DEPARTMENT OF ECOLOGY
State of Washington

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DEPARTMENT OF ECOLOGY - CENTRAL REGIONAL OFFICE

STATE OF WASHINGTON

APPLICATION FOR CHANGE/TRANSFER OF WATER RIGHT

For filing with the Department of Ecology or with County Conservancy Boards

A NON-REFUNDABLE MINIMUM FEE OF $50.00 PAYABLE TO THE DEPARTMENT OF ECOLOGY MUST ACCOMPANY THIS APPLICATION

(Check all that apply.)
- ☐ Change purpose(s) of use
- ☐ Add purpose(s) of use
- ☐ Change point(s) of diversion/withdrawal
- ☒ Add point(s) of diversion/withdrawal
- ☐ Change/transfer place of use
- ☐ Other (i.e. consolidation, intertie, trust water)

Explain: See Appendix A

FOR OFFICE USE ONLY YAKIMA

CHANGE No. CS4-02109s617a **WRIA** 38

DATE ACCEPTED 03 / 23 / 2011 **BY**

FEE $ 50.00 **REC'D** 03 / 15 / 2011

CHECK No. 3064 ALL FEES + BOTH APPS

ECY Coding: 001-002-WR10285-000011

SEPA: ☐ **Exempt** ☐ **Not exempt**

*****IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS (PLEASE PRINT OR TYPE CLEARLY)*****

1. Applicant Information:

APPLICANT/BUSINESS NAME	PHONE NO.	FAX NO.
State of Washington Department of Fish & Wildlife (WDFW) -- attn: Real Estate Services	(360) 902-8149	( )
ADDRESS		
600 Capitol Way N.		
CITY	**STATE**	**ZIP CODE**
Olympia	WA	98501-1091

CONTACT NAME (IF DIFFERENT FROM ABOVE)	PHONE NO.	FAX NO.
Ross Huffman, Wildlife Area Manager	(509) 653-2390	( )
ADDRESS		
16601 Highway 12		
CITY	**STATE**	**ZIP CODE**
Naches	WA	98937

2. Water Right Information:

WATER RIGHT OR CLAIM NUMBER	RECORDED NAME(S)
CS4-CTCL2109@1 and CS4-CTCL2109	State of Washington Dept. of Fish and Wildlife
DO YOU OWN THE RIGHT TO BE CHANGED? ☒ YES ☐ NO	
IF NO, PROVIDE OWNER(S) NAME and ADDRESS:	
HAS THE WATER BEEN PUT TO BENEFICIAL USE IN THE LAST FIVE (5) YEARS? ☒ YES ☐ NO	

Please attach copies of any documentation that demonstrates consistent, historical use of water since the right was established. Also, if you have a water system plan or conservation plan, please include a copy with your application.

See Appendix A.

a = 1898
b = 1900

CS4-02109s617a 1898

COURT CLAIM 02109
SUB 17 TIETON
PRIORITY: 04-01-1898 = a

FOR OFFICE USE ONLY

APP. NO._____ PERMIT NO. _____ CERT. NO._____ CERT. OF CHANGE NO._____

PARENT: CHGE CS4-CTCL02109@1 DATED 06-11-2004

Persons with hearing loss can call 711 for Washington Relay Service. Persons with a speech disability can call 877-833-6341.

3. Point(s) of Diversion/Withdrawal:

A. Existing

SOURCE	NO.	¼	¼	SEC.	TWP.	RGE.	PARCEL #	WELL TAG #
Oak Creek		**NE**	**N W**	**10**	**14**	**16**	1614102-1001	

B. Proposed

SOURCE	NO.	¼	¼	SEC.	TWP.	RGE.	PARCEL #	WELL TAG #
Oak Creek and	**1**	**NE**	**N W**	**10**	**14**	**16**	1614102-1001	
Tieton River	**2**	**NW**	**NE**	**10**	**14**	**16**	1614031-1001	

DO YOU OWN THE EXISTING AND PROPOSED POINT(S) OF DIVERSION/WITHDRAWAL?

EXISTING: ☒ YES ☐ NO PROPOSED: ☒ YES ☐ NO – IF NO, PROVIDE OWNER(S) NAME:

Please include copies of all water well reports involved with this proposal. Also, if you know the distances from the nearest section corner to the above point(s) of diversion/withdrawal, please include that information in Item No. 6 (remarks) or as an attachment.

4. Purpose of Use: IR (no change)

A. Existing

PURPOSE OF USE	GPM or CFS	ACRE-FT/YR	PERIOD OF USE
Irrigation: Used for watering lawn and landscaping surrounding the HQ complex plus maintain wetland ponds for habitat	.043	5.2	April 1-Oct 31
~~same~~	~~.084~~	~~8.6~~	same
	0.127 cfs $50 fee		

B. Proposed

PURPOSE OF USE	GPM or CFS	ACRE-FT/YR	PERIOD OF USE
Irrigation	.043	5.2	additional POD would be used approx. July 1-Sep 30 when Oak Creek is low
Irrigation	.084	8.6	same

5. Place of Use:

A. Existing

LEGAL DESCRIPTION OF LANDS WHERE WATER IS PRESENTLY USED:
SW SE of Sec 3, T 14 N. R 16 E. W M lying northwesterly of State Highway 12, within the Oak Creek Wildlife Area

¼	¼	SEC.	TWP.	RGE.	COUNTY	PARCEL #	# OF ACRES
SW	SE	3	14	16	Yakima	16140311001	4

DO YOU OWN ALL THE LANDS IN THE EXISTING PLACE OF USE? ☒ YES ☐ NO – IF NO, PROVIDE OWNER(S) NAME:

B. Proposed

LEGAL DESCRIPTION OF LANDS WHERE NEW USE IS PROPOSED:
same, no change

¼	¼	SEC.	TWP.	RGE.	COUNTY	PARCEL #	# OF ACRES
SW	SE	3	14	16	Yakima	16140311001	4

DO YOU OWN ALL THE LANDS IN THE PROPOSED PLACE OF USE? ☒ YES ☐ NO – IF NO, PROVIDE OWNER(S) NAME:

3. Point(s) of Diversion/Withdrawal:

A. Existing

SOURCE	NO.	¼	¼	SEC.	TWP.	RGE.	PARCEL #	WELL TAG #
Oak Creek		**NE**	**N W**	**10**	**14**	**16**	1614102-1001	

B. Proposed

SOURCE	NO.	¼	¼	SEC.	TWP.	RGE.	PARCEL #	WELL TAG #
Oak Creek and	**1**	**NE**	**N W**	**10**	**14**	**16**	1614102-1001	
Tieton River	**2**	**NW**	**NE**	**10**	**14**	**16**	1614031-1001	

DO YOU OWN THE EXISTING AND PROPOSED POINT(S) OF DIVERSION/WITHDRAWAL?

EXISTING: ☒ YES ☐ NO PROPOSED: ☒ YES ☐ NO – IF NO, PROVIDE OWNER(S) NAME:

Please include copies of all water well reports involved with this proposal. Also, if you know the distances from the nearest section corner to the above point(s) of diversion/withdrawal, please include that information in Item No. 6 (remarks) or as an attachment.

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PURPOSE OF USE	GPM or CFS	ACRE-FT/YR	PERIOD OF USE
Irrigation: Used for watering lawn and landscaping surrounding the HQ complex plus maintain wetland ponds for habitat	.043	5.2	April 1-Oct 31
~~same~~	~~.084~~	~~8.6~~	~~same~~
			Sending New APP for This claim. EA 2-6-2011
	0.127 CFS $50 fee		

.043 CFS = 1898 P/D

B. Proposed

PURPOSE OF USE	GPM or CFS	ACRE-FT/YR	PERIOD OF USE
Irrigation	.043	5.2	additional POD would be used approx. July 1-Sep 30 when Oak Creek is low
Irrigation	.084	8.6	same

5. Place of Use:

A. Existing

LEGAL DESCRIPTION OF LANDS WHERE WATER IS PRESENTLY USED:
SW SE of Sec 3, T 14 N. R 16 E. W M lying northwesterly of State Highway 12, within the Oak Creek Wildlife Area

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SW	SE	3	14	16	Yakima	16140311001	4

DO YOU OWN ALL THE LANDS IN THE EXISTING PLACE OF USE? ☒ YES ☐ NO – IF NO, PROVIDE OWNER(S) NAME:

B. Proposed

LEGAL DESCRIPTION OF LANDS WHERE NEW USE IS PROPOSED:
same, no change

¼	¼	SEC.	TWP.	RGE.	COUNTY	PARCEL #	# OF ACRES
SW	SE	3	14	16	Yakima	16140311001	4

DO YOU OWN ALL THE LANDS IN THE PROPOSED PLACE OF USE? ☒ YES ☐ NO – IF NO, PROVIDE OWNER(S) NAME:

Attach a detailed map of your proposed change/transfer. The map should show existing and proposed point(s) of diversion/withdrawal, place of use and any other features involved with this application. If platted property, please include a certified copy of the plat map.

Are there any ADDITIONAL WATER rights OR CLAIMS RELATED to the same property as the ONE PROPOSED FOR CHANGE/TRANSFER?
☐ YES ☒ NO – IF YES, PROVIDE THE WATER RIGHT/CLAIM NUMBER(S):_____

6. Remarks and Other Relevant Information:

Staff water 4 acres of landscaping and lawn around the Headquarters complex. In mid-summer the water level becomes low such that the siphon can no longer pull water from Oak creek without installing a check dam to pool water. This can cause a dry reach and impede fish passage downstream of the POD. When that happens, we request approval to pull water from the Tieton River directly to offset potential damage to habitat and fish life. The amount of diversion would remain the same, 0.127 cfs. Only one diversion would be used at any one time. The place of use and the Qi and Qa of the water rights would remain the same. We are simply requesting an additional diversion point. It is requested that this application go through expedited processing under the Hillis Rule. (see attached Appendix A)

IF FOR SEASONAL OR TEMPORARY, START DATE 7/1/____ END DATE 9/30/____

Certain applications may incur a Real Estate Excise Tax liability for the seller of the water rights. The Department of Revenue has requested notification of potential taxable water right related actions and therefore may be provided with a copy of this request.

Please contact the State Department of Revenue for further information. The phone number is (360) 570-3265. The address is: Department of Revenue, Real Estate Excise Tax, PO Box 47477, Olympia, WA 98504-7477.

7. Signatures:

I certify that the information above is true and accurate to the best of my knowledge. I understand that in order to process my application, I am hereby granting staff from the Department of Ecology or the County Conservancy Board access to the above site(s) for inspection and monitoring purposes. If assisted in the preparation of the above application, I understand that all responsibility for the accuracy of the information rests with me.

(Applicant) 1/31/2011 (Date)

(Water Right Holder) 1/31/2011 (Date)

same as water right holder / /
(Land Owner(s) of Existing Place of Use) (Date)

IMPORTANT! APPLICATION FILING INFORMATION IS PROVIDED ON THE NEXT PAGE.

WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S):

☐ APPLICATION FEE NOT ENCLOSED ☐ MAP NOT INCLUDED or INCOMPLETE

☐ ADDITIONAL SIGNATURES REQUIRED ☐ SECTION _____ IS INCOMPLETE

☐ OTHER/EXPLANATION:_____

STAFF: _____ ***DATE:*** ____/____/____

Appendix A

For consideration of the Hillis Rule expedited processing

Proposed additional point of diversion:

These water rights were adjudicated by the court (Court Claim 2109) in the Yakima Adjudication. Their priority dates are 1898 and 1900. These water rights are used annually by the WDFW to irrigate landscaping, turf, and a small wetland area at the Oak Creek Wildlife Area. Since these two rights were adjudicated in the amounts of 0.084 cfs and 0.043 cfs, one can assume that use has been demonstrated to that time from the first use of the water (April 1, 1898 and April 1, 1900). Wildlife Area personnel divert from Oak Creek using a siphon with a 4 inch pipe. The water is gravity-fed from Oak Creek into a holding pond that has developed into a wetland providing wildlife habitat. Water is then withdrawn via pump from a shallow ring well into the irrigation system to irrigate the four acres of lawn and landscaping at the Oak Creek Wildlife Area Headquarters. The wildlife area has used this water right beneficially every year. It is difficult to maintain prime in the siphon intake in Oak Creek in mid to late summer without installing a check dam to pool the water and maintain sufficient head to operate the diversion. We wish to avoid the adverse impacts to instream habitat and fish passage associated with installing a check dam in Oak Creek in order to maintain the diversion. Therefore, WDFW wishes to divert water from an additional point of diversion a short distance downstream in the Tieton River after that time that a check structure would be necessary in Oak Creek. This change in point of diversion would benefit Oak Creek by not drawing it down further in late summer, and avoiding habitat and fish passage impacts associated with instream work to construct a check dam and sump within the channel. The impact of a small water withdrawal (.127 cfs/57 gpm) will be very small and the move is downstream.

In June of 1996, the agency requested a change in point of diversion from its prior location on the Tieton one mile upstream, to the current Oak Creek point of diversion. This move was approved by Ecology June 11, 2004. Our current request would add a second point of diversion in the Tieton River for approximately 45% of the irrigation season. The new point of diversion would be near the end of the Wildlife Area Headquarters road and a screened pipe would run through the culvert under the road to a pump that would pump the water from the river level up to the Headquarters complex. Only one of the two points of diversion would be in use at any one time. The attached map shows all three of these points: the diversion prior to 2004; the current diversion on Oak Creek; and the proposed additional diversion on the Tieton River.

Application for Change
State of Washington, The Department of Fish and Wildlife
CS4-CTCL2109@1 and CS4-CTCL2109
Ross Huffman, Oak Creek Wildlife Area Manager, 509-653-2390