



STATE OF WASHINGTON
**APPLICATION FOR CHANGE/TRANSFER
 OF WATER RIGHT**

RECEIVED
DEC 28 2010

DEPARTMENT OF ECOLOGY - CENTRAL REGIONAL OFFICE

For filing with the Department of Ecology or with County Conservancy Boards

A NON-REFUNDABLE MINIMUM FEE OF \$50.00 PAYABLE TO THE DEPARTMENT OF ECOLOGY MUST ACCOMPANY THIS APPLICATION

(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: _____

| FOR OFFICE USE ONLY | |
|---|--|
| CHANGE No. <u>CS4-01212CTCL</u> | WRIA <u>37</u> |
| DATE ACCEPTED <u>12/28/10</u> | BY <u>VRG</u> |
| FEE \$ <u>250.00</u> | REC'D <u>01/21/2011</u> |
| CHECK No. <u>853929</u> | <u>1 of 5</u> REMAINING FEES RECORDED 01-21-2011 |
| ECY Coding: 001-002-WR10285-000011 | |
| SEPA: <input type="checkbox"/> Exempt <input type="checkbox"/> Not exempt | |

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

1. Applicant Information:

| | | |
|---|-------------------------------|-------------------|
| APPLICANT/BUSINESS NAME Old Union Irrigation Company | PHONE NO. (509) 453-5604 | FAX NO. () |
| ADDRESS 117 N. 3 rd St. Suite 200 | | |
| CITY Yakima | STATE WA | ZIP CODE 98901 |

| | | |
|--|-------------------------------|-----------------------------|
| CONTACT NAME (IF DIFFERENT FROM ABOVE) Dave Brown | PHONE NO. (509) 575-6204 | FAX NO. (509) 575-6187 |
| ADDRESS 2301 Fruitvale Blvd. | | |
| CITY Yakima | STATE WA | ZIP CODE 98902 |

2. Water Right Information:

| | |
|--|--|
| WATER RIGHT OR CLAIM NUMBER 1212 | RECORDED NAME(S) Old Union Irrigation Company |
| 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.

CS4-01212 CTCL

| MC COURT CLAIM 01212 06-30-1878 | | | |
|---------------------------------|------------------|-----------------|---------------------------|
| FOR OFFICE USE ONLY | | | |
| APP. NO. _____ | PERMIT NO. _____ | CERT. NO. _____ | CERT. OF CHANGE NO. _____ |

3. Point(s) of Diversion/Withdrawal:

A. Existing

| SOURCE | NO. | ¼ | ¼ | SEC. | TWP. | RGE. | PARCEL # | WELL TAG # |
|--------------|-----|----|----|------|------|------|--------------|------------|
| Naches River | | NE | SW | 10 | 13N | 18E | 181310-31004 | N/A |

B. Proposed

| SOURCE | NO. | ¼ | ¼ | SEC. | TWP. | RGE. | PARCEL # | WELL TAG # |
|---------------|-----|----|----|------|------|------|--------------|------------|
| Naches River | | SE | NW | 9 | 13N | 18E | 181309-24002 | N/A |
| Well G4-29285 | 2 | SE | NE | 29 | 13N | 19E | 191329-11005 | |
| Well G4-23039 | 1 | NE | NE | 29 | 13N | 19E | 191329-11005 | |

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

EXISTING: YES NO PROPOSED: YES NO - IF NO, PROVIDE OWNER(S) NAME: City of Yakima and Yakima Greenway Foundation

Please include copies of all water well records the nearest section corner to the above No. 6 (remarks) or as an attachment.

Well 2: 64-29825
Well 1: 64-23039

Also, if you know the distances from the well to the nearest section corner, please include that information in Item 6.

37
YAK
271366
262193
207281

4. Purpose of Use:

A. Existing

| PURPOSE OF USE | GPM or CFS | ACRE-FT/YR | PERIOD OF USE |
|--|--|------------|----------------------|
| Irrigation of residential, Commercial and agricultural lands | 24.15 cfs Apr 1 - Aug 31; 16.1 cfs Sept; 12.08 cfs Oct. | 6,670 | April 1 - October 31 |

B. Proposed

| PURPOSE OF USE | GPM or CFS | ACRE-FT/YR | PERIOD OF USE |
|---|--|------------|----------------------|
| Irrigation of residential, Commercial and agricultural lands | 23.47 cfs Apr 1 - Aug 31; 15.65 cfs Sept; 11.74 cfs Oct | 6,481.6 | April 1 - October 15 |
| Irrigation of residential, Commercial and agricultural lands (Arboretum) Represents 0.400 shares of Old Union Irrigation Company Stock. Each 0.025 share is for one acre, 0.0426 cfs, 11.77 acre feet | 0.68 cfs Apr 1 - Aug 31; 0.45 cfs Sept; 0.34 cfs Oct. | 188.4 | April 1 - October 15 |

5. Place of Use:

A. Existing

LEGAL DESCRIPTION OF LANDS WHERE WATER IS PRESENTLY USED:

Place of use is identified on on COY 15E-1 Upper Old Union, COY 15L-1 Central Old Union, COY 15M-1 Lower Old Union, and COY 15A-1 (attached). OU 23 (as ammended), OU 24, OU 25

| ¼ | ¼ | SEC. | TWP. | RGE. | COUNTY | PARCEL # | # OF ACRES |
|---|---|------|------|------|--------|----------|------------|
| | | | N | E | | | 566.4 |

DO YOU OWN ALL THE LANDS IN THE EXISTING PLACE OF USE? YES NO - IF NO, PROVIDE OWNER(S) NAME:

City of Yakima

B. Proposed

| LEGAL DESCRIPTION OF LANDS WHERE NEW USE IS PROPOSED: | | | | | | | |
|--|---|------|------|------|--------|--------------|------------|
| Place of use is identified on on COY 15E-1 Upper Old Union, COY 15L-1 Central Old Union, COY 15M-1 Lower Old Union, and COY 15A-1 (attached). OU 23 (as ammended), OU 24, OU 25 for 566.4 acres | | | | | | | |
| Water for the Arboretum on 191329-11005 | | | | | | | |
| ¼ | ¼ | SEC. | TWP. | RGE. | COUNTY | PARCEL # | # OF ACRES |
| | | 29 | 13N | 19E | Yakima | 191329-11005 | 16 |
| DO YOU OWN ALL THE LANDS IN THE PROPOSED PLACE OF USE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO - IF NO, PROVIDE OWNER(S) NAME: <div style="text-align: right;">City of Yakima</div> | | | | | | | |

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. Maps are enclosed.

| |
|---|
| Are there any ADDITIONAL WATER rights OR CLAIMS RELATED to the same property as the ONE PROPOSED FOR CHANGE/TRANSFER? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO - IF YES, PROVIDE THE WATER RIGHT/CLAIM NUMBER(S): <u>120529, 064441, 938-D, S4-01141, 120528, 190, 4116, 5318, 4646</u> |
|---|

6. Remarks and Other Relevant Information:

| |
|--|
| Current Point of Diversion is 1,250 feet south and 400 feet west of the center of section 10, beginning within NE1/4SW1/4 of section 10, T. 13N, R. 18 EWM |
| Proposed Point of Diversion 1,790 feet south and 1,600 feet east from the northeast corner of section 9 being within the SE1/4NW1/4 of section 9, T 13N, R 18EWM. 271366 |
| Priority Date is June 30, 1878 |
| CFO Issued April 10, 2003 and attached |
| Qi includes 2.32 cfs for Simmons-Vaughn-Mabry Claim 1511 and # 3168 (A) |
| There are five (5) of these change applications are being filed with Ecology concurrently; the upstream diversion moves and the consolidation of the Fruitvale Canal and the Old Union diversions into one consolidated point of diversion (POD) are proposed to provide both improved operational efficiency for the City of Yakima who runs/operates the Fruitvale Canal for Old Union who operates the Old Union ditch diversion AND to benefit fish and habitat in the Cowiche Creek and the Naches River; since these 5 POD changes will "substantially enhance the quality of the natural environment", expedited processing for all 5 change applications under the Hillis Rule, WAC 173-152-050(3)(a) is requested; it is proposed to permanently donate to the state Trust Water Rights Program the no longer needed portion of the Old Union Irrigation Company water right (~11 cfs of the confirmed water right that's no longer needed) and the no longer needed portions of any of the other four (4) water rights that may be determined during investigations to be no longer needed, for instream flow augmentation use or other appropriate uses within the trust, to further demonstrate that the 5 water right change applications all qualify for expedited processing under WAC 173-152-05-(3)(a). |
| 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.

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.

