

3. Relief Requested: The Petitioner SMID seeks approval by this court for a temporary change in place and purpose of use for a portion of SMID's water right recommended for approval in the Conditional Final Order-SMID (CFO) filed September 9, 1998 to allow change in purpose and place of use to instream flow under the Washington State Trust Water Rights Program. The right is based on Claim Nos. 1651 & 1888, filed by Moxee Ditch Co. and Moxee Hubbard Ditch Co., and is more fully described as follows:

3.1 Existing Right

Priority Date: January 26, 1887 for the natural flow component of the SMID water right and May 10, 1905 for the Warren Act component.

Quantity: The SMID water right includes 13,781 acre-feet of natural flow right and 959.4 acre-feet of Warren Act right. Of the 13,781 acre-feet of natural flow right, 10,000 acre-feet were placed in trust for the 2005, 2006 & 2007 irrigation seasons.

Purpose of Use: Irrigation, frost protection, stock water and other agricultural purposes and domestic supply, including irrigation of lawns, gardens & landscaping.

Period of Use: April 1 through October 31.

Point of Diversion: The point of diversion for the Moxee-Hubbard portion of the SMID water right is: 1900 feet south and 400 feet east from the northwest corner of Section 7, being within the SW1/4NW1/4 of Section 7, T. 13 N., R. 19 E.W.M.

Place of Use: Lands within the boundary of the Selah-Moxee Irrigation District as described in the SMID CFO filed September 9, 1998.

Petitioners request a temporary change in place and purpose of use, of the above-referenced water right as follows:

3.2 Proposed Change

Proposed Purpose of Use: Instream flow under the Washington State Trust Water Right Program (RCW 90.42.080).

Proposed Period of Use: Annually, April 1 through October 31.

Proposed Place of Use: Instream flow in the Yakima River between the Moxee-Hubbard Point of Diversion and the confluence with the Columbia River.

Quantity: The total quantity subject to this request for transfer to trust is 5,000 acre-feet and instantaneous flow according to the following table.

Quantity Transferred									
	March	April	May	June	July	August	September	October	Total
AF	600	650	650	750	700	700	550	400	5,000
cfs	10	10.9	10.9	12.6	11.35	11.35	9.25	9	

4. Statement of Reasons: Water users of the Selah-Moxee Irrigation District have reduced diversions from the Yakima River at the Moxee-Hubbard point of diversion by 5,000 acre feet. The district has implemented a water conservation program to reduce water consumption. Three canals have been consolidated under single management. Ten (10) miles of canal have been lined. New measurement equipment has been installed. Farmers have converted over 4,310 acres to drip irrigation. Some lands have been idled. See attached Trust Application for additional information.

SMID request the Court to authorize a temporary change in purpose and place of use for 5,000 acre feet, and an instantaneous flow as reflected above, of its water right historically diverted at the Moxee/Hubbard Canal diversion that is described above.

5. Names of Parties Affected: SMID, State of Washington, Department of Ecology, United States Bureau of Reclamation, Major Claimant Project water users and all subbasin water right holders from the above stated point of diversion.

6. Service. The Petitioners certify that a copy of this petition and attachments and a notice of the time and place of the hearing by the court on said Petition have been transmitted by e-mail, US Mail, by personal service, by facsimile or by publication in the monthly Yakima River Basin Water Rights Adjudication Notice to all affected parties.

DATED this _____ day of June, 2008.

TALBOTT, SIMPSON & DAVIS, P.S.
Attorneys for Petitioners

By: _____

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