

Turner, Scott (ECY)

From: Aaron Penvose [APenvose@tu.org]
Sent: Tuesday, November 01, 2011 12:31 PM
To: Turner, Scott (ECY)
Subject: Dixon Water Trust

Hi Scott,

See message below regarding the Dixon Trust Application. Thanks for calling on this and I appreciate that you are working on it. Please let me know how I can help.

Regards,

Aaron

Aaron Penvose
Project Manager
TU- Washington Water Project
103 Palouse St. Suite 14
Wenatchee, WA 98801

w. 509.888.0970
c. 509.881.7689
e. apenvose@tu.org

From: cosmicgrace@nvinet.com [<mailto:cosmicgrace@nvinet.com>]
Sent: Tuesday, November 01, 2011 11:40 AM
To: Aaron Penvose
Subject: dixn bank extension

Hi Aaron

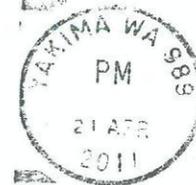
Please be our agent in extending our application to deposit our water claim, as it now stands in the application, to the safety of the water trust. In order to be certain that all details can be finished properly, please make the extension for 2 years, till the year 2013, so long as we can remove it with proper notice, if needed.

Thank you very much

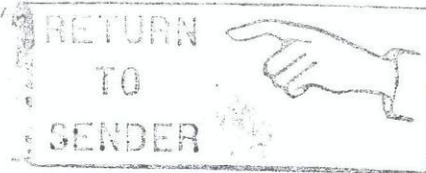
Donald and Joanne Dixon



State of Washington
DEPARTMENT OF ECOLOGY
15 W Yakima Ave, Ste 200
Yakima, WA 98902-3452



DONALD & JOANNE DIXON
PO BOX 1607
OROVILLE WA 98844-1607



RECEIVED UTP

APR 27 2011

DEPARTMENT OF ECOLOGY - CENTRAL REGIONAL OFFICE

ASSESSOR	CURRENT_OW	MAIL_2	MAIL_3	ZIP
8814610102P				
8814610102P				
8814610201				
8814610401				
8814610101				
8814610300	CLINE, DALE & BARBARA	PO BOX 1901	OROVILLE, WA	98844-
4028190007	ROULET, MARGARET	PO BOX 179	OROVILLE, WA	98844-
4028190006	EGERTON, MARC & STACY	PO BOX 691	OROVILLE, WA	98844-

no owner data available for
5 parcels in POU via
parcel coverage or
assessors website

24

20

CLINE, DALE & BARBARA

ROBERT, MARGARET

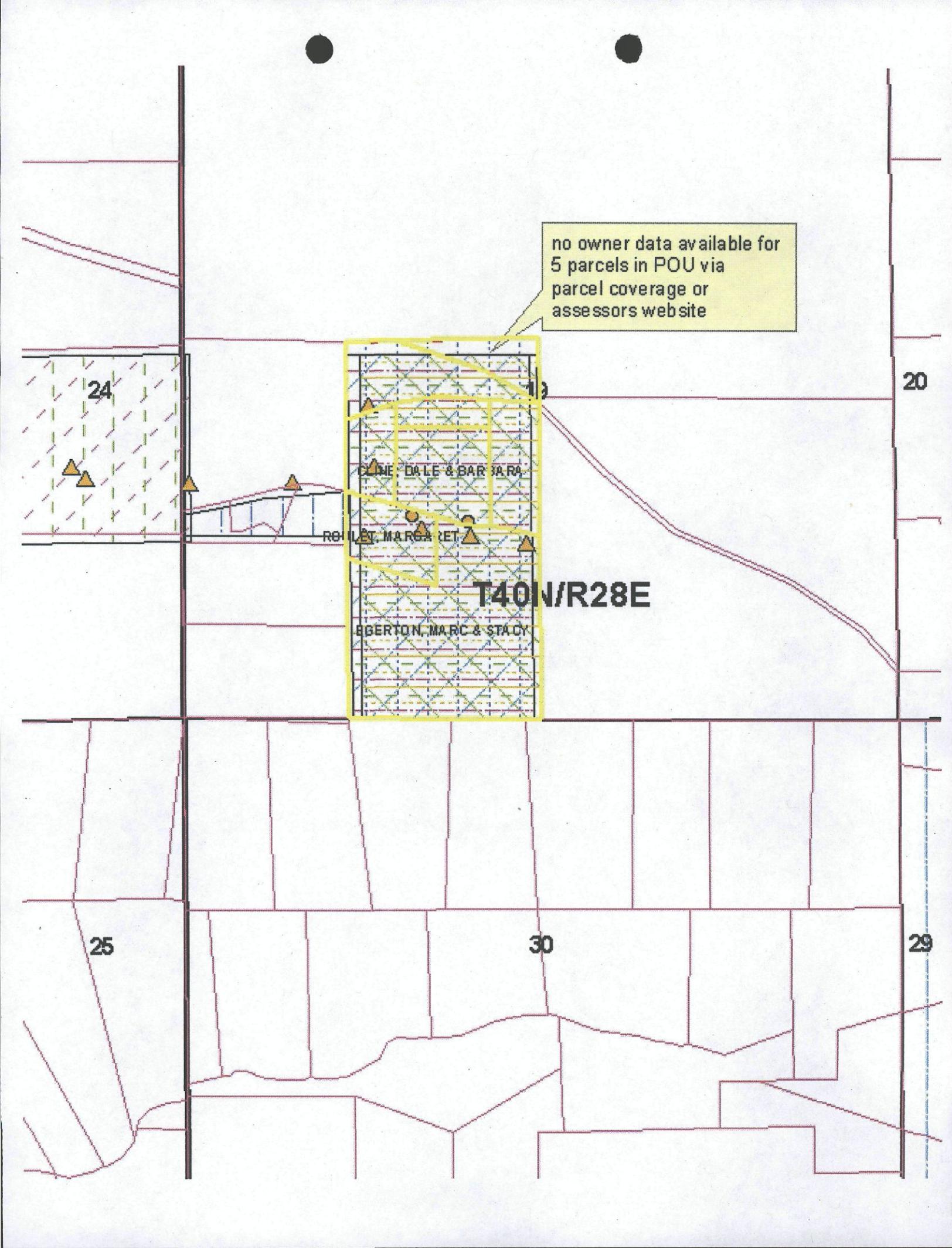
T40N/R28E

EBERTON, MARC & STACY

25

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29





Memorandum

To: Debra Kroon, Department of Ecology, Water Resources Program
CC:
From: Trout Unlimited
Date: April, 15th, 2011
Re: Trust Water Right Application CS4-CCV1-4P264

DIXON APPLICATION TO TRANSFER WATER RIGHT CS4-CCV1-4P264 TO TRUST WATER RIGHTS PROGRAM

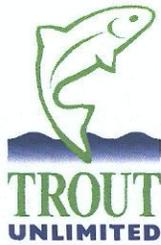
Donald and Joanne Dixon have filed an application to donate a portion of their water right, CS4-CCV1-4P264 to the Trust Water Rights Program for instream flow for the 2011 irrigation season. The underlying water right is WRC No. 95422. As explained in the letter submitted to Ecology when the application was filed, the Dixons sold 5 acres of property across and to the south of Chesaw Road in 2007. The portion of the Dixon's water right that had been appurtenant to the 5 acres was reserved from the sale to Marc and Stacy Egerton in accordance with a Termination Agreement between the Dixons and Egertons, and a subsequent Purchase and Sale Agreement between the parties.

The Termination Agreement, para 3.2, stated:

Simultaneously with signing this termination Agreement, the Buyer [Egertons] and Seller [Dixons] shall execute a new Purchase and Sale Agreement regarding Tax Parcel No. 4028190006, wherein Seller agrees to sell said property to Buyer for the sum of \$25,000, without water rights arising from WRC 95442 (Certificate of Change Vol. 1-4, p. 264, 716966 and CS4-CCV1-4P264); provided, however, Buyer shall be entitled to all rights that may arise pursuant to the exempt well statute, RCW 90.44.050 relating to Unique Well ID Tag No. AHT 545.

As a result of this Agreement and the subsequent Purchase and Sale Agreement, Egertons have no interest in the Dixon water right and their signatures are not required for the donation of a portion of the right to trust.

RECEIVED
APR 19 2011
DEPARTMENT OF ECOLOGY - CENTRAL REGIONAL OFFICE



Aaron Penvose

Washington Water Project - Project Manager

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STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

15 W Yakima Ave, Ste 200 • Yakima, WA 98902-3452 • (509) 575-2490

March 3, 2011

Donald and Joanne Dixon
c/o Aaron Penrose, Trout Unlimited
103 Palouse Street, Suite 14
Wenatchee WA 98801-2251

Re: Water Right Change Application CS4-CCV1-4P264, Donald & Joanne Dixon

Dear Mr. Penrose:

We are returning your application for the following reasons:

- The applicant (or authorized representative) and each landowner within the place of use, if different than the applicant, must sign and date the application.
- Each legal owner or part owner of the land where the water will be used must sign and date the application and provide an address, if different from the applicant.

According to our records of parcel ownership, the following persons/entities own land within the existing or proposed place of use and has not signed the application:

1. Please see attached list for names and addresses.

In lieu of signature(s) of the above, Ecology may accept clear documentation by Court Decree, property transfer deed, divorce decree, or other document(s) showing that a property owner has no ownership or interest in the water right.

You will retain your priority date of February 18, 2011 and no requirement of additional fees, if you return your application and all the above-requested information by April 18, 2011 to the following address:

Department of Ecology
Water Resources Program
Attn: Debra Kroon
15 W. Yakima Avenue, Suite 200
Yakima WA 98902-3452

If you have any questions, please contact Teresa Mitchell at 509-575-2597.

Sincerely,

Helen Decoto, Water Resources Program
110304

Enclosure: Water Right Change Application (application only) & Ownership List

FILE COPY





February 16, 2011

Scott Turner
Washington Department of Ecology
15 West Yakima Avenue, Suite 200
Yakima, WA 98902-3452

RECEIVED
FEB 18 2011
DEPARTMENT OF ECOLOGY - CENTRAL REGIONAL OFFICE

RE: Trust Water Right Application for CS4-CCV1-4P264

Dear Scott:

Attached to this letter is a Trust Water Right Application for a water right owned by Donald and Joanne Dixon of Oroville, WA. The intention of this donation to the Trust Water Rights Program is to protect the water as an instream flow right for the 2011 irrigation season. The landowner does not have plans to use the water during the coming irrigation season and wants to protect the water for use as instream flow in Tonasket Creek.

Water Right

The underlying water right, Water Right Claim #095442, authorized the diversion of 3.0 cfs from Tonasket Creek for the irrigation of 30 acres. The water right is located in Okanogan County and is appurtenant to property in the E1/2 SW ¼, Sec.19, T. 20N., R28 E.W.M. The specific parcels numbers are identified in the attached documents: water rights, property deeds, assessor tax records and the Trust Water Rights Application.

A 1985 Certificate of Change approved two additional points of diversion and a total of 1.0 cfs (450 gpm) for livestock water and irrigation of up to 30 acres. This diversion was authorized provided that the flow in Tonasket Creek was more than 0.25 cfs (112 gpm). If the flow was 0.25 cfs or less, the authorized diversion was reduced to 0.60 cfs.

In 2003, the Dixons applied for a Change in Point of Diversion from the three Tonasket Creek surface points of diversion established by the previous property owner to one well-ACL #400, for irrigation and stock water. In reviewing the change application, the Okanogan County Conservancy Board determined that another property owner within the place of use of the claim was entitled to 1/6 of the water under the claim. Accordingly, Certificate of Change, CS4-CCV1-4P264 authorized the Dixons to withdraw 0.833 cfs (375gpm), 0.5 cfs non-interruptible (225 gpm) and 0.333 (150 gpm) interruptible, for the irrigation of 25 acres and water for livestock. Ecology determined that there was hydraulic continuity between ground and surface water of Tonasket Creek. The priority date of this water is May of 1905.



Water Quantity for Transfer to Trust

The Dixon's water right originally included the irrigation of 5 acres south of the Chesaw Road. This property was sold in 2007 and the water right on the 5 acres was reserved from the sale of the land. The Dixons continued to irrigate the remaining 20 acres under the water right for a total of 67.02 acre-feet per year. In 2009, the Dixons subdivided their property into 4 lots. See Okanogan Short Plat No. 2009-07. The Dixons filed a Water Well Maintenance Declaration ("Declaration") applicable to Short Plat No. 2009-07. The Declaration restricted the irrigation water among the four lots. Each lot is entitled to 1.117 acre-feet per year of non-interruptible water and 4.446 acre-feet per year of interruptible water for a total of 5.563 acre-feet of water for irrigation per lot. The Dixons have sold Lot 3 to Dale Cline. They intend to sell Lot 2 and Lot 4, while retaining Lot 1. The water right retained by the Dixons is 67.02 acre-feet per year - 16.69 acre-feet per year = 50.33 acre-feet per year. The Dixons have also agreed to restrict their water use on Lot 1 to 5.563 acre-feet per year. The total water to be placed in Trust, is $50.33 \text{ acre-feet per year} - 5.563 = 44.77 \text{ acre feet}$.

Attachments

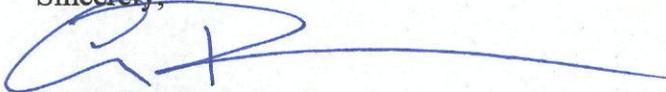
Please find attached:

- 1) **Trust Water Right Application**
- 2) **Water Right Claim**
- 3) **Okanogan County Assesor Record with Property Deeds**
- 4) **Aerial Photographs**
- 5) **Water Well Report**

This donation could improve conditions for salmonids of Tonasket Creek, a critical tributary. This water in the Trust Water Rights Program will help to augment flows. Increased use of ground and surface water supplies in watersheds of Washington State has an impact on fisheries and this donation will contribute to improving the flow regime. This project will temporarily put water in Trust, creating a benefit for fish and wildlife. Since this donation is providing increased habitat for fish we ask that you expedite processing under WAC 173-152-050(3) (a).

Thank you for your attention to this Trust Water Right Application and should you need any further information, please do not hesitate to contact me. In addition, please contact me directly with any correspondence related to this application.

Sincerely,



Aaron Penvose
TU-Washington Water Project
103 Palouse St. #14
Wenatchee, WA 98801

Cc: Donald and Joanne Dixon