



**State of Washington  
REPORT OF EXAMINATION  
FOR WATER RIGHT CHANGE**

File NR: CS4-02084CTCL  
WR Doc ID: 4715593

Changed Point of Diversion

**PRIORITY DATE**  
June 30, 1873

**WATER RIGHT NUMBER**  
Ecology Control No.: CS4-02084CTCL  
Certificate No.: S4-84624-J

**MAILING ADDRESS**  
David Brown  
c/o New Schanno Ditch Company  
2301 Fruitvale Blvd.  
Yakima, WA 98902

**SITE ADDRESS (IF DIFFERENT)**  
n/a

**Total Quantity Authorized for Diversion**

DIVERSION RATE	UNITS	ANNUAL QUANTITY (AC-FT/YR)
5.3	CFS	1,746

**Purpose**

PURPOSE	DIVERSION RATE			ANNUAL QUANTITY (AC-FT/YR)		PERIOD OF USE (mm/dd)
	ADDITIVE	NON-ADDITIVE	UNITS	ADDITIVE	NON-ADDITIVE	
Irrigation of residential, commercial, and agricultural lands	5.3		CFS	1,746		04/01 - 08/31
Irrigation of residential, commercial, and agricultural lands		3.56	CFS		1,746	09/01 - 09/30
Irrigation of residential, commercial, and agricultural lands		2.66	CFS		1,746	10/01 - 10/31

**Remarks:**

The Conditional Final Order (CFO) limits the annual quantity of diversion for the subject right from the Fruitvale Canal at 16th and Cherry Street in the City of Yakima (City) to the following:

R.S. & C. is authorized to divert from the Fruitvale Canal into its ditch 3.85 cubic feet per second (cfs) April through August; 2.58 cfs in September; 1.93 cfs in October; 1,231 acre-feet per year.

IRRIGATED ACRES		PUBLIC WATER SYSTEM INFORMATION	
ADDITIVE	NON-ADDITIVE	WATER SYSTEM ID	CONNECTIONS
104.0		N/A	N/A

*Notice Posted Final to console*

**FILE COPY**

Source Location			
COUNTY	WATERBODY	TRIBUTARY TO	WATER RESOURCE INVENTORY AREA
YAKIMA	NACHES RIVER	YAKIMA RIVER	38-NACHES

SOURCE FACILITY/DEVICE	PARCEL	WELL TAG	TWP	RNG	SEC	QQ Q	LATITUDE	LONGITUDE
NACHES RIVER	181309-24002	n/a	13 N.	18 E.	09	SENW	n/a	n/a

### Place of Use (See Attached Map)

#### LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE

A narrative description of the place of use (POU) is given in the Draft Schedule of Rights for the *Acquavella* Surface Water Rights Adjudication:

The place of use is described in RSC 18 and identified on COY 15G-1 (Upper RS&C) and COY 15H-1 (RS&C).

The POU for CS4-02084CTCL includes:

- E½ NE¼ of Section 23.
- SW¼ NW¼ of Section 24.
- SW¼ NE¼ of Section 25.
- W½ SE¼ of Section 25.
- E½ SW¼ of Section 25.
- W½ NE¼ of Section 36.
- SE¼ NE¼ of Section 36.
- E½ NW¼ of Section 36.

All in T. 13 N., R. 18 E.W.M.

### Proposed Works

This application seeks to change a portion of the adjudicated Court Claim S4-02084CTCL from its existing diversion on the Naches River below Twin Bridges (at river-mile 3.0), to the site of Nelson-Cowiche Dam upstream on the Naches River at river-mile 3.7. The proposed move is a component in the consolidation of irrigation water diversions managed by the City at the site of the proposed renovated dam structure. The City is proposing to move the point of diversion (POD) concurrent with reconstruction of the dam, which is intended to relieve stresses driven by problematic river aggradation.

### Development Schedule

BEGIN PROJECT	COMPLETE PROJECT	PUT WATER TO FULL USE
Begun	July 31, 2025	July 31, 2030

Washington State Department of Ecology's (Ecology) findings as documented by this water right change decision are based on the Schedule of Water Rights presented in the Conditional Final Order, Major

Claimants, issued April 10, 2003 by the Yakima County Superior Court (Court), and the current *Acquavella* Draft Schedule of Rights, which is periodically updated when changes are made by the Court. Ecology's decision is subject to any subsequent determination made by the Court, including the Final Decree in *Department of Ecology v. Acquavella*. Any changes to this water right made by the Court will be reflected on the final certificate of adjudicated water right, which will issue subsequent to entry of the Final Decree in *Department of Ecology v. Acquavella*.

Measurement of Water Use	
How often must water use be measured?	Weekly
How often must water use data be reported to Ecology?	Annually (Jan 31)
What volume should be reported?	Total Annual Volume
What rate should be reported?	Annual Peak Rate of Diversion (cfs)

**Provisions**

**Department of Fish and Wildlife Requirement(s)**

The intake(s) must be screened in accordance with Department of Fish and Wildlife screening criteria (pursuant to RCW 77.57.010, RCW 77.57.070, and RCW 77.57.040). If you have questions about screening criteria, contact the Department of Fish and Wildlife at:

Department of Fish and Wildlife	Phone: (360) 902-2534
Attention: Habitat Program	Email: <a href="mailto:habitatprogram@dfw.wa.gov">habitatprogram@dfw.wa.gov</a>
600 Capitol Way N	Website:
Olympia, WA 98501-1091	<a href="http://wdfw.wa.gov/conservation/habitat/planning/screening/">http://wdfw.wa.gov/conservation/habitat/planning/screening/</a>

For the Yakima Construction Shop, to obtain technical assistance for your project (509) 575-2104.

**Easement and Right-of-Way**

Where the water source and/or water transmission facilities are not wholly located upon land owned by the applicant, issuance of a water right change authorization by this department does not convey a right of access to, or other right to use, land which the applicant does not legally possess. Obtaining such a right is a private matter between applicant and owner of that land.

**Schedule and Inspections**

Ecology personnel, upon presentation of proper credentials, will 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.

### Findings of Facts

Upon reviewing the investigator's report, I find all facts, relevant and material to the subject application, have been thoroughly investigated. Furthermore, I concur with the investigator that water is available from the source in question; that there will be no impairment of existing rights; that the purpose(s) of use are beneficial; and that there will be no detriment to the public interest.

Therefore, I ORDER approval of Application No. CS4-02084CTCL, subject to existing rights and the provisions specified above.

### Your Right To Appeal

This Decision may be appealed pursuant to RCW 34.05.514(3), RCW 90.03.210(2), and Pretrial Order No. 12 entered in *State of Washington, Department of Ecology v. James Acquavella, et al.*, Yakima County Superior Court No. 77-2-01484-5 (the general adjudication of surface water rights in the Yakima River Basin). The person to whom this Decision is issued, if he or she wishes to file an appeal, must file the notice of appeal with the Yakima County Superior Court **within thirty (30) days of receipt of this Decision**. Appeals must be filed with the Superior Court Clerk's Office, Yakima County Superior Court, 128 North 2<sup>nd</sup> Street, Yakima WA 98901, RE: Yakima River Adjudication. Appeals must be served in accordance with Pretrial Order No. 12, Section III ("Appeals Procedures"). The content of the notice of appeal must conform to RCW 34.05.546. Specifically, the notice of appeal must include:

- The name and mailing address of the appellant;
- Name and address of the appellant's attorney, if any;
- The name and address of the Department of Ecology;
- The specific application number of the decision being appealed;
- A copy of the decision;
- A brief explanation of Ecology's decision;
- Identification of persons who were parties in any adjudicative proceedings that led to Ecology's decision;
- Facts that demonstrate the appellant is entitled to obtain judicial review;
- The appellant's reasons for believing that relief should be granted; and
- A request for relief, specifying the type and extent of relief requested.

The "parties of record" who must be served with copies of the notice of appeal under RCW 34.05.542(3) are limited to the applicant of the decision subject to appeal, Ecology and the Office of the Attorney General.

All others receiving notice of this Decision, who wish to file an appeal, must file the appeal with the Yakima County Superior Court within **thirty (30) days of the date the Order was mailed**. The appeal must be filed in the same manner as described above.

**Please send a copy of your appeal to:**

Section Manager  
Water Resources Program  
Ecology Central Regional Office  
1250 West Alder Street  
Union Gap, WA 98903

Signed at Union Gap, Washington, this 7<sup>th</sup> day of March, 2016.

*Trevor Hutton*

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Trevor Hutton, Section Manager  
Water Resources Program  
Central Regional Office

To find laws and agency rules visit the Washington State Legislature Website: <http://www1.leg.wa.gov/CodeReviser>.

## INVESTIGATOR'S REPORT

### BACKGROUND

#### Description and Purpose of Requested Change

On January 21, 2011, the City of Yakima (the City), on behalf of the New Schanno Ditch Company (formerly R.S.&C. Irrigation Company), filed this change application to make an upstream move of the existing diversion on the Naches River below Twin Bridges (at river mile 3.0), to the site of Nelson-Cowiche Dam upstream on the Naches River at river-mile 3.7. Water diverted at the proposed point of diversion (POD) will be conveyed down the City's general irrigation pipe and into the Fruitvale Canal near the intersection of Naches Heights Road and West Powerhouse Road. The proposed move is a component in the consolidation of irrigation water diversions managed by the City at the site of the proposed replacement dam structure. The City is proposing to move the POD concurrent with reconstruction of the dam, which is intended to relieve stresses driven by problematic river aggradation and subsequent flood control difficulties on the Naches River. For the City's irrigation department, moving the POD will also eliminate a complicated start-up process at the beginning of each irrigation season.

No other attribute changes are proposed as part of this change application. The irrigation and ditch companies represented by the City will continue to be irrigated with water from the Naches River. If this application is approved (along with the four other companion applications), it will consolidate the PODs for each of the separately-defined water rights to a single POD at the Nelson-Cowiche Dam.

This change application qualifies for expedited processing under WAC 173-152-050(2)(d) whereby water right changes or transfers may be priority processed when the proposed water use would result in providing public water supplies to meet general public needs for the regional area. The requested water right change is a component in the larger Nelson-Cowiche Dam project, whose goals include enhancing and improving water management, flood control, wetlands, fish habitat, and the reliability of water supply for existing Yakima Basin water rights.

This investigation serves as the written findings of fact concerning water right Change Application CS4-02084CTCL.

**Table 1: Attributes of Application for Change CS4-02084CTCL (New Schanno - R.S.&C.).**

Attributes	Existing	Proposed
<b>Name</b>	New Schanno Ditch Company	New Schanno Ditch Company
<b>Priority Date/ Change Application Date</b>	June 30, 1873	January 21, 2011
<b>Instantaneous Quantity (Qi)</b>	5.3 cfs April 1 – August 31, 3.56 cfs September 1 – 30, 2.58 cfs October 1 – 31.	5.3 cfs April 1 – August 31, 3.56 cfs September 1 – 30, 2.58 cfs October 1 – 31.
<b>Annual Quantity (Qa)</b>	1,746 acre-feet per year.	1,746 acre-feet per year.

<b>Purpose of Use</b>	Irrigation of residential, commercial, and agricultural land.	Irrigation of residential, commercial, and agricultural land.
<b>Period of Use</b>	April 1 – October 31	April 1 – October 31
<b>Place of Use</b>	Place of use is described in RSC 18 and identified on COY 15G-1 (Upper RS&C) and COY 15H-1.	Place of use is described in RSC 18 and identified on COY 15G-1 (Upper RS&C) and COY 15H-1.
<b>Point of Diversion</b>	2,500 feet north and 100 feet west of the southeast corner of Section 9, being within the NE¼SE¼ of Section 9, T. 13 N., R. 18 E.W.M. (Fruitvale Canal), Yakima County	1,790 feet south and 1,600 feet east of the northwest corner of Section 9, being within the SE¼NW¼ of Section 9, T. 13 N., R. 18 E.W.M., Yakima County.

### Legal Requirements for Proposed Change

The following is a list of requirements that must be met prior to authorizing the proposed change.

- **Public Notice**

RCW 90.03.280 requires that notice of a water right application be published once per week, for two consecutive weeks, in a newspaper of general circulation in the county or counties where the water is to be stored, diverted, and used.

Notice of this application was published in the Yakima Herald Republic on July 13, and July 20, 2012. No letters of protest or comments were received during the 30-day protest period.

- **Water Transfer Working Group**

This application was presented to the Yakima River Basin Water Transfer Working Group (WTWG) on November 2, 2015. Both the Yakama Nation and the Washington Department of Fish and Wildlife (WDFW) requested further analysis on potential changes to the hydrograph resulting from the upstream move in POD. This component was presented and discussed at the December 7, 2015 WTWG meeting. A representative from WDFW verbally indicated that they had no further concerns after reviewing the presented data. On December 10, 2015, Ecology received notification from the Yakama Nation stating that they had no further concerns with the project.

- **State Environmental Policy Act (SEPA)**

A water right application is subject to a SEPA threshold determination (i.e. an evaluation whether there are likely to be significant adverse environmental impacts) if any one of the following conditions is met:

- (a) It is a surface water right for more than 1 cubic foot per second (cfs), unless that project is for agricultural irrigation, in which case the threshold is increased to 50 cfs, so long as that irrigation project will not receive public subsidies.

- (b) It is a groundwater right for more than 2,250 gallons per minute (gpm).
- (c) It is an application that, in combination with other water right applications for the same project, collectively exceed the amounts in (a) and (b) above.
- (d) It is a part of a larger proposal that is subject to SEPA for other reasons (e.g., the need to obtain other permits that are not exempt from SEPA).
- (e) It is part of a series of exempt actions that, together, trigger the need to do a threshold determination, as defined under WAC 197-11-305.

On November 14, 2014, the City, SEPA Lead Agency for the project, determined that this project will have no probable significant adverse impact on the environment and issued a Determination of Nonsignificance (DNS) on December 1, 2014 under SEPA File No. 026-14. The DNS and entire official SEPA file for this project are available from the City of Yakima Community Development Department in Yakima, WA, at (509) 575-6183; or a copy of the DNS is available by contacting Ecology's Central Region Office in Union Gap, WA, at (509) 575-2490.

- **Water Resources Statutes and Case Law**

RCW 90.03.380(1) states that a water right that has been put to beneficial use may be changed. The POD, POU, and purpose of use may be changed if it would not result in harm or injury to other water rights.

WAC 173-152-050(2)(d) states that Ecology may approve an application for priority processing that, if approved, would result in providing for public water supplies including, but not limited to, consolidation of two or more public water systems, to meet general public needs for the regional areas.

### **Tentative Determination of Extent and Validity**

The Washington Supreme Court has held that Ecology, when processing an application for change to a water right, is required to make a tentative determination of extent and validity of the claim or right (See *RD Merrill v. PCHB* and *Okanogan Wilderness League v. Town of Twisp*). This is necessary to establish whether the claim or right is eligible for change. In this case, the proposed right for change has been adjudicated by the Yakima Superior Court and a Conditional Final Order (CFO) for the New Schanno Ditch Company Court Claim No. 2084 issued on April 10<sup>th</sup>, 2003. As there has been at least a 5-year period since the issuance of the CFO, a tentative determination of the extent and validity of this right is required.

### **INVESTIGATION**

Data and information used to construct this investigation were obtained during a site visit conducted on July 8, 2014. Present during the site visit were Ecology representatives Tyler Roberts and Stan Isley, and applicant representative Dave Brown of the City. Other pertinent information was obtained from various sources internal and external to Ecology. These sources include, but are not limited to:

- Documentation submitted with the change application

- Applicable RCW and WAC chapters
- Ecology records
- Historical land and aerial photographs
- Data submitted by the applicant concerning the historical quantity of diverted water
- Water Resources Program Geographic Information System (GIS) data
- In-person meetings, discussions, and presentations with involved personnel from the City, WDFW, U.S. Bureau of Reclamation (USBR), and Yakima County Flood Control Zone District (Flood Control)
- Court documentation such as the CFO and Report of Referee (RoR)

#### **History of Water Use for Court Claim No. 2084**

The current New Schanno water right claim originated with the R.S.&C. Irrigation Company (R.S.&C.). Court Claim No. 2084 was filed in *Department of Ecology v. James J. Acquavella, et al. (Acquavella)* by R.S.&C., claiming irrigation water for 750 acres from the Naches River. Testimony at the Evidentiary Hearing (outlined in the RoR for Subbasin 19; hereafter, RoR) stated that the R. Strobach Ditch Company (Strobach) was a predecessor to the R.S.&C. Ditch Company, and that the appropriations made by Strobach were the basis for R.S.&C.'s claims. No notice of appropriation was supplied at the Evidentiary Hearing, but the Court noted that a fire at the Yakima County Courthouse in 1882 would likely have destroyed this and similar records. Alternatively, testimony on behalf of R.S.&C. identified minutes from an R.S.&C. shareholder meeting from May 26, 1982 as evidence of organization and incorporation of the company.

A key element of the R.S.&C. claim is the shared POD and conveyance ditch with other nearby ditch companies, now commonly referred to as Fruitvale Canal. This is conditioned by a April 16, 1904 agreement with the Northwest Light and Water Company (Northwest Light) to share use of Fruitvale Canal with Northwest Light, New Schanno Ditch Company, Fruitvale-Schanno Ditch Company, and the R.S.&C. Ditch Company. This agreement stipulated that R.S.&C. was entitled up to 19 cfs.

On March 12, 1906, R.S.&C. and the United States entered into an agreement limiting R.S.&C.'s diversion from the Naches River to 12.0 cfs from April 1 to August 31, 8.0 cfs during September, and 6.0 cfs in October.

On December 16, 1974, R.S.&C. filed Water Right Claim 094489 pursuant to Chapter 90.14 RCW. R.S.&C. claimed present use of 12.0 cfs from April 1 to August 31, 8.5 cfs for September, and 6.0 cfs from October 1 through October 15, 4,166 acre-feet per year, for municipal use from the Naches River for

470 acres of irrigation. The claim lists as the legal description of the POU as the "City of Yakima", and 1873 as the date of first beneficial use.

On October 14, 1993, the Court granted a motion to transfer the R.S.&C. claim into the Major Claimant Pathway from Sub-basin 19 (Lower Naches).

On April 10, 2003, the Court issued the CFO for Court Claim No. 02084 with the following provisions:

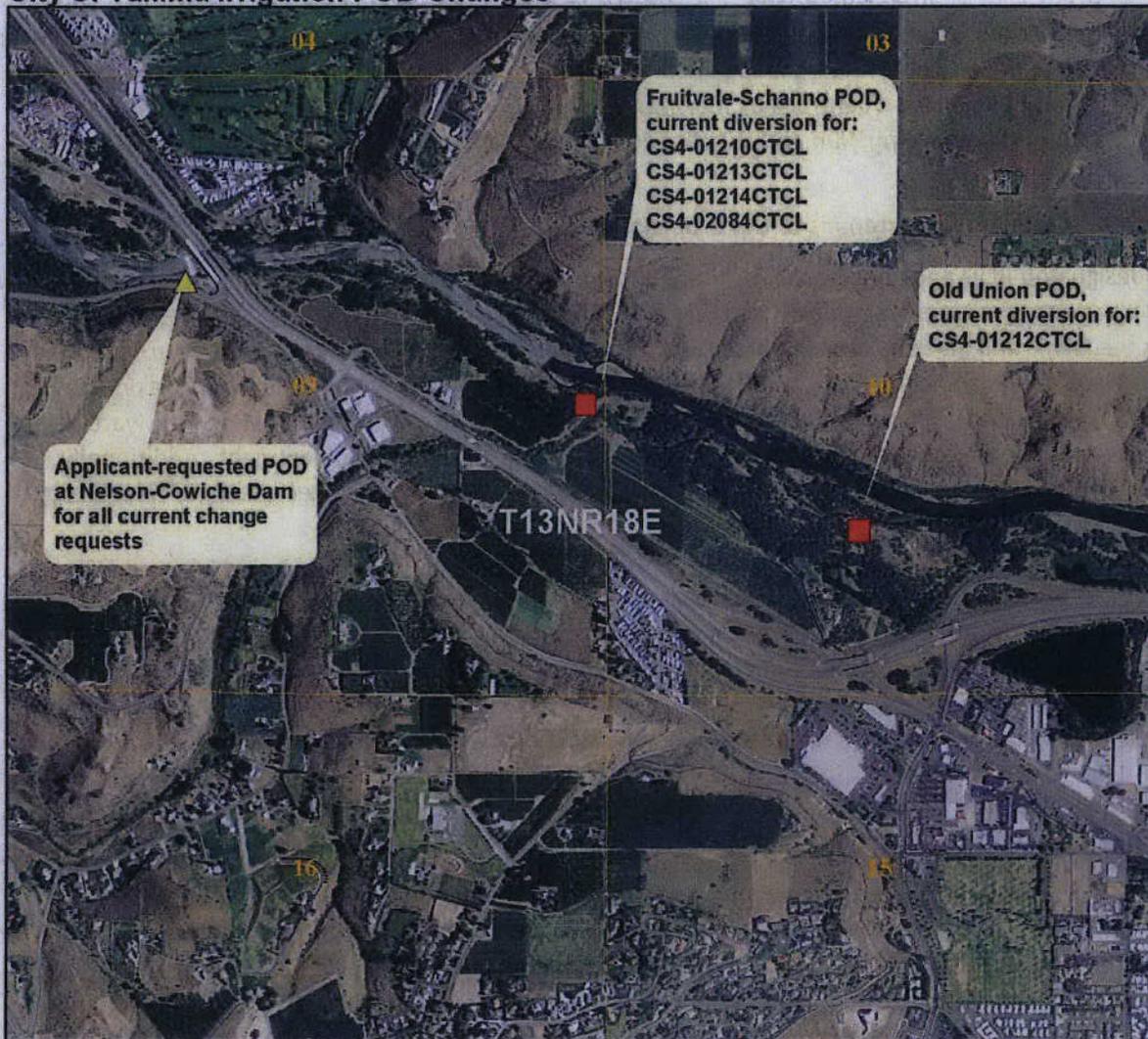
- 1) The point of diversion is located approximately 2,500 feet north and 100 feet west of the southeast corner of Section 9, being within the NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 9, T. 13 N., R. 18 E.W.M.
- 2) Priority date is June 30, 1873.
- 3) The purpose of use is irrigation of 104 acres of residential, commercial and agricultural land.
- 4) The place of use is described in RSC 18 and identified on COY 15G-1 (Upper RS&C) and COY 15H-1 (RS&C).
- 5) The season of use is April 1 through October 31.
- 6) RS&C is authorized to divert from the Naches River into the Fruitvale Canal 1,746 acre-feet per year with the following schedule of delivery:
  - 5.3 cubic-feet per second from April 1 through August 31.
  - 3.56 cubic-feet per second from September 1 through September 30.
  - 2.66 cubic-feet per second from October 1 through October 31.

The Court also found the following:

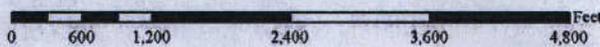
- 1) RS&C's claim to an unauthorized or *defacto* change in point of diversion is denied.
- 2) RS&C's claim to a standby or a reserve supply is denied.
- 3) RS&C's claim to a municipal supply is denied.
- 4) RS&C's water right pursuant to the unassigned shares is relinquished for failure to put water to beneficial use or supply a sufficient cause for nonuse.

On September 12<sup>th</sup>, 2005, the Yakima County Superior court issued order No. 77-2-01484-5 substituting New Schanno Ditch Company for R.S. & C. Irrigation Company.

## City of Yakima Irrigation POD Changes



### Legend



Map Date: 10/26/2015



-  Applicant-requested Surface Diversion
-  CFO-authorized Surface Diversion
-  Sections

### Tentative Determination of Extent and Validity

An analysis of the tentative extent and validity for this right was performed using two methods:

- 1) **Aerial Photography.** Aerial photographs from 2003 to 2011 were obtained from Water Resources' GIS. These aerial photographs were reviewed to assess the irrigated areas after 2003 per RCW 90.14.160. Based on aerial photographs taken during 2005, 2006, 2009, and 2011, it appears the entire POU has been irrigated since 2003, supporting continuous beneficial use to the extent of the right specified by the Court in the Conditional Final Order.

- 2) **Flow Data.** Flow data for the Fruitvale Canal—the conveyance source for New Schanno (01210CTCL), Broadgauge/New Schanno (01213CTCL), Fruitvale-Schanno (01214CTCL), and RS&C/New Schanno (02084CTCL)—provided by the City and USBR support continuous beneficial use to the extent of the right specified by the Court in the 2003 CFO. These data provide monthly diversion quantities by maximum cubic feet per second, and annually by acre-feet per year, between April 1996 and October 2013. Flow data by month are listed in APPENDIX 2.

#### **Other Water Rights Appurtenant to the Proposed POU**

The designated POU and historic use for the City's irrigation water right cover a large area, with the POU serving as a service area for a delivery system managed by the City. Historic beneficial use is spread over the lawns and gardens of residents inside the boundary of the POU. Additionally, there are many other water rights and claims to a water right that overlap the area served by the City of Yakima under CS4-02084CTCL. An analysis of Water Resources' GIS identified 72 water rights, claims to a water right, permits, and applications which at least partially overlap the POU of the subject right. Additionally, there are 24 water rights and claims to a water right with a source (but not necessarily a POU) located within the POU for the subject right.

Ecology is unable to discern at this scale which of these overlapping rights use water separate from the City distribution system. However, the City manages distribution of irrigation water within the POU for this right such that the additive quantities are not exceeded.

A complete listing of the above water right documents is below in Appendix 3.

#### **Impairment Considerations**

RCW 90.03.380 provides that a perfected water right may be changed in several ways, provided that the change will not impair the right of another water right holder.

The most significant issue in this application is the upstream diversion move on the Naches River. An upstream change results in an affected reach, defined by the section of the Naches River between the current POD location and the proposed POD location. The current POD is at the Fruitvale Canal diversion, located at approximately river-mile 3.0, and the proposed POD is at the site of the proposed Nelson-Cowiche Dam project at approximately river-mile 3.7, immediately west of the intersection of US 12 and the Naches River. The length of the affected reach is approximately 0.76 miles long. Any diversions located within this affected reach have the potential to be impaired or impacted by this proposal. However, there are no intervening surface water rights in the Naches River between the current point of diversion and the proposed upstream POD on file with Ecology.

In general, upstream diversion moves have the potential to adversely affect fish habitat; the nature of this project allays this concern. The overall scope of this project is an inter-agency effort to both improve fish habitat and populations, and alleviate potentially destructive floodplain processes of the Naches River. Combining PODs for the five change applications by the City will allow the removal of several irrigation control apparatuses, which is expected to benefit anadromous and resident fish species and populations.

As a consequence, there are substantial environmental benefits to both the upstream move of the POD and the dam project. These benefits dispel the most common objections to upstream moves—problems stemming from removal of water for a reach of the river or stream—and alleviate ongoing flood plain (geomorphological) problems currently plaguing the river and the nearby affected communities of Glead and Naches.

On May 5, 2011, Ecology received a letter from USBR supporting the upstream move and supporting the City's five change applications.

#### **Consideration of Protests and Comments**

There were no protests or comments filed in response to the public notice for this proposed application.

#### **CONCLUSIONS AND RECOMMENDATIONS**

In accordance with Chapter 90.03 RCW, the author concludes that the water right confirmed under Court Claim No. 02084 with a priority date of June 30, 1873, is in good standing and is eligible for change. Approval of this change to change the POD will not cause impairment, nor will it enlarge the subject right.

Based on the above investigation and conclusions, the author recommends that the request for change be approved in the amounts and listed below and as provisioned in the Report of Examination above.

#### **Authorized Quantities**

Authorized quantities are provisioned in the *Acquavella* Draft Schedule of Rights for Court Claim No. 02084, such:

From the Naches River:

- 5.30 cubic-feet per second from April 1 through August 31.
- 3.56 cubic-feet per second from September 1 through September 30.
- 2.66 cubic-feet per second from October 1 through October 31.
- 1,746 ac-ft/yr.

#### **Purpose of Use**

Irrigation of 104.0 acres of residential, commercial, and agricultural land.

#### **Point of Diversion**

Approximately 1,790 feet south and 1,600 feet east from the northwest corner of Section 9, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 9, T. 13 N., R. 18 E.W.M., Yakima County.

#### **Place of Use**

A narrative description of the POU is given in the Draft Schedule of Rights for the *Acquavella* Surface Water Rights Adjudication:

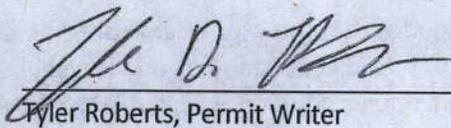
The place of use is described in RSC 18 and identified on COY 15G-1 (Upper RS&C) and COY 15H-1 (RS&C).

The POU for CS4-02084CTCL includes:

- E½ NE¼ of Section 23.
- SW¼ NW¼ of Section 24.
- SW¼ NE¼ of Section 25.
- W½ SE¼ of Section 25.
- E½ SW¼ of Section 25.
- W½ NE¼ of Section 36.
- SE¼ NE¼ of Section 36.
- E½ NW¼ of Section 36.

All being within Township 13 N., Range 18 E.W.M., Yakima County.

Report by:

  
Tyler Roberts, Permit Writer

3/7/16

Date

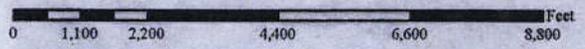
*If you need this document in a format for the visually impaired, call the Water Resources Program at (509) 575-2490. Persons with hearing loss can call 711 for Washington Relay Service. Persons with a speech disability can call (877) 833-6341.*

CS4-02084CTCL, New Schanno Ditch Co. (R.S.&C.)



Legend

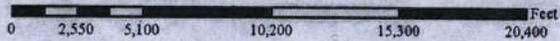
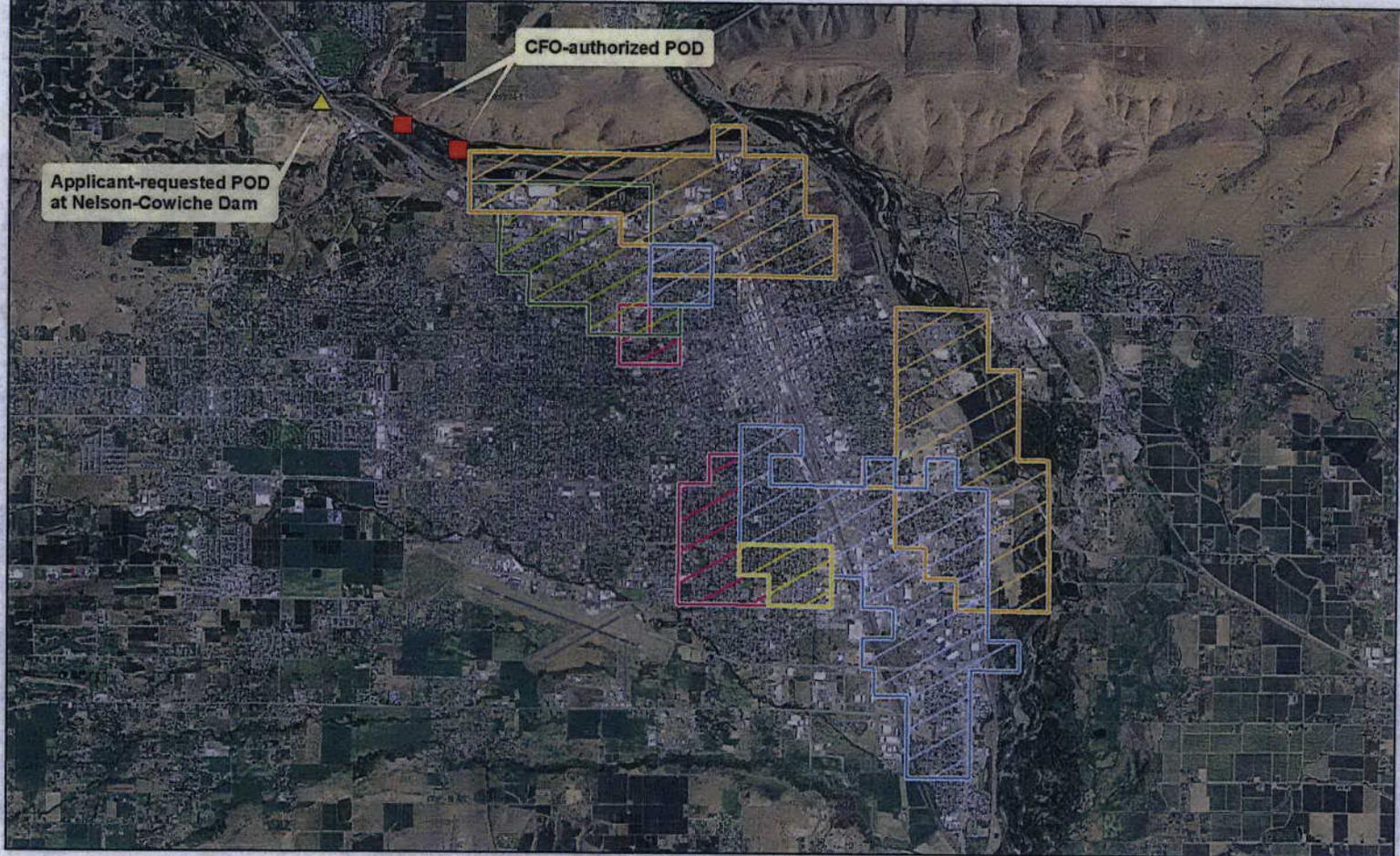
-  Applicant-requested Surface Diversion
-  CFO-authorized Surface Diversion
-  Place of use
-  Townships
-  Sections



Map Date: 6/15/2015



### City of Yakima irrigation works - Places of Use overview



Map Date: 1/21/2016



#### Legend

- ▲ Applicant-requested Surface Diversion
- CFO-authorized Surface Diversion

- ▨ CS4-01210CTCL Place of Use
- ▨ CS4-01212CTCL Place of Use
- ▨ CS4-01213CTCL Place of Use
- ▨ CS4-01214CTCL Place of Use
- ▨ CS4-02084CTCL Place of Use

APPENDIX 2  
 MONTHLY FLOW DATA FOR FRUITVALE CANAL,  
 DATA ARE COMBINED QUANTITIES FOR COURT CLAIM NOS. 1210, 1213, 1214, and 2084

Fruitvale Canal Max monthly cfs												
WY ends in September of year listed below												
	O	N	D	J	F	M	A	M	J	J	A	S
1996	NA	NA	NA	NA	NA	NA	0.00	23.96	23.96	23.96	23.96	23.96
1997	19.97	0.00	0.00	0.00	0.00	0.00	29.29	31.95	27.67	23.06	23.06	23.06
1998	18.83	0.00	0.00	0.00	0.00	0.00	23.96	23.96	23.96	31.51	28.35	31.51
1999	23.96	0.00	0.00	0.00	0.00	0.00	32.15	28.35	23.96	32.32	23.96	23.96
2000	23.96	0.00	0.00	0.00	0.00	0.00	23.96	23.96	23.96	26.63	25.36	25.36
2001	20.75	0.00	0.00	0.00	0.00	0.00	28.73	23.96	23.96	27.67	22.59	22.59
2002	26.78	0.00	0.00	0.00	0.00	0.00	31.19	32.15	32.15	34.41	28.23	28.73
2003	21.30	0.00	0.00	0.00	0.00	0.00	28.23	25.14	28.35	28.35	32.27	25.20
2004	18.90	0.00	0.00	0.00	0.00	0.00	32.00	32.00	35.00	30.00	30.00	32.00
2005	21.55	0.00	0.00	0.00	0.00	0.00	33.40	31.19	31.19	18.75	31.99	31.19
2006	23.96	0.00	0.00	0.00	0.00	0.00	37.82	35.61	35.61	35.61	24.57	35.61
2007	28.99	0.00	0.00	0.00	0.00	0.00	33.40	33.40	33.40	26.78	24.57	26.78
2008	22.37	0.00	0.00	0.00	0.00	0.00	42.23	35.61	35.61	35.61	28.99	28.99
2009	24.57	0.00	0.00	0.00	0.00	0.00	28.99	33.40	33.40	33.40	28.99	31.19
2010	22.37	0.00	0.00	0.00	0.00	0.00	35.61	35.61	33.40	35.61	26.85	28.99
2011	22.37	0.00	0.00	0.00	0.00	0.00	35.54	28.99	31.19	31.19	24.57	24.57
2012	22.37	0.00	0.00	0.00	0.00	0.00	28.99	31.19	33.40	28.99	30.28	22.37
2013	22.37	0.00	0.00	0.00	0.00	0.00	31.19	37.82	31.19	28.99	28.37	22.37
2014	15.75	0.00	0.00	0.00	0.00	0.00	NA	NA	NA	NA	NA	NA
Average	22.28	0.00	0.00	0.00	0.00	0.00	29.82	30.46	30.08	29.60	27.05	27.13
Max	28.99	0.00	0.00	0.00	0.00	0.00	42.23	37.82	35.61	35.61	32.27	35.61
Median	22.37	0.00	0.00	0.00	0.00	0.00	31.19	31.95	31.19	30.00	28.23	26.78
CFO Volume for four rights	17.30	NA	NA	NA	NA	NA	34.79	34.79	34.79	34.79	34.79	23.71

APPENDIX 3

Table A3-1: POU for other water right documents within the POU for CS4-02084CTCL

Water Right Document No.	Document Type	Priority Date	Purpose of Use	CFS	GPM	AC-FT/YR	Acres Irrigated
S4-84607-J	CFO	April 1, 1869	NA	NA	NA	NA	NA
S4-84621-J	CFO	June 30, 1871	NA	NA	NA	NA	NA
S4-84624-J	CFO	June 30, 1873	NA	NA	NA	NA	NA
S4-84606-J	CFO	June 30, 1878	NA	NA	NA	NA	NA
S4-84363-J	CFO	June 30, 1880	NA	NA	NA	NA	NA
S4-84620-J	CFO	June 30, 1885	NA	NA	NA	NA	NA
S4-84586-J	CFO	June 30, 1893	NA	NA	NA	NA	NA
S4-84587-J	CFO	March 22, 1894	NA	NA	NA	NA	NA
S4-84608-J	CFO	June 30, 1902	NA	NA	NA	NA	NA
S4-83696-J	CFO	May 10, 1905	Irrigation	NA	NA	NA	NA
S4-84641-J	CFO	May 10, 1905	NA	NA	NA	NA	NA
S4-84639-J	CFO	May 10, 1905	NA	NA	NA	NA	NA
S4-84610-J	CFO	May 10, 1905	NA	NA	NA	NA	NA
S4-84588-J	CFO	May 10, 1905	NA	NA	NA	NA	NA
S4-84589-J	CFO	May 10, 1905	NA	NA	NA	NA	NA
S4-84649-J	CFO	May 10, 1905	NA	NA	NA	NA	NA
S4-84643-J	CFO	May 10, 1905	NA	NA	NA	NA	NA
S4-84645-J	CFO	May 10, 1905	NA	NA	NA	NA	NA
S4-84642-J	CFO	May 10, 1905	NA	NA	NA	NA	NA
S4-84640-J	CFO	May 10, 1905	NA	NA	NA	NA	NA
S4-84638-J	CFO	May 10, 1905	NA	NA	NA	NA	NA
S4-84650-J	CFO	May 10, 1905	NA	NA	NA	NA	NA
S4-84648-J	CFO	May 10, 1905	NA	NA	NA	NA	NA
S4-84644-J	CFO	May 10, 1905	NA	NA	NA	NA	NA
S4-84647-J	CFO	May 10, 1905	NA	NA	NA	NA	NA
S4-84646-J	CFO	May 10, 1905	NA	NA	NA	NA	NA
G4-*00992SWRIS	Certificate	January 1, 1930	Irrigation	NA	2,000.00	1,190.00	1,050.00
G4-CV2P546	Cert. of Change	August 1, 1940	Irrigation	NA	1,500.00	893	700
G4-*00991SWRIS	Certificate	April 1, 1945	Irrigation	NA	500	80	20
G4-048253CL	Claim	April 1, 1945	Domestic Gen.	NA	200	15	NA
G4-00190-A(A)	Super. Cert.	June 8, 1948	Municipal	NA	NA	NA	NA
G4-00190-A(B)	Super. Permit	June 8, 1948	Municipal	NA	NA	NA	NA
S4-84609-J	CFO	January 29, 1951	NA	NA	NA	NA	NA
S4-01141C(A)	Super. Cert.	January 29, 1951	Municipal	NA	NA	NA	NA
S4-01141P(B)	Super. Permit	January 29, 1951	Municipal	NA	NA	NA	NA
G4-072032CL	Claim	June 1, 1955	Domestic Gen., Irrigation	NA	12	0.75	1

Water Right Document No.	Document Type	Priority Date	Purpose of Use	CFS	GPM	AC-FT/YR	Acres Irrigated
G4-*04804CWRIS	Certificate	March 12, 1958	Irrigation	NA	240	34	8.6
G4-*04933CWRIS	Certificate	July 24, 1958	Municipal	NA	2,800.00	3,200.00	NA
G4-*04954CWRIS	Certificate	August 4, 1958	Municipal	NA	2,300.00	3,680.00	NA
G4-078579CL	Claim	January 1, 1960	Domestic Gen.	NA	5	1	NA
G4-*06025CWRIS	Certificate	August 16, 1961	Domestic Single, Irrigation	NA	50	14.5	2
G4-130527CL	Claim	April 1, 1965	Domestic Gen.	NA	10	2	NA
G4-091689CL	Claim	March 6, 1969	Domestic Gen.	NA	10	1	NA
G4-069838CL	Claim	March 11, 1974	Domestic Gen.	NA	NA	NA	NA
G4-156291CL	Claim	May 1, 1974	Irrigation	NA	10	2	NA
G4-087888CL	Claim	May 14, 1974	Domestic Gen.	NA	NA	NA	NA
G4-112818CL	Claim	June 7, 1974	Domestic Gen., Irrigation	NA	NA	NA	NA
G4-104141CL	Claim	June 17, 1974	Domestic Gen.	NA	NA	NA	NA
G4-124287CL	Claim	June 27, 1974	Domestic Gen., Irrigation	NA	NA	NA	NA
G4-156683CL	Claim	June 30, 1974	Domestic Gen., Irrigation	NA	NA	NA	NA
G4-156752CL	Claim	June 30, 1974	Domestic Gen., Irrigation	NA	NA	NA	NA
CG4-GWC939-D	Change App.	June 9, 1993	Irrigation	NA	500	80	20
CG4-GWC2922-A	Change App.	June 9, 1993	Irrigation	NA	82	10	2.5
CG4-GWC3105-A	Change App.	June 9, 1993	Irrigation	NA	1,200.00	960	700
CG4-GWC3210-A	Change App.	June 9, 1993	Irrigation	NA	240	34	8.6
CG4-CCVOL2P546	Change App.	June 9, 1993	Irrigation	NA	1,500.00	893	700
CG3-20651C	Change App.	June 9, 1993	Irrigation	NA	380	163.8	38
CG4-23041C	Change App.	June 9, 1993	Irrigation	NA	400	101	19.5
CG4-GWC940-D	Change App.	June 9, 1993	Municipal	NA	2,000.00	1,190.00	NA
CG4-GWC4646-A	Change App.	June 9, 1993	Municipal	NA	2,300.00	3,680.00	NA
CG4-GWC5318-A	Change App.	June 9, 1993	Municipal	NA	2,800.00	3,200.00	NA
CG4-GWC5511-A	Change App.	June 9, 1993	Municipal	NA	172	202	557
CG4-23039C	Change App.	June 9, 1993	Municipal	NA	200	83	NA
CG4-00190-A(B)	Change ROE	April 18, 2001	Municipal	NA	900	490	NA
CG4-00190-A(A)C	Change ROE	April 18, 2001	Municipal	NA	900	958	NA
Water Right Document No.	Document Type	Priority Date	Purpose of Use	CFS	GPM	AC-FT/YR	Acres Irrigated

R4-34552 T CG4-GWC2851- A@2	New App.	April 12, 2002	Municipal	NA	NA	#####	NA
	Change ROE	May 24, 2005	Municipal	NA	5,000.00	8,000.00	NA
CS4-02084CTCL	Change App.	January 21, 2011	Irrigation	11.52	NA	1,746.00	104
CS4-01210CTCL	Change App.	January 21, 2011	Irrigation	9.38	NA	3,149.00	388.6
CS4-01213CTCL	Change App.	January 21, 2011	Irrigation	5.18	NA	1,764.00	91.2
CS4-01214CTCL	Change App.	January 21, 2011	Irrigation	9.33	NA	3,027.00	224.5

**Table A3-2: PODs within the POU for CS4-02084CTCL**

Water Right Document No.	Document Type	Priority Date	Purpose of Use	GPM	AC-FT/YR	Acres Irrigated
G4-048253CL	Claim	April 1, 1945	Domestic Gen.	200	15	NA
G4-072032CL	Claim	June 1, 1955	Domestic Gen., Irrigation	12	0.75	1
G4-*04804CWRIS	Certificate	March 12, 1958	Irrigation	240	34	8.6
G4-*05325CWRIS	Certificate	June 12, 1959	Irrigation	86	34	8.65
G4-078579CL	Claim	January 1, 1960	Domestic Gen.	5	1	NA
G4-*06025CWRIS	Certificate	August 16, 1961	Domestic Gen., Irrigation	50	14.5	2
G4-130527CL	Claim	April 1, 1965	Domestic Gen.	10	2	NA
G4-091689CL	Claim	March 6, 1969	Domestic Gen.	10	1	NA
G4-069838CL	Claim	March 11, 1974	Domestic Gen.	0	0	NA
G4-087888CL	Claim	May 14, 1974	Domestic Gen.	NA	NA	NA
G4-156291CL	Claim	May 1, 1974	Irrigation	10	2	NA
G4-156683CL	Claim	June 30, 1974	Domestic Gen., Irrigation	NA	NA	NA
G4-156752CL	Claim	June 30, 1974	Domestic Gen., Irrigation	NA	NA	NA
G4-124287CL	Claim	June 27, 1974	Domestic Gen., Irrigation	NA	NA	NA
G4-112818CL	Claim	June 7, 1974	Domestic Gen., Irrigation	NA	NA	NA
CG4-GWC939-D	Change App.	June 9, 1993	Irrigation	500	80	20
CG4-GWC2922-A	Change App.	June 9, 1993	Irrigation	82	10	2.5
CG4-GWC3105-A	Change App.	June 9, 1993	Irrigation	1200	960	700
CG4-GWC3210-A	Change App.	June 9, 1993	Irrigation	240	34	8.6
CG4-CCVOL2P546	Change App.	June 9, 1993	Irrigation	1500	893	700
CG4-23041C	Change App.	June 9, 1993	Irrigation	400	101	19.5
CG4-GWC940-D	Change App.	June 9, 1993	Municipal	2000	1,190	NA

Water Right Document No.	Document Type	Priority Date	Purpose of Use	GPM	AC-FT/YR	Acres Irrigated
CG4-23039C	Change App.	June 9, 1993	Municipal	200	83	NA
CG4-GWC2851-A@2	Change ROE	May 24, 2005	Municipal	5000	8,000	NA