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DEPARTMENT OF ECOLOGY - CENTRAL REGIONAL OFFICE



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

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

**FOR OFFICE USE ONLY**

FILE No. CS4-01968 sb11 ab WRIA 39  
DATE ACCEPTED 07-12-2011 BY URQ  
FEE \$ 0 REC'D 4/20/11  
CHECK No. 0  
SEPA:  Exempt  Not exempt

(Check all that apply.)

- Lease
- Purchase
- Donation
- Other

Explain: Instream Flow and mitigation of future residential water use as allowed pursuant to a trust water right agreement between the applicant and Ecology

Portion of the identified existing water right

IF FOR SEASONAL OR TEMPORARY, START DATE \_\_\_/\_\_\_/\_\_\_  
END DATE \_\_\_/\_\_\_/\_\_\_

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

## 1. Applicant Information:

APPLICANT/BUSINESS NAME Amerivest Development, LLC	PHONE NO. ( 509 ) 962-8558	FAX NO. ( )
ADDRESS c/o Mitchell F. and Julie A. Williams, P.O. Box 1702		
CITY Ellensburg	STATE Washington	ZIP CODE 98926

CONTACT NAME (IF DIFFERENT FROM ABOVE) Jeff Slothower	PHONE NO. (509) 925-6916	FAX NO. (509) 962-8093
ADDRESS P.O. Box 1088		
CITY Ellensburg	STATE Washington	ZIP CODE 98926

## 2. Water Right Information:

WATER RIGHT OR CLAIM NUMBER Acquavella Court Claim No. 01968	RECORDED NAME(S) Amerivest Development L.L.C.
DO YOU OWN THE RIGHT? <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	
ARE WATER DIVERSIONS/WITHDRAWALS OF THIS WATER RIGHT METERED OR MEASURED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
IMPORTANT! PROVIDE INFORMATION SHOWING THE EXTENT OF WATER USE FOR EACH OF THE LAST FIVE YEARS	

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.

<u>COURT CLAIM 01968</u> <u>SUB 11 MANASTASH</u> <u>06-30-1874 PERON ab</u>	<b>FOR OFFICE USE ONLY</b>
WATER RIGHT NO. _____	FILE (contract) NO. _____
<u>CS4-01968 sb11 ab</u>	

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

<input type="checkbox"/> Alteration in method of diversion	<input type="checkbox"/> Alteration in water use/ irrigated acreage
<input type="checkbox"/> Alteration in method of delivery/conveyance	<input type="checkbox"/> Nonuse of one or more points of diversion
<input type="checkbox"/> Alteration in method of water application	<input type="checkbox"/> Nonuse of all or a portion of the named water right
<input type="checkbox"/> Alteration in type of crop	<input checked="" type="checkbox"/> Other, Explain below:
Nonuse of all or a part of the water right pursuant to a trust water right agreement substantially in the form attached as Exhibit A	
Name of funding source(s):	

**WATER RIGHT DESCRIPTION \***

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

**A. Existing**

Instream Flow Right B:

SOURCE	NO.	¼	¼	SEC.	TWP.	RGE.	PARCEL #	WELL TAG #
(See note in Section 7)								

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 Right B: Instream flow for water banking purposes	(1) 0.234 cfs	71.53 acre-feet/year of consumptive use	(1) April 1 to June 30
	(2) 0.118 cfs		(2) July 1 to October 31

**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 Right B: Instream flow and mitigation of future residential water use as allowed pursuant to a trust water right agreement to be developed between the applicant and Ecology	71.53 acre-feet/year of consumptive use

**6. Place of Use:**

**A. Existing:**

LEGAL DESCRIPTION OF LANDS WHERE WATER IS PRESENTLY USED:
<p>Instream Flow Right B:</p> <p>Instream flow:</p> <p>Primary Reach: Within the ordinary high water mark of Manastash Creek commencing at the Keach Jensen ditch diversion, which is located 550 feet south and 650 feet east from the Northwest corner of Section 14 within the NW 1/4 NE 1/4 of Section 14, Township 17 N, Range 17 E.W.M. and ending at the confluence of Manastash Creek and the Yakima River.</p> <p>Secondary Reach: Commencing at the confluence of the Manastash Creek and the Yakima River and terminating at the confluence of the Columbia River and the Yakima River. This Secondary Rreach may only be used when the applicant demonstrates that 24.655 acres have been fallowed as set forth in Ecology's letter modifying and</p>

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

approving water right change Application CS4-01968sb11a (KIT-10-12).

¼	¼	SEC.	TWP.	RGE.	COUNTY	PARCEL #	# OF ACRES

DO YOU OWN ALL THE LANDS IN THE EXISTING PLACE OF USE?  YES  NO – IF NO, PROVIDE OWNER(S) NAME: The place of use is within the high water mark of Manastash Creek and the Yakima River.

**B. Proposed:**

IDENTIFY THE WATER BODY TO BE BENEFITED OR OTHER PLACE TO BE BENEFITED

No change.

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

The water rights were changed from diversionary irrigation water rights in KIT-10-11 (Ecology Control No. CS4-01968sb11a (KIT-10-12) (hereinafter the "Water Right Change") to instream flow rights that are not diverted and thus there is no diversion point.

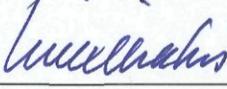
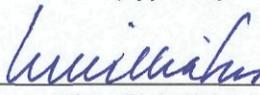
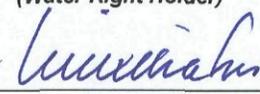
The Water Right Change split the water right into two trust water rights and authorized a new place of use for the stock water right. This trust water right only seeks to place "Instream Flow Right B," and described in the documents approving the Water Right Change. Instream Flow Right A and the stock-water right will be used consistent with the documents approving the Water Right Change.

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.*

	<u>4, 18, 11</u>
(Applicant)	(Date)
	<u>4, 18, 11</u>
(Water Right Holder)	(Date)
	<u>4, 18, 11</u>
(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: \_\_\_\_\_

ECY      **STAFF:** \_\_\_\_\_      **DATE:** \_\_\_\_ / \_\_\_\_ / \_\_\_\_