



STATE OF WASHINGTON
REPORT OF EXAMINATION
FOR WATER RIGHT CHANGE

Changed Place of Use
Changed Purpose of Use

APPLICATION DATE	WATER RIGHT CHANGE APPLICATION NUMBER
October 30, 2017	CS4-01141sb10

PRIORITY DATE OF CLAIM PROPOSED FOR CHANGE	CLAIM NUMBER PROPOSED FOR CHANGE
June 30, 1872	Court Claim 01141 (S4-84509-J)

NAME AND MAILING ADDRESS	SITE ADDRESS (IF DIFFERENT)
Kittitas County 205 West 5 th Avenue Ellensburg, WA 98908	10891 Brick Mill Road Ellensburg, WA 98926

Total Rate and Quantity Authorized for Diversion	
DIVERSION RATE (cfs)	ANNUAL QUANTITY (ac-ft/yr)
Primary Reach: 1.08*	249.42*
Secondary Reach: 0.70	110.06

cfs = Cubic Feet per Second; ac-ft/yr = Acre-feet per Year

* Under the Subbasin 10 adjudication, the *Acquavella* court authorized the use of additional quantities of water when surplus water is available in excess of that needed to satisfy all existing rights. This water is normally available approximately 30-days during spring. Based upon the herein tentative determination, such additional quantities total 0.98 cfs and 58.08 acre-feet/year. Thus, the combined annual quantity for instream flow and mitigation (including surplus water) equals 249.42 acre-feet.

Purpose(s)			
PURPOSE	DIVERSION RATE (cfs)	ANNUAL QUANTITY (ac-ft/yr)	PERIOD OF USE
Primary Reach: Instream Flow and Mitigation	1.08 cfs	249.42*	April 15 – August 15**
Secondary Reach: Instream Flow and Mitigation	0.70	110.06	April 15 – August 15**

** When frost is out of the ground before April 15, the period of use is modified to allow use of water as soon as frost is out of the ground and water can beneficially be used.

Source Location – Historical Point of Diversion

COUNTY	WATERBODY	TRIBUTARY TO	WATER RESOURCE INVENTORY AREA
Kittitas	Cooke Creek	Cherry Creek	39

SOURCE NAME	PARCEL	WELL TAG	TOWNSHIP	RANGE	SECTION	QQ Q	LATITUDE	LONGITUDE
POD 1:	495034	n/a	18 N	20 E	18	NW¼NE¼	47°03'32.11"	120°22'46.44"
POD 2:	951893	n/a				SE¼SE¼	47°02'56.20"	120°22'56.17"

QQ Q = Quarter Quarter

Datum: NAD83/WGS84

Place of Use

LEGAL DESCRIPTION OF THE AUTHORIZED PLACE OF USE

Primary Reach

1.08 cfs, 249.42 acre-feet/year for the purposes of instream flow and mitigation for out-of-priority uses from March 15 to September 15, within Cooke Creek from the historical upstream point of diversion located at 600 feet south and 200 feet east from the north quarter corner of section 18, being within the NW¼NE¼NE¼ of Section 19, T. 18 N., R. 20 E.W.M., and continuing down Cooke Creek to its confluence with a side channel locally known as Trail Creek at a point approximately 900 feet south of the center of Section 19, T. 18 N., R. 20 E.W.M.

Secondary Reach

	Unit	March	Apr	May	Jun	Jul	Aug	Total
Average Qi	cfs	0.05	0.05	0.23	0.53	0.70	0.56	--
Qa	acre-feet	1.45	2.90	14.27	31.54	43.21	16.69	110.06

0.70 cfs, 110.06 acre-feet/year for the purposes of instream flows and mitigation for out of priority uses, within a side channel locally known as Trail Creek from where to crosses the KRD canal at a point approximately 2,250 feet west and 1,000 feet north of the southeast corner of Section 18, T. 18 N., R. 20 E.W.M., and continuing down Trail Creek to its confluence with Cooke Creek, down Cooke Creek until Cooke Creek is intercepted by Cherry Creek, down Cherry Creek until Cherry Creek is intercepted by Wilson Creek, down Wilson Creek to its confluence with the Yakima River, and in the Yakima River from the confluence with Wilson Creek to the Parker Dam.

Provisions

This instream flow water right cannot be used to mitigate permanent new or existing uses until this right or a portion of this right is held by Ecology in the Trust Water Rights Program through a deed in Ecology's name that has been recorded in Kittitas County.

The quantities listed here are maximum quantities that MAY be identified for instream flow and mitigation. This decision does not guarantee that the full consumptive use quantities will be available for mitigation. Ecology will determine the quantities and suitability of this mitigation in future negotiations as in the development of Trust Water Right Agreements with Kittitas County or their successors.

Findings of Fact

Upon reviewing the investigator's report, I find all facts, relevant and material to the subject application, have been thoroughly investigated.

Therefore, I ORDER **APPROVAL** of Change Application No. CS4-01141sb10, subject to existing rights and the provisions specified above.

Signed at Union Gap, Washington, this 14th day of June, 2018



Trevor Hutton, Section Manager
Water Resources Program/Central Regional Office
Department of Ecology

Your Right To Appeal

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.

Please send a copy of your appeal to:

Trevor Hutton, Section Manager
Water Resources Program
Ecology Central Regional Office
1250 W. Alder Street
Union Gap, WA 98903-0009

To find laws and agency rules visit the Washington State Legislature Website: <http://www.leg.wa.gov/CodeReviser>

INVESTIGATOR'S REPORT

Water Right Application No.: CS4-01141sb10; Kittitas County

Investigator: Meghan O'Brien, Aspect Consulting

Reviewed by: Kelsey Collins

BACKGROUND

This report serves as the written findings of fact concerning Water Right Change Application Number CS4-01141sb10.

On October 30, 2017, Kittitas County filed an application to change a surface water right from irrigation to instream flow and mitigation and the place of use to Cooke Creek, Cherry Creek, Wilson Creek, and the Yakima River. The county is requesting to change Yakima Superior Court Claim 01141 (draft certificate S4-84509-J). The county also intends to enroll the instream flow right into Ecology's Trust Water Right Program (TWRP).

Kittitas County is under contract to purchase the subject water right from current owners James and Hazel Treat (together, "Treat"), and is seeking this change so the water right can be used as part of its mitigation programs (see below). The contract also provides for Treat to continue irrigating when the county is not relying on the mitigation for their programs, and that Treat will retain equity interest in nine (9) acre-feet of consumptive water. At the time of this report, a companion application, S4-35979, was filed requesting to temporarily irrigate according to the purchase and sale agreement between Kittitas County and Treat. The county's mitigation programs are as follows:

Water Banking Program:

Under Kittitas County Code (KCC) 13.35.027(2), all new uses of ground water within the Yakima River Basin must show legal and physical access to water. These users seeking building permits must provide proof of a legal water right or obtain a mitigation certificate from Kittitas County. The county's program is evolving as water rights are acquired and the impacts of pumping groundwater in all locations across Kittitas County becomes better understood.

Back Mitigation Program:

Kittitas County is also working to acquire offsetting senior water rights for back mitigation, i.e., to provide mitigation for domestic uses of ground water that were established (1) under the permit exemption allowed by RCW 90.44.050 or prior to modern permitting requirements, and (2) prior to implementation of KCC 13.35.027. The quantity required by Kittitas County to achieve this goal is 800 ac-ft/yr of consumptively used water rights. It is the intent of Kittitas County to acquire water rights deemed adequate for this purpose, place them in the TWRP for instream flows, and to hold them in perpetuity.

Kittitas County will work with Ecology to add the subject right to an existing Trust Water Right Agreement or negotiate a new arrangement to ensure the right is held in Ecology's TWRP and how much and where the mitigation can be used. As for Treat, any future use of this right for mitigation will require a new authorization or agreement with Ecology.

Table 1: Summary of Requested Water Right

Applicant Name	Kittitas County
Date of Application	October 30, 2017
County	Kittitas
WRIA	39
Water Source	Cooke Creek
Tributary to	Cherry Creek
Place of Use	Cooke Creek, Cheery Creek, Wilson Creek, and the Yakima River

Purpose	Instantaneous Rate (cfs)	Annual Quantity (ac-ft/yr)	Begin Season	End Season
Instream Flow and Mitigation	1.20	275.64	April 15	September 15

Source Name	Parcel	Well Tag	Township	Range	Section	QQ Q	Latitude	Longitude
Cooke Creek	n/a	n/a	Multiple	Multiple	n/a	n/a	Na/	n/a

WRIA = Water Resource Inventory Area; cfs = Cubic Feet per Second; ac-ft/yr = Acre-feet per Year; QQ Q = Quarter Quarter

Datum: NAD83/WGS84

Priority Processing

This application qualifies for expedited processing under WAC 173-152-050(2)(g) as it is water budget neutral.

INVESTIGATION

In consideration of this application, Aspect Consulting reviewed available documents pertaining to the historic use of water, site conditions, and the potential effect on existing water rights. This included information submitted by the applicant and pertinent Ecology records including stream gage data, adjudication and water rights records, aerial photos and Landsat images, and water resource policy and guidance documents.

On November 13, 2017, Meghan O'Brien (Aspect Consulting), Erin Moore (Kittitas County), and James Treat (landowner) conducted a site visit to discuss past and present water use, and to observe irrigation infrastructure.

Proposed Use and Basis of Water Demand

History of Water Use

This water right was confirmed under Court Claim No. 01141, in the Yakima River Basin Water Rights Adjudication for Subbasin No. 10, Kittitas drainage basin, with a Conditional Final Order (CFO) signed on December 4, 2006. There have been no changes to the water right since the signing of the CFO.

Water is diverted from a point of diversion north of the property (upstream). Treat uses rocks and tarping to create a temporary diversion dam to direct water into a ditch that flows easterly and southerly to the fields. This primary ditch is bifurcated approximately six times to span the length of the property. Once the water reaches the northern border of the property, it flows into a main ditch and is applied to the fields by small laterals placed at somewhat regular intervals that are used to flood the fields. Tarps and rocks, which were observed onsite, are used to direct the water.

The fields are planted in Timothy hay, although the eastern field is grazed rather than harvested. Treat hasn't reseeded since buying the property in 2006, but regularly applies herbicides to keep weeds down. The hay is consumed onsite by livestock, or sold to neighbors. In an average year, Treat grazes up to 15 horses and 20 cows onsite.

Treat generally takes two cuttings of hay, with the last cutting in early August. After Mr. Treat takes his last cutting, he puts the fields to bed "wet" in mid-August. In most years, water is not available beyond this point.

While the authorized place of use includes lands south of the Kittitas Reclamation District (KRD) canal, these lands are not irrigated with the state water right and are exclusively irrigated with KRD water.

The more southerly point of diversion has been used to fill a pond located directly adjacent to the creek. The purpose of this pond appears to be recreational and aesthetic, which is outside the parameters of the water right. Although Ecology allows for de facto changes in some circumstances, because this area is within the KRD service area, this use will not be considered in trust water calculations.

Proposed Use

Under this proposal, the purpose of use and place of use of this water right would be changed. The purpose of use would be instream flow and mitigation. The place of use would be in Cooke Creek, Cheery Creek, Wilson Creek, and the Yakima River.

Extent and Validity

In order to make a water right change decision, Ecology must make a tentative determination on the extent and validity of the right. Under RCW 90.14.160 any portion of a water right or water right claim not exercised for a period of five successive years, without sufficient cause, shall be relinquished and revert to the state.

Since signing of the CFO in December 2006, there have been no changes or actions on this water right. The tentative determination provided in this section is based on aerial photos and Landsat imagery, crop water use calculations, and an interview with the property owner. The diversions are not and have not been historically measured, so water measurement records were not reviewed.

As discussed above, the water user, Mr. Treat, described his operations during the site visit. Treat reported growing approximately 60 acres of Timothy hay for onsite consumption, with him selling a portion to neighbors in good years. Treat generally starts irrigating as soon as the ground thaws and continues until water availability becomes an issue, which is generally mid-August. In a typical year, Treat will take two cuttings of hay off his western field with his last cutting occurring in early August. After his last cutting, he puts the fields to bed wet. The eastern field is planted in Timothy, but used for horse grazing rather than cutting. Treat does not use his state right on lands south of the KRD canal, so only lands within the place of use lying north of the KRD will be considered during this extent and validity review.

Irrigated Area

Aerial photos available in Google Earth were used to determine irrigated acreage during the 2009, 2011, 2013, 2014, 2015 and 2017 season. The irrigation measurements are provided in **Table 2**, with photos provided in **Attachment 3**. Based on these measurements, water needed to irrigate 48.8 acres has been used at least once every five years, and is available for this change in place and purpose of use.

Table 2: Irrigated Areas by Year

Photo Date	Field 1 Irrigation	Field 2 Irrigation	Total Irrigation
5/28/2017	26.6	22.2	48.8
5/6/2015	25.4	22.6	48.0
7/3/2014	25.0	21.0	46.0
7/9/2013	25.4	23.4	48.8
9/2/2011	25.0	23.3	48.3
9/10/2009	25.7	23.6	49.3

Season of Use

Based on the priority date of the water right and the season of use reported by Treat, Aspect reviewed Landsat images to determine availability throughout the irrigation season. Based on this, we determined irrigation ends sometime in mid-August. Based on this information, quantities needed to irrigate in late August and September are not available for this change in place and purpose of use.

This water right authorized additional water when flows allow and the ground is thawed. Based on the interview with Treat, this water is used when available. The subject water right authorized 0.02 cfs per acre and the period of additional use is generally 30 days during the spring freshet, consistent with the Court's determination regarding typically available surplus water. As noted above, the most recent aerial photography confirms that 48.8 acres are being actively irrigated. Accordingly, and based upon the authorized instantaneous quantity per-acre, 0.98 cfs and 58.08 acre-feet of spring freshet water are available for transfer.

Stockwater

Treat waters approximately 15 horses and up to 20 head of cattle on his property. This use has been consistent since Treat bought the property in 2006. This stockwater is provided for on the claim sheet with no additional quantity. It is assumed the stockwater stipulations provided in the Subbasin 10 Report of Referee applies to this water right, insofar as no additional diversionary water was expressly recognized by the Court for this use.

Other Rights Associated with Project or Place of Use

There are a number of overlapping water rights held by United States Bureau of Reclamation and Kittitas County for the authorized place of use. There is no relationship between these water rights and the subject water right. They are merely included within an overly-broad place of use / service area for the utilities and governmental entities.

KRD

KRD water is authorized and provided to lands lying immediately south of the KRD Canal, which are also included in the subject water right's authorized place of use. However, the subject state water right is not – and so far as available evidence indicates – never has been used on those below-canal lands; they are solely served by KRD. For the purposes of this water right transfer, only lands north of (and upgradient from) the KRD were included in the extent and validity review.

Groundwater Claims

There are three groundwater claims on file with broad legal descriptions that overlap the lands appurtenant to S4-84509-J. These included G4-11228CL, G4-086833CL, and G4-102477CL.

G4-11228CL was filed during the 1997-1998 claims registry, and claims the right to 2-3 gpm for domestic use and livestock water. Based on the information presented on this claim, it likely is for a domestic, permit exempt use per RCW 90.44.050 and predates current limitations on new uses. Being that this claim is not used for irrigation, it has no bearing on irrigation related to the water right being considered in this application.

G4-086833CL was filed during the 1997-1998 claims registry, and claims the right to 1.0 gpm for domestic use. Being that this claim is not used for irrigation, it has no bearing on irrigation related to the water right being considered in this application.

G4-102477CL was also filed during the 1997-1998 claims registry, and claims the right to 1 cfs, 600 acre-feet per year for irrigation and livestock. The place of use described in the claim is the SE¼ of Section 18, T. 18 N., R. 20 E.W.M. It appears that J. Wayne McMeans, the person who filed the claim, once owned lands east of those appurtenant to S4-84509-J, and, per the site visit, Mr. Treat does not use this water right to irrigate his property. As such, the stated irrigation area under the claim was overly broad and inconsistent with actual use of water for at least the past ten years. G4-102477CL is not and may never have been appurtenant to the lands associated with S4-84509-J.

Trust Water Calculations

This section describes how the nonconsumptive and consumptive water use values were calculated to identify how much water was used to deliver water to the crop (nonconsumptive) and how much water was lost to transpiration from the crop and evaporated from the soil surface or during application (consumptive). This calculation is important because where a trust water right can be protected instream depends on the consumptive and nonconsumptive portions. The primary reach, which is the location from the historical point of diversion to the point of return flows, consists of nonconsumptive and consumptive water. While the secondary reach, the area downstream of where return flows enter back into the stream, is comprised of only consumptive water.

In absence of reliable, direct water use records, Ecology estimates water use according to GUIDANCE1210 that relies on crop duties from the Washington Irrigation Guide (WIG) to estimate water use.

The application efficiency for this water right was determined by the court awarded water duty (acre-feet authorized/acres authorized) and the crop irrigation requirement (CIR), as reported in the WIG. Generally, clover is used as a surrogate for Timothy hay in water use calculations. The CIR prescribed in the WIG for clover in the Ellensburg area is 2.7625-feet of water. The authorized per-acre water duty for this water right is 4.594-feet (275.64 AF / 60 acres). To find the application efficiency the CIR was divided by the water duty, which results in an application efficiency rate of 60.13-percent. Table 1 in Ecology's GUID-1210 provides a range for flood irrigation as between 35 and 60 percent. Because the calculated application efficiency is very close to the average range provided in GUID-1210, and because the adjudication generally considers site conditions and past use in determining water duties, the calculated application efficiency was used for developing the trust water right schedules.

To determine the total consumptive use ratio, the average evaporative loss listed in GUID-1210 Table 1 was added to the calculated application efficiency. This results in a consumptive use ratio of 65.13%.

Because the CIR varies throughout the growing season, water use and consumption also changes throughout the growing season. To develop a trust water right schedule that more accurately reflects growing conditions, the monthly CIR provided in the WIG was used to determine the consumptive and nonconsumptive use over the course of the growing season. To find total use (total irrigation requirement or TIR), the CIR was divided by the application efficiency. The TIR multiplied by the number of acres irrigated represents the water that will be available in the primary reach. The consumptive use was found by multiplying the TIR by the consumptive use ratio of 65.13% for May through August, with a 5-percent consumptive use ratio (attributed to evaporation) before May 1.

The **Table 3a** and **Table 3b** below shows how much nonconsumptive and consumptive water is available for change by month.

Table 3a: Total Irrigation Requirement (TIR)*

	Unit	March	Apr	May	Jun	Jul	Aug	Total
Average Qi	cfs	0.98	0.98	0.36	0.81	1.08	0.86	--
Qa	acre-feet	29.04	58.08	21.91	48.42	66.35	25.62	249.42

* Up to 0.98 cfs; 58.08 acre-feet are available for a 30-day period during the spring time when all other users are satisfied. This quantity was added to the period between March 15 and April 14. The consumptive use calculations assume 5-percent evaporative loss.

Table 3b: Consumptive Use

	Unit	March	Apr	May	Jun	Jul	Aug	Total
Average Qi	cfs	0.05	0.05	0.23	0.53	0.70	0.56	--
Qa	acre-feet	1.45	2.904	14.27	31.54	43.21	16.69	110.06

Trust Water Place of Use

Ecology typically manages its trust water rights by defining a primary and a secondary reach. The primary reach is the length of stream between the historic point of diversion and the furthest downstream location where irrigation return flows reentered the river. The secondary reach is the portion of the stream that received return flow waters while the water right was exercised for its original out-of-stream purpose. Below is a description of the primary and secondary reach for this trust water right.

Primary Reach

Based on the location of the point of diversion and where return flows generally return to the system, the primary reach begins at the historical point of diversion located at 600 feet south and 200 feet east from the north quarter corner of Section 18, being within the NW¼NE¼NE¼ of Section 19, T. 18 N., R. 20 E.W.M., and continues down Cooke Creek to its confluence with a side channel locally known as Trail Creek at a point approximately 900 feet south of the center of Section 19, T. 18 N., R. 20 E.W.M.

Secondary Reach

The secondary reach for this trust water right begins at the point where a side channel locally known as Trail Creek crosses the KRD canal at a point approximately 2,250 feet west and 1,000 feet north of the southeast corner of Section 18, T. 18 N., R. 20 E.W.M., and continues down Trail Creek to its confluence with Cooke Creek, down Cooke Creek until Cooke Creek is intercepted by Cherry Creek, down Cherry

Creek until Cherry Creek is intercepted by Wilson Creek, down Wilson Creek to its confluence with the Yakima River, and in the Yakima River from the confluence with Wilson Creek to the Parker Dam.

Trust Water Management

Under Water Right No. CS4-01141sb10, Court Claim No. 01141 (S4-84509-J) is being changed to instream flow and mitigation, and shall be protected against diversion and use by junior priority water users from the authorized point of diversion to Parker Gage on the Yakima River.

These quantities will be managed by Ecology so mitigation can be available for use under Kittitas County's programs.

The proposed lands no longer irrigated at the end of the development schedule include 48.8 acres located in the E½SW¼ and the W½SE¼ of Section 18, T. 18 N., R. 20 E.W.M., lying east of Cooke Creek and north of the KRD canal. (Future irrigation of such lands may be authorized under the Treats' companion mitigated permit application.)

Impairment

Under RCW 90.03.380, Ecology must make a determination as to whether existing water rights may be impaired by this non-diversionary proposed use.

Under RCW 90.38.040(5)(a), a trust water right may be exercised only if Ecology first determines that the authorization will not impair or injure any other water rights.

The proposed change to instream flow will not cause a reduction in the availability of water in the Primary Reach. Similarly, no senior water right in the secondary reach will be negatively affected by increased instream flows during the irrigation season. Therefore, based on these considerations, transferring the subject water right to trust is not expected to impair other water rights.

Public Interest

The use must not be detrimental to the public interest. At a minimum, the following are considered when making this assessment.

Consultation with the Department of Fish and Wildlife

Per RCW 90.03.280, Ecology must give notice to the Department of Fish and Wildlife (WDFW) of applications to divert, withdraw, or store water. WDFW was provided notice of this water right change when it was presented to the Water Transfer Working Group on April 2, 2018.

State Environmental Policy Act (SEPA)

Under WAC 197-11, a water right application is subject to a SEPA threshold determination (i.e., an evaluation of whether there will be significant adverse environmental impacts) if any of the following conditions are met:

- It is a surface water right application for more than 1 cfs, unless that project is for agricultural irrigation, in which case the threshold is increased to 50 cfs, so long as that irrigation project will not receive public subsidies;
- It is a groundwater right application for more than 2,250 gpm;
- It is an application that, in combination with other water right applications for the same project, collectively exceed the amounts above;

- It is a part of a larger proposal that is subject to SEPA for other reasons (e.g., the need to obtain other permits that are not exempt from SEPA);
- It is part of a series of exempt actions that, together, trigger the need to do a threshold determination, as defined under WAC 197-11-305.

This application is subject to environmental review under SEPA. The application requests a change in quantities greater than 2,250 gpm (1 cfs). Additionally, land use decisions related to the permitted uses and previous SEPA decisions associated with the County's Water Bank are not exempt.

Kittitas County acted as lead agency for the SEPA review for the proposal. A checklist was completed and a Mitigated Determination of Non-Significance (MDNS) was issued by the County. Notice of the MDNS was published in the Daily Record, Ellensburg, Kittitas County, Washington on February 5, 2018 and February 12, 2018. No action was taken on this application for 14 days following the publication of the determination per WAC 197-11-340.

Public Notice

RCW 90.03.280 requires that notice of a water right application be published once a week, for two consecutive weeks, in a newspaper of general circulation in the county or counties where the water is to be stored, diverted, and used. Notice of this application was published in the Ellensburg Daily Record on February 7th and 14th, 2018.

Consideration of Protests

No protests to this water right application were received.

Consideration of Comments

No comments regarding this water right application were received.

Other Public Interest Concerns

Pursuant to RCW 90.42.040(4)(a) exercise of a trust water right may be authorized only if the department first determines no detriment to the public interest. Ecology considered how the change in purpose and acceptance into the TWRP will affect an array of factors such as wildlife habitat, recreation, water quality, and human health. The environmental amenities and values associated with the area were taken into account during the consideration of this change application. Consideration of these factors allows the author to reach the conclusion that this transfer will not be detrimental to the public interest.

Conclusions

I find that the right to be changed is valid, and the change will not impair existing rights.

RECOMMENDATIONS

Based on the above investigation and conclusions, I recommend the request to change this water right be approved in the amounts and within the limitations listed below and subject to the provisions listed above.

Primary Reach

1.08 cfs, 249.42 acre-feet/year for the purposes of instream flow and mitigation for out-of-priority uses from March 15 to September 15, within Cooke Creek from the historical upstream point of diversion

located at 600 feet south and 200 feet east from the north quarter corner of Section 18, being within the NW¼NE¼NE¼ of Section 19, T. 18 N., R. 20 E.W.M., and continuing down Cooke Creek to its confluence with a side channel locally known as Trail Creek at a point approximately 900 feet south of the center of Section 19, T. 18 N., R. 20 E.W.M. These quantities include surplus water available in excess of what is needed to satisfy all existing rights, an additional amount of water available for instream flow up to 0.98 cfs and 58.08 acre-feet normally available approximately 30 days during the spring.

Secondary Reach

Table 5: Secondary Reach

	Unit	March	Apr	May	Jun	Jul	Aug	Total
Average Qi	cfs	0.05	0.05	0.23	0.53	0.70	0.56	--
Qa	acre-feet	1.45	2.90	14.27	31.54	43.21	16.69	110.06

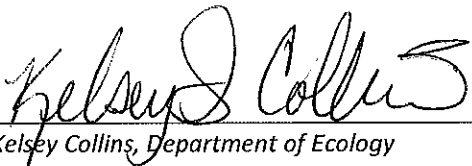
0.70 cfs, 110.06 acre-feet/year for the purposes of instream flows and mitigation for out of priority uses, within a side channel locally known as Trail Creek from where it crosses the KRD canal at a point approximately 2,250 feet west and 1,000 feet north of the southeast corner of Section 18, T. 18 N., R. 20 E.W.M., and continuing down Trail Creek to its confluence with Cooke Creek, down Cooke Creek until Cooke Creek is intercepted by Cherry Creek, down Cherry Creek until Cherry Creek is intercepted by Wilson Creek, down Wilson Creek to its confluence with the Yakima River, and in the Yakima River from the confluence with Wilson Creek to the Parker Dam.



Meghan O'Brien, Aspect Consulting

June 14, 2018

Date



Kelsey Collins, Department of Ecology

6/14/18

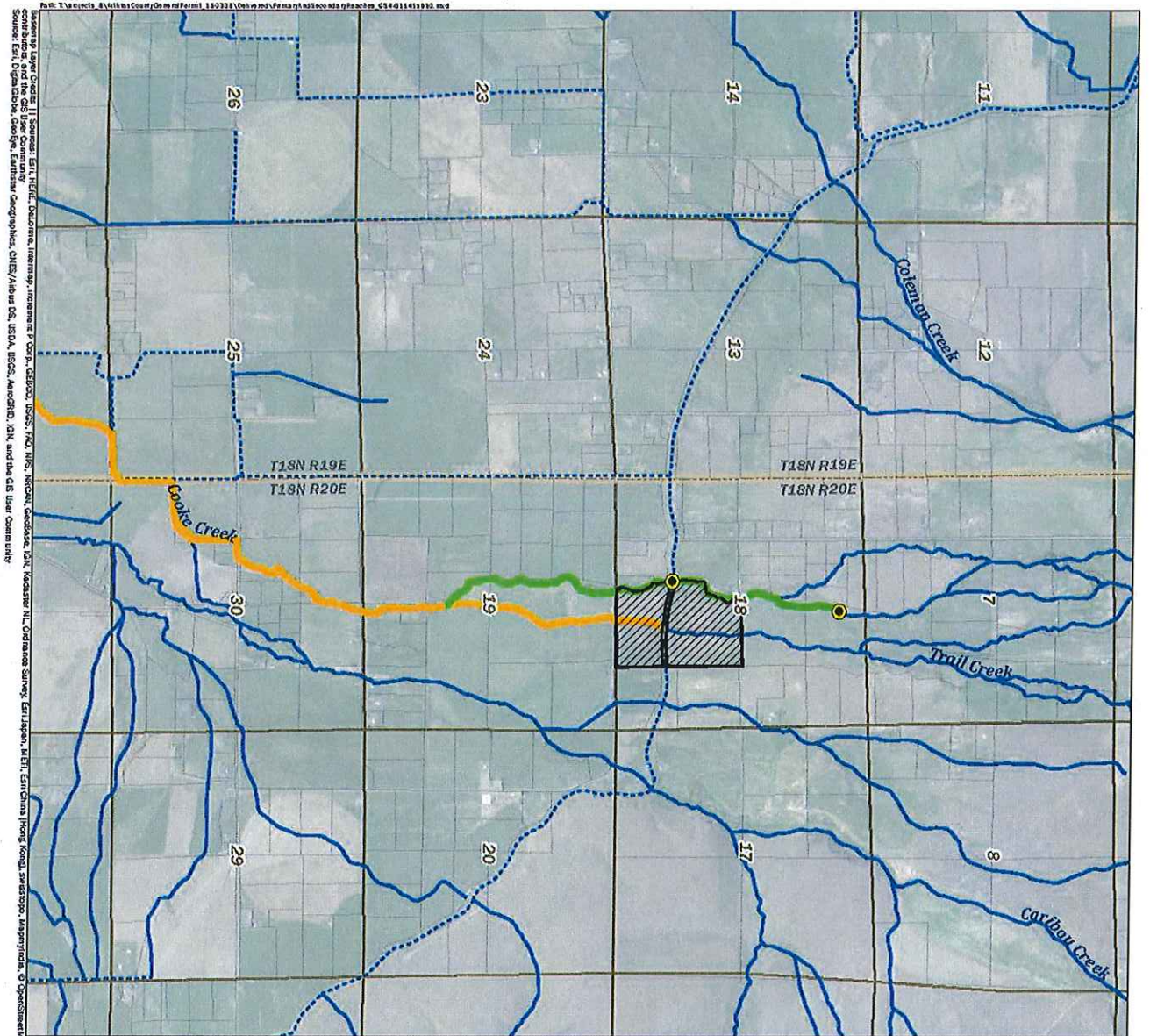
Date

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.

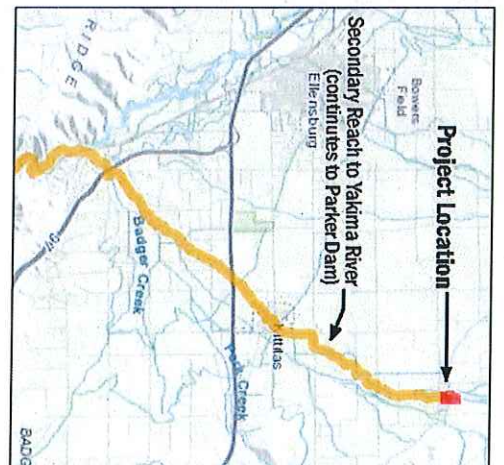
References

United States Soil Conservation Service, 1985. *Washington Irrigation*. Updated September 1997.

Washington State Department of Ecology, 2005. *Determining Irrigation Efficiency and Consumptive Use*. October 11, 2005.



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNR/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



Primary Reach

Secondary Reach
 Intersects with Cooke Creek until Cherry Creek & terminates at Cherry Creek until Wilson Creek is confluent with the Yakima River and in the Yakima River from the confluence with Wilson Creek to the Parker Dam

Authorized Points of Diversion

Authorized Place of Use

Township/Range

Section

Parcels

Scale: 0, 1,500, 3,000, 6,000 Feet

Primary and Secondary Reach for Trust Water Right CS4-01141sb10
 Kittitas County, Washington

Aspect CONSULTING	JAN2018	FIGURE NO. 1
PROJECT NO. 180335	DATE OF P/W	