

ATTACHMENT H



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

February 2, 2011

The Ranch on Swauk Creek LLC
PO Box 808
Cle Elum WA 98922-0808

RE: Water Right Change Application No. CS4-01475sb4aa (KITT-10-04)

In accordance with RCW 90.80.080 the Department of Ecology (Ecology) has reviewed the Record of Decision (ROD), Report of Examination (ROE), and all comments, protests, objections and other relevant information submitted by the Kittitas County Water Conservancy Board (the Board) for the above referenced application for change.

Ecology has **modified** the decision of the Board and the proposed change/transfer of water right is **approved** under the following conditions:

Summary of Ecology's Final Order

MAXIMUM CFS 1.5 cfs	MAXIMUM GPM	MAXIMUM ACRE-FT/YR 148.5 acre-feet/year (34.03 acre-feet domestic) (56.02 acre-feet domestic irrigation) (58.45 acre-feet agricultural irrigation)	TYPE OF USE, PERIOD OF USE Community domestic use and irrigation. Up to 10.58 acres of domestic irrigation and *7.79 acres of agricultural irrigation from April 1 through October 31. Community Domestic use (243connections) From January 1 through December 31.				
SOURCE Community Domestic use from two (2) wells. Irrigation water from Swauk Creek at the Burke Diversion.			TRIBUTARY OF (IF SURFACE WATER) N/A Yakima River				
WELLS AT A POINT LOCATED (Parcel No.): 20-17-28030-0010: Map No. 15822	¼ E½	¼ SW	SECTION 28	TOWNSHIP 20 N.	RANGE 17 EWM	WRIA 39	COUNTY Kittitas
DIVERSION AT A POINT LOCATED (Parcel No.): 20-17-27020-0026: Map No. 195535	NW	NW	27	20 N.	17 EWM		



LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED AS APPROVED BY THE BOARD					
<p>Portions of the following:</p> <p>The S½SW¼ of Section 27, Parcels 20-17-27020-0026 and 20-17-27020-0030 in the NW¼NW¼ of Section 27, the SE¼ of Section 28, the NE¼ of Section 33, the W½ of Section 34, and Parcels 20-17-27030-0003 and 20-17-27030-0006, all within T. 20 N., R. 17 E.W.M.; and</p> <p>The NW¼ of Section 03, T. 19 N., R. 17 E.W.M;</p> <p>NOTE: In the event that the applicant develops a water use that by operation of law conforms to a municipal use prior to the expiration of the development schedule, then the following language shall apply:</p> <p>The place of use (POU) of this water right is the service area described in the most recent Water System Plan/Small Water System Management Program approved by the Washington State Department of Health, so long as <u>The Ranch on Swauk Creek LLC</u> is and remains in compliance with the criteria in RCW 90.03.386(2). RCW 90.03.386 may have the effect of revising the place of use of this water right.</p> <p>*The place of use for the agricultural irrigation portion of the right will not benefit from a future municipal conformance; therefore, the legal description described above will remain intact for the 7.79 acres of agricultural irrigation.</p>					
PARCEL NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE,
DEVELOPMENT SCHEDULE					
BEGIN PROJECT BY THIS DATE:		COMPLETE PROJECT BY THIS DATE:		WATER TO PUT TO FULL USE BY THIS DATE:	
October 31, 2011		October 1, 2023		October 1, 2023	

Ecology has **MODIFIED** the decision of the Board as follows:

- 1) The Board's decision has been MODIFIED as noted in the table above.
- 2) The following provision is ADDED to the PROVISIONS section in the Board's ROE:

"If the criteria in RCW 90.03.386(2) are not met the place of use of this water right reverts to the service area described in the Water System Plan/Small Water System Management Program most recently approved after September 9, 2003. If the criteria in RCW 90.03.386(2) are not met and no Water System Plan/Small Water System Management Program has been approved after September 9, 2003, the place of use reverts to the last place of use described by Ecology in a water right authorization."
- 3) The following provision is ADDED to the PROVISIONS section in the Board's ROE:

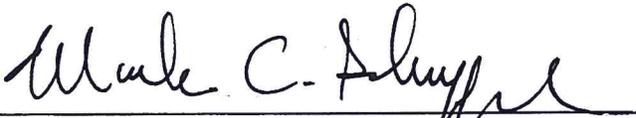
The community domestic use herein authorized will not qualify as a right for municipal water supply purposes until there is active compliance with the beneficial use definition in RCW 90.03.015(4). At such time as said active compliance is achieved, then the purpose of use will conform to municipal water supply.

This Decision may be appealed pursuant to RCW 34.05.514(3), RCW 90.03.210(2), and Pretrial Order No. 12 entered in *State of Washington, Department of Ecology v. James Acquavella, et al.*, Yakima County Superior Court No. 77-2-01484-5 (the general adjudication of surface water rights in the Yakima River Basin). The person to whom this Decision is issued, if he or she wishes to file an appeal, must file the notice of appeal with the Yakima County Superior Court **within thirty (30) days of receipt of this Decision**. Appeals must be filed with the Superior Court Clerk's Office, Yakima County Superior Court, 128 North 2nd Street, Yakima WA 98901, RE: Yakima River Adjudication. Appeals must be served in accordance with Pretrial Order No. 12, Section III ("Appeals Procedures"). The content of the notice of appeal must conform to RCW 34.05.546. Specifically, the notice of appeal must include:

- The name and mailing address of the appellant;
- Name and address of the appellant's attorney, if any;
- The name and address of the Department of Ecology;
- The specific application number of the decision being appealed;
- A copy of the decision;
- A brief explanation of Ecology's decision;
- Identification of persons who were parties in any adjudicative proceedings that led to Ecology's decision;
- Facts that demonstrate the appellant is entitled to obtain judicial review;
- The appellant's reasons for believing that relief should be granted; and
- A request for relief, specifying the type and extent of relief requested.

The "parties of record" who must be served with copies of the notice of appeal under RCW 34.05.542(3) are limited to the applicant of the decision subject to appeal, Ecology and the Office of the Attorney General.

All others receiving notice of this Decision, who wish to file an appeal, must file the appeal with the Yakima County Superior Court within **thirty (30) days of the date the Order was mailed**. The appeal must be filed in the same manner as described above.



Mark C. Schuppe, Section Manager
Water Resources Program/CRO

MCS:JK:gg/110201

Enclosures: Construction Notice

Certified Mail: 7007 2560 0001 9535 8450

cc: Janet Rajala, Department of Ecology, ERO (email/pdf)
Chery Varnum, Kittitas County Water Conservancy Board
Philip Rigdon, Director, Natural Resources Division, Yakama Nation
Pat Deneen



STATE OF WASHINGTON
DEPARTMENT OF HEALTH
EASTERN DRINKING WATER REGIONAL OPERATIONS
16201 East Indiana Avenue, Suite 1500, Spokane Valley, Washington 99216-2830
TDD Relay 1-800-833-6388

January 5, 2011

Mark Nelson
Hidden Valley Guest Ranch
PO Box 394
Cle Elum, WA 98922

Subject: Hidden Valley Guest Ranch; PWS ID #326485; Kittitas County
Water System Plan Amendment; DOH Project #09-0917; **DOH Approval**

Dear Mr. Nelson:

The Hidden Valley Guest Ranch Water System Plan (WSP) Amendment received in this office on September 9, 2009, with revisions received on July 16, 2010, and December 15, 2010, has been reviewed and, in accordance with the provision of WAC 246-290, is hereby **APPROVED**.

The Amendment includes information that meets the service area and water rights requirements in WAC 246-290-100(4) (a) and (f). Approval of this Amendment is valid as it relates to current standards outlined in Washington Administrative Code (WAC) 246-290 revised July 2008, WAC 246-293 revised September 1997, and RCW 70.116, and is subject to the qualifications herein. Future revisions in the rules and statutes may be more stringent and require facility modification or corrective action.

The approval of the Amendment does not change the expiration date of the Water System Plan (WSP). An approved update of the WSP is required on or before August 27, 2014.

The Amendment includes capacity information and based on the analysis presented in the amendment, the **approved number of connections for this water system is 263**.

The Hidden Valley Guest Ranch is responsible for permitting new service connections in a manner consistent with the WSP and Amendment so that the physical capacity and water right limitations, represented by the approved number of connection, are not exceeded.

This approval does not provide any guarantee and should not be considered to provide any guarantee concerning legal use of water or any subsequent water right decisions by the Department of Ecology (Ecology). This approval does not affect any uncertainties regarding



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your water rights or the resolution of those uncertainties. Depending on the resolution of the uncertainties, further planning and/or other action may be necessary.

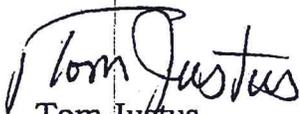
DOH Disclaimer: The Department of Ecology has not reviewed the system's water right place of use expansion to ensure the accuracy of the information presented. The Department of Health (DOH) is basing this approval on the system's assurance that adequate water rights are secured by the system to cover all existing and proposed water uses resulting from approval of this place of use expansion.

Pursuant to RCW 90.03.386(2), the "Proposed Service Area/Future Service Area/Water Rights Place of Use Boundary" identified on Exhibit A (received July 16, 2010) in the Amendment now represents "place of use" for this system's water rights. Future changes in service area must be made through a WSP amendment.

The Hidden Valley Guest Ranch has defined its retail service area in the Amendment and now has a duty to provide new water service within its retail service area.

Thank you for your cooperation. DOH recognizes the significant effort and resource commitment involved in the preparation of this Amendment. If you have any questions or wish to check our records, please contact either of us at (509) 329-2119 or (509) 329-2121, respectively.

Sincerely,



Tom Justus
Regional Engineer
Office of Drinking Water
Division of Environmental Health



Heather Cannon
Regional Planner
Office of Drinking Water
Division of Environmental Health

cc: Kittitas County Health Department
Kittitas County Planning Department
LCU Inc., Owners
Breean Zimmerman, Department of Ecology, Central Regional Office
Chad Allen, P.E., Encompass Engineering



STATE OF WASHINGTON
DEPARTMENT OF HEALTH

1500 West 4th Avenue, Suite 305 • Spokane, Washington 99204
FAX: (509) 456-2997

August 15, 2007

Mark Nelson, Manager
Evergreen Utilities SMA
PO Box 394
Cle Elum, WA 98922

Subject: Ranch on Swauk Creek;; PWS ID #AB685R; Kittitas County
Small Water System Management Program; DOH Project # 07-0302; APPROVAL

Dear Mark:

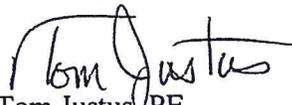
We have reviewed the Small Water System Management Program (SWSMP) for the Ranch on Swauk Creek Water System, received in this office on February 20, 2007, with additional information submitted on July 23, 2007. **The Program adequately addresses the topics required by WAC 246-290-105 and is hereby APPROVED.** Approval of this plan is valid as it relates to current standards as outlined in WAC 246-290, revised April 1999. Future revisions in the rules may be more stringent and require facility modifications or corrective action.

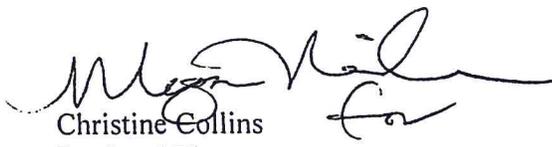
Based upon the information supplied in the SWSMP, the Ranch on Swauk Creek water system has sufficient capacity to safely and reliably provide water. Accordingly, the number of approved connections for the Ranch on Swauk Creek water system is 14 ERU's.

This approval does not provide any guarantee and should not be considered to provide any guarantee concerning legal use of water or subsequent water rights decisions by the Department of Ecology (Ecology). A copy of Ecology's letter dated April 16, 2007, regarding your water rights is enclosed. This approval does not affect any uncertainties regarding your water rights or the resolution of those uncertainties. Depending on the resolution of the uncertainties, further planning and/or other action may be necessary.

Please feel free to contact either of us at (509) 456-2453 or (509) 456-2457 respectively, if you have any questions.

Sincerely,


Tom Justus, PE
Regional Engineer
Office of Drinking Water
Division of Environmental Health


Christine Collins
Regional Planner
Office of Drinking Water
Division of Environmental Health

cc: Kittitas County Health District
Kittitas County Planning
Carol Mortensen, Department of Ecology, Yakima

Hidden Valley Water System – Retail Service Area

