I Am pretty sure she does NOT want the name Longeley on App :)

STATE OF WASHINGTON
APPLICATION TO ENTER A WATER RIGHT INTO THE TRUST WATER RIGHT PROGRAM

CENTRAL REGION OFFICE
DEPT OF ECOLOGY
Received
APR 0 6 2015

NOTE: THIS FORM IS **ONLY** TO BE USED FOR THE CQUISITION OF WATER INTO THE TRUST WATER RIGHT PROGRAM

Yakima Basin Court Claim 00176 (Subbasin 2)
Gayle Darling Longley 1889 Portion
(Check all that apply.)

- ☐ Lease
- ☐ Donation
- X Purchase
- X Portion of the identified existing water right

FOR OFFICE USE ONLY

FILE No. CS4-00176sb2@11 WRIA 39 KITTITAS

DATE ACCEPTED 04 / 13 / 2015 BY [illegible]

FEE $ [illegible] REC'D 04 / 06 / 2015

CHECK No. [illegible]

SEPA: ☐ Exempt ☐ Not exempt

START DATE 05/01/2015

1. Applicant Information:

APPLICANT/BUSINESS NAME		
Gayle Darling Longeley	(509) 656-0339	( )
ADDRESS		
189 Emerald Loop		
CITY	STATE	ZIP CODE
Fredericksburg	TX	78624

CONTACT NAME (IF DIFFERENT FROM ABOVE)	PHONE NO.	FAX NO.
Greg McLaughlin	(509) 925-5600	( )
ADDRESS		
103 E 4th Avenue, Suite 203		
CITY	STATE	ZIP CODE
Ellensburg	WA	98926

2. Water Right Information:

WATER RIGHT OR CLAIM NUMBER	RECORDED NAME(S)
Yakima Court Claim No.. 00176	Maude N. Darling (Smith) and Fred Darling

DO YOU OWN THE RIGHT? X YES ☐ NO IF NO, PROVIDE OWNER(S) NAME and ADDRESS:

HAS THE WATER BEEN PUT TO BENEFICIAL USE IN THE LAST FIVE (5) YEARS? X YES ☐ NO

ARE WATER DIVERSIONS/WITHDRAWALS OF THIS WATER RIGHT METERED OR MEASURED? ☐ YES X NO

IMPORTANT! PROVIDE INFORMATION SHOWING THE EXTENT OF WATER USE FOR EACH OF THE LAST FIVE YEARS
Exhibits: A) Water Right Claim B) Order Pedente Lite C) Parcel Record D) Beneficial Use Report E) Landowner Agreement F) Project Map

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.

Court Claim 00176
Sub 2 Easton
Priority Date 06-30-1889
CFO= S4-83048-J

CS4-00176sb2@11
FOR OFFICE USE ONLY

PURCHASE

FILE (contract) NO.

3. How is Water to be Made Available for Trust?

☐ Alteration in method of diversion	☐ Alteration in water use/ irrigated acreage
☐ Alteration in method of delivery/conveyance	X Nonuse of one or more points of diversion
☐ Alteration in method of water application	X Nonuse of all or a portion of the named water right
☐ Alteration in type of crop	☐ Other, Explain below:
Name of funding source(s):	

From S/4 not SE Corner

WATER RIGHT DESCRIPTION *

4. Point(s) of Diversion/Withdrawal:

A. Existing

SOURCE	NO.	¼	¼	SEC.	TWP.	RGE.	PARCEL #	WELL TAG #
Big Creek – Tributary to the Yakima River		**SE**	**SE**	**29**	**20**	**14**		**N/A**
1150 feet north and 750 feet east from the southeast 1/4 corner of Section 29, T. 20 N., R. 14 E.W.M.								

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.

5. Purpose of Use:

A. Existing Use of the Water Right

PURPOSE OF USE	GPM or CFS	ACRE-FT/YR	PERIOD OF USE
Instream Flow in Big Creek	**.04 CFS**	**9.6**	**5/1 – 9/1 for irrigation, Continuously for livestock**
Water right is .04 cfs, 9.6 af/year 5/1-9/1 and continuously for livestock, estimated at 19.12 af/year			

B. Proposed Purpose of the Trust Water Right:

DESCRIBE THE PURPOSE(S) OF USE DURING THE PERIOD OF TRUST:	
PURPOSE OF USE	ACRE-FEET/YR
Instream Flow (State Trust Water Rights Program)	**9.6 af/yr from 5/1 – 9/1 and 19.12 af (estimated) from 9/2 – 4/30.**
• **All remaining water will be retained**	

* If additional space is needed, please continue on the form: Attachment for Application to Enter a Water Right into the Trust Water Right Program.

439134 is on Sec 29 - I think it should be 957101 957101

6. Place of Use:

A. Existing:

LEGAL DESCRIPTION OF LANDS WHERE WATER IS PRESENTLY USED:							
Instream in Big Creek from the Point of Diversion to the confluence of Big Creek and the Yakima River							
¼	¼	SEC.	TWP.	RGE.	COUNTY	PARCEL #	# OF ACRES
	SE	**20**	**20**	**14**	**Kittitas**	**439134, 957095, 957096, 957098, 957104, 957105**	**2**
DO YOU OWN ALL THE LANDS IN THE EXISTING PLACE OF USE? X YES ☐ NO – IF NO, PROVIDE OWNER(S) NAME:							

6. Place of Use (continued)

B. Proposed:

IDENTIFY THE WATER BODY TO BE BENEFITED OR OTHER PLACE TO BE BENEFITED
Big Creek from the point of diversion, downstream to the confluence with the Yakima River.

7. Remarks and Other Relevant Information:

This is the Gayle Darling Longley portion of 6 change applications submitted by Washington Water Trust on behalf of David Joseph and Lona Jeannine Darling, The Estate of David C. Darling, Patricia Darling Strong, Davida Lynn Burns, and Gayle Darling Longley. Mrs. Longley has 36.5 acres of an 1889 right and 2.0 acres of an 1887 right under Court Claim 00176.

The water right is a portion of Court Claim No. 00176 in Subbasin 2 of the Yakima General Adjudication. with priority dates of June 30, 1887 and June 30, 1889 confirmed to C Frederick Darling by way of a February 13, 1997 Conditional Final Order (CFO) for Sub-basin 2 (Easton). Mr. Darling passed away in 2011, and on January 27, 2012, Yakima Superior Court issued an Amended Order Dividing Water Right and Substituting Parties Defendant. Attached as **Exhibit A is a copy of the confirmed water right for Court Claim No. 00176 after the 1/27/2012 Division and Substitution of Parties, from the CFO.**

On December 12, 2013 Washington Water Trust obtained an *Order Pedente Lite* (OPL) changing the purpose of use of water rights associated with the above heirs to the Fred Darling Estate to instream flow until April 30, 2022. **The final OPL is attached as Exhibit B. The Parcel records showing ownership of the property are attached as Exhibit C.** the underlying water right to which the water right will revert at the end of the lease term is appurtenant to 2.0 Acres located within N ½ of the SW ¼ of the NE ¼ Section 29, T. 20 N., R. 14 E.W.M. As a result of this transaction, all of the water right, not including any consumptive quantities of water, will be allocated to the TWRP in perpetuity in the primary reach, and that all consumptive quantities of water obtained in a way that does not hydraulically impact Big Creek below the point of diversion., will be retained by the water rights owner.

Use of water rights on the property for all companion change applications is included in **Exhibit D, entitled "Beneficial Use Report"** and incorporated by this reference. This will be provided to Ecology as a single document referencing all of the water rights. **Landowner agreements are included as Exhibit E, and a Project Map as Exhibit F.**

Big Creek is an important system for ESA listed mid-Columbia steelhead and spring Chinook, as well as bull trout and resident trout. In Big Creek low flow, water temperature, and passage barriers have been identified as limiting factors for these species. We anticipate this project to address these limiting factors, and, as such, request that this application receive expedited processing in accordance with WAC 173-152-050(2)(b) and (3)(a) under RCW 90.03.655. We also hereby request that the project be processed using the cost reimbursement program under RCW 90.03.265.

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.

Please contact the State Department of Revenue for further information. The phone number is (360) 570-3265. The address is: Department of Revenue, Real Estate Excise Tax, PO Box 47477, Olympia, WA 98504-7477.

8. Signatures:

I certify that the information above is true and accurate to the best of my knowledge. I hereby grant staff from the Department of Ecology 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.

Gayle Darling 4/2/15

(Water Right Holder – Gayle Darling Longley) *(Date)*

_____ ____/____/____

(Land Owner(s) of Existing Place of Use) *(Date)*

IMPORTANT! APPLICATION FILING INFORMATION IS PROVIDED ON THE NEXT PAGE.

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

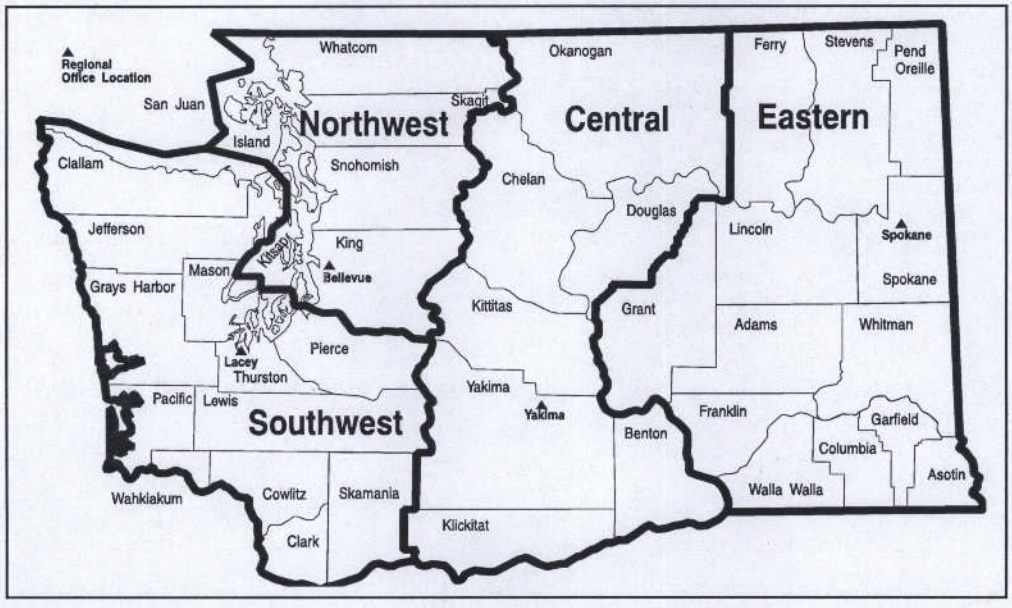
☐ ADDITIONAL SIGNATURES REQUIRED ☐ SECTION _____ IS INCOMPLETE

☐ OTHER/EXPLANATION:_____

STAFF: _____ ***DATE:*** ____/____/____

IMPORTANT!

Submit your application to Ecology at the regional office for the area of proposed or existing water use. Below is a map of the State of Washington, with outlines of the four Ecology regional offices. If you have questions about your application, contact the Water Resources program at the regional office in which your project is located.



Department of Ecology
Central Regional Office
15 W. Yakima Avenue, Suite 200
Yakima, WA 98902
Telephone: (509) 575-2490

Department of Ecology
Eastern Regional Office
N. 4601 Monroe, Suite 202
Spokane, WA 99205-1295
Telephone: (509) 329-3400

Department of Ecology
Northwest Regional Office
3190 – 160th Avenue SE
Bellevue, WA 98008-5452
Telephone: (425) 649-7000

Department of Ecology
Southwest Regional Office
PO Box 47775
Olympia, WA 98504-7775
Telephone: (360) 407-6300

If you need assistance in the application process or those needing this application in an alternate format, please call the Water Resources Program at (360) 407-6600 or 800-833-6388 (TTY).