



# Application for Change/Transfer of Water Right

KITT-15-04



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 \$ 8
DATE ACCEPTED	02-03-2015 BY a
CHANGE NO.	CS4-01448sb10e2
COUNTY	KITTITAS WRIA 39
SPECIAL AREA	01448 sub 10 Kittitas 07-01-1874 (2.0cfs; 374ac-ft; 44 ac)
SEPA:	<input type="checkbox"/> EXEMPT <input type="checkbox"/> NOT EXEMPT CFO = 54-84500-J
ECY CODING:	001-002-WR10285-000011
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 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.
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## 2. Water Right Information

WATER RIGHT OR CLAIM NUMBER 01448 (proposed Cert. No. S4-84500-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, 2005, 2003 and 2000).	

**Court Claim 01448  
Sub 10 Kittitas  
07-01-1874 - (2.0cfs;374ac-ft/yr;44acres)  
CFO=S4-84500-J**

CS4-01448sb10e2

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### 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 44 acres and stock water	2.0 cfs	374	April 1 through October 31

#### B. Proposed

PURPOSE OF USE	GPM or CFS	ACRE-FT/YR	PERIOD OF USE
# 1 Irrigation of 44 acres and stock water	2.0 cfs	187	April 1 through October 31
# 2 To be placed in trust for instream flow enhancement.		187	April 1 through October 31

### 5. Place of Use:

#### A. Existing

LEGAL DESCRIPTION OF LANDS WHERE WATER IS PRESENTLY USED:							
That portion of the E ½ NE ¼ of Section 29, T. 17 N., R. 19 E.W.M., lying south of Cherry Creek.							
¼	¼	SEC.	TWP.	RGE.	COUNTY	PARCEL #	# OF ACRES
E ½	NE	29	17 N.	19 E.	Kittitas	1719-29000-0003; and 1719-29000-0013	44 acre POU within combined 56.96 acres under both parcels

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 <i>not</i> 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. 01448 (proposed Cert. No. S4-84499-J), with place of use being "That portion of the SE ¼ NE ¼ Section 29, T. 17 N., R. 19 E.W.M., described as follows: Beginning at a point 30 feet west of the east quarter corner of said section; thence north 810 feet, more or less, along the west right-of-way of Moe Road; thence S 57° W 1510 feet, more or less; thence N 89° E 1280 feet, more or less, to the point of beginning."

### 6. Remarks and Other Relevant Information:

By this Application, one half (1/2) of the annual quantity only (Qa) under the subject water right (187.0 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 (2.0 cfs), plus one-half of the Qa (187.0 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 44 authorized acres under the subject water right, utilizing (1) the retained, on-farm portion of the water right (2.0 cfs, 187.0 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 550 feet south and 20 feet west from the northeast corner of Section 29, being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 29, T. 17 N., R. 19 E.W.M This POD description varies by a matter of a few feet from the POD description provided by Ecology in connection with Change Authorization CS4-01448CTCL concerning Applicant's 13-acre irrigation right under Court Claim No. 01448, as well as the Court's determination of Applicant's 94-acre irrigation right under Court Claim No. 01041 (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:

<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 (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 <sup>th</sup> 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: \_\_\_\_/\_\_\_\_/\_\_\_\_