

WATER TRANSFER WORKING GROUP PROJECT DESCRIPTION

APPLICATION NO./COURT CLAIM NO. Court Claim No. 1752, Sunnyside Division		
APPLICANT NAME United States Bureau of Reclamation	CONTACT NAME Walt Larrick Bill Ferry	TELEPHONE NO. (509) 575-5848, ext. 209
WATER RIGHT HOLDER'S NAME (if different) United States on behalf of the Sunnyside Division		EMAIL wferry@usbr.gov

DATE OF APPLICATION Reclamation and Sunnyside will file a petition for Order Pendente Lite (OPL) with the Acquavella Court in April 2010, requesting to be placed on the May 13, 2010 Water Day hearing docket.	PRIORITY DATE June 29, 1878 June 30, 1878 September 3, 1890 July 18, 1893 May 9, 1905, and May 10, 1905
--	---

WATER SOURCE: Yakima River	CROP: Various annual & perennial crops
INSTANTANEOUS QUANTITY: 1,316 cfs	ANNUAL QUANTITY: 435,422 acre-feet per year
PERIOD OF USE: April 1 through October 31 each year	
PLACE OF USE: Irrigable acres within the Sunnyside Division exterior boundaries as of the date of the Stipulation filed with the court on 8-12-2003, as described in the metes and bounds legal description and the map filed with the Stipulation. The legal description is controlling as the description of the Sunnyside Division's place of use.	PURPOSE OF USE: Irrigation of a maximum of 99,244 irrigated acres of the total 103,570 irrigable acres within the Sunnyside Division and related uses.
IRRIGATION METHOD: Various methods	

CONSUMPTIVE USE CALCULATION: Not applicable to this change proposal. This change proposes to add an instream purpose and place of use to a portion of the U.S./Sunnyside rights under certain conditions (see below).
--

NARRATIVE DESCRIPTION OF PROJECT: Reclamation and Sunnyside will submit a petition and a proposed order pendente lite to

the Acquavella Court in April 2010 (for the May 13, 2010 hearing) requesting temporary assignment, to instream flow use in the lower Yakima River below the Sunnyside Diversion Dam, of a portion of six water rights confirmed by the court to the United States on behalf of the Sunnyside Division. These six water rights represent the entire set of water rights confirmed by the court to the U.S./Sunnyside for irrigation and related uses from April 1 through October 31 each year. These six water rights are six of the eight water rights confirmed by the court's August 14, 2003 Conditional Final Order. The two water rights of the eight confirmed water rights that are not affected by this proposed transfer are: 1) the March flood water right confirmed to the U.S./Sunnyside for irrigation and related uses from March 1-31 each year (700 cfs, 12,000 acre-feet per year, if available), and 2) the supplemental irrigation water right confirmed to the City of Prosser for supplemental irrigation of 150 acres from April 1 through October 15 each year (2.11 cfs, 260 acre-feet per year, when diversion is allowed under the water right's limitation of use).

The Sunnyside Phase I Water Conservation Project, funded with Yakima River Basin Water Enhancement Project (YRBWEP) funding, will generate an annual block of 29,162 acre-feet of conserved water upon completion of Phase I. The subject change proposal is a request to the Acquavella Court to temporarily add a purpose of use and place of use, for 20 years, to the remaining "one-third block" of the Phase I conserved water, totaling 9,712 acre-feet annually, to instream flow use in the reach from Sunnyside's diversion near Parker to river mile 41.8 below Prosser. This temporary change, if approved by the court, will be accomplished with the following provisions and conditions:

- 1) 9,712 acre-feet of the six U.S./Sunnyside Division irrigation season (April 1-October 31) water rights will be changed to allow instream flow use in the Yakima River below Sunnyside Diversion Dam, during full water supply years and during years of minor prorationing when Reclamation declares prorationing of proratable water rights at better than (i.e., greater than) 70% of full entitlement. This will represent an added purpose of use (instream flow use) and an added place of use (instream flow in the lower Yakima River) for this 9,712 acre-feet portion of these six U.S./Sunnyside water rights during years of full water supply and years of greater than 70% prorated supply for proratable water rights.
- 2) During drought year periods when Reclamation determines that proratable water rights receive 70% or less of their full contract water entitlement, Reclamation will apply this 9,712 acre-feet 'one-third block' of Sunnyside Phase I conserved water to satisfy Yakima project irrigation requirements and other project demands.
- 3) Proposed instream flow enhancement use of this 9,712 acre-feet block of conserved water will comply with section 1205(a)(4)(B)(i) of the YRBWEP Act, which requires that conserved water applied to instream flow use "shall not further diminish the amount of water that otherwise would have been delivered by an entity to its water users in years of water proration."