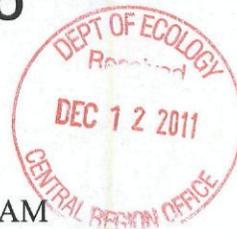




# STATE OF WASHINGTON APPLICATION TO ENTER A WATER RIGHT INTO THE TRUST WATER RIGHT PROGRAM



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 -- Resource management/mitigation for issuance of new groundwater permit (RCW 90.44.055).

Portion of the identified existing water right

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

<b>FOR OFFICE USE ONLY</b>	
FILE No. <u>C64-030317CL</u> WRIA <u>37</u>	<i>Yakima</i>
DATE ACCEPTED <u>12/19/2011</u> BY <u>[Signature]</u>	
FEE \$ <u>[Signature]</u> REC'D <u>12/12/2011</u>	
CHECK No. <u>[Signature]</u>	
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 Borton & Sons, Inc. ATTN: Mr. Malcolm Hanks	PHONE NO. (509) 966-3905	FAX NO. ( )
ADDRESS 2550 Borton Road		
CITY Yakima	STATE WA	ZIP CODE 98903

CONTACT NAME (IF DIFFERENT FROM ABOVE) Lawrence E. Martin and Paul C. Dempsey / Velikanje Halverson P.C.	PHONE NO. (509) 248-6030	FAX NO. (509) 453-6880
ADDRESS 405 East Lincoln		
CITY Yakima	STATE WA	ZIP CODE 98907

## 2. Water Right Information:

WATER RIGHT OR CLAIM NUMBER G4-030317	RECORDED NAME(S) Borton & Sons, Inc.
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 type="checkbox"/> NO	
* See attached Exhibit "A," November 2010 Report of Examination (YAKI-06-07) and Ecology's February 11, 2011, change authorization under CG4-WRC030317, confirming validity and extent (50 gpm, 61.1 AF/y).	

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.

<i>C64-WRC 030317 Ch Ros 02-11-2011 YAKI-06-07</i>	
<b>FOR OFFICE USE ONLY</b>	
WATER RIGHT NO. _____	FILE (contract) NO. _____
<i>C64 030317 CL</i>	
<i>PERM DONATION</i>	

**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 checked="" type="checkbox"/> Other, Explain below:

Applicant proposes to donate the subject groundwater right in its entirety to the Trust Water Rights Program as a resource management technique (RCW 90.44.055) in full and complete mitigation for the issuance of a new groundwater permit, an application for which is being filed with Ecology concurrently herewith.

Name of funding source(s): **N/A**

**WATER RIGHT DESCRIPTION \***

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

**A. Existing**

SOURCE	NO.	¼	¼	SEC.	TWP.	RGE.	PARCEL #	WELL TAG #
Groundwater	1	SE	NE	4	12	17	171204-14012	AFL770
	2*	SE	NE	4	12	17	171204-14012	N/A

\* Approved pursuant to Ecology Change Authorization CG4-WRC030317 (2011), but not drilled.

*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. 7 (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
Domestic 3 Houses, Warehouse, Labor Camp, Spray Water, Yard Lawns for the Houses, Camp & Warehouse	50 gpm	61.1	Year-round domestic and warehouse/industrial use; seasonal (April 1 - September 15) lawn irrigation.

**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
Preservation of groundwater resources / Instream flow enhancement.	61.1

**6. Place of Use:**

**A. Existing:**

LEGAL DESCRIPTION OF LANDS WHERE WATER IS PRESENTLY USED:							
Portions of the E ½ NE ¼ Section 4 (Parcel Nos. 171204-14006, 14012, 14013, 14014, 14015, 14016 and 11001) all lying within T. 12N., R. 17 E.W.M., as well as portions of the S ½ SW ¼ Section 34 (Parcel Nos. 171334-33001 and 34406), lying within T. 13N., R. 17 E.W.M.							
¼	¼	SEC.	TWP.	RGE.	COUNTY	PARCEL #	# OF ACRES
				17E	Yakima	See above	134

DO YOU OWN ALL THE LANDS IN THE EXISTING PLACE OF USE?  YES  NO – IF NO, PROVIDE OWNER(S) NAME:  
 All above-described lands are owned by Applicant, EXCEPT Parcel No.171334-34406 (Borton Enterprises, L.L.C., the ownership and control in which is held by Borton family members who also own and manage the Applicant corporation) and Parcel No. 171204-14006 (William R. Borton).

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

6. Place of Use (continued)

B. Proposed:

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

Ellensburg Aquifer and hydraulically connected surface water sources in the Yakima River Basin.

7. Remarks and Other Relevant Information:

POD locations:

(1) 1680' south and 150' west of the NE corner S. 4, T. 12N., R. 17 E.W.M.

(2) 450' north and 300' west of the E quarter corner S. 4, T. 12N., R. 17 E.W.M. (authorized by CG4-WRC030317, but not drilled).

The herein TWRP Application is being made in connection with and expressly contingent upon approval of Applicant's companion application for a new groundwater permit on terms and conditions set forth therein. As such, Applicant reserves all rights to withdraw the instant TWRP Application (or alternately, to withdraw the subject groundwater right from TWRP if accepted therein) unless and until such time as the companion application for a new water right is finally and irrevocably granted on terms satisfactory to Applicant.

Applicant wishes to participate in Ecology's Cost-Reimbursement Program for expedited processing of the instant TWRP Application, as well as the companion new water right application.

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.

John E. Borton
(Applicant)

12/06/11
(Date)

John E. Borton, Secretary-Treasurer Borton & Sons, Inc. (land owner and water right owner; Manager/Member of Borton Enterprises, L.L.C. (land owner)

William R. Borton
(Land Owner(s) & Water Right Holder)

12/06/11
(Date)

William R. Borton, Chairman/President Borton & Sons, Inc. (land owner and water right owner; Manager/Member of Borton Enterprises, L.L.C. (land owner); and individual land owner of Parcel No. 171204-14006

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:

STAFF: DATE: