



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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June 2, 2008
CERTIFIED MAIL
[7006 0100 0002 8191 4340]

Laurin Mellergaard
751 Mellergaard Rd
Ellensburg WA 98926

RE: Water Right Change Application No. CG4-00111-A (KITT-07-08)

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 CUB FT/ SECOND		MAXIMUM GAL/MINUTE		MAXIMUM ACRE-FT/YR		TYPE OF USE, PERIOD OF USE	
		30		12.6		Year round municipal supply	
SOURCE					TRIBUTARY OF (IF SURFACE WATER)		
A well							
¼	¼	SECTION	TOWNSHIP N.	RANGE	WRIA	COUNTY.	
NW	NE	32	18	19 EWM	39	Kittitas	
AT A POINT LOCATED:							
NW¼ of NE¼ of Section 32, T. 18 N., R. 19 E.W.M.							
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED AS APPROVED BY THE BOARD							
The place of use of this water right is the more recently approved of the following: (1) the legal description below, OR (2) the service area described in the most recent Water System Plan approved by the Washington State Department of Health after September 9, 2003, so long as the water right holder 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.							
All of the W½ of NE¼ of Section 32, T. 18 N., R. 19 E.W.M.							
PARCEL NO.	¼	¼	SECTION	TOWNSHIP N.		RANGE,	
See Appendix 15		NE	32	18		19 E.W.M.	



Ecology has MODIFIED the decision of the Board as follows:

- 1.) The legal description of the place of use for the existing right as presented on Page 1 of the Board's decision is modified to read: All of the W $\frac{1}{2}$ of NE $\frac{1}{4}$ of Section 32, T. 18 N., R. 19 EWM.
- 2.) The place of use in the Background and Decision Summary Tables on Page 1 of the Board's decision is modified to: "NE $\frac{1}{4}$ " of Section 32 and to parcel numbers referenced as "see Appendix 15".
- 3.) The Proposed Use table on Page 1 of the Board's decision is modified to reflect the proposed annual quantity of 24.2 acre-ft/yr, as requested by the applicant on the change application.
- 4.) The priority date as listed on Page 2 of the Board's decision in the Background section is modified to be: "October 22, 1946".
- 5.) The maximum annual quantity specified on Page 1 of the Board's decision is modified to read 12.6 acre-ft/yr to reflect the Tentative Determination within the Conclusions section on Page 5 of the Board's decision. Specifically, 12.6 acre-ft/yr equates to the indoor domestic water use necessary for 30 houses with each using 375 gallons per day for 365 days per year. Additionally, the annual quantity for the proposed municipal use is modified to be 12.6 acre-ft/yr on Page 3 ("Thus 30 houses will use approximately 11,250 gallons per day or 12.6 acre-ft/yr...") and on Page 5 ("...12.6 acre-ft/yr to be used for municipal (domestic) supply.") of the Board's decision.
- 6.) On Page 5 of the Board's conclusions, the maximum instantaneous quantity is modified from 28 gpm to 30 gpm ("The board is authorizing 30 gpm...") to reflect the tentative determination on Pages 1 and 5 of the Board's decision, the History of Water Use section on Page 2 of the Board's decision, and the Declaration of Laurin Møllergaard.
- 7.) Provision #2 is modified to state: All wells constructed in the state shall meet the construction requirements of WAC 173-160 titled "Minimum Standards for the Construction and Maintenance of Wells" and RCW 18.104 titled "Water Well Construction". Any well which is unusable, abandoned, or whose use has been permanently discontinued, or which is in such disrepair that its continued use is impractical or is an environmental, safety or public health hazard shall be decommissioned. These activities shall meet the following requirements:
 - a. Drill and install a sanitary surface seal with the exception of a single proposed 8-inch well, the other wells are surface sealed.
- 8.) The following provisions are added to the Board's decision:
 - a. All wells shall be tagged with a Department of Ecology unique well identification number. If you have an existing well and it does not have a tag, please contact the well-drilling coordinator at the regional Department of Ecology office issuing this decision. This tag shall remain attached to the well. If you are required to submit water measuring reports, reference this tag number.
 - b. Water use data shall be recorded bi-weekly (every other week) and maintained by the property owner for a minimum of five years. The maximum rate of diversion/withdrawal and the annual total volume shall be submitted to the Department of Ecology by January 31st of each calendar year.

- c. Installation and maintenance of an access port as described in WAC 173-160-291(3) is required.
- d. 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.
- e. 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.
- f. The water right holder shall file the notice of project completion 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 superseding certificate will reflect the extent of beneficial use within the limitations of the change authorization. Elements of the project completion inspection may include, as appropriate, the source(s), system instantaneous capacity, beneficial use(s), annual quantity, place of use, and compliance with provisions.
- 9.) Ecology AFFIRMS the Board's development schedule of 6.5 years for this project. During the development of your project, you can beneficially use 12.6 acre-ft/yr of water under the original authorized purpose of use (domestic supply and poultry farm use), under the new authorized purpose of use (municipal water supply), or a combination thereof.

The applicant is advised that the development schedule does not constitute an exemption from relinquishment under RCW 90.14.140. Should your water use fall below 12.6 acre-ft/yr for 5 consecutive years during the project development, one of the 20 exemptions to relinquishment in RCW 90.14.140 must excuse that nonuse. The applicant is further advised that the "municipal water supply purpose" relinquishment exemption is only applicable if you are beneficially using water in accordance with the definitions in RCW 90.03.015 (e.g. supplying water to at least 15 residential connections). If you choose to voluntarily use less than your full authorization for 5 consecutive years, you are encouraged to contact this office in advance for technical assistance on the applicability of the various relinquishment exemptions.

You have a right to appeal this order. To appeal this you must:

- File your appeal with the Pollution Control Hearing Board during regular office hours. this document. Filing means actual receipt by the Board within 30 days of the "date of receipt" of this document.
- Serve your appeal on the Department of Ecology within 30 days of the "date of receipt" of this document. Service may be accomplished by any of the procedures identified in WAC 371-08-305(10). "Date of receipt" is defined at RCW 43.21B.001(2).

Be sure to do the following:

- Include a copy of this document that you are appealing with your Notice of Appeal.
- Serve and file your appeal in paper form; electronic copies are not accepted.

- c. Installation and maintenance of an access port as described in WAC 173-160-291(3) is required.
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