

Water Transfer Work Group Meeting Minutes

January 9th, 2012 @ 1:00PM

Attendees: Dave Blanchard, Stuart Crane, Melissa Downes, Debi Freudenthal, Chuck Garner, Teresa Hauser, Stan Isley, Mark Kemner, Paul LaRiviere, Walt Larrick, Chris Lynch, Larry Mattson, Sage Park, Tom Ring, Jeff Slothower and Kurt Walker. Bill Ferry, Tom McDonald and Joe Rehberger attended telephonically.

Walt Larrick opened the meeting wishing everyone a Happy New Year.

Approval of Minutes: They were approved and everyone was reminded to send in any changes that need to be made to mdestito@usbr.gov within the week and the changes will be made and reposted.

New Proposal: Melissa Downes explained that the first four proposals were all related to the Suncadia Mitigation Water Bank in Upper Kittitas and then turned them over to Kurt Walker. Kurt presented these proposals and asked if they could be treated as one.

2012-03 – Moore Suncadia

2012-04 - Whitelaw Suncadia

2012-05 Maglietti Suncadia

2012-06 Kunh Suncadia

These four proposals are Water Budget Neutral (WBN) requests which are in the same geographical area outside of the city of Cle Elum that the WTWG group has previously made several decisions on. They are asking to use ground water from the Roslyn formation where the impacts would more likely be to the Yakima River and the intermittent streams in Steiners Canyon and or Balmers. They are using the exchange contract and there will not be any local stream impacts. The Suncadia mitigation map which showed the active request places of use was explained.

The working group gave all of these a “Thumbs Up” recommendation.

2011-07 and 2011-08 – Goodwin and Goodwin: Melissa discussed that these relate to proposals that were brought before the group in November 2011 (2011-73 thru 2011-76) with other changes that came through the Kittitas County Water Conservancy Board for the 3M Ditch on the Teanaway River. These proposals are for a downstream transfer (1.7 miles) to a new diversion point with no change of place of use or number of acres irrigated. The Ditch headworks were washed-out in the January 2009 floods. The Goodwins are working on getting their own individual points of diversion closer to where their lands are located. One water right is for 2 ½ acres and the other is for 27 ½ acres. Both are Kittitas County Water Conservancy decisions that Ecology has to review by February 3rd. In the short term they will be using portable pumps with fish screens to service their needs. Nothing else in the water right is changing.

The group gave these a “Thumbs-Up” recommendation.

2012-09 – Burchak: Jeff Slothower explained that this is a transfer that is pending before the Kittitas County Water Conservancy Board. The public hearing is scheduled within the next two weeks. The Burchaks own a water right on Iron Mountain Creek which flows into Tillman creek and then to the Yakima River. The change will fallow 10 acres of place of use and transfer the remaining water (roughly 0.33cfs calculations on application) to instream flow for future use in water banking.

Stan had questions on primary reach A and B. Jeff explained that it is a primary reach with two segments with the same trust water right. “A” being the Iron Mountain Creek reach and “B” being the Tillman Creek reach. There is a measuring device that is new and recently put in so it should be easily policed. Stan clarified that this is basically a transfer to instream flow use where they are reserving the right to come back to WTWG with a water banking proposal. Jeff explained that they will apply to the Department of Ecology to enter into a trust water right agreement. Paul has been up to the site and has not seen the measuring device and it was clarified that it was installed in the spring. Paul questions the monitoring piece of the proposal and has not seen a request for HPA work that has been done. Paul felt that this was a good proposal and that it is trying to restore the dry part of the stream bed. Monitoring would be important to find out about the flow going down Iron Mountain Creek. Jeff reiterated that most of the decisions coming out the Kittitas County Water Conservancy Board require monitoring and measuring. Walt was concerned about pending applications and future applications. If the stream is over allocated and needs water in it, who gets the water first, the stream? The existing water users? Or the future waters that want to mitigate. There was a discussion on the numbers and Ecology has asked that these applications were brought to the WTWG before they went to the Conservancy Board.

The group wanted it noted that they gave this a Thumbs Up “**as presented**” as a concept and a proposal to put water instream. Paul stated he would encourage the efforts to restore flow down near the mouth continue because they want to move fish from Yakima River down to the lower creek area. The overall instream flow restoration is well underway.

2011 – 10 WSDOT: Debi Freudenthal explained the proposal and the water they are asking to use for the SR 410 construction project. As part of the emergency response to the October 2009 Nile Valley Landslide, WSDOT in collaboration with Yakima County, acquired properties, demolished homes and buildings and constructed a detour road and new section of the Naches River channel away from end of the landslide. Of the 80 acres acquired, 29 acres were located within the Boyd Brown surface Water Right Claim which includes irrigation water rights for 15 acres. WSDOT did a lot of studies on the landslide and decided that it is safe to start constructing the new road around the toe of the landslide. WSDOT partitioned the water right to make sure all was straightened out and put DOT’s portion into trust in October. They now want to use a portion of their water right through a temporary purpose of use change, place of use change and diversion change, for up to 3 years for the 3 ½ acres of landscaped irrigation at restoration and mitigation site planting areas for the SR 410 Project. The rest of the water right will be in trust for instream flow. They are checking out other water rights that are adjacent to this as they are not sure of the validity of those, but are sure of the validity of the Boyd water rights. They are not sure of the exact quantity needed right now (approximately 3 to 5 af/yr), because have asked their contractor for an efficient irrigation system. They will apply for the temporary permit through Ecology and will go to the Adjudication court in March seeking an OPL. Stan asked about the length of the water right in trust which Debi explained is 10 years because they are not sure what they will ultimately do with the water rights. They have discussed with ecology about a permanent donation into trust with the

stipulation that if they need water for construction they would have the ability to use it. The Boyd/ rattlesnake diversion is still thought to be temporarily the authorized diversion for this water right, as the initial replacement diversion, a ring well authorized in 2007 by Ecology, was washed out as a result of the 2009 landslide.

The Group recommended this a “Thumbs Up”.

2012 – 11 through 2012-13: Tom McDonald and Joe Rehberger presented these proposals telephonically. They have been working with Melissa on these proposals. The water right permit Northland Investments LLC now has a condition that they provide a storage reservoir and a release plan for the winter time mitigation in place. Because they have not constructed a private storage reservoir, Northland is asking that the winter use of water for their projects be mitigated by available and already-committed trust water rights under the Federal-State Exchange Contract. They felt this change should go through the group for approval. As far as connections, Meadow Ridge has 14, Ponderosa Pines has 12 and Flatwater has 26. They are located N and NE of Cle Elum and the developments are the place of use. The wells are already drilled and platted and gone through SEPA. Stan noted that the 3 water rights included the Newton water right, transferred from the Teanaway River years ago, with the question of full season availability. If there was a question of full-season availability, the approval would have to be conditioned that irrigation of the plats would have to be curtailed. Tom stated that when the Newton Water right went into trust they recognized that in August and September (in the Bank) there is no water firmly available under that right. Bill Ferry was concerned about the provision that the permit be “subject to the contract” either by addendum or additional contract. Tom said he would make sure it was clearly stated. Melissa suggested that there would be some sort of documentation that describes that the water rights are now subject to the provisions in the Federal State contract. Tom agreed.

As part of the Federal contract 1/3 of the water that is assigned to the contract is added to Parker instream flows as the added fish benefit.

The group recommended this a “Thumbs Up”.

It was suggested that the meeting in September be moved to the last Monday in August.

The meeting adjourned at 2:20 p.m. Next meeting set for February 6th.