

WATER TRANSFER WORKING GROUP PROJECT DESCRIPTION

APPLICATION NO. or COURT CLAIM NO. Yakima Court Claim NO: 00176		SUB-BASIN 2 (EASTON)	
APPLICANT NAME Washington Water Trust	CONTACT NAME Greg McLaughlin	TELEPHONE NO. 509 925-5600	
WATER RIGHT HOLDER'S NAME (if different) David Lynn Burns; David C. Darling; David Joseph Darling; Gayle L. Darling; Lona Jeannine Darling; and Patricia Darling Strong		EMAIL greg@washingtonwatertrust.org	
DATE OF APPLICATION 11-4-2013		PRIORITY DATE June 30, 1887 74.5 acres June 30, 1889 2 acres	
WATER SOURCE: Big Creek	CROP: Pasture hay		
Attachments Exhibit 1: Project Map with POU of the water rights Exhibit 2: Water Rights Documentation Exhibit 3: Summary Table of Water Rights as calculated from the CFO.			
PERIOD OF USE: May 1 to September 1 for irrigation (124 days), continuously for stockwater			
PLACE OF USE: Trust Water: 1.53 cfs, 1079.4 af year of primary reach within Big creek downstream from the current point of diversion to the Yakima River, and additionally in the Yakima River downstream to the Columbia River for up to .87 cfs and 112.38 af of consumptive use water associated with 76.5 acres of pasture hay (subject to 90.030,380).		PURPOSE OF USE: Instream Flow	
IRRIGATION METHOD: Flood			
CONSUMPTIVE USE CALCULATION: The total consumptive use calculation is 112.38 af/year on 76.5 acres and a peak July consumptive use demand of .836 cfs.			
<p>Irrigation of 77 acres of pasture from court claim #00176 was confirmed by the Yakima County Superior Court in Conditional Final Order for Subbasin #2 - Easton (<u>Washington v. Aquavella</u> - 02-13-1997). The Referee did not specify a consumptive use amount associated with the irrigation water rights (only the livestock rights), but implied this in the number of acres confirmed in the CFO. WWT used the Washington Irrigation Guide to calculate the consumptive use associated with 6 water rights included in this project representing 76.5 of the original 77 acres. Results at attached in Exhibit C. Calculations for consumptive water use from May 1- September 1 are based on the 1985 Washington Irrigation Guide (WIG) for Pasture/Turf in the Cle Elum Area and Washington, Department of Ecology Guidance Document 1210. WWT notes that final consumptive use will be determined via application of a RCW 90.03.380 review of the project by Ecology, and that the draft WIG update indicates that the Big Creek area may have been undervalued for crop consumptive use.</p>			

NARRATIVE DESCRIPTION OF PROJECT:

This project comes from Yakima Basin Court Claim #00176 confirmed by the Yakima County Superior Court in Conditional Final Order for Subbasin #2 - Easton (Washington v. Aquavella - 02-13-1997). Partition according to the 6 landowners included in this project is further defined by the Upper Kittitas Superior Court Cause No. 09-4-00050-16 signed on September 8, 2011 dividing the water rights among the 7 heirs to the Fred Darling Estate. 6 of the 7 heirs representing all but .5 acres of the original water right are represented in this project, with the 7th also signing a contract with another entity to also put the water instream for mitigation purposes. According to WWT due diligence review, court records, and affidavits from landowners, flood irrigation as confirmed in the CFO continued on the property until Fred Darling's passing in May 2009. At that time and until September 8, 2011, the estate executor recommended that water use cease (affidavit available upon request) pending the settlement of the Darling Estate, qualifying for a RCW 90.14.140 sufficient cause for non use exclusion. Quantities proposed for transfer are derived from the 1997 CFO assuming maintenance of the historic flood irrigation practices on the property up until Fred Darling's death in 2009.

This project will add 1.53 cfs and up to 1079.4 af/year to the lower 2.3 miles of Big Creek by closing the historical year-round diversion through 2016, or longer if extended by agreement. In addition, subject to review, up to .87 cfs and 112.38 af will be added to Yakima River flows into the Columbia River below Prosser. Low flows and periodic high temperatures are limiting factors to salmonid passage and production of this system. This project offers significant benefit to wildlife and species recovery values, contributing of 30% of the flow for the tentative 5 cfs target flow in this system.

EXHIBIT NO.1 – Map of Place of Use of Water Rights and Primary Reach

Darling Project - 2012

Legend

Primary Reach Segment (in miles)**

— PR 1

— PR 2

□ Court Claim No. 00176

□ Court Claim No. 00176

□ Court Claim No. 00176

▲ Point of Diversion

— Darling Ditch

**Primary Reach is divided into two segments because the exact point of return flow is unknown. Further research is necessary by a hydrogeologist. However, Stan Isley, Court appointed Water Master, contends that return flows from this water right does not return to Big Creek, but rather to the Yakima River. If return flows do not get back to Big Creek the trust water primary reach would extend 2.3 miles from the point of diversion to the Yakima River.

Base Layer is 2008 National Agriculture Imagery Program (NAIP) Compressed County Mosaic

Prepared by



WASHINGTON WATER TRUST
Working to ensure rivers and streams in Washington state

May 18, 2012

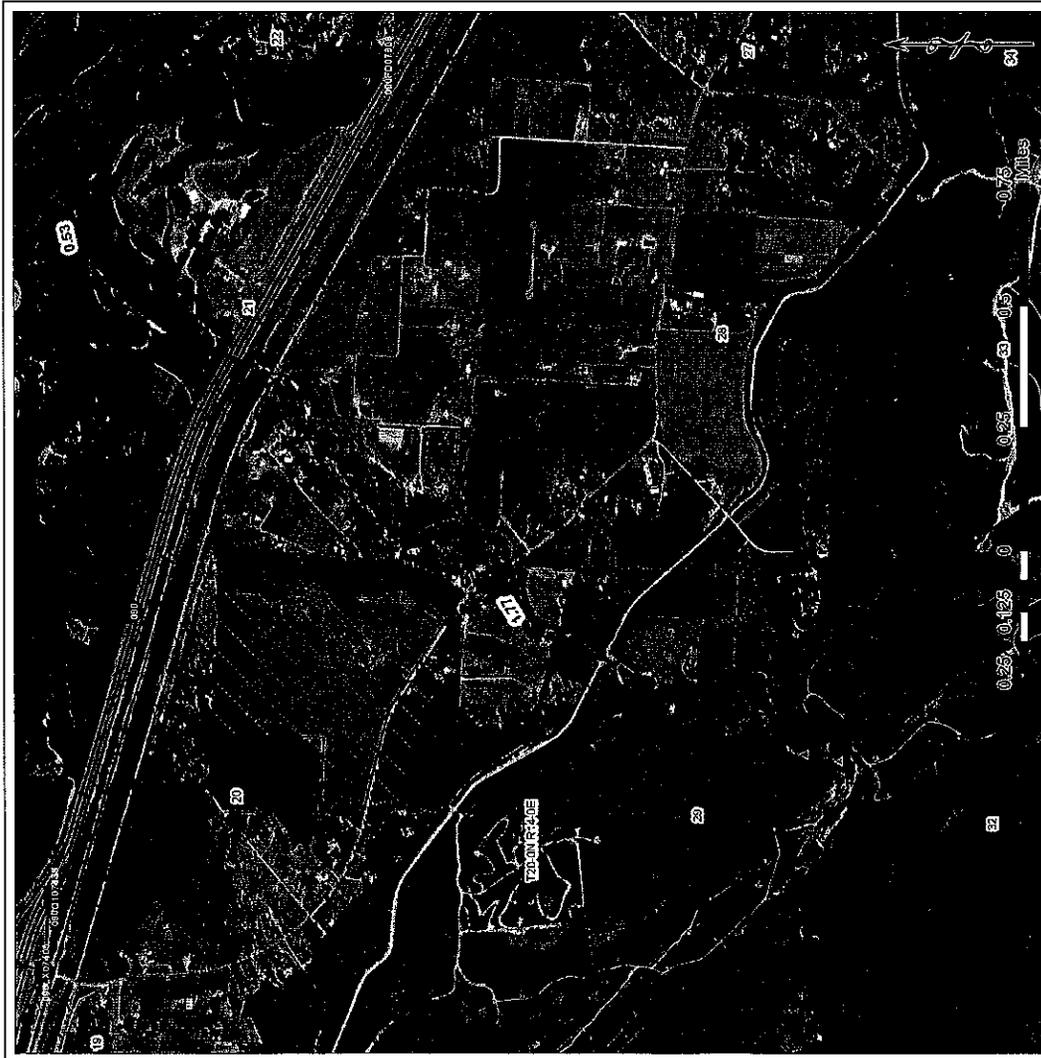
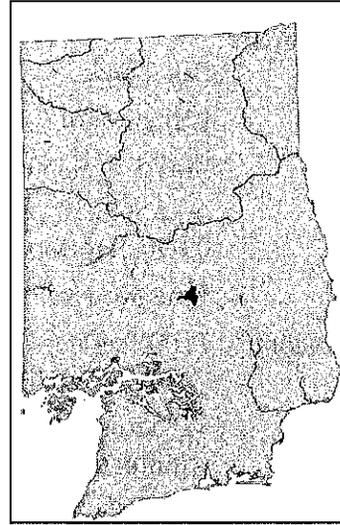


EXHIBIT NO. 2 –Water Rights**1887 Water Right****David Lynn Burns**

Source: Big Creek
 Use: Irrigation of 7.2 acres and stock water
 Period of Use: May 1 to September 1 for irrigation; continuous for stock water
 Quantity: 0.14 cubic foot per second; 34.56 acre-feet per year for irrigation and 0.096 acre-foot per year for stock water
 Priority Date: June 30, 1887
 Point of Diversion: 1100 feet north and 750 feet east of the south quarter corner of Section 29, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 29, T. 20 N., R. 14 E.W.M.
 Place of Use: 7.2 acres located within Lot 10 of Surveys, recorded under Kittitas County Auditor's No. 201004130016, being a portion of the SE $\frac{1}{4}$ of Section 20, T. 20 N., R. 14 E.W.M.

David C. Darling

Source: Big Creek
 Use: Irrigation of 7.2 acres and stock water
 Period of Use: May 1 to September 1 for irrigation; continuous for stock water
 Quantity: 0.14 cubic foot per second; 34.56 acre-feet per year for irrigation and 0.096 acre-foot per year for stock water
 Priority Date: June 30, 1887
 Point of Diversion: 1100 feet north and 750 feet east of the south quarter corner of Section 29, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 29, T. 20 N., R. 14 E.W.M.
 Place of Use: 7.2 acres located within Lot 13 of Surveys, recorded under Kittitas County Auditor's Recording No. 201004130016, being a portion of the SE $\frac{1}{4}$ of Section 20, T. 20 N., R. 14 E.W.M.

David Joseph Darling

Source: Big Creek
 Use: Irrigation of 9.2 acres and stock water
 Period of Use: May 1 to September 1 for irrigation; continuous for stock water
 Quantity: 0.18 cubic foot per second; 44.16 acre-feet per year for irrigation and 0.1226 acre-foot per year for stock water
 Priority Date: June 30, 1887
 Point of Diversion: 1100 feet north and 750 feet east of the south quarter corner of Section 29, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 29, T. 20 N., R. 14 E.W.M.
 Place of Use: 9.2 acres located within Lots 11 and 20 of Survey recorded under Kittitas County Auditor's Recording No. 201004130016, being a portion of the SE $\frac{1}{4}$ of Section 20, T. 20 N., R. 14 E.W.M.

Gayle L. Darling

Source: Big Creek
 Use: Irrigation of 36.5 acres and stock water
 Period of Use: May 1 to September 1 for irrigation; continuously for stock water
 Quantity: 0.75 cubic foot per second; 175.2 acre-feet per year for irrigation and 0.4867 acre-foot per year for stock water
 Priority Date: June 30, 1887
 Point of Diversion: 1100 feet north and 750 feet east of the south quarter corner of Section 29, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 29, T. 20 N., R. 14 E.W.M.
 Place of Use: 36.5 acres located within Lots 6, 7, 9, 14, 15, J and K of Surveys recorded under Kittitas County Auditor's Recording No. 201004130016, being a portion of the SE $\frac{1}{4}$ of Section 20, T. 20 N., R. 14 E.W.M.

Lona Jeannine Darling

Source: Big Creek
 Use: Irrigation of 7.2 acres and stock water
 Period of Use: May 1 to September 1 for irrigation; continuous for stock water
 Quantity: 0.14 cubic foot per second; 34.56 acre-feet per year for irrigation and 0.096 acre-foot per year for stock water
 Priority Date: June 30, 1887
 Point of Diversion: 1100 feet north and 750 feet east of the south quarter corner of Section 29, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 29, T. 20 N., R. 14 E.W.M.
 Place of Use: 7.2 acres located within Lot 12 of Surveys, recorded under Kittitas County Auditor's Recording No. 201004130016, being a portion of the SE $\frac{1}{4}$ of Section 20, T. 20, R. 14 E.W.M.

Patricia Darling Strong

Source: Big Creek
 Use: Irrigation of 7.2 acres and stock water
 Period of Use: May 1 to September 1 for irrigation; continuous for stock water
 Quantity: 0.14 cubic foot per second; 34.56 acre-feet per year for irrigation and 0.096 acre-foot per year for stock water
 Priority Date: June 30, 1887
 Point of Diversion: 1100 feet north and 750 feet east of the south quarter corner of Section 29, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 29, T. 20 N., R. 14 E.W.M.
 Place of Use: 7.2 acres located within Lot 8 of Surveys, recorded under Kittitas County Auditor's Recording No. 201004130016, being a portion of the SE $\frac{1}{4}$ of Section 20, T. 20 N., R.14 E.W.M.

Brian King

Source: Big Creek
 Use: Irrigation of 0.5 acres and stock water
 Period of Use: May 1 to September 1 for irrigation; continuously for stock water
 Quantity: 0.01 cubic foot per second; 2.4 acre-feet per year for irrigation and 0.0067 acre-foot per year for stock water
 Priority Date: June 30, 1887
 Point of Diversion: 1100 feet north and 750 feet east of the south quarter corner of Section 29, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 29, T. 20 N., R. 14 E.W.M.
 Place of Use: 0.5 acres located within Lot 5 and Parcel H of Surveys, recorded under Kittitas County Auditor's Recording No. 201004130016, being a portion of the SE $\frac{1}{4}$ of Section 20, T. 20 N., R. 14 E.W.M.

1889 Water Right**Gayle L. Darling**

Source: Big Creek
 Use: Irrigation of 2 acres
 Period of Use: May 1 through September 1
 Quantity: 0.04 cubic foot per second; 9.6 acre-feet per year
 Priority Date: June 30, 1889
 Point of Diversion: 1150 feet south and 800 feet east from the center of Section 29, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 29, T. 20 N., R. 14 E.W.M.
 Place of Use: 2 acres within the N $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 29, T. 20 N., R. 14 E.W.M.

EXHIBIT NO. 3 – Big Creek Water Rights Table of Calculated use from CFO

NAME ON CLAIM	LOCATION & COURT CLAIM NO.	CF S	ACRE -FEET (AF)	ACRE	PRIORITY	CONS. USE (CFS)	CONS. USE (AF)	Winter use(AF)
Gayle L. Darling	Big Creek – Court Claim #00176	0.04	9.6	2	6/30/1889	May – 0 June – 0.011 July – 0.022 Aug – 0.016 Sept – 0.015	May – 0 June – 0.676 July – 1.293 Aug – 0.940 Sept – 0.029 Tot = 2.94 af	0 af
Gayle L. Darling	Big Creek – Court Claim #00176	0.75	175.2	36.5	6/30/1887	May – 0 June – 0.209 July – 0.398 Aug – 0.289 Sept – 0.265	May – 0 June – 12.329 July – 23.592 Aug – 17.155 Sept – 0.536 Tot = 53.61 af-	358.52 af
David Lynn Burns	Big Creek – Court Claim #00176	0.14	34.56	7.2	6/30/1887	May – 0.0 June - 0.041 July – 0.079 Aug – 0.057 Sept – 0.052	May – 0 June – 2.432 July – 4.654 Aug – 3.384 Sept – 0.106 Tot =10.58 af	66.92 af
David C. Darling	Big Creek – Court Claim #00176	0.14	34.56	7.2	6/30/1887	May – 0.0 June - 0.041 July – 0.079 Aug – 0.057 Sept – 0.052	May – 0 June – 2.432 July – 4.654 Aug – 3.384 Sept – 0.106 Tot =10.58 af-	66.92 af
David Joseph Darling	Big Creek – Court Claim #00176	0.18	44.16	9.2	6/30/1887	May – 0.0 June - 0.053 July – 0.100 Aug – 0.073 Sept – 0.067	May – 0 June – 3.108 July – 5.947 Aug – 4.324 Sept – 0.135 Tot = 13.51 af	86.04 af
Lona Jeannine Darling	Big Creek – Court Claim #00176	0.14	34.56	7.2	6/30/1887	May – 0.0 June - 0.041 July – 0.079 Aug – 0.057 Sept – 0.052	May – 0 June – 2.432 July – 4.654 Aug – 3.384 Sept – 0.106 Tot = 10.58 af-	66.92 af
Patricia Darling Strong	Big Creek – Court Claim #00176	0.14	34.56	7.2	6/30/1887	May – 0.0 June - 0.041 July – 0.079 Aug – 0.057 Sept – 0.052	May – 0 June – 2.432 July – 4.654 Aug – 3.384 Sept – 0.106	66.92 af

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							Tot =10.58 af-	
Total Donated		.79	184.8	38.5			56.55 af	358.52af
Total Leased		.74	182.40	38			55.83 af	353.72 af
Total		1.5 3	367.20	76.5			112.38 af	712.24 af