



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. <u>CS4-009505b11eb</u>	WRIA <u>39</u>
DATE ACCEPTED <u>11/28/2012</u>	BY <u>Kitt</u>
FEE \$ <u>0</u>	REC'D <u>10/24/2012</u>
CHECK No. <u>0</u>	
SEPA: <input type="checkbox"/> Exempt	<input type="checkbox"/> Not exempt

(Check all that apply.)

- Lease
- Purchase
- Donation
- Other

Explain: Diversion Reduction Agreement

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 Manastash Water Ditch Association (MWDA) Pipeline Project		PHONE NO. (509) 925-6916	FAX NO. (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 Adjudication Court Claim No. 00950 A (03025)	RECORDED NAME(S) Manastash Water Ditch Association
DO YOU OWN THE RIGHT? X YES 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 <input type="checkbox"/> 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 00950 SUB 11 MANASTASH 0630-1872	CF0 = 54-83496-J FOR OFFICE USE ONLY WATER RIGHT NO. <u>CS4-009505b11eb</u> FILE (contract) NO. _____
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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 checked="" 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): Kittitas County Conservation District's Bonneville Power Administration Manastash Instream Flow Grant, Department of Ecology, NRCS's AWEP.	

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	215133	
500 feet south and 150 feet east of the north quarter corner of Section 14, being within the NW1/4NE1/4 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
MWDA	22.151 cfs		April 1 – April 30
Irrigation of 2191 acres	21.661 cfs		May 1 - May 9
	20.931 cfs		May 10 – June 15
	21.711 cfs		June 16 – June 30
	11.321 cfs		July 1 – September 30
	11.681 cfs	6,659.52	October 1 – October 31
			Per year
Stock water	13.98 cfs	118.2	November 1 – March 31
			Per year
MWDA Trust Water Right A (High Valley Water Company, CS4-00950CTCLsb11)	2.8 cfs		April 1- June 30
	1.4 cfs	844.23	July 1 – October 31
			April 1 – October 31
MWDA Trust Water Right B (3 Bar G, CS4-00950CTCsb11@2)	1.21 cfs		April 1- April 30
	1.7 cfs	254.8	May 1 – June 15
	0.92 cfs		June 15 – 30
			April 1 – June 30
MWDA Trust Water Right D (High Valley Water Company, CS4-00950CTCsb11@4)	1.799 cfs		April 1 – June 30
	.899 cfs	543.121	July 1 – October 31
			April 1 – October 31
MWDA Trust Water Right C (Mountain Spring Farm, CS4-00950CTCsb11@3)	0.73 cfs		May 10 – June 30
	0.36 cfs	139.54	July 1 – September 30
			May 10 – September 30

* 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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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.	571.3156 AF/y of conveyance at full water right allotment. 16.0752 AF/y of consumptive at full water right allotment.

6. Place of Use:

A. Existing:

LEGAL DESCRIPTION OF LANDS WHERE WATER IS PRESENTLY USED:							
Beginning at a point approximately 1320 feet south and 50 feet west from the northeast corner of Section 11, T. 17 N., R. 17 E.W.M. at the intersection of Richards County Road and the Manastash Ditch; thence proceeding in a generally northerly direction along the Manastash Ditch to the northwest corner of the southwest ¼ of Section 1, T. 17 N., R. 17 E.W.M., in the County of Kittitas, State of Washington; Thence north to the northwest corner of Section 36, T. 18 N., R. 17 E.W.M., said County and State, thence east along the Robinson Canyon County Road to the intersection with the Manastash Ditch; thence in a generally northerly direction along the alignment of said ditch to the intersection with the West Side Canal lying within the northeast ¼ of Section 25, T. 18 N., R. 17 E.W.M., said County and State; thence in a generally southeasterly direction along the alignment of West Side Canal to the intersection with Robinson Canon County Road; thence easterly along said Robinson Canyon County Road to the northeast corner of the northwest ¼ of the northeast ¼ of Section 31, T. 18 N., R. 18 E.W.M., said County and State; thence south approximately 1320 feet; thence west to the intersection of the West Side Canal; thence following said canal in a generally southerly direction to a point where it intersects with Weaver County Road; thence west on Weaver County Road to the northwest corner of Section 5, T. 17 N., R. 18 E.W.M., said County and State; thence south along the section line approximately 100 feet; thence proceeding along a line approximately south 70° west 1500 feet; thence proceeding along a line in a northwesterly direction approximately 1300 feet to the northeast corner of the southeast ¼ of the northwest ¼ Section 6, T. 17 N., R. 18 E.W.M., said County and State; thence running south approximately 4000 feet to the intersection with Hanson County Road; thence west 1320 feet to southwest corner of the southeast ¼ of the southwest ¼ of Section 6, T. 17 N., R. 18 E.W.M., said County and State; thence north approximately 2640 feet to the northeast corner of the northwest ¼ of the southwest ¼ of said Section 6; thence proceeding on a line due west to the intersection of Cove County Road; thence south along Cove County Road to the intersection with Richardson County Road; thence proceeding west on Richardson County Road to Hatfield Canyon lateral; thence north along the lateral alignment to the corner of the northeast ¼ of the northwest ¼ of Section 12, T. 17 N., R. 17 E.W.M.; thence west to the northwest corner of the northeast ¼ of the northwest ¼ of said Section 12; thence south to Richards County Road; thence west to the point of beginning.							
¼	¼	SEC.	TWP.	RGE.	COUNTY	PARCEL #	# OF ACRES
					Kittitas		2191
DO YOU OWN ALL THE LANDS IN THE EXISTING PLACE OF USE? <input type="checkbox"/> YES <input checked="" 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
Manastash Creek instream flow enhancement.

7. Remarks and Other Relevant Information:

7.1

This pipeline 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 project proposed to pipe approximately 5,700 ft. of MWDA's irrigation and stockwater from the MWDA Consolidated diversion to Hanson Road. The Applicant proposes to trust the saved winter stockwater to the Washington Trust Water Right Program for instream flow enhancement in Manastash Creek in perpetuity. Currently, the Applicant utilizes an earthen, unlined ditch to deliver irrigation and stockwater to 2191 acres.

For this project, the Applicant proposes to trust the following amounts listed below when the full MWDA instantaneous rate is available. The trust water right will be reduced proportionally as Creek flows recede as set forth on Exhibit A.

7.2 Applicant's Trust Water

Claim 00950 A (03025): 2nd class water right, 1872

November 1 st - March 31 st	1.9 cfs	571.3156 AF/y of conveyance water. 16.0752 AF/y of consumptive water.
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Source: Manastash Creek
Use: Instream Flow
Period of use: November 1 – March 31 in perpetuity
Quantity: 571.3156 AF/y at full water right allotment of conveyance water, 16.0752 AF/y at full water right allotment of consumptive water.
Priority Date: June 30, 1872
Place of Use: Manastash Creek downstream from the MWDA point of diversion to the confluence with the Yakima River.

The applicant calculated the applied for trust water rights quantities as follows:

The trust of 1.9 cfs is 13.6% of the original 13.98 cfs stockwater right.

Total Conveyance: $1.99 \times 13.98 \text{ cfs} \times 151 \text{ days} = 4,200.8502$ original conveyance amount

13.6% of 4,200.8502 = 571.3156 conveyance trust amount

$4,200.8502 - 571.3156 = 3,629.5346$ remaining conveyance amount

Original consumptive right 118.2

13.6% of 118.2 consumptive = 16.0752 consumptive trust amount
 $118.2 - 16.0752 = 102.1248$ remaining conveyance amount

7.3 Applicant's Post-Project Irrigation Use

Source: Manastash Creek
Purpose of Use: Irrigation of 2191 acres and stockwater
Period of use: April 1 through October 31 for irrigation and continuous for stockwater.
Annual Quantity: 6584.48 AF/y for irrigation; 3629.5346 AF/y for conveyance stockwater, 102.1248 AF/y for consumptive stockwater.
Priority Date: June 30, 1872
Point of Diversion: 500 feet south and 150 feet east of the north quarter corner of section 14, being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ 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
MWDA Irrigation of 2191 acres	22.151 cfs 21.661 cfs 20.541 cfs 21.321 cfs 11.126 cfs 11.681 cfs	6584.48	April 1 – April 30 May 1 - May 9 May 10 – June 15 June 16 – June 30 July 1 – September 30 October 1 – October 31 Per year
Stock water	12.08 cfs		102.1248 Per year
MWDA Trust Water Right A (High Valley Water Company, CS4-00950CTCLsb11)	2.8 cfs 1.4 cfs	844.23	April 1- June 30 July 1 – October 31 April 1 – October 31
MWDA Trust Water Right B (3 Bar G, CS4-00950CTCsb11@2)	1.21 cfs 1.7 cfs 0.92 cfs		254.8

MWDA Trust Water Right D (High Valley Water Company, CS4-00950CTCsb11@4)	1.799 cfs .899 cfs	543.121	April 1 – June 30 July 1 – October 31 April 1 – October 31
MWDA Trust Water Right C (Mountain Spring Farm, CS4-00950CTCsb11@3)	0.73 cfs 0.36 cfs	139.54	May 10 – June 30 July 1 – September 30 May 10 – September 30
Pending Application MWDA Trust Water Right E (Mountain Spring Farm)	0.39 cfs 0.195 cfs	75.04	May 10 – June 30 July 1 – September 30 May 10 – September 30
This Application MWDA Trust Water Right F (MWDA Pipeline)	1.9 cfs	571.3156 16.0752	November 1 – March 31 Conveyance Consumptive

7.4 Construction Schedule

It is anticipated that the completion of the MWDA pipeline 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 system.

7.5 Trust Application Attachments

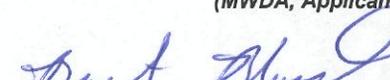
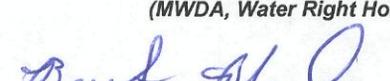
- MWDA Trust chart
- Copy of Court Claim 00950 (A) 03025
- Copy of WDFW's Winter Trust Water Benefits Letter
- Copy of Resolution of the Shareholders of the Manastash Water Ditch Association

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.

 _____ (MWDA, Applicant)	10 / 24 / 2012 (Date)
 _____ (MWDA, Water Right Holder)	10 / 24 / 2012 (Date)
 _____ (MWDA, Land Owner of Existing Place of Use)	10 / 24 / 2012 (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:** ____/____/____