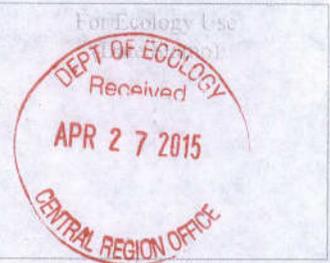




**WATER RESOURCES**  
**Application for Change/Transfer of Water Right**



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: <b>April 27, 2015</b><br>Fee exempt / <b>WRIA 39 Kittitas County</b><br>Date accepted: 04-28-2015<br>Change No. <b>CS4-01286sb3@2</b> |
| SEPA: <input type="checkbox"/> EXEMPT <input type="checkbox"/> NOT EXEMPT  |
| Court Claim 01286 (Sub 3 Teanaway)<br>Priority 06-30-1885 (CFO = S4-83768-J)   |

(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 Water Right POD Change Application

**\*\*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<br>Ronald J. & Becky Montgomery | PHONE NO.<br>(509) 674-2672 | FAX NO.                |
| ADDRESS<br>1080 Masterson Road                          |                             |                        |
| CITY<br>Cle Elum  | STATE<br>WA                 | ZIP CODE<br>98922-9227 |
| EMAIL ADDRESS (IF AVAILABLE)                            |                             |                        |

|  |                                       |                           |
|--|---------------------------------------|---------------------------|
| CONTACT (IF DIFFERENT FROM ABOVE)<br>U.S. Bureau of Reclamation Attn: Stan Isley | PHONE NO.<br>(509) 575-5848, ext. 281 | FAX NO.<br>(509) 454-5611 |
| ADDRESS<br>1917 Marsh Road   |                                       |                           |
| CITY<br>Yakima   | STATE<br>WA                           | ZIP CODE<br>98901-2058    |
| EMAIL ADDRESS (IF AVAILABLE)<br>sisley@usbr.gov                                  |                                       |                           |

|   |                             |                        |
|---|-----------------------------|------------------------|
| LEGAL LAND OWNER or PART OWNER OF PROPOSED PLACE OF USE<br>Ronald J. & Becky Montgomery | PHONE NO.<br>(509) 674-2672 | FAX NO.                |
| ADDRESS<br>1080 Masterson Road  |                             |                        |
| CITY<br>Cle Elum  | STATE<br>WA                 | ZIP CODE<br>98922-9227 |
| EMAIL ADDRESS (IF AVAILABLE)  |                             |                        |

**2. Water Right Information**

CS4-01286sb3@2

POD

|   |  |
|---|--|
| WATER RIGHT OR CLAIM NUMBER<br>Court Claim No. 01286, Subbasin 3 (Teanaway)   | RECORDED NAME(S)<br>Ronald J. & Becky Montgomery |
| DO YOU OWN THE RIGHT TO BE CHANGED? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO<br><br>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.*

RECEIVED \_\_\_\_\_  
 DATE \_\_\_\_\_  
 BY \_\_\_\_\_  
 TITLE \_\_\_\_\_  
 DEPARTMENT \_\_\_\_\_  
 COUNTY \_\_\_\_\_  
 STATE \_\_\_\_\_

**3. Point(s) of Diversion/Withdrawal:**

**A. Existing**

| SOURCE   | NO. | ¼  | ¼  | SEC. | TWP. | RGE. | PARCEL # | WELL TAG # |
|--|-----|----|----|------|------|------|----------|------------|
| Teaway River (Seaton Ditch POD)  | 1   | NE | SE | 26   | 20N  | 16E  | 528536   |            |
| Teaway River (new SWUA pump site POD - temporary authorization by court OPL) | 2   | SE | SE | 33   | 20N  | 16E  | 514536   |            |

**B. Proposed**

| SOURCE  | NO. | ¼  | ¼  | SEC. | TWP. | RGE. | PARCEL # | WELL TAG # |
|---|-----|----|----|------|------|------|----------|------------|
| Teaway River new SWUA pump site POD - permanent authorization | 1   | SE | SE | 33   | 20N  | 16E  | 514536   |            |

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 (defunct) Seaton Ditch POD is on land owned by Mark Rattray, et ux.; new Seaton Water Users Association (SWUA) pump site is on land owned by Bonneville Power Administration.

*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 26.81 acres and stock watering | 0.375 cfs  | 72.390     | May 1 through September 15 each year |
|  |            |            |                                      |
|  |            |            |                                      |

**B. Proposed**

| PURPOSE OF USE                               | GPM or CFS | ACRE-FT/YR | PERIOD OF USE                        |
|--|------------|------------|--------------------------------------|
| Irrigation of 26.81 acres and stock watering | 0.375 cfs  | 72.390     | May 1 through September 15 each year |
|  |            |            |                                      |
|  |            |            |                                      |

**5. Place of Use:**

**A. Existing**

**LEGAL DESCRIPTION OF LANDS WHERE WATER IS PRESENTLY USED:**  
 Lots 2 and 3 of Montgomery Short Plat SP92-17, described as follows: That portion of the S ½ NE ¼ of Section 33, T. 20 N., R. 16 E.W.M. described as follows: Commencing at the east quarter corner of said section; thence west 799.75 feet more or less to the point of beginning; thence continuing west 915.18 feet, more or less; thence N 01°30'59" E 568.36 feet, more or less; thence N 89°30'43" W 456.49 feet, more or less; thence N 00°11'45" E 687.27 feet more or less to the south boundary of West Masterson Road; thence east along the West Masterson Road 1190.15 feet more or less; thence S 05°13'26" E 1007.63 feet more or less; thence S 06°95'22" E 170.61 feet more or less to the point of beginning.

| ¼    | ¼  | SEC. | TWP.  | RGE. | COUNTY   | PARCEL #       | # OF ACRES |
|------|----|------|-------|------|----------|----------------|------------|
| S1/2 | NE | 33   | 20 N. | 16E. | Kittitas | 412636; 402636 | 26.81      |

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:**  
 Lots 2 and 3 of Montgomery Short Plat SP92-17, described as follows: That portion of the S ½ NE ¼ of Section 33, T. 20 N., R. 16 E.W.M. described as follows: Commencing at the east quarter corner of said section; thence west 799.75 feet more or less to the point of beginning; thence continuing west 915.18 feet, more or less; thence N 01°30'59" E 568.36 feet, more or less; thence N 89°30'43" W 456.49 feet, more or less; thence N 00°11'45" E 687.27 feet more or less to the south boundary of West Masterson Road; thence east along the West Masterson Road 1190.15 feet more or less; thence S 05°13'26" E 1007.63 feet more or

|  |    |      |       |       |          |                |            |
|--|----|------|-------|-------|----------|----------------|------------|
| less; thence S 06°95'22" E 170.61 feet more or less to the point of beginning.   |    |      |       |       |          |                |            |
| ¼  | ¼  | SEC. | TWP.  | RGE.  | COUNTY   | PARCEL #       | # OF ACRES |
| S1/2   | NE | 33   | 20 N. | 16 E. | Kittitas | 412636; 402636 | 26.81      |
| DO YOU OWN ALL THE LANDS IN THE PROPOSED PLACE OF USE? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO |    |      |       |       |          |                |            |
| 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.*

|   |   |
|---|---|
| Are there any ADDITIONAL WATER rights OR CLAIMS RELATED to the same property as the ONE PROPOSED FOR CHANGE/TRANSFER? |   |
| <input type="checkbox"/> YES  | <input checked="" type="checkbox"/> NO – IF YES, PROVIDE THE WATER RIGHT/CLAIM NUMBER(S): _____ |

**6. Remarks and Other Relevant Information:**

The new Seaton Water Users Association (SWUA) pump site POD is on the west (right) bank of the Teanaway River, immediately upstream (northerly) of the Lambert Road Bridge, approximately 50 feet north and 50 feet west of the SE¼ corner of Section 33, being within the SE¼SE¼ of Section 33, T. 20 N., R. 16 E.W.M. The new Teanaway River Ranch Associates (TRRA, now Teanaway River Ranch Owners Association, TRROA) pump site POD is on the east (left) bank of the Teanaway River, immediately downstream (southerly) of the Red Bridge Road Bridge, approximately 900 feet south and 2,100 feet west of the NE¼ corner of Section 25, being within the NW¼NE¼ of Section 25, T. 20 N., R. 16 E.W.M.

The Adjudication Court confirmed individual water rights to the several members of SWUA and to the several members of TRROA with the entry of the CFO for Subbasin No. 3 (Teanaway River) on 2-08-2001. BPA and Reclamation entered a contract in 1999 with SWUA members, and also entered a contract in 1999 with TRROA members, initially assigning 30% of their several 1882-1891 priority (SWUA members) and 1885 & 1894 priority (TRROA members) water rights to instream flow enhancement trust water right use, in perpetuity, in the Teanaway River (primary reach only) upon completion of new irrigation systems for SWUA and TRROA funded by BPA, and then later to assign 'up to an additional 20%' of their water rights to permanent instream flow trust water use after a 5-year trial period, if not needed for their off-stream water use. Though the Court confirmed the right to divert surplus water, when available, to five (5) SWUA members' water rights (I. Osmonovich 1882, Montgomery 1885, I. Osmonovich 1885, Pratt/Bergstrom 1885, and Stephenson 1885), and to all of the TRROA members' water rights, those water right holders agreed to forego their use of surplus water from the new SWUA and TRROA irrigation systems, and the new irrigation systems were subsequently designed and built, and have been operated, to not deliver any surplus water to the SWUA or TRROA members. SWUA and TRROA members have not used any surplus water since 2000 and those SWUA member and TRROA member surplus water rights have been abandoned and relinquished. These new SWUA and TRROA irrigation systems were completed during the year-2000 irrigation season. The transfer of the 30% portion and the 'up to an additional 20%' portion of the SWUA and TRROA members' water rights to instream flow use was temporarily accomplished by the Court's 3-09-2000 and 6-14-2007 Orders Pendente Lite.

The 5-year trial period showed that the SWUA members and the TRROA members used, and shall retain, 70% of their instantaneous diversion rate in cfs, and 50% of their base annual water quantity (not including any surplus water) in af/yr. Thus 30% of the instantaneous diversion rate and 50% of the base annual water quantity (not including any surplus water) of the SWUA and TRROA members' water rights are to be transferred permanently to instream flow trust water use in the Teanaway River.

The Washington State Department of Ecology and each of the SWUA and TRROA members are submitting Joint Motions to Divide and Substitute Party to the Yakima Adjudication Court, transferring those 30% instantaneous diversion rate (cfs) and 50% base annual water quantity (af/yr) (not including any surplus water) portions of the Court-confirmed SWUA and TRROA members' water rights to Ecology for instream flow trust water use. Those Ecology portions of each of the SWUA and TRROA members' water rights are now the subject of the group of SWUA and TRROA members' permanent trust water right change applications submitted by Ecology concurrently with this application.

THIS APPLICATION: The Ecology instream flow trust water portion of the Court-confirmed Ronald J. & Becky Montgomery 1885 water right totals 0.161 cfs, 72.389 acre-feet of water per year, to be used for permanent instream flow enhancement in the Teanaway River from the location of the upstream Seaton Ditch POD to the location of the downstream new SWUA pump site POD above the Lambert Road Bridge.

Ronald J. & Becky Montgomery (SWUA members) retain their 70% instantaneous (cfs) and 50% base annual (af/yr) portions of their Court-confirmed Ronald J. & Becky Montgomery 1885 water right for continued use for irrigation of 26.81 acres and stock watering during the irrigation season by way of the new, more-efficient SWUA irrigation delivery system. SWUA members have stopped (in year 2000) diverting water at the now-defunct Seaton Ditch POD, and have temporarily changed their Teanaway River POD to the new downstream SWUA pump site POD above the Lambert Road Bridge under authority of the 3-09-2000 Court Order Pendente Lite. The Ronald J. & Becky Montgomery retained portion of their Court-confirmed 1885 water

right will be permanently diverted from the new SWUA pump site POD, in total not to exceed 0.375 cfs, 72.390 acre-feet of water per year.

The Ronald J. & Becky Montgomery abandoned/relinquished surplus water portion of their Court-confirmed 1885 water right totals 0.536 cfs, 29.491 af/yr.

The place of use in the Teanaway River (primary reach only) for the Ecology permanent instream flow trust water rights derived from the SWUA members' 1882-1891 priority water rights is: from the original authorized point of diversion, the Seaton Ditch, situated in the NE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 26, T. 20 N., R. 16 E.W.M., downstream to the new SWUA pump site location in the SE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 33, T. 20 N., R. 16 E.W.M.

The place of use in the Teanaway River (primary reach only) for the Ecology permanent instream flow trust water rights derived from the TRROA members' 1885 & 1894 priority water rights is: from the original authorized point of diversion, the Haida-Peterson Ditch, situated in the SW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 13, T. 20 N., R. 16 E.W.M., downstream to the new TRROA pump site location in the NW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 25, T. 20 N., R. 16 E.W.M.

The 1999 BPA and Reclamation contract agreements with SWUA and TRROA assign Reclamation the responsibility of obtaining all necessary water right permit approvals to permanently transfer the instream flow portion of these water rights to the Yakima Basin Trust Water Rights Program, after the completion of the 5-year trial operation period, and also to change each of the water rights' authorized diversion points to the new pump site diversion points. That is why Ecology is filing these permanent trust water right applications at this time. These trust water right applications are being filed concurrently with water right change applications for the portions of each of the SWUA and TRROA members' water rights they retain for their continuing off-stream irrigation and stock water uses, requesting the change of point of diversion (POD): 1) from the former Seaton Ditch POD to the new downstream SWUA pump site (for the SWUA members' water rights), or 2) from the former Haida-Peterson Ditch POD to the new downstream TRROA pump site (for the TRROA members' water rights).

Diversion quantities under these water rights, both the off-stream diverted portions and the instream flow enhancement portions, have been recorded by the combination of the flow meters on the SWUA and TRROA irrigation pipelines and the USBR gaging station on the Teanaway River above Lambert Road. Stream Patrolman Stan Isley (appointed by 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 portions each year. These two portions of the SWUA and TRROA members' water rights have been fully exercised since construction of the new SWUA and TRROA irrigation systems was completed and operation began, certainly in the 2001 and subsequent irrigation seasons up to the present date.

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.*

|   |   |                |
|---|---|----------------|
| <u>Becky Montgomery</u><br><u>Ronald Montgomery</u> | <u>Becky Montgomery</u><br><u>Ron. Montgomery</u> | <u>3/26/15</u> |
| Applicant Printed Name - Title                      | Applicant Signature                               | (Date)         |
| <u>Becky Montgomery</u><br><u>Ronald Montgomery</u> | <u>Becky Montgomery</u><br><u>Ron. Montgomery</u> | <u>3/26/15</u> |
| Water Right Holder Printed Name                     | Water Right Holder Signature                      | (Date)         |
| <u>Becky Montgomery</u><br><u>Ronald Montgomery</u> | <u>Becky Montgomery</u><br><u>Ron. Montgomery</u> | <u>3/26/15</u> |
| Land Owner of Existing Place of Use Printed Name    | Land Owner of Existing Place of Use Signature     | (Date)         |
| <u>Becky Montgomery</u><br><u>Ronald Montgomery</u> | <u>Becky Montgomery</u><br><u>Ron. Montgomery</u> | <u>3/26/15</u> |
| Land Owner of Proposed Place of Use Printed Name    | Land Owner of Proposed Place of Use Signature     | (Date)         |

Please check the region in which the project is located:

|  |   |   |
|--|---|---|
| <b>*Submit your application to:</b><br><br>DEPARTMENT OF ECOLOGY<br>CASHIERING SECTION<br>PO BOX 47611<br>OLYMPIA, WA 98504-7611 | <input checked="" type="checkbox"/> Central Regional Office<br>15 W Yakima Avenue, Suite 200<br>Yakima, WA 98902-3463<br>(509) 575-2490 | <input type="checkbox"/> Eastern Regional Office<br>4601 N. Monroe Street<br>Spokane, WA 99205-1265<br>(509) 329-3400 |
|  | <input type="checkbox"/> Northwest Regional Office<br>3190 – 160 <sup>th</sup> Avenue SE<br>Bellevue, WA 98008-5452<br>(425) 649-7000   | <input type="checkbox"/> Southwest Regional Office<br>PO Box 47775<br>Olympia, WA 98504-7775<br>(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:** \_\_\_\_ / \_\_\_\_ / \_\_\_\_