WATER TRANSFER WORKING GROUP PROJECT DESCRIPTION

APPLICATION NO./COURT CLAIM NO. Elk Heights Claim No. 01280		
APPLICANT NAME Robert R. Roseburg and Enid Roseburg	CONTACT NAME David and Marilyn Lund, Representatives for Roseburg Aaron Penvose, Trout Unlimited- WWP	TELEPHONE NO. (509) 925-4650 (509) 888-0970
WATER RIGHT HOLDER'S NAME (if different)		EMAIL lundb1@hotmail.com apenvose@tu.org

DATE OF APPLICATION	PRIORITY DATE
July 25, 2011	June 30, 1887

WATER SOURCE: Unnamed spring, Yakima Tributary	CROP: 40 acres of Timothy Hay 2 acres of oats
INSTANTANEOUS QUANTITY: Irrigation: 1.0 cfs Stock Water: .02	ANNUAL QUANTITY: 370 afy for irrigation 2 afy for stock
PERIOD OF USE: May 1 - October 31st for irrigation, Continuous for Stock	
PLACE OF USE: The 40 acre hay field: Those portions of Government Lots 3 and 4 lying west of Upper Peoh Point Road, and that portion of the N1/2SW1/4NW1/4 lying north of an unnamed stream and west of Upper Peoh Point Road, less the easterly 400 feet thereof, ALL in Section 2, T.19 N., R. 15 E.W.M. The 2 acre oat field: The easterly 400 feet of the following described land: those portions of Government Lots 3 and 4 lying west of Upper Peoh Point Road, and that portion of the N1/2SW1/4NW1/4 lying north of an unnamed stream and west of Upper Peoh Point Road,, in Section 2, T.19 N., R. 15 E.W.M.	PURPOSE OF USE: Irrigation of 42 acres and stock water
IRRIGATION METHOD: Wheel Lines	

CONSUMPTIVE USE CALCULATION: The intent of the trust is to stop the quantity of water diverted from the spring but not necessarily require fallowing of irrigated acres. As part of this water right the holders have access to KRD water from which they will continue to irrigate with.

NARRATIVE DESCRIPTION OF PROJECT:

Under the donation, the Roseburg's retain all of their irrigation and stockwater rights, and upon notice to Ecology may withdraw the water rights from trust prior to the expiration of the 10 years based on change of status of the irrigation and their farm plan. It is TU's intention, if the Court issues the requested Order Pendente Lite, to transfer the water right to the Trust Water Rights Program to enhance instream flows.

COURT CLAIM NO. 01280

CLAIMANT NAME:	Robert R. Roseburg & Enid Roseburg
Source:	An unnamed stream
Use:	Irrigation of 42 acres and stock water
Period of Use:	April 1 through October 31 for irrigation and continuously for stock water
Quantity:	1.00 cfs, 370 acre-feet per year for irrigation; 0.02 cfs, 2 acre-feet per year for stock watering
Priority Date:	December 21, 1882
Point of Diversion:	1300 feet south and 5 feet east of the northwest corner of Section 2, being within Government Lot 4 of Section 2, T. 19 N., R. 15 E.W.M. AND 400 feet south of the northwest corner of Section 2, T. 19 N., R. 15 E.W.M., being within the W½ of Government Lot 4 of Section 2, T. 19 N., R. 15 E.W.M.
Place of Use:	The 40 acre hay field: Those portions of Government Lots 3 and 4 lying west of Upper Peoh Point Road, and that portion of the N½SW¼NW¼ lying north of an unnamed stream and west of Upper Peoh Point Road, less the easterly 400 feet thereof, ALL in Section 2, T. 19 N., R. 15 E.W.M. The 2 acre oat field: The easterly 400 feet of the following described land: Those portions of Government Lots 3 and 4 lying west of Upper Peoh Point Road, and that portion of the N½SW¼NW¼ lying north of an unnamed stream and west of Upper Peoh Point Road, in Section 2, T. 19 N., R. 15 E.W.M.
Limitations of Use:	This land also receives water from the Kittitas Reclamation District. A maximum of 370 acre-feet per year can be used from all sources for irrigation of 42 acres

Referee's Office
15 W. Yakima Ave Ste. 200
Yakima, WA 98902-3401

2011-78

During review of the Report of Referee, Subbasin No. 5 (Elk Heights) regarding Court Claim No. 01290, it was discovered that the Moores were not included in the list of riparian non-diversionary stock water rights on Page 139, although the narrative discussion describes the historic use of the property for grazing and animal access to the stream for water. Therefore, the list on Page 139 is hereby revised to include Stanley and Hazel Moore as having non-diversionary stock water and wildlife rights.

COURT CLAIM NO. 01280 -- Robert R. Roseburg & Enid Roseburg

Robert and Enid Roseburg's attorney, Richard T. Cole, filed an exception to the Report of Referee, Subbasin No. 5 (Elk Heights). Roseburg seeks revision of the Report of Referee to reflect a second point of diversion from the same spring fed stream. No other change in the water right recommended by the Referee is requested.

Upon review of the transcript and exhibits from the original evidentiary hearing, the Referee acknowledges that two points of diversion were described as historically used for irrigation.

The stream flow in excess of the quantity diverted at Point of Diversion No. 1 flows north along the west line of Section 2 parallel to the 10-inch gated irrigation pipe. At a point 400 feet south of the northwest corner of Section 2, T. 19 N., R. 15 E.W.M., a concrete structure diverts water into a 2½-inch pipe which runs due east to the farmstead and a 2-acre field east of the farmstead. A booster pump supplies sprinkler pressure for irrigation of this field. The 2-acre oat field described in the place of use on Page 143 of the Report of Referee is the subject field. The second point of diversion as described above is added to

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2011-78

Roseburg

Legend

township_subdiv

Roseburg

N
W E
S

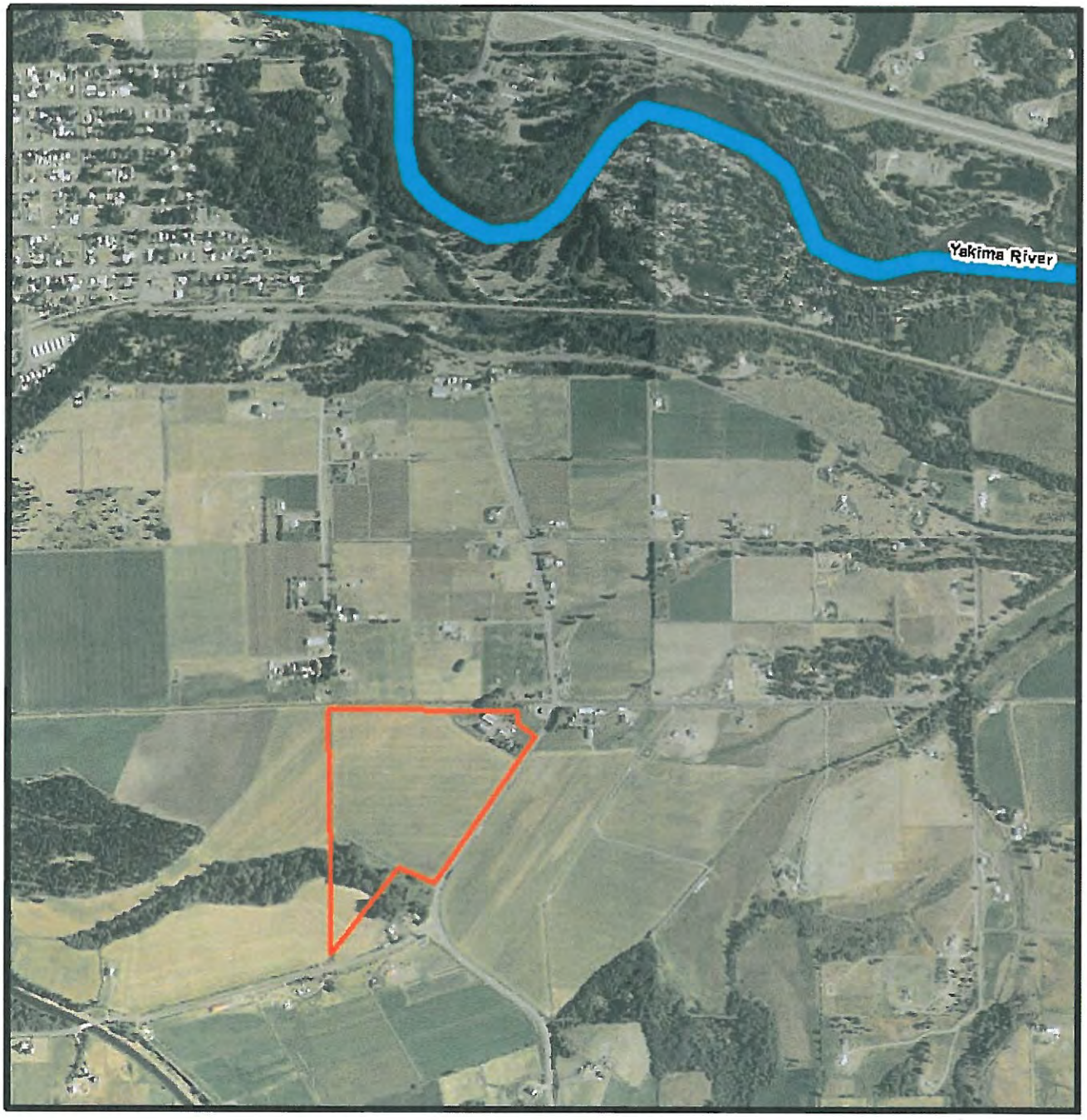
TROUT UNLIMITED

0 0.05 0.1 0.2 0.3 0.4 Miles

This map is provided "as is" and without warranty of any kind. 2004 aerial photo courtesy of NRCS

2011-78

Roseburg



Legend

- wa_rivers
- Roseburg

N
W E
S

TROUT UNLIMITED

0 0.125 0.25 0.5 0.75 1 Miles

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2011-78

July 5th, 2011

To Whom It May Concern:

The Roseburg family has and continues to actively farm land owned under the name of Roseburg LLC. The property is located at 1021 Upper Peoh Point Road near Cle Elum. Our family has been irrigating the land for over 100 years. The water is diverted from the unnamed stream has been utilized and has always been an active part of our operational management of the farm. Our water rights are represented by an adjudicated water right, court claim no. 1280 under the name of Robert and Enid Roseburg. To the best of my knowledge, irrigation has occurred every year under these rights and there has not been any period of five consecutive years of partial or total nonuse of the water right. The family has continuously used the water with no intent to ever abandon it for any reason.

Several years ago, at the request of the Washington Department of Ecology and with their on-site consultation, we installed a v-notch weir to measure our water usage from the above referenced unnamed stream. However in its present location, the v-notch weir does not provide accurate readings when maximum quantity of water is diverted during high irrigation usage. At this time we exceed the authorized 1.02 cfs to adequately irrigate the 42 acres, and this excess is provided with water from the Kittitas Reclamation District system. This additional water flows through the same v-notch weir that is supposed to be used to measure our water right water usage. Therefore, we have utilized the maximum 1.02 cfs. We don't have accurate measurements of our water right usage during high irrigation periods.

Please contact us if you have any questions.

Thank you,

Dated this 8 July, 2011 in Cle Elum Washington.

Enid Roseburg

Enid Roseburg, on behalf of the owners
Roseburg Family LLC

Robert Roseburg Jr., Lessee Farmer for
Roseburg Family LLC

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

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

(Check all that apply.)
- ☐ Lease
- ☐ Purchase
- ☒ Donation
- ☐ Other

Explain: **max 10 year donation, section 7 below**

☐ Portion of the identified existing water right

IF FOR SEASONAL OR TEMPORARY, START DATE _ 6___/__1__/__2011___
END DATE ___10__/__31___/__2020___

FOR OFFICE USE ONLY

FILE 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	PHONE NO	Fax NO
Enid Roseburg, Representatives for Roseburg LLC, Contact Marilyn Lund	(509) 656-2243	()
ADDRESS: 210 Lund Lane		
CITY: Cle Elum	STATE: WA	ZIP CODE: 98922

CONTACT NAME (IF DIFFERENT FROM ABOVE)	PHONE NO	FAX NO
Aaron Penvose, Trout Unlimited	(509) 888-0970	(509) 888-4352
ADDRESS: 103 Palouse St. Suite #14		
CITY: Wenatchee	STATE: WA	ZIP CODE: 98801

2. Water Right Information:

WATER RIGHT OR CLAIM NUMBER	RECORDED NAME(S)
Court Claim 01280	Robert R. & Enid Roseburg

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? YES X NO

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

FOR OFFICE USE ONLY

WATER RIGHT NO. _____ FILE (contract) 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

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

☐ Alteration in method of diversion	☐ 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): Donation	

WATER RIGHT DESCRIPTION ·

4. Point(s) of Diversion/Withdrawal:

A. Existing

SOURCE	NO.	¼	¼	SEC.	TWP.	RGE.	PARCEL #	WELL TAG #
Unnamed Stream , 1300 feet south and 5 feet east of the northwest corner of Section 2, being within the Government Lot 4, of Section 2, T. 19 N., R. 15 E.W.M.				2	19N	15E		

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.

5. Purpose of Use:

A. Existing Use of the Water Right

PURPOSE OF USE	GPM or CFS	ACRE-FT/YR	PERIOD OF USE
Irrigation	1 cfs	370	April 1st to October 31st
Stockwater	.02cfs	2	Continuous

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	372 afy

6. Place of Use:

A. Existing:

LEGAL DESCRIPTION OF LANDS WHERE WATER IS PRESENTLY USED:
The 40 acre hay field: Those portions of Government Lots 3 and 4 lying west of the Upper Peoh Point Road, and that portion of the N1/2SW1/4NW1/4 lying north of an unnamed stream and west of Upper Peoh Point Road, less the easterly 400 feet thereof, ALL in section 2, T. 19 N., R. 15 E.W.M. The 2 acre oat field: The easterly 400 feet of the following described land: Those portions of Government Lots 3 and 4 lying west of Upper Peoh Point Road, and that portion of the N1/2SW1/4NW1/4 lying north of an unnamed stream and west of Upper Peoh Point Road, in Section 2, T. 19 N., R. 15 E.W.M.

¼	¼	SEC.	TWP.	RGE.	COUNTY	PARCEL #	# OF ACRES

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

SW	NW	2	19N	15E	Kittitas County	Multiple	42

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
Yakima River

7. Remarks and Other Relevant Information:

This Trust Application seeks to effectuate a donation of the water right to be used exclusively for fish maintenance and enhancement, recreational uses and preservation of environmental and aesthetic values as allowed under RCW Chapters 90.03. 90.42 and 90.58. Further, this donation has biological benefits and addresses limiting factors for fish species. Therefore, we request expedited processing under WAC 173-152-050(2) (b) and (3) (a).

The term is for a maximum of 10 years; provided that the applicant may withdraw the water right from trust prior to the expiration of the 10 years based on change of status of the irrigation and farm plan. If the water right is withdrawn prior to the 10 year term, the applicant will provide Ecology with 60 day written notice prior to applying any water under the water right to beneficial use.

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.

_____ ____/____/____
(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):

☐ ADDITIONAL SIGNATURES REQUIRED ☐ SECTION _____ IS INCOMPLETE

☐ OTHER/EXPLANATION:_____

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