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OCT 07 2011



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

(Check all that apply.)

- Lease
- Purchase
- Donation
- Other

Explain: _____

IF FOR SEASONAL OR TEMPORARY, START DATE 09/08/2011
END DATE 3/31/ 2021

FOR OFFICE USE ONLY	
FILE No. <u>CS4-02109 sb1801</u>	WRIA <u>38</u>
DATE ACCEPTED <u>10/21/2011</u>	BY <u>[Signature]</u>
FEE \$ <u>0</u>	REC'D <u>10/18/2011</u>
CHECK No. <u>0</u>	
SEPA: <input type="checkbox"/> Exempt <input type="checkbox"/> Not exempt	

1. Applicant Information: Court Claim No. 2109 WDFW

APPLICANT/BUSINESS NAME Washington Department of Fish and Wildlife, Attn Jennifer Quan	PHONE NO. (360) 902-2200	FAX NO. (360) 902-2156
ADDRESS MS 43158, 600 Capital Way N.		
CITY Olympia	STATE Washington	ZIP CODE 98501-1091

CONTACT NAME (IF DIFFERENT FROM ABOVE) Jason McCormick, Washington Water Trust	PHONE NO. (509) 925-5601 (509)607-3513	FAX NO. (509) 925-5603
ADDRESS 222 E 4 th Avenue, Suite 109		
CITY Ellensburg	STATE WA	ZIP CODE 98926

FOR OFFICE USE ONLY	
WATER RIGHT NO. <u>06-30-1873</u>	FILE (contract) NO. <u>CS4-02109 sb1801</u>

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.

2. Water Right Information:

WATER RIGHT OR CLAIM NUMBER Yakima Basin Adjudication Court Claim No. 2109, Cowiche Creek Subbasin (#18)	RECORDED NAME(S) Washington State Department of Fish and Wildlife
DO YOU OWN THE RIGHT? NO <input type="checkbox"/> YES <input checked="" type="checkbox"/> 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 checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
IMPORTANT! PROVIDE INFORMATION SHOWING THE EXTENT OF WATER USE FOR EACH OF THE LAST FIVE YEARS	

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 checked="" type="checkbox"/> Nonuse of all or a portion of the named water right
<input type="checkbox"/> Alteration in type of crop	<input type="checkbox"/> Other, Explain below:
Name of funding source(s): n/a	

Should be Parcel 16143623003

WATER RIGHT DESCRIPTION *

4. Point(s) of Diversion/Withdrawal:

A. Existing

SOURCE	NO.	¼	¼	SEC.	TWP.	RGE.	PARCEL #	WELL TAG #
South Fork Cowiche Creek		SW	NW	36	14	16E	16143613403	

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
Irrigation of 32 acres	.64 CFS	128	4/1 - 10/31

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

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

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
Trust Water Right for Instream Flow exclusively for fish maintenance, enhancement and preservation of environmental and aesthetic values on the south fork of Cowich Creek and the Naches River through March 31, 2021 on 32 acres	0.64 CFS and 128 AF/YR 32 acres

6. Place of Use:

A. Existing:

LEGAL DESCRIPTION OF LANDS WHERE WATER IS PRESENTLY USED:							
That portion of the S½NE¼ of Section 36, T. 14 N., R. 16 E.W.M lying south of Cowiche Creek							
½	¼	SEC.	TWP.	RGE.	COUNTY	PARCEL #	# OF ACRES
S	NE	36	14	16	Yakima	16143613403	32
DO YOU OWN ALL THE LANDS IN THE EXISTING PLACE OF USE? <input checked="" type="checkbox"/> YES <input type="checkbox"/> 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
The Trust Water will benefit the South Fork of Cowiche Creek to the Pacific Ocean.

WATER USE DOCUMENTATION

- Exhibit A: Court Claim No. 02109 – Memorandum of Opinion on Order of Exceptions, May 23, 2003
- Exhibit B: Aerial Photo Showing Beneficial Use (2006)
- Exhibit C: Order Pendente Lite
- Exhibit D: Copy of Signed Landowner Contract to Donate Water Rights

7. Remarks and Other Relevant Information:

Washington Water Trust is requesting a temporary transfer (change) to a portion of this irrigation court claim to instream use on behalf of the Washington Department of Fish and Wildlife, Oak Creek Wildlife Area from the date of approval by the Yakima County Superior Court through March 31, 2021.

This Change Application seeks to effectuate a transfer of 32 acres served by the water right to be used exclusively for instream flows for fish maintenance and enhancement, recreational uses and preservation of environmental and aesthetic values as allowed under RCW Chapters 90.03, 90.42, and 90.58. Water use changes associated with this application will provide significant environmental benefits from the South Fork Cowiche Creek to the Pacific Ocean, thus this transfer should receive expedited processing under WAC 173-152-050(2)(b) and (3)(a).

This proposed trust water right is part of Court Claim No. 2109 in the Lower Naches Subbasin (Subbasin 19), approved by Conditional Final Order signed on September 09, 2004. This application is accompanied by a signed Order Pendente Lite placing the above water right as instream flow by the Yakima Superior Court on

September 08, 2011, Exhibit C.

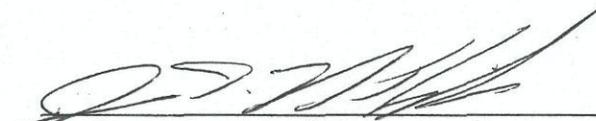
Washington Water Trust intends to protect this trust water right as instream flow in the South Fork Cowlitz Creek to the Pacific Ocean with authority to do so granted by contract, Exhibit D.

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.

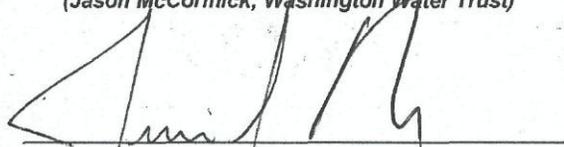
8. Signatures:

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.



(Jason McCormick; Washington Water Trust)

10 / 04 / 2011
(Date)



(Jennifer Quan
Washington State Department of Fish and Wildlife)

10 / 12 / 2011
(Date)

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

ADDITIONAL SIGNATURES REQUIRED SECTION _____ IS INCOMPLETE

OTHER/EXPLANATION: _____

STAFF: _____ DATE: ___ / ___ / ___