Istvan #1

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DEPARTMENT OF ECOLOGY - CENTRAL REGIONAL OFFICE

WASHINGTON STATE DEPARTMENT OF ECOLOGY

STATE OF WASHINGTON
APPLICATION TO ENTER A WATER RIGHT INTO THE TRUST WATER RIGHT PROGRAM

ISTVAN #1

NOTE: THIS FORM IS **ONLY** TO BE USED FOR THE ACQUISITION OF WATER INTO THE TRUST WATER RIGHT PROGRAM

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FOR OFFICE USE ONLY

FILE No. CS4-01850CTCLsb3@1 **WRIA** 39

DATE ACCEPTED 10 / 07 / 08 **BY** S

FEE $ 0 **REC'D** 06 / 25 / 2008

CHECK No. 4

SEPA: ☐ **Exempt** ☐ **Not exempt**

(Check all that apply.)

☐ Lease
☐ Purchase
X Donation
☐ Other

Explain: _To the trust program for instream flow enhancement use on a long-term renewable basis, as defined in the MOA currently being negotiated between Reclamation and Ecology that will define each agency's roles in joint management of Yakima Basin trust water rights._

☐ Portion of the identified existing water right

IF FOR SEASONAL OR TEMPORARY, START DATE ____/____/____
END DATE ____/____/____

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

1. Applicant Information:

APPLICANT/BUSINESS NAME	PHONE NO.	FAX NO.
United States Bureau of Reclamation	(509) 575-5848, ext. 209 (Walter Larrick)	(509) 454-5611
ADDRESS 1917 Marsh Road		
CITY Yakima	STATE WA	ZIP CODE 98901-2058

CONTACT NAME (IF DIFFERENT FROM ABOVE)	PHONE NO.	FAX NO.
Stan Isley	(509) 575-5848, ext. 281	(509) 454-5611
ADDRESS c/o USBR, 1917 Marsh Road		
CITY Yakima	STATE WA	ZIP CODE 98901-2058

2. Water Right Information:

WATER RIGHT OR CLAIM NUMBER	RECORDED NAME(S)
Court Claim No. 01850	US Bureau of Reclamation (former Barbara L. Istvan Trust)

DO YOU OWN THE RIGHT? X YES ☐ NO IF NO, PROVIDE OWNER(S) NAME and ADDRESS:

HAS THE WATER BEEN PUT TO BENEFICIAL USE IN THE LAST FIVE (5) YEARS? X YES ☐ NO
ARE WATER DIVERSIONS/WITHDRAWALS OF THIS WATER RIGHT METERED OR MEASURED? X YES ☐ NO

IMPORTANT! PROVIDE INFORMATION SHOWING THE EXTENT OF WATER USE FOR EACH OF THE LAST FIVE YEARS

COURT CLAIM 01850
SUB 3 TEANAWAY
JUNE 30, 1889 USBR

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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.

FOR OFFICE USE ONLY	
WATER RIGHT NO. _____	FILE (contract) NO._____

This June 30, 1889 priority water right was exercised fully (0.20 cfs, 54 af/yr of water from the Teanaway River, for irrigation of 10 acres from May 1 through September 15 each year) by the Istvans prior to their sale of the water right to the US Bureau of Reclamation in a sale that closed on September 28, 1999. This water right was subsequently confirmed in this quantity by the Yakima Adjudication Court's entry of the Conditional Final Order (CFO) for Subbasin No. 3 (Teanaway River) on February 8, 2001.

The Adjudication Court entered an "Order Pendente Lite Re: Seaton Water Users Association Members, Teanaway River Ranch Associates Water Users, Teanaway Ranch Inc., and Barbara L. Istvan Trust, Water Rights, Teanaway River, Kittitas County" on March 9, 2000. This Order Pendente Lite (OPL) transferred the full amount (100%) of this water right to instream flow enhancement use in the Teanaway River at the original Masterson Ditch and Seaton Ditch authorized points of diversion (POD). This OPL further protected the consumptive use portion of this water right for instream flow enhancement use below the authorized Masterson Ditch and Seaton Ditch POD's in the Teanaway River downstream to its confluence with the Yakima River and then downstream in the Yakima River to the Yakima River's confluence with the Columbia River.

The US Bureau of Reclamation operates and maintains a stream flow gaging station on the lower Teanaway River along SR 970, the "Teanaway River above Lambert Road" gage. Court-appointed stream patrolman Stan Isley (see the Court's 8/27/98 OPL Re: Metering, Measuring and Reporting Requirements, Teanaway River and Big Creek, Kittitas County) monitors the USBR stream flow gage and tracks this Reclamation/former Istvan instream flow water right to ensure it is exercised and protected for its authorized instream flow use each year. It is fully exercised each year.

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.

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WATER RIGHT NO. _____ FILE (contract) NO._____

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

☐ Alteration in method of diversion	X Alteration in water use/ irrigated acreage
☐ Alteration in method of delivery/conveyance	☐ Nonuse of one or more points of diversion
☐ Alteration in method of water application	☐ Nonuse of all or a portion of the named water right
☐ Alteration in type of crop	☐ Other, Explain below:
Name of funding source(s): Federal YRBWEP funding	

WATER RIGHT DESCRIPTION *

4. Point(s) of Diversion/Withdrawal:

A. Existing

SOURCE	NO.	¼	¼	SEC.	TWP.	RGE.	PARCEL #	WELL TAG #
Teanaway River Masterson Ditch	**1**	**NW**	**NE**	**25**	**20N**	**16E**		
Seaton Ditch	**2**	**NE**	**SE**	**26**	**20N**	**16E**		

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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

PURPOSE OF USE	GPM or CFS	ACRE-FT/YR	PERIOD OF USE
Court-confirmed irrigation water right, 2/08/01 CFO for Subbasin No. 3 (Teanaway River)	**0.20 cfs**	**54 af/yr**	**May 1 through Sept 15**
Court OPL, dated 3/09/00, transfer to instream flow use	**0.20 cfs**	**54 af/yr**	**May 1 through Sept 15**

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
Instream flow enhancement use in the Teanaway River and then downstream in the Yakima River to the Yakima River's confluence with the Columbia River, then downstream in the Columbia River to the Pacific Ocean.	54 af/yr (all of the right)

6. Place of Use:

A. Existing:

LEGAL DESCRIPTION OF LANDS WHERE WATER IS PRESENTLY USED:

That portion of the NE¼ of Section 4, T. 19 N., R. 16 E.W.M. described as follows:...(see attached legal description of POU as confirmed by the Court).

The 3/09/00 OPL transferred the POU for this right instream in the Teanaway River, from the POD's for the Masterson and Seaton Ditches downstream to the Teanaway River's confluence with the Yakima River, and then downstream in the Yakima River to the Yakima River's confluence with the

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

Columbia River.							
¼	¼	SEC.	TWP.	RGE.	COUNTY	PARCEL #	# OF ACRES
	NE¼	4	19N	16E	Kittitas		10

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

6. Place of Use (continued)

B. Proposed:

IDENTIFY THE WATER BODY TO BE BENEFITED OR OTHER PLACE TO BE BENEFITED
The Teanaway River, from the historic Masterson Ditch and Seaton Ditch POD's downstream to the Teanaway River's confluence with the Yakima River; then downstream in the Yakima River to the Yakima River's confluence with the Columbia River, then downstream in the Columbia River to the Pacific Ocean.

7. Remarks and Other Relevant Information:

Masterson Ditch POD: 900 feet south and 350 feet east from the north quarter corner of Section 25, being within the NW¼NE¼ of Section 25, T. 20 N., R. 16 E.W.M.
Seaton Ditch POD: 1200 feet south and 600 feet west of the east quarter corner of Section 26, being within the NE¼SE¼ of Section 26, T. 20 N., R. 16 E.W.M.
This application requests Ecology's long-term assignment of 100% of this USBR/former Istvan irrigation water right to the State Trust Water Rights Program for instream flow enhancement use in the Teanaway and Yakima and Columbia Rivers, under a long-term renewable term basis, as defined in the MOA currently being negotiated between Reclamation and Ecology that will define each agency's roles in joint management of Yakima Basin trust water rights. Ecology's placement of this water right into the State Trust Water Rights Program on a long-term renewable basis will act to partially satisfy the common instream flow enhancement goals of each agency, in perpetuity, under the federal Yakima River Basin Water Enhancement Project (YRBWEP) Act and the State Water Acquisition Program.
This water right is one of two irrigation water rights Reclamation YRBWEP acquired from the Barbara L. Istvan Trust on September 28, 1999. The two water rights total 0.40 cfs, 108 af/yr, for irrigation of 20 acres from May 1 through September 15 each year. Both water rights were confirmed by the Court's 2/08/01 CFO for Subbasin No. 3, and both were entirely transferred to instream flow use by the Court's 3/09/00 OPL. Reclamation is concurrently filing a second trust water application for the second Reclamation/former Istvan water right and requests that Ecology place both of the two Reclamation/former Istvan water rights into the State Trust Water Rights Program for instream flow enhancement trust water right use in the Teanaway and Yakima and Columbia Rivers.
The priority date of this water right is June 30, 1889.

Columbia River.							
¼	¼	SEC.	TWP.	RGE.	COUNTY	PARCEL #	# OF ACRES
	NE¼	4	19N	16E	Kittitas		10

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

6. Place of Use (continued)

B. Proposed:

IDENTIFY THE WATER BODY TO BE BENEFITED OR OTHER PLACE TO BE BENEFITED

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The priority date of this water right is June 30, 1889.

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.

8. Signatures:

I certify that the information above is true and accurate to the best of my knowledge. I hereby grant staff from the Department of Ecology access to the above site(s) for inspection and monitoring purposes. If assisted in the preparation of the above application, I understand that all responsibility for the accuracy of the information rests with me.

Dan Wiedmann 5/21/08
(Applicant) *(Date)*

Dan Wiedmann 5/21/08
(Water Right Holder) *(Date)*

Dan Wiedmann 5/21/08
(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):

☐ ADDITIONAL SIGNATURES REQUIRED ☐ SECTION _____ IS INCOMPLETE

☐ OTHER/EXPLANATION:_____

STAFF: _____ ***DATE:*** ____/____/____