DEPARTMENT OF ECOLOGY
State of Washington

State of Washington
REPORT OF EXAMINATION
FOR TRUST WATER RIGHT

File NR CS4-00648(AA)sb4-c(A)
WR DOC ID 5079063

Change in Purpose of Use **Change in Place of Use**

PRIORITY DATE	WATER RIGHT NUMBER	TRUST TERM
November 2, 1877	Yakima Adjudication Court Claim No. 00648	Permanent

APPLICANT
James and Jan Roan
13991 Reecer Creek Road
Ellensburg, WA 98926-8866

Purpose and Quantity

Instream flow and mitigation from October 16 to March 31 in the amounts allocated to a primary and Secondary Reach described below:

	Primary and Secondary Reach	
Period	**Flow (cfs)**	**Acre-feet**
10/16-10/31	0.024	0.71
11/01-11/30	0.024	1.42
12/01-12/31	0.024	1.47
01/01-01/31	0.024	1.47
02/01-02/29	0.024	1.37
03/01-03/31	0.024	1.46
ANNUAL TOTAL		**7.9**

Trust Water Right Place of Use (See Appendix A)

COUNTY	WATERBODY	WATER RESOURCE INVENTORY AREA
Kittitas	First Creek, Swauk Creek and Yakima River	39-Upper Yakima
		Datum: NAD83/WGS84

REACH	WATERBODY	RIVER MI	TWN	RNG	SEC	QQ Q	LATITUDE	LONGITUDE
Begin Primary Reach	First Creek	3.9	20N	18E	30	NW NE	47.2025	-120.6300
End Primary Reach	Yakima River	154	17N	18E	3	SW	46.98736	-120.57619
Begin Secondary Reach	Yakima River	154	17N	18E	3	SW	46.98736	-120.57619
End Secondary Reach	Yakima River	0	9N	29E	19	NE	46.2528	-119.2311

The primary reach begins at the original point of diversion on First Creek and extends downstream to the confluence of First Creek and Swauk Creek (3.9 river miles), downstream to the confluence of Swauk Creek and the Yakima River (7.5 river miles), and extends to the point where Reecer Creek enters the Yakima River (16 river miles, for a total of 27.4 river miles). When the consumptive portion of the instream flow right is not being used for mitigation, the unused quantity will be added to target flows at Parker Dam and continue downstream to the confluence of the Yakima and Columbia Rivers.

Provisions for Instream Flow Water Right

To the extent that this right is used to mitigate for new uses, the Secondary Reach will end at the USBR Parker Gage on the Yakima River.

A Water Monitoring and Management Plan is required. Monitoring and management of the 7.9 acre-feet of water associated with this authorization may be integrated into Suncadia's water monitoring and management program established in 2003, or it can be developed independent of Suncadia's plan. Its purpose is to ensure the amount of water proposed for use under new applications is consistent with the water available in First Creek and that the water supply is suitably reliable for domestic purposes. At the time of this report, the following applications propose to use Roan First Creek water for mitigation: G4-35541, G4-35542, G4-35543, G4-35544, G4-35545, G4-35546, G4-35547, G4-35548, and permit exempt uses within the same place of use. The Water Monitoring and Management Plan may be modified from time to time, upon agreement between Roan and the Department of Ecology after informal consultation with USBR. Modifications to the plan must be agreed to in writing, signed by authorized representatives of Roan and the Department of Ecology (Ecology).

PORTION OF WATER RIGHT (Roan's 1877 Right) NOT BEING CHANGED IN THIS DECISION

PRIORITY DATE	WATER RIGHT NUMBER
November 2, 1877	Yakima Adjudication Court Claim No. 00648, Subbasin No. 4

WATER RIGHT HOLDER	MAILING ADDRESS
James P and Jan Roan, Members of the First Creek Water User's Association (FCWUA)	13991 Reecer Creek Road Ellensburg, WA 98926-8866

REMARKS: See Appendix B for a summary of the changes to this right that resulted in the quantities cited here.

Purpose and Quantity

0.867 cfs. 165.2 ac-ft/yr for irrigation of 30.05 acres and stock watering during the irrigation season; 0.527 cfs for conveyance loss; 0.257 cfs, 85.1 ac-ft/yr non-consumptive winter stock water from October 16- March 31.

Source Location

COUNTY	WATERBODY	TRIBUTARY TO	WATER RESOURCE INVENTORY AREA
Kittitas	First Creek	Swauk Creek	39

SOURCE FACILITY/DEVICE	TWN	RNG	SEC	QQ Q	LATITUDE	LONGITUDE
FCWUA Ditch	20N	18E	30	NW NE	47.2025	-120.6300

800 feet south and 100 feet east of the north quarter corner of Section 30, within Government Lot 1, T. 20 N., R. 18 E.W.M.

Place of Use (See map on Attachment 2)

The SE¼ of Section 17; the W½E½ of Section 20 EXCEPT for the S½S½SW¼SE¼ of said section; the NE¼SW¼, N½N½SE¼SW¼, and that portion of the N½ of Section 21, which is described as follows: A tract of land bounded by a line beginning at a point on the west boundary line of the NE¼ of said Section, 66 feet north of the southwest corner of said quarter section, and running thence east 66 feet; thence north on a line parallel with the west boundary line of said quarter section 1650 feet; thence west 66 feet to the west boundary line of said quarter section; thence north to the north boundary line of said quarter section; thence west to the northwest corner of said section; thence south on the west boundary line of said section to the southwest corner of NW¼ of said section; thence east on the south boundary line of said NW¼ of said section 990 feet; thence north 66 feet; and thence east on a line parallel with the south boundary line of said quarter section 1650 feet to the point of beginning; ALL in T. 19 N., R. 18 E.W.M.

Description of Water System

The FCWUA Ditch diverts water from First Creek water out of the Swauk Creek Basin and delivers irrigation and stock water into the Reecer Creek Basin for use on the lands described above.

Findings of Facts and Decisions

Upon reviewing the investigator's report, I find all facts relevant and material to the subject application have been thoroughly investigated. Furthermore, I find the change of water right as recommended will not be detrimental to existing rights.

Therefore, I ORDER the requested change under Trust Water Application No. CS4-00648(AA)sb4-c(A) be approved subject to existing rights.

This Decision may be appealed pursuant to RCW 34.05.514(3), RCW 90.03.210(2), and Pretrial Order No. 12 entered in *State of Washington, Department of Ecology v. James Acquavella, et al.*, Yakima County Superior Court No. 77-2-01484-5 (the general adjudication of surface water rights in the Yakima River Basin). The person to whom this Decision is issued, if he or she wishes to file an appeal, must file the notice of appeal with the Yakima County Superior Court **within thirty (30) days of receipt of this Decision**. Appeals must be filed with the Superior Court Clerk's Office, Yakima County Superior Court, 128 North 2nd Street, Yakima WA 98901, RE: Yakima River Adjudication. Appeals must be served in accordance with Pretrial Order No. 12, Section III ("Appeals Procedures"). The content of the notice of appeal must conform to RCW 34.05.546. Specifically, the notice of appeal must include:

The name and mailing address of the appellant;
Name and address of the appellant's attorney, if any;
The name and address of the Department of Ecology;
The specific application number of the decision being appealed;
A copy of the decision;
A brief explanation of Ecology's decision;
Identification of persons who were parties in any adjudicative proceedings that led to Ecology's decision;
Facts that demonstrate the appellant is entitled to obtain judicial review;
The appellant's reasons for believing that relief should be granted; and
A request for relief, specifying the type and extent of relief requested.

The "parties of record" who must be served with copies of the notice of appeal under RCW 34.05.542(3) are limited to the applicant of the decision subject to appeal, Ecology and the Office of the Attorney General.

All others receiving notice of this Decision, who wish to file an appeal, must file the appeal with the Yakima County Superior Court within **thirty (30) days of the date the Order was mailed.** The appeal must be filed in the same manner as described above.

Signed at Yakima, Washington, this 17 day of APRIL 2012.

Mark Kemner, Section Manager
Water Resources Program/CRO

INVESTIGATOR'S REPORT

BACKGROUND

This Report of Examination (ROE) addresses application No. CS4-00648(AA)sb4-c(A) submitted by James and Jan Roan (Roan). The application requests to change 7.9 ac-ft/yr, the consumptive use portion the Roans' winter stock water right under Claim No. 00648, to an instream flow purpose of use to serve as winter time mitigation. At the time of this report, the following ground water applications propose to use Roan First Creek water for mitigation: G4-35541, G4-35542, G4-35543, G4-35544, G4-35545, G4-35546, G4-35547, G4-35548, and permit exempt uses within the same place of use. Court Claim No. 00648 has a priority date of 1877. This application is part of the *First Creek Restoration Project* (described below) and associated with a group of applications listed in Table 1. This report contains much of the same information as the ROE for J.P Roan's application No. CS4-00648(AA)sb4-b which changed another portion of Court Claim No. 00648 to instream flows for mitigation during the irrigation season.

History of Court Claim No. 00648

Yakima Adjudication Court Claim No. 00648 was filed by the First Creek Water User's Association (FCWUA) and confirmed in the Conditional Final Order for the Swauk Creek Subbasin No. 4 issued on January 9, 2003. Court Claim No. 00648 is comprised of two different water rights with priority dates of November 2, 1877 and June 1, 1881. Both water rights authorize use of the same diversion point on the north fork of First Creek, a tributary of Swauk Creek, and each water right describes discrete quantities and appurtenant lands. This claim authorizes water to be diverted from the Swauk Creek Basin, conveyed in the FCWUA ditch to be delivered to lands in the Reecer Creek Basin. Therefore, return flows resulting from the use of this claim are considered foreign return flows.

In 1998, Trendwest, a predecessor to Suncadia LLC, acquired a portion of FCWUA water rights for irrigation and stock watering. In 2003, the Department of Ecology (Ecology) changed the purpose of use for a portion of Suncadia's irrigation rights to instream flow purposes. This instream flow water right has been managed by Suncadia to improve flows in First Creek and Swauk Creek as part of Suncadia Resort's water supply and mitigation program. Ultimately, the instream flow right now held by Suncadia will be transferred to Ecology to be managed as a trust water right. The First Creek General Report from Ecology's 2003 Reports of Examination (ROE's) provides substantial background information.

In 2008, Suncadia began negotiations with J.P. Roan and Jack White, Jr., to change ditch operations to eliminate diversion at the current headworks in the winter months and create additional flow benefits in the late summer, which would reduce the costs of screening and fish passage structures. In 2009, Washington Water Trust, on behalf of Ecology, entered into an agreement to purchase most of the winter stock water held by Suncadia, Roan, and White. These negotiations led to the development of the *First Creek Restoration Project.*

First Creek Restoration Project Description

The *First Creek Restoration Project* is made up of many parts in various stages of completion. Change applications have been filed to facilitate restoration of First Creek and alter operation of the FCWUA ditch (See Table 1). Objectives of the project and the relevant applications for change of water right are outlined below.

1. **Winter (October 16 through March 31) Instream Flow Restoration**: Ecology would acquire most of the winter stock water owned by Suncadia, Roan, and White, for environmental benefits. In February of 2011, Ecology posted draft ROEs recommending approval of three applications; Suncadia: CS4-00648(AB)sb4-a, Roan: CS4-00648(AA)sb4-a, and White: CS4 00648(AC)sb4-a.

   Add Points of Diversion: The winter stock water rights for Mr. Roan and Mr. White would be supplied solely by the middle and south forks of First Creek. The FCWUA ditch intercepts these tributaries and their use would negate the need for Roan and White to divert from the historic POD on the north fork of First Creek. The FCWUA would no longer divert water from the north fork diversion from October 16 through March 31. The middle and south forks have historically been intercepted by the ditch, but their use was neither claimed nor confirmed by the CFO. The FCWUA proposes to effectuate this practice by adding the intercepts as authorized points of diversion (see Figure 1). Application Nos. CS4-00648(AA)sb4-c, CS4-00648(BA)sb4-c, CS4-00648(AC)sb4-c, CS4-00648(BC)sb4-c, address this portion of the project, however, the stock watering purpose approved by the ROE for Application No. CS4-00648(AA)sb4-c will be diminished by an amount equal to the amount approved for instream flow purposes under this application.

2. **Swauk Creek Water Bank**: The FCWUA members are all in various stages of considering transferring their consumptive water rights to trust for the purpose of instream flows to be used for mitigation/water banking in the Swauk Subbasin. So far, Suncadia has committed its 11.45 ac-ft/yr consumptive use from winter stock water under Application No. CS4-00648(AB)sb4-b; and Roan has committed 22.81 ac-ft/yr consumptive use from the irrigation season. Roan has now proposed to change an additional 7.9 ac-ft from winter stock water to instream flow and mitigation (this report).

3. **Summer Flow Restoration (Summer Swap)**: Suncadia and Roan have agreed to redistribute their summertime portions of Court Claim No. 00648 (relative to Suncadia's 1998 purchase of the FCWUA right). The agreement would allow Roan to use his own and Suncadia's rights until June 30th. Then, Suncadia would have use of both Roan's and its own rights in the second half of the irrigation season (July 1 to October 15). This arrangement would maximize the late irrigation season instream flow benefits, simplify management of the headworks, and maximize the benefits to water banking and continuing irrigation and stock watering use by FCWUA. This swap of water rights does not affect the above mentioned agreements that have already pledged or changed portions of Court Claim No. 00648 for other purposes.

4. **Replace Headworks**: FCWUA would construct a new headgate, fish screen(s), and fish bypass at the north fork and middle, and south fork diversions.

The numbering scheme for the change applications related to the First Creek Restoration Project is outlined below.

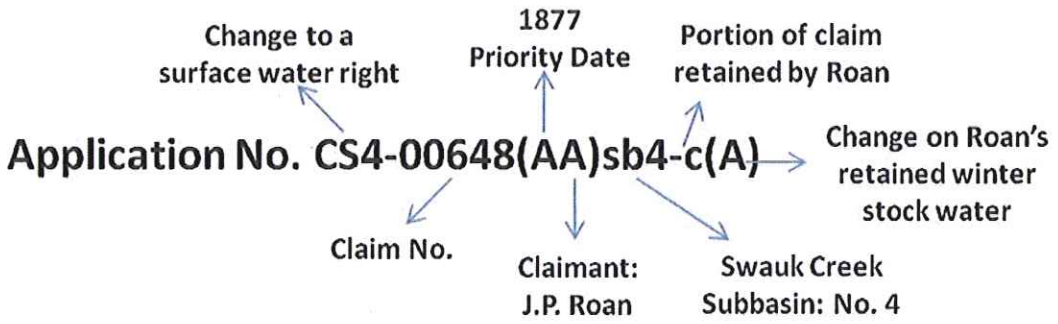
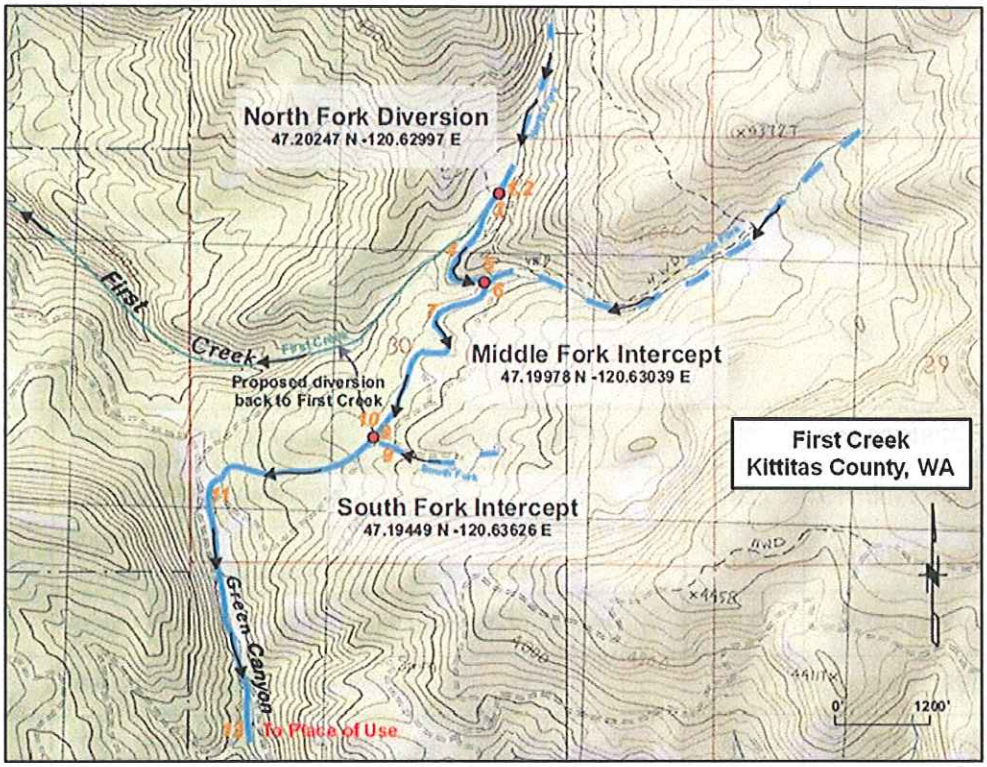


Table 1: Summary of Applications for Change on Court Claim No. 00648

First Creek Water User	Transfer Request	Priority Date	Application No.
Suncadia, LLC	Winter stock water to instream flows for stream enhancement	1877	CS4-00648(AB)sb4-a
Suncadia, LLC	Winter stock water to instream flows for mitigation	1877	CS4-00648(AB)sb4-b
J.P. Roan	Winter stock water to instream flows for stream enhancement	1877	CS4-00648(AA)sb4-a
J.P. Roan	Irrigation season water to instream flows for mitigation	1877	CS4-00648(AA)sb4-b
J.P. Roan	Add 2 Points of Diversion	1877	CS4-00648(AA)sb4-c
J.P. Roan	Add 2 Points of Diversion	1881	CS4-00648(BA)sb4-c
J.P. Roan **(this report)**	Winter stock water to instream flows for mitigation	1877	CS4-00648(AA)sb4-c(A)
Jack White, Jr.	Winter stock water to instream flows for stream enhancement	1877	CS4-00648(AC)sb4-a
Jack White, Jr.	Add 2 Points of Diversion	1877	CS4-00648(AC)sb4-c
Jack White, Jr.	Add 2 Points of Diversion	1881	CS4-00648(BC)sb4-c

Figure 1:
Proposed additional points of diversion for Roan and White



Legal Requirements for Proposed Change

The following is a list of requirements that are applicable to the proposed changes of Court Claim No. 00648.

- **Public Notice**

  On January 7 and 14, 2012 notice of the proposed application for change was published in The Daily Record; of Kittitas County, WA. There were no protests or comments received during the 30-day comment period ending on February 14, 2012.

State Environmental Policy Act (SEPA)

- WWT submitted an Environmental Checklist (WAC 197-11-960) on June 29, 2010 describing the transfer of winter stock water to instream flows and adding points of diversion in the First Creek Basin. Based on this checklist, Ecology acted as lead agency and issued a Determination of Non-Significance (DNS) on June 29, 2010 and published a notice on July 2, 2010, in the Ellensburg Daily Record with a 14-day comment period that ended on July 13, 2010. No protest letters were received during the SEPA comment period.

  The additional water proposed to be changed to instream flows under Application No. CS4-00648(AA)sb4-c(A) does not exceed the exemption threshold for SEPA review. The 2010 DNS adequately addresses this application as part of the *First Creek Restoration Project*.

- Ecology's SEPA checklist and threshold determination for the Upper Kittitas Ground Water Withdrawal Rule (WAC 173-539A) was published on June 16, 2010.

- On January 5, 2011, Mentor Law Group submitted an updated SEPA checklist on behalf of Suncadia and J.P. Roan to reflect changes to the *First Creek Restoration Project*. The checklist described changing a portion of their rights to instream flows for mitigation and water banking purposes which may be used to offset out of priority water users in the Yakima Basin. These updates had been considered and described in Ecology's earlier DNS, therefore, no additional action was taken.

Water Resources Statutes and Case Law

- The change applications are subject to RCW 90.03.380 and RCW 90.42.100. Ecology must issue written findings of fact and determine that:
  - The proposed change would not *impair existing water* rights; and
  - The proposed change would not be detrimental to the *public interest*.

- The Washington State Supreme Court held that Ecology must make a tentative determination of the extent and validity of the right to be changed (R.D. Merrill v. PCHB and Okanogan Wilderness League v. Town of Twisp)

Expedited Processing

- The applications requesting to transfer rights to instream flows qualify for expedited processing under WAC 173-539A-060.

INVESTIGATION

The resources required to review this application include, but was not limited to, the following:

- Air photos
- Court documents
- Water right documents
- Testimony about the water right claim

The FCWUA's authorized point of diversion (POD) is roughly 15 miles north of Ellensburg, WA, on the north fork of First Creek approximately 800 feet south and 1000 feet east of the north quarter corner of Section 30, T. 20 N., R. 18 E.W.M. Water from First Creek that enters the FCWUA ditch continues from the POD in a south, southwest trend intercepting the middle and south forks of First Creek before entering Green Canyon (Appendix A). The middle fork intercept is located approximately 0.5 mile south of the POD, and the south fork intercept is located approximately 1.5 miles southwest of the POD (see Figure 1). The FCWUA ditch users have not been metering, measuring, or reporting their diversionary quantities.

Extent and Validity

Court Claim No. 00648 was confirmed in the Conditional Final Order for the Swauk Creek Subbasin No. 4, issued on January 9, 2003. In 2009 and 2010, Ecology staffer Ryan Murphy witnessed that the ditch was in working condition and continuously diverting water throughout those years. Mr. Murphy witnessed that attempts had been made to berm up the channel leading to the gravity flow ditch to capture most of the flow in First Creek. Flows measured at the FCWUA POD were often less than the maximum instantaneous flow authorized for Court Claim No. 00648. Nonuse of the full amount of the water right when the supply is not available is a sufficient cause for nonuse as defined in RCW 90.14.140(1)(a).

Ecology received a declaration from Mr. Roan stating that he sold a portion of his water rights to Trendwest (Suncadia) in 1998, but continued to raise the same number of cattle, "a full herd", and use the same amount of winter stock water on the property (as part of an agreement between the two parties). He maintained a full herd of cattle until he sold all of his cattle in 2009. This declaration was signed by Mr. Roan on March 18, 2011. Ecology requested that a definition of "full herd" be provided. On April 1, 2011, Joe Mentor, Suncadia's representative sent an e-mail to Ecology clarifying that Mr. Roan maintained 200 cow-calf pairs, depending on the availability of forage on the property and market conditions of any given year; the same number as he ran on the property at the time of the CFO, see the Report of Referee (Signed March 26, 1996), Subbasin No. 4 (Swauk), page 79.

Review of LandSat images showed that irrigation practices did not change significantly from before and after January 9, 2003 (when the court issued its CFO for the Swauk Subbasin No. 4 confirming Claim No. 00648). Images from July or August of 1986, 1995, and 2002 through 2010 showed roughly the same amount of irrigation as what was taking place before the CFO; some years showing more and some less, but no extended periods of non-use.

Monthly Instream Flow Calculations

Roan has proposed to transfer 7.9 ac-ft/yr consumptive winter stock water to instream flows. Distributing 7.9 ac-ft evenly over the winter season equates to an instantaneous rate of 0.0240 cfs (7.9 ac-ft ÷ 167 days ÷ 1.9833 ac-ft/day). The monthly ac-ft quantities were calculated as follows: 0.0240 cfs × days in the month × 1.9833 ac-ft/day (with slight rounding variation by month to ensure the total equals 7.9 ac-ft).

	Primary and Secondary Reach	
Period	**Flow (cfs)**	**Acre-feet**
10/16-10/31	0.024	0.71
11/01-11/30	0.024	1.42
12/01-12/31	0.024	1.47
01/01-01/31	0.024	1.47
02/01-02/29	0.024	1.37
03/01-03/31	0.024	1.46
ANNUAL TOTAL		**7.9**

Roan would be left with only non-consumptive winter water in the following quantities: 0.257 cfs (0.281 cfs minus 0.024 cfs), up to 85.1 ac-ft/yr (0.257 cfs × 167 days × 1.9833 ac-ft/day).

Instream Flow Place of Use

The primary reach begins at the FCWUA's original point of diversion on First Creek, extends down to Swauk Creek, down Swauk Creek to the Yakima River, and down the Yakima River to the confluence of Reecer Creek. The length of the Primary Reach is approximately 27.4 river miles (3.9 river miles of First Creek, 7.5 river miles of Swauk Creek, and 16 river miles of the Yakima River, river mile 170 to 154). The end of the primary reach is the point where historic return flows re-entered surface water.

Diverting First Creek flows out of the Swauk Creek Basin and into the Reecer Creek Basin, as authorized under Court Claim No. 00648 for conveying this right for irrigation to lands in the Reecer Creek Basin, which resulted in foreign return flows in Reecer Creek. Therefore, the secondary reach begins at the confluence of Reecer Creek and the Yakima River (at the end of the primary reach) and ends at the confluence with the Columbia River.

The 7.9 ac-ft/yr proposed for instream flows is intended to mitigate the flow impacts from up to 145 residences within the Swauk Creek Basin. These quantities would be to target flows at Parker Dam and continue in Yakima and Columbia Rivers until this right is designated for mitigation through Ecology's Water Budget Neutral Determinations under WAC 173-539-050.

Public Interest Considerations

The *First Creek Restoration Project* provides an environmental benefit to the Swauk basin. It also will provide an opportunity for existing junior surface water and ground water users to reduce the risk of potential interruption of their domestic water use. Without mitigation, new ground water users would be precluded from obtaining a building permit. Purchasing mitigation allows new users to demonstrate that they are water budget neutral under WAC 173-539A-050.

This water right will benefit instream flow in the Yakima and Columbia Rivers until the right is used to mitigate for new uses. After the right is being used as mitigation, it will continue to provide slight flow improvement in First Creek from the First Creek POD downstream to Swauk Creek. Depending on the location of new or existing uses, the environmental benefit will then steadily decrease downstream along Swauk Creek. Flow improvements provide cold water moderation benefits to the stream and directly respond to recommended actions in the Mid-Columbia Spring Chinook ESU biological opinion and the NPCC Sub-basin plan.

Consideration of Protests and Comments
No protests or comments were received.

Impairment Considerations
First Creek streamflow in both winter and summer will be increased by the reduction of the historic diversion into the Reecer Creek drainage via the FCWUA ditch.

New ground water users seeking to rely on these water rights are required to apply for a Water Budget Neutral Determination which includes a detailed evaluation of the potential for impairment of existing water rights according to WAC 173-539A-060(4)(a)-(d). Water Budget Neutral Determinations would not be approved in excess of the amount of water held in trust as mitigation.

CONCLUSIONS

Changing the purpose of use from winter period stock water to instream flows for mitigation would not impair existing rights within First, Swauk Creek, or the Yakima River mainstem rights. No Reecer Creek water user is entitled to the continued diversion of Roan's portion of the FCWUA right, or to any return flows that may be associated with it.

This change to instream flow is not detrimental to the public interest.

RECOMMENDATIONS

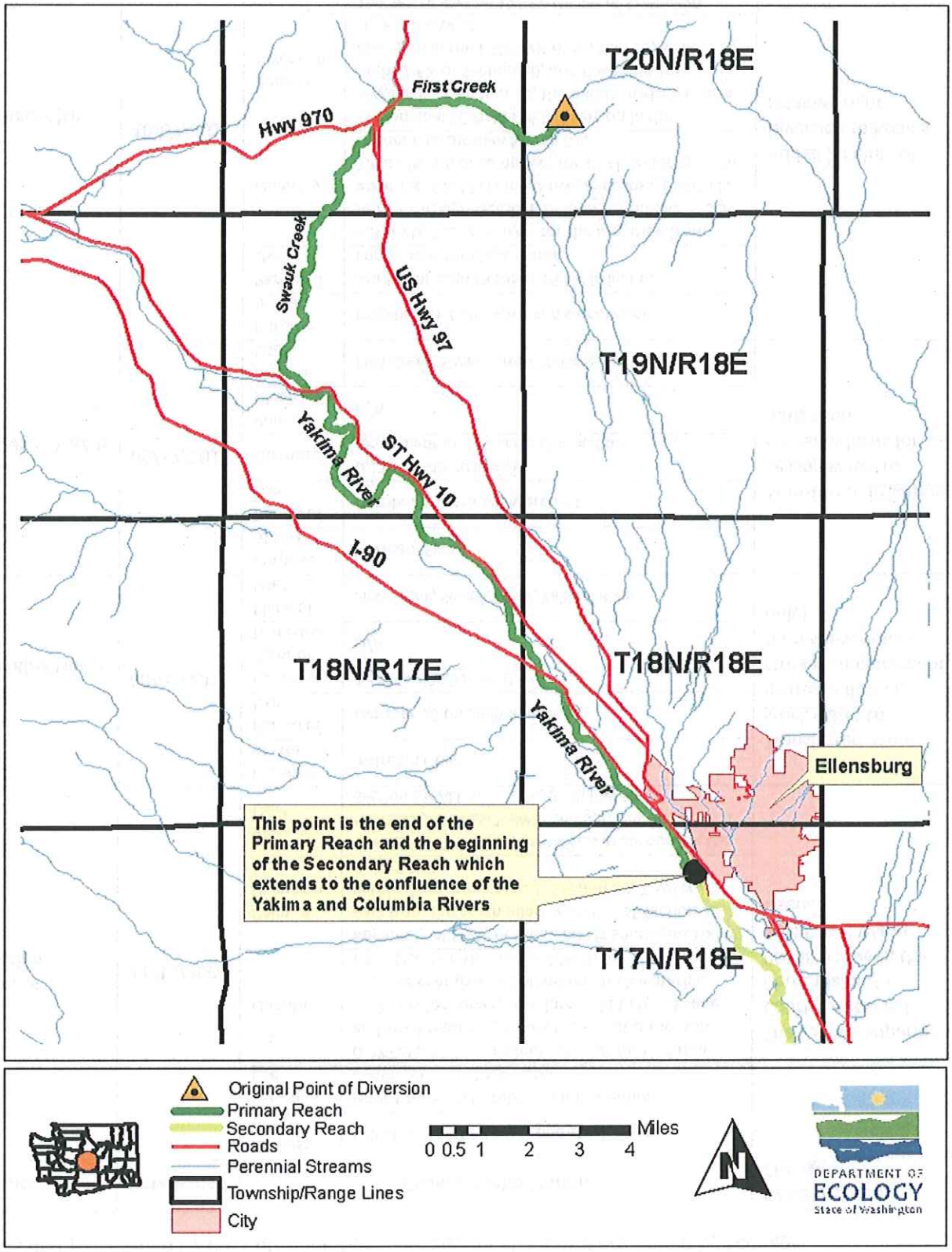
Based on the information presented above, the author recommends that:

> Roan's request to change 0.024 cfs, 7.9 ac-ft/yr of his 1877 winter stock right under Court Claim No. 00648 to instream flow purposes be approved in the amounts, and subject to the provisions, described in this Order for Report of Examination CS4-00648(AA)sb4-c(A), pages 1-3.

Report by: Kelsey Collins — 4/17/12

Kelsey Collins, Water Resources Program — Date

APPENDIX A:


T20N/R18E
First Creek
Hwy 970
Swauk Creek
US Hwy 97
T19N/R18E
Yakima River
ST Hwy 10
I-90
T18N/R17E
T18N/R18E
Yakima River
Ellensburg
This point is the end of the Primary Reach and the beginning of the Secondary Reach which extends to the confluence of the Yakima and Columbia Rivers
T17N/R18E
Original Point of Diversion
Primary Reach
Secondary Reach
Roads
Perennial Streams
Township/Range Lines
City
Miles
0 0.5 1 2 3 4
N
DEPARTMENT OF ECOLOGY
State of Washington

APPENDIX B: Summary of the changes to **Roan's 1877 right** under Court Claim No. 00648. Roan's right was first partitioned by the Court and then subsequent changes were issued by Ecology.

Decision	Date issued	Change Authorization		Description of Change
Order of Partition	11/13/2008	Purpose of Use	Irrigation of 37.92 acres and stock water	The Yakima Superior Court partitioned Court Claim No. 00648 between the First Creek Water Users.
		Period of Use	April 1 through October 15 for irrigation, continuous for stock water	
		Quantity	0.977 cfs; 208.5 acre-feet per year for irrigation and stock watering during the irrigation season; 0.527 cfs for conveyance loss; 1.911 cfs, 7.9 acre-feet per year (consumptive) for stock watering from October 16 through March 31.	
		Point of Diversion	Beginning of FCWUA Ditch: 800 ft south and 100 ft east from the north quarter corner of Section 30, within Government Lot 1, Section 30, T. 20 N., R. 18 E.W.M.	
		Place of Use*	The SE¼ of Section 17, the W½E½ of Section 20; the NE¼SW¼, N½N½SE¼SW¼, and portions of the N½ of Section 21; ALL in T. 19 N., R. 18 E.W.M.	
CS4-00648(AA)sb4-a	08/08/2011	Purpose of Use	Instream Flow	Transferred winter stock water to instream flows for stream enhancement (non-consumptive only)
		Period of Use	October 16 through March 31.	
		Quantity	1.63 cfs, 539.874 ac-ft/yr	
		Point of Diversion	N/A	
		Place of Use*	First Creek, Swauk Creek, Yakima River	
CS4-00648(AA)sb4-b	06/17/2011	Purpose of Use	Instream Flow	Transferred irrigation season water to instream flows for mitigation
		Period of Use	October 16 through March 31.	
		Quantity	0.110 cfs, 43.30 ac-ft/yr (equivalent to 7.87 acres of irrigation)	
		Point of Diversion	N/A	
		Place of Use*	First Creek, Swauk Creek, Yakima River	
CS4-00648(AA)sb4-c	10/07/2011	Purpose of Use	Irrigation of 30.05 acres and stock water	Added 2 Points of Diversion to Roan's retained right
		Period of Use	April 1 through October 15 for irrigation, continuous for stock water	
		Quantity	0.867 cfs, 165.2 ac-ft/yr for the irrigation from April 1 through October 15, and continuous stock watering; 0.527 cfs for conveyance loss; 0.281 cfs, 7.9 ac-ft/yr (consumptive) for stock watering from October 16 through March 31.	
		Points of Diversion	The original FCWUA Ditch diversion in the NW¼NE¼ of Section 30, the middle fork diversion in the NE¼ of Section 30, and the south fork diversion in the NE¼SW¼ of Section 30, all in T. 20 N., R. 18 E.W.M.	
		Place of Use*	The SE¼ of Section 17, the W½E½ of Section 20 EXCEPT for the S½S½SW¼SE¼ of said section; the NE¼SW¼, N½N½SE¼SW¼, and portions of the N½ of Section 21; ALL in T. 19 N., R. 18 E.W.M.	