



STATE OF WASHINGTON  
**DEPARTMENT OF ECOLOGY**

Central Region Office

1250 West Alder St., Union Gap, WA 98903-0009 • 509-575-2490

[Date]

Wallace Ranch II, LLC  
PO Box 4184  
Bellevue, WA 98009

Email: rwallace@wallaceproperties.com

Re: Ecology Modifies the Kittitas Board's Decision and Approves Application No. CS4-83912-J (KITT-20-01)

Dear Wallace Ranch II, LLC:

Ecology reviewed the Record of Decision and Report of Exam (ROD-ROE), and all relevant information, submitted by the Kittitas County Water Conservancy Board (the Board) for Application No. CS4-83912-J. A summary of Ecology's modified decision on the ROD-ROE is below and reflects the conditions for approval of the proposed change/transfer. The Board's ROD-ROE is attached here for reference.

If you have any questions, please contact Ben Carr at 509-490-1936 or benjamin.carr@ecy.wa.gov.

### Summary of Ecology's decision for CS4-83912-J(A) (Irrigation)

**Total rate and quantity authorized:** 3.008 cfs and 80.13 ac-ft/yr (45.74 ac-ft/yr consumptive). The total rate and quantity have both additive and non-additive quantities to existing water rights with use that share the point of diversion described here. 3.008 cfs is the maximum diversionary quantity allowed under S4-83912-J(A) and S4-83897-J combined. See provisions added below.

**Purpose of use:**

Purpose of use	Period of use	Diversion rate (cfs)	Annual quantity (ac-ft/yr)
Irrigation of 21.57 acres	April 15 - October 1	3.008 cfs	80.13 ac-ft/yr

**Source of supply:** Yakima River

The authorized point(s) of diversion are provided in the table below.

Source name	Parcel no.	PLSS	Latitude	Longitude
Yakima River	886734	NW¼NE¼ S14, T19N, R16E	47.1452	-120.8045

**Place of use:** The place of use includes the Kittitas County parcel(s): 886734, 18582, 18583, 18584

The legal description for the place of use is available from Yakima River and describes the place of use as: "That portion of the NE¼ of Section 14, T. 19 N., R. 16 E.W.M. lying between the railroad and the Yakima River."

### Summary of Ecology’s decision for CS4-83912-J(B) (Instream Flow for Mitigation)

**Total rate and quantity authorized:** 0.342 cfs and 58.74 ac-ft/yr (30.00 ac-ft/yr consumptive). Note that a total of 16.63 irrigated acres must be retired for this water to be available for instream flow for mitigation.

**Purposes of use:**

Purpose of use	Period of use	Diversion rate (cfs)	Annual quantity (ac-ft/yr)
Instream Flow for Mitigation	April 15 to October 1	0.342 cfs	58.74 (30.00 CU)

**Source of supply:** Yakima River

This portion of the water right will be left instream for the benefit of the Yakima River and the mitigation of new uses.

**Place of use:** The place of use includes a Primary and Secondary Reach:

#### Primary Reach

	Unit	May	June	July	Aug.	Sept.	Oct.	Total
Qa	acre-feet	0.00	10.88	21.02	15.55	11.28	0.00	58.74
Avg Qi	cfs	0.000	0.183	0.342	0.253	0.190	0.000	-

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The Primary Reach begins on the Yakima River at approximate River Mile 173.6 in NW¼NE¼ of Section 14, Township 19N, Range 16 E.W.M. and ends at River Mile 172.8 in the NW¼SW¼ of Section 13, Township 19 N., Range 16 E.W.M.

**Secondary Reach**

	Unit	May	June	July	Aug.	Sept.	Oct.	Total
Qa	acre-feet	0.00	5.56	10.74	7.95	5.75	0.00	30.00
Avg Qi	cfs	0.000	0.093	0.175	0.129	0.097	0.000	-

The Secondary Reach begins on the Yakima River at River Mile 172.8 in the NW¼SW¼ of Section 13, Township 19 N., Range 16 E.W.M. The Secondary Reach continues down the Yakima River to the Yakima Canyon within Kittitas County at River Mile 127 within the SE¼NW¼ of Section 33, T. 15 N., R. 19 E.W.M.

**Review of modification(s):**

Ecology corrects a typographical error on the Board’s decision tables, where the combined instantaneous quantity (Qi) exceeds the authorization. For Portion B, the Qi is reduced to 0.342 cfs, which matches the quantities in other places of the Board’s ROE.

Ecology removes the development schedule on page 3 from this change. Irrigated lands can be retired immediately and all the irrigation infrastructure is in place for this water right.

The Annual Metering Summary (Table 2) has errors in the instantaneous quantities that were donated from May 2019 through April 2021. Wallace Ranch II, LLC requested amendments to their trust donation for S4-83912-J and S4-83897-J that reduced the instantaneous quantities donated from 1.35 cfs to 0.23 cfs combined for the 2019 and 2020 irrigation seasons.

The Board erroneously calculated future consumptive use by back calculating the consumptive use per acre from the 2005-2009 ACQ period. Ecology changed this analysis using these numbers that were in the Board’s calculation of the Total Irrigation Requirement for the 38.2 acres on page 15 of the ROE.

- CIR = 19.1 inches for clover at Cle Elum
- Ea = 75% for wheel line
- TIR = 19.1/0.75 = 25.47 inches or 2.122 ac-ft/acre
- CU = 2.122 ac-ft/acre \* 0.85 = 1.804 ac-ft/acre

The applicant wants 30 ac-ft of consumptive use for instream flow for mitigation of out-of-priority uses. Therefore, 30 / 1.804 = 16.63 irrigated acres to be retired to meet the needed 30 ac-ft of consumptive water. Ecology modified the table for Portion A above to show the

remaining 21.57 acres of irrigation. Ecology replaces Table 5 and 6 on page 16 of the Board’s ROE with the tables below.

Table 5 – Total Irrigation Requirement (16.63 acres)

	Unit	May	June	July	Aug.	Sept.	Oct.	Total
Qa	acre-feet	0.00	6.54	12.64	9.35	6.78	0.00	35.31
Avg Qi	cfs	0.000	0.110	0.206	0.152	0.114	0.000	-

Table 6 – Consumptive Use (16.63 acres)

	Unit	May	June	July	Aug.	Sept.	Oct.	Total
Qa	acre-feet	0.00	5.56	10.74	7.95	5.75	0.00	30.00
Avg Qi	cfs	0.000	0.093	0.175	0.129	0.097	0.000	-

Public interest needs to be evaluated when changing a water right to the Trust Water Rights Program (RCW 90.42.040(4)(a)). Ecology replaces the last sentence of the Board’s **Public Interest** section on page 18 to the following language:

Establishing a water right instream for new out-of-stream uses is in the public interest when it has appropriate mitigation conditions. In this proposal, Wallace Ranch proposes to retire irrigated lands to offset the water going into the Trust Water Rights Program. The proposed use will not impair the public interest. Ecology will also evaluate the public interest test when evaluating the mitigated permit application G4-36094 for the Wallace Ranch Development.

Ecology modifies the Provisions section on page 19 as follows:

- Provision #2: The language “and B” is struck since 0.342 cfs will remain instream for this purpose.
- Provision #4 is replaced with: “A total of 16.63 irrigated acres owned by Wallace Ranch shall be retired, unless authorized by a future water right decision.”
- The following provisions are added to Portion A of this change authorization:

**Water Measurement**

An approved measuring device must be installed and maintained for each of the sources identified by this water right in accordance with the rule "Requirements for Measuring and Reporting Water Use", WAC 173-173, which describes the requirements for data accuracy, device installation and operation, and information reporting. It also allows a water user to petition the Department of Ecology for modifications to some of the requirements.

**Measurement of Water Use**

HOW OFTEN MUST WATER USE BE MEASURED AND RECORDED?	Weekly
HOW OFTEN MUST WATER USE DATA BE REPORTED TO ECOLOGY?	Annually by January 31
WHAT QUANTITY SHOULD BE REPORTED?	Total Annual quantity in acre-feet
WHAT RATE SHOULD BE REPORTED?	Annual peak rate of diversion in cfs

Recorded water use data shall be submitted via the Internet. To set up an Internet reporting account, contact the Central Regional Office. If you do not have Internet access, you can still submit hard copies by contacting the Central Regional Office for forms to submit your water use data.

### Schedule and Inspections

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.

- The following provision is added to Portion B of this change authorization:

### Agreement With Ecology

If a water banking agreement or a similar agreed upon conveyance tool is not executed within one year following completion of the appeal period under RCW 90.80.090, the change will be canceled and the water right will revert to the original purpose of use.

## Your right to appeal

You have a right to appeal this decision to the Pollution Control Hearings Board (PCHB) within 30 days of the date of receipt. The appeal process is governed by chapter 43.21B RCW and chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal, you must do all of the following within 30 days of the date of receipt of this decision:

- File your notice of appeal and a copy of this decision with the PCHB (see filing information below). "Filing" means actual receipt by the PCHB during regular business hours as defined in WAC 371-08-305 and -335. "Notice of appeal" is defined in WAC 371-08-340.
- Serve a copy of your notice of appeal and this decision on the Department of Ecology by mail, in person, or by email (see addresses below).

You must also comply with other applicable requirements in chapter 43.21B RCW and chapter 371-08 WAC.

## Filing an appeal

### Filing with the PCHB

For the most current information regarding filing with the PCHB, visit: <https://eluh.wa.gov/> or call: 360-664-9160.

### Service on Ecology

**Street Address:**

Department of Ecology  
Attn: Appeals Processing Desk  
300 Desmond Drive SE  
Lacey, WA 98503

**Mailing Address:**

Department of Ecology  
Attn: Appeals Processing Desk  
PO Box 47608  
Olympia, WA 98504-7608

**E-Mail Address:**

ecologyappeals@ecy.wa.gov

## More information

- **[Pollution Control Hearings Board Website](https://eluh.wa.gov/)**  
<https://eluh.wa.gov/>
- **[Chapter 43.21B RCW – Environmental Hearings Office – Pollution Control Hearings Board](http://apps.leg.wa.gov/RCW/default.aspx?cite=43.21B)**  
<http://apps.leg.wa.gov/RCW/default.aspx?cite=43.21B>
- **[Chapter 371-08 WAC – Practice And Procedure](http://apps.leg.wa.gov/WAC/default.aspx?cite=371-08)**  
<http://apps.leg.wa.gov/WAC/default.aspx?cite=371-08>
- **[Chapter 34.05 RCW – Administrative Procedure Act](http://apps.leg.wa.gov/RCW/default.aspx?cite=34.05)**  
<http://apps.leg.wa.gov/RCW/default.aspx?cite=34.05>
- **[Ecology’s Laws, Rules & Rulemaking](https://www.ecology.wa.gov/About-us/How-we-operate/Laws-rules-rulemaking#ws)**  
<https://www.ecology.wa.gov/About-us/How-we-operate/Laws-rules-rulemaking#ws>

## Americans with Disabilities Act information

### Accommodation Requests

To request ADA accommodation including materials in a format for the visually impaired, call Ecology at 360-407-7668 or visit <https://ecology.wa.gov/accessibility>. People with impaired hearing may call Washington Relay Service at 711. People with speech disability may call TTY at 877-833-6341.

## Translation services available to you

{This section is not required. If you have not communicated with the letter recipient or want to present translation options, here are the five most used languages in WA State. If you are aware of another language commonly used in the area where the recipient lives or works, look

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up the translated text [here](#) and insert a new row in the table below with the language name and translation tagline— don't forget to add your region's help desk number.

There are translation services available to you. Ecology and the Water Resources Program want to provide timely, effective, and culturally responsive language assistance.

[Region language assistance dropdown]

## Signature

Sincerely,

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Heather Simmons  
Section Manager  
Water Resources Program  
Central Region Office

Enclosures: [ROD Name] {Use bold, underlined text with hyperlink, do not activate link}  
[ROD web address] {Enter web address for public WRTS, do not activate}

cc: [Applicant Name, Title, Entity] {The applicant always receives a copy of our order}  
[Name, Title, Entity] {Include anyone that will also receive a physical copy of the letter}

Sent by Certified Mail: [XXXXXXXXXX] {Enter certified mail number}