DEPARTMENT OF ECOLOGY
State of Washington

# Application for Change/Transfer of Water Right

Space For Ecology Use (Date Stamp)

12 APR -9 A9:00

DEPT. OF ECOLOGY
FISCAL & BUDGET

**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 04-09-2012
CHECK NO. 78158 FEE $ 932.50
DATE ACCEPTED 04-20-2012 BY
CHANGE NO. CS4-00477sb11i@1
COUNTY KITT WRIA 39
SPECIAL AREA
SEPA: ☐ EXEMPT ☐ NOT EXEMPT
ECY CODING: 001-002-WR10285-000011
APP NO. PERMIT NO.
CERT NO. CERT OF CHG NO.

*(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: To permanently change POU of the subject water right, as well as Applicant's other Manastash Creek water rights, under separate applications filed herewith.

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

☒ **I have participated in a pre-application conference with Ecology.** Applicant has consulted informally with Ecology Central Region Water Resources staff concerning the instant Application and has worked extensively with staff concerning prior judicial and administrative applications concerning all nine of Applicant's Manastash Creek water rights in connection with the ongoing Manastash Creek Restoration Project.

## 1. Applicant Information

| APPLICANT/BUSINESS NAME | PHONE NO. | FAX NO. |
|---|---|---|
| Harrell & Sons Farms, LLC | 509.248.6030 | 509.453.6680 |
| ADDRESS<br>c/o Lawrence E. Martin, Esq. and Paul C. Dempsey, Esq.<br>Velikanje Halverson P.C.<br>P.O. Box 22550 | | |
| CITY<br>Yakima | STATE<br>WA | ZIP CODE<br>98907 |
| EMAIL ADDRESS (IF AVAILABLE)<br>lmartin@vhlegal.com pdempsey@vhlegal.com | | |

| LEGAL LAND OWNER or PART OWNER OF PROPOSED PLACE OF USE | PHONE NO. | FAX NO. |
|---|---|---|
| Harrell & Sons Farms, LLC | | |
| ADDRESS<br>3121 Hanson Road | | |
| CITY<br>Ellensburg | STATE<br>WA | ZIP CODE<br>98926 |
| EMAIL ADDRESS (IF AVAILABLE) | | |

## 2. Water Right Information

| WATER RIGHT OR CLAIM NUMBER | RECORDED NAME(S) |
|---|---|
| Court Claim No. 00477 (June 30, 1878) | Harrell & Sons Farms, LLC |

DO YOU OWN THE RIGHT TO BE CHANGED? ☒ YES ☐ NO

IF NO, PROVIDE OWNER(S) NAME and ADDRESS:

HAS THE WATER BEEN PUT TO BENEFICIAL USE IN THE LAST FIVE (5) YEARS? ☒ YES ☐ NO Ref: *Report of Examination*, Department of Ecology Change Authorization CS4-00477CTCL@6.

***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:

CS4-00477sb11i@1

J4-83513-J ;

### A. Existing

| SOURCE | NO. | ¼ | ¼ | SEC. | TWP. | RGE. | PARCEL # | WELL TAG # |
|---|---|---|---|---|---|---|---|---|
| Manastash Creek (MWDA) | | NW | NE | 14 | 17 N. | 17 E. | 17-17-14010-0011 | N/A |

### B. Proposed

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

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

EXISTING: ☐ YES ☒ NO PROPOSED: ☐ YES ☒ NO – IF NO, PROVIDE OWNER(S) NAME: Scot M. Reeves, *et ux.* / Manastash Water Ditch Association

***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 80 acres | 1.84 cfs April 1 - June 30; 0.92 cfs March 1 - March 31 and July 1 - October 31 | 626.8 | March 1 through October 31 |

### B. Proposed

| PURPOSE OF USE | GPM or CFS | ACRE-FT/YR | PERIOD OF USE |
|---|---|---|---|
| Same | | | |

## 5. Place of Use:

### A. Existing

**LEGAL DESCRIPTION OF LANDS WHERE WATER IS PRESENTLY USED:**

The NW ¼ SE ¼, SE ¼ NE ¼ and N ½ NE ¼ SE ¼ of Section 5, T. 17 N., R. 18 E.W.M.

| ¼ | ¼ | SEC. | TWP. | RGE. | COUNTY | PARCEL # | # OF ACRES |
|---|---|---|---|---|---|---|---|
| | multiple | 5 | 17 N. | 18 E. | Kittitas | 17-18-05040-0004; 17-18-05010-0001 | 80 |

DO YOU OWN ALL THE LANDS IN THE EXISTING PLACE OF USE? ☒ YES ☐ NO

IF NO, PROVIDE OWNER(S) NAME:

### B. Proposed

**LEGAL DESCRIPTION OF LANDS WHERE NEW USE IS PROPOSED:**

Within Township 17 N., Range 18 E., WM:

Within Section 5: Gov Lots 3 & 4, and the NE ¼, and the S ½ of the NW ¼, and the N ½ and SW ¼ of the SW ¼ plus that portion of the SE ¼ of the SW ¼ north of Hanson Rd, and the NW ¼ of the SE ¼ and the N ½ of the NE ¼ of the SE ¼ plus that portion of the SW ¼ of the SE ¼ north of Hanson Rd.; and

The SE ¼ of Section 6; and

The NE ¼ NE ¼ NE ¼ of Section 7; and

Within Township 18 N., Range 18 E., WM:

The S ½ SE ¼ of Section 32.

| ¼ | ¼ | SEC. | TWP. | RGE. | COUNTY | PARCEL # | # OF ACRES |
|---|---|---|---|---|---|---|---|
| | multiple | 5 | 17 N. | 18 E. | Kittitas | 17-18-05010-0001 | 698.3 |
| NE | SE | 6 | 17 N. | 18 E. | Kittitas | 17-18-05020-0001 | |
| NE | NE | 7 | 17 N. | 18 E. | Kittitas | 17-18-05040-0004 | |
| S ½ | SE | 32 | 18 N. | 18 E. | Kittitas | 17-18-06010-0001 | |
| | | | | | | 17-18-07010-0001 | |
| | | | | | | 18-18-32040-0007 | |
| | | | | | | 18-18-32040-0010 | |

DO YOU OWN ALL THE LANDS IN THE PROPOSED PLACE OF USE? ☒ YES ☐ NO

IF NO, PROVIDE OWNER(S) NAME: _____

***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): Claim No. 00477 (multiple overlapping rights), plus supplemental KRD rights. See *Report of Examination*, Department of Ecology Change Authorization CS4-00477@6 ("Other Rights Appurtenant to Place of Use," p. 8.

## 6. Remarks and Other Relevant Information:

1. Applicant's POD is the consolidated MDWA diversion on Manastash Creek: 500' south and 150' east of the north quarter corner of Section 14, being within the NW ¼ NE ¼ S. 14, T. 17 N., R. 17 E.W.M.

2. This Application is being submitted with eight (8) other companion applications to address Applicant's Manastash Creek irrigation rights under Court Claim Nos. 00657 and 00457, all of which have separately defined, but generally contiguous – and in some cases, partially overlapping – places of use on lands lying north of the Creek and south and east of the mainstem Yakima River. Together, these applications seek permanent recognition and approval of a single, common place of use for all of these rights, consistent with the *Acquavella* Court's February 9, 2012, Order *Pendente Lite* Re: Temporary Change in Places of Use, a copy of which is attached hereto. The proposed place of use described in Section 5.B. is identical to the exterior boundaries of the (pre-Order) aggregated places of use for all nine water rights. Applicant does not seek to transfer water to any lands that have not already been designated as places of use under at least one of the subject water rights.

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.*

***Harrell & Sons Farms, LLC, Applicant***

Clarence E. Harrell — 3/30/2012
***By Clarence E. Harrell, Manager*** — ***(Date)***

***Harrell & Sons Farms, LLC, Water Right Holder***

Clarence E. Harrell — 3/30/2012
***By Clarence E. Harrell, Manager*** — ***(Date)***

***Harrell & Sons Farms, LLC, Land Owner – Existing POU***

Clarence E. Harrell — 3/30/2012
***By Clarence E. Harrell, Manager*** — ***(Date)***

***Harrell & Sons Farms, LLC, Land Owner – Proposed POU***

Clarence E. Harrell — 3/30/2012
***By Clarence E. Harrell, Manager*** — ***(Date)***

| ***Submit your application to:**<br>DEPARTMENT OF ECOLOGY<br>CASHIERING SECTION<br>PO BOX 47611<br>OLYMPIA, WA 98504-7611 | ☒ Central Regional Office<br>15 W Yakima Avenue, Suite 200<br>Yakima, WA 98902<br>(509) 575-2490 | ☐ Eastern Regional Office<br>4601 N. Monroe Street<br>Spokane, WA 99205-1295<br>(509) 329-3400 |
|---|---|---|
| | ☐ Northwest Regional Office<br>3190 – 160th Avenue SE<br>Bellevue, WA 98008-5452<br>(425) 649-7000 | ☐ Southwest Regional Office<br>PO Box 47775<br>Olympia, WA 98504-7775<br>(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 _____ IS INCOMPLETE

☐ OTHER/EXPLANATION:_____

***STAFF:*** _____ ***DATE:*** ____/____/____