

From: [Dunbar, Mark \(ECY\)](#)
To: [Kelly Bacon \(CD\)](#)
Cc: [Clear, Gwen \(ECY\)](#); [Kossik, Christopher \(ECY\)](#); [Hutton, Trevor \(ECY\)](#); [David Johnson](#)
Subject: FW: Zito SEPA Comments
Date: Wednesday, November 17, 2021 2:47:23 PM
Attachments: [KZ Freehold SEPA.docx](#)

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Dear Ms. Bacon,

Thank you for speaking with me this morning regarding Kittitas County SEPA #202105787. Attached above is the letter I received from David Johnson on Monday November 15. The letter alerted me to an apparent mischaracterization of the irrigation ditch located on one of the parcels subject to this SEPA review. Section 3 of the SEPA checklist refers to water courses on the property as being limited to “abandoned irrigation ditches.” The Haberman ditch, which runs from Whiskey Creek west across Triple Creek Ranch, then northwest and southwest directly through the middle of parcel 19-19-31040-0002, is not abandoned. This ditch is operated annually to provide gravity flow irrigation and stock water to surrounding ranch properties.

The Haberman ditch is clearly visible on the map and 2019 aerial photographs attached above, as are the irrigated pastures served by the ditch. The Final Schedule of surface water rights from the Yakima River Basin Adjudication lists three water rights that share the authorized point of diversion from Whiskey Creek; S4-84211-J (Jo Bar Two Land & Cattle LLC), S4-84169-J (Patrick Jenkins) and S4-84254-J (Triple Creek Ranch). Of these three water rights, S4-84169-J (Patrick Jenkins) water is carried across parcel 19-19-31040-0002 via the ditch. Turnouts for Triple Creek Ranch water are likely east of Wilson Creek Road, and would not be affected by the project. Water use by Jo Bar Two Land & Cattle LLC is not evident in the photo.

Also located on parcels 18-19-06010-0001 and 19-19-31040-0002 is an intermittent or seasonal stream bed, which runs diagonally from NE to SW through both parcels. This would be the feature referred to as a Class 4 stream bed. The intermittent stream bed is a separate feature from the Haberman ditch, except where the two intersect. At the intersection it appears that a portion of creek bed which lies down-gradient of the Haberman Ditch may have been utilized to convey irrigation water at some time in the past. This may have been the Jo Bar Two Land & Cattle LLC turnout, and perhaps this is the channel the SEPA checklist refers to as abandoned(?). In either case, the USGS Quadrangle clearly shows a portion of the Haberman ditch, an attached pond, and the intermittent stream bed as three separate features, all of which are verified on the 2019 aerial photographs (attached above).

Given the insufficient nature of the information provided on the SEPA checklist, I request that the

checklist be revised to acknowledge that the Haberman ditch runs across parcel 19-19-31040-0002 and is actively maintained by at least one water right holder. Water right holders hold prescriptive easement to utilize and maintain existing ditches. All property owners that hold water rights associated with the Haberman ditch should be duly informed of the revision and provided a chance to comment on their own behalf.

Thank you.

Mark Dunbar
Yakima River Basin Watermaster
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From: David Johnson <chinook_6@icloud.com>

Sent: Friday, November 12, 2021 2:21 PM

To: kelly.barton.cd@co.kittitas.wa.us; john.marvin@yakama.com; a-lael@conservewa.net; justin.betzold@tu.org; Dunbar, Mark (ECY) <MDUN461@ECY.WA.GOV>; Roma Stokes <RomaStokes20@gmail.com>; Dave Johnson <chinook_6@hotmail.com>

Subject: Zito SEPA Comments

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Please see the attached comments for the Large Lot SEPA, LP-21-00002 Zito.

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