



**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

(Check all that apply.)

- Lease
- Purchase
- Donation
- Other

Explain: The United States Bureau of Reclamation (Reclamation) on behalf of the Kennewick Irrigation District (KID), (Reclamation/KID), wish to place a portion of the May 10, 1905 priority U.S./KID water rights into the state trust water rights program on a renewable term basis. This trust water is to be used for beneficial instream purposes in specific reaches of the lower Yakima River below the Prosser Diversion Dam. By issuing the *Amended Report of Examination for Change*, dated August 27, 2012, Ecology: changed certain identified portions of the subject water right to include an instream purpose of use; authorized an additional downstream diversion point (the Kiona pump site) for a portion of the subject water right; modified KID's authorized place of use; and added the lower Yakima River reach from Prosser Dam to the McNary Pool as the authorized place of use when water is used for instream purposes. With this trust water application, Reclamation/KID apply to place certain identified portions of the subject water right into the State Trust Water Program as explained within this application, but with the condition that Reclamation/KID can pull certain of these blocks of water out of the trust program as needed, also as explained within this application below and in accord with "*Amendment to the Kennewick Irrigation District Water Right Settlement Agreement*" (*Settlement Agreement*), dated about June 9, 2011. Further, by entering these water rights into the trust water program, the United States, in no way conveys any property interest in the rights to the State or back to the State. The use of the term "acquisition" or "acquires" in this document, or the resulting Report of Examination (ROE), has no meaning beyond programmatic inclusion in the trust water rights program with the conditions contained herein. The two previous sentences will be included as conditions in the Report of Examination. Further, as a condition of this transfer, Reclamation and KID may decrease the amount of water in the "long-term trust right for instream flows" (up to 1410 AF & 3,347 AF; (see 5B 1) & 2), below), in proportion to funding, up to \$10 million, as described in Note 6 of Exhibit 3 of the Amended Settlement Agreement, (dated about June 9, 2011), without further administrative procedure."

FOR OFFICE USE ONLY <i>BENTON</i>	
FILE No. <i>CS4-629CTCL01</i>	WRIA <i>37</i>
DATE ACCEPTED <i>07/24/2013</i>	BY <i>[Signature]</i>
FEE \$ <i>0</i>	REC'D <i>07/17/2013</i>
CHECK No. <i>0</i>	
SEPA: <input type="checkbox"/> Exempt <input type="checkbox"/> Not exempt	

Portion of the identified existing water right

IF FOR SEASONAL OR TEMPORARY, START DATE : N/A (permanent, renewable term basis)
END DATE ____/____/____ (long-term)

APPLICATION FEE NOTE: There is NO FEE for this trust water right application. RCW 90.03.470(3)(c)(ii) states that no fee is required for "(a)n application to process a change when the department otherwise acquires a trust water right for purposes of improving instream flows or for other public purposes". As noted above, this project will result in the creation of trust water rights for instream flow enhancement for the benefit of fish and wildlife, etc.

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

1. Applicant Information:

APPLICANT/BUSINESS NAME U.S. Bureau of Reclamation on behalf of KID (US/KID)	PHONE NO. (509) 586-9111 (KID) (509) 575-5848 (USBR)	FAX NO. (509) 586-7663 (KID) (509) 454-5611 (USBR)
ADDRESS 1917 Marsh Rd., Yakima, Wa. 98901-2058 (USBR), and 12 West Kennewick Avenue, Kennewick, WA 99336 (KID)		
CITY Yakima and Kennewick	STATE WA	ZIP CODE 98901-2058 and 99336

<i>CL REC CS4-629CTCL DATED 08-27-2012</i>	
FOR OFFICE USE ONLY	
WATER RIGHT NO. _____	FILE (contract) NO. _____
<i>CS4-629CTCL01</i>	

CONTACT NAME (IF DIFFERENT FROM ABOVE) Scott Revell, KID Planning Manager; or Bill Ferry, US Bureau of Reclamation, Columbia-Cascades Area Office,	PHONE NO. (509) 378-7887 (KID) (509) 575-5848 x244 (USBR)	FAX NO. (509) 586-7663 (KID) (509) 454-5611 (USBR)
ADDRESS As noted above for USBR and KID.		
CITY	STATE	ZIP CODE

2. Water Right Information:

WATER RIGHT OR CLAIM NUMBER Yakima Adjudication Court Claim No. 629	RECORDED NAME(S) "U.S./KID": To be decreed in the name of the United States of America for the use and benefit of the Kennewick Division of the Yakima Project, the Kennewick Irrigation District and their water users entitled to delivery from the Kennewick Division and the Kennewick Irrigation District.
DO YOU OWN THE RIGHT? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF NO, PROVIDE OWNER(S) NAME and ADDRESS: Owner: United States of America, Bureau of Reclamation on behalf of the Kennewick Division of the Yakima Project, the Kennewick Irrigation District and their water users entitled to delivery from the Kennewick Division and the Kennewick Irrigation District.	
HAS THE WATER BEEN PUT TO BENEFICIAL USE IN THE LAST FIVE (5) YEARS? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO ARE WATER DIVERSIONS/WITHDRAWALS OF THIS WATER RIGHT METERED OR MEASURED? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO 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.

3. How is Water to be Made Available for Trust?

<input checked="" type="checkbox"/> Alteration in method of diversion	<input checked="" type="checkbox"/> Alteration in water use/ irrigated acreage
<input checked="" type="checkbox"/> Alteration in method of delivery/conveyance	<input type="checkbox"/> Nonuse of one or more points of diversion
<input type="checkbox"/> Alteration in method of water application	<input type="checkbox"/> Nonuse of all or a portion of the named water right
<input checked="" type="checkbox"/> Alteration in type of crop	<input type="checkbox"/> Other, Explain below:
This project will render certain currently-used portions of this U.S./KID water right available for temporary placement into the state trust water rights program, as described in more detail below.	
Name of funding source(s): Private funds and some funding from the state Dept of Ecology's Office of Columbia River.	

WATER RIGHT DESCRIPTION *

4. Point(s) of Diversion/Withdrawal:

A. Existing

SOURCE	NO.	¼	¼	SEC.	TWP.	RGE.	PARCEL #	WELL TAG #
Yakima River @ Prosser Dam	1	N1/2	NE	2	8N	24E		
Yakima River @Kiona	2	SW	SW	17	9N	27E		

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. 7 (remarks) or as an attachment.

5. Purpose of Use:

A. Existing Use of the Water Right (consistent with ROE, dated August 27, 2012)

PURPOSE OF USE	GPM or CFS	ACRE-FT/YR	PERIOD OF USE
"Irrigation of 20,201 acres within the boundaries of the Kennewick Irrigation District as they exist as of	301 cfs	84,674	April 1 through October 31

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

February 1, 2010 and other U.S./KID purposes.⁷ (May 10, 1905 Water Right Only)]			
To power 2 hydraulic pumps, calculated at the Chandler pumping plant.	431 cfs	128,343	April 1 through October 31
Instream Flow, Exercised only in non-prorating years. Quantity used for instream flow purpose will be deducted from the total quantity used for irrigation and power generation purposes.	(9 cfs)	(3,570)	April 1 through October 31
Totals:	732 cfs	213,017	April 1 through 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
Trust Water Rights for Instream Flow.:	
1) Long-Term Trust – 50% of Red Mountain LID Conveyance Water Savings, Prosser to Kiona. (Part of the 84,674 af of U.S./KID irrigation water.)	1,410
2) Long-term Trust – Red Mountain LID Drive Water, Prosser to Chandler. (Part of the 128,343 af of U.S./KID drive water.)	3,347
3) Short-term Trust – 50% of Red Mountain LID Conveyance Water Savings, Prosser to Kiona. (Part of the 84,674 af of U.S./KID irrigation water.) <u>Condition</u> : this water can be moved from the trust water program to irrigation use and back without an administrative change proceeding.	1,410
4) Short-term Trust – Red Mountain LID Conveyance Water Savings Drive Water, Prosser to Chandler. (Part of the 128,343 af of U.S./KID drive water.) <u>Condition</u> : this water can be moved from the trust water program to irrigation use and back without an administrative change proceeding.	3,525
5) Short-term Trust – Crop Differential Drive Water, Prosser to Chandler. (Part of the 128,343 af of U.S./KID drive water.) <u>Condition</u> : This water can be moved from the trust water program to irrigation use and back without an administrative change proceeding.	4,463
6) Short-term Trust – Red Mountain LID Conveyance Water Savings, Kiona to the McNary Pool of the Columbia River. (Part of the 84,674 af of KID irrigation water.) <u>Condition</u> : this water can be moved from the trust water program to irrigation use and back without an administrative change proceeding.	2,820

6. Place of Use:

A. Existing: (consistent with Amended ROE dated August 27, 2012)

LEGAL DESCRIPTION OF LANDS WHERE WATER IS PRESENTLY USED:						
1. Chandler pumping plant: 2450 feet west and 1700 feet south, more or less from the northeast corner of Section 17, being within the west 1/2 of the northwest 1/4 of the southwest 1/4 of the northeast 1/4 of Section 17, T. 9 N., R. 26 E.W.M.;						
2. Irrigation and other U.S./KID purposes: "20,201 acres within the boundaries of the Kennewick Irrigation District as designated by authority of the Secretary of the Interior and as described in KID Exs. 160 through 160-42 in <i>Ecology v. Acquavella</i> , and as partially amended by Exhibit 1 and as described on Exhibit 2 ¹ attached hereto, <i>provided that</i> , no more than 20,201 acres may be irrigated at any time." (Footnote 1, states: "KID may amend the assessment rolls in Exhibit 2 to change the place of use of water within the LID as described in Exhibit 1 provided that no water right limitations contained in this Agreement are changed, altered or exceeded including but not limited the number of acres that may be irrigated.") [See attached copy of the June 9, 2011 Amendment to the Kennewick Irrigation District Water Right Settlement Agreement for the Exhibits 1 and 2 referenced above.]						
3. Instream purpose: the river reach below Prosser diversion dam to the confluence of the Yakima River with the McNary pool at River Mile 335 on the Columbia River.						
1/4	1/4	SEC.	TWP.	RGE.	COUNTY	PARCEL #
					Benton	20,201
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: Many KID water users						

6. Place of Use (continued)

B. Proposed: (for portion of right to be placed in the Trust Water Program)

IDENTIFY THE WATER BODY TO BE BENEFITED OR OTHER PLACE TO BE BENEFITED
[1. Chandler pumping plant: (NO CHANGE).]
[2. Irrigation and other U.S./KID purposes: (NO CHANGE).]
3. When water is used for instream flow purposes: The place of use is described as the river reaches below the Prosser diversion dam on the Yakima River, explained in more detail above, in the Purpose of Use section (Section 5), and consistent with the July 11, 2001 Kennewick Irrigation District Water Rights Settlement Agreement, as modified by the Amendment to the Kennewick Irrigation District Water Rights Settlement Agreement dated about June 9, 2011."

7. Remarks and Other Relevant Information:

EXPEDITED PROCESSING: Applicant requests expedited processing of this water right change application under the "Hillis Rule", Chapter 173-152-050(3)(a) of the Washington Administrative Code (WAC). This proposed change, if approved, "would substantially enhance or protect the quality of the natural environment" by augmenting instream flows for portions of the lower Yakima River, which will benefit riverine fish and wildlife habitat.
1905 WATER RIGHT ONLY: This change application pertains only to the May 10, 1905 priority Yakima River surface water rights held by the applicant in the name of the U.S./KID, those being rights as described in the Amended ROE dated August 27, 2012.

CURRENT TRUST WATER RIGHT APPLICATION (consistent with Amended ROE dated August 27, 2012):

This application is a request for Ecology's approval to place portions of the 1905-priority U.S./KID water rights into the Washington State Trust Water Rights Program, as follows:

- 1) 1,410 acre-feet of water (50% of Red Mtn. LID Conveyance Water Savings) to **LONG-TERM TRUST**, for instream flow use from Prosser to the proposed Kiona pump plant (part of the 84,674 af of KID's 1905-priority irrigation water);
- 2) 3,347 af of water (Red Mtn. LID Drive Water) to **LONG-TERM TRUST**, for instream flow use from Prosser to Chandler (part of the 128,343 af of KID's 1905-priority hydraulic pump drive water);
- 3) 1,410 af of water (50% of Red Mtn. LID Conveyance Water Savings) to **SHORT-TERM TRUST**, for instream flow use from Prosser to Kiona, but can be pulled out of trust as needed (part of the 84,674 af of KID 1905-priority irrigation water);
- 4) 3,525 af of water (Red Mtn. LID Conveyance Water Savings Drive Water) to **SHORT-TERM TRUST**, for instream flow use from Prosser to Chandler, but can be pulled out of trust as needed (part of the 128,343 af of KID's 1905-priority hydraulic pump drive water);
- 5) 4,463 af of water (Crop Differential Drive Water) to **SHORT-TERM TRUST**, for instream flow use from Prosser to Chandler, but can be pulled out of trust as needed (part of the 128,343 af of KID's 1905-priority hydraulic pump drive water); and,
- 6) 2,820 af of water (100% of Red Mtn. LID Conveyance Water Savings) to **SHORT-TERM TRUST**, for instream flow use from Kiona to the McNary Pool of the Columbia River (RM 335), but can be pulled out of trust as needed (part of the 84,674 af of KID's 1905-priority irrigation water).

"FOR CLARITY": This trust water application does NOT request Ecology's approval to place into the Washington State Trust Water Rights Program either the 3,570 af of U.S./KID Crop Differential Water or the 2,678 af of Red Mountain LID Irrigation Water re-routed downstream from Prosser Dam to the Kiona Pump Plant (totaling 6,248 af, all a part of the 84,674 af of U.S./KID irrigation water). Ecology's August 27, 2012 Amended ROE has designated the 3,570 af of U.S./KID Crop Differential Water for **NON-TRUST** instream flow use during non-prorating years in the lower Yakima River, from Prosser Dam to the McNary Pool of the Columbia River; but during prorating years, it is to be used for irrigation of 20,201 acres within the boundaries of the Kennewick Irrigation District (KID) as they exist as of February 1, 2010, and other U.S./KID purposes. Ecology's August 27, 2012 Amended ROE has authorized the 2,678 af of U.S./KID Red Mountain LID Irrigation Water for operational irrigation water delivery downstream from Prosser Dam to the Kiona Pump Plant for use every year for irrigation of 20,201 acres within the boundaries of the Kennewick Irrigation District (KID) as they exist as of February 1, 2010, and other U.S./KID purposes. See Note 6 of Exhibit 3 of the Amendment to the Kennewick Irrigation District Water Rights Settlement Agreement dated about June 9, 2011. The June 9, 2011 Amendment to the KID Water Rights Settlement Agreement modified the KID place of use description to "20,201 acres within the boundaries of the Kennewick Irrigation District as designated by authority of the Secretary of the Interior and as described in KID Exs. 160 through 160-42 in *Ecology v. Acquavella*, and as partially amended by Exhibit 1 and as described on Exhibit 2¹ attached hereto, *provided that*, no more than 20,201 acres may be irrigated at any time." Footnote 1 states that "KID may amend the assessment rolls in Exhibit 2 to change the place of use of water within the LID as described in Exhibit 1 provided that no water right limitations contained in this Agreement are changed, altered or exceeded including but not limited to the number of acres that may be irrigated." See attached June 9, 2011 Amendment to the KID Water Rights Settlement Agreement

