DEPT OF ECOLOGY
Received
DEC 0 8 2011
CENTRAL REGION OFFICE

WASHINGTON STATE DEPARTMENT OF ECOLOGY

STATE OF WASHINGTON
APPLICATION TO ENTER A WATER RIGHT INTO THE TRUST WATER RIGHT PROGRAM

NOTE: THIS FORM IS **ONLY** TO BE USED FOR THE ACQUISITION OF WATER INTO THE TRUST WATER RIGHT PROGRAM

(Check all that apply.)

- ☐ Lease
- ■ Purchase
- ☐ Donation
- ☐ Other

Explain:_____

☐ Portion of the identified existing water right

IF FOR SEASONAL OR TEMPORARY, START DATE ___/___/___
END DATE ___/___/___

FOR OFFICE USE ONLY

FILE No._____ WRIA_____

DATE ACCEPTED____/____/____ BY_____

FEE $_____ REC'D ____/____/____

CHECK No. _____

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.
Martin Pitney, Pinecreek Orchards llc.	(509) 727-3825	(541) 922-5132
ADDRESS		
1131 Appaloosa Way		
CITY	STATE	ZIP CODE
Richland	WA	99352

CONTACT NAME (IF DIFFERENT FROM ABOVE)	PHONE NO.	FAX NO.
Amanda Cronin- Washington Water Trust	(206)914-9282	(206)749-9274
ADDRESS		
1530 Westlake Ave North		
CITY	STATE	ZIP CODE
Seattle	WA	98109

2. Water Right Information:

WATER RIGHT OR CLAIM NUMBER	RECORDED NAME(S)
G4-23992(A)C	Pinecreek Orchard Partnership

DO YOU OWN THE RIGHT? ■ 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

ARE WATER DIVERSIONS/WITHDRAWALS OF THIS WATER RIGHT METERED OR MEASURED? ■ YES ☐ NO

IMPORTANT! PROVIDE INFORMATION SHOWING THE EXTENT OF WATER USE FOR EACH OF THE LAST FIVE YEARS

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.

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WATER RIGHT NO. _____ FILE (contract) NO._____

3. How is Water to be Made Available for Trust?

☐ Alteration in method of diversion	☐ Alteration in water use/ irrigated acreage
☐ Alteration in method of delivery/conveyance	■ Nonuse of one or more points of diversion
☐ Alteration in method of water application	■ Nonuse of all or a portion of the named water right
☐ Alteration in type of crop	☐ Other, Explain below:
Name of funding source(s): Department of Ecology, Office of Columbia River	

WATER RIGHT DESCRIPTION *

4. Point(s) of Diversion/Withdrawal:

A. Existing

SOURCE	NO.	¼	¼	SEC.	TWP.	RGE.	PARCEL #	WELL TAG #
Well No. P1				17	37	27E	3727170044	144366 (1979 test well) 385665
Well No. P2				17	37	27E	3727170044	385666
Well No. P3				17	37	27E	3727170057	148069

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.

5. Purpose of Use:

A. Existing Use of the Water Right

PURPOSE OF USE	GPM or CFS	ACRE-FT/YR	PERIOD OF USE
Irrigation	1,208	958.4	April1 –October 1

B. Proposed Purpose of the Trust Water Right:

DESCRIBE THE PURPOSE(S) OF USE DURING THE PERIOD OF TRUST:	
PURPOSE OF USE	ACRE-FEET/YR
Groundwater preservation, instream flow, and mitigation for new out-of-stream uses.	958.4

6. Place of Use:

A. Existing:

LEGAL DESCRIPTION OF LANDS WHERE WATER IS PRESENTLY USED:
In Section 7: The NW 1.4 NE1/4, the W ½ SE1/4SE1/4; **In Section 8:** The S1/2SW1/4; **In Section 17**: The SW1/4NE1/4;The N1/2NE1/4;The NW1/4;The SW1/4 north of road; Excepting the POU described for Certificate Nos. G4-23992(B) and G4-23992(B). **In Section 18:**The E1/2NE1/4,SW1/4NE1/4, and the SE1/4SW1/4 of Section 18;The W1/2NE1/4Ne1/4. And that part of the NW1/4SE1/4 lying northeast of the centerline of the existing access road described as follows: Beginning at a point on the south boundary line of the said NW 1/4SE1/4 where the southeast corner of the said subdivision bear 89°59'04" E a distance of 82.77 feet; Thence running N 36°33'16"W a distance of 366.86 feet; Thence on a curve to the left with a radius of 147.70 feet a delta angle of 62°42'47" for an arc length of

* If additional space is needed, please continue on the form: Attachment for Application to Enter a Water Right into the Trust Water Right Program.

161.66 feet;
Thence S 80°44"57" W a distance of 90.06 feet;
Thence a curve to the right with a radius of 73.60 feet, a delta angle of 68°22'51" for an arc length of 87.84 feet;
Thence N 30°52"12" W a distance of 137.91 feet;
Thence 15°14'30" W a distance of 123.46 feet;
Thence N 31°51'11" W a distance of 86.33 feet;
Thence on a curve to the left with a radius of 94.69 feet, a delta angle of 55°23'48" for an arc length of 91.55 feet;
Thence on a curve to the right with a radius of 181.57 feet, a delta angle of 114°59'56" and an arc length of 346.43;
Thence N 27°44'58" E a distance of 105.93 feet;
Thence a N 10°47'03" E a distance of 238.3 feet to the north boundary line of said NW1/4SE1/4:
Excepting the POU described below of Certificate Nos. G4-23992(B) and G4-23992(C).

Except the following described under Ground Water Right Certificate G4-23992(B)C:
The SE1/4SE1/4 of the Section 6;
The E1/2NE1/4,N1/2SE1/4, and the E1/2SE1/4Se1/4 of Section 7;
The SE1/4NE1/4 and the E1/2NE1/4NE1/4 of Section 18;
The south 800 feet of the west 40 feet of the SW1/4NW1/4 of Section 8; and,

Except the Following described under Ground Water Right Certificate No. G4-2399(C)C;
All that portion of the E1/2SE1/4 of Section 18 lying north of Okanogan County Road No. 9410; and,
A portion of the W1/2 of the Section 17 described as follows:
Beginning at the NW corner of Section 17;
Thence N 89°49'17" E on the north boundary line of said Section 17 a distance of 1,064.06 feet;
Thence S 52°09'58" E a distance of 785.06 feet;
Thence S 40°43'43" E a distance of 754.30 feet;
Thence S 32°48'06" W a distance of 703.75 feet;
Thence S 16°19'49" E a distance of 1,604.44 feet;
Thence S 76°12'26" E a distance of 427.33 feet to the SE corner of the N1/2NE1/4SW1/4 of said Section 17;
Thence S 89°33'48" W on the south boundary of the N1/2N1/2SW1/4 a distance of 2,646.60 feet to the west boundary of Section 17;
Thence N 00°15'10" W on said west boundary line a distance of 3,303.15 feet to the point of beginning.

And;

A part of the SE1/4NW1/4 and a part of the SW1/4NW1/4 of Section 17 as described as follows:
Commencing at the NW corner of the SW 1/4NE1/4 of Section 17;
Thence S 04°43"18"E a distance of 86.02 feet to the true point of beginning;
Thence N 89°59'30"E a distance of 655.89 feet;
Thence S 28°21'31"E a distance of 251.48 feet;
Thence S 28°21'31"W a distance of 633.51 feet;
Thence S 88°53'21"W a distance of 655.46 feet
Thence N 53°18'40"W a distance of 253.81 feet;
Thence N 05°21'42"E a distance of607.36 feet;
Thence N 37°30'29"E a distance of136.83 feet to the true point of beginning;

And;

The SW ¼ of Section 17 lying north of Okanogan County Road No9410; Except that portion of the SW ¼ lying north of the Okanogan County Road No. 9410, described as follows:
Commencing at the SW corner of Section 17;
Thence N 00°15'10"W a distance of 1,938 feet along the section line common to Section 17 and 18;
Thence S 83°56'10" E a distance of 312.3 feet to the initial point of this description, which is an aluminum cylinder 2.7 inches by 14 inches in a pile of stone and earth marked Monument no.7I.P.; Thence S 83 56'10" E a distance of 911.8 feet to a 4 inch round steel fence post;
Thence N 74°05'10"W a distance of 31.4 feet along the north right of way to Station 38+88.1;
Thence along a 20 degree curve with a radius of 306.5 feet for a distance of 180.5 feet to the Station 40+56.8;
Thence S 72°32'50"W a distance of 383.2 feet to station 44+40.0;
Thence along a 10 degree curve with a radius of 593 feet for a distance of 72.3 feet;
Thence S 65°33.50" W a distance of 153.6 feet;
Thence leaving the north road right of way N 23°05'00" W a distance of 668.6 feet to the initial point of this description.

All in Township 37 North, Range 27 E.W.M., Okanogan County, Washington.

¼	¼	SEC.	TWP.	RGE.	COUNTY	PARCEL #	# OF ACRES
See legal Descrip. Below		7, 8, 17,18	37	27 E.W.M	Okanogan	See attached list of parcel numbers and acreages.	Total 399.22 Acres

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

6. Place of Use (continued)

B. Proposed:

IDENTIFY THE WATER BODY TO BE BENEFITED OR OTHER PLACE TO BE BENEFITED
Downstream of the point of diversion in the Columbia River, to the Pacific Ocean.

7. Remarks and Other Relevant Information:

Department of Ecology is contracted to purchase this water right in its entirety. Ecology issued a water right certificate on August 16th, 2010. Given that extensive review of the water was conducted by Ecology recently, additional documents describing beneficial use are not included with this application. Also there are 36 parcels involved in the under the place of use of this water right a list of those is included with this application.

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.

8. Signatures:

I certify that the information above is true and accurate to the best of my knowledge. I hereby grant staff from the Department of Ecology 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.

Martin L. Petrung 12/6/11
(Applicant) (Date)

Martin L. Petrung 12/6/11
(Water Right Holder) (Date)

Not applicable ___/___/___
(Land Owner(s) of Existing Place of Use) (Date)

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

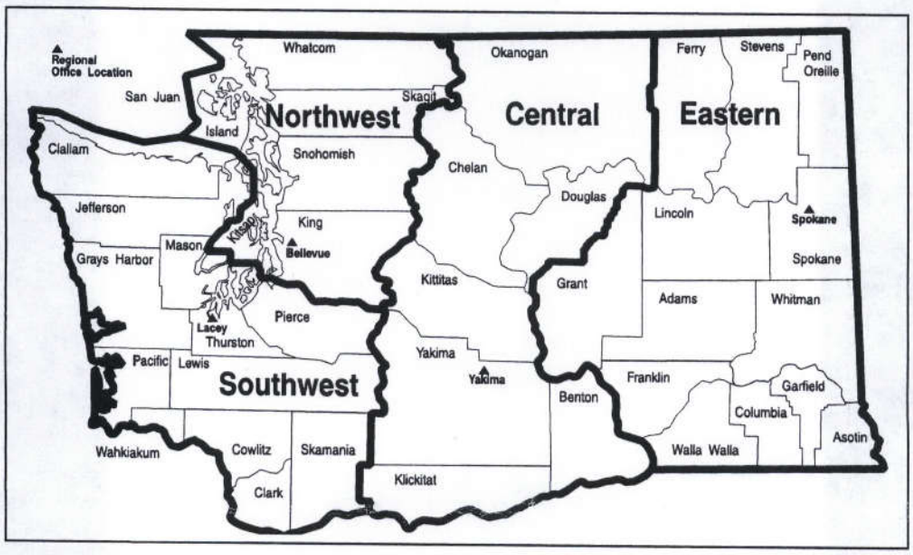
WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S):

☐ ADDITIONAL SIGNATURES REQUIRED ☐ SECTION _____ IS INCOMPLETE

☐ OTHER/EXPLANATION:_____

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

Submit your application to Ecology at the regional office for the area of proposed or existing water use. Below is a map of the State of Washington, with outlines of the four Ecology regional offices. If you have questions about your application, contact the Water Resources program at the regional office in which your project is located.



Department of Ecology
Central Regional Office
15 W. Yakima Avenue, Suite 200
Yakima, WA 98902
Telephone: (509) 575-2490

Department of Ecology
Eastern Regional Office
N. 4601 Monroe, Suite 202
Spokane, WA 99205-1295
Telephone: (509) 329-3400

Department of Ecology
Northwest Regional Office
3190 – 160th Avenue SE
Bellevue, WA 98008-5452
Telephone: (425) 649-7000

Department of Ecology
Southwest Regional Office
PO Box 47775
Olympia, WA 98504-7775
Telephone: (360) 407-6300

If you need assistance in the application process or those needing this application in an alternate format, please call the Water Resources Program at (360) 407-6600 or 800-833-6388 (TTY).

KERR LAW GROUP
A Professional Limited Liability Company
7025 W. Grandridge Boulevard, Suite A
Kennewick, Washington 99336

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Mr. Daniel R. Haller, P.E.
Office of Columbia River
Dept. of Ecology, Central Region Office
15 W. Yakima Ave., Suite 200
Yakima, WA 98902-3452

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