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

WASHINGTON STATE DEPARTMENT OF ECOLOGY

DEPT OF ECOLOGY Received APR 30 2012 CENTRAL REGION OFFICE

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

FOR OFFICE USE ONLY Kiso

FILE No. CS4-00982sb11c **WRIA** 39

DATE ACCEPTED 05 / 15 / 2012 **BY** O

FEE $ O **REC'D** 04 / 30 / 2012

CHECK No. O

SEPA: ☐ **Exempt** ☐ **Not exempt**

(Check all that apply.)

☐ Lease
☐ Purchase
☐ Donation
☒ Other

Explain: Cost-share agreement, sprinkler conversion

X 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	PHONE NO.	FAX NO.
Circle Lazy H, Inc. Sprinkler Conversion Project	(509) 925-6916	(509) 962-8093
ADDRESS c/o Jeff Slothower Lathrop, Winbauer, Harrel, Slothower & Denison L.L.P P.O. Box 1088	jslothower@lwhsd.com	
CITY Ellensburg	STATE WA	ZIP CODE 98926

CONTACT NAME (IF DIFFERENT FROM ABOVE)	PHONE NO.	FAX NO.
ADDRESS		
CITY	STATE	ZIP CODE

2. Water Right Information:

WATER RIGHT OR CLAIM NUMBER	RECORDED NAME(S)
Adjudication Court Claim No. 00982	Brent Mellergaard

DO YOU OWN THE RIGHT? XYES NO IF NO, PROVIDE OWNER(S) NAME and ADDRESS:

HAS THE WATER BEEN PUT TO BENEFICIAL USE IN THE LAST FIVE (5) YEARS? X YES ☐ NO
ARE WATER DIVERSIONS/WITHDRAWALS OF THIS WATER RIGHT METERED OR MEASURED? Yes

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.

COURT CLAIM 00982
SUB 11 MANASTASH
06-30-1877 = S4-83551-J = C

FOR OFFICE USE ONLY

WATER RIGHT NO. _____ FILE (contract) NO. _____

CS4-00982sb11c

6-30-1877 = C

☐ Alteration in method of diversion	☐ Alteration in water use/ irrigated acreage
☐ Alteration in method of delivery/conveyance	☐ Nonuse of one or more points of diversion
☒ Alteration in method of water application	☒ Nonuse of all or a portion of the named water right
☐ Alteration in type of crop	☐ Other, Explain below:
Name of funding source(s): Kittitas County Conservation District's Bonneville Power Administration Manastash Instream Flow Grant	

WATER RIGHT DESCRIPTION *

4. Point(s) of Diversion/Withdrawal:

A. Existing

SOURCE	NO.	¼	¼	SEC.	TWP.	RGE.	PARCEL #	WELL TAG #
Manastash Creek		**NW**	**NE**	**14**	**17N**	**17**		
550 feet south and 650 feet east from the north quarter corner of Section 14, being within the NW1/4 NE1/4 of Section 14, T. 17 N., R. 17 E.W.M.								

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
Claim N0. 00982 (irrigation of 40 acres)	**1.17 cfs** **0.585 cfs**	**356.4**	April 1 – June 30 July 1 – 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
The portion of the water right to be placed in trust is to be used exclusively for instream flows for fish maintenance and enhancement, recreational uses and preservation of environmental and aesthetic values as allowed under Chapters 90.03 and 90.38 RCW. The portion of the water right to be placed in trust and not diverted is described at paragraph 7.2 below. The portion of the water right that will continue to be diverted is described at paragraph 7.3 below.	184.52 AF/y at full water right allotment.

6. Place of Use:

A. Existing:

LEGAL DESCRIPTION OF LANDS WHERE WATER IS PRESENTLY USED:							
The NE1/4 of Section 17, T. 17 N., R. 18 E.W.M.							
¼	¼	SEC.	TWP.	RGE.	COUNTY	PARCEL #	# OF ACRES
	NE	17	17 N.	18 E.	Kittitas	17-18-16020-0002 17-18-16000-0002 17-18-16000-0003	40

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

						17-18-16000-0011 17-18-16000-0013 17-18-16000-0012 17-18-16000-0014 17-18-16000-0026 17-18-16000-0027 17-18-16000-0028 17-18-16000-0029 17-18-16000-0030	

DO YOU OWN ALL THE LANDS IN THE EXISTING PLACE OF USE? ☒ YES ☐ 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
Manastash Creek instream flow enhancement.

7. Remarks and Other Relevant Information:

7.1

This sprinkler conversion project and associated trust application is part of the Manastash Creek Restoration Project, which is working to improve fish habitat for listed Mid-Columbia summer steelhead, as well as other salmonids and resident fish species, by providing fish passage and fish screening and enhancing instream flow in Manastash Creek. The project is working to open 25 miles of fish habitat in the Creek by providing fish passage and screening for seven irrigation diversions and by improving instream flow in a 3-mile stretch of Creek that is seasonally dry. The Manastash Creek Restoration Project "Implementation Plan" details improvements to instream flow conditions in Manastash Creek through voluntary water conservation and acquisition projects.

The Applicant, through a cost share agreement with KCCD, will upgrade from rill irrigation to a more efficient corner pivot sprinkler system. The saved water from the conversion will be trusted in perpetuity to the Washington Trust Water Right Program for instream flow enhancement in Manastash Creek. Currently, the Applicant utilizes rill irrigation to irrigate a 76.04-acre section of Timothy hay on their property. Approximately 59.35 acres will be converted to a pivot sprinkler; approximately 16.69 acres will remain in rill irrigation. The 76.04-acre section of land does have supplemental water rights from the Kittitas Reclamation District (KRD).

For this project, the Applicant proposes to trust the following amounts listed below when the full instantaneous rates are available. Additional pro-rationing of trust water can occur as Creek flows recede. There are two separate water rights and trust applications associated with this sprinkler conversion project. This trust application involves a water right where the place of use is not located where the sprinkler conversion project is located; the applicant has offered this trust amount as additional cost-share compensation.

7.2 Applicant's Trust Water

Claim 00982: 5th class water right, 1877

April 1st – June 30th	0.61 cfs	110.10 ac/ft
July 1st – October 31st	0.305 cfs	74.41 ac/ft
Total 3rd class		**184.52 ac/ft**

Source: Manastash Creek
Use: Instream Flow
Period of use: April 1st through October 31st in perpetuity
Quantity: 184.52 AF/y at full water right allotment.
Priority Date: June 30, 1877
Place of Use: Manastash Creek downstream from the Keach Jensen point of diversion to the confluence with the Yakima River.

7.3 Applicant's Post-Project Irrigation Use

Claim 00982: 5th class water right, 1877

Source: Manastash Creek
Purpose of Use: Irrigation of 40 acres
Period of use: April 1 through October 31 for irrigation
Annual Quantity: 171.88 AF/y for irrigation
Priority Date: June 30, 1877
Point of Diversion: 550 feet south and 650 feet east from the north quarter corner of Section 14, being within the NW ¼ NE ¼ of Section 14, T. 17 N., R. 17 E.W.M.

PURPOSE OF USE POST PROJECT	GPM or CFS	ACRE-FT/YR	PERIOD OF USE
Claim No. 00982 (irrigation of 40 acres)	0.56 cfs 0.28 cfs	171.88	April 1 – June 30 July 1 – October 31

7.4 Construction Schedule

It is anticipated that the completion of the Mellergaard Brothers, LLC sprinkler project will take place prior to the 2013 irrigation season. We request a construction schedule for implementation of this project for the 2014 irrigation season to ensure completion and testing of the new irrigation system.

7.5 Trust Application Attachments

Water Right Claim, 00982

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, P.O. 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.

Brent Mellergaard — 4/27/12
(Circle Lazy H, Inc., Applicant) *(Date)*

Brent Mellergaard — 4/27/12
(Brent Mellergaard, Water Right Holder) *(Date)*

Brent Mellergaard — 4/27/12
(Brent Mellergaard, Land Owner 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:_____

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