



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: Application relates to the implementation of provision 2, page 2, of the water right change approval by Department of Ecology (with modifications), dated January 28, 2008, see Appendix A attached hereto; said approval pertaining to the associated Benton County Water Conservancy Board decision dated October 31, 2007, as to Water Right Change Application No. CS4-00788CTCLS24@2(BENT 07-20), see Appendix B attached hereto.

IF FOR SEASONAL OR TEMPORARY, START DATE 4 / 1 / each year
END DATE 10 / 31 / each year

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

1. Applicant Information:

APPLICANT/BUSINESS NAME Red Mountain Water LLC	PHONE NO. (253) 863-6200	FAX NO. (253) 826-5353
ADDRESS 1302 Puyallup Street Attn: Stephen A. Burnham		
CITY Sumner	STATE WA	ZIP CODE 98389-1604

CONTACT NAME (IF DIFFERENT FROM ABOVE) Charles B. Roe, Jr.	PHONE NO. (360) 357-9493	FAX NO. (360) 357-9493
ADDRESS 2400 Wedgewood Drive S.E.		
CITY Olympia	STATE WA	ZIP CODE 98501-9493

2. Water Right Information:

Note: This application relates to the instream flow element of the water right discussed immediately hereafter.

WATER RIGHT OR CLAIM NUMBER ACQUAVELLA Court Claim No.00788(A)06848 See Appendices A & B as to the changes in the water right confirmed by Conditional Final Order entered in State v. Acquavella Yakima County Superior Court No. 77-2-01484-5 on May 9, 2002; said confirmed right being described in Report of Referee Subbasin No. 24 (Moxee) dated February 13, 2001.	RECORDED NAME(S) Mary Gerdes (initial)
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DO YOU OWN THE RIGHT? YES NO IF NO, PROVIDE OWNER(S) NAME and ADDRESS:

HAS THE WATER BEEN PUT TO BENEFICIAL USE IN THE LAST FIVE (5) YEARS? YES NO

ARE WATER DIVERSIONS/WITHDRAWALS OF THIS WATER RIGHT METERED OR MEASURED? YES NO

IMPORTANT! PROVIDE INFORMATION SHOWING THE EXTENT OF WATER USE FOR EACH OF THE LAST FIVE YEARS – SEE APPENDIX B, PAGE 7, SECTION C & D.
SEE METERING REQUIREMENT CONTAINED IN BENTON COUNTY WATER CONSERVANCY BOARD DECISION, APPENDIX B, PAGE 12, FINDING 9 (AS APPROVED BY DEPARTMENT OF ECOLOGY. SEE APPENDIX A.)

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

WATER RIGHT NO. _____ FILE (contract) NO. _____

*Court Claim 00788
06-05-1873
Sub 24 Moxee*

CS4-00788CTCLS24@4

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into

Application to Enter a Water Right Into

jht

the Trust Water Right Program

1873

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	<input checked="" type="checkbox"/> Other, Explain below:
By placing the instream flow element of the applicant-owned right into the trust program as set forth in Section 7, infra. See Appendix B, page 2.	
Name of funding source(s):	

WATER RIGHT DESCRIPTION * In stream flow element.

4. Point(s) of Diversion/Withdrawal: N/A (The "diversion and withdrawal points" of the irrigation use element are set forth on page 2 of Appendix B.)

A. Existing

SOURCE	NO.	¼	¼	SEC.	TWP.	RGE.	PARCEL #	WELL TAG #

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
(1) Irrigation of up to 12.8 acres	0.09 cfs	16.43	April 1 through Oct. 31
(2) Instream Flow	0.09 cfs	16.43	April 1 through Oct. 31
(This application relates to (2))			

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
The purpose of us is the instream flow element as aforementioned.	16.43

6. Place of Use:

A. Existing:

LEGAL DESCRIPTION OF LANDS WHERE WATER IS PRESENTLY authorized for USE:							
The instream flow element relates to a reach of the Yakima River system beginning in the Yakima River (in Yakima County) within NE ¼, NW ¼, Sec 28, T 13 N, R.19 EWM and in the River's Blue Slough tributary within SW ¼, SE ¼, Sec. 33, T 13 N, R19 EWM and ending approximately ¾ miles downstream from the Benton City Bridge over the Yakima River in Benton County. See Appendix B, page 2. The bed of said reach is, we understand, owned by the State of Washington primarily if not exclusively.							
¼	¼	SEC.	TWP.	RGE.	COUNTY	PARCEL #	# OF ACRES
DO YOU OWN ALL THE LANDS IN THE EXISTING PLACE OF USE? YES <input checked="" type="checkbox"/> NO - IF NO, PROVIDE OWNER(S) NAME:							
State of Washington, as owner of the bed of a navigable stream, i.e. the Yakima River, (except as to a portion of said reach where the bed may be owned either by the United States or the Yakima Indian Nation, or both, as the river flows through the Yakima Indian Reservation).							

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

