



To: Washington Department of Ecology  
15 W Yakima Ave Ste 200  
Yakima, WA 98902

From: Larry Smith  
25239 139th Pl SE  
Kent, WA 98042

**RE: Mitigation Plan for Water Right Change Application CS4-00258CTCL@1.**

I am submitting the "Manastash Creek Restoration Project In-Stream Flow Enhancement Implementation Plan" to the Washington Department of Ecology as an amendment to my water right change application. The mitigation is for the upstream move of the point of diversion for Yakima Adjudication Court Claim #0258 and any adverse environmental impacts that may be identified under the State Environmental Policy Act.

By submitting the Manastash Creek Restoration Project Instream Flow Enhancement Implementation Plan as my voluntary mitigation, I understand that my application or applications for POD change for the consolidation of Anderson, Reed Ditch, and Hatfield Ditch, upstream to the MWDA diversion, will commit not to divert water from the consolidated diversion until 6 cfs (before pro-rationing) of adjudicated water rights for instream flow purposes has been obtained and put into trust in perpetuity, in addition to any water saved by the consolidation of Reed, Anderson and Hatfield to the MWDA site.

Sincerely,

Larry Smith

**RECEIVED**

**JUL 02 2008**

**DEPARTMENT OF ECOLOGY - CENTRAL REGIONAL OFFICE**



STATE OF WASHINGTON  
**APPLICATION FOR CHANGE/TRANSFER  
 OF WATER RIGHT**

For filing with Ecology or with County Conservancy Boards



**A NON-REFUNDABLE MINIMUM FEE OF \$50.00 PAYABLE TO THE DEPARTMENT OF ECOLOGY MUST ACCOMPANY THIS APPLICATION**

(Check all that apply.)

- Change purpose(s) of use
- Add purpose(s) of use
- Change point(s) of diversion/withdrawal
- Add point(s) of diversion/withdrawal
- Change/transfer place of use
- Other (i.e. consolidation, intertie, trust water)

Explain: \_\_\_\_\_

<b>FOR OFFICE USE ONLY</b>	
CHANGE No. <u>CS4-00258 CTCL@1</u>	WRIA <u>39</u>
DATE ACCEPTED <u>09/26/06</u>	BY <u>[Signature]</u>
FEE \$ <u>1470.00</u>	REC'D <u>09/18/2006</u>
CHECK No. <u>8942</u>	
SEPA: <input type="checkbox"/> Exempt <input type="checkbox"/> Not exempt	

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

**1. Applicant Information:**

APPLICANT/BUSINESS NAME	PHONE NO.	FAX NO. ( )
ADDRESS		
CITY	STATE	ZIP CODE

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

**2. Water Right Information:**

WATER RIGHT OR CLAIM NUMBER 00258 (Priority Date 06-30-1871, 30 ac)	RECORDED NAME(S) Wayne Smith & Margaret Smith; Lou Tasker & Diana Tasker
DO YOU OWN THE RIGHT TO BE CHANGED? YES <input type="checkbox"/> NO <input type="checkbox"/>	
IF NO, PROVIDE OWNER(S) NAME and ADDRESS: 17-18-07020-0012 (158333) Richard Johnson - 5330 Cove Rd, Ellensburg, WA 98926 17-18-07020-0004 (288333) James Vick - 5520 Cove Rd 17-18-07020-0020 (398433) Lou Tasker - 5650 Cove Rd 17-18-07020-0011 (318333) Larry Smith - 25239 139 <sup>th</sup> PL SE, Kent WA 98042 17-18-07051-0001 (11642) Robert Ray - 5450 Cove Rd 17-18-07051-0002 (11643) Alan Kesti - 9927 105 <sup>th</sup> Ave E, Bonney Lake, WA 98030 17-18-07052-0001 (11644) Craig Stillwell - 7331 Mary Ave NW, Seattle, 98117 17-18-07052-0002 (11645) Gilbertson - 5456 Cove Rd	
HAS THE WATER BEEN PUT TO BENEFICIAL USE IN THE LAST FIVE (5) YEARS? <input type="checkbox"/> YES <input type="checkbox"/> NO (do not know extent of use)	

*J. Coady 4570 Hanson Rd, Ellensburg WA 98926*

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. See attached Yakima River Basin Water Rights Adjudication, Subbasin No. 11 (Manastash) info

<b>FOR OFFICE USE ONLY</b>			
APP. NO. _____	PERMIT NO. _____	CERT. NO. _____	CERT. OF CHANGE NO. _____

COURT CLERK 00258 Sub 11 Manastash  
 ECY 040-1-97 (11/04) updated to 7/05

*CS4-00258 CTCL@1*

### 3. Point(s) of Diversion/Withdrawal:

#### A. Existing

SOURCE	NO.	¼	¼	SEC.	TWP.	RGE.	PARCEL #	WELL TAG #
Manastash Creek Reed		SW	SW	12	17	17	17-17-12030-0029 (275033)	

#### B. Proposed

SOURCE	NO.	¼	¼	SEC.	TWP.	RGE.	PARCEL #	WELL TAG #
Manastash Creek MWDA		NW	NE	14	17	17	17-17-14010-0011 (215133)	

DO YOU OWN THE EXISTING AND PROPOSED POINT(S) OF DIVERSION/WITHDRAWAL?

EXISTING:  YES  NO      PROPOSED:  YES  NO - IF NO, PROVIDE OWNER(S) NAME:

Existing: Joseph Weyand. Proposed: Scot Reeves, with easement to the Manastash Water Ditch Association

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.

### 4. Purpose of Use:

#### A. Existing

PURPOSE OF USE	GPM or CFS	ACRE-FT/YR	PERIOD OF USE
Irrigation	0.70 cfs		April 1 - June 30
Irrigation	0.35 cfs		July 1 - October 31
Irrigation		212.5 AF	April 1 - October 31
Stockwater		1 AF	Continuously

#### B. Proposed SAME

PURPOSE OF USE	GPM or CFS	ACRE-FT/YR	PERIOD OF USE

### 5. Place of Use:

#### A. Existing

LEGAL DESCRIPTION OF LANDS WHERE WATER IS PRESENTLY USED:							
Government Lot 2 and the S ½ and the west 265 feet of the N ½ of Government Lot 1, ALL in Section 7, T17N, R18E WM.							
¼	¼	SEC.	TWP.	RGE.	COUNTY	PARCEL #	# OF ACRES
S ½	N ½	7	17	18	Kittitas	Several, see list	30
DO YOU OWN ALL THE LANDS IN THE EXISTING PLACE OF USE? <input type="checkbox"/> YES <input type="checkbox"/> NO - IF NO, PROVIDE OWNER(S) NAME:							
17-18-07020-0012 (158333) Richard Johnson - 5330 Cove Rd, Ellensburg, WA 98926							
17-18-07020-0004 (288333) James Vick - 5520 Cove Rd							
17-18-07020-0020 (398433) Lou Tasker - 5650 Cove Rd							
17-18-07020-0011 (318333) Larry Smith - 25239 139 <sup>th</sup> PL SE, Kent WA 98042							
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17-18-07051-0002 (11643) Alan Kesti - 9627 183 <sup>rd</sup> Ave E, Bonney Lake, WA 98030							
17-18-07052-0001 (11644) Craig Stillwell - 7331 Mary Ave NW, Seattle, 98117							
17-18-07052-0002 (11645) Gilbertson - 5456 Cove Rd							
* may not all have historic water use							

*J. Coady 4570 Hanson Rd. Ellensburg WA 98926*

#### B. Proposed

LEGAL DESCRIPTION OF LANDS WHERE NEW USE IS PROPOSED:							
SAME							
¼	¼	SEC.	TWP.	RGE.	COUNTY	PARCEL #	# OF ACRES
DO YOU OWN ALL THE LANDS IN THE PROPOSED PLACE OF USE? <input type="checkbox"/> YES <input type="checkbox"/> NO - IF NO, PROVIDE OWNER(S) NAME:							

Attach a detailed map of your proposed change/transfer. The map should show existing and proposed point(s) of diversion/withdrawal, place of use and any other features involved with this application. If platted property, please include a certified copy of the plat map.

Are there any ADDITIONAL WATER rights OR CLAIMS RELATED to the same property as the ONE PROPOSED FOR CHANGE/TRANSFER?  
 YES  NO - IF YES, PROVIDE THE WATER RIGHT/CLAIM NUMBER(S):

**6. Remarks and Other Relevant Information:**

Reed POD: 600 feet north and 700 feet east from the southwest corner of Section 12, being within the SW 1/4 SW 1/4 of Section 12, T17N, R17E WM.

MWDA POD: 500 feet south and 150 feet east of the north quarter corner of section 14, being within the NW 1/4 NE 1/4 of Section 14, T17N, R17E WM.

**POU Parcel Number(s):**

17-18-07020-0012 (158333) Richard Johnson  
 17-18-07020-0004 (288333) James Vick  
 17-18-07020-0020 (398433) Tasker  
 17-18-07020-0011 (318333) Larry Smith  
 17-18-07051-0001 (11642) Ray  
 17-18-07051-0002 (11643) ~~Keat~~ Ceady  
 17-18-07052-0001 (11644) Stillwell  
 17-18-07052-0002 (11645) Gilbertson

IF FOR SEASONAL OR TEMPORARY, START DATE \_\_\_/\_\_\_/\_\_\_ END DATE \_\_\_/\_\_\_/\_\_\_

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, PO Box 47477, Olympia, WA 98504-7477.

**7. Signatures:**

*I certify that the information above is true and accurate to the best of my knowledge. I understand that in order to process my application, I am hereby granting staff from the Department of Ecology or the County Conservancy Board 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.*

  
 (Applicant)

7/25/06  
 (Date)

\_\_\_\_\_  
 (Water Right Holder)

\_\_\_\_\_  
 (Date)

\_\_\_\_\_  
 (Land Owner(s) of Existing Place of Use)

\_\_\_\_\_  
 (Date)

**IMPORTANT! APPLICATION FILING INFORMATION IS PROVIDED ON THE NEXT PAGE.**

**WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S):**

- APPLICATION FEE NOT ENCLOSED  MAP NOT INCLUDED or INCOMPLETE
- ADDITIONAL SIGNATURES REQUIRED  SECTION \_\_\_\_\_ IS INCOMPLETE
- OTHER/EXPLANATION: \_\_\_\_\_

STAFF: \_\_\_\_\_ DATE: \_\_\_/\_\_\_/\_\_\_

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_____	____/____/____
(Applicant)	(Date)
X <u>Larry W Smith</u>	<u>04.14.08</u>
(Water Right Holder)	(Date)
X <u>Larry W Smith</u>	<u>04.14.08</u>
(Land Owner(s) of Existing Place of Use)	(Date)

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<b>WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S):</b>	
<input type="checkbox"/> APPLICATION FEE NOT ENCLOSED	<input type="checkbox"/> MAP NOT INCLUDED or INCOMPLETE
<input type="checkbox"/> ADDITIONAL SIGNATURES REQUIRED	<input type="checkbox"/> SECTION _____ IS INCOMPLETE
<input type="checkbox"/> OTHER/EXPLANATION: _____	
STAFF: _____	DATE: ____/____/____

**ATTACHMENT FOR  
APPLICATION FOR CHANGE**

**Point(s) of Diversion/Withdrawal -  Existing  Proposed:**

SOURCE	NO.	¼	¼	SEC.	TWP.	RGE.	PARCEL #	WELL TAG #
Manastash Creek-Reed (existing)		SW	SW	12	17	17	17-17-12030-0029 (275033)	
Manastash Creek-MWDA (proposed)		NW	NE	14	17	17	1717-14010-0011 (215133)	

DO YOU OWN THE ABOVE POINT(S) OF DIVERSION/WITHDRAWAL?  YES  NO - IF NO, PROVIDE OWNER(S) NAME:  
Existing: Douglas John Proposed: Scof Reeves with easement to the Manastash Water Ditch Association

**Purpose(s) of Use -  Existing  Proposed: SAME**

**A. Existing**

PURPOSE OF USE	GPM or CFS	ACRE-FT/YR	PERIOD OF USE
Irrigation	0.70 cfs		April 1 - June 30
Irrigation	0.35 cfs		July 1 - October 31
Irrigation		212.5 AF	April 1 - October 31
Stockwater		1 AF	Continuously

**B. Proposed**

PURPOSE OF USE	GPM or CFS	ACRE-FT/YR	PERIOD OF USE

**Place of Use -  Existing  Proposed: SAME**

**A. Existing**

**LEGAL DESCRIPTION OF LANDS:**  
Government Lot 2 and the S ½ and the west 265 feet of the N ½ of Government Lot 1, ALL in Section 7, T17N, R18E WM.

¼	¼	SEC.	TWP.	RGE.	COUNTY	PARCEL #	# OF ACRES
S ½	N ½	7	17	18	Kittitas	See below	30

DO YOU OWN ALL THE LANDS IN THE EXISTING PLACE OF USE?  YES  NO - IF NO, PROVIDE OWNER(S) NAME:

POU Parcel Number(s):

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- 17-18-07020-0011 (318333) Larry Smith
- 17-18-07051-0001 (11642) Ray
- 17-18-07051-0002 (11643) *Kesti Coady*
- 17-18-07052-0001 (11644) Stillwell
- 17-18-07052-0002 (11645) Gilbertson

\*May not all have historic water use