



**WATER RESOURCES**  
**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 MUST ACCOMPANY THIS APPLICATION IF FILED WITH THE DEPARTMENT OF ECOLOGY**

<b>FOR OFFICIAL USE ONLY</b>	
DATE APPLICATION RECEIVED <u>09/12/2014</u>	
CHECK NO. _____	
FEE \$ _____	
DATE ACCEPTED <u>10/8/2014</u>	

(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: Manner of use and season of use.

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

I have participated in a pre-application conference with Ecology.

**1. Applicant Information**

APPLICANT/BUSINESS NAME Borton Packing Center, LLC (Malcolm Hanks)	PHONE NO. (509) 823-2719	FAX NO.
ADDRESS 2550 Borton Road		
CITY Yakima	STATE WA	ZIP CODE 98903
EMAIL ADDRESS (IF AVAILABLE) Malcolm@BortonFruit.com		

CONTACT (IF DIFFERENT FROM ABOVE) Breean Zimmerman	PHONE NO. (509) 895-5470	FAX NO.
ADDRESS 123 E Yakima Ave., Suite 250		
CITY Yakima	STATE WA	ZIP CODE 98901
EMAIL ADDRESS (IF AVAILABLE) bzimmerman@aspectconsulting.com		

LEGAL LAND OWNER or PART OWNER OF PROPOSED PLACE OF USE Same as applicant	PHONE NO.	FAX NO.
ADDRESS		
CITY	STATE	ZIP CODE
EMAIL ADDRESS (IF AVAILABLE)		

**2. Water Right Information**

WATER RIGHT OR CLAIM NUMBER G4-30182(A)	RECORDED NAME(S) Borton Packing Center
DO YOU OWN THE RIGHT TO BE CHANGED? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
IF NO, PROVIDE OWNER(S) NAME and ADDRESS _____	
HAS THE WATER BEEN PUT TO BENEFICIAL USE IN THE LAST FIVE (5) YEARS? <input type="checkbox"/> YES <input checked="" type="checkbox"/> 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.

ECY 048-1-97 (Rev 05-2014) To request ADA accommodation including materials in a format for the visually impaired, call Ecology Water Resources Program at 360-407-6872. Persons with impaired hearing may call Washington Relay Service at 711. Persons with speech disability may call TTY at 877-833-6341.

YAK14-03

C64-30182(A)

S

**3. Point(s) of Diversion/Withdrawal:**

**A. Existing**

SOURCE	NO.	¼	¼	SEC.	TWP.	RGE.	PARCEL #	WELL TAG #
A well		NW	SW	2	12N	18E	18120332003	

**B. Proposed**

SOURCE	NO.	¼	¼	SEC.	TWP.	RGE.	PARCEL #	WELL TAG #

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:**

**A. Existing**

PURPOSE OF USE	GPM or CFS	ACRE-FT/YR	PERIOD OF USE
Irrigation	175	44	11 acre-ft (supplemental) from April 1 to July 10; 33 acre-ft (primary) from July 10 to October 15.

**B. Proposed**

PURPOSE OF USE	GPM or CFS	ACRE-FT/YR	PERIOD OF USE
Irrigation	175	33	April 1 to October 15

**5. Place of Use:**

**A. Existing**

LEGAL DESCRIPTION OF LANDS WHERE WATER IS PRESENTLY USED:

Please refer to the attached superseding permit G4-30182(A).

¼	¼	SEC.	TWP.	RGE.	COUNTY	PARCEL #	# OF ACRES

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:

Located on yakima county parcel no. 18120341010, the W3/4, NE1/4, SE1/4 of Section 3, T. 12 N., R. 18 E.W.M., see attached figure no. 1.

¼	¼	SEC.	TWP.	RGE.	COUNTY	PARCEL #	# OF ACRES

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). **S4-84957-J**

**6. Remarks and Other Relevant Information:**

This water right change application is for superseding permit no. G4-30182(A). The purpose of the application is to change the place of use, manner of use, and season of use. The place of use change has been requested to allow for the irrigation of this water right on lands owned by the applicant. The applicant is currently in the process of finalizing a land sale from the applicant to the buyer that involves approximately half of the authorized place of use. This land sale will leave an irregularly shaped place of use that will be challenging to farm.

The manner of use change is a consolidation of the 33 acre-ft of primary water right from 20 acres to 10.3 acres. With this land transfer, overlapping water right S4-84957-J, will also transfer to the buyer. This water right is authorized for 11 acre-feet of supplemental supply to from April 1 to July 10 each year. The applicant will voluntarily cancel the 11 acre-feet of supplemental supply authorized in this permit upon successfully completing this change. This proposal will not result in an increase in annual quantity (Qa) authorized under this permit.

The applicant met with Ecology fro a pre-application conference in advance of filing this application with the Board. We discussed the attributes of the water right to be changed and the need for an extension of one year to the permit development schedule. The applicant submitted this extension on September 3, 2014, and we understand that Ecology plans to grant an extension in the next few months. We request the Board allow this change application to be accepted and publication of a public notice concurrent with the extension process.

IF FOR SEASONAL OR TEMPORARY, START DATE \_\_\_/\_\_\_/\_\_\_ END DATE \_\_\_/\_\_\_/\_\_\_

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. For further information, contact: Department of Revenue, Real Estate Excise Tax, PO Box 47477, Olympia, WA 98504-7477. Phone (360) 570-3265.

**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 hereby grant 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 preparing this above application, I understand that all responsibility for the accuracy of the information rests with me.

<u>Malcolm Hawkes</u> Applicant Printed Name - Title	<u>[Signature]</u> Applicant Signature	<u>9/11/2014</u> (Date)
* <u>Byron Barton</u> Water Right Holder Printed Name	<u>[Signature]</u> Water Right Holder Signature	<u>9/11/14</u> (Date)
* <u>Byron Barton</u> Land Owner of Existing Place of Use Printed Name	<u>[Signature]</u> Land Owner of Existing Place of Use Signature	<u>9/11/14</u> (Date)
* <u>Byron Barton</u> Land Owner of Proposed Place of Use Printed Name	<u>[Signature]</u> Land Owner of Proposed Place of Use Signature	<u>9/11/14</u> (Date)

Please check the region in which the project is located:

<p>*Submit your application to:</p> <p>DEPARTMENT OF ECOLOGY CASHIERING SECTION PO BOX 47611 OLYMPIA, WA 98504-7611</p>	<input type="checkbox"/> Central Regional Office 15 W Yakima Avenue, Suite 200 Yakima, WA 98902-3463 (509) 575-2490	<input type="checkbox"/> Eastern Regional Office 4601 N. Monroe Street Spokane, WA 99205-1265 (509) 329-3400
	<input type="checkbox"/> Northwest Regional Office 3190 - 160th Avenue SE Bellevue, WA 98008-5452 (425) 649-7000	<input type="checkbox"/> Southwest Regional Office PO Box 47775 Olympia, WA 98504-7775 (360) 407-6300

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

APPLICATION FEE NOT ENCLOSED       MAP NOT INCLUDED or INCOMPLETE

ADDITIONAL SIGNATURES REQUIRED       SECTION

P.L.Y 040-1-97 (Rev 03-2014) To request ADA accommodation including materials in a format for the visually impaired, call Ecology Water Resources Program at 360-407-6872. Persons with impaired hearing may call Washington Relay Service at 711. Persons with speech disability may call TTY at 877-833-6341.

