



WATER RESOURCES
Application for Change/Transfer of Water Right

For Ecology Use
(Date Stamp)



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>05-26-2015</u> |
| CHECK NO. <u>0</u> |
| FEE \$ <u>EXEMPT</u> |
| DATE ACCEPTED |

(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: Request for irrigation of additional acres

COST REIMBURSEMENT
 064-23977C@J

****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 WA State Department of Natural Resources | PHONE NO. (509) 925-8510 | FAX NO. (509)925-8522 |
| ADDRESS 713 Bowers Road | | |
| CITY Ellensburg | STATE WA | ZIP CODE 98926 |
| EMAIL ADDRESS (IF AVAILABLE) | | |

| | | |
|---|-----------------------------|----------|
| CONTACT (IF DIFFERENT FROM ABOVE) Ingrid Ekstrom or Rick Roeder (DNR employees) | PHONE NO. (509) 925-0944 | FAX NO. |
| ADDRESS same | | |
| CITY | STATE | ZIP CODE |
| EMAIL ADDRESS (IF AVAILABLE) ingrid.ekstrom@dnr.wa.gov or rick.roeder@dnr.wa.gov | | |

| | | |
|---|-----------|----------|
| LEGAL LAND OWNER or PART OWNER OF PROPOSED PLACE OF USE WA State Department of Natural Resources | PHONE NO. | FAX NO. |
| ADDRESS same | | |
| CITY | STATE | ZIP CODE |
| EMAIL ADDRESS (IF AVAILABLE) | | |

2. Water Right Information

| | |
|--|--|
| WATER RIGHT OR CLAIM NUMBER CG4-23977C | RECORDED NAME(S) Washington State Department of Natural Resources |
| 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 | |

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.

3. Point(s) of Diversion/Withdrawal:

A. Existing

| SOURCE | NO. | ¼ | ¼ | SEC. | TWP. | RGE. | PARCEL # | WELL TAG # |
|----------------|-----|---|---|------|------|------|----------|------------|
| see attachment | | | | | | | | |
| | | | | | | | | |

B. Proposed

| SOURCE | NO. | ¼ | ¼ | SEC. | TWP. | RGE. | PARCEL # | WELL TAG # |
|------------------|-----|---|---|------|------|------|----------|------------|
| same as existing | | | | | | | | |
| | | | | | | | | |

DO YOU OWN THE EXISTING AND PROPOSED POINT(S) OF DIVERSION/WITHDRAWAL?
 EXISTING: YES NO PROPOSED: YES NO - IF NO, PROVIDE OWNER(S) NAME: _____

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 457 acres | 2400 gpm | 887 | seasonal |
| | | | |
| | | | |

B. Proposed

| PURPOSE OF USE | GPM or CFS | ACRE-FT/YR | PERIOD OF USE |
|------------------------------------|------------|------------|---------------|
| Irrigation of at least 586.4 acres | 2400 gpm | 887 | seasonal |
| | | | |
| | | | |

5. Place of Use:

A. Existing

LEGAL DESCRIPTION OF LANDS WHERE WATER IS PRESENTLY USED:
 That portion of the E1/2 of Section 30, T. 9 N., R. 28 E.W.M, lying east of Interstate 82.
 E1/2SW1/4, N1/2NW1/4SW1/4, N1/2S1/2NW1/4SW1/4 of Section 4; N1/2NE1/4, N1/2S1/2NE1/4, W1/2, S1/2SE1/4 of Section 10; All of Section 14; NW1/4NW1/4 of Section 16; NE1/4, E1/2NW1/4, N1/2N1/2SW1/4, SE1/4NW1/4SW1/4, NE1/4NE1/4SW1/4SW1/4, NE1/4SE1/4, N1/2NW1/4SE1/4 of Section 20; NE1/4 of Section 24; S1/2NW1/4SW1/4 of Section 25; all being within T. 9 N., R. 27 E.W.M.
 SE1/4, E1/2SW1/4, SW1/4SW1/4 of Section 32, T. 10 N., R. 27 E.W.M.

| ¼ | ¼ | SEC. | TWP. | RGE. | COUNTY | PARCEL # | # OF ACRES |
|---|---|------|------|------|--------|----------|-----------------|
| | | | | | Benton | multiple | 457ac irrigated |

DO YOU OWN ALL THE LANDS IN THE EXISTING PLACE OF USE? YES NO
 IF NO, PROVIDE OWNER(S) NAME: City of Benton City owns a small portion of the undeveloped place of use within Section 20, T. 9 N, R 27 EWM., west of Field Road.

B. Proposed

LEGAL DESCRIPTION OF LANDS WHERE NEW USE IS PROPOSED:
 See Attachments for approximate legal description and map of proposed place of use.

| ¼ | ¼ | SEC. | TWP. | RGE. | COUNTY | PARCEL # | # OF ACRES |
|---|---|------|------|------|--------|----------|------------------|
| | | | | | | | at least 586.4ac |

DO YOU OWN ALL THE LANDS IN THE PROPOSED PLACE OF USE? YES NO
 IF NO, PROVIDE OWNER(S) NAME: Monson Snake River Orchards owns a 22.3 acre portion of the land within the proposed place of use within Section 19, T9N, R28EWM and a small portion of NE1/4NE1/4 of Section 25, T9N, R27EWM. However, the ownership interest of the entire water right CG4-23977C is retained by WA State Department of Natural Resources.

3. Point(s) of Diversion/Withdrawal:

A. Existing

| SOURCE | NO. | ¼ | ¼ | SEC. | TWP. | RGE. | PARCEL # | WELL TAG # |
|----------------|-----|---|---|------|------|------|----------|------------|
| see attachment | | | | | | | | |
| | | | | | | | | |

B. Proposed

| SOURCE | NO. | ¼ | ¼ | SEC. | TWP. | RGE. | PARCEL # | WELL TAG # |
|------------------|-----|---|---|------|------|------|----------|------------|
| same as existing | | | | | | | | |
| | | | | | | | | |

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

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.

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 SE1/4, E1/2SW1/4, SW1/4SW1/4 of Section 32, T. 10 N., R. 27 E.W.M.

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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): **G4-28833P, G4-30827P, CG4-23969C@1, CG4-23968C@2, G4-23653C, and G4-26001C.**

6. Remarks and Other Relevant Information:

This change application is one of 5 water right change applications submitted together for the DNR's Red Mountain/Goose Gap (RMGG) project. Please refer to the attached cover letter for a general description of the change proposals. Details specific to CG4-23977C are described below:

1) Irrigation of additional acres: This change application proposes to irrigate an additional 129.4 acres for a total of 586.4 acres of mainly wine grapes within a consolidated RMGG proposed place of use. The 2004 change authorization no. CG4-23977C determined a total annual quantity and annual consumptive quantity of 887 acre-ft/yr and authorized 457 acres for irrigation under the subject right. See bullet #2b of Ecology's March 18, 2004 Modification of the Board's decision. Based on a March 10, 2013 email from Ecology (D. Haller) to DNR (T. Buchholtz)(attached), the intent was for this 887 afy to be used for 386 acres of wine grapes (at 18 inches/ac) and 71 acres of higher water duty crop (at 52.19 inches/ac). Please refer to attached email, bullet #3. DNR now wishes to continue the conversion to wine grapes and remove the remaining alfalfa under the right.

DNR asserts the attached Determined Future Development (DFD) plan, established in 1999, as an exemption from relinquishment for non-use of portions of the DNR RMGG water rights under RCW 90.44.140(2)(c). DNR requests that the annual consumptive quantity (ACQ) be calculated based on RCW 90.03.615 for the 5 years immediately preceding the establishment of the DFD in 1999 (5yr period: 1994 to 1998). DNR estimates the ACQ to be 892.4 acre-ft/yr (please see attached calculation table). However, in order to remain under the total authorized quantities of the right as determined in the most recent change decision (CG4-23977C), DNR assumes the ACQ is limited to 887 acre-ft/yr and requests to irrigate 586.4 acres under the subject right. Specifically, DNR proposes to irrigated 583.8 acres of wine grapes and retain 2.6 acres of grass around the winery.

2) Farm plan and metering: DNR will provide a farm plan each year showing which crops and fields are planted under each water right. In addition, DNR will provide metering data from each well under the 7 water rights which serve ground within the proposed place of use, and DNR will summarize the data to show that yearly withdrawals comply with the total acre-ft per year quantities authorized from each source and associated water rights. Please find attached the Farm Plan Summary Table and Proposed water right Map documenting the proposed farm plan for the RMGG water rights.

3) Development Schedule status: Construction has been completed with full acreage under Change Authorization No. CG4-23977C in 2013 with 73 acres of alfalfa, 2.6 acres of grass around the winery, and 381.4 acres of vineyard in section 32, T10N, R27E and sections 4 and 10, T9N, R27E. A portion of the alfalfa has since been converted to wine grapes in 2014. In addition, a small portion of the water put to use was developed outside of the authorized place of use in the portion of the W1/2 of Section 30 that lies east of I-82. This application proposes to include these acres within the place of use. Completion of construction and proof of appropriation will be submitted to Department of Ecology prior to upcoming deadlines.

The following attachments provide documentation of historic water use under the water right:

- 1) Determined Future Development Plan and supporting documentation.
- 2) Existing Water Right Map
- 3) Proposed Water Right Map
- 4) Farm Plan Summary Table
- 5) 2014 Map with Field numbers and crop type
- 6) Air photos for the following years: 2006, 2009, 2011, and 2013.
- 7) March 18, 2004 Ecology Modification of Benton County Water Conservancy Board 12/20/2002 ROE/ROD for CG4-23968C@1, CG4-23969C@1, and CG4-23977C.
- 8a) Table documenting DNR's estimate of Annual Consumptive Quantity under the right based on the 5 years preceding the fixing of the DFD (1994-1998) to determine number of acres requested.
- 8b) Imagery showing irrigated acres under water right from 1994-1998.

Additional attachments include:

- 9) RMGG Water Right Summary Table
- 10) Well logs for existing points of withdrawal
- 11) Map of proposed place of use
- 12) Approximate legal description of proposed place of use
- 13) March 10, 2003 email from Ecology to DNR
- 14) Water Right Transfer summary map for CG4-23977C

IF FOR SEASONAL OR TEMPORARY, START DATE ___/___/___ END DATE ___/___/___

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.

WA State DNR (Todd Welker - Region Manager) Todd Welker 5/21/15
Applicant Printed Name - Title Applicant Signature (Date)

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Water Right Holder Printed Name Water Right Holder Signature (Date)

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Land Owner of Existing Place of Use Printed Name Land Owner of Existing Place of Use Signature (Date)

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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:

| | | |
|---|---|---|
| <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

Additional attachments include:

- 9) RMGG Water Right Summary Table
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- ADDITIONAL SIGNATURES REQUIRED
- SECTION

**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.

- 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

Applicant Signature
Water Right Holder Signature
Land Owner of Existing Place of Use Signature
Land Owner of Proposed Place of Use Signature

/ /
(Date)

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- Applicant Printed Name – Title
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