

**WATER TRANSFER WORKING GROUP PROJECT DESCRIPTION**

APPLICATION NO./COURT CLAIM NO. <b>KITT-10-05 – CTCL #00956</b>		
APPLICANT NAME <b>Don Jacobs</b>	CONTACT NAME <b>Don Jacobs (applicant), Anna Lael or Mark Crowley at the Kittitas County Conservation District, (509) 925-8585 x 4</b>	TELEPHONE NO. <b>(509) 607-0747</b>
WATER RIGHT HOLDER'S NAME (if different) <b>Don Jacobs &amp; Judy Jacobs, Joe Jacobs &amp; Doriene Jacobs</b>		EMAIL <a href="mailto:djangus@fairpoint.net">djangus@fairpoint.net</a> ; <a href="mailto:a-lael@conserveva.net">a-lael@conserveva.net</a> ; <a href="mailto:mark-crowley@conserveva.net">mark-crowley@conserveva.net</a>

DATE OF APPLICATION <b>September 21, 2010</b>	PRIORITY DATE <b>July 1, 1874, November 20, 1879 and May 24, 1884</b>
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WATER SOURCE: <b>Cherry Creek</b>	CROP: <b>Timothy hay, pasture and small grains</b>
INSTANTANEOUS QUANTITY: <b>1.46, 1.06, 0.478 = Total: 2.998</b>	ANNUAL QUANTITY: <b>432, 365.85, 164.7 = Total: 962.55</b>
PERIOD OF USE: <b>April 1 through October 31</b>	
PLACE OF USE: <b>NW1/4 SW1/4; SW1/4 NW1/4; and SE1/4 NW1/4: the NE1/4 SW1/4 and that portion of S1/2 SW1/4 lying north of the Badger Pocket Wasteway: the SW14/ NE1/4: all within Sec 29, T17, R19</b>	PURPOSE OF USE: <b>Irrigation</b>
IRRIGATION METHOD: <b>There are three types of irrigation methods on this property; earthen ditches with turn outs, gated pipe and wheelline sprinklers.</b>	

CONSUMPTIVE USE CALCULATION: <b>Consumptive use calculations have not been completed because the landowner is not changing his irrigation method or making any changes that would affect conveyance.</b>
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NARRATIVE DESCRIPTION OF PROJECT: <p>The Kittitas County Conservation District began working with the water right holders for at these two diversion locations nearly ten years ago to find a solution to the passage and screening issues. Six years ago KCCD applied for Salmon Recovery Funding Board (SRFB) funding for the lower diversion but the project didn't rank well because of the short distance to the next barrier. So, the next year KCCD once again applied for funding but included the second diversion in the grant application also. Since 2005 KCCD has been working with the irrigators and engineers to develop a plan that would meet everyone's expectations and provide the necessary screening and passage in Cherry Creek.</p>
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The lower diversion (Jacobs shares this diversion) is the first barrier on Cherry Creek. It is a year round barrier because even with the check boards removed, the structure has a 5-6 foot drop from the concrete floor into the plunge pool below the structure. The upper diversion is built into the Moe Road bridge, owned by Kittitas County. It is a barrier during irrigation season, and may be a partial barrier during the off-season.

The lower diversion structure will be demolished and removed. Rock weirs and fill will be added to this reach to control the stream grade and provide passage between the high and low existing stream elevations. A headwall with a gate will be installed in the right creek bank above the top weir to allow one water right holder to divert irrigation water into a modular rotary wiper fish screen with a by-pass pipe back to the creek. The irrigation water will flow into a pump sump and be pumped to a pivot irrigation system.

The upper diversion structure is part of a county road bridge so it will stay in place but the wooden check board material will be removed. Downstream of this diversion, four rock weirs will be placed in the stream for grade and elevation control so that water can be diverted through a headwall and gate to two travelling belts screens with a by-pass back to the stream. Part of the irrigation water will go into a pump sump to be pumped to a gravity or a pivot irrigation system. The other part of the water (Jacobs) will be piped back down to the lower diversion location to feed a gravity irrigation system that is currently in place.

This project not only replace two unscreened passage barriers in Cherry Creek but it will also open up access to 2 miles of stream habitat and access to three additional creeks (Caribou, Cooke and Parke).

As indicated in the above description the Jacobs POD is being moved upstream. This change in POD will allow Jacobs to continue using a gravity diversion. The diversion that is staying at the lower location has a priority date of 1884 and the other water right at the upper diversion has priority dates of 1874 and 1884.

Cherry Creek is not a flow limited stream because it receives water from Caribou, Cooke, and Parke creeks and Johnson Drain. The KCCD took measurements in Cherry Creek below all diversions from 2003 through 2007. The lowest measured flow during irrigation season in that time period was 30.86 cfs and the average flow for all years during irrigation season was 77.12 cfs.

The project was put out to bid in August 2010 and the bids were opened on September 1, 2010. The projected start date for on the ground work is between October 15 and November 1, 2010. The project completion date is expected to be December 31, 2010.

The site is located on Moe Road just south of 2553 Moe Rd. From Interstate 82, take the Thrall Road exit. Drive east on Thrall Road for about one mile and then turn left (north) onto Moe Road. The Cherry Creek bridge is approximately 0.7 miles north on Moe Road.



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

For filing with the Department of 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: \_\_\_\_\_

**FOR OFFICE USE ONLY**

CHANGE No. \_\_\_\_\_ WRIA \_\_\_\_\_

DATE ACCEPTED \_\_\_\_/\_\_\_\_/\_\_\_\_ BY \_\_\_\_\_

FEE \$ \_\_\_\_\_ REC'D \_\_\_\_/\_\_\_\_/\_\_\_\_

CHECK No. \_\_\_\_\_

SEPA:     Exempt     Not exempt

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

**1. Applicant Information:**

APPLICANT/BUSINESS NAME Don Jacobs	PHONE NO. (509) 962-6558	FAX NO. (    )
ADDRESS 7420 No 6 Rd		
CITY Ellensburg	STATE WA	ZIP CODE 98926

CONTACT NAME (IF DIFFERENT FROM ABOVE) Don Jacobs	PHONE NO. (509) 607-0747	FAX NO. (    )
ADDRESS 7420 No 6 Rd		
CITY Ellensburg	STATE WA	ZIP CODE 98926

**2. Water Right Information:**

WATER RIGHT OR CLAIM NUMBER 00956	RECORDED NAME(S) Don Jacobs & Judy Jacobs, Joe Jacobs & Doriene Jacobs
DO YOU OWN THE RIGHT TO BE CHANGED? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
IF NO, PROVIDE OWNER(S) NAME and ADDRESS:	
HAS THE WATER BEEN PUT TO BENEFICIAL USE IN THE LAST FIVE (5) YEARS? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	

**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**

APP. NO. \_\_\_\_\_ PERMIT NO. \_\_\_\_\_ CERT. NO. \_\_\_\_\_ CERT. OF CHANGE NO. \_\_\_\_\_

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

**A. Existing**

SOURCE	NO.	¼	¼	SEC.	TWP.	RGE.	PARCEL #	WELL TAG #
Cherry Creek		NE	NE	29	17	19	15563, 750333	

**B. Proposed**

SOURCE	NO.	¼	¼	SEC.	TWP.	RGE.	PARCEL #	WELL TAG #
Cherry Creek		NE	NE	29	17	19	15563, 730333	

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: Robert Venera & Sweet Grass Investments LLC - Proposed: David Mastin & Sweet Grass Investments LLC

*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 of 96 acres	1.46	432	April 1 through October 31
Irrigation of 81.3 acres	1.06	365.85	April 1 through October 31
Irrigation of 36.6 acres	0.478	164.7	April 1 through October 31

**B. Proposed**

PURPOSE OF USE	GPM or CFS	ACRE-FT/YR	PERIOD OF USE
No Change			

**5. Place of Use:**

**A. Existing**

LEGAL DESCRIPTION OF LANDS WHERE WATER IS PRESENTLY USED:							
The NW1/4 SW1/4, SW1/4 NW1/4, and SE1/4 NW1/4 of Section 29, T.17 N., R.19 E.W.M.							
¼	¼	SEC.	TWP.	RGE.	COUNTY	PARCEL #	# OF ACRES
		29	17	19	Kittitas	17393, 17394, 17395, 760333	96
DO YOU OWN ALL THE LANDS IN THE EXISTING PLACE OF USE? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO – IF NO, PROVIDE OWNER(S) NAME:							
LEGAL DESCRIPTION OF LANDS WHERE WATER IS PRESENTLY USED:							
The NE1/4 SW1/4 and that portion of the S1/2 SW1/4 of Section 29, T.17 N., R.19 E.W.M. lying north of the Badger Pocket Wasteway							
¼	¼	SEC.	TWP.	RGE.	COUNTY	PARCEL #	# OF ACRES
		29	17	19	Kittitas	17395, 800333	81.3
DO YOU OWN ALL THE LANDS IN THE EXISTING PLACE OF USE? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO – IF NO, PROVIDE OWNER(S) NAME:							
LEGAL DESCRIPTION OF LANDS WHERE WATER IS PRESENTLY USED:							
The SW1/4 NE1/4 of Section 29, T.17 N., R.19 E.W.M.							
¼	¼	SEC.	TWP.	RGE.	COUNTY	PARCEL #	# OF ACRES
SW	NE	29	17	19	Kittitas	800333	36.6
DO YOU OWN ALL THE LANDS IN THE EXISTING PLACE OF USE? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO – IF NO, PROVIDE OWNER(S) NAME:							

**B. Proposed**

LEGAL DESCRIPTION OF LANDS WHERE NEW USE IS PROPOSED:							
No Change							
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:**

Existing POD: 1120 ft south and 1310 ft west from the northeast corner of Section 29, being within the SW1/4 NE1/4 NE1/4 of Section 29, T.17 N., R.19 E.W.M.

Proposed POD: 600 ft south and 40 ft west from the northeast corner of Section 29, being within the NE1/4 NE1/4 of Section 29, T.17 N., R.19 E.W.M.

This POD change is part of a fish passage and screening project being done in conjunction with the Kittitas County Conservation District

Cherry Creek is not a flow limited stream. The lowest flows measured by the KCCD during irrigation season (2003-2007) were 30.86 cfs below all diversions.

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)	(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:** \_\_\_\_/\_\_\_\_/\_\_\_\_

Jacobs

Proposed Diversion

Current Diversion

CHERRY CREEK

WHIPPLE WASTEWAY

KRD

THRALL

TOZER

ORCHARD

MOE

FERN

NO 6

EXT 3 | 82 N EXT 3 | 82 N

82

**Legend**

Roads

Highway/State Route

Hydrology

Irrigation



This data is provided "as is" without warranty of any kind. Further, the Kittitas County Conservation District does not warrant, guarantee, or make any representations regarding the use of, or results from the use of the data in terms of correctness, accuracy, reliability, currentness, or otherwise. Parcel lines are from County Assessor's office and not survey quality, August 9, 2010

# Jacobs-2009



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