
**KRD SOUTH BRANCH WATER CONSERVATION PLAN
IMPLEMENTATION**

**WaterSMART
Environmental Water Resources
Projects for Fiscal Year 2022**

Funding Opportunity No. R22AS00026

Prepared by

KITTITAS RECLAMATION DISTRICT



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TECHNICAL PROPOSAL

EXECUTIVE SUMMARY

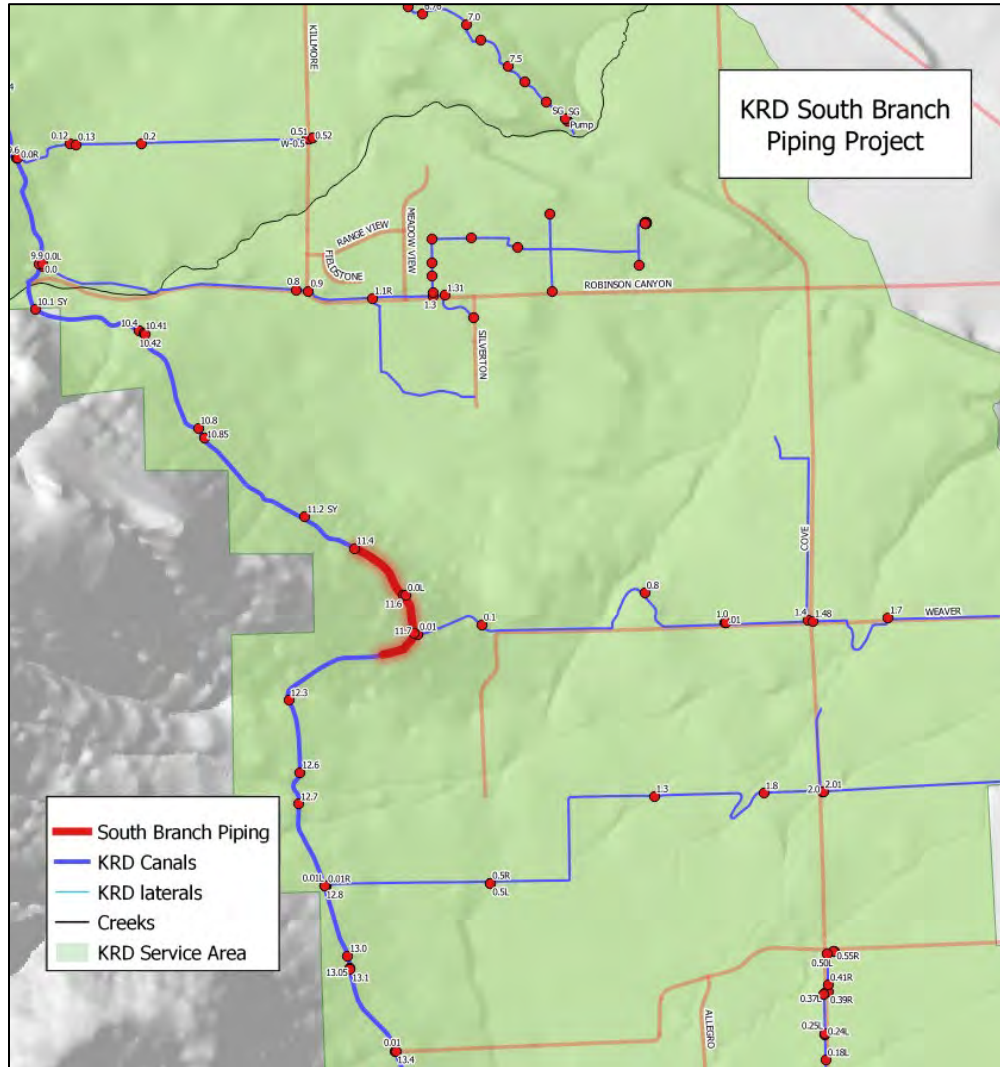
Date: December 9, 2021
Applicant: Kittitas Reclamation District
City/County/State: Ellensburg, Kittitas, Washington
Reclamation Area: Yakima Project

The Kittitas Reclamation District (“KRD”) presents this application for funding by the U.S. Bureau of Reclamation’s (“Reclamation”) WaterSMART: Environmental Water Resources Projects for Fiscal Year 2022 Opportunity No. R22AS00026. KRD seeks \$2,000,000 in federal funding assistance to provide benefits for fish and wildlife and the environment through a water conservation program designed to restore instream flows in over-appropriated or flow-impaired tributaries to the upper Yakima River. The program provides the instream flow through measures designed to reduce canal seepage and designates 100% of the otherwise lost water through an allocation, management, and protection agreement for instream flows. This application will eliminate water loss in a section of KRD’s South Branch Canal. The water will then be delivered for instream flow to the streams in Figure 1. The project provides significant benefits for fish and wildlife and the environment. Water delivered to the streams for instream flow will benefit designated Critical Habitat for ESA-listed steelhead and Bull trout. KRD will begin implementation after the 2022 irrigation season and complete by spring 2025. Water designated for instream flow is calculated to be 317.4 acre-feet/year (0.89 cfs).

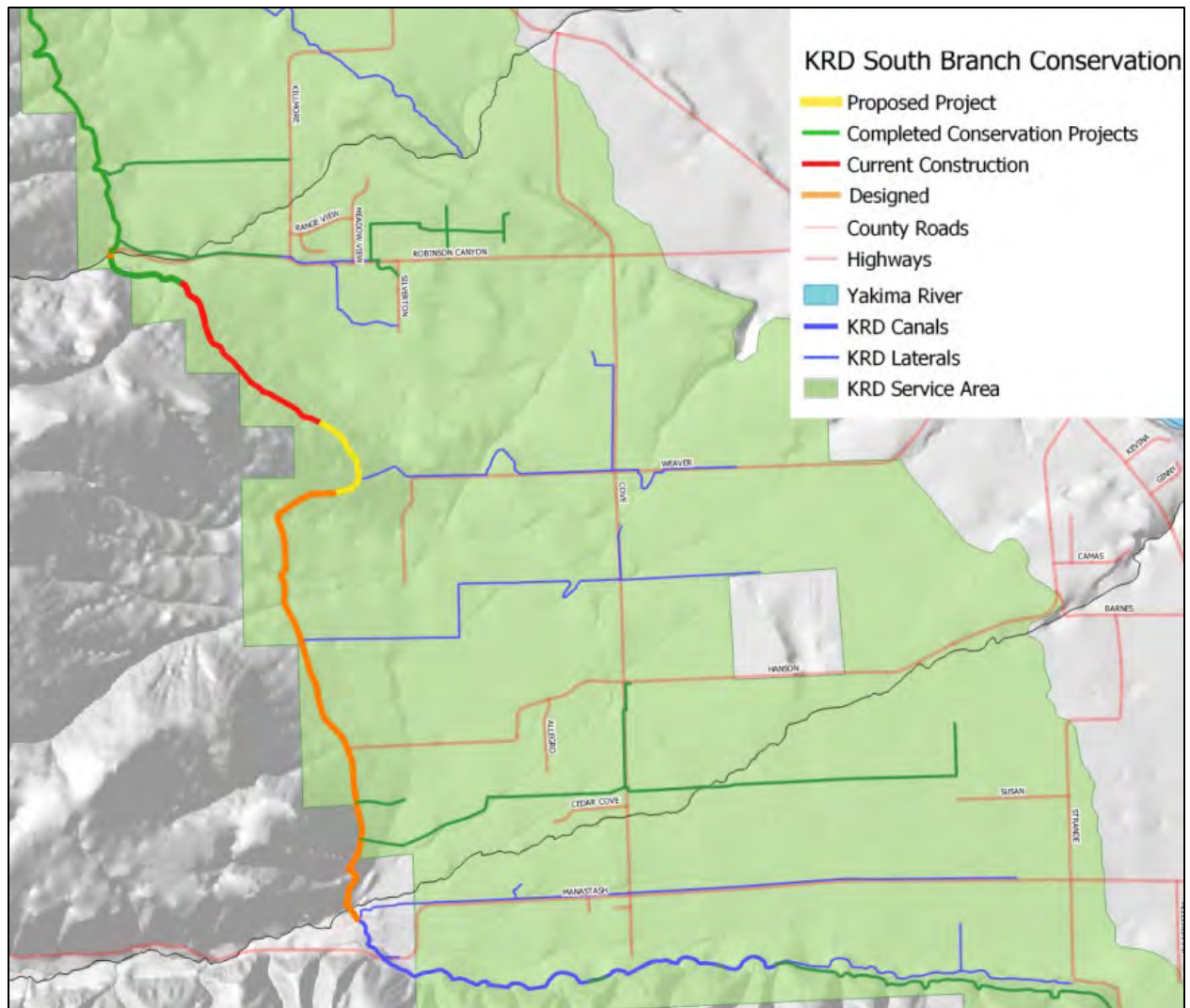
BACKGROUND DATA

PROJECT LOCATION

The KRD's Water Conservation Implementation on the South Branch Canal is located in Kittitas County Washington. It is approximately 5 miles to the west of Ellensburg. The project latitude is 47°00'N and longitude is -120°40'W (see Fig. 1).



This project proposal is for a portion of Phase II of KRD's South Branch Canal project ("SBC"). Phase II is designed and permitted and will proceed once funding is attained. The total SBC Phase II efforts will line 21,648 feet of canal and conserve 2,377 acre-feet/year (6.7 cfs delivery) for instream flow supplementation. The current funding request is therefore scalable, and if fully funded will save 317 acre-feet/year (0.89 cfs). This project is situated amongst other efficiencies projects the KRD has previously completed, see Figure 3.



TECHNICAL PROJECT DESCRIPTION

The present proposal will pipe 1,902 LF of the SBC downstream of Robinson Siphon. The existing canal bottom is an earthen mix of cobbles, fine silts and sands, and basalt bedrock. KRD identified seepage losses from multiple water measurements, visual observations of canal bank seepage, and vegetation growth downslope of canal banks.

After mobilization, the contractor will improve the site access and staging areas. This will include clearing, grubbing and rough grading of the access roads, installation of silt fencing, culvert protection, and any other provisions required by the stormwater prevention plan.

The contractor will then excavate and regrade the canal, lay a gravel base course, and install an 84 inch steel reinforced polyethylene pipe. The trench will then be backfilled and a crushed road surfacing top course will be installed. Turnouts will be replaced, and inspection ports will be

installed every 1500 feet. A slope stabilization seeding, and any other site restoration will finish up the project.

The technical aspects of the water allocation, management, and protection are designed to provide benefits for fish, wildlife, and the environment during years of impaired stream flows in upper Yakima River tributaries. KRD accomplishes this through a three-party agreement between KRD, Reclamation, and the Washington Department of Ecology that specifies KRD will use the conserved water to supplement instream flows in upper Yakima River tributaries that are provide habitat for ESA-listed and unlisted species. The saved water from this project will go to improve stream flows in Manastash Creek, where KRD will utilize existing infrastructure at the creek-canal intersection to deliver a controlled amount of conserved water to help restore flows and keep the creek flowing.

If water is not biologically necessary in Manastash Creek, then this project allows KRD to use its conveyance system to deliver the water to other streams in need of flow. The priority stream for this water is Manastash Creek, but KRD will use a committee made of local Yakima Basin fisheries and water professionals to identify additional stream(s) most needing instream flow help on an annual basis. The committee will recommend the stream for supplementation to mimic natural flows. KRD will then spill the water into the stream for ecosystem benefits. The Washington Department of Ecology administers protection of this water.

This project provides the flexibility to shape the water delivery as needed to mimic natural flows. Moreover, by piping the canal, KRD creates additional system capacity so that the canal system can also “wheel” downstream irrigation district water during drought conditions through the canal system and supplement stream flows without risk of delaying downstream water user water delivery due to canal seepage loss. This is possible because the water is Reclamation Yakima Project water and is protected by Ecology.

This project is modeled on an ongoing effort by KRD, Ecology, and basin partners to find innovative ways to conserve water for instream flows. Traditional methods of acquiring water rights to restore flows is less predictable and, even when the most senior water is acquired, can leave a stream dry during drought conditions. In addition to providing guaranteed water during drought years, this project also provides water during non-drought years so the environment is resilient to drought conditions.

PERFORMANCE MEASURES

KRD measures the delivery of saved water to impaired streams through flow meters and loggers. An annual summary of deliveries, including daily stream supplementation and total acre-feet, is made available to Reclamation and the Washington State Dept. of Ecology. Additionally, the Washington Department of Fish and Wildlife are monitoring the ecological responses to continually wet streams during summer months to identify and track any changes in ecosystem health.

EVALUATION CRITERIA

EVALUATION CRITERION A—PROJECT BENEFITS

E.1.1.1. Sub-Criterion A.1—Benefits to Ecological Values

• *Please explain how the project will benefit ecological values that have a nexus to water resources or water resources management, including benefits to plant and animal species, fish and wildlife habitat, riparian areas, and ecosystems that are supported by rivers, streams, and other water sources, or that are directly influenced by water resources management.*

This project will provide significant benefits for fish and wildlife through the delivery of the saved water to flow impaired streams. The species of interest are Coho and Chinook salmon, Mid-Columbia steelhead (ESA-threatened), and Bull trout (ESA-threatened). Coho and Chinook salmon historically had access to and likely migrated and reared in the lower reaches of upper Yakima River tributaries. These fish are all reliant on adequate water supply and quality to provide passage and habitat. KRD expects benefits to include: improved instream flows that increase available fish habitat and improve fish passage through flow-impaired stream reaches; improved conditions for aquatic insects (prey base for fish and wildlife); improved natural stream processes such as sediment transport and channel formation; and improved riparian forest health. Moreover, KRD (through its work with the Washington Department of Fish and Wildlife, expects these benefits to interact and provide greater ecosystem benefits that are difficult to measure. For example, improved stream flows will likely promote riparian vegetation growth that shade the stream and reduce the stream’s solar exposure which, in turn, may limit the stream’s high temperatures during summer months, which in turn may provide more habitat than originally anticipated and increase aquatic invertebrates’ diversity and density—the prey base for fish.

This project will benefit two ESA-listed species (both threatened): Mid-Columbia steelhead and Bull trout. Both fish species are subject to plans for recovery and conservation within the Yakima Basin. The 2009 Yakima Steelhead Recovery Plan states that “drought worsens the effects of other threats on adult spawning success and juvenile survival” (p. 73, 2009 Yakima Steelhead Recovery Plan). Specifically, the flow, temperature, and key habitat quantity may be impaired. The proposed project would help reduce the impacts of drought on Steelhead by providing continuous flow in tributaries that provide habitat for adult and juvenile fish.

Bull trout distribution in the Yakima Basin have an Action Plan (2012) that provides guidance on species recovery. The Yakima Bull trout are, like all fish, reliant on water for survival. However, they are less likely to be present in the immediate flow supplementation areas due to the timing and general habitat conditions in the streams. Rather, the Bull trout in tributaries may inhabit headwaters where conditions are more suitable when the instream flow restoration is taking place in the flow impaired (lower) reaches. Regardless, the project will help improve stream conditions during summer and fall months that leave the stream in better health for winter months when the Bull trout may utilize lower reaches for feeding, migration, or overwintering.

• *If the project will benefit multiple water uses, please explain how the project benefits other water uses.*

The saved water will be delivered to tributaries of the Yakima River and becomes part of TWSA (Total Water Supply Available) for the Yakima Basin Project. When the water reaches the Yakima River it is used to meet downstream uses including irrigation, municipal, tribal, and fisheries demands.

E.1.1.2. Sub-Criterion A.2—Quantification of Specific Project Benefits by Project Type

Q: Describe the amount of estimated water savings (in acre-feet per year) that are expected to result directly from the project.

A: 250 acre feet of water will be saved each year after construction is completed. The KRD estimated canal losses using current metering, water balances, and accepted engineering. The table below shows the total supply, deliveries to landowners in the project area, and flow after the project. The difference between the supply, the total deliveries, and the remaining flow represents the total conveyance losses in this canal reach.

Site	Turnout	4/26/2016 Discharge (cfs)	5/18/2016 Discharge (cfs)	7/25/2016 Discharge (cfs)	8/26/2016 Discharge (cfs)
Measured Flow SB7.6		58.43	50.16	117.2	121.41
Deliveries	7.6	0	0	0	0
	7.8	0.1	0	0.03	0.35
	8.2	0	0	0	0
	8.5	0	0	0	0
	8.8	0	0	2.23	2.23
	8.9	0	0	0	0
	9.2-0.01L	0	0	0	0
	9.2-0.01	0.42	0	0	0.97
	9.4	0	1.66	1.5	3.15
	9.6	0	1	2	1.25
Total Deliveries		0.52	2.66	5.76	7.95
Measured Flow SB 9.6		54.16	44.99	104.58	106.84
Daily Conveyance Loss		3.75	2.51	6.86	6.62
Average Conveyance Loss in Two Miles (cfs)					4.94
Average Daily Loss (acre-feet)					9.79
Annual Loss for 180 Day Irrigation Season (acre-feet)					1762
Annual Acre-foot Loss per Mile					881
Annual Acre-foot loss in Project Area (1902 lineal feet=0.36 miles)					317.4

Q: Explain where the water that will be conserved is currently going (e.g., back to the stream, spilled at the end of the ditch, seeping into the ground) and how the water is currently being used.

A: The saved water is currently being lost to evaporation and seepage. Seepage water is mainly being taken by vegetation growing along the canal. Some water makes to downgradient landowners as unmetered deliveries.

Q: Explain in detail how water conserved as a result of the project will be used to increase water sustainability for ecological values.

KRD has a water “allocation, management, and protection” memorandum of agreement with the U.S. Bureau of Reclamation and Washington Department of Ecology (see Appendix B). This agreement provides the pathway to allocate the water for instream flow on an annual basis (and adjust it during the irrigation season as conditions require). This 3-party MOA is the key to this project.

The saved water from this project will go to improve stream flows in Manastash Creek, where KRD will utilize existing infrastructure at the creek-canal intersection to deliver a controlled amount of conserved water to help restore flows and keep the creek flowing.

If water is not biologically necessary in Manastash Creek, the agreement allows KRD to use its conveyance system to deliver the water to other streams in need of flow. The priority stream for this water is Manastash Creek, but KRD will use a committee made of local Yakima Basin fisheries and water professionals to identify additional stream(s) most needing instream flow help on an annual basis. The committee will recommend the stream for supplementation to mimic natural flows. KRD will then deliver the water into the stream for ecosystem benefits. The Washington Department of Ecology administers protection of this water.

Q: Describe the benefits that are expected to result from increased instream flows.

This project will provide significant benefits for fish and wildlife through the delivery of the saved water to flow impaired streams. The species of interest are Coho and Chinook salmon, Mid-Columbia steelhead (ESA-threatened), and Bull trout (ESA-threatened). Coho and Chinook salmon historically had access to and likely migrated and reared in the lower reaches of upper Yakima River tributaries. These fish are all reliant on adequate water supply and quality to provide passage and habitat. KRD expects benefits to include: improved instream flows that increase available fish habitat and improve fish passage through flow-impaired stream reaches; improved conditions for aquatic insects (prey base for fish and wildlife); improved natural stream processes such as sediment transport and channel formation; and improved riparian forest health. Moreover, KRD (through its work with the Washington Department of Fish and Wildlife, expects these benefits to interact and provide greater ecosystem benefits that are difficult to measure. For example, improved stream flows will likely promote riparian vegetation growth that shade the stream and reduce the stream’s solar exposure which, in turn, may limit the stream’s high temperatures during summer months, which in turn may provide more habitat than originally anticipated and increase aquatic invertebrates’ diversity and density—the prey base for fish.

This project will benefit two ESA-listed species (both threatened): Mid-Columbia steelhead and Bull trout. Both fish species are subject to plans for recovery and conservation within the Yakima Basin. The 2009 Yakima Steelhead Recovery Plan states that “drought worsens the effects of other threats on adult spawning success and juvenile survival” (p. 73, 2009 Yakima Steelhead Recovery Plan). Specifically, the flow, temperature, and key habitat quantity may be impaired. The proposed project would help reduce the impacts of drought on Steelhead by providing continuous flow in tributaries that provide habitat for adult and juvenile fish.

Bull trout distribution in the Yakima Basin have an Action Plan (2012) that provides guidance on species recovery. The Yakima Bull trout are, like all fish, reliant on water for survival. However, they are less likely to be present in the immediate flow supplementation areas due to the timing and general habitat conditions in the streams. Rather, the Bull trout in tributaries may inhabit headwaters where conditions are more suitable when the instream flow restoration is taking place in the flow impaired (lower) reaches. Regardless, the project will help improve stream conditions during summer and fall months that leave the stream in better health for winter months when the Bull trout may utilize lower reaches for feeding, migration, or overwintering.

E.1.2. Evaluation Criterion B—Collaborative Project Planning

In 2009, a diverse group of interests in the Yakima Basin came together with a desire to build a framework for resource management that would address the community’s needs and put long-standing conflicts over water and fisheries behind them. The Yakima Basin Integrated Plan was born: a common-sense, pragmatic approach. The Integrated Plan covers thirty years, divided into three ten-year implementation phases. Through the Integrated Plan stakeholders have a place to discuss ideas surrounding water resources and improved water security for fish, farms, and communities in the Yakima Basin.

The Integrated Plan identifies seven elements needed to achieve a balanced and comprehensive approach to water resource management and ecosystem restoration in the Yakima River Basin, including Reservoir Fish Passage, Structural and Operational Changes, Surface Water Storage, Groundwater Storage, Habitat/Watershed Protection, Enhanced Water Conservation, and Market Reallocation.

Conserving up to 170,000 acre-feet of water per year is the goal of the agricultural side of this program, allowing better instream flows for fish and more precise delivery and use of water. Local governments actively encourage improvements in water conservation from individual homeowners for indoor and outdoor use.

This project is part of the Integrated Plan, and builds upon the ongoing dialogue with neighbors this has made possible. Similar lining and piping conservation projects on the KRD South Branch Canal have been funded by the Bureau of Reclamation’s Yakima River Basin Water Enhancement Project as part of the Water Conservation portion of the Integrated Plan.

E.1.3. Evaluation Criterion C—Stakeholder Support

Project partners are numerous and vital to project success. KRD leads the process for piping the canal and moving water for irrigators and instream flow. Please see the attached letters of support. Partners and their roles are:

- WA Dept of Ecology is responsible for water protection and enforcement;
- WA Dept of Fish and Wildlife is responsible for monitoring the environmental benefits and making recommendations for water delivery for instream flow;
- U.S. Bureau of Reclamation operates the Yakima Project and is supportive of the KRD's water conservation plans and how the KRD system can be used to meet the goals of the Yakima Basin Integrated Plan.
- Kittitas County Conservation District is responsible for working with landowners to implement irrigation efficiency (on-farm) projects that enhance canal piping benefits;
- Trout Unlimited assists with instream flow projects that reduce the need for instream flow and enhance instream flow benefits

This support and collaboration is significant in that it shows how this project is bridging historical divides for water resources. The support brings diverse stakeholders together to find an alternative solution to instream flow for the ecosystem while maintaining the water needed to maintain the agricultural nature of area. This is a key element of the Yakima Basin Integrated Plan. The Integrated Plan is supported a diverse group of interests: agriculture, municipal, tribal, environmental, and recreational.

The project will be on Federal right-of-ways within transferred works of the Yakima Project. Similar lining and piping conservation projects on the KRD South Branch Canal have been funded by the Bureau of Reclamation's Yakima River Basin Water Enhancement Project, but funding is limited.

E.1.4. Evaluation Criterion D—Readiness to Proceed

Many of the necessary elements of this project have already been completed. This will allow for construction to begin soon after the grant contract is completed.

Implementation Element	Planned Start	Completion
Section 106 report		08/01/2020
MOA with DAHP		10/09/2020
NEPA documents		10/22/2020
Design		09/28/2020
Bid-ready plans	09/01/2022	10/01/2022
Contractor award	10/01/2022	10/15/2022
Contractor mobilization	11/01/2022	11/15/2022
Construction	11/15/2022	04/30/2024
Construction oversight / engineering during construction	11/15/2022	04/30/2024

Permitting has been completed including the Section 106 review, MOA with the state historic preservation officer, and NEPA documents issued through the local Reclamation area office. No other permits are anticipated to be required. An engineer’s design has been completed and reviewed by the Yakima Area Office of the Bureau of Reclamation. Bid ready documents will be prepared when the funding amount is known. All work will be within existing KRD right-of-ways, and no land or water will be purchased.

E.1.5. Evaluation Criterion E—Performance Measures

The piping of the South Branch Canal will eliminate 100% of the system loss in this area. Steel Reinforced High Density Polyethylene (SRPE) Pipe will be used, and after the project is complete, flow meters will be installed on all deliveries. A ramp flume is installed at the beginning of the project, and a Cipoletti weir at the end, so determining any system loss will be straightforward.

KRD has a water “allocation, management, and protection” memorandum of agreement with the U.S. Bureau of Reclamation and Washington Department of Ecology (see Appendix B). This agreement provides the pathway to allocate the water for instream flow on an annual basis (and adjust it during the irrigation season as conditions require). This 3-party MOA is the key to this project. Water saved through this project is put into trust and dedicated to stream supplementation. Each year, the Yakama Nation, multiple environmental agencies, and other interested parties meet to discuss the needs of local streams with listed species to determine the

locations and rates of stream supplementation based on up to the minute known needs of these streams.

The Washington State Department of Ecology is responsible for water protection and enforcement, and will ensure that delivered water stays instream. The Washington State Department of Fish and Wildlife monitor the supplemented streams and make an annual report to stakeholders with information on Flow, Stream Temperature, Chemistry (Dissolved Oxygen & pH), Canal Temperature & Water Chemistry, Electrofishing, Redd Surveys, and PIT tag monitoring.

E.1.6. Evaluation Criterion F—Presidential and Department of the Interior Priorities

Climate Change

Climate projections for the Yakima Basin indicate a warming trend resulting in precipitation falling as more rain instead of snow. Anticipated annual shortfalls are similar to droughts. The shortfall's extent will be variable. Since 1992, drought reduced the proratable irrigation district water supply to <70% one in every four years. In 2015, irrigation districts only received 47% of normal water supply.

This project builds long-term resilience to drought by eliminating a source of water loss and then designating the previously lost water as water for instream flow. The instream flows help restore stream ecosystems and natural processes to benefit fish and wildlife habitat and the riparian communities (people and nature). By providing flows in drought years and in Climate Change induced shortages, KRD is helping to prevent short-term ecosystem collapse while building longer-term resiliency to annual impaired flow conditions. The robust ecosystem is more drought resilient because the overall health is better. KRD expects this project to provide benefits for as long as instream flow is necessary. This project also provides certainty and flexibility with the water management for water delivered through the South Branch Canal by providing certainty in the amount of water needed to deliver irrigation water through the leaking sections. The project's saved water becomes part of the supply for Yakima Project purposes, increasing the ability for managers to react to future water shortfalls.

Disadvantaged or Underserved Communities

This project will benefit rural KRD customers being served by the South Branch Canal.

Tribal Benefits

The water delivered to flow impaired tributaries will help recover salmon stocks and contribute to Yakama Nation Treaty Rights. This project will help restore fish populations to which the Yakama Nation has a Treaty Right to harvest. Please see the attached letter of support from the Confederated Tribes and Bands of the Yakama Nation.

PROJECT BUDGET

FUNDING PLAN AND LETTERS OF COMMITMENT

The project cost is \$2,666,666. The project estimate is based on reasonable and allowable costs, bid prices on similar projects, input from engineering professionals, and historical costs and production rates. These costs were assembled with the intent for construction to begin following the 2022 irrigation season and be completed by the summer of 2024.

Table 2. Summary of non-federal and federal funding sources. KRD’s non-federal amount will come from the Washington Department of Ecology’s Water Resources Program.

Funding Sources	Amount
Non-Federal Entities	
Washington Department of Ecology	\$ 666,666.00
Non-Federal Subtotal	\$ 666,666.00
Other Federal Entities	
none	
Other Federal Subtotal	\$ 0.00
Requested Reclamation Funding	\$ 2,000,000.00

The Washington Department of Ecology’s Water Resources Program’s contract is attached. These funds are committed to KRD and are available for this project.

KRD will not incur any costs that will be included as project costs before the anticipated start date. KRD has received committed funding from the Washington Department of in the amount of \$666,666 to match this request.

At the present time, KRD has not requested nor received any additional federal funds to contribute to this project. If this changes, KRD will notify Reclamation to comply with the cost-share requirements for this project.

BUDGET PROPOSAL

BUDGET ITEM DESCRIPTION	COMPUTATION		Quantity Type	TOTAL COST
	\$/Unit	Quantity		
Salaries and Wages				
Employee 1				\$ -
Employee 2				\$ -
Employee 3				\$ -
Fringe Benefits				
Full-Time Employees				\$ -
Part-Time Employees				\$ -
Travel				
Trip 1				\$ -
Trip 2				\$ -
Trip 3				\$ -
Equipment				
Item A				\$ -
Item B				\$ -
Supplies and Materials				
Item A				\$ -
Item B				\$ -
Contractual/Construction				
Construction Contractor				\$ 2,614,166.00
Engineering Services				\$ 52,500.00
TOTAL DIRECT COSTS				\$ 2,666,666.00
Indirect Costs				
Schedule & Market Condition				\$ -
TOTAL ESTIMATED PROJECT COSTS				\$ 2,666,666.00

SALARIES AND WAGES

KRD is not requesting or claiming any salary or wage related expenses from this project.

FRINGE BENEFITS

KRD is not requesting or claiming fringe benefits related expenses from this project.

TRAVEL

KRD is not requesting or claiming travel-related expenses from this project.

EQUIPMENT

KRD is not requesting or claiming equipment-related expenses from this project.

MATERIALS AND SUPPLIES

KRD will furnish materials and supplies and expects minimal costs from this action and excludes it from the project budget.

CONTRACTUAL (CONSTRUCTION)

The total contractual budget is for construction costs and engineering services during construction. The District will hire a contractor to complete construction of the project. The contractor chosen will be selected based on the results of an advertised competitive bidding process. The contractor will enter into a unit price contract for furnishing and installing all equipment and materials necessary for construction of the complete and functional proposed upgrades.

Construction scheduling and, to some extent, costs, may be affected by the need to do the entire canal piping work during the non-irrigation season. The limited available construction season occurs during the fall and winter months.

ENVIRONMENTAL AND REGULATORY COMPLIANCE

Environmental and regulatory compliance have been completed. KRD does not anticipate any further environmental or regulatory compliance costs.

OTHER—REPORTING

This line item includes costs to be incurred while reporting to federal funders. In accordance with the FOA requirements, KRD will prepare and submit to Reclamation an SF-425 Federal Financial Report, two quarterly reports, and a final report. KRD will assume this cost as part of regular operations.

INDIRECT COSTS

For this project, the recipient will not have any indirect costs. All costs associated with the project are direct and can be documented as such.

TOTAL COSTS

The estimated total project cost is \$2,666,666. The requested federal share through the WaterSMART program is \$2,000,000; the total non-federal share is \$666,666. A copy of the completed SF 424C, Budget Information – Construction Programs, is provided.

ENVIRONMENTAL AND CULTURAL RESOURCES COMPLIANCE

The canal piping improvements will take place within the existing canal right-of-way. Existing KRD maintenance roads provide adequate site access, and all work will occur within KRD's right-of-way. An environmental review shows that there will be minor or no negative environmental impacts to earth (soils), air, plants, animals, energy and natural resources, environmental health (health hazards and noise), land and shoreline use, housing, aesthetics, light and glare, recreation, historic and cultural preservation, transportation, public services, and utilities. During construction, best management practices (BMPs), such as sediment control fencing and sprinkling the ground surface for dust control, will be maintained in ground-disturbance areas. There is no earth disturbing work anticipated from the stream supplementation component.

Q. Are you aware of any species listed or proposed to be listed as a Federal threatened or endangered species, or designated critical habitat in the project area? If so, would they be affected by any activities associated with the proposed project?

A. Yes, KRD is aware of listed species and designated critical habitat in the project area (including Manastash Creek for instream flow). Stream supplementation will occur in streams with ESA-listed fish species and designated Critical Habitat. Both the habitat and fish species will be affected by the stream supplementation, though the effects are expected to be positive and help with species' recovery.

Q. Are there wetlands or other surface waters inside the project boundaries that potentially fall under CWA jurisdiction as "Waters of the United States?" If so, please describe and estimate any impacts the proposed project may have.

A. Construction activities will occur along the existing KRD right-of-way, which does not possess wetlands or "waters of the United States"; therefore impacts to wetlands and/or waters under Federal jurisdiction are not anticipated. Regardless, construction activities will implement BMP measures to control erosion, turbidity from de-watering water, dust, and noise. Required mitigation of impacts to the environment is not anticipated.

Streams receiving supplementation water do fall within the "waters of the United States" under Federal Clean Water Act jurisdiction. KRD expects positive impacts to these streams will be restored flows. Moreover, KRD has non-sediment producing, designated turnout structures for each stream. The flows entering the stream will enter via designated and established input locations. As such, KRD does not anticipate any negative impacts from the stream supplementation portion.

Q. When was the water delivery system constructed?

A. The South Branch Canal was constructed in 1928.

Q. Will the proposed project result in any modification of or effects to, individual features of an irrigation system (e.g., headgates, canals, or flumes)? If so, state when those features were constructed and describe the nature and timing of any extensive alterations or modifications to those features completed previously.

A. Yes, this project will affect one canal originally constructed in 1928. Routine maintenance may have altered the canal since its original construction. A cultural review is being conducted, and if adverse effects are found, an MOA will be negotiated with Washington State DAHP for mitigation. Costs incurred for mitigation are not included in this proposal.

Q. Are any buildings, structures, or features in the irrigation district listed or eligible for listing on the National Register of Historic Places? A cultural resources specialist at your local Reclamation office or the State Historic Preservation Office can assist in answering this question.

A. A cultural review is being conducted, and if adverse effects are found, an MOA will be negotiated with Washington State DAHP for mitigation. Costs incurred for mitigation are not included in this proposal.

Q. Are there any known archeological sites in the proposed project area?

A. No archaeological deposits or Traditional Cultural Places (TCPs) were identified within the APEs.

Q. Will the proposed project have a disproportionately high and adverse effect on low income or minority populations?

A. No, the total project will not have a disproportionately high and adverse effect on low income or minority populations. KRD is not aware of any low-income or minority population communities adjacent to, and subject to disproportionately high and adverse effects, the project area.

Q. Will the proposed project limit access to and ceremonial use of Indian sacred sites or result in other impacts on tribal lands?

A. No, this project will not limit access to and ceremonial use of Indian sacred sites.

Q. Will the proposed project contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area?

A. No, the project will not contribute to the spread of noxious weeds or non-native invasive species. BMP measures will take place during construction to limit introduction of noxious weeds and/or non-native invasive species. Post-construction, a native seed mix will be planted in all disturbed areas. Non-native Brook or Brown trout *may* be present in supplemental flow streams. Both species are present in other areas in the upper Yakima Basin but are typically confined to headwater reaches. As such, providing more natural stream flows will not likely contribute to the continued existence of these fish as they already exist and this project is designed to help recover native fish in the lower, dewatered reaches of perennial streams.

REQUIRED PERMITS AND/OR APPROVALS

FEDERAL PERMITTING

A cultural review has been conducted, and an MOA was negotiated with Washington State DAHP for mitigation. Costs incurred for mitigation are not included in this proposal. The Columbia-Cascades Area Office have completed a NEPA review that fit within a recognized

Categorical Exclusion to NEPA. Environmental impacts will be minimized during construction using BMPs.

STATE PERMITTING

Permits for canal piping within KRD's right-of-way are not required.

LOCAL PERMITTING

Permits for the canal piping and flow supplementation are not required at a local level.

OFFICIAL RESOLUTION



Kittitas Reclamation District

P.O. Box 276
Ellensburg, WA 98926
Phone: (509) 925-6158 Fax: (509) 925-7425

RESOLUTION 2021-09

WHEREAS, the Kittitas Reclamation District is in receipt of the U.S. Bureau of Reclamation Funding Opportunity Announcement No. R22AS00026, WaterSMART - Environmental Water Resources Projects for Fiscal Year 2022; and;

WHEREAS, the Kittitas Reclamation District has legal authority to enter into a grant with the Bureau of Reclamation; and;

WHEREAS, the Board of Directors of the Kittitas Reclamation District supports the application submitted; and;

WHEREAS, the Kittitas Reclamation District will work with the U.S. Bureau of Reclamation to meet established deadlines for entering into a cooperative agreement.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Board of Directors that the Secretary-Manager, Urban Eberhart, has legal authority to enter into agreement with the U.S. Bureau of Reclamation WaterSMART Grant financial assistance program and to sign any and all documents necessary to enter into the WaterSMART program.

DATED, this 7th day of December 2021.

BOARD OF DIRECTORS
KITTITAS RECLAMATION DISTRICT

Handwritten signature of Fred Schnebly in blue ink.

Fred Schnebly, Chairman

Handwritten signature of Mark Hansen in blue ink.

Mark Hansen, Vice Chairman

Handwritten signature of Brad Haberman in blue ink.

Brad Haberman

Handwritten signature of Sherry Swanson in blue ink.

Sherry Swanson

Handwritten signature of Larry Bland in blue ink.

Larry Bland

APPENDICES

- A: Letters of Project Support
- B: KRD-Ecology-Reclamation Allocation, Management, and Protection Agreement
- C: Funding Support

APPENDIX A: LETTERS OF PROJECT SUPPORT



Confederated Tribes and Bands
of the Yakama Nation

Established by the
Treaty of June 9, 1855

December 8, 2021

Bureau of Reclamation
Attn: Josh German
P.O. Box 25007, MS 86-69200
Denver, CO 80225

RE: Kittitas Reclamation District WaterSMART Proposal – WaterSMART
Environmental Water Resources Projects for Fiscal Year 2022

Dear Mr. German:

The Yakama Nation is pleased to support the WaterSMART proposal: KRDSouth Branch Water Conservation Plan Implementation, being submitted by Kittitas Reclamation District under the WaterSMART Environmental Water Resources Projects for Fiscal Year 2022.

This proposal focuses on the upper Yakima River Basin in Washington State and is designed to address water shortages in Yakima River tributaries. As Climate Change is expected to significantly impact the Yakima Basin, the Yakama Nation is especially interested in finding alternative and innovative ways to keep streams flowing while providing water to maintain the agricultural heritage of the basin, both in normal water supply years and during periods of drought—which is exactly what KRDS does with this project.

This proposal builds on years of success and work accomplished under the Yakima Basin Integrated Water Resource Management Plan (YBIP). YBIP goals include addressing reduced Cascade Mountain snowpack and climate change by employing seven different elements. As a key part of restoring fish and wildlife habitat under the YBIP, this proposal helps advance the goals and improve the Basin's water supply security.

We encourage Reclamation's support and approval of this proposal. If you have any questions regarding this letter, please contact Phil Rigdon at (509) 865-5121.

Sincerely,

Phil Rigdon
Yakama Nation, DNR Superintendent

Post Office Box 151, Fort Road, Toppenish, WA 98948 (509) 865 5121



Trout Unlimited: America's Leading Coldwater Fisheries Conservation Organization

December 7, 2021

Bureau of Reclamation
Attn: Josh German
P.O. Box 25007, MS 86-69200
Denver, CO 80225

RE: Kittitas Reclamation District WaterSMART Proposal – WaterSMART
Environmental Water Resources Projects for Fiscal Year 2022

Dear Mr. German:

Trout Unlimited is pleased to support the WaterSMART proposal: KRD South Branch Water Conservation Plan Implementation, being submitted by Kittitas Reclamation District under the WaterSMART Environmental Water Resources Projects for Fiscal Year 2022.

This proposal focuses on the upper Yakima River Basin in Washington State and is designed to address water shortages in Upper Yakima River tributaries. As climate change is expected to significantly impact the Yakima Basin, Trout Unlimited supports its partners like Kittitas Reclamation District in the Yakima Basin interested in finding alternative and innovative ways to enhance instream flows while providing water to maintain the agricultural heritage of the basin, both in normal water supply years and during periods of drought—which is exactly what KRD does with this project.

This proposal builds on years of success and work accomplished under the Yakima Basin Integrated Water Resource Management Plan (YBIP). YBIP goals include addressing reduced Cascade Mountain snowpack and climate change by employing seven different elements. As a key part of restoring fish and wildlife habitat under the YBIP, this proposal helps advance the goals and improve the Basin's water supply security.

We encourage Reclamation's support and approval of this proposal.
If you have any questions regarding this letter, please contact Lisa Pelly, 509-630-0467.

Sincerely,

Lisa Pelly, Director, Trout Unlimited Washington Water Project

Washington Water Project

103 Palouse, Suite 14, Wenatchee, WA 98801 and 115 S. Glover Street, Twisp, WA 98856
(509) 888-0970 • Fax: (509) 888-4352 • www.tu.org



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

1250 W Alder St + Union Gap, WA 98903-0009 • (509) 575-2490

December 6, 2021

Bureau of Reclamation
Attn: Josh German
P.O. Box 25007, MS 86-69200
Denver, CO 80225

RE: Kittitas Reclamation District WaterSMART Proposal – WaterSMART Environmental Water Resources Projects for Fiscal Year 2022

Dear Mr. German:

The Washington State Department of Ecology (Ecology) is pleased to support the WaterSMART proposal: KR D South Branch Water Conservation Plan Implementation, being submitted by Kittitas Reclamation District under the WaterSMART Environmental Water Resources Projects for Fiscal Year 2022.

This proposal focuses on the upper Yakima River Basin in Washington State and is designed to address water shortages in Yakima River tributaries. As Climate Change is expected to significantly impact the Yakima Basin, Ecology is especially interested in finding alternative and innovative ways to keep streams flowing while providing water to maintain the agricultural heritage of the basin, both in normal water supply years and during periods of drought—which is exactly what KR D does with this project.

This proposal builds on years of success and work accomplished under the Yakima Basin Integrated Water Resource Management Plan (YBIP). YBIP goals include addressing reduced Cascade Mountain snowpack and climate change by employing seven different elements. As a key part of restoring fish and wildlife habitat under the YBIP, this proposal helps advance the goals and improve the Basin's water supply security.

We encourage Reclamation's support and approval of this proposal.

If you have any questions regarding this letter, please contact Trevor Hutton at (509) 454-4240.

Sincerely,

A handwritten signature in blue ink that reads "Trevor Hutton".

Trevor Hutton, Section Manager
Water Resources Program
Central Regional Office

TH:SS/211209



Kittitas County Conservation District

2211 W Dolarway Road, Ste 4, Ellensburg WA 98926 • (509) 925-3352 • www.kccd.net

December 01, 2021

Bureau of Reclamation
Attn: Josh German
P.O. Box 25007, MS 86-69200
Denver, CO 80225

RE: Kittitas Reclamation District WaterSMART Proposal – WaterSMART Environmental Water Resources Projects for Fiscal Year 2022

Dear Mr. German:

The Kittitas County Conservation District (KCCD) is pleased to support the WaterSMART proposal: KRD South Branch Water Conservation Plan Implementation, being submitted by Kittitas Reclamation District under the WaterSMART Environmental Water Resources Projects for Fiscal Year 2022.

This proposal focuses on the upper Yakima River Basin in Washington State and is designed to address water shortages in Yakima River tributaries. As Climate Change is expected to significantly impact the Yakima Basin, KCCD is especially interested in finding alternative and innovative ways to keep streams flowing while providing water to maintain the agricultural heritage of the basin, both in normal water supply years and during periods of drought—which is exactly what KRD does with this project.

This proposal builds on years of success and work accomplished under the Yakima Basin Integrated Water Resource Management Plan (YBIP), YBIP goals include addressing reduced Cascade Mountain snowpack and climate change by employing seven different elements. As a key part of restoring fish and wildlife habitat under the YBIP, this proposal helps advance the goals and improve the Basin's water supply security.

KCCD is working toward drought resiliency goals at the individual farm level while strongly supporting the delivery improvements undertaken by KRD through their water conservation planning. KCCD is currently working with the USDA Natural Resources Conservation Service through their EQIP-WaterSMART initiative and through other Farm Bill funding to provide technical and financial assistance to irrigators that complements KRD's efforts.

We strongly encourage Reclamation's support and approval of this proposal.

If you have any questions regarding this letter, please contact Anna Lael (District Manager) at 509-925-3352 ext. 7.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mark Moore".

Mark Moore, Chair
KCCD Board of Supervisors



KITTITAS COUNTY
DEPARTMENT OF PUBLIC WORKS

Arden Thomas, Water Resources Manager

December 2, 2021

Bureau of Reclamation
Attn: Josh German
P.O. Box 25007, MS 86-69200
Denver, CO 80225

Re: Support for Kittitas Reclamation District WaterSMART Proposal – WaterSMART Environmental Water Resources Projects for Fiscal Year 2022

Dear Mr. German,

Kittitas County Public Works is pleased to support the WaterSMART proposal: KR D South Branch Water Conservation Plan Implementation, being submitted by Kittitas Reclamation District under the WaterSMART Environmental Water Resources Projects for Fiscal Year 2022.

This proposal focuses on the upper Yakima River Basin in Washington State and is designed to address water shortages in Yakima River tributaries. As Climate Change is expected to significantly impact the Yakima Basin, our agency is especially supportive of innovative efforts to keep streams flowing while providing water to maintain the agricultural heritage within Kittitas County, both in normal water supply years and during periods of drought—which is exactly what KR D does with this project.

This proposal builds on years of success and work accomplished under the Yakima Basin Integrated Water Resource Management Plan (YBIP). YBIP goals include addressing reduced Cascade Mountain snowpack and climate change by employing seven different elements. As a key part of restoring fish and wildlife habitat under the YBIP, this proposal helps advance the goals and improve the Basin's water supply security.

We encourage Reclamation's support and approval of this proposal.

If you have any questions regarding this letter, please contact me at (509) 962-7523.

Sincerely,

Arden C. Thomas
Water Resource Manager, Kittitas County Public Works



State of Washington
DEPARTMENT OF FISH AND WILDLIFE
South Central Region 3 • 1701 South 24th Avenue, Yakima, WA 98902-5720
Telephone: (509) 575-2740 • Fax: (509) 575-2474

Bureau of Reclamation
Attn: Josh German
P.O. Box 25007, MS 86-69200
Denver, CO 80225

November 29, 2021

RE: Kittitas Reclamation District WaterSMART Proposal – WaterSMART Environmental Water Resources Projects for Fiscal Year 2022

Dear Mr. German,

The Washington Department of Fish and Wildlife (WDFW) is pleased to support the WaterSMART proposal: KRD South Branch Water Conservation Plan Implementation, being submitted by Kittitas Reclamation District under the WaterSMART Environmental Water Resources Projects for Fiscal Year 2022. This proposal focuses on the upper Yakima River Basin in Washington State and is designed to address declining streamflow in Yakima River tributaries.

As climate change is expected to significantly impact the Yakima Basin, WDFW is especially interested in finding alternative and innovative ways to keep streams flowing while providing water to maintain the agricultural heritage of the basin, both in normal water supply years and during periods of drought—which is exactly what KRD does with this project.

This proposal builds on years of success and work accomplished under the Yakima Basin Integrated Water Resource Management Plan (YBIP). YBIP goals include addressing reduced Cascade Mountain snowpack and climate change by employing seven different elements. As a key part of restoring fish and wildlife habitat under the YBIP, this proposal helps advance the goals and improve the Basin's water supply security.

We encourage Reclamation's support and funding of this proposal. If you have any questions regarding this letter, please contact myself or Perry Harvester at 509-594-2474.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael F. Livingston".

Michael F Livingston
Region 3 Director
509-424-1757



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
West Coast Region
304 S. Water Street, Suite 201
Ellensburg, Washington 98926-3617

December 6, 2021

Bureau of Reclamation
Attn: Josh German
P.O. Box 25007, MS 86-69200
Denver, CO 80225

Re: Kittitas Reclamation District WaterSMART Proposal – WaterSMART Environmental
Water Resources Projects for Fiscal Year 2022

Dear Mr. German:

NOAA Fisheries is pleased to support the WaterSMART proposal: KRD South Branch Water Conservation Plan Implementation, being submitted by Kittitas Reclamation District (KRD) under the WaterSMART Environmental Water Resources Projects for Fiscal Year 2022.

This proposal focuses on the upper Yakima River Basin in Washington State and is designed to address water shortages in Yakima River tributaries. As Climate Change is expected to significantly impact the Yakima Basin, NOAA Fisheries is especially interested in finding alternative and innovative ways to keep streams flowing while providing water to maintain the agricultural heritage of the basin, both in normal water supply years and during periods of drought—which is exactly what KRD does with this project.

This proposal builds on years of success and work accomplished under the Yakima Basin Integrated Water Resource Management Plan (YBIP). YBIP goals include addressing reduced Cascade Mountain snowpack and climate change by employing seven different elements. As a key part of restoring fish and wildlife habitat under YBIP, this proposal helps advance the goals and improve the Basin's water supply security.

We encourage Reclamation's support and approval of this proposal.

If you have any questions regarding this letter, please contact Sean Gross at 509-856-5442.

Sincerely,

Sean Gross
Yakima Basin Lead
Columbia Basin Branch Office



APPENDIX B: KRD-ECOLOGY-RECLAMATION ALLOCATION,
MANAGEMENT, AND PROTECTION AGREEMENT

MEMORANDUM OF AGREEMENT
Between
Bureau of Reclamation
Pacific Northwest Region, Columbia-Cascades Area Office
and
Kittitas Reclamation District
and
Washington State Department of Ecology

PROVIDING FOR THE ALLOCATION, MANAGEMENT, AND PROTECTION OF
CONSERVED WATER

THIS AGREEMENT, is entered into pursuant to the Act of June 17, 1902 (32 Stat. 388), and acts amendatory thereof and supplementary thereto, and particularly section 1207 of Title XII of Public Law 103-434, October 31, 1994 (108 Stat. 4550) (commonly known as the Yakima River Basin Water Enhancement Project (YRBWEP) Act), as amended, by and between **THE UNITED STATES OF AMERICA**, acting through the Bureau of Reclamation, hereinafter referred to as Reclamation, the **KITTITAS RECLAMATION DISTRICT**, hereinafter referred to as the District, and the **WASHINGTON STATE DEPARTMENT OF ECOLOGY**, hereinafter referred to as Ecology; jointly referred to as the "Parties".

WITNESSETH, THAT;

EXPLANATORY RECITALS

1. WHEREAS, the United States, acting through the Bureau of Reclamation, constructed and is operating the Yakima Project (Project), Washington, for the storage and delivery of water for irrigation and other beneficial uses; and
2. WHEREAS, the District is a special purpose district of the State of Washington, created pursuant to the Revised Code of the State of Washington (RCW)

87.03, that delivers irrigation water pursuant to a water right confirmed in *State of Washington, Department of Ecology v. James J. Acquavella, et al.*, Yakima County Superior Court Cause No. 77-2-01484-5 (*Acquavella*), which is subject to a Conditional Final Order entered June 1, 1994, as modified by the Kittitas Reclamation District Water Rights Settlement Agreement. The water right authorizes the District to deliver Project irrigation water pursuant to an amendatory contract between the United States of America and the District dated January 20, 1949 to those irrigable lands within the boundaries of the District that are designated as irrigable by Reclamation; and

3. WHEREAS, Reclamation implements YRBWEP for multiple purposes, including to: (a) protect, mitigate, and enhance fish and wildlife through improved water management, improved instream flows, and by other appropriate means of habitat improvement; (b) improve the reliability of the water supply for irrigation; and (c) implement a Yakima River basin water conservation program that will improve the efficiency of water delivery and use; and

4. WHEREAS, the District intends to enter into the Wipple Canal Lining and Conservation Project (Wipple Conservation Project), which involves construction of an impervious lined canal in place of an existing unlined dirt canal. The distance between the beginning of the lining project and the end of the lining project is approximately 17,109 linear feet, to be done in phases with approximately 1,983 linear feet in this Phase 1; and

5. WHEREAS, Trout Unlimited (TU), which is working to obtain funding to support the implementation of the Wipple Conservation Project but is not a party to this Agreement, has applied for funding from both the Columbia Basin Water Transactions Program (CBWTP), which is administered by the National Fish and Wildlife Foundation,

through Transaction No. 440-15, and Ecology for a total of \$600,000.00 for the use of conserved water associated with Phase I of the Wipple Conservation Project, which is to line approximately 1,983 linear feet of canal and will conserve at least 1.01 cfs, and at least 312.94 acre-feet and up to 431.244 acre-feet of water, to augment instream flows in tributaries of the Yakima River; and

6. WHEREAS, the District, as part of the Wipple Conservation Project, intends to enter into this Agreement Providing for the Allocation, Management, and Protection of Conserved Water for the Wipple Conservation Project with Ecology and Reclamation; and

7. WHEREAS, the Project's water right for the Kittitas Division has a priority date of 1905 and the District is a proratable irrigation district, meaning that within the Project, in years when there is less than a full water supply, the quantity of water available to the District for delivery to lands entitled to water within the District boundaries is subject to reduction and curtailment.

8. WHEREAS, the parties recognize that the conserved water realized by the Wipple Conservation Project will benefit the public interest, the interests of Reclamation to protect and restore habitat for fish and other species in various tributaries of the Yakima River, and the interests of Ecology to protect instream flow water for fish and other species in various tributaries of the Yakima River; and

NOW, THEREFORE, in consideration of the mutual and dependent provisions herein contained, the parties hereto agree as follows:

9. **Definitions.** The following terms, wherever used in this Agreement, shall have the following respective meanings:

9.1 "Conserved Water" shall mean for purposes of this Agreement and the Wipple Conservation Project only, the water saved from conveyance losses as a result of the conversion of the open canal lateral delivery system into an impervious lined canal.

9.2 "Contracting Officer" shall mean the Secretary of the Interior's duly authorized representative acting pursuant to this Agreement or applicable Federal reclamation law, regulation or policy.

9.3 "Project" shall mean the entire Yakima Project constructed by the United States under the Federal Reclamation laws.

9.4 "Secretary" shall mean the Secretary of the Interior, a duly appointed successor, or an authorized representative acting pursuant to the authority of the Secretary.

9.5 "Amendatory Contract" shall mean the amendatory contract between the United States of America and the District dated January 20, 1949, as amended and supplemented.

10. **Scope of Agreement.**

10.1 This Agreement pertains only to the realization of conserved water and its discharge into tributaries of the Yakima River as stated in Article 12.1.2 herein, and is not intended to and does not create a legally binding contract or any right or benefit, substantive or procedural, enforceable at law or in equity by any party against another party, its directors, officers, employees or other persons. This Agreement does not constitute an explicit or implicit agreement to subject any of the parties to the jurisdiction of any federal or state court over and above any rights or procedures presently available to

the parties. This Agreement does not create any right or benefit, substantive or procedural, enforceable at law or in equity, by any person or entity against the parties. This Agreement shall not be construed to create any right to judicial review involving the compliance or noncompliance of the parties with this Agreement.

10.2 Nothing in this Agreement shall result in an amendment or modification of the rights and obligations of the District and the United States under the Amendatory Contract, or affect the priority dates of any existing water rights.

11. **Term of Agreement.**

11.1 This Agreement shall become effective on the date upon which it is executed by all the parties.

11.2 This Agreement has no expiration date.

11.3 Any of the parties may formally request the review, amendment or modification of this Agreement. Amendments or modifications to this Agreement shall be made by mutual consent of the parties, with the issuance of a written amendment, signed and dated by all parties, prior to any changes being made.

12. **Treatment of Conserved Water Discharged into Tributaries of the Yakima River.**

12.1 **District Responsibilities:**

12.1.1 **Discharge of Conserved Water.** The District will discharge Project water conserved by the Wipple Conservation Project from District facilities directly to the tributaries of the Yakima River at the locations identified on Exhibit A.

12.1.2 Determination of Which of the Tributaries of the Yakima River to Discharge Water to. Each year a determination shall be made, pursuant to paragraph 12.1.7 as to which of the tributaries of the Yakima River identified on Exhibit A conserved water will be discharged into. The District will determine which of the tributaries recommended for supplementation following the process set forth in paragraph 12.1.7 it is operationally able to discharge conserved water into from the list of locations identified on Exhibit A hereto.

12.1.3 Quantity of Conserved Water. Reclamation, the District, and Ecology recognize, agree, and anticipate that at least 312.94 acre-feet and up to 431.244 acre-feet per year is the quantity of conserved water the District will discharge to tributaries of the Yakima River. The target flow rate to discharge to the tributaries of the Yakima River is a constant 1.01 cfs. Depending on variances in deliveries and other factors that may not be in the District's control, the target rate may not be achieved at all times and the actual delivery may be higher or lower. The quantity of conserved water the District will discharge to the creeks will be reduced in years when the District does not receive a full water supply because the District's water allocation from Reclamation has been prorated. In years when the District's water allocation is prorated, the amount of the reduction in the target quantity of conserved water shall be determined by multiplying the annual target quantity of at least 312.94 acre-feet and up to 431.244 acre-feet per year by the percentage of the water supply the District receives as a result of proration.

12.1.4 No Increase in Diversion Quantities. The District reaffirms its agreement to limit its diversions of water from the Yakima River and its tributaries

to the quantity it is authorized to divert under the *Acquavella* Conditional Final Order and the Kittitas Reclamation District Water Rights Settlement Agreement (effective June 24, 2006).

12.1.5 **Conserved Water Realized, Segregated, and Conveyed from the Yakima River.** The District recognizes that although there will be no reduction in the quantity of water annually diverted from the Yakima River at least 312.94 acre-feet and up to 431.244 will be segregated and excluded from irrigation use, at the diversion works on the Yakima River, and recognized as the conserved water realized from the Wipple Conservation Project. Reclamation and the District will then convey that conserved water through the District's delivery system to the tributaries identified on Exhibit A using the process specified in Paragraph 12.1.2.

12.1.6 **No Right of Recapture.** The District agrees that once it discharges conserved water to tributaries of the Yakima River the District or its members will not seek to recapture or deliver the conserved water at another location.

12.1.7 **Process to Determine Which Tributaries to Supplement.**

12.1.7.1 **Purpose and Goal of the Committee.** Each year the District shall be responsible for convening and facilitating the District's Tributary Supplementation Program Committee (hereinafter referred to as the "Committee"). The purpose of the committee shall be to make recommendations to Reclamation on the quantities of conserved water to be discharged to tributaries in Kittitas County. The goal of determining how conserved water is going to be discharged to tributaries to supplement flow is to balance the instream flow need in the tributaries with the District's operational ability to deliver

conserved water to a given tributary. Each year Reclamation shall make its recommended determination of which tributaries receive what quantities of conserved water only after consulting with the Committee. Reclamation shall, after said consultation and based on its water supply forecast, determine how much conserved water shall be discharged into each tributary identified on Exhibit A. The District shall inform Reclamation which tributaries recommended for supplementation that the District is operationally able to discharge conserved water into.

12.1.7.2 **Composition of the Committee.** The committee shall be comprised of one representative from the following entities: Yakama Nation, Ecology, Washington State Department of Fish and Wildlife, National Marine Fisheries Service, U.S. Fish and Wildlife Service, the District and TU. Each of the above referenced agencies shall designate one individual to participate in the committee and its work, as described herein, each year.

12.1.7.3 **Timing of Committee Actions.** The District shall, on or before April 1 of each year convene a meeting of the Committee. The committee shall meet and/or confer thereafter during the irrigation season on an "as-needed to" basis to monitor and adjust and regulate how much conserved water is discharged to which tributaries.

12.2 **Reclamation Responsibilities.** Reclamation will treat the conserved water discharged by the District to the creeks as instream flow for the benefit of species listed under the Endangered Species Act (ESA), will recognize the Wipple Conservation Project, and will not use the discharged conserved water for other project purposes while in the creeks. Reclamation will apply to Ecology to change the purpose of use to instream flow for

conserved water. The parties acknowledge and agree that the change in purpose of use to instream flow, (with a correlating change to the place of use), is limited to the 356.796 acre feet of conserved water and no other or additional part of the water right confirmed in the name of the United States for the benefit of the District in *Ecology v. Acquavella*, Yakima County Superior Court Cause No. 77-2-01484-5, Court claim Nos. 00465, (A)03033, (A)05444, as modified by written agreement dated January 3, 2006, shall be included in the proposed change in purpose of use. Where authorized, Reclamation will assist Ecology to protect the conserved water while in tributaries of the Yakima River against appropriation or other uses. Reclamation will protect the conserved water consistent with the other provisions of this Agreement and consistent with all other agreements and contracts between the District and Reclamation, except where explicitly superseded by this Agreement. Reclamation will include recognition of this project as part of its ESA efforts in the Yakima Basin.

12.3 **Ecology Responsibilities:**

Ecology will manage and protect the conserved water from the point of discharge into tributaries of the Yakima River, as shown in Exhibit A, downstream to the confluence of the Yakima River.

13. **Notices.** Any notice, demand, or request authorized or required by this Agreement shall be deemed to have been given, on behalf of the United States, when mailed, postage prepaid, or delivered either to the Regional Director, Pacific Northwest Region, Bureau of Reclamation, 1150 N. Curtis Road, Suite 100, Boise, ID 83706-1234, or to the Columbia-Cascades Area Office Manager, Yakima Project, 1917 Marsh Road, Yakima, WA 98901-2058; and on behalf of the District, when mailed, postage prepaid, or delivered to

the Manager, Kittitas Reclamation District, P.O. Box 276, Ellensburg, WA 98926; and on behalf of Ecology, when mailed, postage prepaid, or delivered to: Water Resources Program Section Manager, Central Regional Office, 1250 W. Alder St., Union Gap, WA 98903. The designation of the addressee or the address may be changed by notice given in the same manner as provided in this article for other notices.

14. **Principal Contacts.** The principal contacts for this Agreement are:

Reclamation:

Dawn Wiedmeier
Area Manager
U.S. Bureau of Reclamation
Columbia-Cascades Area Office
1917 Marsh Road
Yakima, WA 98901-2058
Phone: 509-575-5848
Email: dwiedmeier@usbr.gov

The District:

Urban Eberhart
Secretary/Manager
Kittitas Reclamation District
P.O. Box 276
Ellensburg, WA 98926
Phone: 509-925-6158
Email: urban@krdistrict.org

Ecology:

Trevor Hutton
Water Resources Program Section Manager
Central Regional Office
1250 W. Alder St.
Union Gap, WA 98903
thut461@ecy.wa.gov

15. **General Provisions.**

15.1 Non-Fund Obligating Document. This Agreement is neither a fiscal nor a funds obligating document. Any endeavor or transfer of anything of value involving reimbursement or contribution of funds between the Parties will be handled in accordance

with applicable laws, regulations, and procedures including those for Government procurement and printing. Such endeavors will be outlined in separate agreements that shall be made in writing by representatives of the Parties and shall be independently authorized by appropriate statutory authority. This Agreement does not provide such authority. Specifically, this MOU does not establish authority for noncompetitive award to the parties of any contract or other agreement.

15.2 **No Binding Rights or Obligations.** Nothing in the Agreement is intended to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies its officers, or any other person. Nothing in this MOU shall be deemed to increase the liability of the United States beyond that currently provided in the Federal Tort Claims Act (28 U.S.C. 2671 et seq.).

15.3 **No Sharing of Benefits.** No member of or delegate to Congress, or resident Commissioner, shall be admitted to any share or part of this Agreement or to any benefit that may arise out of it.

15.4 **Freedom of Information Act.** Any information furnished to Reclamation under this Agreement is subject to the Freedom of Information Act (5 U.S.C. 552).

15.5 **Compliance with Federal Laws.** All Parties to this Agreement agree to comply with all Federal statutes relating to nondiscrimination, including but not limited to: Title VII of the Civil Rights Act of 1964, as amended, which prohibits discrimination on the basis of race, color, religion, sex, or national origin; Title IX of the Education amendments of 1972, as amended, which prohibits discrimination on the basis of sex; the Rehabilitation Act of 1973, as amended, and the Americans with Disabilities Act of

1990, as amended, which prohibit discrimination on the basis of disability; the Age Discrimination in Employment Act of 1967, as amended, which prohibits discrimination based on age against those who are at least 40 years of age; and the Equal Pay Act of 1963. All Parties to this Agreement agree to comply with all Federal statutes relating to nondiscrimination, including but not limited to: Title VII of the Civil Rights Act of 1964, as amended, which prohibits discrimination on the basis of race, color, religion, sex, or national origin; Title IX of the Education amendments of 1972, as amended, which prohibits discrimination on the basis of sex; the Rehabilitation Act of 1973, as amended, and the Americans with Disabilities Act of 1990, as amended, which prohibit discrimination on the basis of disability; the Age Discrimination in Employment Act of 1967, as amended, which prohibits discrimination based on age against those who are at least 40 years of age; and the Equal Pay Act of 1963.

16. Agreement Drafting Considerations. This Agreement has been negotiated and reviewed by the parties hereto, each of whom is sophisticated in the matters to which this Agreement pertains. Articles 1 through 13 of this Agreement have been drafted, negotiated, and reviewed by the parties, and no one party shall be considered to have drafted the stated articles.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the last date written below.

KITTITAS RECLAMATION DISTRICT



Urban Eberhart
Secretary/Manager
Kittitas Reclamation District

9/30/2016
Date

UNITED STATES OF AMERICA

Dawn Wiedmeier

Dawn Wiedmeier, Area Manager
Columbia-Cascades Area Office
United States Department of the Interior
Bureau of Reclamation

9/30/16

Date

STATE OF WASHINGTON DEPARTMENT OF ECOLOGY

Trevor Hutton

Trevor Hutton, Manager
Water Resources Program Section
Central Regional Office

9/30/16

Date

APPENDIX C: ECOLOGY FUNDING SUPPORT



Agreement No. WRYBIP-2123-KittRD-00024

WATER RESOURCES YAKIMA BASIN INTEGRATED PLANNING AGREEMENT

BETWEEN

THE STATE OF WASHINGTON DEPARTMENT OF ECOLOGY

AND

KITTITAS RECLAMATION DISTRICT

This is a binding Agreement entered into by and between the state of Washington, Department of Ecology, hereinafter referred to as "ECOLOGY," and Kittitas Reclamation District, hereinafter referred to as the "RECIPIENT," to carry out with the provided funds activities described herein.

GENERAL INFORMATION

Project Title:	South Branch Piping
Total Cost:	\$980,000.00
Total Eligible Cost:	\$980,000.00
Ecology Share:	\$980,000.00
Recipient Share:	\$0.00
The Effective Date of this Agreement is:	09/13/2021
The Expiration Date of this Agreement is no later than:	06/30/2023
Project Type:	Yakima Basin Integrated Planning

Project Short Description:

This project will eliminate water loss in an 800 foot section of Kittitas Reclamation District's (KRD) South Branch Canal. Water that was previously lost through seepage and evaporation will be delivered to flow-impaired streams through an allocation, management, and protection agreement. This will result in supplemental flow estimated at 91.4 acre-feet/year or 0.3 cubic feet per second (cfs), which will help restore important salmonid habitat.

Project Long Description:

The RECIPIENT manages the KRD Tributary Supplementation Project which provides benefits for fish, wildlife, and the environment through a water conservation program that restores instream flows in over-appropriated or flow-impaired tributaries to the upper Yakima River. Implementing measures designed to reduce canal seepage allows 100% of the previously lost water to be delivered to flow-impaired streams through an allocation, management, and protection agreement. This project will eliminate water loss in a 800 foot section of KRD's South Branch Canal,