

**WATER TRANSFER WORKING GROUP PROJECT DESCRIPTION**

APPLICATION NO./COURT CLAIM NO. <b>Court Claim No's 1676 and 2222</b>		
APPLICANT NAME <b>BRIAN and ELIZABETH FREDERICK</b>	CONTACT NAME <b>BRIAN FREDERICK</b>	TELEPHONE NO. <b>509-856-6800</b>
WATER RIGHT HOLDER'S NAME (if different) <b>SAME</b>		EMAIL <b>b_frederick@mac.com</b>

DATE OF APPLICATION <b>TBA</b>	PRIORITY DATE <b>June 30, 1900</b>
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WATER SOURCE: <b>Yakima River</b>	CROP: <b>Mixed hay</b>
INSTANTANEOUS QUANTITY: <b>.64 cubic feet/second</b>	ANNUAL QUANTITY: <b>173.2 acre-feet/year (irrigation water) .44 " " (stock water)</b>
PERIOD OF USE: <b>May 1 through September 15</b>	
PLACE OF USE: <b>Portion of SW ¼ of Section 29, Township 20 North, Range 16 East, W.M., Kittitas County, State of Washington</b>	PURPOSE OF USE: <b>Irrigation for mixed hay</b>
IRRIGATION METHOD: <b>Wheel line sprinklers</b>	

CONSUMPTIVE USE CALCULATION:

Frederick Water Rights  
 A portion of Court Claim No. 02222 and 01676

Priority Date	Acres	Qa Diverted (acre-feet)	Qi Diverted (cfs)	Qa Consumptive (acre-feet)
June 30, 1900	30.53	173.2	0.64	55.08
June 30, 1900		0.44		0.44

Consumptive Use Table

Priority Date		May	June	July	August	September	Total
<b>Irrigation</b>							
June 30, 1900	Qi		0	0.17	0.32	0.24	0.36
	Qa		0	10.21	19.71	14.59	10.57
<b>Stockwater</b>							
June 30, 1900	Qi		0.002	0.002	0.002	0.002	0.002
	Qa		0.1	0.09	0.10	0.10	0.05

NARRATIVE DESCRIPTION OF PROJECT:

Donation of entire confirmed water right to the Washington State Trust Water Right Program for instream use through 2030.

A Petition and Declaration for an Order Pendente Lite Re: Donation of Water Right for Instream Flow will be filed with the Yakima Superior Court to protect the consumptive use over the Parker Dam

Aerial photos of our property show beneficial use of our water rights in 2006 and 2005 accompany this form, as well as Declarations of Brian Frederick and of Jon Newton regarding irrigation of our property through 2006 (I will mail copies of the signed originals to you this afternoon).

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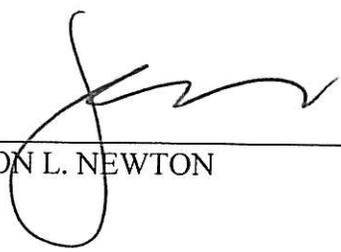
SUPERIOR COURT OF WASHINGTON IN THE COUNTY OF YAKIMA

IN THE MATTER OF THE DETERMINATION )	NO. 77-2-01484-5
OF THE RIGHTS TO THE USE OF THE )	
SURFACE WATERS OF THE YAKIMA RIVER )	DECLARATION OF
DRAINAGE BASIN, IN ACCORDANCE WITH )	JON L. NEWTON
THE PROVISIONS OF CHAPTER 90.03, )	
REVISED CODE OF WASHINGTON )	
)	
STATE OF WASHINGTON DEPARTMENT OF )	
ECOLOGY, )	
Plaintiff )	
v. )	
)	
JAMES J. ACQUAVELLA, et al )	
Defendants )	
)	

JON L. NEWTON certifies and declares under penalty of perjury as follows:

1. I am over the age of 18 and reside in Kittitas County, Washington. I make this Declaration of my own knowledge and am competent to testify as to the matters stated herein.
2. My residence is on irrigated farm land which I farm and which abuts irrigated farm land owned by BRIAN FREDERICK and ELIZABETH FREDERICK who are Defendants in this Cause of Action and hold a portion of Court Claim No.'s 2222 and 1676. The legal description of their property is set forth on Exhibit "A" attached hereto and incorporated herein by this reference.
3. For many consecutive years through 2006 I irrigated and farmed all of the above described Frederick property throughout each entire irrigation season, under a contractual arrangement with them. I used wheel lines owned by the Fredericks to apply all of the irrigation water which they are entitled to under said Claims in this Cause of Action. This water was conveyed from the Yakima River via the Younger Ditch.

Executed on this 18<sup>TH</sup> day of NOVEMBER, 2010, at Cle Elum, Washington.



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JON L. NEWTON

**EXHIBIT A**

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Parcels B and C of that certain survey as recorded June 12, 1998, in Book 23 of Surveys, Page 153, under Auditor's File No. 199806120001, records of Kittitas County, Washington; being a portion of the Southwest quarter of Section 29, Township 20 North, Range 16 East, W.M., in said County and State;

AND

That portion of said Southwest Quarter which is described as follows: a 30.00 foot strip of land lying Easterly of, adjuacent to and abutting the East boundary line of said Parcel C, and which lies South of the projected North boundary line of said Parcel C.

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OF THE RIGHTS TO THE USE OF THE )	
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DRAINAGE BASIN, IN ACCORDANCE WITH )	BRIAN FREDERICK
THE PROVISIONS OF CHAPTER 90.03, )	
REVISED CODE OF WASHINGTON )	
)	
STATE OF WASHINGTON DEPARTMENT OF )	
ECOLOGY, )	
Plaintiff )	
v. )	
)	
JAMES J. ACQUAVELLA, et al )	
Defendants )	
_____ )	

BRIAN FREDERICK certifies and declares under penalty of perjury that:

1. DECLARANT. I am over the age of 18 and reside in Kittitas County, Washington. I make this Declaration of my own knowledge and am competent to testify as to the matters stated herein. My wife, ELIZABETH FREDERICK, and I are Defendants in this Cause of Action.

2. PROPERTY. The legal description of real property presently owned by us is as follows:

Parcels B and C of that certain survey as recorded June 12, 1998, in Book 23 of Surveys, Page 153, under Auditor’s File No. 199806120001, records of Kittitas County, Washington; being a portion of the Southwest quarter of Section 29, Township 20 North, Range 16 East, W.M., in Kittitas County, State of Washington;  
AND  
That portion of said Southwest Quarter which is described as follows: a 30.00 foot strip of land lying Easterly of, adjacent to and abutting the East boundary line of said Parcel C, and which lies South of the projected North boundary line of said Parcel C.

3. WATER RIGHTS. Our water rights under Claim No.'s 2222 and 1676 were divided by Court Order entered October 11, 2001. After sales of portions of property originally owned by us, our water rights were further divided by Court Order entered October 14, 2010 and as a result, our water rights pertaining to the above described property presently owned by us were confirmed as follows:

173.2 acre-feet per year (.64 cubic feet per second) of irrigation water; and  
.44 acre-feet/year of stock water

4. IRRIGATION. For many consecutive years through 2006 our neighbor, JON L. NEWTON, irrigated and farmed all of our above described property throughout each entire irrigation season, under a contractual arrangement with him. He used our wheel lines to apply all of the irrigation water which we are entitled to under said Claims in this Cause of Action. This water was conveyed from the Yakima River via the Younger Ditch.

Executed on this \_\_\_\_\_ day of November, 2010, at Cle Elum, Washington.

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BRIAN FREDERICK



2011-16

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T20-0N R16-0E

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Brian Frederick, Court Claim No. 01676 and 02222 - 2005 Aerial Photo

**Legend**

 Estimated Irrigated Area

0 87.5 175 350 525 700 Feet



WASHINGTON WATER TRUST  
*Working to restore rivers and streams in Washington state*

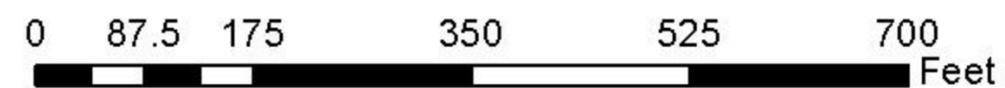
November 29, 2010



Brian Frederick, Court Claim No. 01676 and 02222 - 2006 Aerial Photo

**Legend**

 Estimated Irrigated Area



WASHINGTON WATER TRUST  
*Working to restore rivers and streams in Washington state*

November 29, 2010

