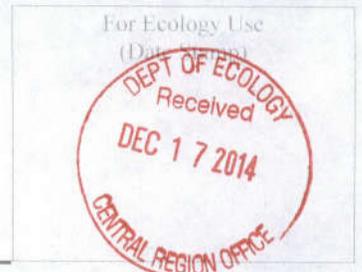




WATER RESOURCES
Application for Change/Transfer of Water Right



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**

FOR OFFICIAL USE ONLY	
DATE APPLICATION RECEIVED	<u>12-17-2014</u>
CHECK NO. <u>EXEMPT</u>	FEE \$ <u>0</u>
DATE ACCEPTED	<u>01-09-2015</u> BY <u>QA</u>
CHANGE NO.	<u>CS4-010425301</u>
COUNTY	<u>KITTITAS</u> WRIA <u>39</u>
SPECIAL AREA	<u>SB3 TEANAWAY</u>
<u>Court Claim 01042 sub 3 S4-83707-J</u>	
SEPA: <input type="checkbox"/> EXEMPT <input type="checkbox"/> NOT EXEMPT	
ECY CODING: 001-002-WR10285-000011	
APP NO. _____	PERMIT NO. _____
CERT NO. _____	CERT OF CHG NO. _____

(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: Permanent Trust Water Right Creation

****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 Washington State Department of Ecology	PHONE NO. (509) 575-2490	FAX NO. (509) 575-2809
ADDRESS 15 W Yakima Av, Suite 200		
CITY Yakima	STATE WA	ZIP CODE 98902-3463
EMAIL ADDRESS (IF AVAILABLE) sisl461@ecy.wa.gov		

CONTACT (IF DIFFERENT FROM ABOVE) U.S. Bureau of Reclamation Attn: Stan Isley	PHONE NO. (509) 575-5848, ext. 281	FAX NO. (509) 454-5611
ADDRESS 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 WA State Dept of Ecology	PHONE NO. (509) 575-2490	FAX NO. (509) 575-2809
ADDRESS 15 W Yakima Av, Suite 200		
CITY Yakima	STATE WA	ZIP CODE 98902-3463
EMAIL ADDRESS (IF AVAILABLE) sisl461@ecy.wa.gov		

2. Water Right Information

CS4-01042 sub 3 @ 1

**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) Washington State Department of Ecology
DO YOU OWN THE RIGHT TO BE CHANGED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
IF NO, PROVIDE OWNER(S) NAME and ADDRESS: Mack Creek Ranch, LLC c/o Konrad Liegel, 463 E Republican Street, Suite 190, Seattle, WA 98112	
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.

945435
NOT
295435

3. Point(s) of Diversion/Withdrawal:

A. Existing

SOURCE	NO.	¼	¼	SEC.	TWP.	RGE.	PARCEL #	WELL TAG #
Teaway 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 #
n/a - proposed for instream flow trust water use in Teaway River.								

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

EXISTING: YES NO PROPOSED: YES NO - IF NO, PROVIDE OWNER(S) NAME: Existing 3M Ditch POD is on land owned by Dorothy Crosetto; existing Mack Creek POD is on Mack Creek Ranch LLC land; and existing POD #3 (see attachment), the MCR pump site POD, is on land owned by Terry Abeyta, to 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-FT/YR	PERIOD OF USE
Irrigation of 166 acres and stock water	0.996 cfs	323.7	May 1 through September 15 each year

B. Proposed

PURPOSE OF USE	GPM or CFS	ACRE-FT/YR	PERIOD OF USE
Instream flow trust water use in Teaway River (primary reach) from the 3M Ditch POD to the MCR pump site POD	0.996 cfs	323.7	May 1 through September 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.							
¼	¼	SEC.	TWP.	RGE.	COUNTY	PARCEL #	# OF ACRES
			20 N.	17 E.	Kittitas	605435 & 115535	166
DO YOU OWN ALL THE LANDS IN THE EXISTING PLACE OF USE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO							
IF NO, PROVIDE OWNER(S) NAME: Mack Creek Ranch LLC, Konrad Liegel, Administrative Manager							

B. Proposed

LEGAL DESCRIPTION OF LANDS WHERE NEW USE IS PROPOSED:							
Instream flows in the Teaway River, primary reach only, from the historic 3M Ditch POD in the SE1/4SE1/4 of Section 10, T. 20 N., R. 16 E.W.M., downstream to the new MCR pump site in the NW1/4NE1/4 of Section 25, T. 20 N., R. 16 E.W.M.							
¼	¼	SEC.	TWP.	RGE.	COUNTY	PARCEL #	# OF ACRES
			20 N.	16 E.	Kittitas		

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

IF NO, PROVIDE OWNER(S) NAME: navigable river bed owned by Washington State

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): **Other instream flow trust rights...**

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 assign 30% of its water to permanent 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 this permanent trust water right change application submitted by Ecology. 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 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 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 MCR 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.

TRI entered the agreement with BPA and Reclamation (USBR) in 1999, agreeing to transfer this 30% block of the court-confirmed June 30, 1889 priority TRI water right to instream flow enhancement trust water right use, in perpetuity, in the Teanaway River (primary reach only), from the original authorized point of diversion, the 3M Ditch, situated in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 10, T. 20 N., R. 16 E.W.M., downstream to the new TRI pump site location in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 25, T. 20 N., R. 16 E.W.M. This transfer to the Yakima Basin Trust Water Rights Program was agreed to occur after completion of the new TRI irrigation system. That new TRI irrigation system was completed near the end of the year-2000 construction season.

The Yakima Adjudication Court entered an "Order Pendente Lite Re: Seaton Water Users Association Members, Teanaway River Ranch Associates Water Users, Teanaway Ranch, Inc., and Barbara L. Istvan Trust, Water Rights, Teanaway River, Kittitas County" on March 9, 2000, temporarily authorizing the transfer of this 30% block of the TRI water right to instream flow use in this primary reach of the Teanaway River, pending completion of the adjudication. The Court's Conditional Final Order for Subbasin No. 3 (Teanaway River) was entered on February 8, 2001, confirming the TRI water right.

The 1999 agreement assigns the USBR the responsibility of obtaining all necessary permit approvals to permanently transfer this 30% block of the TRI water right to the Yakima Basin Trust Water Rights Program but not all of those approvals have been obtained yet. MCR has agreed to implement the water rights changes that TRI agreed to. That is why Ecology is filing this permanent trust water right application at this time. This application is filed concurrently with a water right change application for MCR, requesting the permanent change of point of diversion (POD) for the 70% block of the court-confirmed TRI water right that MCR retains for its court-confirmed irrigation and stock water uses. The permanent change of POD will be from the former 3M Ditch POD to the new downstream pump site.

Diversion quantities under this water right, both the 70% diverted block and the 30% instream flow enhancement block, have been recorded by the combination of the flow meter on the MCR irrigation pipeline and the USBR gaging station on the Teanaway River above Lambert Road. Stream Patrolman Stan Isley (see the Court's 8/27/1998 Order Pendente Lite Re: Metering, Measuring and Reporting Requirements, Teanaway River and Big Creek, Kittitas County) monitors these two water right blocks each year. These two blocks of the MCR water right have been fully exercised since construction of the new irrigation system was completed and operation began, certainly in the 2001 and subsequent irrigation seasons up to the present date.

MCR will continue to irrigate its full 166 acres, and use stock water, during irrigation season, using its retained 70% block of its court-confirmed water right. MCR will divert its retained 70% block of its water right from its two current diversion points: 1) the main MCR pump site diversion on the left (east) bank of the Teanaway River, just downstream from the Red Bridge Road bridge, and 2) Mack Creek diversion point. The sum of its diversions from its two diversion points shall not exceed MCR's retained 70% block of its court-confirmed water right.

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.

Stan Isley for
Washington State Dept. of Ecology
Applicant Printed Name - Title

Stan Isley
Applicant Signature

12/17/2014
(Date)

Mack Creek Ranch LLC
Water Right Holder Printed Name

K.A.S. Linn, Administrative Manager
Water Right Holder Signature

12/17/14
(Date)

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

K.A.S. Linn, Administrative Manager
Land Owner of Existing Place of Use Signature

12/17/14
(Date)

Stan Isley for
Washington State Dept. of Ecology
Land Owner of Proposed Place of Use Printed Name

Stan Isley
Land Owner of Proposed Place of Use Signature

12/17/2014
(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

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: ___/___/___

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

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 the preparation of the above application, I understand that all responsibility for the accuracy of the information rests with me.

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. Lloyd, Administration Manager 12/17/14
 Applicant Signature (Date)
 Water Right Holder Signature
 Land Owner of Existing Place of Use Signature
 Land Owner of Proposed Place of Use Signature

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 Water Right Holder Printed Name
 Land Owner of Existing Place of Use Printed Name
 Land Owner of Proposed Place of Use Printed Name

 Applicant Signature / /
 Water Right Holder Signature (Date)
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