

WTWG Minutes for Monday, June 15, 2009 at 1:00 PM

Attendees:

Debi Barnes, Bob Barwin, Dave Brown, Stuart Crane, Rick Dieker, Melissa Downes, Bill Ferry, Randy Giles, Carron Helberg, Margo Hines, Stan Isley, Paul LaRiviere, Larry Martin, Larry Matson, Joe Mentor, Lisa Pelly, Tom Ring, Mark Schuppe, Jeff Slothower, Michael Tobin, Dawn Wiedmeier, WSDOT on phone.

Dawn called the meeting to order at 1:00 PM. She began by asking for approval of the minutes from the previous meeting of May 4<sup>th</sup>, 2009. The group approved the minutes as written.

2009-18 SC Aggregate: Jeff Slothower began the discussion by explaining the background on this proposal for SC Aggregate. It is a permanent change in purpose of use to instream flow and a change in place of use. The primary reach changes from Mill Ditch downstream to Bull Ditch. The secondary reach is from the end of the primary reach downstream to the confluence of the Yakima River with the Columbia River. Jeff said the summary shows the consumptive use calculations. Paul asked if this is real water. Mark said it is and it is metered. Joe Mentor said this is part of the Pautzke water right and that there is a historical use record. Stan talked about the calculations and felt they are good numbers. Melissa said she agreed with Mark's point that only the consumptive use will be protected downstream to the Columbia. Joe Mentor asked if the water was going into the trust water program, with Jeff saying no, this proposal is only for the changes of purpose of use and place of use for right now. The applicant will enter into a trust water right agreement with Ecology later. The group gave it a thumbs-up recommendation.

2009-19 Cowiche Creek Water Users Association: Lisa Pelly and Mike Tobin jointly discussed this proposal. This proposal has been before this group in 2006 and 2007.

Mike continued by talking about the history and the high priority for fish passage, and a water user's organization has been established. Stan said Ecology is moving forward on the trust water applications. He explained how this would work, drop for drop, through Yakima-Tieton Irrigation District's system. Paul asked if this would be managed under the new Federal-State MOU and contract. Stan said no, it is new fully-mitigated Tieton River permits that Ecology would issue that would require a release by Reclamation of a portion of the withdrawn unappropriated water in the Yakima Basin. That Reclamation withdrawal was renewed by Ecology about a year ago. The new CCWUA Tieton River permits would be mitigated by the return to TWSA of the CCWUA Cowiche Creek water rights that would be protected as instream flow trust water rights down lower Cowiche Creek and would then fold back into the TWSA at Cowiche Creek's discharge to the Naches River. The group talked about the non-consumptive use. Rick said if they put in the irrigation efficiency updates, the CCWUA water use will be less. Tom Ring asked how many acres are involved and Mike said 395 acres. Dave B commented that this could have an impact on his diversion. Mike said that once the water users see they do

not need their entire water right, they will reduce their diversion of water from the Tieton River. Joe Mentor asked if this was a ground water or surface water withdrawal. Stan explained it is several surface water rights and the CCWUA water users have applied for new permits, and he explained how it will be diverted, with non-project water carried in a project facility, the YTID irrigation system. The trust water rights created from the CCWUA Cowiche Creek water rights will fully mitigate the future consumptive use on CCWUA lands that will be supplied under the new Tieton River permits and the entire CCWUA project will have to be water budget neutral. Joe asked how this will be handled in Acquavella; submit a late claim, even though it is water budget neutral? Bob said it is a temporary right until Acquavella is final then they will put it into the record, as these are not new adjudication claimants. Larry Martin asked how you protect the non consumptive use water. Lisa said the return flow may not make it down to the mouth of Cowiche Creek, but it will make it part way. Stan said that it is protected in the primary reach as a trust water right and that the secondary reach instream flow trust water right will only protect the consumptive use portion of the CCWUA creek rights past the few downstream lower Cowiche Creek water rights. This will ensure that in the future, downstream Cowiche Creek water rights will continue to be able to divert and use the same return flows from upstream Cowiche Creek water rights that they have always been entitled to. Of the CCWUA Tieton River water that will be imported into the Cowiche Basin, most of it will be used to meet the consumptive use demand for irrigation of the CCWUA lands. All of the Tieton River return flow water leaving the CCWUA lands must be protected down Cowiche Creek to the creek's confluence with the Naches River. That water can be protected as Project return flow water being managed and tracked by Reclamation as a delivery to downstream Yakima Project water users. Protecting the consumptive use portion of the CCWUA creek water rights as trust water rights, and also protecting the return flow portion of the CCWUA Tieton River water as Project return flow water, all the way down to Cowiche Creek's confluence with the Naches River and back to TWSA, would replace drop for drop all the water diverted from the Tieton River and would make this CCWUA project water budget neutral. He feels it has to be water budget neutral, if not, it would not fly. The group talked about Project return flow and how it is treated, still working out the details. Larry said usually is protected only in the primary reach. Stan explained the amount protected will be equal to the amount diverted into YTID system, no impairment. Dave B said he is not in favor of lowering the Naches River any further. It will affect his diversion at Fruitvale and he is concerned we are setting ourselves up for a bigger problem. If Wapatox is piped, it could affect Dave's diversion even more. Stan talked about the Wapatox diversion. Dave said he is worried about the future. There are issues still to address. Lisa said that they can come back when the numbers are specific. Stan said that all the issues need to be addressed during this part of the process. Joe commented about the creativity used on Cowiche Creek and he looks forward to using these types of projects on the Yakima River. Stan said this proposal is unique, due to the steelhead and other fish issues, and it has been before this group four different times in the past. The group gave a thumbs-up recommendation, except for Dave Brown, City of Yakima, who did not give a thumbs-up but, is not objecting to this project, and will retain his option to object in the future.

2009-20 WSDOT I-90 Road Widening Project: Randy Giles began by talking about WSDOT's I-90 road widening project, and that they do not need any water until next year. The water they need will be for dust abatement, processing of aggregates, and compaction. All water use will be consumptive use. He explained the phases of construction and the time line for each phase. He wants to pull out of Keechelus Lake and WSDOT felt it was important to keep control of the water, instead of having the contractor do it. WSDOT is looking at purchasing or leasing a water right, with part of it to be put into instream flows. Randy talked about making use of the contract between Reclamation and Ecology to offset the impacts of their water use; mitigation for wetlands and habitat. It will be TWSA water budget neutral, and it will cover all our needs. He wants to be flexible and the proposal includes estimates he thinks are on the high side and can be adaptive. He is aware of the metering and reporting requirements and will work with the contractor to ensure it is done correctly. Would like to come back to the group and look at numbers. It looks like an irrigation use, as it will be used during the irrigation season, including the peaks and will be complete by October. The larger use is compaction and dust abatement. Points of diversion will be multiple, and no matter how it is structured, the total water use will not exceed the maximum allowed. Paul asked about the small creeks, steep gradients and wondered what aquatic species that may be present. Randy explained that the area of withdrawal will not be closer than 200 feet of any of the creeks and screening will be tight, a floating intake. Larry said that this will have to be used under the contract. Bill said that some water use will be before the "storage control" date, so that part will need to be worked out. Stan said that it will be directly mitigated. Bob explained that it will be a lot like the Naches river situation we just talked about a few minutes ago, with a new appropriation mitigated by a trust water right. Thanks for the update and they will come back to the group at a later date.

Other issues, Stan commented about the 6 change reports of examination (ROE) on Ecology's website to add a point of diversion (for the Benton Irrigation District) to six of the United States/Sunnyside Division water rights and asked for everyone to review them, and these will come before this group at the next meeting.

The meeting was adjourned at 2:30 PM.

The next meeting is set to occur on July 27<sup>th</sup> at 1:00 PM YFO Conference room.