


Figure 2: Illustrative schematic showing place of use of water rights as adjudicated in Ecology v Acquavella (Yakima Cause No. 99373-4, Final Decree 2021)  
Current as of March 2022, out of date as to divisions of water rights pending with Ecology.