Minutes from November 13, 2006, at 1:00 PM

Dave Brown, Stuart Crane, Paul Dempsey, Pat Deneen (phone), Melissa Downes, Bill Ferry, Chuck Garner, Carron Helberg, Stan Isley, Paul LaRiviere, Chris Lynch, Larry Martin, Joe Mentor, Jim Milton, Tom Ring, Tom Tebb, Ron Van Gundy, Chery Varnum.

Chuck Garner called the meeting to order and asked for comments on the minutes from the previous meeting. CG asked the group to provide comments to Carron Helberg since they were so lengthy.

The group continued with the agenda by discussing the Teanaway Tract 2006-27. CG asked who wanted to add to this. Tom Tebb said he was in the process of looking at the information still and not prepared to speak on it yet. Paul LaRiviere from F&WL had some comments and for the most part, it was ok, but still has some concerns. Time in memorial issues-CFO/Treaty water rights and is still working out how this will be worked out. Tom Ring said the ruling of the court and the instream flow rights. TR and TT discussed the YN water right and TT felt they are trying to work out the details on the middle fork. PL asked if there are any questions from TR. TR said in the letter, it talked about the marginal benefit and impact on flow. He is waiting to see what Ecology has come up with, and a thumb's up means that this transfer does not jump ahead of the Treaty rights. Paul Dempsey said he had no disagreement. PL asked who does the water right belong to, is it appurtenant to the Forest Service or the cabin owner. Larry Martin said the cabin owners and it is appurtenant to FS land. PL asked if in the future the cabins go away, do they go to the FS? Melissa Downes said the Bumping cabins are in the same situation. PL added it is not a fish issue but wonders where it would go, something to think about. TT asked so is it contingent on the water right, looking for concurrence. CG asked if the group is in agreement with this proposal, the group nodded yes.

The group continued with proposal 2006-28 for Teanaway Ridge LLC, with Pat Deneen on the phone to explain this proposal. MD said it still needs to be reviewed and it expires December 7, 2006. TT wants to keep this discussion going. The Conservancy Board approved it, and he is optimistic. CG asked how it was presented and it is a positive system. TR said it is water budget neutral. TT is looking for a thumb's up and the group agreed, this proposal is a thumb's up.

The group was asked to move up new transfer 2007-02 Ranch on Swauk Creek LLC and discuss this one first. The group had no objections. Paul D explained this proposal is the same as 2006-28, with no other changes except the numbers and the names. Paul Dempsey passed out thumbnails of Pat Deneen's presentation. He explained it is appurtenant to the land, 19.88 acres under irrigation, and a previous Burke water right. This is proposing to move downstream to one or more wells and it is close in location to finding the viable water source. As LM said, it will be a closed system with a water treatment system. TR asked what is different. Paul D replied nothing. TR added is there small storage to equalize the daily delivery. On the phone, Pat D said it is a real-time

availability, maybe hourly, may even be by the minute – but definitely daily. The only difference is this water right fits on the property – dry that field up and the other property was adjacent. No change in place of use, we got Department of Health and Ecology on board, which think it will work in Ronald. TT asked if there were any other comments, he is concerned about water availability and there is a gage downstream for TrendWest (Suncadia), and we are not meeting the criteria in the critical months of August and September. PL asked about the aquifer deeper to enhance or an option. TT said the well production could be a hit or miss in this area. Jim Milton, Joe Mentor and LM discussed the instream flows and the water right. TR added that the data they were just discussing is when the Burke's were operating their ranch. Joe M has no objections as long as the totals are the same. RVG is confused who priority it is to bring that back out. SI said that TrendWest (Suncadia) right is senior to Burke's right, in 1878. Joe M added that both Suncadia and Burke have rights that are senior and junior. SI asked how much has to be instream and if you punch a deep well, it could be a different water source. TR said the regulations say there is a policy or legislative change. Joe M added this is a new water right. TT said given the uncertainty, Ecology will work through this, what are the group's thoughts. PL and Joe M discussed the diversions, new facility and enforcement. TT said he had a December 7 decision deadline to make. RVG asked which right is diminished. Joe M said Suncadia's is diminished once this right is explained. The group continued to discuss this with TT concluding that an analysis needs to be done on the sandwiching of this right, and we are not meeting the flows and Suncadia. Joe M said he needs to talk to the applicant and TT said that would help. Joe M would support a reduction at peak demand. SI felt that subject to analysis – it seems to be a thumb's up. BF said we are concerned about the court – the impairment. TR added if it is possible, look at - does this make CU possible when it was not before and does it affect TWSA. CL added it raises demand when it is not out of the reservoir. LM said he is not sure it increases CU as it may be front and end loaded. TR asked is there somehow it can show the effect on Swauk Creek, are we looking at more water, and is it possible or allowable. TT will ask the applicant for more information. BF asked could you send the information to Carron and get it on Ecology's website. TT asked could Pat D. answer this. Pat D said it looks like to be more water in the creek. Studying the impacts of off-stream storage for use in August and September and he thought he could show numbers for the change from irrigation to domestic use with the Suncadia data at their gage. Joe M. said if serious about this, getting the facility (gage) would help. PL is asking about this and Joe M. felt it would be good to talk about this. SI said it seems to be simple fixes. LM stated to TR to let him know what Tom needed, and TR said sounds good. Pat D wanted to talk to Joe M and Joe said great.

The group continued with the first new transfer proposal 2007-01 on the agenda for Ronald J. Gibb. Ecology explained that this proposal is a change of POD upstream 200 feet. This is at the Conservancy Board (Kittitas County) and it expires on December 7, 2006. There is no CFO in Sub basin 10 yet. The group felt if this was a valid water right, everyone was ok with it. The group recommended this proposal.

The group continued to the next agenda item concerning transfer procedures in general. TT felt there was a need to talk about this and how we do this process, as prompted by

the drought of 2001. We are doing a lot more now than during the drought. Ecology can only provide what is provided to them. How can move decisively especially in a drought year. He suggested drought vs. non-drought year procedures. Have the applicants do certain items. TT said the casualness of the group is hard to read. A real thumbs up or down is helpful. How can we do this? Ecology is obligated to make these decisions. CG asked in a non-drought year, when the applicant goes to the conservancy board, they should have it all ready. Gibb, for example, is simple, but Pat D's presentation of a more complex proposal, makes this a lot easier to give a thumbs up. TT said providing maps or whatever information is needed, he wants clarity. The group continued to discuss the advantages a map provides but it also creates a burden. PL continued that GPS mapping photos always helps, but timing is hard. He has partial funding for this purpose. He suggested 30-60 days ahead in a draft form, as the current process it is hard to postpone or get extensions and he is not familiar with the timing. MD said the conservancy boards are different from Ecology. Joe M asked is there one or three boards, MD said there are boards for seven different counties that Ecology handles. DB said that the WDFW and YN should get a copy when filed with the conservancy boards. The rigid timelines are not going to change – the proposals in front of the conservancy boards might not be ready for a year, and pay more attention to Ecology's website. PL said he only gets a couple of counties and should be getting all seven counties. DB feels that they may not be going to the right individuals – once the conservancy board is done, the process goes ahead at that point. Joe M said as a sometime applicant, he feels this is a good place to get the body language of the proposal right. A simple aerial photo and a location map would be helpful plus put it on Ecology's website the information that needs to be submitted and the timeline; when they should do what, when. The form is as important, a more standard form would be better – a before and after, etc and that the Yakima Basin counties seem to be the most active. DB said the ROE/ROD does not always show on the website and if not in color, they are worthless. TR said he used to take the water right and put in POU and POD on a map. Joe M asked does this fit into the mapping of Acquavella. LM said he has seen a part of it, can get on CD. SI said also have CD later with all the adjudicated rights. Joe M said some counties have parcel identification. BF asked if we had a wish list from the applicant, would they provide this information. The group discussed the fact that the applicants do not know how this process works. PD said that from the applicant's perspective, they know what their burden is and they try to meet the conservancy board standards, after that it becomes a mystery. Ecology has the decision-making authority. TT said to get ideas to him and Melissa and bring them to the next meeting. TR suggested to have someone go out and see each proposal prior to the meeting it will be discussed at and actually do a field verification. BF said the applicant is submitting information that is different than what we are seeing. Joe M said tell us what we can provide to help the process. LM he is just trying to understand the process. If a person objected but ignored all the notices, what would Ecology do. TT said if an affirmative decision, it could be appealed – 30 days. LM asked what standing do they have. RVG asked wouldn't they have to be valid and what role does the legal notices play. BF said they would not have any more or less standing. LM added need to streamline the process. TT said he agrees with efficient, more transparent and predictable process, but does not preclude an agency from doing their own homework. How can we do this better. Give me ideas in order to settle on a process. TR feels the agencies with

the authority to process want to be informed with what is known. In regular circumstances, the standing is not different – except in a drought years. He feels "the box" questions being answered will help streamline the process, in other words the checklist. TT asked TR, when you talk to applicants, do you give them "the box" questions to answer. PD asked shouldn't this distill down to regulation. Joe M said what the transfer group needs is less than what was already done elsewhere. He asked which items the WTWG needs. TR said he expects the information that the applicant does not know (like fish levels), the agencies would know. Pat D said it would help having the information from the agencies. TT said the statute says conservancy boards have to ask for information. Pat D said correct, but if the fisheries would have a problem, then it would be good to know. Pat D said he did some shopping prior to submitting. On the Gibb proposal, Gibb did not have an attorney and did the application himself. Maybe a written notice between the agencies would help to keep the communication going. PL said that networking between each other might help. Pat D said the next conservancy board meeting is in January. There is information and send information out from the conservancy board, that may help. TT felt he kept missing what everyone wanted. PL said if he uses the checklist, put into layman's terms, and willing to share this list, if it would help. CG said Reclamation will put together a list for next time. SI commented that it could grow – facilitate drought transfers and we are one of the best groups in the state, so he feels we have a good process. Only two ways, thumbs up or down (no consensus). To the legislative authority, we need to be careful how much information we ask of Ecology. The one-pager is used to show an easy answer, and expect what the group can do and not be burdensome. We usually defer decisions from the agencies with the legislative authority.

Joe M asked how the exchange MOU is going. BF said they are considering the comments that were submitted and is trying to get a 4-way meeting together and a briefing paper together for Bill McDonald. RVG asked that when we see it, it will be a done document. BF said yes, but scheduling has been a challenge.

The group scheduled the next meeting for December 18, 2006 at 1:00 PM at the YFO conference room.

CG adjourned the meeting at 2:30 PM.