

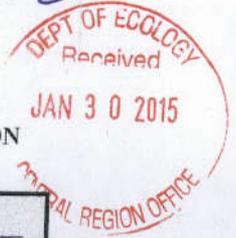


Application for Change/Transfer of Water Right

KITT-15-02

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: Temporary entry of a portion of water right into Washington Trust Water Right Program.

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

FOR OFFICIAL USE ONLY	
DATE APPLICATION RECEIVED	01-30-2015
CHECK NO.	6 FEE \$ 6
DATE ACCEPTED	02-03-2015 BY
CHANGE NO.	CS4-010415610
COUNTY	KITTITAS WRIA 39
SPECIAL AREA	Sub 10 Kittitas
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.

01041 Sub 10 Kittitas (CFO = 04-84484-J)

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

1. Applicant Information

APPLICANT/BUSINESS NAME Sweet Grass Investments, LLC	PHONE NO.	FAX NO.
ADDRESS 1840 Thrall Road		
CITY Ellensburg	STATE WA	ZIP CODE 98926
EMAIL ADDRESS (IF AVAILABLE)		

CONTACT (IF DIFFERENT FROM ABOVE) Lawrence E. Martin, Esq. / Halverson NW Law Group	PHONE NO. 509.248.6030	FAX NO. 509.453.6880
ADDRESS P.O. Box 22550		
CITY Yakima	STATE WA	ZIP CODE 98907
EMAIL ADDRESS (IF AVAILABLE) lmartin@halversonnw.com		

LEGAL LAND OWNER or PART OWNER OF PROPOSED PLACE OF USE # 1 Sweet Grass Investments, LLC (retained irrigation portion) # 2 State of Washington (instream flow/trust portion)	PHONE NO.	FAX NO.
--	-----------	---------

2. Water Right Information

WATER RIGHT OR CLAIM NUMBER 01041 (proposed Cert. No. S4-84484-J)	RECORDED NAME(S) Sweet Grass Investments, LLC
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 checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
See Exhibit 1, attached hereto, Google Earth aerial photography (2011, 2009, 2006, 2003 and 2000).	

CS4-010415610

**Court Claim 01041
Sub 10 Kittitas
Priority 05-24-1884
CFO = S4-84484-J**

KITT-15-02

3. Point(s) of Diversion/Withdrawal:

A. Existing

SOURCE	NO.	¼	¼	SEC.	TWP.	RGE.	PARCEL #	WELL TAG #
Cherry Creek		NE	NE	29	17 N.	19 E.	1719-29000-0003	

B. Proposed

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

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

EXISTING: YES NO PROPOSED: YES NO - IF NO, PROVIDE OWNER(S) NAME:

4. Purpose of Use:

A. Existing

PURPOSE OF USE	GPM or CFS	ACRE-FT/YR	PERIOD OF USE
# 1 Irrigation of 94 acres and stock water	2.7 cfs	799	April 1 through October 15

B. Proposed

PURPOSE OF USE	GPM or CFS	ACRE-FT/YR	PERIOD OF USE
# 1 Irrigation of 44 acres and stock water	2.7 cfs	399.5	April 1 through October 15
# 2 To be placed in trust for instream flow enhancement.		399.5	April 1 through October 15

5. Place of Use:

A. Existing

LEGAL DESCRIPTION OF LANDS WHERE WATER IS PRESENTLY USED:

That portion of the SE ¼ of Section 29, T. 17 N., R. 19 E.W.M., lying north of Thrall Road; EXCEPT, buildings, roads and ditches

¼	¼	SEC.	TWP.	RGE.	COUNTY	PARCEL #	# OF ACRES
	SE	29	17 N.	19 E.	Kittitas	1719-29000-0017	94-acre POU within 153.86 acre parcel

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:

N/A - portion of water right not retained for irrigation on current place of use is to be entered into trust, i.e., it will remain instream from the authorized point of diversion on Cherry Creek, downstream to its confluence with the Yakima River and beyond to the confluence of the Yakima and Columbia Rivers.

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

DO YOU OWN ALL THE LANDS IN THE PROPOSED PLACE OF USE? YES NO N/A
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. See Exhibit 2, attached hereto, annotated aerial photograph - showing Place of Use and Point of Diversion.

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): Court Claim No. 00891 (Cascade Irrigation District).

Applicant is entitled to apply CID water on up to 44 acres within Parcel No. 1719-29000-0017, including but not limited to the authorized place of use under the subject water right.

6. Remarks and Other Relevant Information:

By this Application, one half (1/2) of the annual quantity only (Qa) under the subject water right (399.5 AF/y) is to be entered into the Washington Trust Water Rights Program for the Yakima River Basin, RCW 90.42.080 and RCW 90.38.020, for enhancement of instream flows. The trusted portion of the water right shall remain in trust for a period of ten (10) years, commencing April 1, 2015, except as may otherwise be determined by Applicant and communicated to the Department of Ecology. The entire Qi under the subject water right (2.7 cfs), plus one-half of the Qa (399.5 AF/y) will be retained for the existing out-of-stream (irrigation and stock water) purpose.

Applicant's property, including the authorized place of use under the subject water right, is within a low-lying area that slopes gradually in a generally northeast-to-southwest direction toward the Yakima River. Additionally, the area is affected by the Manastash Ridge lying generally to the south. Both of these influences allow substantial irrigation water

runoff from neighboring (up-gradient) irrigated farming operations. Applicant is able to capture and beneficially use this runoff or return flow water on the place of use for the subject water right. Accordingly, Applicant requests approval to enter into trust one-half (1/2) of the annual quantity only (Qa) under the subject water right, while continuing to irrigate the full 94 authorized acres under the subject water right, utilizing (1) the retained, on-farm portion of the water right (2.7 cfs, 399.5 AF/y), plus (2) captured runoff or return flows from up-gradient irrigation.

Pursuant to the current *Acquavella* Draft Schedule of Rights, the Point of Diversion for out-of-stream uses is located 600 feet south and 20 feet west, more or less, of the northeast corner of Section 29 in the area of the Moe Road Bridge. This POD description varies by a matter of a few feet from POD descriptions provided by the Court and/or Ecology for Applicant's separate 44-acre and 13-acre irrigation rights under Court Claim No. 01448 (both of which are also the subject of concurrently filed Change Applications to the Board). In fact, all three water rights share the same, authorized POD; minor discrepancies in the POD descriptions among the three rights are attributable only to measuring or surveying error.

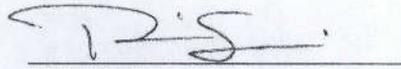
IF FOR SEASONAL OR TEMPORARY, START DATE 04/01/2015 END DATE 03/31/2024, or until such other time as Applicant may determine and communicate to the Washington Department of Ecology.

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.

Sweet Grass Investments, LLC
 By: Brian Sims, Member
 Applicant Printed Name -


 Applicant Signature

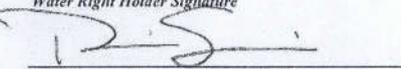
12/4/14
 (Date)

Sweet Grass Investments, LLC
 By: Brian Sims, Member
 Water Right Holder


 Water Right Holder Signature

12/4/14
 (Date)

Sweet Grass Investments, LLC
 By: Brian Sims, Member
 Land Owner of Existing Place of Use Printed Name


 Land Owner of Existing Place of Use Signature

12/4/14
 (Date)

Please check the region in which the project is located:

*Submit your application to: DEPARTMENT OF ECOLOGY CASHIERING SECTION PO BOX 47611 OLYMPIA, WA 98504-7611	<input checked="" type="checkbox"/> Central Regional Office 15 W Yakima Avenue, Suite 200 Yakima, WA 98902 (509) 575-2490	<input type="checkbox"/> Eastern Regional Office 4601 N. Monroe Street Spokane, WA 99205-1295 (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: ____/____/____