



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

(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: Downstream pump site replaces ditch diversion

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

| FOR OFFICIAL USE ONLY | |
|---|---|
| DATE APPLICATION RECEIVED | <u>12-17-2014</u> |
| CHECK NO. <u>8</u> | FEE \$ <u>8</u> |
| DATE ACCEPTED | <u>01-09-2015</u> BY <u>[Signature]</u> |
| CHANGE NO. | <u>CS4-01042 sb3</u> |
| COUNTY | <u>KITTITAS</u> WRIA <u>39</u> |
| SPECIAL AREA | <u>SB3 TEANAWAY</u> |
| <u>COURT CLAIM 01042 sb3 34-83707-J</u> | |
| SEPA: <input type="checkbox"/> EXEMPT <input type="checkbox"/> NOT EXEMPT | |
| ECY CODING: | <u>001-002-WR10285-000011</u> |
| APP NO. _____ | PERMIT NO. _____ |
| CERT NO. _____ | CERT OF CHG NO. _____ |

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

1. Applicant Information

| | | |
|--|--|---------------------------|
| APPLICANT/BUSINESS NAME Mack Creek Ranch LLC - Konrad Liegel, Administrative Manager | PHONE NO. (206) 491-2200 | FAX NO. (206) 913-2794 |
| ADDRESS 463 E Republican Street, Suite 190 | | |
| CITY Seattle | STATE WA | ZIP CODE 98112 |
| EMAIL ADDRESS (IF AVAILABLE) konrad@konradjiegel.com | | |
| CONTACT (IF DIFFERENT FROM ABOVE) Agent is U.S. Bureau of Reclamation, Attn. Stan Isley | PHONE NO. (509) 575-5848, ext. 281 | FAX NO. (509) 454-5611 |
| ADDRESS USBR, 1917 Marsh Road | | |
| CITY Yakima | STATE WA | ZIP CODE 98901-2058 |
| EMAIL ADDRESS (IF AVAILABLE) sisley@usbr.gov | | |
| LEGAL LAND OWNER or PART OWNER OF PROPOSED PLACE OF USE Mack Creek Ranch LLC | PHONE NO. (206) 491-2200 | FAX NO. (206) 913-2794 |
| ADDRESS 463 E Republican Street, Suite 190 | | |
| CITY Seattle | STATE WA | ZIP CODE 98112 |
| EMAIL ADDRESS (IF AVAILABLE) konrad@konradjiegel.com | | |

2. Water Right Information

CS4-01042 sb3

**Court Claim 01042 (Sub 3 Teanaway)
 Priority 06-30-1889 (CFO S4-83707-J)**

| | |
|--|--|
| WATER RIGHT OR CLAIM NUMBER Court Claim No. 01042, Subbasin 3 (Teaway) | RECORDED NAME(S) Teaway Ranch, Inc. |
| 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: <i>n/a</i> | |
| HAS THE WATER BEEN PUT TO BENEFICIAL USE IN THE LAST FIVE (5) YEARS? <input checked="" type="checkbox"/> YES <input 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.

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NOT
295435

3. Point(s) of Diversion/Withdrawal:

A. Existing

| SOURCE | NO. | ¼ | ¼ | SEC. | TWP. | RGE. | PARCEL # | WELL TAG # |
|-------------------------------|-----|----|----|------|------|------|----------|------------|
| Teanaway River (3M Ditch POD) | 1 | SE | SE | 10 | 20N | 16E | 204835 | |
| Mack Creek POD | 2 | SE | SW | 19 | 20N | 17E | 295435 | |

B. Proposed

| SOURCE | NO. | ¼ | ¼ | SEC. | TWP. | RGE. | PARCEL # | WELL TAG # |
|--|-----|----|----|------|------|------|----------|------------|
| Teanaway River (new MCR pump site POD) | 1 | NW | NE | 25 | 20N | 16E | 910436 | |
| Mack Creek POD | 2 | SE | SW | 19 | 20N | 17E | 295435 | |

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

EXISTING: YES NO PROPOSED: YES NO - IF NO, PROVIDE OWNER(S) NAME: Mack Creek POD is on MCR land; 3M Ditch POD is on land owned by Dorothy Crosetto; and the new MCR pump site POD is on land owned by Terry Abeyta, for which MCR has easement rights.

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-FI/YR | PERIOD OF USE |
|---|--|------------|--------------------------------------|
| Irrigation of 166 acres and stock water | 2.324 cfs (4.648 cfs when surplus water is available) | 755.3 | May 1 through September 15 each year |
| | | | |
| | | | |

B. Proposed

| PURPOSE OF USE | GPM or CFS | ACRE-FI/YR | PERIOD OF USE |
|---|---------------------------------------|--------------------|-----------------------------------|
| No change - irrigation of 166 acres and stock water | No change 2.324 cfs (4.648 cfs) | No change 755.3 | No change - 5/01 - 9/15 each year |
| | | | |
| | | | |

5. Place of Use:

A. Existing

LEGAL DESCRIPTION OF LANDS WHERE WATER IS PRESENTLY USED:

That part of the SE1/4SW1/4 of Section 19, lying southwesterly of the 3M Ditch and the NW1/4 of Section 30, ALL within T. 20 N., R. 17 E.W.M.

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| | | | | | | | |
|--|--|--|--|--|--|--|--|

| ¼ | ¼ | SEC. | TWP. | RGE. | COUNTY | PARCEL # | # OF ACRES |
|---|---|------|------|------|----------|-----------------|------------|
| | | | 20N. | 17E. | Kittitas | 605435 & 115535 | 166 |

DO YOU OWN ALL THE LANDS IN THE EXISTING PLACE OF USE? YES NO

IF NO, PROVIDE OWNER(S) NAME: n/a

B. Proposed

LEGAL DESCRIPTION OF LANDS WHERE NEW USE IS PROPOSED:

No change - That part of the SE1/4SW1/4 of Section 19, lying southwesterly of the 3M Ditch and the NW1/4 of Section 30, ALL within T. 20 N., R. 17 E.W.M.

| | | | | | | | |
|--|--|--|--|--|--|--|--|
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|--|--|--|--|--|--|--|--|

| ¼ | ¼ | SEC. | TWP. | RGE. | COUNTY | PARCEL # | # OF ACRES |
|---|---|------|------|------|----------|-----------------|------------|
| | | | 20N. | 17E. | Kittitas | 605435 & 115535 | 166 |

DO YOU OWN ALL THE LANDS IN THE PROPOSED PLACE OF USE? YES NO

IF NO, PROVIDE OWNER(S) NAME: n/a

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): n/a

6. Remarks and Other Relevant Information:

The water right was claimed by TRI and confirmed by the Adjudication Court in TRI's name. MCR purchased the TRI property, including the water rights, on December 16, 2014.

The MCR pump site POD is on the east (left) bank of the Teanaway River, immediately downstream of the Red Bridge Road Bridge, approximately 900 feet south and 2100 feet west of the NE $\frac{1}{4}$ corner of Section 25, being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 25, T. 20 N., R. 16 E.W.M.

The Adjudication Court confirmed the TRI water right with the entry of the CFO for Subbasin No. 3 (Teanaway River) on 2-08-2001. BPA and Reclamation and TRI entered a contract in 1999 for TRI to permanently assign 30% of its water to instream flow trust water use in the Teanaway River upon completion of a new irrigation system for TRI funded by BPA. This system was completed during the year-2000 irrigation season.

The transfer of the 30% portion to instream flow use (0.996 cfs, 323.7 acre-feet per year) was temporarily accomplished by the Court's 3-09-2000 Order Pendente Lite. That 30% portion of the Court-confirmed TRI water right is held by the Washington State Department of Ecology and is now the subject of a permanent trust water right change application submitted by Ecology concurrently with this application. The 30% Ecology instream flow trust water portion of the Court-confirmed TRI water right totals 0.996 cfs (in total not to exceed 1.992 cfs for up to 30 days when surplus water is available - generally in May and June each year), in total not to exceed 323.7 acre-feet of water per year, to be used for permanent instream flow enhancement in the Teanaway River from the location of the upstream 3M Ditch POD to the location of the downstream new MCR pump site POD below the Red Bridge Road Bridge.

MCR retains 70% of the Court-confirmed TRI water right for continued use for irrigation of 166 acres and stock water during the irrigation season by way of the new, more-efficient irrigation delivery system. MCR will continue to divert water from its Mack Creek POD, will not divert water at the 3M Ditch POD (TRI ceased such diversions in 2000), and has had its Teanaway River POD temporarily changed to the new downstream pump site POD below the Red Bridge Road Bridge under authority of the 3-09-2000 Court Order Pendente Lite. MCR will also continue to divert surplus water when it's available from the Teanaway River. The 70% MCR-retained portion of the Court-confirmed TRI water right will be permanently diverted from the pump site POD and the Mack Creek POD, in total not to exceed 2.324 cfs (in total not to exceed 4.648 cfs for up to 30 days when surplus water is available - generally in May and June each year), in total not to exceed 755.3 acre-feet of water per year.

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

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.

Mack Creek Ranch LLC
Applicant Printed Name - Title

Karl J. Light, Administrative Manager
Applicant Signature 12/17/14
(Date)

Mack Creek Ranch LLC
Water Right Holder Printed Name

Karl J. Light, Administrative Manager
Water Right Holder Signature 12/17/14
(Date)

Mack Creek Ranch LLC
Land Owner of Existing Place of Use Printed Name

Karl J. Light, Administrative Manager
Land Owner of Existing Place of Use Signature 12/17/14
(Date)

- same -
Land Owner of Proposed Place of Use Printed Name

- same -
Land Owner of Proposed Place of Use Signature / /
(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 checked="" 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 - 160 th 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 |

| | |
|---|--|
| <p>WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S):</p> <p><input type="checkbox"/> APPLICATION FEE NOT ENCLOSED <input type="checkbox"/> MAP NOT INCLUDED or INCOMPLETE</p> <p><input type="checkbox"/> ADDITIONAL SIGNATURES REQUIRED <input type="checkbox"/> SECTION _____ IS INCOMPLETE</p> <p><input type="checkbox"/> OTHER/EXPLANATION: _____</p> <p>STAFF: _____ DATE: ____/____/____</p> | |
|---|--|

**ATTACHMENT FOR
Application for Change/Transfer of Water Right**

Signatures:

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Mack Creek Ranch LLC
 Applicant Printed Name – Title
 Water Right Holder Printed Name
 Land Owner of Existing Place of Use Printed Name
 Land Owner of Proposed Place of Use Printed Name

Karl J. Ziegler, Administrative Manager
 Applicant Signature
 Water Right Holder Signature
 Land Owner of Existing Place of Use Signature
 Land Owner of Proposed Place of Use Signature

12/17/14
 (Date)

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