



Washington Water Project

June 13th, 2011

RECEIVED

JUN 17 2011

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

DEPARTMENT OF ECOLOGY - CENTRAL REGIONAL OFFICE

Dear Scott:

RE: Trust Water Right Application for S4-07213JC, S4-07216JC, S4-07214JC, S4-07217JC, CCVOL3P1121 and CCVOL3P1122

This letter accompanies six Trust Water Right Applications for water rights owned by Robert and Mary Campbell, and Cecilia Campbell. The purpose of these applications to the Trust Water Rights Program is to protect the late season water associated with these rights as instream flow in Beaver Creek. The landowners have entered into agreements with Trout Unlimited, including an agreement to forgo irrigation in perpetuity from August 1st to September 15th annually on water rights, S4-07213JC and S4-07216JC, and a portion of S4-07214JC and S4-07217JC. Four Trust Water Right Applications are filed for these permanent trust rights.

The balance of water not purchased under S4-07214JC and S4-07217JC is under a separate agreement and will be leased for 20 years. Two Trust Water Applications are filed for these temporary trust rights. Both agreements with TU restrict the current diversions from Beaver Creek into the Batic and Redshirt ditches from August 1st to September 15th through 2031 for the lease and in perpetuity for the portion of water under the purchase.

Location

All of the subject water rights are located in Okanogan County, adjacent to Upper Beaver Creek Road in the Methow River valley, on parcels: 3322020044, 3322110013, 3322110014, 3322110015, 3322110016, and 3322110017.

Trust Water Right Description

The trust water right applications for this project are based on ceasing diversion for irrigation on of 135.99 acres of hay/alfalfa crop from August 1st to September 15th annually.

The water rights are described below.

Trust Water Right Application for Certificate S4-07213JC

S4-07213JC is a class 2 water right and is appurtenant to 25.57 acres of irrigation and was originally adjudicated under B.J. Batie, with a Qi of .51 cfs for irrigation. In 1970, a change of point of diversion was granted under this right and is described under CCVOL3P1121. The existing point of diversion is described within the attached contracts and water rights.

Attachments

We have attached the following documents to support the S4-07213JC application:

- Trust Water Right Application for permanent acquisition of late season water
- Notarized agreement between Campbell and TU
- Property map with legal descriptions
- Aerial photographs showing historical use

Trust Water Right Application for Certificate S4-07216JC

S4-07216JC is a class 5 water right and is appurtenant to 28.1 acres of irrigation. The water right was originally adjudicated under B.J. Batie, with a Qi of .56 cfs for irrigation. The point of diversion is described within the attached contracts, water rights and maps.

Attachments

We have attached the following documents to support the S4-07213JC application:

- Trust Water Right Application for permanent acquisition of late season water
- Notarized agreement between Campbell and TU
- Property map with legal descriptions
- Aerial photographs showing historical use

Trust Water Right Application for Certificate S4-07214JC

S4-07214JC is a class 2 water right and is appurtenant to 25.09 acres of irrigation and was originally adjudicated under B.J. Batie, with a Qi of .50 cfs for irrigation. In 1970, a change of point of diversion was granted under this right and is described under CCVOL3P1122. The existing point of diversion and the change is described within the attached contracts and water rights.

A portion of S4-07214 is pertinent to the purchase agreement and portion of the water is pertinent to the 20 year lease. Both are described in the separate agreements between the landowners and TU and are attached.

Attachments

We have attached the following documents to support the S4-07214JC application:

- Trust Water Right Application for permanent acquisition of late season water (7.66 acres)
- Trust Water Right Application for 20 year lease of late season water (17.43 acres)

- Agreements between Campbell and TU
- Property map with legal descriptions
- Aerial photographs showing historical use

Trust Water Right Application for Certificate S4-07217JC

S4-07217JC is a class 6 water right and is appurtenant to 57.23 acres of irrigation and was originally adjudicated under B.J. Batie, with a Qi of 1.14 cfs for irrigation. The point of diversion is described within the attached contracts, water rights and maps.

A portion of S4-07217 is pertinent to the purchase agreement and portion of the water is pertinent to the 20 year lease. Both are described in the separate agreements between the landowners and TU and are attached.

Attachments

We have attached the following documents to support the S4-07217JC application:

- Trust Water Right Application for permanent acquisition of late season water. (17.48 acres)
- Trust Water Right Application for 20 year lease of late season water. (39.75 acres)
- Agreements between Campbell and TU
- Property map with legal descriptions
- Aerial photographs showing historical use

These applications will improve conditions for salmonids in Beaver Creek, a tributary to the Methow River. Beaver Creek provides important spawning and rearing habitat for both Steelhead and Bull Trout. Protecting this water in the Trust Water Rights Program will help to augment and improve flows and support other restoration efforts in this critical tributary. Since this project is providing increased habitat for fish we request expedited processing under WAC 173-152-050(3) (a).

We look forward to working with you during the processing of this Trust Water Right. Please contact me with any correspondence related to this Trust Water Right Application.

Sincerely,



Aaron Penvose
Trout Unlimited, Washington Water Project
103 Palouse St. Suite #14
Wenatchee, WA 98801

CC: Bob, Mary and Cecelia Campbell

Beaver Creek Proposed Acquisition Parcels

 Proposed Segregation & Acquisition

 Current Parcels

Acquisition Habitats

 Field

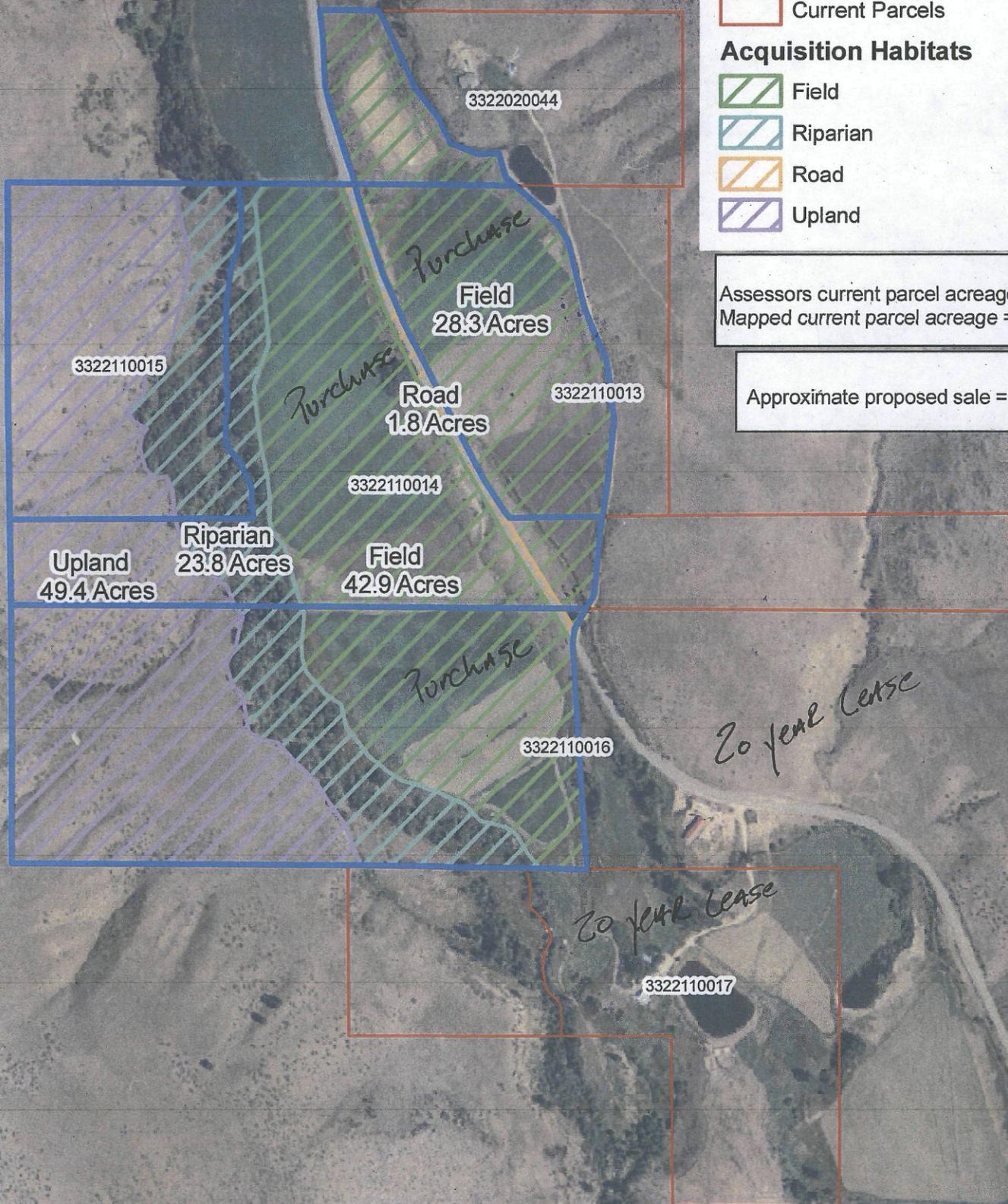
 Riparian

 Road

 Upland

Assessors current parcel acreage = 273 acres
Mapped current parcel acreage = 286 acres

Approximate proposed sale = 146.2 acres



All parcel boundaries are approximate based on county GIS data.

Acreages are approximate based on aerial photograph and lines as drawn.

1,250

625

0

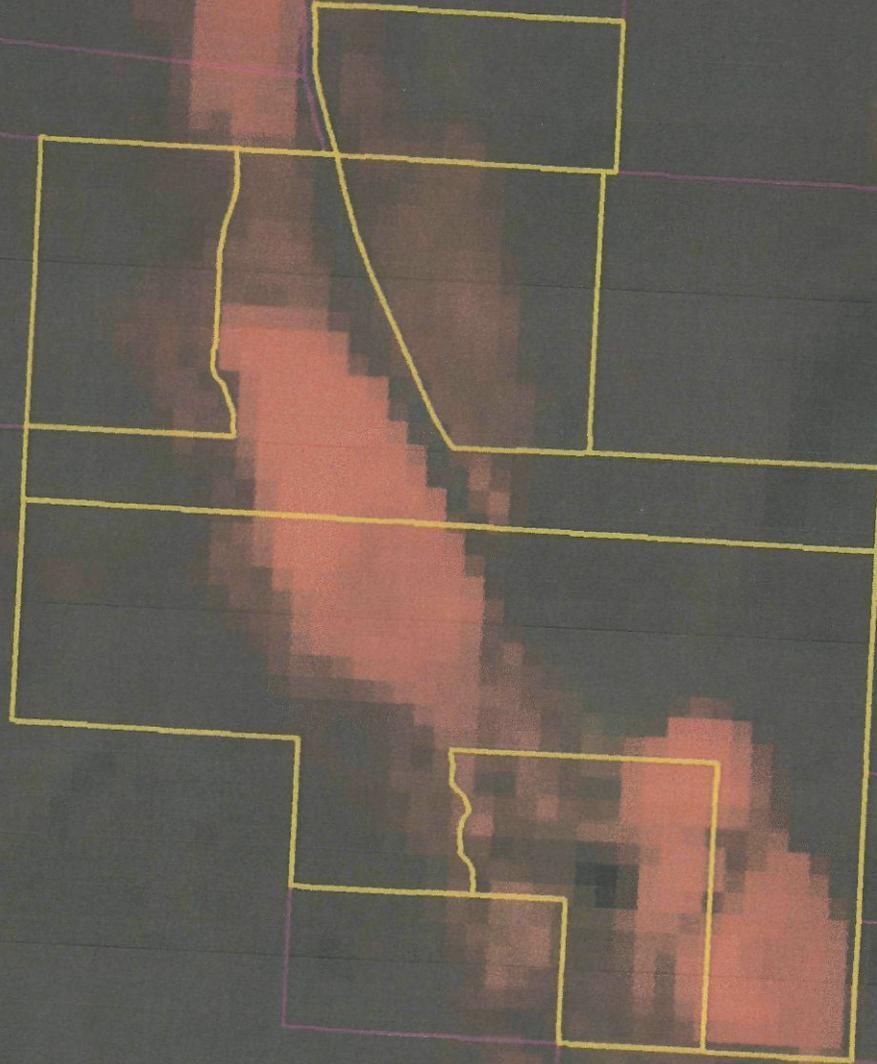
1,250 Feet



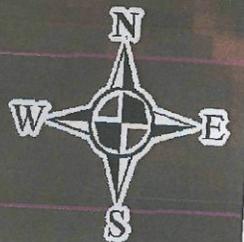
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Beaver Creek Proposed Acquisition

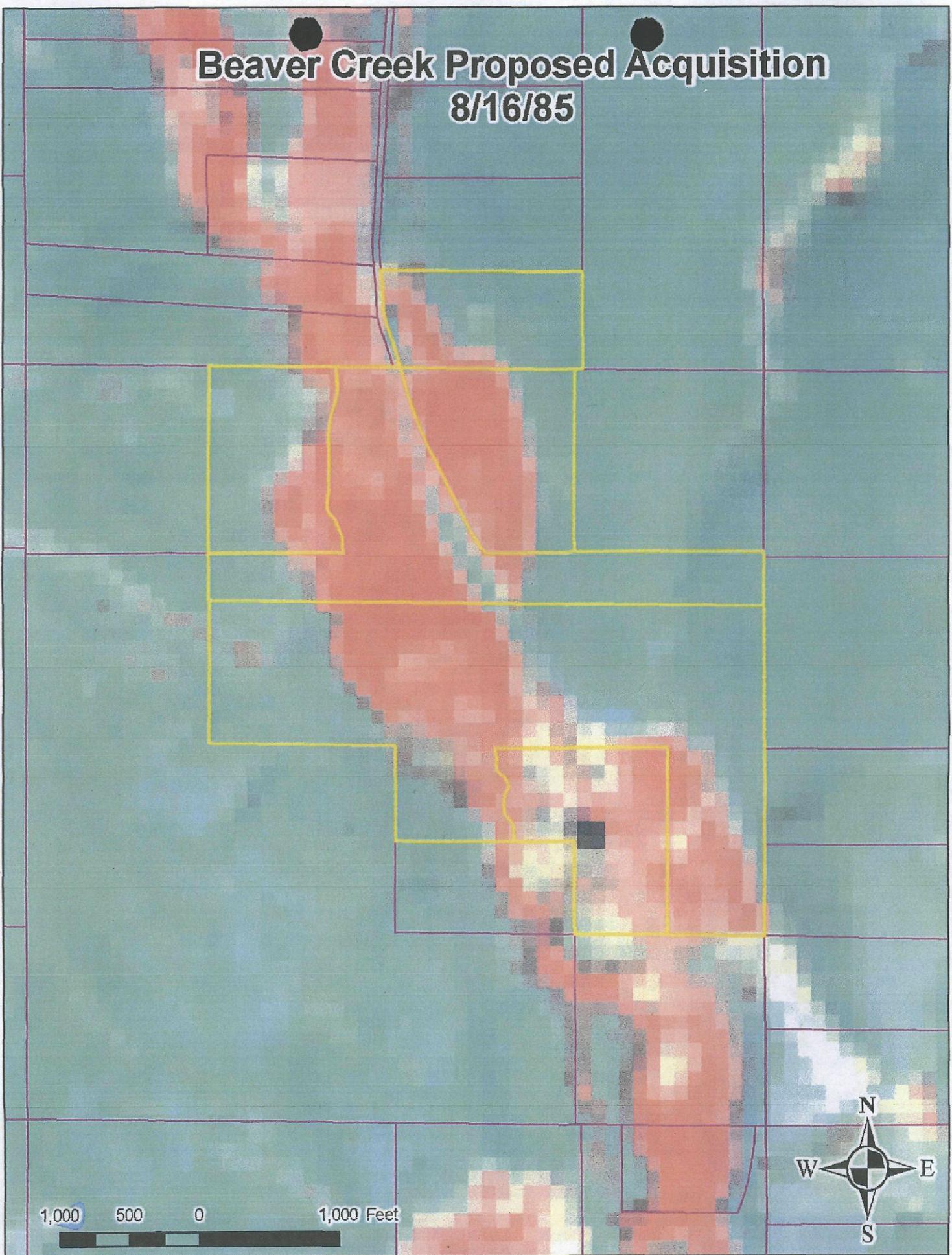
8/13/84



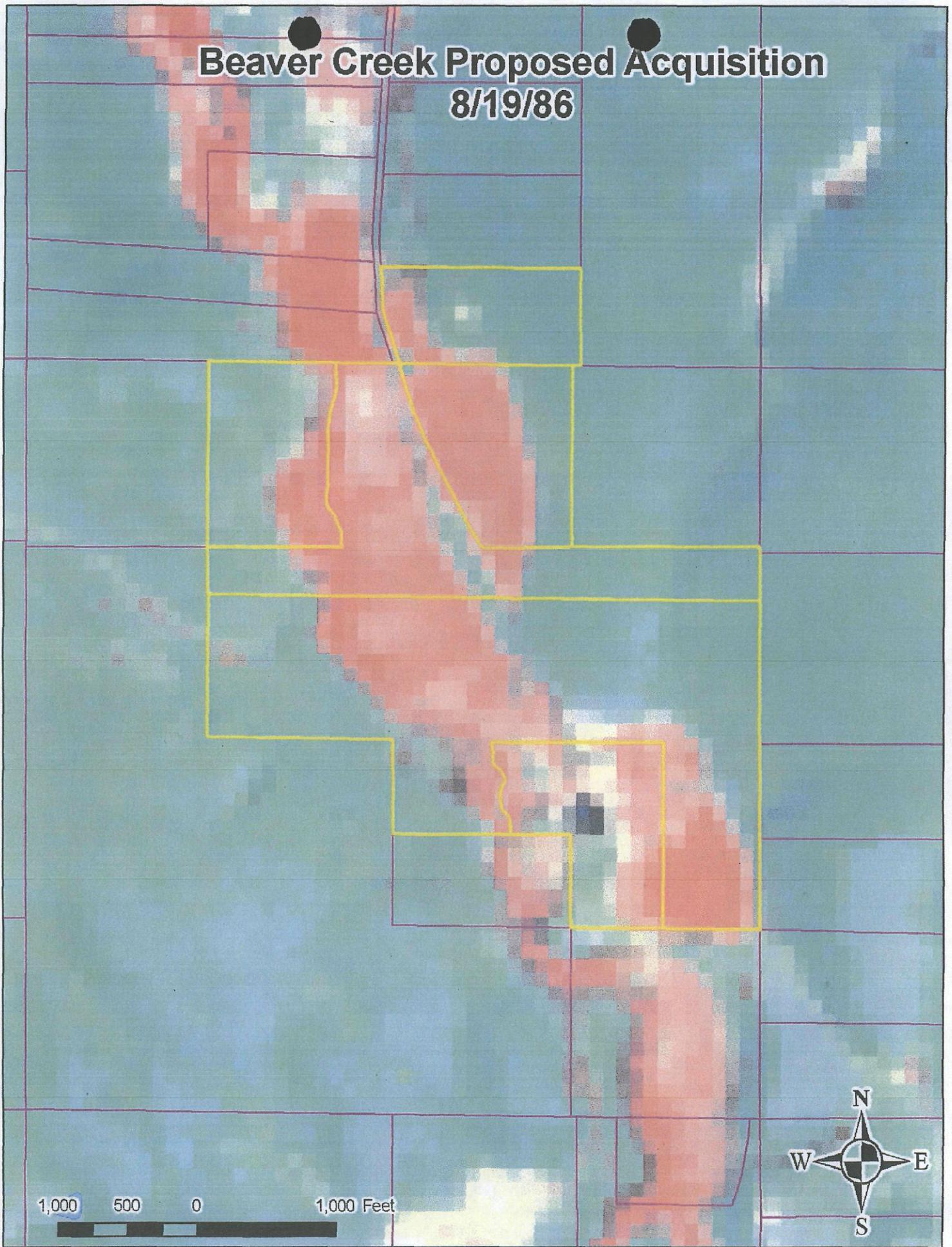
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Beaver Creek Proposed Acquisition 8/16/85



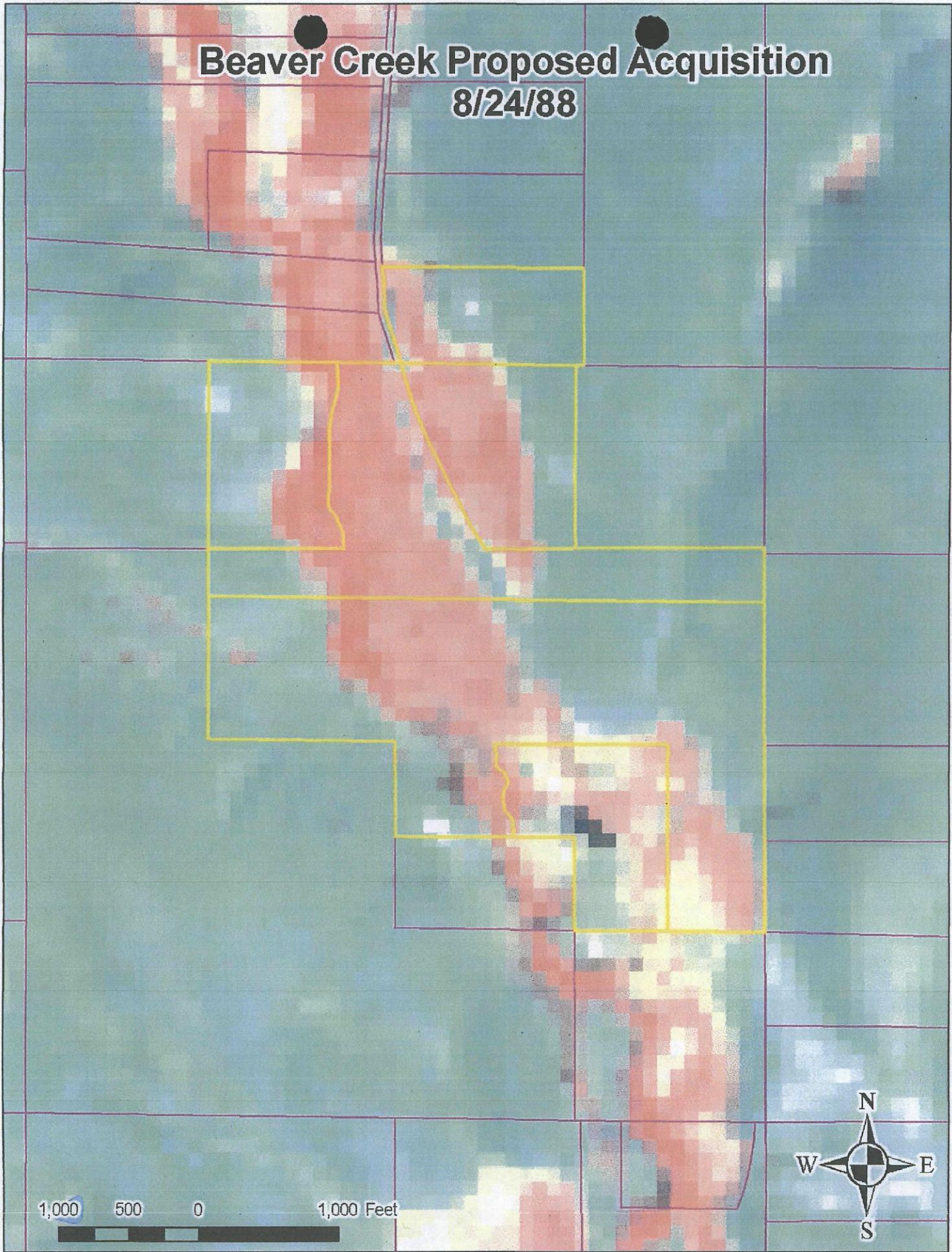
Beaver Creek Proposed Acquisition 8/19/86



S

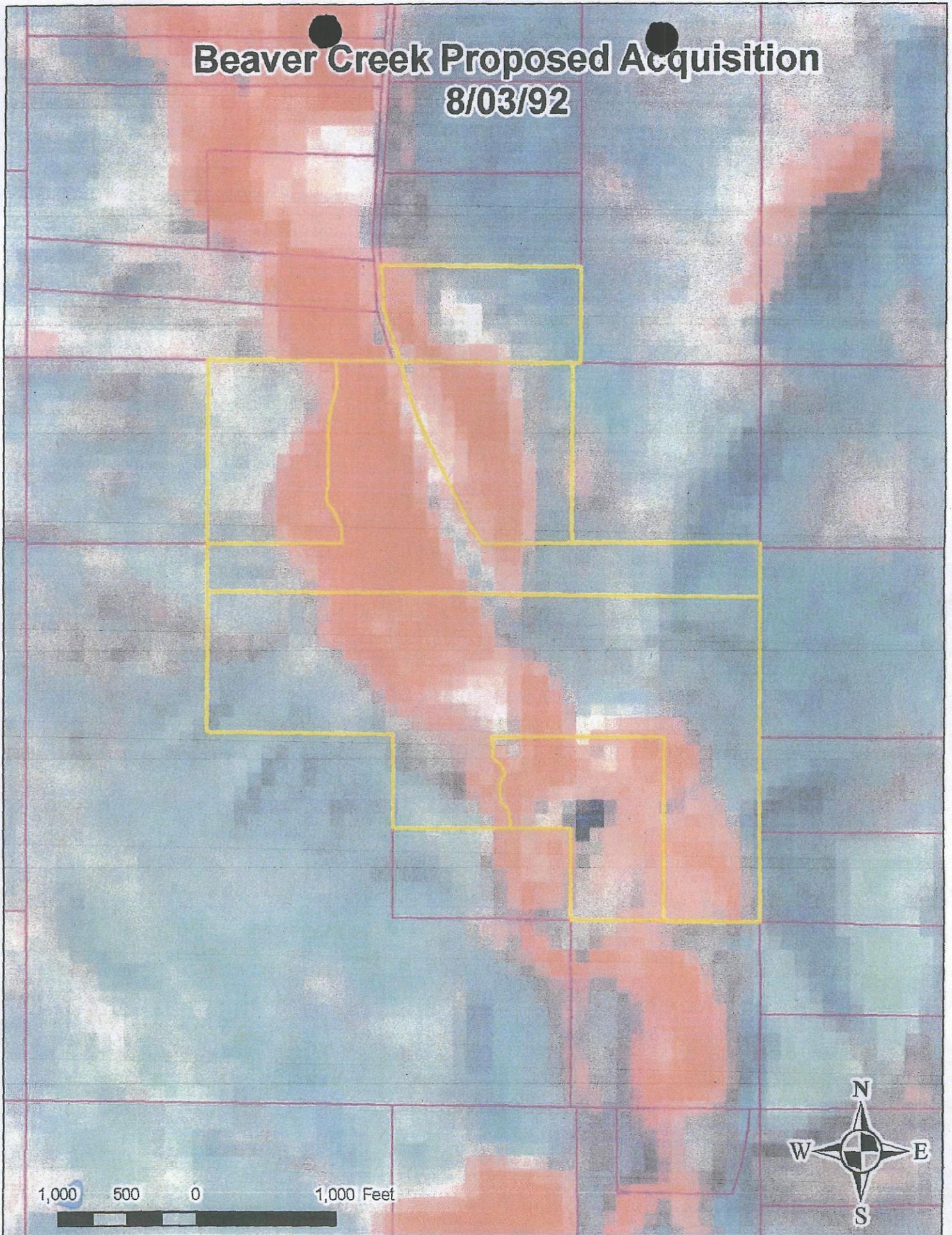
Beaver Creek Proposed Acquisition

8/24/88

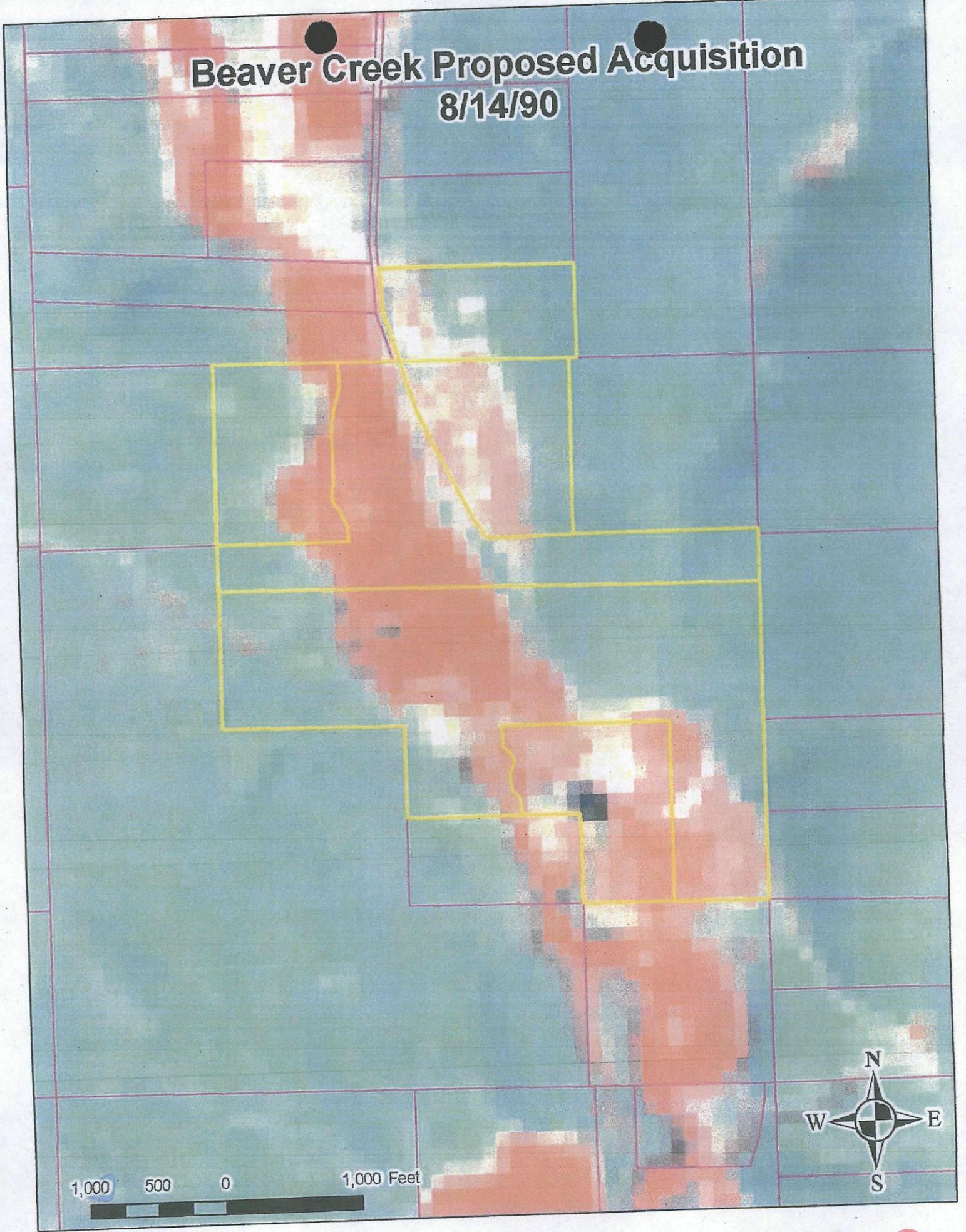


Beaver Creek Proposed Acquisition

8/03/92



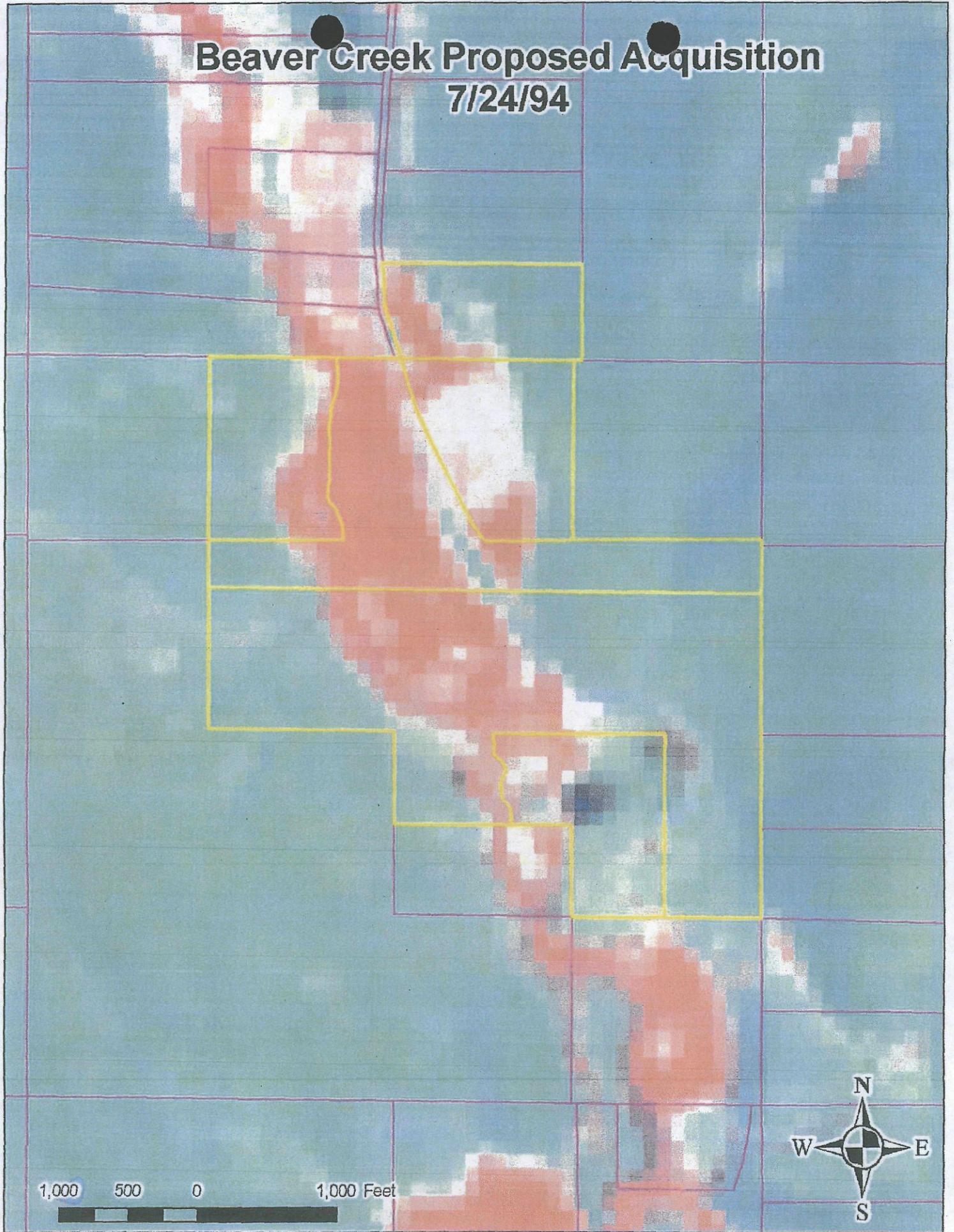
Beaver Creek Proposed Acquisition 8/14/90



S

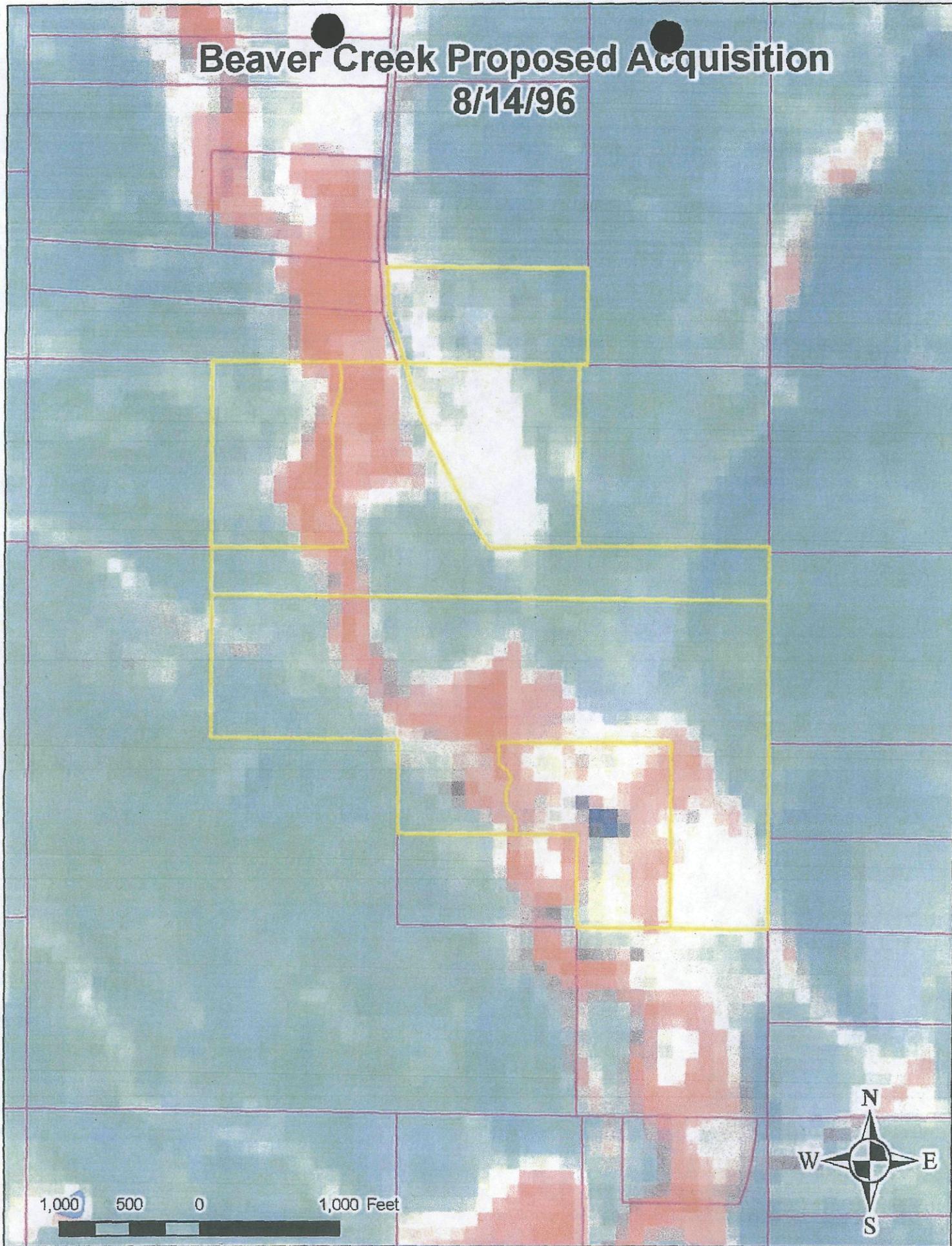
Beaver Creek Proposed Acquisition

7/24/94



Beaver Creek Proposed Acquisition

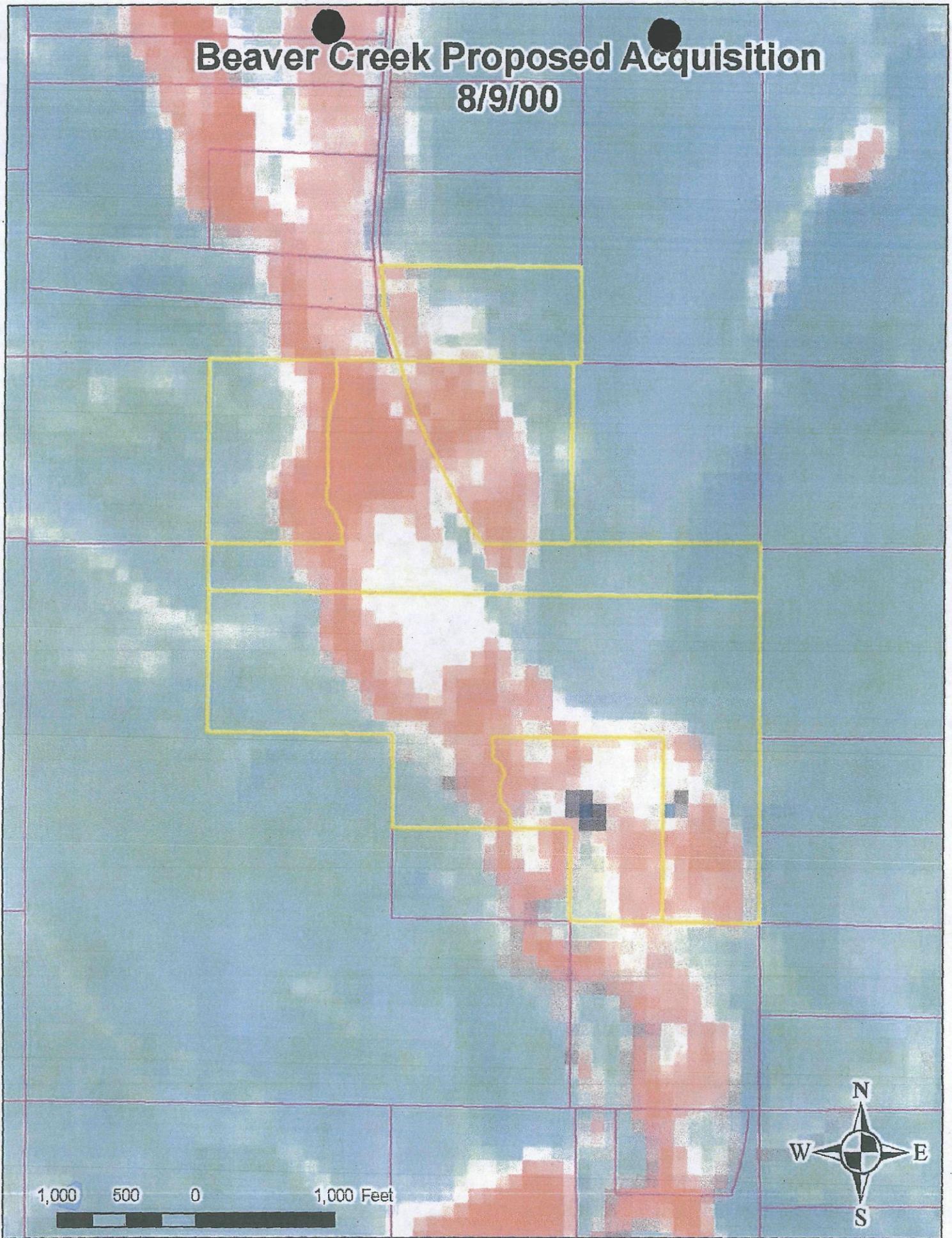
8/14/96



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Beaver Creek Proposed Acquisition

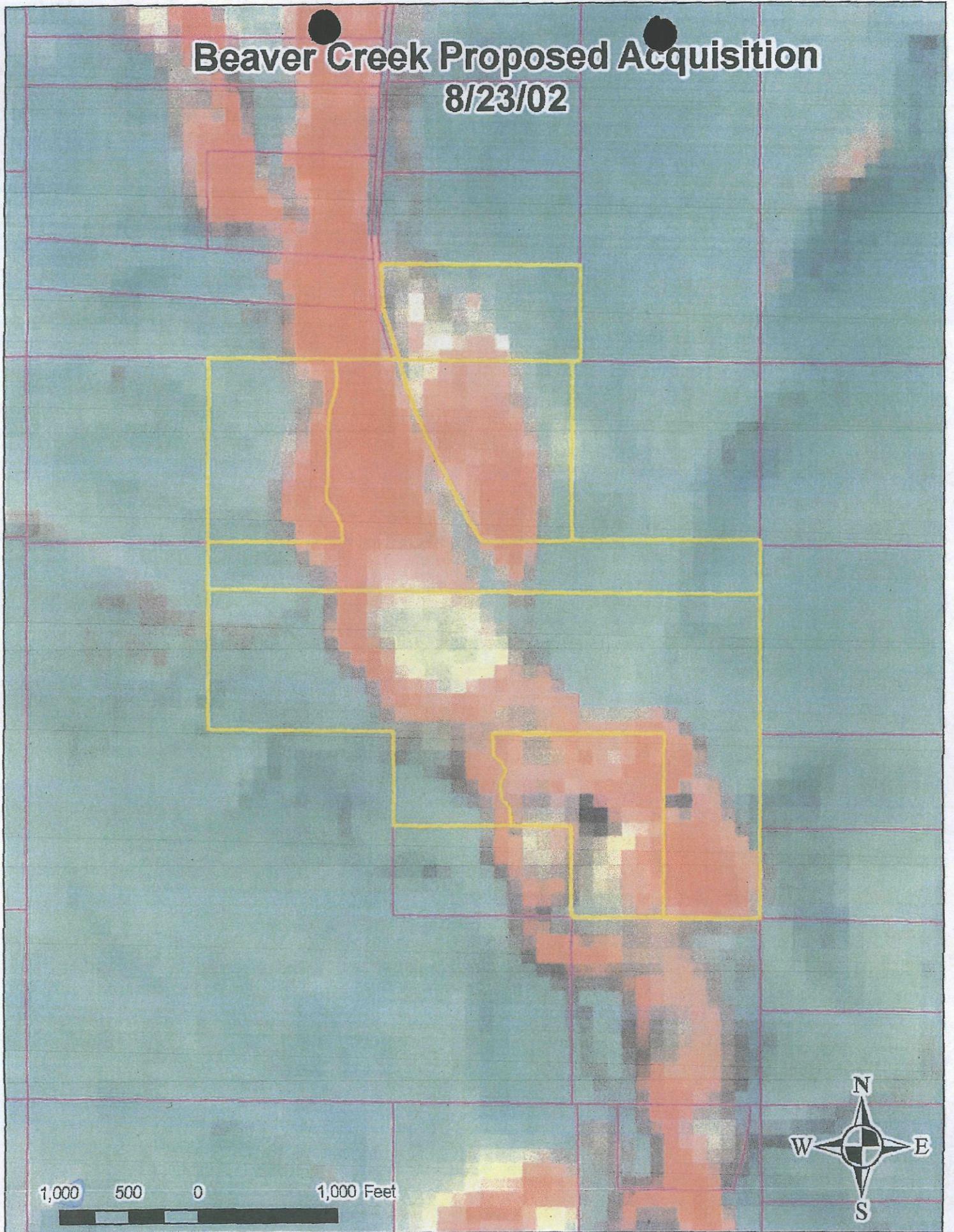
8/9/00



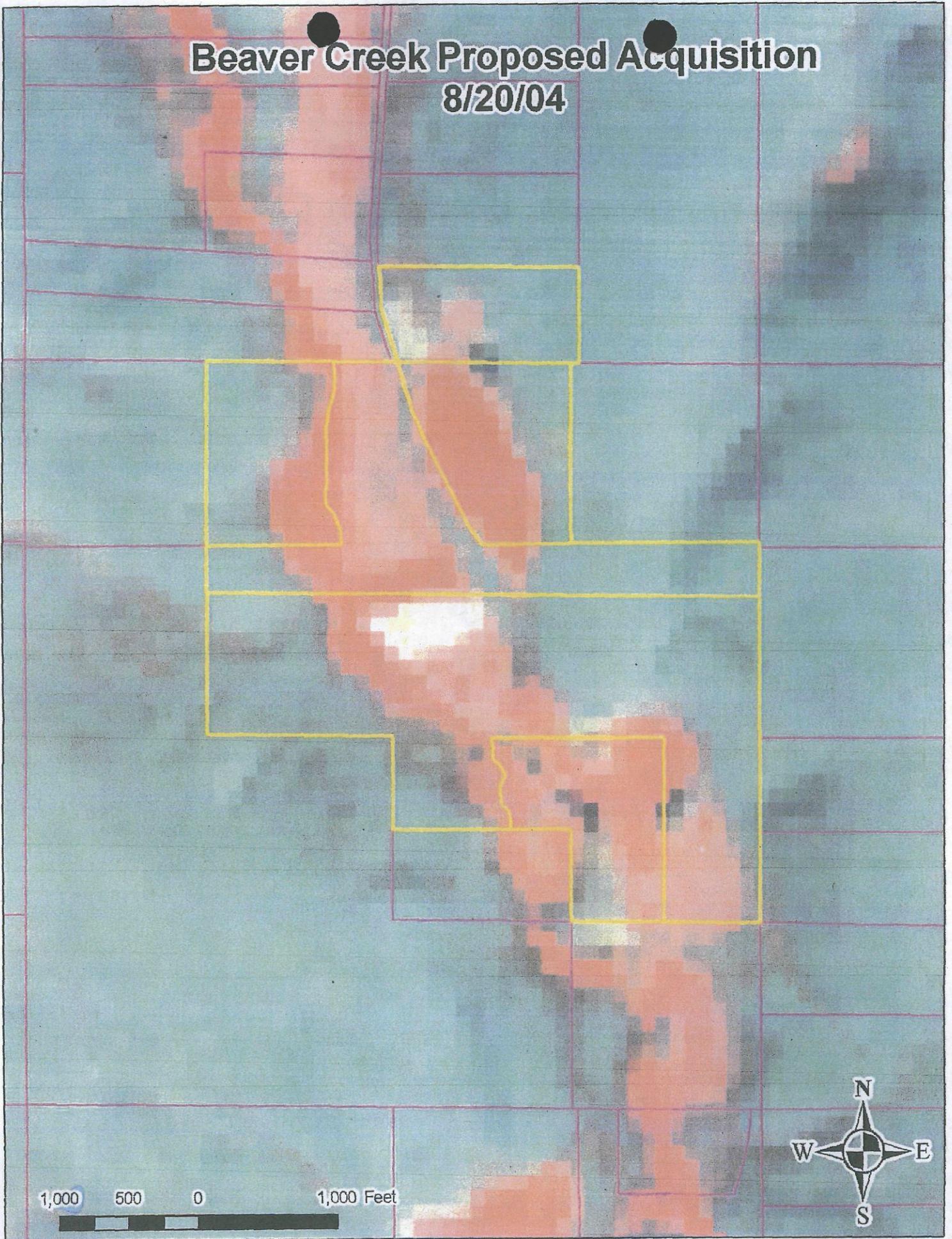
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Beaver Creek Proposed Acquisition

8/23/02

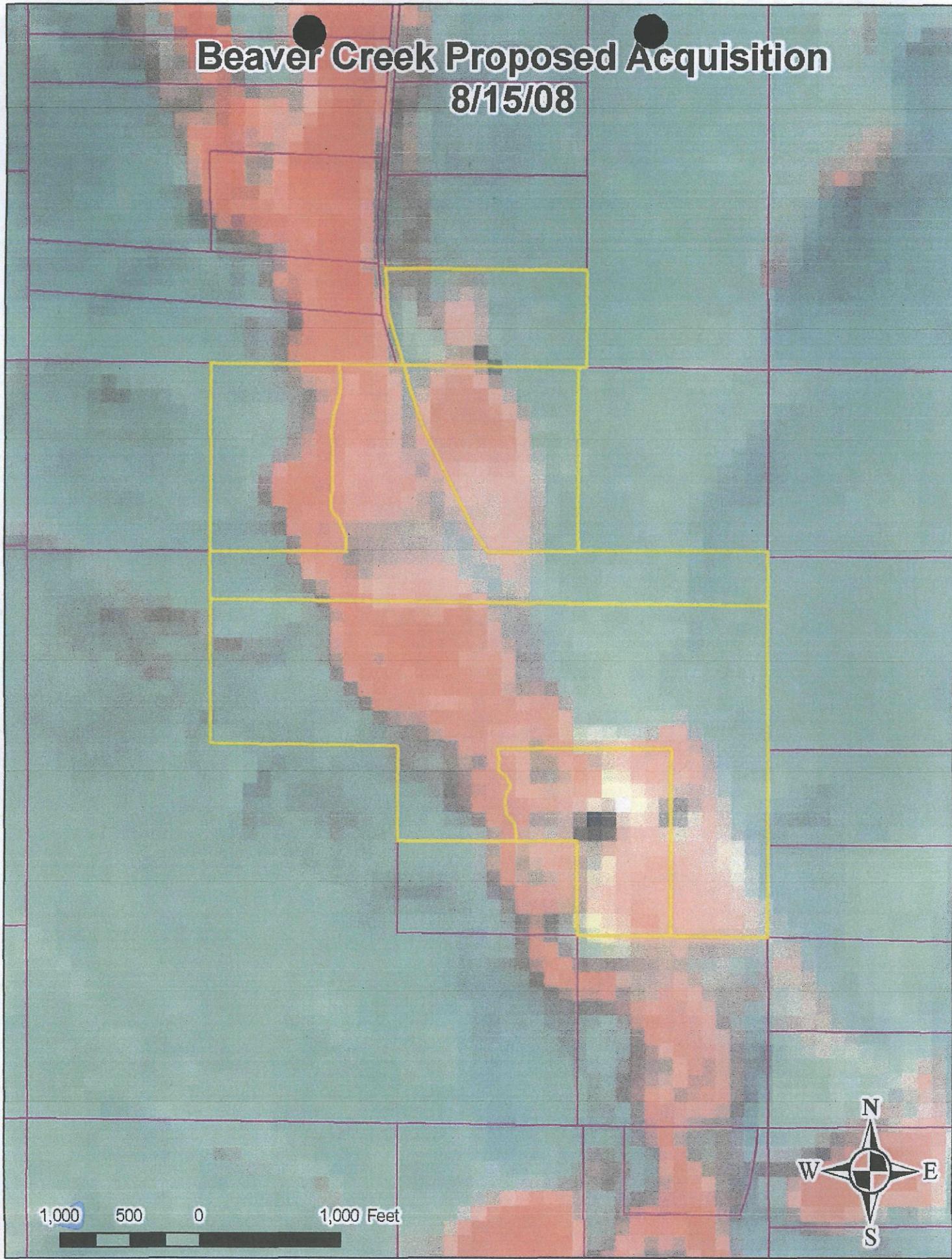


Beaver Creek Proposed Acquisition 8/20/04

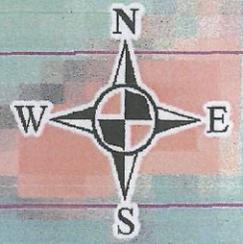


Beaver Creek Proposed Acquisition

8/15/08

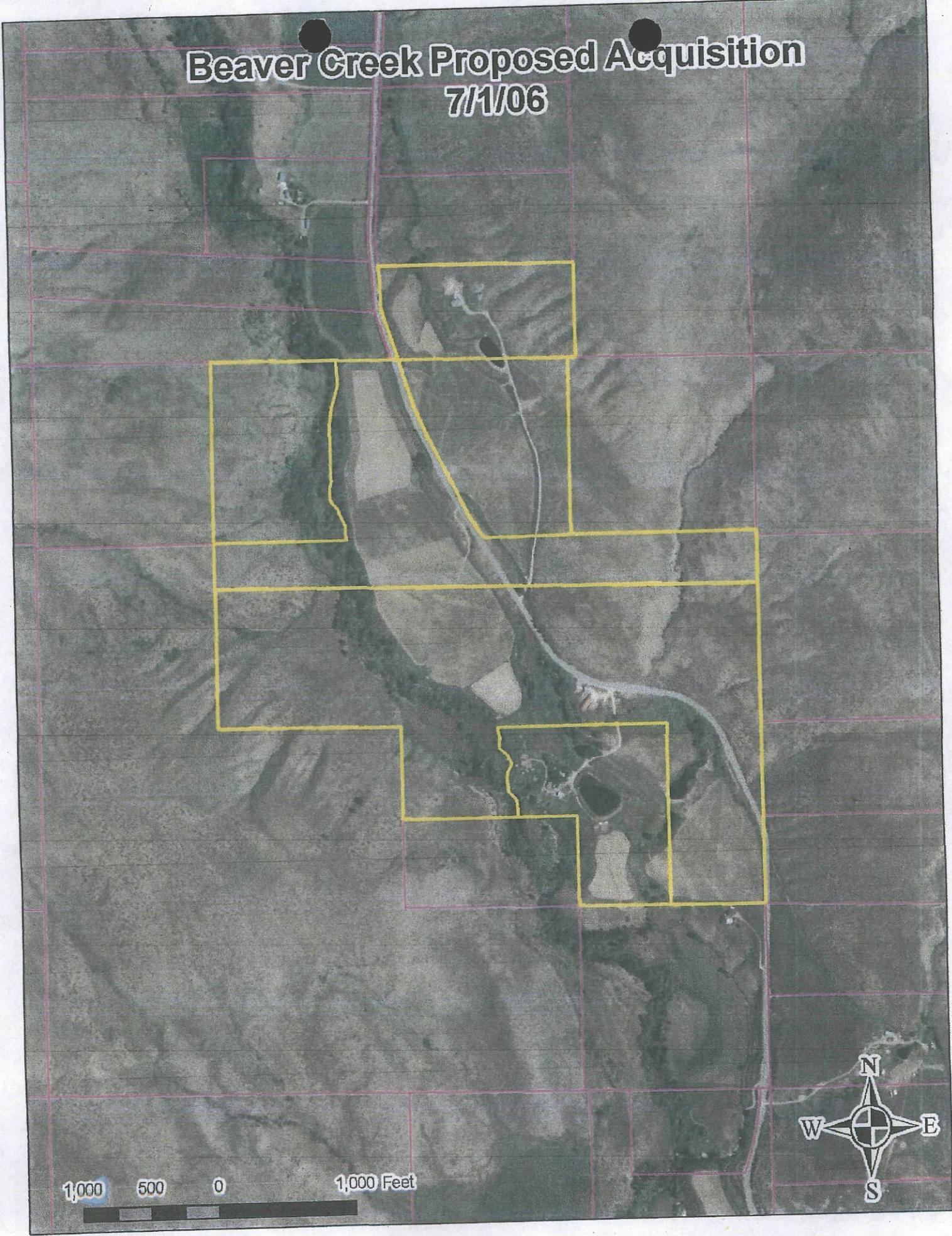


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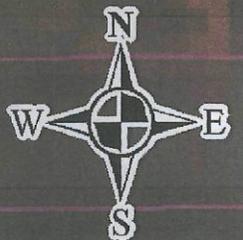
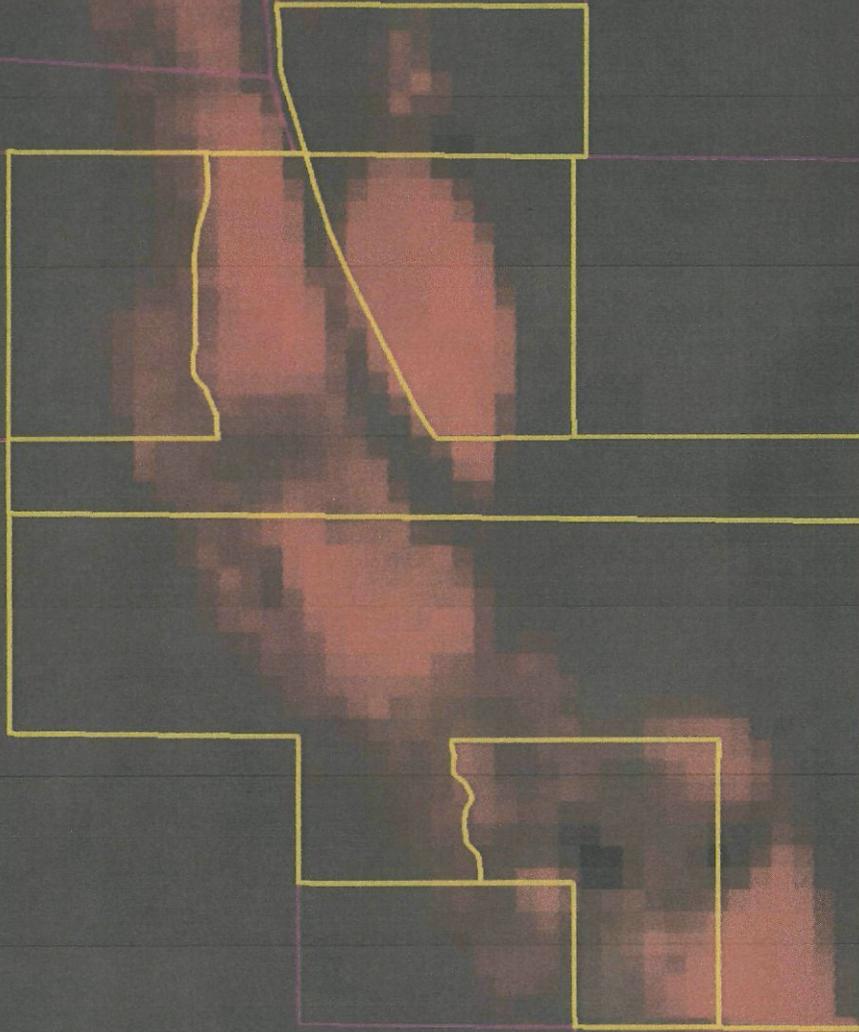
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Beaver Creek Proposed Acquisition 7/1/06



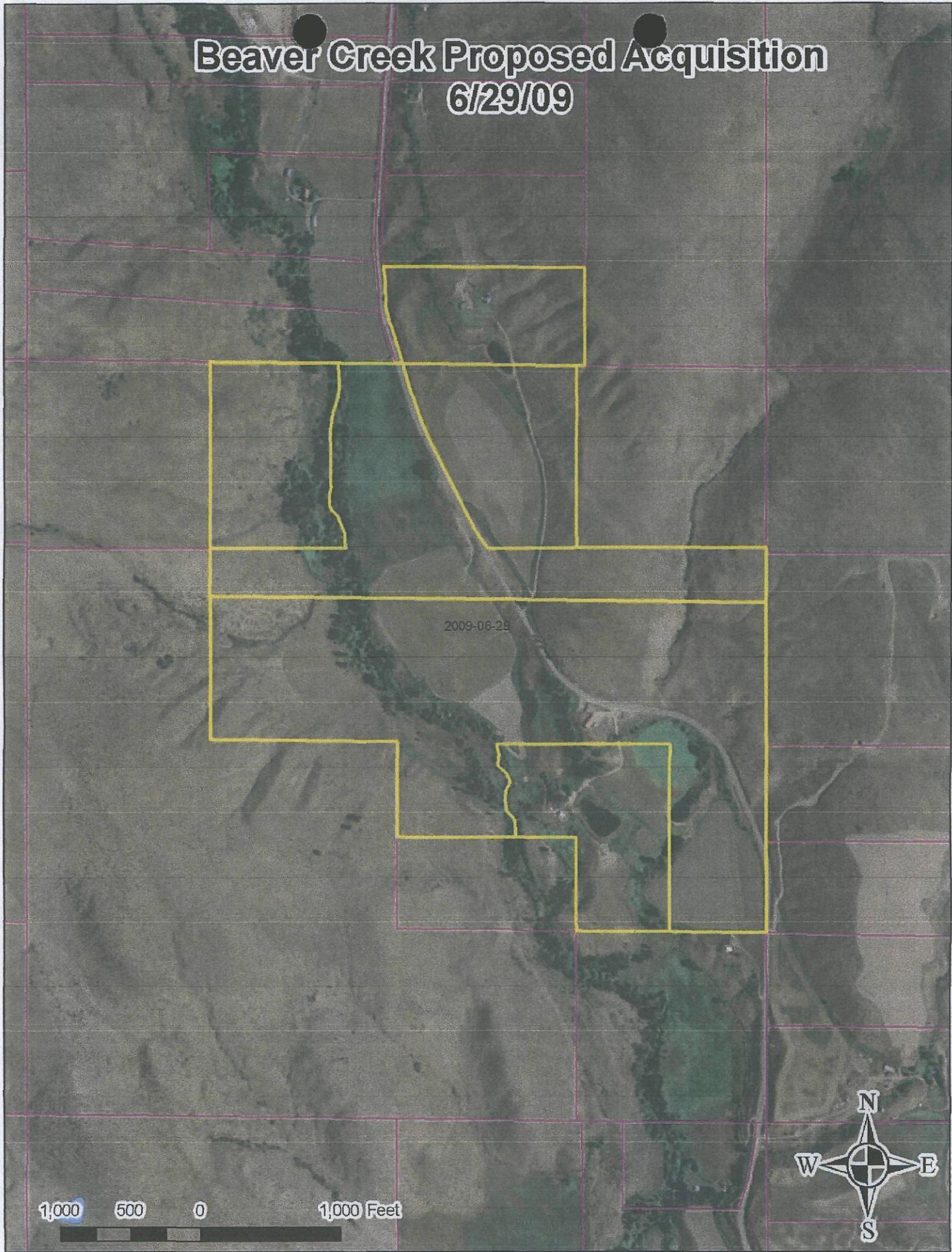
Beaver Creek Proposed Acquisition

8/5/10

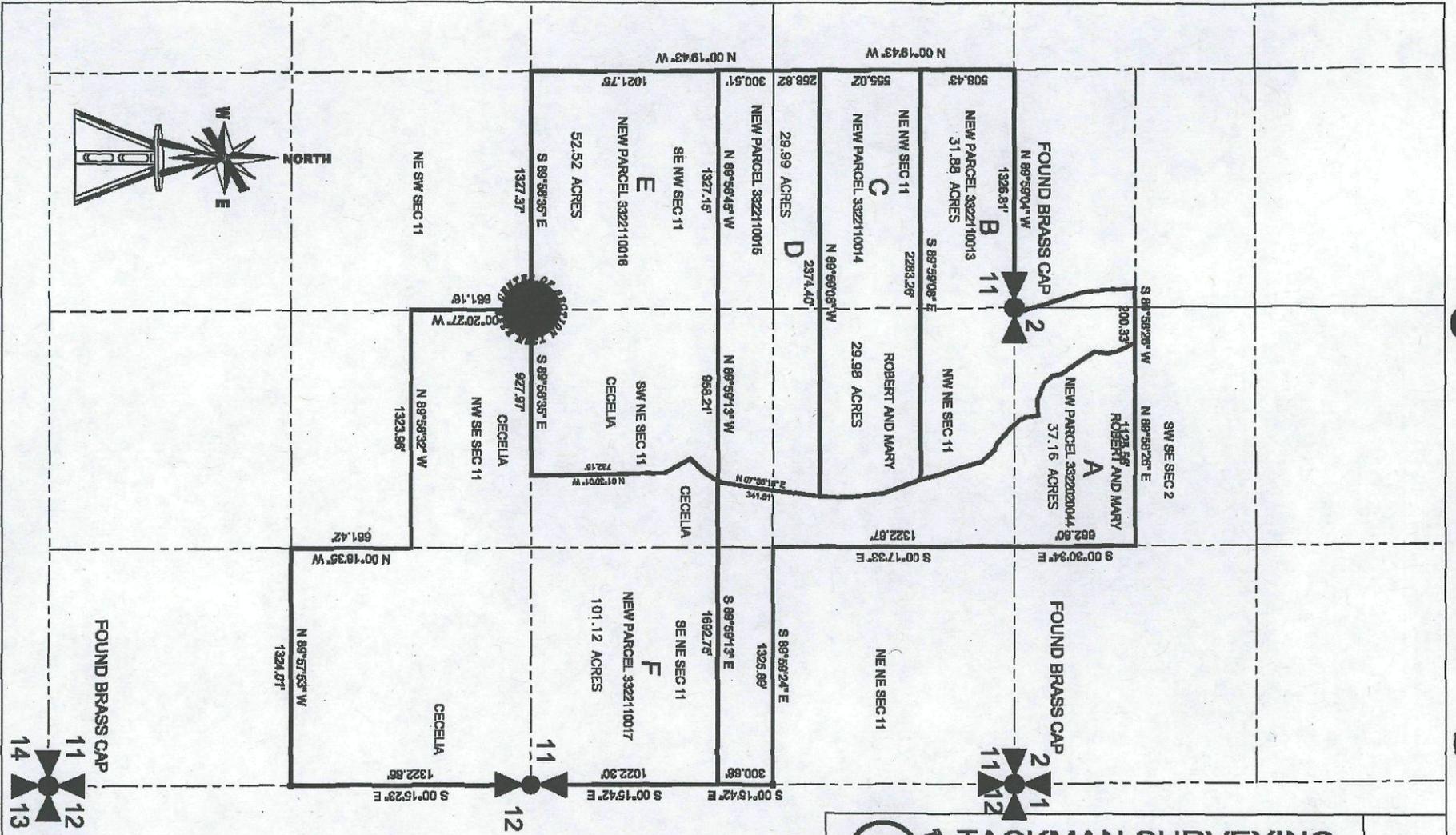


1,000 500 0 1,000 Feet

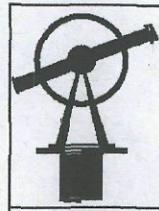
Beaver Creek Proposed Acquisition 6/29/09



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DESCRIPTION EXHIBIT



TACKMAN SURVEYING

LAND SURVEYING - CONSTRUCTION LAYOUT
LAND DEVELOPMENT

1112 HWY. 20
P.O. BOX 631 WINTHROP, WA. 98862
PH. (509) 996.3409

CLIENT:MSRF	JOB: CAMPBELL
DATE: 03/15/2011	
SCALE: 1"=800'	

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OF
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E. WWP wishes to purchase the Late Season Water Rights for the benefit of instream flow to enhance fish and benefit wildlife in Beaver Creek and downstream. WWP intends to transfer the Late Season Water Rights to the state Trust Water Rights Program ("TWRP") for instream flow in Beaver Creek.

F. Cecelia W. Campbell has already executed a lease agreement with WWP appurtenant to her land that is not being sold to Methow Salmon Recovery Foundation, with such lease for that water authorized for use from August 1 through September 15 ("Cecelia Campbell Late Season Water Lease"), which rights are described in Exhibit D, and incorporated herein by reference.

Agreement

For valuable consideration, the receipt and sufficiency of which are hereby acknowledged, and pursuant to the Recitals above that are incorporated herein, Sellers and Buyer agree as follows:

1. **Late Season Water Rights.**

Sellers agree to convey the Late Season Water Rights to WWP and thereafter cease to have any rights or interest in said rights including the right to divert and to irrigate with the Late Season Water Rights from August 1 through September 15th. See Exhibit C.

2. **Purchase Price.**

Based upon the contingencies stated below, the purchase price shall be \$121,571.00.

3. **Contingencies.**

This Agreement is contingent upon the following:

(a) Payment to Sellers shall be \$121,571.00 less the applicable real estate taxes. This conveyance is subject to the real state excise tax under Chapter 82.45 RCW, which is the responsibility of the seller. The tax rate for unincorporated Okanogan County is 1.53% of the total purchase price. The total tax is estimated at \$1,865.04 which WWP will confirm with the Department of Revenue prior to Closing. WWP will be responsible for paying the real estate excise tax upon recording of the Water Right Deeds in Paragraph 4 below. Based on the estimated tax payment the net payment to Sellers will be \$119,705.96.

(c) The Cecelia Campbell Late Season Water Lease has been executed.



(d) Trust Water Right Applications for both Late Season Lease and Late Season Acquisition are signed by Sellers.

(e) WWP obtains funding. WWP agrees to seek funding prior to Closing. In the event that WWP is unable to obtain the funding it requires and/or shall fail to pay to Sellers the agreed sum at Closing, then this Agreement and the commitments of Sellers hereunder shall be null and void and neither party shall have any further rights or obligations hereunder.

4. **Conveyance of Water Right Deed.**

Sellers Robert E. Campbell and Mary R. Campbell, husband and wife and Seller Cecelia Campbell as an individual shall provide at Closing Deeds in the form attached as Exhibit E.

5. **Real Estate Excise Tax Affidavit.**

Sellers agree to provide a signed Real Estate Excise Tax Affidavit at Closing. The affidavit is attached as Exhibit F.

6. **Closing**

This transaction will close on April 21, 2011 at a location to be agreed upon by the parties. On the Closing Date, Sellers shall provide executed Deeds for the Late Season Water Rights, an executed Real Estate Excise Tax Affidavit, instruments, records, correspondence and agreements called for in this Agreement, including execution of any documents necessary for WWP to file an application to place the late Season Water Rights into the trust program. Buyer shall provide at closing the purchase price less the excise tax in the form of a check.

7. **Cooperation.**

Within 30 days after the Effective Date, WWP will file a request with the Washington State Department of Ecology ("Ecology"), to change the purpose of use of the Late Season Water Rights to instream flow and transfer the rights into the state Trust Water Rights Program. Sellers are not required to pay any of the costs associated with the request or its approval by Ecology. However, Sellers will cooperate with WWP in all aspects of the process and will allow WWP to defend any objections and pursue any appeals relating to the change application. Sellers are not obligated to pay any of the costs relating to the objections or appeals, and Sellers shall not object to the said applications filed by the WWP and shall not appeal any decisions from Ecology or a court regarding the Late Season Water rights. This term shall survive Closing.



8. Warranties.

The Sellers stipulate and warrant that they own the Water Rights, that they have full authority to sell the Water Rights, that to the best of their knowledge the Water Rights have been put to beneficial use during at least one of the last five years preceding the Effective Date and no period of five consecutive years of partial or total nonuse of the Water Rights has occurred since 1967 (the year in which RCW Chapter 90.14 became effective), except for those reasons specifically identified in RCW 90.14.140. Furthermore, to the best of Sellers knowledge, they have not stopped using the water with the intent to abandon the Water Rights that may give rise to loss of the Water rights under the common law in the State of Washington. This section shall survive Closing.

9. Easement for Monitoring.

WWP will monitor and enforce this Agreement beginning in 2011 and each year thereafter. Sellers shall provide terms in the sale of the land to the MSRF the right, by easement, authorizing WWP its employees, agents, and successors, at all times after July 31st during the irrigation season, access to the property and diversion site from Beaver Creek upon providing reasonable note to the land owners, which access shall be solely for the purpose of allowing WWP and its employees, agents and successors to monitor and enforce the terms of this Agreement regarding the cessation of the diversion and irrigation under the Late Season Water Rights from August 1st through September 15th annually. Until the Sellers close on the sale of the land to MSRF the Sellers shall not divert the Late Season Water Rights and not irrigate the land during this period. This section shall survive Closing.

10. Assignment.

This Agreement may not be assigned or transferred unless agreed in writing by all parties, provided WWP may assign and transfer its rights and interest in this Agreement to an organization that is a qualified organization authorized as a "nonprofit nature conservancy organization" under RCW 64.04.130 and 84.34.250, or a public entity authorized to acquire water for instream flow.

11. Succession.

If at any time it becomes impossible for WWP to ensure compliance with the terms and conditions contained in this Agreement, or WWP ceases to exist or to be authorized as a "nonprofit nature conservancy organization" under RCW 64.04.130 and 84.34.250, then WWP's rights and obligations under this Agreement will become vested and fall upon another entity with purposes similar to WWP's, constituting a "nonprofit nature conservancy organization" under RCW 64.04.130 and 84.34.250 (or any successor provision(s) then applicable).



12. **Binding Agreement.**

The terms and conditions of this Agreement are binding upon, and insure to the benefit of, the parties to this Agreement and their respective personal representatives, heirs, successors and assigns.

13. **Consultation with Legal Counsel.**

All parties acknowledge that they have had the opportunity to obtain and consult with independent counsel for the purposes of this Agreement.

14. **Counterparts/Facsimile Execution.**

This Agreement may be executed in any number of counterparts, each of which will be an original, but all of which will constitute one contract, binding on WWP and Sellers even though the signatures of all parties may not appear on any one counterpart. For purposes of this Agreement, a facsimile of a signed counterpart of this Agreement delivered to the another party will constitute valid execution and delivery of the Agreement by the party that signs and sends such facsimile.

15. **Construction.**

This Agreement will be governed by and construed under the laws of the State of Washington. The captions and paragraph titles used in this Agreement are for reference only and will not be used in the interpretation of this Agreement or any related document. If any provision of this Agreement is determined to be illegal, void or unenforceable, such determination will not affect any other provision of this Agreement and all such other provisions will remain in full force and effect.

16. **WWP Not a Guarantor of the Water Rights and Waiver of Claims.**

WWP and Sellers recognize that upon WWP filing an application to place the Late Season Water Rights into the trust program, Ecology will consider the validity and extent of the full Water Rights and may determine the water rights are valid for a quantity of water that is less than the authorized quantities and less than the Sellers or their successors may believe valid. Sellers agree and stipulate that WWP is not a guarantor of Water Rights, including the Late Season Water Rights, and Sellers and their successors waive any claims for damages and liability that they may against WWP in regard to WWP's actions in applying to place the Late Season Water rights into the trust program. This section shall survive Closing.

S



Sellers:

Robert E. Campbell and Mary R. Campbell,
husband and wife

Robert Campbell
Robert Campbell

Mary Campbell
Mary Campbell
Address:
126 Upper Beaver Creek Rd.
Twisp, WA 98840

Cecelia W. Campbell, as an individual

Cecelia W Campbell
Cecelia W. Campbell
Address:
109 Upper Beaver Creek Rd.
Twisp, WA 98840

WWP:

WASHINGTON WATER PROJECT OF
TROUT UNLIMITED,
a Michigan nonprofit corporation

By: Lisa Pelly

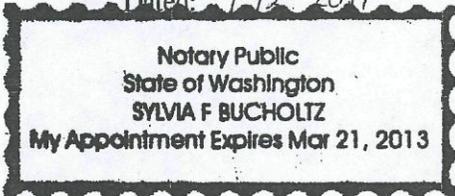
Lisa Pelly, Executive Director 4/14/11
Address:
103 Palouse Ave., Suite 14
Wenatchee, WA 98801

ACKNOWLEDGEMENTS

State of Washington
County of Okanogan

I certify that I know or have satisfactory evidence that **Robert Campbell**, is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his/her the free and voluntary act, for the uses and purposes mentioned in the instrument.

Dated: 4-12-2011



Name: Sylvia F. Bucholtz Sylvia F. Bucholtz
NOTARY PUBLIC for the State of Washington
residing at 3 N. Ash
My appointment expires: March 21, 2013

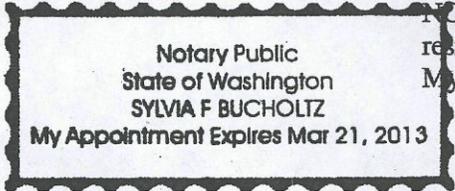


State of Washington
County of Okanogan

I certify that I know or have satisfactory evidence that **Mary Campbell**, is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his/her the free and voluntary act, for the uses and purposes mentioned in the instrument.

Dated: 4-12-2011

Name: Sylvia F. Bucholtz
NOTARY PUBLIC for the State of Washington,
residing at 3 N Ash
My appointment expires: March 21, 2013

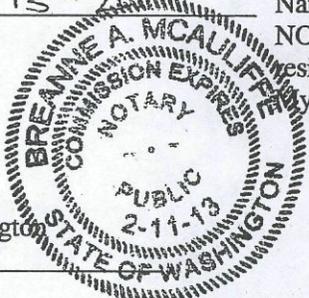


State of Washington
County of Okanogan

I certify that I know or have satisfactory evidence that **Cecelia W. Campbell**, is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his/her the free and voluntary act, for the uses and purposes mentioned in the instrument.

Dated: April 13th 2011

Name: Breanne A McAuliffe
NOTARY PUBLIC for the State of Washington,
residing at Twisp
My appointment expires: 2/11/13

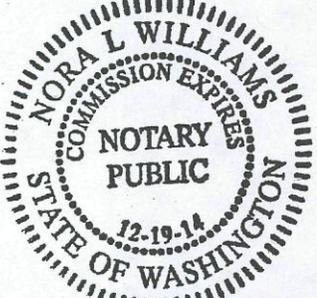


State of Washington
County of _____

I certify that I know or have satisfactory evidence that **Lisa Pelly** is the person who appeared before me, and said person acknowledged that she signed this instrument and acknowledged it as the Executive Director of WASHINGTON WATER PROJECT OF TROUT UNLIMITED, a Michigan nonprofit corporation, to be the free and voluntary act of such entity for the uses and purposes mentioned in the instrument.

Dated: 4-14-11

Name: Nora L Williams
NOTARY PUBLIC for the State of Washington,
residing at Wenatchee
My appointment expires: 12-19-14



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Exhibit A
Water Rights

Certificate of Water Right

THIS IS TO CERTIFY:

That by virtue of a decree of the Superior Court of the State of Washington in and for Okanogan County, made and entered on the 20th day of September, 1921, and recorded in Volume "PQ" of the Superior Court Journal of said County at page 198, from which decree no appeal was taken, and which decree determined the rights of all known claimants to the use of the waters of Beaver Creek a tributary of Methow River

B. J. BATTIE, Twp. Washington

is entitled to use, subject to the laws of the State of Washington, the waters of said Beaver Creek

for the purpose of irrigation during the period from May 1st to September 15th each year and for the purpose of stock and domestic use continuously.

213

That the amount of water to which said water right is entitled is limited to the quantity which is reasonably and actually necessary for the purpose aforesaid and shall not exceed 0.51 second feet for the irrigation of 25.57 acres of the lands hereinafter described.

That the date of priority of said water right is 1888; that the decree aforesaid establishes said right in Class 2, which said class includes a limit maximum of 2.50 second feet; that the possible maximum amount of water which is comprehended in rights prior to this right is 2.96 second feet.

That the point of diversion of said water right is as follows:

- In the SW 1/4 SE 1/4 of Section 35, Township 34 N., Range 22 E. W. M.;
- the SE 1/4 SW 1/4 of Section 2, Township 33 N., Range 22 E. W. M.;
- the SW 1/4 SW 1/4 of Section 18, Township 34 N., Range 23 E. W. M.; and
- the SW 1/4 NE 1/4 of Section 24, Township 34 N., Range 22 E. W. M.

Can Change Point of Diversion No. 1121

and cannot be changed except as provided in Section 39, Chapter 117, Session Laws of 1917.

That said water right was adjudged by said decree to be and is appurtenant to the following described real property situated in Okanogan County, Washington, to wit:

- E 1/4 NW 1/4 Section 11, Township 33 N., Range 22 E. W. M.
- NW 1/4 NE 1/4 Section 11, Township 33 N., Range 22 E. W. M.
- SW 1/4 SE 1/4 Section 2, Township 33 N., Range 22 E. W. M.

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CERTIFICATE OF CHANGE OF POINT OF DIVERSION OF WATER

In accordance with the provisions of Chapter 117, Laws of Washington for 1917, and amendments thereto and rules thereunder, of the State Director of Ecology.

THIS IS TO CERTIFY That John D. Cline of Renton, Washington, has complied with all of the requirements of the Revised Code of Washington 99.03.380 and is hereby granted the right to change the point of diversion of 0.51 cubic foot per second, of waters of Beaver Creek, tributary of Methow River, as granted under Certificate No. 213, decreed right, State of Washington vs. Mason Thurlow, et ux., et al.

213

That the use of such water is for the purpose of irrigation of 25.57 acres, from May 1 to September 15, each year, and that water has been diverted from said stream at four points situated in SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 35, T. 34 N., R. 22 E.W.M.; the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 2, T. 33 N., R. 22 E.W.M.; the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 18, T. 34 N., R. 23 E.W.M.; and the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 24, T. 34 N., R. 22 E.W.M.

That he has changed the above points of diversion to a single point situated in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 35, T. 34 N., R. 22 E.W.M., Okanogan County, Washington, such point being about 350 feet east and 1,200 feet north of the south quarter corner of said Sec. 35.

Given under my hand and seal of this office at Olympia, Washington; this 26th day of August, 1970.

JOHN A. BIGGS, Director
Department of Ecology

By Glen H. Fiedler
GLEN H. FIEDLER

RECORDED:
Volume 3, page 1121
Records of Change
of Point of Diversion
of Water.



Certificate of Water Right

THIS IS TO CERTIFY:

That by virtue of a decree of the Superior Court of the State of Washington in and for Okanogan County, made and entered on the 20th day of September, 1921, and recorded in Volume "90" of the Superior Court Journal of said County at page 198, from which decree no appeal was taken, and which decree determined the rights of all known claimants to the use of the waters of Beaver Creek a tributary of Methow River.

B. J. BATH, Trustee, Washington

is entitled to use, subject to the laws of the State of Washington, the waters of said Beaver Creek.

for the purpose of irrigation during the period from May 1st to September 15th each year and for the purpose of stock and domestic use continuously.

214
=

That the amount of water to which said water right is entitled is limited to the quantity which is reasonably and actually necessary for the purpose aforesaid and shall not exceed 0.50 second feet for the irrigation of 25.09 acres of the lands hereinafter described.

That the date of priority of said water right is 1888; that the decree aforesaid establishes said right in Class "B", which said class includes a total maximum of 2.60 second feet; that the possible maximum amount of water which is comprehended in rights prior to this right is 2.90 second feet.

That the point of diversion of said water right is as follows:

- In the SW 1/4 SE 1/4 of Section 35, Township 34 N., Range 22 E. W. M.;
- the SE 1/4 SW 1/4 of Section 2, Township 33 N., Range 22 E. W. M.;
- the SW 1/4 SW 1/4 of Section 18, Township 34 N., Range 23 E. W. M.; and
- the SW 1/4 NE 1/4 of Section 24, Township 34 N., Range 22 E. W. M.

Part. Change: Point of Diversion No: 1122 and POU of 4.13 acres

and cannot be changed except as provided in Section 39, Chapter 117, Session Laws of 1917.

That said water right was adjudged by said decree to be and is appurtenant to the following described real property situated in Okanogan County, Washington, to wit: S 1/4 NE 1/4 Section 11, Township 33 N., Range 22 E. W. M. and E 1/4 SE 1/4 Section 11, Township 33 N., Range 22 E. W. M.

214

S



CERTIFICATE OF CHANGE OF POINT OF DIVERSION
AND PLACE OF USE OF WATER

In accordance with the provisions of Chapter 117, Laws of Washington for 1917, and amendments thereto and rules thereunder, of the State Director of Ecology.

THIS IS TO CERTIFY That John D. Cline of Renton, Washington, has complied with all of the requirements of the Revised Code of Washington 90.03.580 and is hereby granted the right to change the point of diversion and place of use of waters of Beaver Creek, tributary of Methow River, in the amount of 0.08 cubic foot per second, being a portion of the amount of 0.50 c.f.s. as granted in Certificate No. 214, decreed right, State of Washington vs. Mason Thurlow, et ux., et al. 214

That the use of such water is for the purpose of irrigation of 25.09 acres from May 1 to September 15, each year, and that said water was diverted from said stream at four points situated in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 35, T. 34 N., R. 22 E.W.M.; the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 2, T. 33 N., R. 22 E.W.M.; the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 18, T. 34 N., R. 23 E.W.M.; and the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 24, T. 34 N., R. 23 E.W.M. and on the following described land: S $\frac{1}{4}$ NE $\frac{1}{4}$ and N $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 11, T. 33 N., R. 22 E.W.M.

That he has changed the above points of diversion for the said 0.08 c.f.s. to a single point situated in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 35, T. 34 N., R. 22 E.W.M., Okanogan County, Washington, such point being about 350 feet east and 1,200 feet north of the south quarter corner of said Sec. 35.

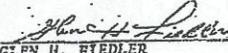
That he has changed the place of use of said waters for irrigation of 4.13 acres, from May 1 to September 15, each year, to the following described lands:

That part of the north 300 feet of SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 11, T. 33 N., R. 22 E.W.M. lying westerly of Beaver Creek Road.

Given under my hand and seal of this office in Olympia, Washington, this 26th day of August, 1970.

RECORDED:
Volume 3, page 1122
Records of Change of Point
of Diversion and Place of
Use of Water.

JOHN A. BIGGS, Director
Department of Ecology

By 
GLEN H. FIEDLER



Certificate of Water Right

THIS IS TO CERTIFY:

That by virtue of a decree of the Superior Court of the State of Washington in and for Okanogan County, made and entered on the 20th day of September, 1921, and recorded in Volume "0" of the Superior Court Journal of said County at page 198, from which decree no appeal was taken, and which decree determined the rights of all known claimants to the use of the waters of Beaver Creek, a tributary of Methow River

B. J. BATE, Trustee, Washington

is entitled to use, subject to the laws of the State of Washington, the waters of said Beaver Creek

for the purpose of irrigation during the period from May 1st to September 15th each year and for the purpose of stock and domestic use continuously.

That the amount of water to which said water right is entitled is limited to the quantity which is reasonably and actually necessary for the purpose aforesaid and shall not exceed 0.56 second feet for the irrigation of 28.1 acres of the lands hereinafter described.

That the date of priority of said water right is 1891; that the decree aforesaid establishes said right in Class 5, which said class includes a total maximum of 6.40 second feet; that the possible maximum amount of water which is comprehended in rights prior to this right is 30.17 second feet.

That the point of diversion of said water right is as follows:

In the SW¹ SE¹ of Section 35, Township 34 N., Range 22 E. W. M.;
the SW¹ SE¹ of Section 2, Township 33 N., Range 22 E. W. M.;
the SW¹ SE¹ of Section 16, Township 34 N., Range 23 E. W. M.; and
the SW¹ NE¹ of Section 24, Township 34 N., Range 22 E. W. M.

and cannot be changed except as provided in Section 39, Chapter 117, Session Laws of 1917.

That said water right was adjudged by said decree to be and is appurtenant to the following described real property situated in Okanogan County, Washington, to wit:
NW¹ NE¹ of Section 11, Township 33 N., Range 22 E. W. M. and
SW¹ SE¹ of Section 2, Township 33 N., Range 22 E. W. M.

216

S



Certificate of Water Right

THIS IS TO CERTIFY:

That by virtue of a decree of the Superior Court of the State of Washington in and for Okanogan County, made and entered on the 20th day of September, 1921, and recorded in Volume 98 of the Superior Court Journal of said County at page 198, from which decree no appeal was taken, and which decree determined the rights of all known claimants to the use of the waters of Beaver Creek a tributary of Methow River

B. J. BATTIE, Twisp, Washington

is entitled to use, subject to the laws of the State of Washington, the waters of said

Beaver Creek

for the purpose of irrigation during the period from May 1st to September 15th each year and for the purpose of stock and domestic use continuously.

That the amount of water to which said water right is entitled is limited to the quantity which is reasonably and actually necessary for the purpose aforesaid and shall not exceed 1.14 second feet for the irrigation of 57.23 acres of the lands hereinafter described.

217

That the date of priority of said water right is 1893; that the decree aforesaid establishes said right in Class 6, which said class includes a total maximum of 2.75 second feet; that the possible maximum amount of water which is comprehended in rights prior to this right is 17.62 second feet.

That the point of diversion of said water right is as follows:

In the SW 1/4 SE 1/4 of Section 38, Township 34 N., Range 22 E. W. M.;
the SE 1/4 SW 1/4 of Section 2, Township 33 N., Range 22 E. W. M.;
the SW 1/4 SE 1/4 of Section 18, Township 34 N., Range 23 E. W. M.; and
the SW 1/4 NE 1/4 of Section 24, Township 34 N., Range 22 E. W. M.

and cannot be changed except as provided in Section 39, Chapter 117, Session Laws of 1917.

That said water right was adjudged by said decree to be and is appurtenant to the following described real property situated in Okanogan County, Washington, to wit:

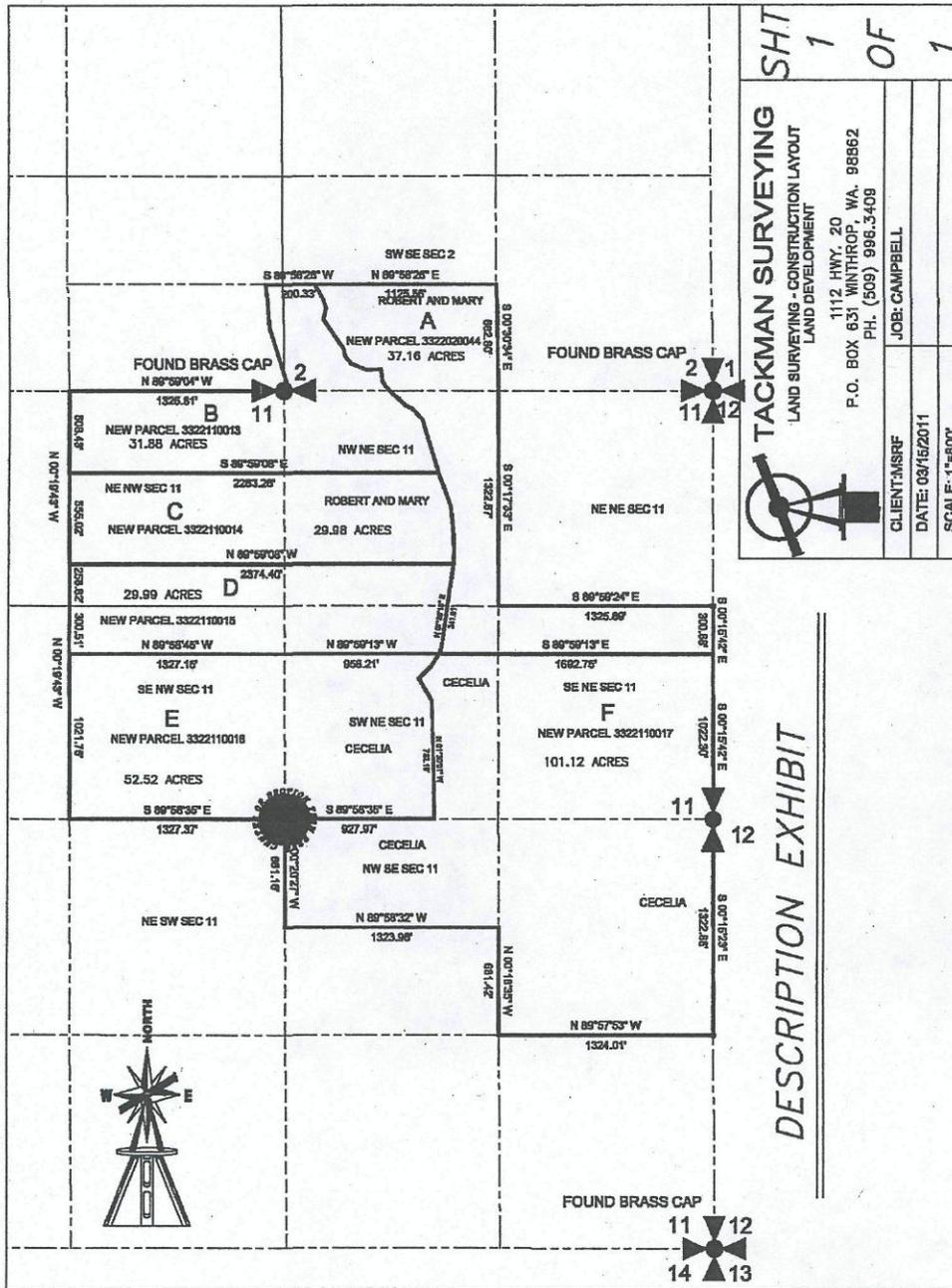
S 1/4 NE 1/4 of Section 11, Township 33 N., Range 22 E. W. M. and
N 1/4 SE 1/4 of Section 11, Township 33 N., Range 22 E. W. M.

217

S



Exhibit B
Property Map and Legal Description



SHT 1 OF 1

TACKMAN SURVEYING
 LAND SURVEYING - CONSTRUCTION LAYOUT
 LAND DEVELOPMENT

1112 HWY. 20
 P.O. BOX 631 WINTHROP, WA. 98862
 PH. (509) 996.3409

JOB: CAMPBELL

CLIENT:MSRF
 DATE: 03/15/2011
 SCALE: 1"=800'

AGREEMENT TO CONVEY WATER RIGHTS FROM BEAVER CREEK- 15





Parcel A

That part of the Southwest quarter of the Southeast quarter of Section 2, and that part of the Northeast quarter of Section 11, Township 33 North, Range 22 East, Willamette Meridian, Okanogan County, Washington and being more particularly described as follows:

Parcel B

That part of the South one-half Southwest quarter of the Southeast quarter and the South one-half of the Southeast quarter of the Southwest quarter of Section 2, lying East of Okanogan County Road No 1637, and that part of the Northeast quarter of the Northwest quarter and the Northwest quarter of the Northeast quarter, Section 11, Township 33 North, Range 22 East, Willamette Meridian, Okanogan County, Washington

Parcel C

That part of the Northeast quarter of the Northwest quarter and that part of Northwest quarter of the Northeast quarter, Section 11, Township 33 North, Range 22 East, Willamette Meridian, Okanogan County, Washington and being more particularly described as follows:

Parcel D

That part of the Northeast quarter of the Northwest quarter, the Northwest quarter of the Northeast quarter, the Southeast quarter of the Northwest quarter, the Southwest quarter of the Northeast quarter, Section 11, Township 33 North, Range 22 East, Willamette Meridian, Okanogan County, Washington and being more particularly described as follows

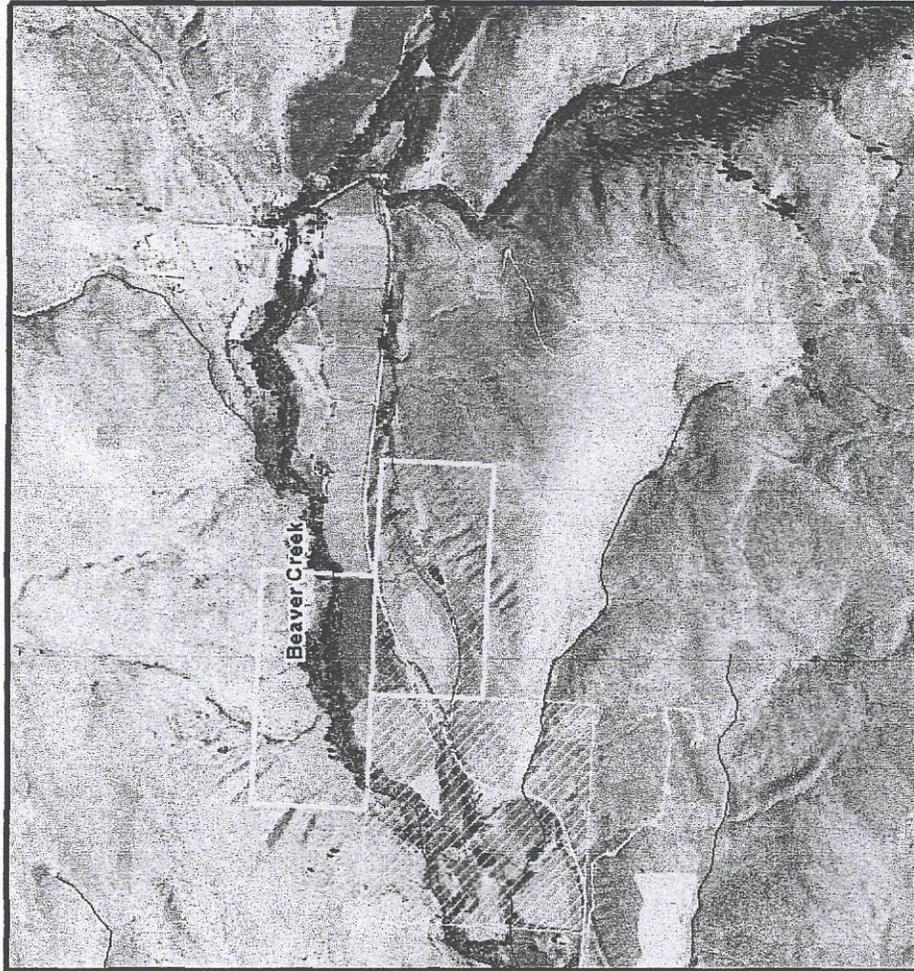
Parcel E

That part of the Southeast quarter of the Northwest quarter, the Southwest quarter of the Northeast quarter, Section 11, Township 33 North, Range 22 East, Willamette Meridian, Okanogan County, Washington and being more particularly described as follows:



Exhibit C
Map and Description of Late Season Purchase Water Rights

Campbell Water Rights



Legend

Batie_Diversion

S4-07213JC

S4-07216JC

S4-07214JC & S4-07217JC



This map is provided "as is" and without warranty of any kind. 2009 aerial data provided courtesy of NRCS.

AGREEMENT TO CONVEY WATER RIGHTS FROM BEAVER CREEK- 17

S



Beaver Creek Adjudicated Certificate # 213 (Class 2)

Source: Beaver Creek
Purpose of Use: Irrigation of 25.57 acres*
Period of Use: August 1st- September 15th
Instantaneous Quantity: 0.51 cfs
Annual Quantity: 46.45 afy*
Priority Date: 1888 (Class 2)
Point of Diversion: SW1/4 NE1/4 of Section 35, Township 34 N., Range 22 E.W.M.
Place of Use: E1/2 NW1/4 and NW1/4 NE1/4 of Section 11, and SW1/4 SE1/4 Section 2, all within T. 33N., Range 22 E.W.M.

Beaver Creek Adjudicated Certificate # 216 (Class 5)

Source: Beaver Creek
Purpose of Use: Irrigation of 28.10 acres*
Period of Use: August 1st- September 15th
Instantaneous Quantity: 0.56 cfs
Annual Quantity: 51 afy*
Priority Date: 1891 (Class 5)
Point of Diversion: SW1/4 NE1/4 of Section 35, Township 34 N., Range 22 E.W.M.
Place of Use: NW1/4 NE1/4 of Section 11 and SW1/4 SE1/4 of Section 2, all in T. 33N., Range 22 E.W.M.

* The listed acres and water quantities is only an estimate of that portion of the water right that will be purchased under this Agreement, which is intended by the parties to include any and portions of the water right not otherwise leased under any separate agreements. The stated acres and water quantities are not in any manner guaranteed and can not to be relied upon as the final calculation or determination of the that portion of the water right being sold. The final quantity and portion of the water right being sold will be verified after all boundary line adjustments have been finalized and through the extent and validity process.



Beaver Creek Adjudicated Certificate # 214 (Class 2)

Source: Beaver Creek
Purpose of Use: Irrigation of 7.66 acres*
Period of Use: August 1st- September 15th
Instantaneous Quantity: 0.15 cfs*
Annual Quantity: 13.66 afy*
Priority Date: 1888 (Class 2)
Point of Diversion: SW1/4 NE1/4 of Section 35, Township 34 N., Range 22 E.W.M.
Place of Use: S1/2 NE1/4 and N1/2 SE1/4 of Section 11, T. 33N., Range 22 E.W.M.

Beaver Creek Adjudicated Certificate # 217 (Class 6)

Source: Beaver Creek
Purpose of Use: Irrigation of 17.48 acres*
Period of Use: August 1st- September 15th
Instantaneous Quantity: .35 cfs*
Annual Quantity: 31.88 afy*
Priority Date: 1893 (Class 6)
Point of Diversion: SW1/4 NE1/4 of Section 35, Township 34 N., Range 22 E.W.M.
Place of Use: S1/2 NE1/4 and N1/2 SE1/4 of Section 11, T. 33N., Range 22 E.W.M.

* The listed acres and water quantities is only an estimate of that portion of the water right that will be purchased under this Agreement, which is intended by the parties to include any and portions of the water right not otherwise leased under any separate agreements. The stated acres and water quantities are not in any manner guaranteed and can not to be relied upon as the final calculation or determination of the that portion of the water right being sold. The final quantity and portion of the water right being sold will be verified after all boundary line adjustments have been finalized and through the extent and validity process.



Exhibit D
Description of Cecelia W. Campbell 20 Year Lease Water Rights

Beaver Creek Adjudicated Certificate # 214 (Class 2)

Source: Beaver Creek
Purpose of Use: Irrigation of 17.43 acres
Period of Use: May 1st- September 15th
Lease Period: August 1st – September 15th
Instantaneous Quantity: 0.35 cfs
Annual Quantity: 31.88 afy
Priority Date: 1888 (Class 2)
Point of Diversion: SW1/4 NE1/4 of Section 35, Township 34 N., Range 22 E.W.M.
Place of Use: S1/2 NE1/4 and N1/2 SE1/4 of Section 11, T. 33N., Range 22 E.W.M.

Beaver Creek Adjudicated Certificate # 217 (Class 6)

Source: Beaver Creek
Purpose of Use: Irrigation of 39.75 acres
Period of Use: May 1st- September 15th
Lease Period: August 1st – September 15th
Instantaneous Quantity: .79 cfs
Annual Quantity: 71.95 afy
Priority Date: 1893 (Class 6)
Point of Diversion: SW1/4 NE1/4 of Section 35, Township 34 N., Range 22 E.W.M.
Place of Use: S1/2 NE1/4 and N1/2 SE1/4 of Section 11, T. 33N., Range 22 E.W.M.

05/05/2011 09:25:58 AM
Recording Fee \$83.00 Page 20 of 22
Water TROUT UNLIMITED
Okanogan County Washington

3163655



Exhibit E
Water Right Deed

AGREEMENT TO CONVEY WATER RIGHTS FROM BEAVER CREEK- 21

S



WATER RIGHT DEED

ROBERT E. and MARY R. CAMPBELL and CECELIA W. CAMPBELL, GRANTORS, for and in consideration of the mutual agreement contained an Agreement to Convey Water Rights from Beaver Creek, dated _____, 2011, (attached as Exhibit A) hereby convey and quitclaim to WASHINGTON WATER PROJECT OF TROUT UNLIMITED, GRANTEE, the following:

Any and all interest Grantors have in ("Water Rights") authorized for use and otherwise appurtenant to Okanogan County Tax Assesor's Parcel Numbers: 3322020044; 3322110013; 3322110014; 3322110015; and 322110016 including Water Rights Adjudicated Certificate No. S4-07213JC, Water Rights Adjudicated Certificate No. S4-07214JC, Water Rights Adjudicated Certificate No. S4-07216JC, and Adjudicated Certificate No. S4-07217JC for the period of time from August 1 through September 15. A copy of the Water Rights is attached as Exhibit A to the agreement to convey Water Rights Water Right Deed.

The estimated annual quantities of the Water Rights deeded herein are forty-six and forty-five hundredths (46.45) acre feet per year under Adjudicated Certificate No. S4-07213JC, fifty-one (51) acre feet per year under Adjudicated Certificate No. S4-07217JC, thirteen and sixty-six hundredths (13.66) acre feet per year under Adjudicated Certificate No. S4-07214JC, and thirty-one and eighty-eight hundredths (31.88) acre feet per year under Adjudicated Certificate No. S4-07217JC. The Washington Department of Ecology will make the tentative determination of the quantity of water represented in the Water Rights for use from August 1 to September 15 annually.

DATED this 12 day of April, 2011.

GRANTORS:

Robert E Campbell
Robert E. Campbell

Cecelia W Campbell
Cecelia W. Campbell

Mary R Campbell
Mary R. Campbell

S

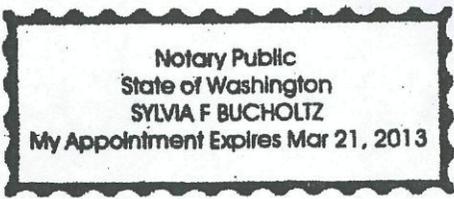


STATE OF WASHINGTON)
) ss
COUNTY OF Okanogan)

I certify that I know or have satisfactory evidence that **Robert E. Campbell and Mary R. Campbell**, husband and wife, are the persons who appeared before me, and said persons acknowledged that they signed this instrument and acknowledged it to be their free and voluntary act, for the uses and purposes mentioned in the instrument.

DATE: 4-12-2011

Sylvia F. Bucholtz
NOTARY PUBLIC for the State of Washington,
residing at 3 N. Ash
My commission expires: March 21, 2013



STATE OF WASHINGTON)
) ss
COUNTY OF Okanogan)

I certify that I know or have satisfactory evidence that **Cecelia W. Campbell**, is the person who appeared before me, and said person acknowledged that she signed this instrument and acknowledged it to be her the free and voluntary act, for the uses and purposes mentioned in the instrument.

DATE: April 13th 2011

Breanne A McAuliffe
NOTARY PUBLIC for the State of Washington,
residing at Twisp
My commission expires: 2/11/13



S

PLEASE TYPE OR PRINT

THIS AFFIDAVIT WILL NOT BE ACCEPTED UNLESS ALL AREAS ON ALL PAGES ARE FULLY COMPLETED
(See back of last page for instructions)

Check box if partial sale of property If multiple owners, list percentage of ownership next to name.

<p>1 SELLER GRANTOR</p> <p>Name <u>Bob and Mary Campbell; Cecelia Campbell</u></p> <p>Mailing Address <u>126 Upper Beaver Creek Road; 109 Upper Beaver Creek Road</u></p> <p>City/State/Zip <u>Twisp, WA</u></p> <p>Phone No. (including area code) _____</p>	<p>2 BUYER GRANTEE</p> <p>Name <u>Washington Water Project Trout Unlimited</u></p> <p>Mailing Address <u>103 Palouse, Suite 14</u></p> <p>City/State/Zip <u>Wenatchee, WA 98801</u></p> <p>Phone No. (including area code) <u>509-888-0971</u></p>
--	---

<p>3 Send all property tax correspondence to: <input checked="" type="checkbox"/> Same as Buyer/Grantee</p> <p>Name _____</p> <p>Mailing Address _____</p> <p>City/State/Zip _____</p> <p>Phone No. (including area code) _____</p>	<p>List all real and personal property tax parcel account numbers - check box if personal property</p> <p>_____ 3322020044 <input type="checkbox"/></p> <p>_____ 3322110013 <input type="checkbox"/></p> <p>_____ 3322110014 <input type="checkbox"/></p> <p>_____ 3322110015 and 3322110016 <input type="checkbox"/></p>	<p>List Assessed value(s)</p> <p>_____ NA 343</p> <p>_____ 12,900 NA 343</p> <p>_____ 10,200 NA</p> <p>_____ NA</p>
--	---	---

4 Street address of property: _____ **39,800.**

This property is located in Okanogan County

Check box if any of the listed parcels are being segregated from another parcel, are part of a boundary line adjustment or parcels being merged.

Legal description of property (if more space is needed, you may attach a separate sheet to each page of the affidavit)

A portion of the water right under Beaver Creek Adjudicated Certificate No. S4-07252JC within Lot 3, except 2 acres, and the S1/2 NW1/4 of Section 2, Township 33N., Range 22 E.W.M. and a portion of the water right under Beaver Creek Adjudicated Certificate No. S4-07228JC within the W1/2 SE1/4 and the E1/2 SW1/4 of Section 35, Township 34 N., Range 22 E.W.M.

5 Select Land Use Code(s): _____

enter any additional codes: _____

(See back of last page for instructions)

	YES	NO
Is this property exempt from property tax per chapter 84.36 RCW (nonprofit organization)?	<input type="radio"/>	<input type="radio"/>

	YES	NO
Is this property designated as forest land per chapter 84.33 RCW?	<input type="radio"/>	<input type="radio"/>
Is this property classified as current use (open space, farm, and agricultural, or timber) land per chapter 84.34?	<input type="radio"/>	<input type="radio"/>
Is this property receiving special valuation as historical property per chapter 84.26 RCW?	<input type="radio"/>	<input type="radio"/>
If any answers are yes, complete as instructed below.	<input type="radio"/>	<input type="radio"/>

(1) NOTICE OF CONTINUANCE (FOREST LAND OR CURRENT USE)

NEW OWNERS(S): To continue the current designation as forest land or classification as current use (open space, farm and agriculture, or timber) land, you must sign on (3) below. The county assessor must then determine if the land transferred continues to qualify and will indicate by signing below. If the land no longer qualifies or you do not wish to continue the designation or classification, it will be removed and the compensating or additional taxes will be due and payable by the seller or transferor at the time of sale. (RCW 84.33.140 or RCW 84.34.108). Prior to signing (3) below, you may contact your local county assessor for more information. This land does does not qualify for continuance.

Rob Whitman 5-5-2011
DEPUTY ASSESSOR DATE

(2) NOTICE OF COMPLIANCE (HISTORIC PROPERTY)

NEW OWNER(S): To continue special valuation as historic property, sign (3) below. If the new owner(s) does not wish to continue, all additional tax calculated pursuant to chapter 84.26 RCW, shall be due and payable by the seller or transferor at the time of sale.

(3) OWNER(S) SIGNATURE

PRINT NAME

List all personal property (tangible and intangible) included in selling price.

None

If claiming an exemption, list WAC number and reason for exemption: **\$ 1865.04**

WAC No. (Section/Subsection) _____ **Trout Unlimited**

Reason for Exemption _____ **pd ck# 36008**

Type of Document Water Right Deed

Date of Document 4-14-2011

Gross Selling Price \$ 121,571.00

*Personal Property (deduct) \$ _____

Exemption Claimed (deduct) \$ _____

Taxable Selling Price \$ 121,571.00

Excise Tax: State \$ 1,556.11

0.0025 Local \$ 303.93

*Delinquent Interest Penalty \$ _____

Local \$ _____

*Delinquent Penalty \$ _____

Subtotal \$ 1,860.04

*State Technology Fee \$ 5.00

*Affidavit Processing Fee \$ _____

Total Due \$ 1,865.04 ✓

A MINIMUM OF \$10.00 IS DUE IN FEE(S) AND/OR TAX
*SEE INSTRUCTIONS

8 I CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT

<p>Signature of Grantor or Grantor's Agent: <u>Robert Campbell</u></p> <p>Name (Print): <u>Robert Campbell</u></p> <p>Date & city of signing: <u>4-21-11 Twisp WA</u></p>	<p>Signature of Grantee or Grantee's Agent: <u>Lisa Pegg</u></p> <p>Name (Print): _____</p> <p>Date & city of signing: <u>4/22/11 Wenatchee</u></p>
---	---

EXCISE TAX PAID _____

Perjury: Perjury is a class C felony which is punishable by imprisonment in the state correctional institution for a maximum term of not more than five years, or by a fine in an amount fixed by the court of not more than five thousand dollars (\$5,000.00), or by both imprisonment and fine (RCW 9A.20.020 (1C))

REV 84 0001ax (2/23/10) THIS SPACE - TREASURER'S USE ONLY COUNTY TREASURER

BY [Signature]
TREASURER OKANOGAN COUNTY

Robert Campbell
Mary Campbell
Cecelia Campbell

1040001

Certificate of Water Right

THIS IS TO CERTIFY:

That by virtue of a decree of the Superior Court of the State of Washington in and for
Okanogan County, made and entered on the 20th day of
September, 1921, and recorded in Volume "Q" of the Superior Court
Journal of said County at page 198, from which decree no appeal was taken, and which decree
determined the rights of all known claimants to the use of the waters of
Beaver Creek a tributary of Methow River

B. J. BATIE, Twisp, Washington

is entitled to use, subject to the laws of the State of Washington, the waters of said

Beaver Creek

for the purpose of irrigation during the period from May 1st
to September 15th each year and for the purpose of stock and domestic
use continuously.

That the amount of water to which said water right is entitled is limited to the quantity which
is reasonably and actually necessary for the purpose aforesaid and shall not exceed

0.56 second feet for the irrigation of 28.1 acres of
the lands hereinafter described.

That the date of priority of said water right is 1891; that
the decree aforesaid establishes said right in Class 5, which said class
includes a total maximum of 6.40 second feet; that the possible
maximum amount of water which is comprehended in rights prior to this right is

10.17 second feet.

That the point of diversion of said water right is as follows:

In the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 35, Township 34 N., Range 22, E. W. M.;
the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 2, Township 33 N., Range 22 E. W. M.;
the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 18, Township 34 N., Range 23 E. W. M.; and
the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 24, Township 34 N., Range 22 E. W. M.

and cannot be changed except as provided in Section 39, Chapter 117, Session Laws of 1917.

That said water right was adjudged by said decree to be and is appurtenant to the following
described real property situated in Okanogan County, Washington, to wit:

NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 11, Township 33 N., Range 22 E. W. M. and
SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 2, Township 33 N., Range 22 E. W. M.

216
=

216

S

This instrument is recorded in the office of the Supervisor of Hydraulics, at Olympia, Wash-
ton, in Volume ¹ of Water Right Certificates at Page 216

WITNESS the seal and signature of the Supervisor of Hydraulics affixed this 15th
day of May, 1922

SEAL

MARVIN CHASE
Supervisor of Hydraulics of the State of Washington

Certificate of Water Right

Issued to B. J. BATTLE

For the use of the waters of

Beaver Creek

County of Okanogan

State of Washington