

Board Name: Kittitas County
WATER CONSERVANCY BOARD
Application for Change/Transfer
Record of Decision

FOR ECOLOGY USE ONLY

Date Stamp

Reviewed by:

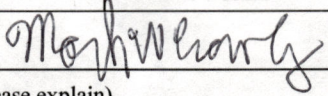
Applicant Name: Nunnally Holdings LLC Application Number: S4-83516-J (KIT-24-01)

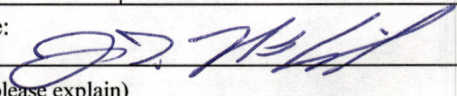
This record of decision was made by a majority of the board at an open public meeting of the (Board Name) Kittitas Water Conservancy Board held on (date meeting was held) 4/15/25. The undersigned board commissioners certify that they each understand the board is responsible "to ensure that all relevant issues identified during its evaluation of the application, or which are raised by any commenting party during the board's evaluation process, are thoroughly evaluated and discussed in the board's deliberations. These discussions must be fully documented in the report of examination." [WAC 173-153-130(5)] The undersigned therefore, certifies that each commissioner, having reviewed the report of examination, knows and understands the content of the report.

☒ **Approval:** The (board name) Water Conservancy Board hereby **grants** conditional approval for the water right transfer described and conditioned within the report of examination on (date report of exam was signed) 4/15/25 and submits this record of decision and report of examination to the Department of Ecology for final review.

☐ **Denial:** The (board name) Water Conservancy Board hereby **denies** conditional approval for the water right transfer as described within the report of examination on (date report of exam was signed) _____ and submits this record of decision to the Department of Ecology for final review.

Signed:

Water Conservancy Board Name: Kittitas County	Date: 4/15/25
Chair Name: Mark Crowley	Signature: 
(choose one) <input checked="" type="checkbox"/> Approve <input type="checkbox"/> Deny <input type="checkbox"/> Abstain <input type="checkbox"/> Recuse <input type="checkbox"/> Other (please explain)	

Water Conservancy Board Name: Kittitas County	Date: 4/15/25
Title: Name: Jason McCormick	Signature: 
(choose one) <input checked="" type="checkbox"/> Approve <input type="checkbox"/> Deny <input type="checkbox"/> Abstain <input type="checkbox"/> Recuse <input type="checkbox"/> Other (please explain)	

Water Conservancy Board Name:	Date:
Title: Name:	Signature:
(choose one) <input type="checkbox"/> Approve <input type="checkbox"/> Deny <input type="checkbox"/> Abstain <input type="checkbox"/> Recuse <input type="checkbox"/> Other (please explain)	

Water Conservancy Board Name:	Date:
Title: Name:	Signature:
(choose one) <input type="checkbox"/> Approve <input type="checkbox"/> Deny <input type="checkbox"/> Abstain <input type="checkbox"/> Recuse <input type="checkbox"/> Other (please explain)	

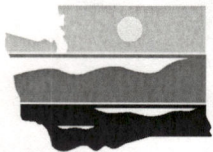
Water Conservancy Board Name:	Date:
Title: Name:	Signature:
(choose one) <input type="checkbox"/> Approve <input type="checkbox"/> Deny <input type="checkbox"/> Abstain <input type="checkbox"/> Recuse <input type="checkbox"/> Other (please explain)	

Mailed with all related documents to the Dept of Ecology (send to the Regional office below), and any other interested parties.

Please check the appropriate Regional Office:

<input type="checkbox"/> Northwest Region Office PO Box 330316 Shoreline, WA 98133-9716 (206) 594-0000	<input type="checkbox"/> Eastern Region Office 4601 N. Monroe St. Spokane, WA 99205-1265 (509) 329-3400
<input type="checkbox"/> Southwest Region Office PO Box 47775 Olympia, WA 98504-7775 (360) 407-6300	<input checked="" type="checkbox"/> Central Region Office 1250 W. Alder St. Union Gap, WA 98903-0009 (509) 575-2490





DEPARTMENT OF
ECOLOGY
State of Washington

Board Name: Kittitas County Conservancy Board

WATER CONSERVANCY BOARD

Application for Change/Transfer

OF A RIGHT TO THE BENEFICIAL USE OF THE PUBLIC WATERS OF
THE STATE OF WASHINGTON

REPORT OF EXAMINATION

NOTE TO APPLICANT: Pursuant to WAC 173-153-130(8), the applicant is not permitted to proceed to act on the proposal until Ecology makes a final decision affirming, in whole or in part, the board's recommendation. It is advised that the applicant not proceed until the appeal period of Ecology's decision is complete.

NOTE TO AUTHOR: Read the instructions for completing a water conservancy board report of examination. Use the Tab key to move through the form or with your mouse, select the fields to enter information.

☒ Surface Water

☐ Ground Water

Date Application Received	September 17, 2024	Water Right Document Number (i.e., claim, permit, certificate, etc.)	S4-83516-J
Water Right Priority Date	June 30, 1872	Board-Assigned Change Application Number	KITT-24-01
Name: Nunnally Holdings LLC	Phone: (509) 766-1542		Email: VICJ@Lynden.com
Address (street): PO BOX 579	City: Moses Lake	State: Washington	Zip: 98837
Changes Proposed: <input checked="" type="checkbox"/> Change purpose <input type="checkbox"/> Add purpose <input type="checkbox"/> Add irrigated acres <input type="checkbox"/> Change point of diversion/withdrawal <input type="checkbox"/> Add point of diversion/withdrawal <input checked="" type="checkbox"/> Change place of use <input type="checkbox"/> Other (Temporary, Trust, Interties, etc.) Place Water Right in TWRP for Instream Flow			
SEPA: The board has reviewed the provisions of the State Environmental Policy Act of 1971, Chapter 43.21C RCW and the SEPA rules, chapter 197-11 WAC and has determined the application is: <input type="checkbox"/> Exempt <input checked="" type="checkbox"/> Not Exempt			

BACKGROUND AND DECISION SUMMARY

Please include a map(s) reflecting all referenced existing and proposed point(s) of diversion or withdrawal and place(s) of use (RCW 90.03.260(7); WAC 173-153-070 (6)(c).

Existing Right (Tentative Determination)							
Maximum cub ft/second	1.296 from April 1 to June 30 0.730 from July 1 to October 31		Maximum gal/minute	N/A			
Maximum acre-ft/yr	481.92		Describe Type(s) of use, and period(s) of use	Irrigation of 96 acres from April 1 to October 31			
Source	Manastash Creek			Tributary of (if surface water)		Yakima River	
At a Point Located: Parcel No.	308333	1/4	SE	1/4	NW	Section	7
Township N.	17 N.	Range	18 E.W.M.	WRIA	39	County	Kittitas
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS USED							
The NE1/4NW1/4 and the NW1/4NE1/4 of Section 8 and that part of the SW1/4SE1/4 of Section 5, lying south of Manastash Creek all in T. 17 N., R. 18 E.W.M.							
Kittitas County Parcel Nos. 18115, 18116, 18117, 18118, 18119, 18121, 18122, 58333, 698433 and 708433.							
Parcel no.	Multiple, see above.	1/4	NE, NW, SW	1/4	NW, NE, SE	Section	8, 8, 5
Township N.	17 N.	Range	18 E.W.M.	WRIA	39	County	Kittitas

ECY 040-106 (03/2017) To request ADA accommodation including materials in a format for the visually impaired, call Ecology Water Resources Program 360-407-6872. Persons with impaired hearing may call Washington Relay Service at 711. Persons with speech disability may call TTY at 877-833-6341.

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Proposed Use							
Maximum cub ft/second	1.296 from April 1 to June 30 0.730 from July 1 to October 31		Maximum gal/minute	N/A			
Maximum acre-ft/yr	481.92		Describe Type(s) of use, and period(s) of use	Instream Flow			
Source	Manastash Creek			Tributary of (if surface water)		Yakima River	
At a Point Located:							
Parcel No.	N/A	1/4	N/A	1/4	N/A	Section	N/A
Township N.	N/A	Range	N/A	WRIA	39	County	Kittitas
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS USED							
Instream flow in Manastash Creek from the historic point of diversion at a point located 5 feet north and 700 feet west of the center of Section 7, being within the SE¼NW¼ of Section 7, Township 17 North, Range 18 East Willamette Meridian (E.W.M.), and ending at the Manastash Creek – Yakima River Confluence.							
Parcel no.	N/A	1/4	N/A	1/4	N/A	Section	N/A
Township N.	N/A	Range	N/A	WRIA	39	County	Kittitas

Board's Decision on the Application							
Maximum cub ft/second	1.296 from April 1 to June 30 0.730 from July 1 to October 31		Maximum gal/minute	N/A			
Maximum acre-ft/yr	481.92		Describe Type(s) of use, and period(s) of use	Instream Flow			
Source	Manastash Creek			Tributary of (if surface water)		Yakima River	
POW No.	1/4	1/4	Section	Township	Range	Description	Parcel No.
N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS USED							
Instream flow in Manastash Creek from the historic point of diversion at a point located 5 feet north and 700 feet west of the center of Section 7, being within the SE¼NW¼ of Section 7, Township 17 North, Range 18 East Willamette Meridian (E.W.M.), and ending at the Manastash Creek – Yakima River Confluence.							
Parcel no.	N/A	1/4	N/A	1/4	N/A	Section	N/A
Township N.	N/A	Range	N/A	WRIA	39	County	Kittitas

Description of Proposed Works
The purpose of this application is to change the purpose and place of use to instream flow in Manastash Creek. The resulting water right will be permanently placed in the State's Trust Water Rights Program and exclusively used for instream flow.

Development Schedule	
Begin project by this date (At least 75 days after Board's ROD issuance):	Begun
Complete project by this date:	Completed upon ROE issuance
Complete change & put water to full use by this date:	Completed upon ROE issuance

Report
BACKGROUND [See WAC 173-153-130(6)(a)]

On September 17th, 2024, Nunnally Holdings LLC (Applicant) of Moses Lake, Washington filed an application to change the purpose and place of use under Certificate of Adjudicated Water Right (Certificate) S4-83516-J. The application was accepted at an open public meeting and the Board assigned application number KITT-24-01.

Nunnally Holdings LLC is the current water right holder for Certificate S4-83516-J. The Applicant is applying to place the water right in the State's Trust Water Right Program (TWRP). Once the change is complete the water right will remain instream for perpetuity to benefit instream flows.

This change (and parallel change on Certificate S4-83504) is intended to finalize previous instream flow investments by ecology with prior property owners, and transfer of the balance of the water for instream flow benefit in conjunction with Trout Unlimited.

Attributes of the water right as currently documented

Name on certificate, claim, permit: Chaparral County Estates, LLC

Water right document number (e.g., cert #, claim #, permit #, superseding document #): Certificate of Adjudicated Water Right S4-836516-J

As modified by certificate of change number: N/A

Priority date, first use Date of priority or claimed date water was originally first put to beneficial use: June 30, 1872

Water quantities: Qi (Instant qty): 2.353 from April 1 to June 30 and 1.177 from July 1 to October 31
Qa (Annual qty): 720.2 ac-ft/yr

Source (well, river, etc): Manastash Creek

Point of diversion/withdrawal (Distance from $\frac{1}{4}$, Section, Township, Range EWM): A point located 5 feet north and 700 feet west of the center of Section 7, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 7, T. 17 N., R. 18 E.W.M.

Purpose of use: Irrigation Number of Acres if Irrigation: 101

Period of use: April 1 to October 31

Place of use: The NE $\frac{1}{4}$ NW $\frac{1}{4}$ and the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 8 and that part of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 5, lying south of Manastash Creek all in T. 17 N., R. 18 E.W.M.

Existing provisions (family farm act, interruptable, etc.): This land may have a supplemental water right through the Kittitas Reclamation District, which is exercised when sufficient creek water is not available.

Tentative determination of the water right

The tentative determination is provided on the front page of this report.

History of water use

Describe the historical water use information that was considered by the board:

A water right with attributes described above was confirmed under Certificate S4-83516-J (Attachment 1), in the Yakima River Basin surface water (Acquavella) adjudication for Subbasin No. 11, Manastash Creek drainage basin, with a Conditional Final Order (CFO) signed on June 14, 2001.

Historically, surface water was diverted from Manastash Creek at the authorized point of diversion, otherwise known as the "Anderson Diversion". The diverted water was then conveyed via gravity eastward through the Anderson Ditch to the authorized place of use.

Water was historically applied to the place of use using a combination of wheelline and rill irrigation methods. However, in 2011, irrigation infrastructure was upgraded across the property as part of an Irrigation Efficiency Grant Program (IEGP). Following the IEGP construction, the majority of the property was irrigated using lateral move and wheelline sprinklers with a small portion of the property still relying on rill irrigation methods. The main crop grown on the property was Timothy Hay.

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Following the 2013 irrigation season the authorized Point of Diversion was destroyed. In 2017 the water right was placed in the State's Temporary Trust Water Right Program to protect it from relinquishment. Following the destruction of the point of diversion the place of use has been hydrated using KRD shares. At the time of this application the subject water right is still in temporary trust.

Previous changes

Describe any previous change decisions associated with the water right:

Since the water right was confirmed by the Superior Court, this water right has been the subject of multiple change applications. A complete narrative and timeline of these changes are included below:

- **2006** – Anderville Farms (the property owner at that time) submits water right change (CS4-01950CTCL@1) to move the authorized Point of Diversion (POD) from the historic Anderson Diversion, upstream to the new Manastash Water Ditch Association (MWDA) diversion. However, the Change ROE is never completed by Ecology and the POD remains the same.
- **2010** – Anderville farms submits a water right application (CS4-01950sb11) associated with an Irrigation Efficiency Grant Program (IEGP) through the Kittitas County Conservation District (KCCD). The application proposed to install new sprinklers to increase the efficiency of the existing irrigation system and reduce the TIR of the property. In exchange, the water saved due to these efficiencies would be placed instream for perpetuity.

The change application and IEGP agreement committed the following quantities to instream flow: An annual amount of 135.05 ac-ft/yr and an instantaneous amount of 0.784 cfs from April 1st to June 30th and 0.392 cfs from July 1st to October 31st.

- **2011** – IEGP construction is complete. However, the change ROE is never completed by Ecology, and water savings not deeded to Ecology.
- **2013** – The historic point of diversion (Anderson Diversion) was destroyed after the 2013 irrigation season.
- **2017** – The water right is placed in Ecology's Temporary Trust Water Rights Program to protect the water right from relinquishment due to non-use. The associated trust water right numbers are CS4-01950sb11@1 and CS4-83516-J.
- **2017/2018** – The Anderville Farms entered into a cost-share agreement with the KCCD to help pay for a pipeline project. The proposed project would replace the existing gravity delivery line with a pressure pipe delivery to utilize pressure from the KRD's 13.8 pipeline, allowing the property owner to run the sprinklers without a pump. In exchange for cost share, Anderville Farms agreed to place 60.5 ac-ft/yr from the two state water rights into the TWRP for instream flow in Manastash Creek. Although a change application was submitted in 2017 (CS4-02253sb11@2) and construction of the pipeline was completed by 2018, the Change ROE is never completed by Ecology, and water savings not deeded to Ecology.

SEPA

The board has reviewed the proposed project in its entirety (Provide a detailed explanation of how the board complied with the State Environmental Policy Act):

This application is subject to environmental review under SEPA (WAC 197-11-800(4)) because it exceeds the surface water 1 cfs threshold for a non-agricultural purpose. The Board has reviewed the proposed project in its entirety, including the subject transfer to the State's Trust Water Right Program (TWRP).

The Kittitas County Water Conservancy Board acted as lead agency for the SEPA review for this proposal. A checklist was completed, and a Determination of Non-Significance (DNS) was issued by the Kittitas County Water Conservancy Board. Notice of the DNS was published on Ecology's SEPA Registry on January 27, 2025. No action was taken on this application for 14 days following the publication of the determination per WAC 197-11-340. A copy of the DNS is included in the supporting documents.

The information or conclusions in this section were authored and/or developed by (Name of Person): Dan Haller, CWRE and Silas Sleeper of Aspect Consulting.

COMMENT AND PROTESTS [See WAC 173-153-130(6)(b)]

Public notice of the application was given in The Daily Record of Ellensburg Washington on October 24th and October 31st 2024. The protest period ended on November 30th, 2024. There were no protests received during the 30-day protest period. The Board notified the following parties of this application: Washington State Department of Fish and Wildlife (WDFW), Confederated Tribes and Bands of the Yakama Nation, and Washington State Department of Archaeology & Historic Preservation.

No oral and written comments were received at an open public meeting of the Board or other means as designated by the Board.

The information or conclusions in this section were authored and/or developed by (Name of Person): Dan Haller, CWRE and Silas Sleeper of Aspect Consulting.

INVESTIGATION [See WAC 173-153-130(6)(c)]

The following information was obtained from the following:

- Research of records including the Ecology Water Rights Tracking System (WRTS) database, the Ecology Well Log Database, Kittitas County online Compass for tax parcel ownership, aerial imagery (i.e. Google Earth, USGS Earth Explorer, Landsat, Department of Natural Resources), Acquavella adjudicated records and Ecology water right files.
- Conversations with current landowners, attorney, and other interested parties.
- A site visit was completed on February 18, 2025, by Mark Crowley (Kittitas County Water Conservancy Board), Justin Bezold (Trout Unlimited) and Silas Sleeper (Aspect Consulting). During the site visit, the place of use was observed and history of water use discussed.

Proposed project plans and specifications

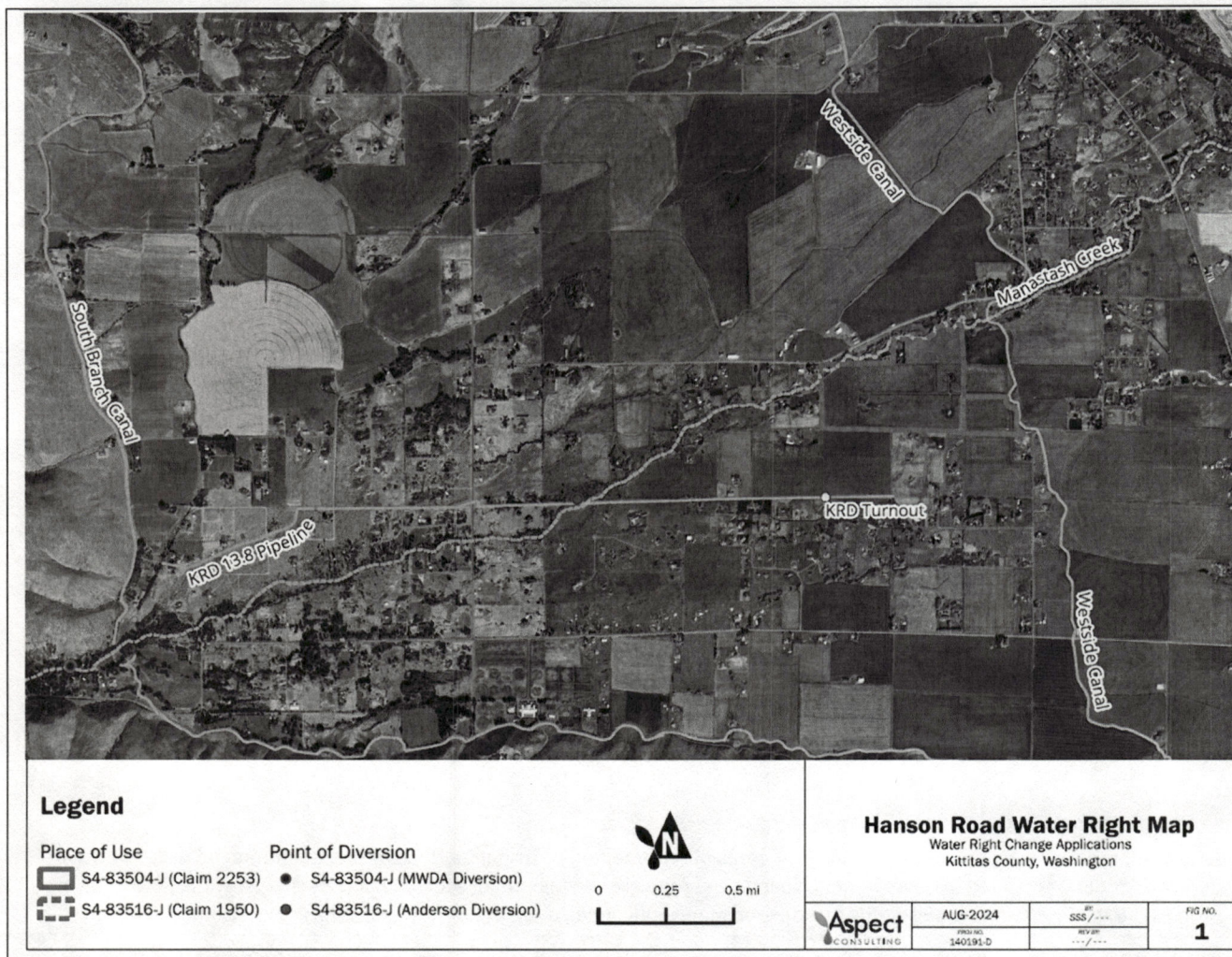
Describe proposed use of water to include # of connections, method of irrigation, type of crop, commercial use, etc. Also describe any issues related to development, such as the proposed development schedule and an analysis of the effect of the proposed transfer on other water rights, pending change applications & instream flows established under state law.

The purpose of this application is to change the purpose and place of use to instream flow in Manastash Creek. The resulting water right will be permanently placed in the State's Trust Water Rights Program and exclusively used for instream flow.

Figure 1 below shows the location of the existing point of diversion and place of use.

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Other water rights appurtenant to the property (if applicable)

Describe any other water rights or other water uses associated with both the current and proposed place of use and an explanation of how those other rights or uses will be exercised in conjunction with the right proposed to be transferred.

The historic farm block is composed of 12 parcels that are served by two adjudicated state water rights (S4-83516-J and S4-83504-J) and federal (Kittitas Reclamation District) irrigation shares. The second state water right (S4-83504-J) authorizes the diversion of 71.1 ac-ft/yr from Manastash Creek for the irrigation of 10 acres. Historically, the two state water rights (S4-83516-J and S4-83504-J) have been used to irrigate the property and managed as a single entity.

KRD shares for the property total 122 acres (Table 2). The applicant met with Kittitas Reclamation District (KRD) to understand how the state water rights could be conveyed without triggering stacking issues or “Shaw” court case implications that create enlargement potential. Based on KRD’s guidance, the applicant understands that the Manastash rights can be conveyed for a nonconsumptive environmental purpose while continuing to receive KRD service.

Therefore, this application proposes to change the purpose of use to instream flow in Manastash Creek (a nonconsumptive environmental purpose). Benefits of the proposed change will occur in Manastash Creek from the point of diversion, downstream to the confluence with the Yakima River. Below the confluence of the Yakima River, the proposed change will be water budget neutral.

Table 1. KRD Shares on the Subject Property

Parcel ID	Land Acres	KRD Acres	Water Right Authority
-----------	------------	-----------	-----------------------

18125	17.07	16	S4-83504-J / KRD
18122	8.96	9	S4-83515-J / KRD
18121	13.29	14	S4-83515-J / KRD
18119	10.676	11	S4-83515-J / KRD
18118	12.03	12	S4-83515-J / KRD
708433	7.69	8	S4-83515-J / KRD
18116	9.03	9	S4-83515-J / KRD
698433	10.84	11	S4-83515-J / KRD
18117	7.35	7	S4-83515-J / KRD
678433	12.56	12	KRD only
18115	8.24	7	S4-83515-J / KRD
58333	6.46	6	S4-83515-J / KRD
Total acreage associated with entire property	124.2	122	
Total acreage associated with state water rights	111.64	110	

Note: In 2024, the applicant has applied to transfer 13 acres of KRD shares off the property associated with land urbanization from new home construction.

Public Interest (groundwater only)

If the proposed transfer is authorized pursuant to RCW 90.44.100, describe whether it is detrimental to the public interest. Public interest shall not be considered if the proposed transfer is authorized pursuant to RCW 90.03.380 exclusively.

Pursuant to RCW 90.42.040(4)(a) exercise of a trust water right may be authorized only if the department first determines that the public interest will not be impaired. The Board and Ecology consider how the change in purpose and acceptance into the TWRP will affect an array of factors such as wildlife habitat, recreation, water quality, and human health. The environmental amenities and values associated with the area were taken into account during the consideration of this change application. Consideration of these factors allows the author to reach the conclusion that this transfer will not impair the public interest.

Tentative Determination

In order to make a water right change decision, the Board must make a tentative determination on the validity and extent of the right. The Board has made the tentative determination as displayed upon the first page of this report. There are several circumstances that can cause the board's tentative determination to differ from the stated extent of the water right within water right documentation. Water right documents attempt to define a maximum limitation to a water right, rather than the actual extent to which a water right has been developed and maintained through historic beneficial use. Additionally, except for a sufficient cause pursuant to RCW 90.14.140, water rights, in whole or in part, not put to a beneficial use for five consecutive years since 1967 may be subject to relinquishment under Chapter 90.14.130 through 90.14.180 RCW. Water rights may additionally be lost through abandonment. The Board's tentative determination was based upon the following findings. Describe any information indicating that an existing water right or portion of a water right has been relinquished or abandoned due to nonuse and the basis for the determination.

Summary

The Board's tentative determination is based upon the following findings: the water right has been the subject of the *Acquavella* Adjudication which established legal standing of this right through signing of the CFO on June 14, 2001. Since signing of the CFO, the property was irrigated until 2013 and donated to trust in 2017. Therefore, because the water right has been put to continuous beneficial use within a consecutive five-year window, the water right remains valid and is eligible for change.

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However, based on a review of aerial imagery it appears that only 106 acres have historically been irrigated within the place of use of the two state water rights (S4-83516-J and S4-83504-J). The two state water rights authorize the combined irrigation of 111 acres and therefore approximately 5 irrigated acres have been relinquished.

Estimate of Water Use

The amount of water beneficially used on the property was determined using a multiple line of evidence approach, including review of aerial photographs, Landsat imagery, Ecology records, previous change applications, Acquavella adjudicated records and crop water use calculations.

A description of each of these is provided below.

Ecology's 2010 Tentative Extent and Validity Determination

During Ecology's review of the IEGP application, Eric Hartwig from the Department of Ecology completed a tentative extent and validity review of the two state water rights (S4-83516-J and S4-83504-J). To inform the extent and validity of the water rights, Ecology reviewed aerial imagery for 2002, 2005, 2006 and 2009 and the last 5-years of power meter records. Based on their review of available data, Ecology determined that both state water rights were valid for the quantities listed on the CFO. Ecology's findings are documented in a letter (dated October 27, 2010) which is included as Attachment 2. Based on the boards' review It appears that this overstates the property's water over use by approximately 5 acres.

Aerial Photo Review

Aerial photographs taken during the irrigation season for the years 2003, 2005, 2006, 2009, 2011 and 2013 were reviewed for evidence of irrigation and to measure irrigated acreage. Each of the photographs shows clear evidence of active irrigation occurring across the property.

As seen above, the parcel data indicates that the total acreage associated with the state water rights are approximately 111.6 acres. However, due parcel overlap lap to the north (with Manastash Creek), to the west (with the canal) and to the south (with the neighboring property) the actual irrigatable acreage of the property is approximately 106 acres.

Copies of the aerial photographs with the authorized places of use outlined in blue (S4-83516) and red (S4-84504) are provided in Attachment 3. A summary of the aerial photo review is included below in Table 2.

Table 2. Aerial Photo Review

Year	Irrigated Acres (S4-83516)	Irrigated Acres (S4-84504)	Total Irrigated Acres
2003	90	16	106
2005	90	16	106
2006	90	16	106
2009	90	16	106
2011	90	16	106
2013	90	16	106

Based on a review of the water right's fact pattern and aerial imagery, the board decided that relinquishment of 5 acres under the property's two water rights would be removed from S4-83516.

Quantities Previously Committed to Instream Flow

As discussed above, the property's state water rights were the subject of two different cost-share agreements with the KCCD. The first being the IEGP project in 2011 and the second being the pressurized pipeline project in 2017. Although both of those projects were completed, Ecology never finalized the associated water right changes and therefore the instream flow conveyances were never officially memorialized. When accounting for the previous instream flow conveyances (presented in Table 3 below) the remaining annual quantity of the two state water rights is approximately 557.5 ac-ft/yr.

Table 3. Summary of Previous Instream Flow Projects

	Adjudicated Quantities		IEGP Contribution		Post IEGP		Pipeline Contribution	Post Pipeline
Water Right	S4-83504	S4-83516	S4-83504	S4-83516	S4-83504	S4-83516	Both	Both
Qa	71.1	720.2	18.25	135.05	52.85	585.15	60.5	577.5
Qi (4/1 - 6/30)	0.233	2.353	0.106	0.784	0.127	1.569	0.2	1.496
Qi (7/1 - 10/31)	0.117	1.177	0.053	0.392	0.064	0.785	0.01	0.839

Trust Water Calculations

This section describes how the water use values were calculated to identify how much water will be eligible for transfer from the discontinued use of Manastash Creek water for the irrigation of 106 acres.

In absence of reliable direct water use records, Ecology and Water Conservancy Boards use various estimation methods, such as the Washington Irrigation Guide (WIG), to estimate water use. The updated WIG data show the estimated average amount of water required by a crop above the portion of the requirement that might be met by antecedent moisture in the root zone under average climatic conditions (the amount of water a crop needs in excess of rainfall). The monthly WIG data indicate that the Crop Irrigation Requirement (CIR) for clover – the surrogate crop used for timothy hay near Ellensburg – is 2.76 feet per acre.

Using Ecology's Guidance Document, GUID-1210, Determining Irrigation Efficiency and Consumptive Use, the farm-wide application efficiency (Ea), and water duty was estimated for the adjudicated water right quantities and 2019 water right quantities (2019 quantities take in consideration previous commitments to instream flow) in Table 4 below.

Table 4. Water Use Calculations

	Qa (ac-ft/yr)	Irrigated acres	Qi (cfs)	Qa Water Duty (feet /acre)	Qi Water Duty (cfs/acre)	CIR (ft/ac)	Ea (%)
Adjudicated Quantities	791	111	2.586 (4/1-6/30) 1.294 (7/1-10/31)	7.13	0.233 0.0117	2.76	39
2019 Quantities (after Cost Share Agreements)	577.5	111	1.496 (4/1-6/30) 0.839 (7/1-10/31)	5.02	0.0135 0.0076	2.76	55

$$\text{Water Duty} = \text{Qa} / \text{irrigated area} \quad || \quad \text{Ea} = \text{CIR} / \text{Water Duty}$$

As seen above in Table 4, the application efficiency increased by 16 percent due to the irrigation upgrades associated with the two cost-share projects. This is consistent with GUID-1210 which lists 10 percent increase in efficiency when changing from wheelline to lateral move and a 25 percent increase in efficiency when changing from rill to wheelline.

Using the 2019 Qi and Qa water duties from Table 4, the relinquishment of 5 acres equates to approximately 25.10 ac-ft/yr and 0.067 cfs from April 1 to June 30 and 0.038 cfs from July 1 to October 31.

Parcel Nos. 14018 and 798433

During a review of the application package, the board noted that the certified place of use overlaps two parcels (Parcel Nos. 14018 and 798433) not owned by the applicant. To resolve this issue the applicant reviewed the water right history in conjunction with the property's sales history. Attachment 4 provides an overview of the transfer title from the late 1970s to present. As documented in Attachment 4, Anderville transferred what is now Parcel 14018 and 798433 to Brown prior to filing Claim 01950 in *Acquavella*. Also included in Attachment 4 is a copy of the original claim deed filed in *Acquavella* in which Anderville expressly excepted the portion of land that currently makes up the overlapping parcels. Based on the historic fact pattern the Board concludes that the inclusion of these two overlapping parcels was a clerical / mapping error during issuance of the Certificate in 2019 and that Parcel Nos. 14018 and 798433 are not appurtenant to the subject water right.

The information or conclusions in this section were authored and/or developed by (Name of Person): Dan Haller, CWRE and Silas Sleeper of Aspect Consulting.

CONCLUSIONS [See WAC 173-153-130(6)(d)]

Tentative determination (validity and extent of the right)

Describe whether, and to what extent, a valid water right exists.

Based on the information above, Certificate S4-83516-J represents a valid water right for 481.92 ac-ft/yr and 1.29 cfs from April 1 to June 30 and 0.73 cfs from July 1 to October 31 for the irrigation of 96 acres.

Relinquishment or abandonment concerns

Describe any relinquishment or abandonment of the water right associated with the water right transfer application as discussed in the investigation section of this report.

As discussed above, approximately 5.0 acres of irrigation and the associated annual quantity (25.10 ac-ft/yr) and instantaneous quantity (0.0675 cfs from April 1 to June 30 and 0.038 cfs from July 1 to October 31) have been relinquished due to non-use.

Consideration of comments and protests

Discuss the board's conclusions of issues raised by any comments and protests received.

No protests were received during the 30-day public comment period. No comments were made at the public meeting held by the Board on November 18, 2024. In addition, no comments were received following the Board notification to interested parties.

Impairment

Describe how or if the transfer proposal will impair existing rights of others.

Under RCW 90.38.040(5)(a), a trust water right may be exercised only if the Board first determines that the authorization will not impair or injure other water rights.

No water right on Manastash Creek will be negatively affected by increased instream flows during the irrigation season. Therefore, based on these considerations, transferring Certificate S4-83516-J to instream flow is not expected to impair other water rights.

Public Interest

If the proposed transfer is authorized pursuant to RCW 90.44.100, describe whether it is detrimental to the public interest. Public interest shall not be considered if the proposed transfer is authorized pursuant to RCW 90.03.380 exclusively.

Pursuant to RCW 90.42.040(4)(a) exercise of a trust water right may be authorized only if the department first determines that the public interest will not be impaired. The Board and Ecology consider how the change in purpose and acceptance into the TWRP will affect an array of factors such as wildlife habitat, recreation, water quality, and human health. The environmental amenities and values associated with the area were taken into account during the consideration of this change application. Consideration of these factors allows the author to reach the conclusion that this transfer will not impair the public interest.

DECISION [See WAC 173-153-130(6)(e)]

Provide a complete description of the board's decision, fully and comprehensively addressing the entire application proposal.

Based on the above investigation and conclusions, the Board recommends that the request for change to Certificate S4-83516-J be approved in the amount as follows:

Annual Quantity: 481.92 ac-ft/yr

Instantaneous Quantity: 1.29 cfs from April 1 to June 30 and 0.73 cfs from July 1 to October 31

Kittitas County Water Conservancy Board

PO Box 182
Ellensburg, Washington 98926
509 925 3352 ext. 5

April 15, 2025

Washington State Department of Ecology
Attention Ben Carr
1250 West Alder Street
Union Gap, WA 98903

ROD-ROE for applications: KITT-24-01 and KITT-24-02 for Nunnally Holdings LLC

Dear Ben:

Enclosed you will find the original Records of Decision and Reports of Examination for a Change/Transfer of Water Right for Kittitas County for filing. The board, at its 4/15/2025, board meeting signed these original documents. There were not any public comments received and a copy of the affidavit of publication is attached to the ROE. Please contact me with any questions you may have.

Sincerely,

Mark W. Crowley

Mark Crowley
Board Member

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APR 15 2025
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CENTRAL REGIONAL OFFICE

The information or conclusions in this section were authored and/or developed by (Name of Person): Dan Haller, CWRE and Silas Sleeper of Aspect Consulting.

PROVISIONS [See WAC 173-153-130(6)(f)]

Conditions and limitations

Identify any conditions and limitations recommended as part of an approved transfer, and/or any other corrective action necessary to maintain the water use in compliance with state laws and regulations.

The water will be placed in the Trust Water Right Program for the exclusive use of instream flow augmentation in Manastash Creek.

Deed Conveyance and Documentation:

1. Following closing of the water right, Nunnally Holdings LLC will convey the quit claim deed of the water right sale to Trout Unlimited.
2. If a water banking agreement, or other appropriate deed conveyance is not executed within one year following completion of the appeal period under RCW 90.80.090, the change will be canceled and the water right will revert to the original purpose of use.

The information or conclusions in this section were authored and/or developed by (Name of Person): Dan Haller, CWRE and Silas Sleeper of Aspect Consulting.

The undersigned board commissioner certifies that he/she understands the board is responsible "to ensure that all relevant issues identified during its evaluation of the application, or which are raised by any commenting party during the board's evaluation process, are thoroughly evaluated and discussed in the board's deliberations. These discussions must be fully documented in the report of examination." [WAC 173-153-130(5)] The undersigned therefore, certifies that he/she, having reviewed the report of examination, knows and understands the content of this report and concurs with the report's conclusions.

Signed at

Ellensburg

Washington

This

15th
Date (Day)

day of

(City)

April
(Month)

2025
(Year)

Name of Board Representative:

Mark Crowley

Name of Water Conservancy Board:

Kittitas County Water Conservancy Board

Signature:

Mark W. Crowley

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Attachment 1 .
Water Right Certificate
S4-83516-J

S4-83504-J

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CENTRAL REGIONAL OFFICE



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

1250 W Alder St • Union Gap, WA 98903-0009 • (509) 575-2490

10/9/2019

Chaparral Country Estates, LLC
P.O. Box 219
Ellensburg, WA 98926
Sub Basin 11

Re: Certificate No. S4-83516-J

Enclosed for your records is your recorded Certificate. Please retain this for your files.

If you have any questions, please contact the Water Resources Help Desk at (509) 575-2597.

Sincerely,

Nancy S. Beecher
Water Resources Program
Central Regional Office

NB/191039
WRTS No. 4750959

Enclosure: Recorded Certificate
Focus On Water Right Relinquishment

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Water Right WA STATE DEPT OF ECOLOGY
Kittitas County Auditor

Page: 1 of 3



Return Name and Address:

WA State Dept. of Ecology
Central Regional Office
1250 W. Alder Street
Union Gap, WA 98903-0009

REVIEWED BY

KITTITAS COUNTY TREASURER

DEPUTY

DATE

Kathy Markwell
Sept 5, 2019

PLEASE PRINT OR TYPE INFORMATION:

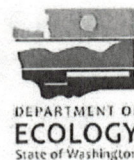
Document Title: Certificate of Adjudicated Water Right	
Certificate Number: S4-83516-J	
Grantor(s)	
1. WA State Dept. of Ecology	
Grantee(s)	
1. Chaparral Country Estates, LLC	
Legal description (abbreviated)	
Section 5 & 8, T. 17 N., R. 18 E.W.M.	
Reference Number(s) of documents assigned or released:	
Assessor's Property Tax Parcel/Account Number(s):	
18122, 18121, 18119, 18118, 708433, 18116, 698433, 18117, 18115, 058333, 14018, 798433	
The Auditor/Recorder will rely on the information provided on the form. The staff will not read the document to verify the accuracy or completeness of the indexing information.	

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OCT 08 2019
Dept of Ecology
Central Regional Office



State of Washington
Department of
Ecology
**CERTIFICATE OF ADJUDICATED
WATER RIGHT**



This certificate of adjudicated water right is issued pursuant to the Final Decree made and entered by the Superior Court of the State of Washington in and for Yakima County on the 9th day of May 2019 in the case of State of Washington, Department of Ecology v. James J. Acquavella, et al., County Cause No. 77-2-01484-5. This water right is subject to and will be administered according to the Final Decree, which under Paragraph 8 incorporates all orders and opinions entered in the case. In the event of a conflict between this Certificate and the Final Decree, the Final Decree shall govern.

WATER RIGHT HOLDER: Chaparral Country Estates, LLC	MAILING ADDRESS: Chaparral Country Estates, LLC P.O. Box 219 Ellensburg, WA 98926
--	---

CERTIFICATE NUMBER: S4-83516-J	COURT CLAIM NUMBER: 01950	PRIORITY DATE: June 30, 1872
SUBBASIN NUMBER: 11	SUBBASIN NAME: Manastash	CFO DATE: June 14, 2001

Source

Manastash Creek

Quantity

2.353 cubic feet per second from April 1 through June 30 and 1.177 cubic feet per second from July 1 through October 31; 720.2 acre-feet per year

Purpose of Use

Irrigation of 101 acres

Period of Use

April 1 through October 31

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CENTRAL REGIONAL OFFICE

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OCT 08 2019
Dept of Ecology
Central Regional Office

Point of Diversion

Approximately 5 feet north and 700 feet west of the center of Section 7, T. 17 N., R. 18 E.W.M., being within the SE¼NW¼ of Section 7, T. 17 N., R. 18 E.W.M.

Place of Use

The NE¼NW¼ and the NW¼NE¼ of Section 8 and that part of the SW¼SE¼ of Section 5, lying south of Manastash Creek all in T. 17 N., R. 18 E.W.M.

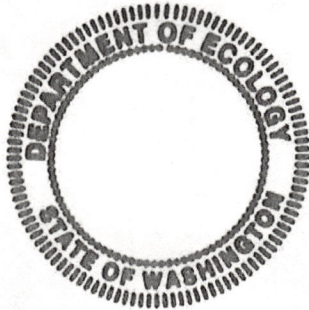
Provisions and Limitations of Use

This land may have a supplemental water right through the Kittitas Reclamation District, which is exercised when sufficient creek water is not available.

The right to the use of a water right established under the laws of the State of Washington and confirmed hereby is restricted to the lands or place of use, purpose(s) of use, and to the other specified terms and conditions herein described, unless approved for change as provided in RCW 90.03.380 or other statute.

This certificated water right may be subject to relinquishment for nonuse of water as provided in Chapter 90.14 RCW.

Given under my hand and the seal of this office at Union Gap, Washington, this 3rd day of September, 2019.



Maia Bellon, Director
Department of Ecology

A handwritten signature in cursive script that reads "Trevor Hutton".

DATA REVIEW
OK LB

Trevor Hutton, Section Manager
Central Regional Office
Water Resources Program

To request ADA accommodation including materials in a format for the visually impaired, call Ecology Water Resources Program at 360-407-6872. Persons with impaired hearing may call Washington Relay Service at 711. Persons with speech disability may call TTY at 877-833-6341.

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Central Regional Office



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

1250 W Alder St • Union Gap, WA 98903-0009 • (509) 575-2490

10/9/2019

Chaparral Country Estates, LLC
P.O. Box 219
Ellensburg, WA 98926
Sub Basin 11

Re: Certificate No. S4-83504-J

Enclosed for your records is your recorded Certificate. Please retain this for your files.

If you have any questions, please contact the Water Resources Help Desk at (509) 575-2597.

Sincerely,

Nancy S. Beecher
Water Resources Program
Central Regional Office

NB/191039
WRTS No. 4750839

Enclosure: Recorded Certificate
Focus On Water Right Relinquishment

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Water Right WA STATE DEPT OF ECOLOGY
Kittitas County Auditor

Page: 1 of 4



Return Name and Address:

WA State Dept. of Ecology
Central Regional Office
1250 W. Alder Street
Union Gap, WA 98903-0009

REVIEWED BY

KITTITAS COUNTY TREASURER

DEPUTY

DATE

Larry Maxwell
Sept 5, 2019

PLEASE PRINT OR TYPE INFORMATION:

Document Title: Certificate of Adjudicated Water Right

Certificate Number: S4-83504-J

Grantor(s)

1. WA State Dept. of Ecology

Grantee(s)

1. Chaparral Country Estates, LLC

Legal description (abbreviated)

Section 8, T. 17 N., R. 18 E.W.M.

Reference Number(s) of documents assigned or released:

Assessor's Property Tax Parcel/Account Number(s):

18125

The Auditor/Recorder will rely on the information provided on the form. The staff will not read the document to verify the accuracy or completeness of the indexing information.

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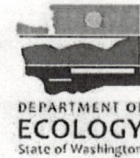
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Dept of Ecology
Central Regional Office



State of Washington
Department of
Ecology
**CERTIFICATE OF ADJUDICATED
WATER RIGHT**



This certificate of adjudicated water right is issued pursuant to the Final Decree made and entered by the Superior Court of the State of Washington in and for Yakima County on the 9th day of May 2019 in the case of State of Washington, Department of Ecology v. James J. Acquavella, et al., County Cause No. 77-2-01484-5. This water right is subject to and will be administered according to the Final Decree, which under Paragraph 8 incorporates all orders and opinions entered in the case. In the event of a conflict between this Certificate and the Final Decree, the Final Decree shall govern.

WATER RIGHT HOLDER: Chaparral Country Estates, LLC	MAILING ADDRESS: Chaparral Country Estates, LLC P.O. Box 219 Ellensburg, WA 98926
--	---

CERTIFICATE NUMBER: S4-83504-J	COURT CLAIM NUMBER: 02253	PRIORITY DATE: June 30, 1872
SUBBASIN NUMBER: 11	SUBBASIN NAME: Manastash	CFO DATE: June 14, 2001

Source

Manastash Creek

Quantity

0.233 cubic foot per second from April 1 through June 30, 0.117 cubic foot per second from July 1 through October 31; 71.1 acre-feet per year

Purpose of Use

Irrigation of 10 acres

Period of Use

April 1 through October 31

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Central Regional Office

Point of Diversion

500 feet south and 150 feet east from the north quarter corner of Section 14, being within the NW¼NE¼ of Section 14, T. 17 N., R. 17 E.W.M.
Parcel No. 17-17-14010-0011

Place of Use

That portion of the S½NE¼NE¼ of Section 8, T. 17 N., R. 18 E.W.M. lying westerly of the West Side Canal.

Provisions and Limitations of Use

Water shall not be diverted when stream flow is equal to or less than 60 cfs at a point upstream of the new point of diversion.

An approved stream gage shall be permanently installed in Manastash Creek at a location described as a point 600 feet north and 700 feet east from the southwest corner of Section 12 being within the SW ¼ SW ¼ of Section 12, T. 17 N., R. 17 E.W.M. (This is the historic Reed Ditch Diversion)

Water shall not be diverted from the new point of diversion unless the following minimum rate of flow are measured at Reed Ditch Diversion: six cubic feet per second (from April 1 through June 30) and 3 cubic feet per second (July 1 through October 31) or, during periods of proration, the prorated rates. The Reed Ditch Diversion location is given above.

The six cubic feet per second (April 1 through June 30) and the three cubic feet per second (July 1 through October 31), or such prorated portions thereof to be measured at the Reed Diversion shall be archived through the methods or acquisitions addressed in the Manastash Creek, including flows measured at Reed Diversion, will continue to be regulated by priority date consistent with State vs. Acquavella, Yakima County Superior Court No. 77-2-01484-5, and Washington State Law.

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OCT 08 2019

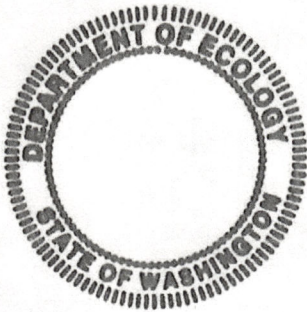
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Central Regional Office

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CENTRAL REGIONAL OFFICE

The right to the use of a water right established under the laws of the State of Washington and confirmed hereby is restricted to the lands or place of use, purpose(s) of use, and to the other specified terms and conditions herein described, unless approved for change as provided in RCW 90.03.380 or other statute.

This certificated water right may be subject to relinquishment for nonuse of water as provided in Chapter 90.14 RCW.

Given under my hand and the seal of this office at Union Gap, Washington, this 3rd day of September, 2019.



Maia Bellon, Director
Department of Ecology

A handwritten signature in cursive script that reads "Trevor Hutton".

DATA REVIEW
OK LB

Trevor Hutton, Section Manager
Central Regional Office
Water Resources Program

To request ADA accommodation including materials in a format for the visually impaired, call Ecology Water Resources Program at 360-407-6872. Persons with impaired hearing may call Washington Relay Service at 711. Persons with speech disability may call TTY at 877-833-6341.

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Attachment 2.
**Ecology's Tentative Extent and
Validity Determination (2010)**

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STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

15 W Yakima Ave, Ste 200 • Yakima, WA 98902-3452 • (509) 575-2490

October 27, 2010

Mr. Jon Culp
NCW Regional Manager & Water Resource Programs Manager
Washington State Conservation Commission
921 Murray Street
Okanogan, WA 98840

Re: Validity and Extent review of the irrigation efficiencies project proposed for Anderville Farms Inc., Kittitas County, under Court Claim Nos. 02253 and 01950.

Dear Jon:

I have reviewed the above-referenced project, which is part of the Manastash restoration Project and supported by the Manastash Steering Committee of which Washington Department of Ecology (Ecology) and Washington Department of Fish and Wildlife (WDFW) are members. I have been involved with this project for a number of years as a representative for Ecology and am very familiar with this land owner and water right.

Background

This Irrigation Efficiencies project is part of the Manastash Creek Restoration Project which is working to improve fish habitat for listed Mid-Columbia summer steelhead, as well as other salmonids and resident fish species, by providing fish passage and fish screening and enhancing instream flow in Manastash Creek. The project is working to open 25 miles of fish habitat in the creek by providing fish passage and screening for seven irrigation diversions and by improving instream flow in a 3.25 mile stretch of creek that is seasonally dry.

The Manastash Creek Restoration Project "Implementation Plan" details improvements to instream flow conditions in Manastash Creek through voluntary water conservation and acquisition projects.

The project area is currently irrigated with wheelline sprinklers and gated pipe rill irrigation systems. Twelve acres will remain in wheelline, 12 acres will be converted from rill irrigation to wheelline sprinklers and 83 acres to be converted to a lateral move sprinkler. The remaining property will remain in rill irrigation. Approximately 17 acres of the project area are not covered by Manastash Creek water but is irrigated with Kittitas Reclamation District (KRD) water. All of the land has supplemental water right to KRD.

In addition to receiving funding from the Irrigation Efficiencies Program, the Anderville Farms sprinkler conversion project will receive funding from NRCS's Agricultural Water Enhancement Program and the Bonneville Power Administration.

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FILE COPY



Mr. Jon Culp
October 27, 2010
Page 2

Manastash Creek is part of the Yakima River Basin and rights to the use of the creek were addressed in the Yakima River Basin Adjudication (Department of Ecology v. James J. Aquavella, et al.) (Yakima Adjudication). During the Yakima Adjudication proceedings, a Conditional Final Order (CFO) specific to Manastash Creek (Subbasin No. 11) issued on June 14, 2001. Court Claim Nos. 02253 and 01950, were part of the Yakima Adjudication proceedings and is addressed in Reports of the Referee for Subbasin No. 11 and in the CFO for Subbasin No. 11. The Court confirmed water rights under Court Claim Nos. 02253 and 01950. For these water rights, the Court granted a water duty of 7.84 acre-feet per acre, per year, for irrigation from Manastash Creek.

The availability of water in Manastash Creek changes throughout the year. The hydrograph for Manastash Creek typically peaks in the months of March, April, and May. It begins to descend between late April and late May to the point that not all water rights can be satisfied. Typically, by early to mid-June there is only enough water in Manastash Creek to meet the first and second class rights. As the hydrograph recedes, the water right holders of Manastash Creek begin to self regulate the diversions to meet the most senior rights first.

The Court recognized this recurring pattern and the CFO for Subbasin No. 11 (Manastash Creek) issued with a reduced instantaneous rate of water delivery later in the water year for the majority of irrigation rights. These rights are reduced by 50% on July 1. However, natural conditions typically have already reduced the flow to the point where only Class 1 and a portion of the Class 2 water is available after July 1.

Court Claim Nos. 02253 and 01952 were filed by Anderville Farms Inc. The Claims are for the use of waters from Manastash Creek for irrigation of 10 acres and 101 acres respectively. Both Claim Nos. 02253 and 01950 are Second Class water and are involved in this IE project.

My findings are that the Court confirmed water rights under Claim No. 02253 are valid to the extent of:

- 0.233 cfs from April 1 through June 30
- 0.117 cfs from March 1 through March 31 and July 1 through October 31
- With a maximum of 71.1 ac ft/yr
- Irrigation of 10 acres

My findings are that the Court confirmed water rights under Claim No. 01950 are valid to the extent of:

- 2.383 cfs from April 1 through June 30
- 1.117 cfs from March 1 through March 31 and July 1 through October 31
- With a maximum of 720.2 ac ft/yr
- Irrigation of 101 acres

Based on reviewing 2002, 2005, 2006, and 2009 aerial photos, it appears the entire place of use for both water rights have been irrigated since the CFO issued. Power meter records have also been submitted for the past five years.

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CENTRAL REGIONAL OFFICE

Mr. Jon Culp
October 27, 2010
Page 3

This project will save 1.089 cfs April 1 to June 30 and 0.445 July 1 to October 31. Thus when creek flow reaches 60 cfs immediately upstream of the MWDA diversion it is insufficient to carry water to the Anderson POD.

At present, a 3.25 mile reach of lower Manastash Creek is seasonally dewatered by irrigation water withdrawals. Portions of this reach naturally "lose" water to the aquifer and may go dry on some or all years regardless of water diversions. Under present conditions and recent historical diversions, when the stream flow (during an average water year) above the MWDA diversion drops to around 60 cfs, the stream flow in the reach below Cove Road becomes dry and the Anderson diversion is no longer able to divert. When the stream flow (during an average water year) above MWDA is between approximately 50 and 60 cfs, virtually all instream flow is diverted by MWDA, and individual irrigators at Keach Ditch, Jensen Ditch and Reed Ditch and no flow passes the Reed Ditch diversion. The channel remains dry from the Reed diversion downstream approximately 3.25 miles to the crossing of the West Side Canal.

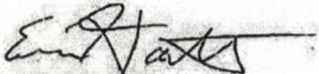
Thus when creek flow reaches 60 cfs immediately upstream of the MWDA diversion it is insufficient to carry water to the Anderville's POD at Anderson diversion. Therefore post July 1st trust water amounts will be prorated according the CFO and historic availability

Conclusion

This sprinkler conversion project is supported by the Manastash Creek Steering Committee and the Manastash Creek Restoration Project "Implementation Plan" which details improvements to instream flow conditions in Manastash Creek through voluntary water conservation and acquisition projects.

The water rights confirmed under Court Claim Nos. 02253 and No. 01952 are appurtenant to the subject property and are valid water rights in the quantities as listed above.

Sincerely,



Eric Hartwig
Water Resources Program
509-454-7297

EH:gh
101040

CC: Mark C. Schuppe, Water Resources Section Manager
Paul LaRiviere, WDFW

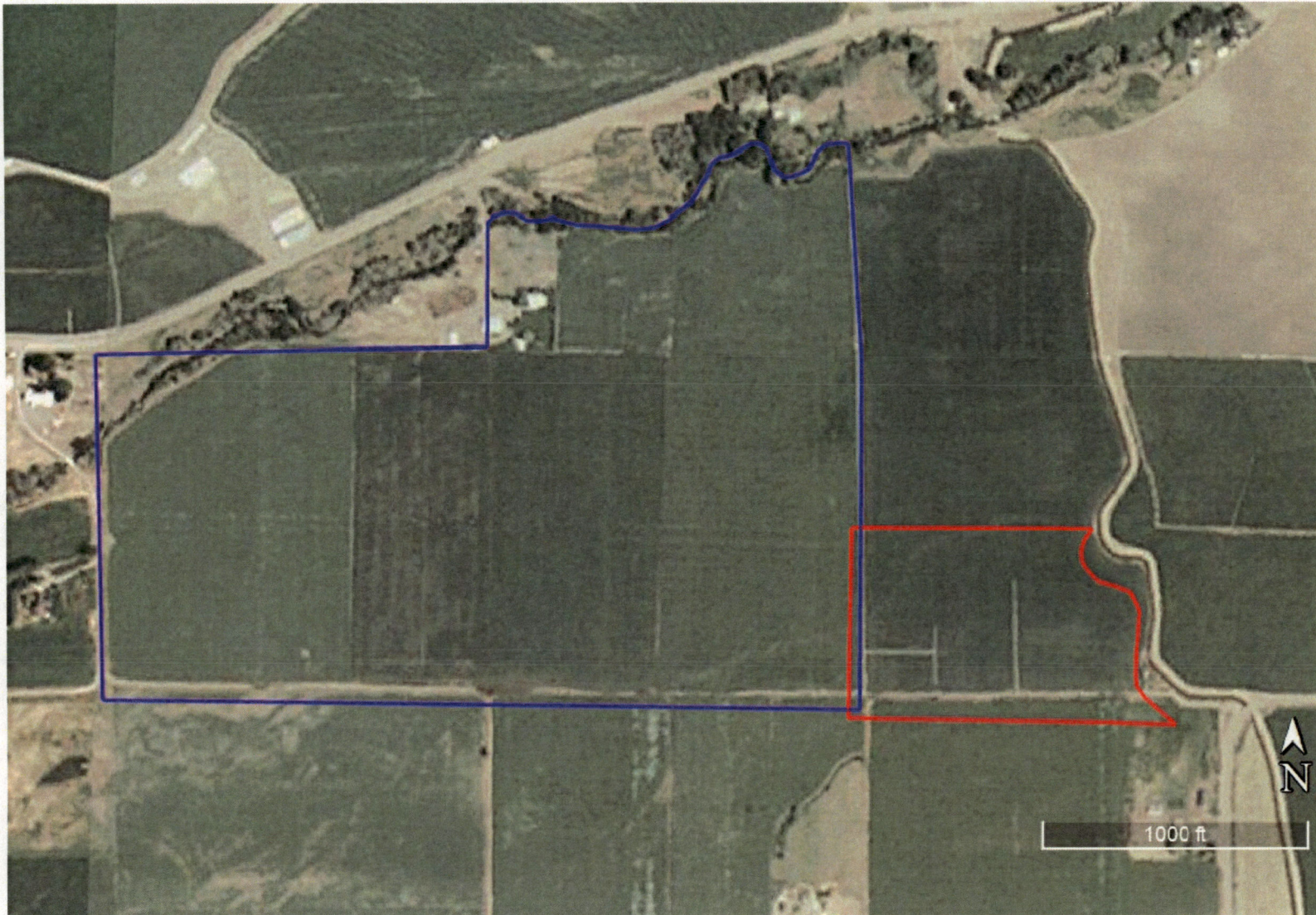
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OCT 27 2010
WATER RESOURCES SECTION
509-454-7297

Attachment 3. Aerial Imagery Review

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APR 15 2025

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CENTRAL REGIONAL OFFICE



Aspect Consulting
8/5/2024

Attachment 3
Aerial Imagery Review (June 2003)
Hanson Rd Water Right Changes
Kittitas County, WA

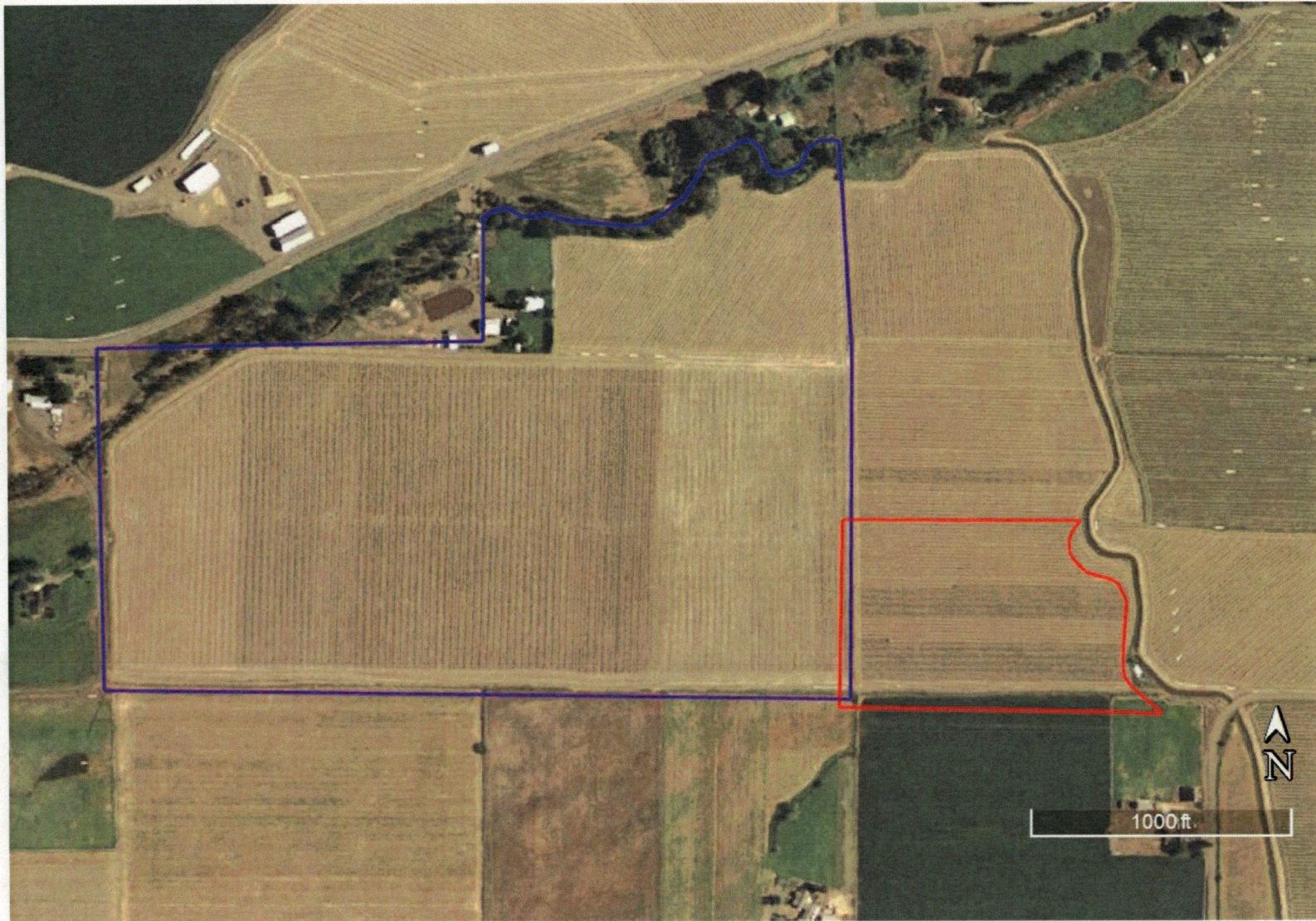
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DEPT OF AGRICULTURE
KITTITAS COUNTY, WA
10/10/2024

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APR 15 2025
DEPT OF ECOLOGY
CENTRAL REGIONAL OFFICE



Aspect Consulting
8/5/2024

Attachment 3
Aerial Imagery Review (October 2003)
Hanson Rd Water Right Changes
Kittitas County, WA



Aspect Consulting
8/5/2024

Attachment 3
Aerial Imagery Review (July 2005)
Hanson Rd Water Right Changes
Kittitas County, WA

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APR 15 2025
DEPT OF ECOLOGY
CENTRAL REGIONAL OFFICE

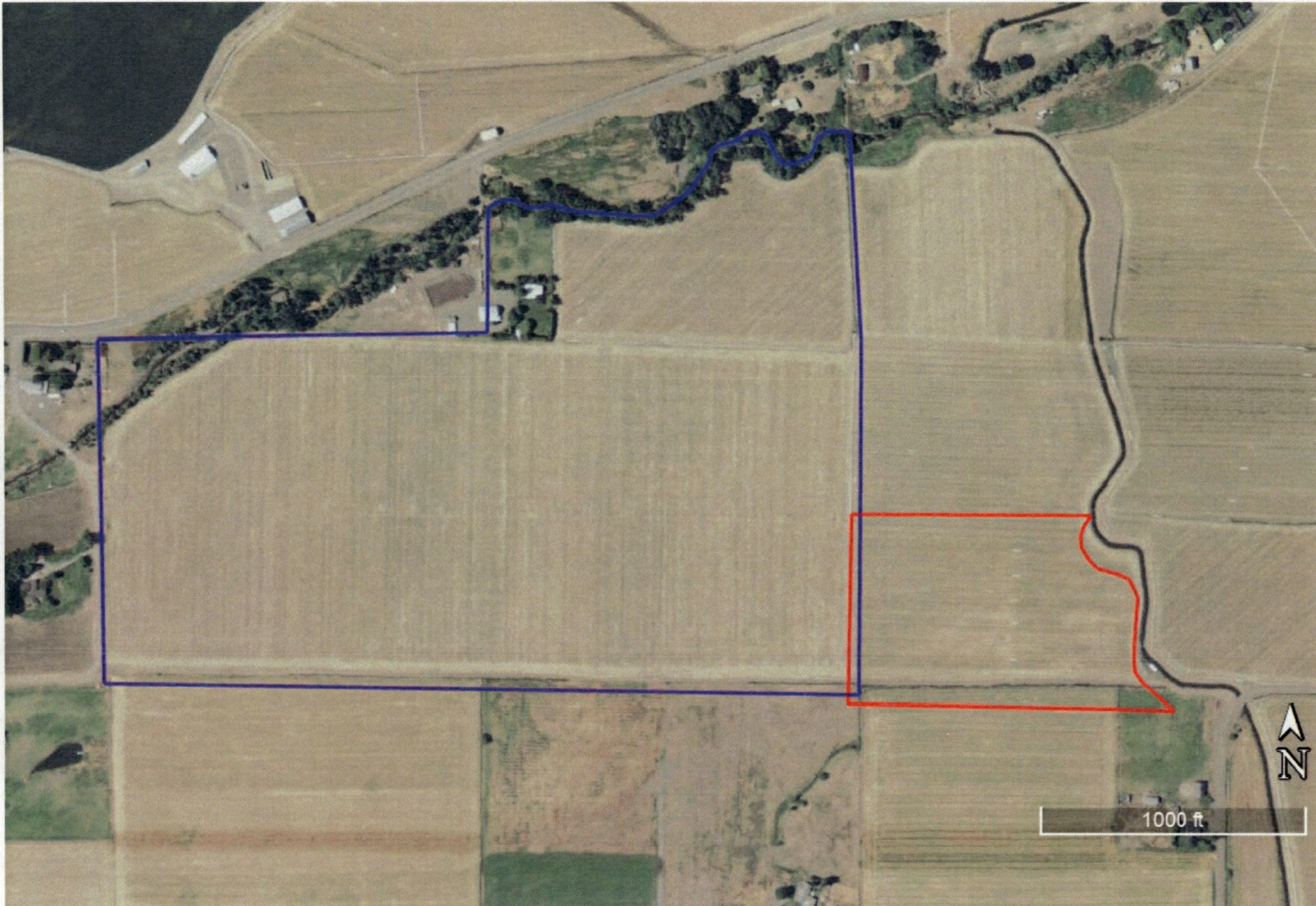


Attachment 3

Aerial Imagery Review (June 2006)

Hanson Rd Water Right Changes
Kittitas County, WA

Aspect Consulting
8/5/2024



Aspect Consulting
8/5/2024

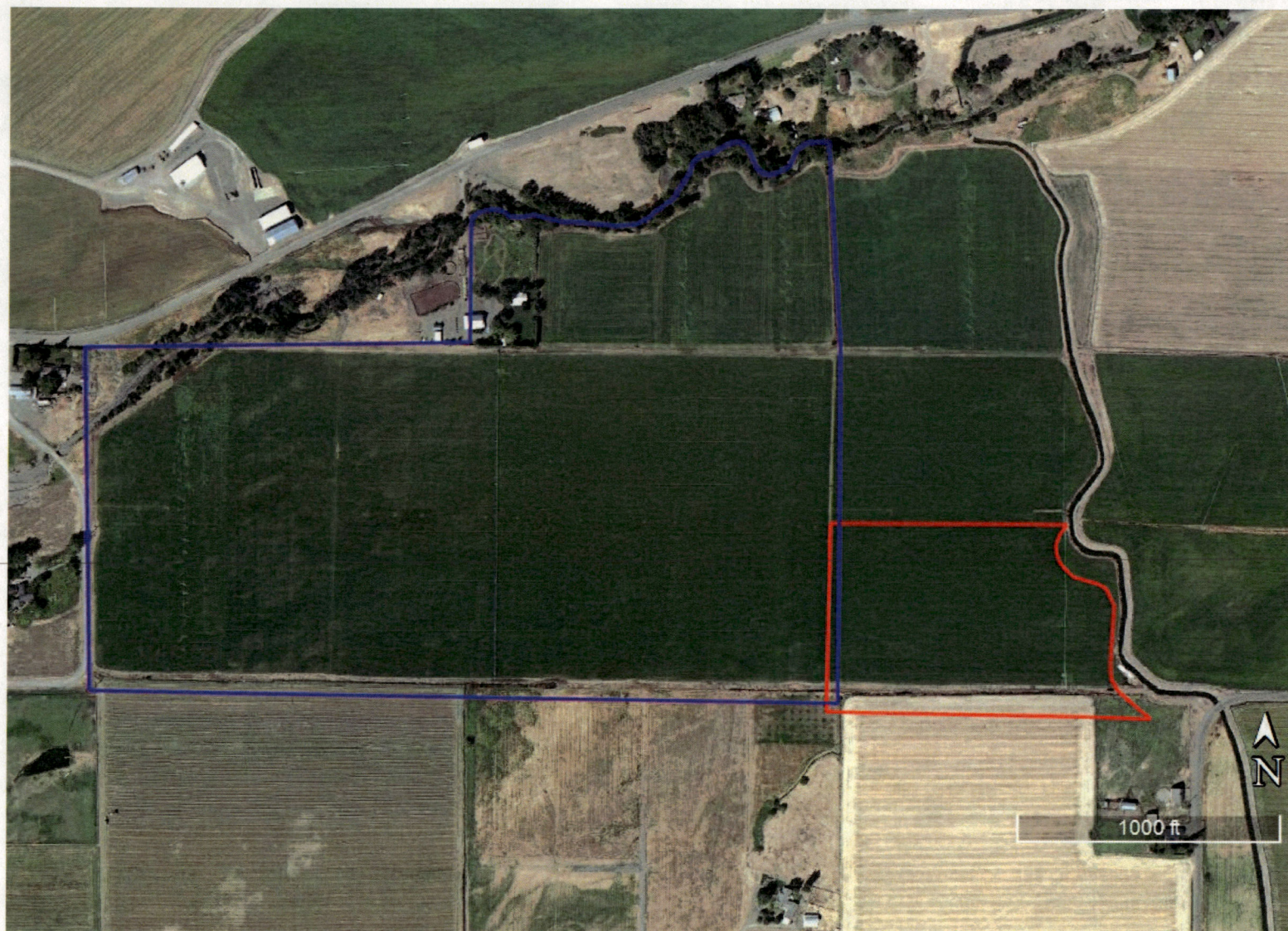
Attachment 3
Aerial Imagery Review (June 2009)
Hanson Rd Water Right Changes
Kittitas County, WA

LAND REVENUE OFFICE
KITTITAS COUNTY, WA
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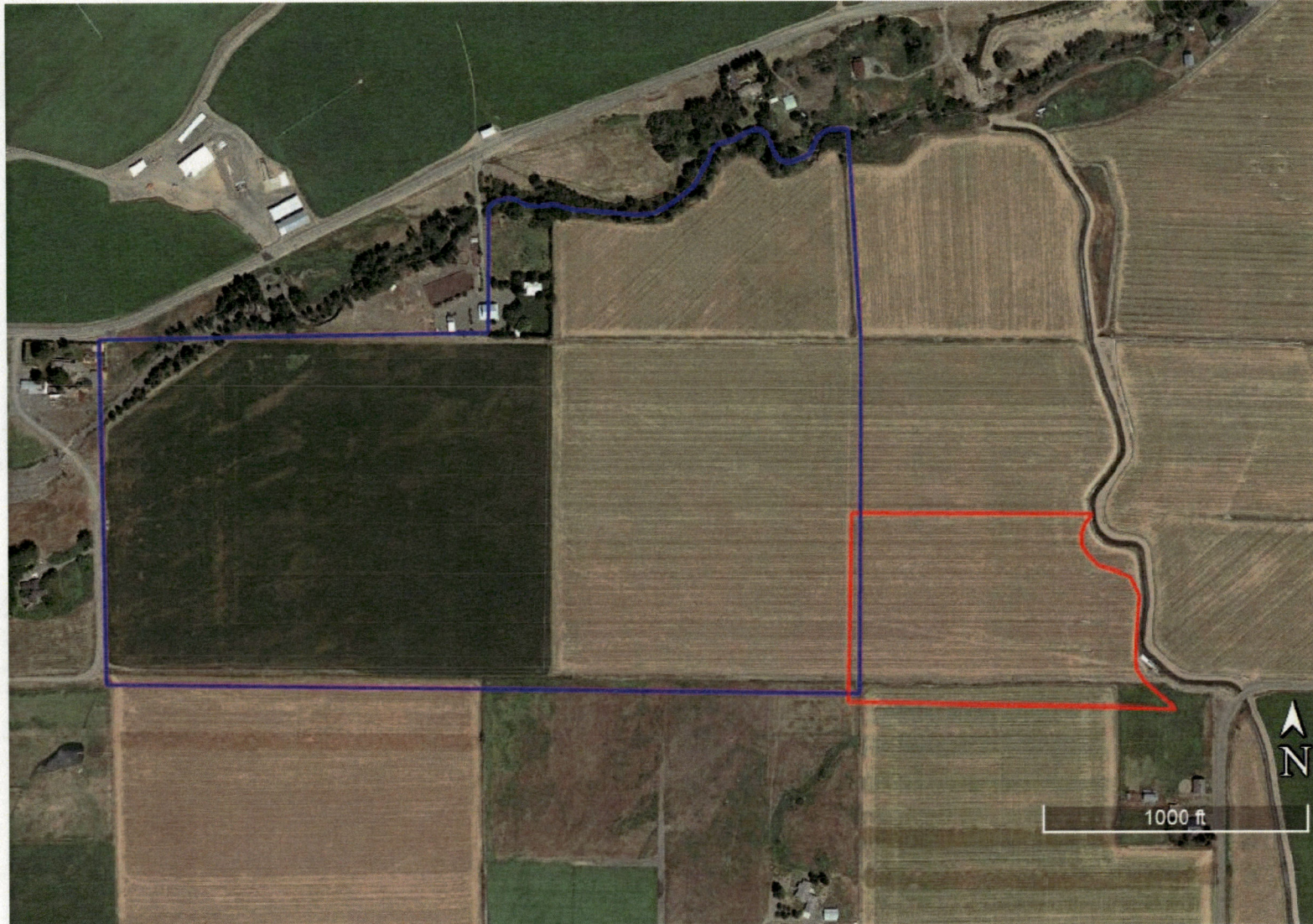
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Aspect Consulting
8/5/2024

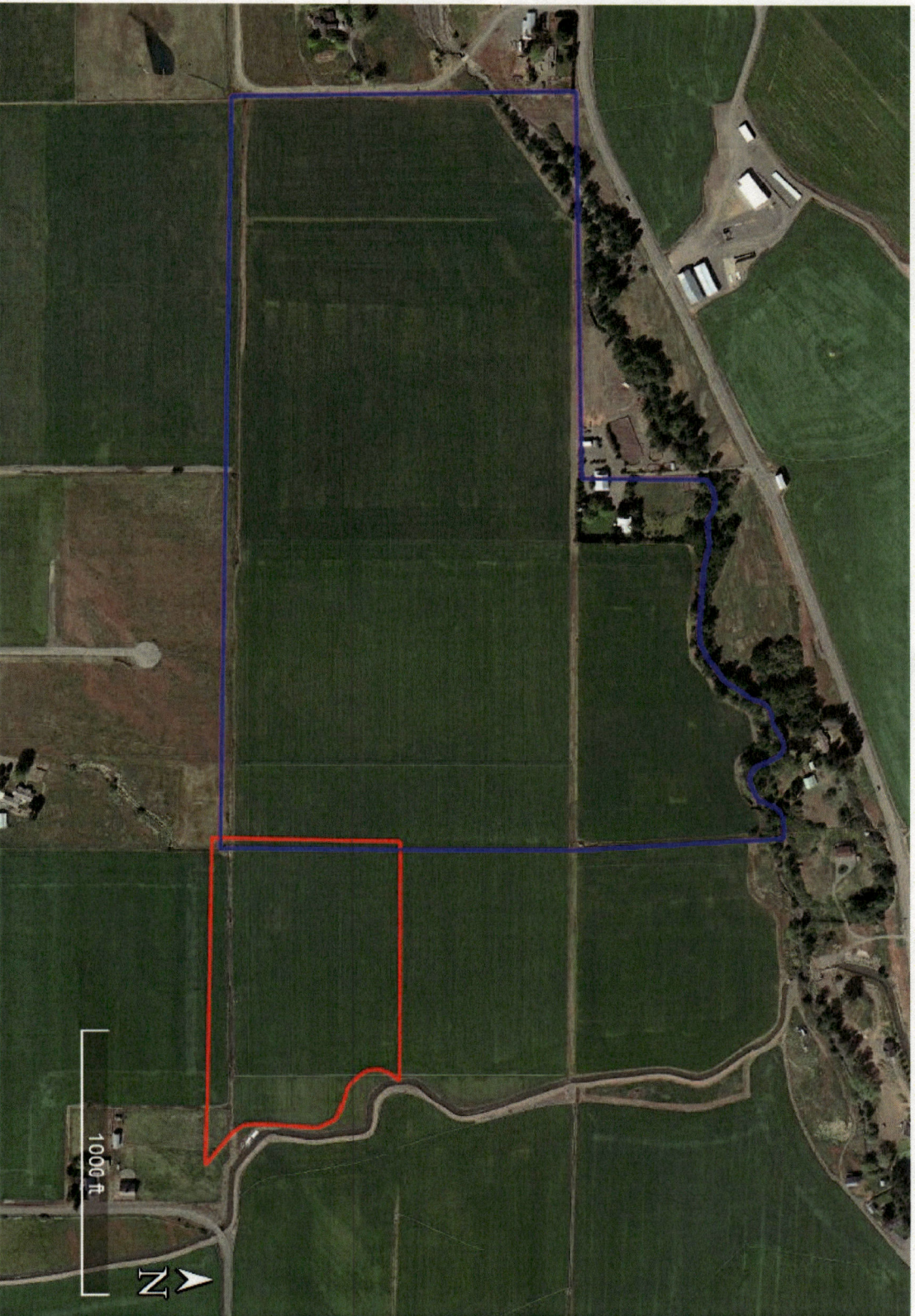
Attachment 3
Aerial Imagery Review (September 2011)
Hanson Rd Water Right Changes
Kittitas County, WA



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8/5/2024

Attachment 3
Aerial Imagery Review (July 2013)
Hanson Rd Water Right Changes
Kittitas County, WA

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Aspect Consulting
8/5/2024

Attachment 3
Aerial Imagery Review (May 2015)
Hanson Rd Water Right Changes
Kittitas County, WA

Table of Contents

➤ Chain of Title and Water Activity Timeline

➤ Land Title and Water Right Documents Included:

<u>Date</u>	<u>Document Name</u>
02/10/1975	Real Estate Contract between Anderville Farms to D. Brown
06/09/1978	Statutory Warranty Deed from Brown to Brush
06/26/1978	Statutory Warranty Deed (Fulfillment) from Anderville to Brown
12/07/1979	Quit Claim Deed from P Brush to F Brush
07/08/1980	Statutory Warranty Deed from Brush to Moon
08/28/1981	Statement of Claim of Anderville and McMechan-Nos 01950 and 02253
03/12/1984	Statutory Warranty Deed from Moon to Playter
04/09/1999	Quit Claim Deed from Brown fka Playter to Brown

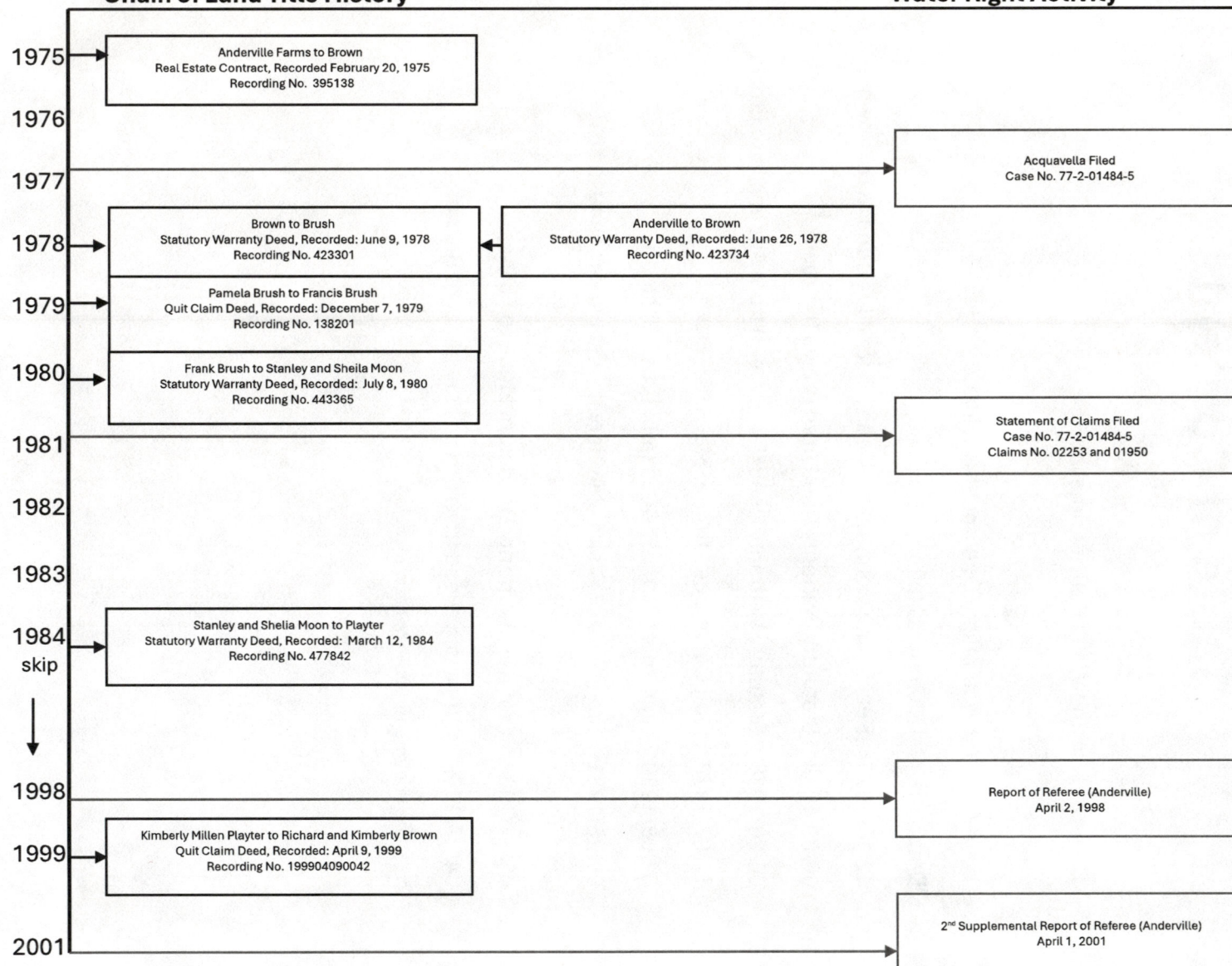
**click on documents above to jump to page*

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CENTRAL REGIONAL OFFICE

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JUL 17 1994
COUNTY CLERK'S OFFICE
SANTA CRUZ COUNTY

Chain of Land Title History

Water Right Activity



35138

REAL ESTATE CONTRACT

THIS CONTRACT made and dated this 5 day of February, 1975, by and between ANDERVILLE FARMS, INC., a Washington corporation, hereinafter referred to as Seller, and DONALD F. BROWN and KAY A. BROWN, husband and wife, hereinafter referred to as Purchaser.

W I T N E S S E T H:

That the Seller herewith agrees to sell to Purchaser and Purchaser herewith agrees to purchase from Seller the following described real property in Kittitas County, State of Washington, to-wit:

A portion of the South 1/2 of the South 1/2 of Section 5, and a portion of the North 1/2 of the North 1/2 of Section 8, Township 17 North, Range 18 East, W.M., Kittitas County, Washington which is bounded by a line described as follows:

Beginning at the Southwest corner of said Section 5, thence South 89°23'51" East, along the South boundary of said Section 5, 1429.76 feet to the true point of beginning;
 Thence North 63°29'44" East, 1441.93 feet;
 Thence North 68°23'09" East, 275.66 feet;
 Thence North 69°42'29" East, 667.06 feet;
 Thence South 3°57'07" East, 317.62 feet;
 Thence South 66°45'15" West, 63.57 feet;
 Thence South 38°12'40" West, 250.27 feet;
 Thence South 67°49'22" West, 81.25 feet;
 Thence North 82°22'17" West, 345.98 feet;
 Thence South 1°11'58" West, 486.22 feet;
 Thence North 88°48'02" West, 1194.24 feet;
 Thence South 65°00'22" West, 214.83 feet;
 Thence South 43°44'39" West, 236.16 feet;
 Thence North 0°09'26" West, 269.50 feet to the true point of beginning.

EXCEPT: The right-of-way of the county road (Hansen Road). TOGETHER WITH any and all water rights and irrigation ditches appurtenant thereto.

SUBJECT TO any and all reservations, restrictions, easements and rights of way apparent or of record.

SUBJECT TO a nonexclusive easement extending from the Hansen Road going in a Southerly direction crossing the Manastash Creek running generally in a North to South direction 25 feet wide for the use of the grantors for access to lands lying South of the described premises and contiguous thereto owned by grantors. Said easement shall terminate at the end of a six month period following any sale by the grantors herein of any portion of that land lying South of the described premises and contiguous thereto owned by grantors.

That the purchase price for said real property is the sum of Twenty-four Thousand Dollars (\$24,000.00), of which the sum of Four Thousand Dollars (\$4,000.00) has been paid, the receipt whereof is hereby acknowledged, leaving an unpaid balance of Twenty

PAID
\$2400.00
2-10-75
03826
By <i>[Signature]</i>

Filed for Record
 Date FEB 13 1975 2:05 P.M.
 By *[Signature]*
 Notary Public, Kittitas County, Washington

LAW OFFICES OF
 DAND, CONE & FRASER
 606 EAST 2ND AVENUE
 P. O. BOX 400
 BEND, WASHINGTON
 98901

OFFICIAL RECORDS

ME542

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APR 5 1975

FEB 20 1975

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 CENTRAL REGIONAL OFFICE

Thousand Dollars (\$20,000.00) due and owing. That the unpaid balance will bear interest at the rate of eight percent (8%) per annum, from date of contract, computed on the diminishing balance and the entire principal balance and accrued interest shall be paid as follows:

\$175.00, or more, including interest, on or before the 1st day of March, 1975, and \$175.00, or more, including interest, on or before the 1st day of each month thereafter until paid in full.

That Purchaser shall have the option of paying additional payments from time to time or to pay up the entire balance and interest on all payments so made in advance shall cease.

That the real property taxes due and payable on said premises for the year 1975 shall be prorated between the parties according to the time that each is in possession.

It is understood and agreed that the Seller shall reserve the right to keep the cattle presently on the described premises until May 10, 1975.

It is understood that the Seller will improve the approaches to the bridge over the Manastash Creek by adding gravel and will further add safety curbs on each side of the present bridge deck as a temporary measure and will add new decking of 3" lumber 13' in width no later than April 1, 1975.

That the Seller will pay for one half the cost of fencing material for all new fences to be built on a boundary line as established by survey on the South side. Seller will provide a gate at their expense on the South property line over and across an easement presently existing running from the Hansen Road to land South of the described premises which the Grantors own.

It is understood and agreed that when that land lying South of the described premises consisting of approximately 92 acres is sold or any portion is sold by the Seller, that the easement provided herein shall terminate at the end of a six month period following any sale. At the termination of said six month period, the Seller or any successor in interest shall then terminate their use of the easement going from Hansen Road over and across Manastash Bridge to said property located on the South side of the described premises.

It is understood and agreed that the Seller does not make any covenants or warranties, that the Purchaser has any right to take waters out of the Manastash Creek for irrigation purposes which may be in conflict with the laws of the State of Washington.

Purchaser shall have the right to take irrigation water out of an irrigation ditch at any point where the ditch runs closest and approximately parallel with the Purchaser's south boundary line, and that the Purchaser agrees that they will not use any pump with a motor exceeding 5 hp. Purchaser further agrees that they will not use water from this ditch to irrigate by flooding the land.

That the Purchaser will keep paid up all taxes and assessments as they become due and payable and will suffer no liens or attachments to exist against said property.

That Purchaser will keep up said premises in as good a state of repair as the same now are or may hereafter be put during the term of this contract, reasonable wear, tear and usage excepted.

That Purchaser will keep any improvements or future improvements on said premises insured in a reliable insurance company to be approved by the Seller to the extent of their full insurable value, payable to said parties as their interest may appear, except that Purchaser shall have the right in event of destruction or damage by fire to use the money received from insurance for the purpose of repair or reconstruction of said premises, providing the money therefrom is sufficient to replace or repair the premises in as good a condition as the same were immediately prior to the damage, or alternatively Purchaser will supplement said insurance money with additional funds so that said repair or restoration may be accomplished. It is understood that Purchaser will furnish to Seller a facsimile of said insurance policy or policies showing that the same are continuously in full force and effect during the term of this contract.

That if Purchaser fails to provide or to maintain insurance or fails to pay taxes or assessments or any payments as herein required, Seller may effect such insurance or make such payment and any amounts so paid by Seller, together with interest at ten percent (10%) per annum thereon from date of payment until repaid, shall be repayable by Purchaser on Seller's demand, all without prejudice to any other rights Seller may have by reason of such default.

That Purchaser agrees that full inspection of said property has been made by Purchaser and that Purchaser has relied upon Purchaser's own experience and judgment in purchasing same and that neither Seller nor assigns shall be held to any covenant or representation respecting the condition, quality, or quantity of said property, the improvements thereon or suitability for specific purpose nor shall Purchaser or Seller or the assigns of either be held to any covenant or agreement for alterations, improvements, or repairs unless the covenant or representation

relied on is contained herein or is in writing and attached to and made a part of this agreement.

That should Purchaser abandon the property while in default, Seller may take immediate possession of the property for the purpose of protecting and preserving the property and may mitigate damages by renting or operating the property during the period of enforcement of Seller's rights under this contract without prejudicing Seller's remedies under this contract.

That any extension of time in payments or acceptance of part thereof or failure of Seller to enforce promptly any other breach of this contract shall not be construed as a waiver on the part of Seller of the strict performance of all the conditions herein, and shall not prejudice any of Seller's remedies.

That the parties herewith designate PACIFIC NATIONAL BANK OF WASHINGTON as their escrow holder. That all payments due and payable hereunder shall be paid to the said escrow agent and shall be credited by said agent to the account of Seller pursuant to Seller's written instructions to said escrow agent.

That the Seller herewith deposits with the said escrow agent a warranty deed to the said property. That when the entire unpaid balance has been paid in full, the said escrow agent shall deduct from the last payment made sufficient money to cover the cost of revenue stamps for the warranty deed based upon a consideration of \$30,000.00 and will deliver up the same to Purchaser, together with said deed.

That this agreement cannot be assigned without the written consent of the Seller first having been obtained.

That time is of the essence of this agreement and should Purchaser fail to timely perform any obligation of Purchaser hereunder, Seller may, at Seller's option, exercise any of the following alternative remedies upon giving Purchaser thirty (30) days written notice specifying the matter wherein Purchaser is in default, and specifying the remedy to be exercised should Purchaser remain in default at the expiration of the thirty-day period, to-wit:

- (1) May institute suit for collection of any intermediate sums then due and payable under the terms of this agreement together with the amount of any delinquencies such as water assessments, taxes, insurance, payments on underlying obligations and lienable items that may have been advanced by Seller, together with interest thereon.

(2) Declare all amounts unpaid and to be paid on the contract immediately due and institute suit to collect such amounts, together with any sums advanced by the Seller, with interest, for water assessments, taxes, insurance, payments on underlying obligations and lienable items. Payment by Purchaser of any judgment obtained by Seller pursuant to this paragraph shall be a condition precedent to the delivery of a deed to said property by Seller or by the escrow agent.

(3) Declare this agreement of purchase forfeited with all monies paid hereunder and all expenses incurred by Purchaser to be forfeited as liquidated damages. That Seller may forthwith take possession of said premises and upon demand made upon the escrow agent have returned to them all documents placed in escrow.

It is understood that notice delivered to Purchaser or mailed to Purchaser at Rt. 1, Box 909, Ellensburg, Wash. Purchaser's last known address with postage prepaid, shall be deemed sufficient notice hereunder. That the date of delivery or the date of mailing shall be deemed the date of giving such notice.

That in order to remedy any default for which notice is given by Seller to Purchaser, Purchaser shall pay to Seller the sum of \$75.00 as attorney fees for the preparation of notice of default and shall pay to Seller all expenses reasonably incurred by Seller and specified in said notice for title or ownership searches or reports in connection with the preparation of said notice.

That in the event of litigation between the parties with respect to this contract, the prevailing party shall be entitled to recover reasonable attorney fees together with the reasonable costs of searching records to determine the condition of title and customary costs of suit, which sum shall be included in any judgment or decree entered in such litigation. The venue of any action brought under this contract shall be at the option of either of said parties in Kittitas County, Washington.

This agreement shall be binding upon and shall inure to the benefit of the legal representatives and assigns of the parties hereto.

IN WITNESS WHEREOF, the said parties have signed and delivered this agreement the day and year first above written.

ANDERVILLE FARMS, INC.,
a Washington corporation
By: Lawrence Anderson Pres.
Lawrence Anderson
L. Arlein Anderson
L. Arlein Anderson Sec. Treas.
S E L L E R

Donald F. Brown
Donald F. Brown
L. A. Brown
L. A. Brown
P U R C H A S E R
OFFICIAL RECORDS

PAGE 546

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CENTRAL REGIONAL OFFICE

FEB 20 1975

STATE OF WASHINGTON

County of Kittitas

ss.

On this day personally appeared before me LAWRENCE ANDERSON and L. ARLEIN ANDERSON to me known to be the President and Secretary, respectively, of the corporation that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath state that they are authorized to execute the said instrument and that the seal (if any) affixed is the corporate seal of said corporation,

Given under my hand and official seal this 5th day of

February, 1975.



Lawrence Anderson
NOTARY PUBLIC in and for the
State of Washington, residing
at Ellensburg.

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FEB 20 1975
FEDERAL REGIONAL OFFICE

OFFICIAL RECORDS

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The terms and conditions of this contract are as follows: The purchase price is **Twenty-Five Thousand, Two Hundred and Eighty and**.....no/100 is 25,280.00 Dollars, of which **Seven Thousand and**.....no/100 is 7,000.00 Dollars have been paid, the receipt whereof is hereby acknowledged, and the balance of said purchase price shall be paid as follows:

Twenty-Five Hundred and.....no/100 is 2,500.00 Dollars, plus interest on or before the 1st day of October

and **Twenty-Five Hundred and**.....no/100 is 2,500.00 Dollars, plus interest on or before the 1st day of each succeeding calendar month until the balance of said purchase price shall have been fully paid. The purchaser further agrees to pay interest on the diminishing balance of said purchase price at the

rate of **seven (7%)** per cent per annum from the 12th day of February 1975 which interest shall be deducted from each installment payment and the balance of each payment applied in reduction of principal.

All payments to be made hereunder shall be made at **Seattle Trust and Savings Bank, C/O Elum Branch** or at such other place as the parties may direct in writing.

1. It is agreed between seller and purchasers that in the event there are additional taxes (penalties) due to the removal of forest land designation, the seller shall pay the said additional taxes (penalties). 2. Seller and purchasers agree to construct jointly 2 culverts under the railroad grade that divides the property described from the sellers lands for the purpose of conveying wastewater from the premises described. 3. Provided that the section in this contract pertaining to the erection of a fence be amended by adding after the date 10-1-75 the following: pending the erection of said fence as provided in said contract, purchasers agree to erect an electric fence of the same dimension by 4-15-75. 4. The total payment due under this contract can not be paid by the purchasers prior to 2-12-78, but purchasers can pay all balances due after 2-12-78. 5. Seller to see that the surveyor establishes the surveyor points.

As referred to in this contract, "date of closing" shall be **February 12, 1975**

(1) The purchaser assumes and agrees to pay before delinquency all taxes and assessments that may be between grantor and grantee hereafter become a lien on said real estate; and if by the terms of this contract the purchaser has assumed payment of any mortgage, contract or other encumbrance, or has assumed payment of or agreed to purchase subject to, any taxes or assessments now a lien on said real estate, the purchaser agrees to pay the same before delinquency.

(2) The purchaser agrees, until the purchase price is fully paid, to keep the buildings now and hereafter placed on said real estate insured to the actual cash value thereof against loss or damage by both fire and windstorm in a company acceptable to the seller and for the seller's benefit, at his interest may appear, and to pay all premiums therefor and to deliver all policies and renewals thereof to the seller.

(3) The purchaser agrees that full inspection of said real estate has been made and that neither the seller nor his assigns shall be held to any covenant respecting the condition of any improvements thereon nor shall the purchaser or seller or the assigns of either be held to any covenant or agreement for alterations, improvements or repairs unless the covenant or agreement relied on is contained herein or is in writing and attached to and made a part of this contract.

(4) The purchaser assumes all hazards of damage to or destruction of any improvements now on said real estate or hereafter placed thereon, and of the taking of said real estate or any part thereof for public use; and agrees that no such damage, destruction or taking shall constitute a failure of consideration. In case any part of said real estate is taken for public use, the portion of the condemnation award remaining after payment of reasonable expenses of procuring the same shall be paid to the seller and applied as payment on the purchase price herein unless the seller elects to allow the purchaser to apply all or a portion of such condemnation award to the rebuilding or restoration of any improvements damaged by such taking. In case of damage or destruction from a peril insured against, the proceeds of such insurance remaining after payment of the reasonable expenses of procuring the same shall be devoted to the restoration or rebuilding of such improvements within a reasonable time, unless purchaser elects that said proceeds shall be paid to the seller for application on the purchase price herein.

(5) The seller has delivered, or agrees to deliver within 15 days of the date of closing, a purchaser's policy of title insurance in standard form, or a commitment therefor, issued by SAFECO Title Insurance Company, insuring the purchaser to the full amount of said purchase price against loss or damage by reason of defect in seller's title to said real estate as of the date of closing and containing no exceptions other than the following:

a. Printed general exceptions appearing in said policy form;

b. Liens or encumbrances which by the terms of this contract the purchaser is to assume, or as to which the conveyance hereunder is to be made subject; and

c. Any existing contract or contracts under which seller is purchasing said real estate, and any mortgage or other obligation, which seller by this contract agrees to pay, none of which for the purpose of this paragraph (5) shall be deemed defects in seller's title.

(6) If seller's title to said real estate is subject to an existing contract or contracts under which seller is purchasing said real estate, or any mortgage or other obligation which seller is to pay, seller agrees to make such payments in accordance with the terms thereof, and upon default, the purchaser shall have the right to make any payments necessary to remove the default, and any payments so made shall be applied to the payments next falling due the seller under this contract.

TL-46 R1 1/74

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PAGE 548
VOL 57

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PIONEER NATIONAL
TITLE INSURANCE

A TICOOR COMPANY

Filed for Record at Request of

AFTER RECORDING MAIL TO:

RAINIER MORTGAGE COMPANY
P. O. BOX 990
1110 2nd Ave
Seattle, WA 98111

LN # 467-7-051369JEE
TITLE# 40418



1% RE EXCISE TAX PAID

Amount 515.00

Date 6/9/78

Alidavit No 6084

BETTE J. S. DE
KITTITAS COUNTY, WASH.

By 111

KITTITAS COUNTY AUDITOR
FILED REQUEST OF:

JUN 9 PM 4:43



Statutory Warranty Deed

40418
3-2
51.50

THE GRANTOR DONALD F. BROWN AND KAY A. BROWN, HIS WIFE
for and in consideration of TEN DOLLARS AND OTHER VALUABLE CONSIDERATION
in hand paid, conveys and warrants to FRANK K. BRUSH AND PAMELA J. BRUSH, HIS WIFE
the following described real estate, situated in the County of KITTITAS, State of Washington:

A portion of the South 1/2 of the South 1/2 of Section 5, and a portion of the North 1/2 of the North 1/2 of Section 8, Township 17 North, Range 18 East, W.M., Kittitas County, Washington which is bounded by a line described as follows:
Beginning at the Southwest corner of said Section 5, thence South 89°23'51" East, along the South boundary of said Section 5, 1429.75 feet to the true point of beginning; thence North 63°29'44" East, 1441.93 feet; thence North 68°23'09" East, 275.66 feet; thence North 69°42'29" East, 567.06 feet; thence South 3°57'07" East, 317.62 feet; thence South 66°45'15" West, 53.57 feet; thence South 38°12'40" West, 250.27 feet; thence South 67°49'22" West, 81.25 feet; thence North 82°22'17" West, 345.98 feet; thence South 1°11'58" West, 486.22 feet; thence North 88°48'02" West, 1194.24 feet; thence South 65°00'22" West, 214.83 feet; thence South 43°44'39" West, 236.16 feet; thence North 0°09'26" West, 269.50 feet to the true point of beginning.

EXCEPT: The right-of-way of the County Road (Hansen Road).

Dated this 1ST

day of JUNE, 1978

Donald F. Brown (SEAL)
Donald F. Brown
Kay A. Brown (SEAL)
Kay A. Brown

STATE OF WASHINGTON,
County of King

On this day personally appeared before me Donald F. Brown and Kay A. Brown to me known to be the individuals described in and who executed the within and foregoing instrument, and acknowledged that they signed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 1st day of June, 1978

Betty Mitchell
Notary Public in and for the State of Washington,
residing at Seattle

OFFICIAL RECORDS

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JUN 15 1978

KITTITAS COUNTY AUDITOR
FILED REQUEST OF:

KTC
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78 JUN 26

423734

4.00
Kitt
4.00
50.00

DATE PAID	2-10-75
AMOUNT	\$240.00
RECEIVED BY	J. R. Roff
DATE	2-10-75
AMOUNT	03576
RECEIVED BY	
DATE	
AMOUNT	

STATUTORY WARRANTY DEED
(Corporate Form)

THE GRANTOR, ANDERVILLE FARMS, INC., a Washington corporation,
for and in consideration of Ten Dollars (\$10.00) and other valuable
considerations in hand paid, conveys and warrants to DONALD F.
BROWN and KAY A. BROWN, husband and wife, the following described
real estate, situated in Kittitas County, State of Washington:

A portion of the South 1/2 of the South 1/2 of Section 5,
and a portion of the North 1/2 of the North 1/2 of Section 8,
Township 17 North, Range 18 East, W.M., Kittitas County,
Washington which is bounded by a line described as follows:

Beginning at the Southwest corner of said Section 5, thence
South 89°23'51" East, along the South boundary of said
Section 5, 1429.76 feet to the true point of beginning;
Thence North 63°29'44" East, 1441.93 feet;
Thence North 68°23'09" East, 275.66 feet;
Thence North 69°42'29" East, 667.06 feet;
Thence South 3°57'07" East, 317.62 feet;
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Thence North 88°48'02" West, 1194.24 feet;
Thence South 65°00'22" West, 214.83 feet;
Thence South 43°44'39" West, 236.16 feet;
Thence North 0°09'26" West, 269.50 feet to the true
point of beginning.

EXCEPT: The right-of-way of the county road (Hansen Road).

TOGETHER WITH any and all water rights and irrigation
ditches appurtenant thereto.

SUBJECT TO a nonexclusive easement extending from
the Hansen Road going in a Southerly direction crossing
the Manastash Creek running generally in a North to
South direction 25 feet wide for the use of the
grantors for access to lands lying South of the described
premises and contiguous thereto owned by grantors. Said
easement shall terminate at the end of a six month period
following any sale by the grantors herein of any portion
of that land lying South of the described premises and
contiguous thereto owned by grantors.



LAW OFFICES OF
DANO, CONN & FRASER
800 EAST 84th AVENUE
P. O. BOX 498
Kirkland, Washington
98033-3191
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883 JUN 15 1978

RECEIVED

JUN 15 2025

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CENTRAL REGIONAL OFFICE

SUBJECT TO any and all reservations, restrictions,
easements and rights of way apparent or of record.

This deed is given in fulfillment of that certain real estate
contract between the parties, dated February 5, 1975
and conditioned for the conveyance of the above described property,
and the covenants of warranty herein contained shall not apply
to any title, interest or encumbrance arising by, through or
under the purchaser in said contract, and shall not apply to
any taxes, assessments or other charges levied, assessed or becoming
due subsequent to the date of said contract. Real Estate Sales
Tax was paid on this sale on _____ with receipt
number _____

DATED this 5th day of February, 1975.

ANDERVILLE FARMS, INC., a
Washington corporation

By Lawrence Anderson
President

Attest B. Arlein Anderson
Secretary

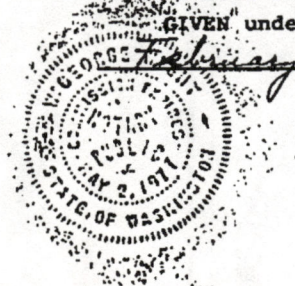
STATE OF WASHINGTON

County of Kittitas

)
) ss.
)

On this day personally appeared before me LAWRENCE ANDERSON
and L. ARLEIN ANDERSON to me known to be the President and Secretary,
respectively, of the corporation that executed the foregoing
instrument, and acknowledged the said instrument to be the free
and voluntary act and deed of said corporation, for the uses
and purposes therein mentioned, and on oath state that they are
authorized to execute the said instrument and that the seal (if
any) affixed is the corporate seal of said corporation.

GIVEN under my hand and official seal this 5th day of
February, 1975.



George Wright
NOTARY PUBLIC in and for the
State of Washington, residing
at Ellensburg.

RECEIVED
APR 12 1975



**PIONEER NATIONAL
TITLE INSURANCE**

ATCOR COMPANY

Filed for Record at Request of

AFTER RECORDING MAIL TO:

Horn, Cockrell & Ray

P.O. Box 487

Yakima, WA

8-20-79

Atty: Jim Weaver

438201

REVENUE STAMPS

THIS SPACE RESERVED FOR RECORDER'S USE

KITTITAS COUNTY AUDITOR
FILED FOR RECORD

Horn, Cockrell & Ray
79 DEC 7, PM 11:02

Real Estate Excise Tax
Exempt

BETTE J. SPENCE
Kittitas County Treasurer

By *AAJ*

FORM L 56 R

Quit Claim Deed

THE GRANTOR PAMELA J. BRUSH

for and in consideration of Ten Dollars (\$10.00)

convey and quit claim to FRANCIS K. BRUSH.

the following described real estate, situated in the County of KITTITAS

State of Washington including any interest therein which grantor may hereafter acquire:

A portion of the South 1/2 of the South 1/2 of Section 5, and a portion of the North 1/2 of Section 8, Township 17 North, Range 18 East, W.M., Kittitas County, Washington which is bounded by a line described as follows:
Beginning at the Southwest corner of said Section 5, thence South 89°23'51" East, along the South boundary of said Section 5, 1429.78 feet to the true point of beginning; thence North 83°29'44" East, 1441.93 feet; thence North 68°23'09" East, 275.66 feet; thence North 69°42'29" East, 667.00 feet; thence South 3°57'07" East, 317.62 feet; thence South 66°45'15" West, 63.57 feet; thence South 38°12'40" West, 250.27 feet; thence South 67°49'22" West, 81.25 feet; thence North 82°22'17" West, 345.98 feet; thence South 1°11'58" West, 486.22 feet; thence North 88°48'02" West, 1194.24 feet; thence South 65°00'22" West, 214.83 feet; thence South 43°44'39" West, 236.16 feet; thence North 0°09'26" West, 269.50 feet to the true point of beginning.

EXCEPT: The right-of-way of the County Road (Hansen Road).
Dated this *7th* day of *November* 1977

Pamela J. Brush (SEAL)

(SEAL)

California
STATE OF WASHINGTON,
County of *Snohomish*

On this day personally appeared before me PAMELA J. BRUSH
to me known to be the individual described in and who executed the within and foregoing instrument, and
acknowledged that she signed the same as her free and voluntary act and deed, for the
uses and purposes therein mentioned.

GIVEN under my hand and official seal this 9 day of November, 1979.

Carolyn Miller
Notary Public in and for the State of Washington,
residing at
177 7th St.
Pasadena City, California

OFFICIAL RECORDS

DEC. 17. 1979

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APR 15 2025
DEPT. OF ECOLOGY
CENTRAL REGIONAL OFFICE

VEL 124 PAGE 400



ATICOR COMPANY

Filed for Record at Request of

AFTER RECORDING MAIL TO:

SyW Realty
P.O. Box 714
Ellensburg, Wa 98926
Attn: George Wright

443365

THIS SPACE RESERVED FOR RECORDER'S USE

TAX EXCISE TAX PAID
Amount 570
By 2 P. S.
Kittitas County Treasurer
By BETTE J. SPELCE
Kittitas County Treasurer
JUL 8 PM 4:04

REVENUE STAMPS

\$ 41.00
R.D.
457.00

42413
400 (570.00 - 570.00/2)

Form L58

Statutory Warranty Deed

THE GRANTOR, FRANK K. BRUSH, a single man,

for and in consideration of TEN DOLLARS and other valuable consideration

in hand paid, conveys and warrants to STANLEY E. MOON and SHEILA A. MOON, husband and wife,

the following described real estate, situated in the County of Kittitas, State of Washington:

A portion of the South 1/2 of the South 1/2 of Section 5, and a portion of the North 1/2 of the North 1/2 of Section 8, Township 17 North, Range 18 East, W.M., Kittitas County, Washington which is bounded by a line described as follows:

Beginning at the Southwest corner of said Section 5, thence South 89°23'51" East, along the South boundary of said Section 5, 1429.76 feet to the true point of beginning; thence North 63°29'44" East, 1441.93 feet; thence North 68°23'09" East, 275.66 feet; thence North 69°42'29" East, 667.06 feet; thence South 3°57'07" East, 317.62 feet; thence South 66°45'15" West, 63.57 feet; thence South 38°12'40" West, 250.27 feet; thence South 67°49'22" West, 81.25 feet; thence North 82°22'17" West, 345.98 feet; thence South 1°11'58" West, 486.22 feet; thence North 83°48'02" West, 1194.24 feet; thence South 65°00'22" West, 214.83 feet; thence South 43°44'39" West, 236.16 feet; thence North 0°09'26" West, 269.50 feet to the true point of beginning. EXCEPT the right-of-way of the County Road (Hansen Road). SUBJECT TO (see attached exhibit)



Dated this

3rd

day of June, 1980.

Frank K. Brush (SEAL)

STATE OF WASHINGTON,

County of ~~KITTITAS~~
Benton

On this day personally appeared before me FRANK K. BRUSH to me known to be the individual described in and who executed the within and foregoing instrument, and acknowledged that he signed the same as his free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this

3rd

day of June, 1980.

Glenn H. [Signature]
Notary Public in and for the State of Washington,
residing at ~~Buckley~~ Richland

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JUL 10 1980

OFFICIAL RECORD

VOL 133 PAGE 716

EXHIBIT

SUBJECT TO rights of way and easements for ditches, drains, pipelines and other servitudes over and across said premises, if in fact any portion thereof is burdened thereby.

SUBJECT TO pendency of Yakima County Superior Court Cause No. 77-2-01484-5, State of Washington, Department of Ecology, Plaintiff v. (Numerous named Defendants), notice of which is given by Lis Pendens recorded under Yakima County Auditor's File No. 2479271.

SUBJECT TO purchasers acknowledge, by acceptance of this instrument, that they are aware that the property to be purchased has been damaged by fire and has not been repaired. Purchasers agree to accept the property in its present condition. Purchasers further acknowledge that they are aware of a lawsuit between seller and State Farm Fire and Casualty Company, and agree that they have no interest in any proceeds from said fire insurance policy or from the litigation presently pending.

JUL 10 1980

OFFICIAL RECORDS

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VOL 133 PAGE 717

APR 15 2025

DEPT OF ECOLOGY
CENTRAL REGIONAL OFFICE

1
2
3
4 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON FOR YAKIMA COUNTY

5 IN THE MATTER OF THE DETERMINATION)
6 OF THE RIGHTS TO THE USE OF THE)
7 SURFACE WATERS OF THE YAKIMA RIVER)
8 DRAINAGE BASIN, IN ACCORDANCE WITH)
9 THE PROVISIONS OF CHAPTER 90.03,)
10 REVISED CODE OF WASHINGTON,)

NO. 77-2-01484-5

11 THE STATE OF WASHINGTON,
12 DEPARTMENT OF ECOLOGY,

STATEMENT OF CLAIM OF
ANDERVILLE FARMS, INC.

13 Plaintiff,

14 vs.

15 JAMES J. ACQUAVELLA, et al.,

16 Defendants.
17

18 1. Identification of claimant (including spouse):

- 19 a. Name of individual or entity: Anderville Farms, Inc., a
20 Washington corporation.
21
22 b. Mailing address: Rt. 6, Box 685, Ellensburg, WA 98926.
23
24 c. Telephone number: (509) 962-9326.

25 2. Nature of right, or use, on which the claim is based:

- 26 a. Name of water source(s); if unnamed, so state: Manastash
27 Creek, tributary of Yakima River; spring on NW/NE, 8-17-18; and
28 waste and runoff water.
29
30 b. Legal doctrine(s) on which claim is based (e.g. riparian,
appropriative): Appropriative and riparian.
c. If claim is based on a court decree or finding, identify the
court, case number, and date: Kittitas County Cause No.
99 and 100, Gray, et al. vs. Johnson, et al., dated April 15,
1891; Kittitas County Cause No. 2899, Barnes vs. Gerberg,

STATEMENT

-1-

1950

F. Steven Lathrop
Attorney at Law
Post Office Box 1055
705 North Main Street
Ellensburg Washington 98926
509 923 6916

dated January 11, 1901.

- d. If claim is based on a certificate or permit issued by the Department of Ecology or predecessor agency, enter the number of the permit or certificate: None.
- e. If claim is based on recording of right with office of the County Auditor, state the county and volume and page number of the filing: Agreement between Moorehead and Jenkins recorded July 8, 1929, in Book 47 of Deeds, page 447, recording no. 96273, affects sections 5 and 8; Quit Claim Deed from Susan Yocom to W.B. Dunsworth, recorded May 25, 1895, in Book 7 of Deeds, page 10, affects N 1/2 of SE 1/4 of Section 4; Quit Claim Deed from Chas. Cuppy to Mrs. S.M. Yocom, recorded May 21, 1898, in Book X of Deeds, page 176, affects N 1/2 SE 1/4 of Section 4; Quit Claim Deed from W.B. Dunsworth to Mrs. S.M. Yocom, recorded May 21, 1898, in Book X of Deeds, page 178, affects N 1/2 SE 1/4 and NE 1/4 SW 1/4 of Section 4; Deed from Susan Yocom to Catherina Swartz, recorded June 26, 1901, in Book 3 of Deeds, page 233; affects N 1/2 of SW 1/4 of Section 4; Agreement between Catherina Swartz and A.W. Yocom recorded November 8, 1921, recording no. 64163 as found in Book 37 of Deeds, page 331, affects S 1/2 SE 1/4 and other land in Section 4; Agreement between Hilda Hoffman and Frank Ransom, recorded October 9, 1957, in Book E of Miscellaneous, page 568, Auditor's No. 266539, affects S 1/2 NE 1/4 of Section 4 and SW 1/4 NW 1/4 of Section 3; Agreement between C.A. Statton and Margaret Jones recorded March 6, 1940, in Volume 4 of Water Rights, page 422, recording no. 152178, affects N 1/2 SE 1/4 of Section 4.
- f. Other information (other than information as to nature of the right or use requested below): Statement of Claim for Water Right by Edward Russell filed May 31, 1890, in the Office of the Kittitas County Clerk, affects SW 1/4 SE 1/4 of Section 5.
3. a. Date of initiation of right: 1872.
- b. Date of commencement of use: 1872.

If right claimed or use has changed since the date of first use, indicate this information under number 7.k., below.

STATEMENT

-2-

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APR 15 2025 F. Steven Calthrop
Attorney at Law
DEPT OF ECOLOGY Post Office Box 1088
CENTRAL REGIONAL OFFICE 705 North Main Street
Ellensburg, Washington 98926
(509) 925-6916

1 4. a. Date of beginning of construction: Unknown.

2 b. Date of completion of construction: Unknown.

3 If construction was in more than one phase, give this information
4 under question 7.k., below.

5 5. a. Enter the following information for each ditch existing at
6 the present time:

<u>Name (if any)</u>	<u>Capacity</u>	<u>Dimensions</u>
Unnamed ditch		8' x 3'

7
8
9
10
11
12
13 b. State the interest you have in each ditch listed above.
14 Own.
15

16
17 6. a. Purpose(s) of use: Irrigation and stock water.

18 b. If a purpose of use is irrigation, the maximum number of
19 acres irrigated: 251 acres, more or less.

20 c. If a purpose is irrigation, describe the type and acreage of
21 crops grown: Wheat, alfalfa, field corn, grains, & sweet corn.

22 d. If a purpose is irrigation, describe the type and charac-
23 teristics of the soil: Manastash loam, Woldale loam, and
24 Naches clay loam.

25 e. Maximum quantity of water used: 4 cubic feet per
26 second from April 15 to October 15 of each year.
27 Acre-feet used per year: 1200 acre feet.

28 f. Other information relating to purpose and quantity of use:
29
30

STATEMENT

- 1 7. a. Legal description of land on which water is being put to
2 beneficial use: See Exhibit A, attached hereto and made a
3 part hereof.
- 4 b. Legal description of land on which water has been put to
5 beneficial use: Same as 7.a. above.
- 6 c. Legal description of land on which water may be put to
7 beneficial use: Same as 7.a. above.
- 8 d. Location of point of diversion from the natural source:
9 NW/SW, 4-17-18.
- 10
- 11
- 12 Location of point of diversion from ditch, flume, canal,
13 etc.:
14 SE/NW, 4-17-18.
15 NW/SW, 4-17-18.
- 16 e. Interest in land (e.g., owner; contract purchaser, mortgagee,
17 etc.): Owner.
- 18 f. If ditch diversion has been replaced by pump, state size and
19 capacity of pump, date installed and location:
20 40 hp. pump, 1964; 50 hp. pump, 1968; 25 hp. pump, 1960.
- 21
- 22 g. State how title to lands described was first acquired from
23 the United States: Patent.
- 24 h. State to whom and when patent was issued for this land:
25 Patent to the Northern Pacific Railway, portion of Section
26 3, 17, 18, dated April 11, 1895, as found in Book T of Deeds,
27 page 338; Patent to Edward Russell, affects portion of
28 Section 5, 17, 18 and 8, 17, 18, dated October 15, 1892, and
29 recorded August 1, 1896, in Book A of Patents, page 161;
30 Patent to Eli B. Maple, affects SE/SW of Section 4, 17, 18,
and NW 1/4 of 9, 17, 18, dated July 1, 1874, and recorded
October 19, 1883, in Book A of Deeds, page 461; Patent to
Susan Yocom, affects N 1/2 SE 1/4 and N 1/2 SW 1/4 of 4, 17,
18, dated August 8, 1892, and recorded April 6, 1895, in
Book A of Patents, page 139; Patent to Eve Thorp, affects

STATEMENT

-4-

RECEIVED
APR 15 2025
F. Steven Callthrop
Attorney at Law
Post Office Box 1088
705 North Main Street
Ellensburg, Washington 98926
509/925-6918
DEPT OF ECOLOGY
CENTRAL REGIONAL OFF

S 1/2 NE 1/4 of and other portions of 4, 17, 18 as dated August 18, 1888, and recorded May 28, 1928, in Book C of Patents, page 130.

- i. State when and how was the first step taken to obtain title from the federal government: Patent to Northern Pacific Railway initiated by act of Congress July 2, 1864, as found in 13 Statutes at Large, page 365, Chapter 217; others by homestead in Certificate of Homestead recorded prior to the Patents.
 - j. State whether land is riparian to the water source: No.
 - k. If type of use, place of use, or quantity of water used has changed since the initial use or if construction of the water system was conducted in more than one phase, describe these changes or phases below:
8. List below any other information such as a map which could contribute to defining and establishing this claim: See attached exhibits.
9. Claimant incorporates by reference as though fully set forth herein, the Statement of Claim of the Kittitas Reclamation District, Cascade Irrigation District and the Ellensburg Water Company and whatever other water company and filings made by them that the claimant herein has rights under and incorporates such applicable Statements of Claim as though fully set forth herein and that of the Westside Irrigation District.

STATE OF WASHINGTON)
) ss. VERIFICATION OF DEFENDANT
County of Kittitas)

The undersigned, being first duly sworn upon oath, deposes and says: That I am the President of Anderville Farms, Inc. and as such am authorized to make this verification on its behalf; that I have read the foregoing Statement of Claim and the information contained therein is true and accurate to the best of my knowledge and belief.

X Lawrence A. Anderson
CLAIMANT

SUBSCRIBED AND SWORN to before me this 28th day of August, 1981.

[Signature]
Notary Public in and for the State
of Washington, residing
at Ellensburg

F. Steven Callirop
Attorney at Law
Post Office Box 1088
703 North Main Street
Ellensburg, Washington 98926
509/925-6916

Exhibit A

DESCRIPTION
43228-A

PARCEL 1:

A portion of the Southwest 1/4 of the Northwest 1/4 of Section 3, which lies West of the Yakima River, more particularly described as follows:

A tract of land bounded by a line beginning at the Southwest corner of said quarter of quarter section and running thence North 5°45' West along the West boundary line of said quarter of quarter section 369.6 feet; thence East 174.0 feet to the top of the bluff; and continuing East 66 feet, more or less, to a point on the right bank of the Yakima River; thence Southeasterly along said bank to the South boundary line of said quarter of quarter section; thence West 130 feet, more or less, to the top of the bluff and continuing West 320.0 feet to the point of beginning.

PARCEL 2:

The North 1/2 of the Southeast 1/4 of Section 4;

That portion of the South 1/2 of the Northeast 1/4 of Section 4, which is described as follows:

A tract of land bounded by a line beginning at the Southeast corner of the Northeast 1/4 of said section and running thence West along the South boundary line of said quarter section 2056.4 feet to the East boundary line of the right of way of the county road; thence North 20°16' West along said East boundary 392.0 feet; thence East 2155.1 feet to the East boundary line of said quarter section; and thence South 5°45' East 369.6 feet to the point of beginning; and

That portion of the Northeast 1/4 of the Southwest 1/4 of Section 4, which is described as follows:

A tract of land bounded by a line beginning at the Northeast corner of said quarter of quarter section, and running thence South 5°48' East, along the East boundary line thereof, 1262.3 feet to the North boundary line of the right of way of the County Road; thence South 89°54' West along the North boundary line of said right of way, 1143.4 feet; thence North 0°06' West 573.6 feet; thence North 75°41' East 71.0 feet; thence North 45°46' East 85.1 feet; thence North 66°58' East 340.2 feet; thence North 31°56' East 204.8 feet; thence North 18°12' East 306.6 feet to the North boundary line of said quarter of quarter section; and thence North 88°36' East, along said North boundary line, 369.4 feet to the point of beginning.

ALL in Township 17 North, Range 18 East, W.M., in the County of Kittitas, State of Washington.

EXCEPT

That portion of the Northeast 1/4 of the Southwest 1/4 of Section 4, Township 17 North, Range 18 East, W.M., which is described as follows:

(continued)

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APR 15 2025

DEPT OF ECOLOGY
CENTRAL REGIONAL OFFICE

DESCRIPTION
continued
43228-A

A tract of land bounded by a line beginning at a point located on the North boundary of the county right of way which is located South 5 degrees 48 minutes East 1262.3 feet from the Northeast corner of said quarter of quarter section and thence South 89 degrees 54 minutes West 883.4 feet along North boundary of county right of way to the true point of beginning; thence South 89 degrees 54 minutes West 260.0 feet; thence North 0 degrees 6 minutes West 573.6 feet; thence North 75 degrees 41 minutes East 71.0 feet; thence North 45 degrees 46 minutes East 85.1 feet; thence North 66 degrees 58 minutes East 144.1 feet; thence South 0 degrees 06 minutes East 696.54 feet to the true point of beginning.

PARCEL 3:

The Northwest 1/4 of the Northeast 1/4 and the Northeast 1/4 of the Northwest of Section 8;

That portion of the Southwest 1/4 of the Southeast 1/4 of Section 5 which lies South of the right of way of the County Road, EXCEPT a Tract of land which is described as follows:

Beginning at a point on the East boundary line of said quarter of quarter section which is 721 feet North of the Southeast corner thereof, said point being in the center of Manastash, Creek; thence along the center of said creek as follows:

South 74°27' West 99.3 feet; South 42°56' West 139.6 feet; North 37°18' West 132.7 feet; and South 79°31' West 179.3 feet; thence, from point in creek, running North 3° West 284.8 feet to the South boundary line of the right of way of the County road; thence North 70°11' East, on said South boundary line, 455.2 feet to the East boundary line of said quarter of quarter section and thence South 3° East on said line 394 feet to point of beginning.

EXCEPTING THEREFROM any portion of the following described tract of land which lies within the above described land in Sections 5 and 8:

A portion of the South 1/2 of the South 1/2 of Section 5, and a portion of the North 1/2 of the North 1/2 of Section 8, Township 17 North, Range 18 East, W.M., Kittitas County, Washington which is bounded by a line described as follows:

Beginning at the Southwest corner of said Section 5, thence South 89°23'51" East along the South boundary of said Section 5, 1429.76 feet to the true point of beginning; thence North 63°29'44" East, 1441.93 feet; thence North 68°23'09" East, 275.66 feet; thence North 69°42'29" East, 667.06 feet; thence South 3°57'07" East, 317.62 feet; thence South 66°45'15" West, 63.57 feet; thence South 38°12'40" West, 250.27 feet; thence South 67°49'22" West, 81.25 feet; thence North 82°22'17" West, 345.98 feet; thence South 1°11'58" West, 486.22 feet; thence North 88°48'02" West, 1194.24 feet; thence South 65°00'22" West, 214.83 feet; thence South 43°44'39" West, 236.16 feet; thence North 0°09'26" West, 269.50 feet to the true point of beginning.

(continued)

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CENTRAL RECORD OFFICE
DEPT. OF GEOLOGY

DESCRIPTION
continued
43228-A

PARCEL 4:

That portion of the Southeast 1/4 of the Southwest 1/4 of Section 4, Township 17 North, Range 18 East, W.M., Kittitas County, Washington which is bounded by a line described as follows: Beginning at the Southwest corner of said Section 4, thence Easterly along the South boundary of said Section 4, thence Easterly along the South boundary of said Section 4, to the intersection of the centerline of the Strande County Road; thence Northerly along said centerline to the intersection of the centerline of Barnes County Road; thence East along the center line of Barnes County Road, 26.00 feet; thence South 7°02' East, 25.00 feet; thence East 840.00 feet to the true point of beginning; thence South 9°35'45" West, 441.74 feet; thence South 58°13'20" East, 196.94 feet; thence South 42°29'10" East, 577.73 feet; thence South 54°44'50" East, 22.29 feet; thence South 83°43'50" East, 47.49 feet to the North South centerline of Section 4; thence North 5°51'00" West along the North South centerline 988.64 feet to the South right of way of Barnes County Road; thence West 448.64 feet to the true point of beginning.

PARCEL 5:

That portion of the Southwest 1/4 of Section 4 and the Northwest 1/4 of Section 9, all being in Township 17 North, Range 18 East, W.M., Kittitas County, Washington and all of which is bounded by a line described as follows:

Beginning at the Southwest corner of said Section 4, thence South 89°58'17" East, along the South boundary of said Section 4, 1414.60 feet to the true point of beginning; thence South 3°36'55" East, 329.01 feet; thence North 84°50'54" East, 877.53 feet; thence North 40°56'19" East, 357.07 feet; thence North 83°10'19" East, 174.15 feet; thence North 5°58'36" West, 257.48 feet; thence North 83°43'56" West, 47.49 feet; thence North 54°44'51" West, 22.29 feet; thence North 42°29'11" West, 577.73 feet; thence North 58°13'31" West, 196.94 feet; thence South 9°35'45" West, 8.36 feet; thence North 58°42'43" West 130.90 feet; thence North 59°13'31" West, 372.12 feet; thence North 76°54'39" West, 181.66 feet; thence South 0°16'27" East, 103.76 feet, thence South 58°29'29" West, 106.43 feet; thence South 85°48'22" West, 29.81 feet; thence South 5°36'10" East, 477.20 feet; thence South 3°36'55" East, 500.58 feet to the true point of beginning.

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APR 15 2025

DEPT OF ECOLOGY
CENTRAL REGIONAL OFFICE

SUPERIOR COURT OF WASHINGTON FOR YAKIMA COUNTY

IN THE MATTER OF THE DETERMINATION)
OF THE RIGHTS TO THE USE OF THE)
SURFACE WATERS OF THE YAKIMA RIVER)
DRAINAGE BASIN, IN ACCORDANCE WITH)
THE PROVISIONS OF CHAPTER 90.03,)
REVISED CODE OF WASHINGTON,)

NO. 77-2-01484-5

THE STATE OF WASHINGTON, DEPART-)
MENT OF ECOLOGY,)

STATEMENT OF CLAIM OF

Plaintiff,)

Clay McMechan Jr.

[name of defendant]

vs.)

JAMES J. ACQUAVELLA, et al.,)

Defendants.)

COMES NOW the Defendant(s) above named and state(s) his/their
claim as follows:

1. Identification of Claimant: The name and mailing address of
Claimant is: Clay McMechan Jr.

Rt. 6 Box 895

Ellensburg, Washington 98926

Claimant's telephone number is: (509) 925-9173

2. Nature of right, or use, on which the claim is based:

- a. Name of water source(s); if unnamed, so state:

(1) Manastash Creek

(2) Drain, unnamed

(3) Unnamed spring-creek

(4) Unnamed spring (5) Dry Creek

- b. Legal doctrine(s) on which claim is based (e.g. riparian,
appropriative):

(1) Appropriation and adjudication

(2) Appropriation

(3) Appropriation

(4) Appropriation (5) Riparian, appropriation

- c. If claim is based on a court decree or finding, identify
the court, case number, and date:

(1) Gray v. Jones, Decree 99 and 100, Kittitas County Superior Court,
4-15-1891.


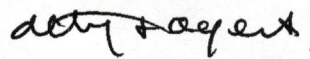
(2) (3) (4) (5) N/A

- 1 d. If claim is based on a certificate or permit issued by the Depart-
2 ment of Ecology or predecessor agency, entered the number of the
3 permit or certificate: (1) (2) (3) (4) & (5) N/A
4 e. If claim is based on recording or right with office or the County
5 Auditor, state the county and volume and page number of the filing.
6 (1) (2) (3) (4) & (5) N/A
7 f. See Dept. Ecology Water Right Claim Registration No. 112751 for
8 Claim No. 3; No 112753 for Claim No. 5; and No. 112752 for Claim
9 No. 4.
10 3. Date of initiation of right (1) pre-1900, (2) pre-1900, (3) pre-1900,
11 (4) pre-1900 and (5) unknown; & commencement of use (1) pre-1900,
12 (2) pre-1900, (3) pre-1900, (4) pre-1900 and (5) April, 1960.
13 4. Date of beginning of construction: (1) (2) (3) (4) & (5) N/A
14 and completion of construction: (1) (2) (3) (4) & (5) N/A.
15 5. Dimensions and capacity of ditches existing at time of this statement:
16 (1) (2) (3) (4) & (5) N/A
17 6. a. Purpose(s) of use: (1) Irrigation and stock water, (2) Stock water,
18 (3) Irrigation and stock water, (4) Irrigation and stock water,
19 (5) Irrigation and stock water.
20 b. If a purpose of use is irrigation, the maximum number of acres
21 irrigated: (1) 28 (2) N/A (3) 28 (4) 28 (5) 100.
22 c. Maximum quantity of water used:
23 (1) Unknown cubic feet per second from 4-1 to 10-1 of each year.
24 Acre-feet used per year: Unknown.
25 (2) Unknown cubic feet per second from 1-1 to 12-31 of each year.
26 Acre-feet used per year: Unknown.
27 (3) Unknown cubic feet per second from 5-1 to 10-15 of each year.
28 Acre-feet used per year: Unknown.
29 (4) Unknown cubic feet per second from 5-1 to 10-15 of each year.
30 Acre-fee used per year: Unknown.
31 (5) Unknown cubic feet per second from 4-15 to 10-15 of each year.
32 Acre-feet used per year: Unknown.
33 7. a. Legal description of land on which water is being, has been or may
34 be put to beneficial use:
35 (1) NE 1/4 of NE 1/4 of Sec. 8, T 17 N, R 18 E WM.
36 (2) NW 1/4 of NW 1/4 of Sec. 9, T 17 N, R 18 E WM.
37 (3) NE 1/4 of NE 1/4 of Sec. 8, T 17 N, R 18 E WM.
38 (4) NE 1/4 of NE 1/4 of Sec. 8, T 17 N, R 18 E WM.
39 (5) Sec. 36, T 19 N, R 17 E WM lying east of Highway 97.
40 b. Location of point of diversion:
41 (1) NE corner of NE 1.4 of NE 1/4 of Sec. 8, T 17 N, R 18 E WM.
42 (2) NW 1/4 of NW 1/4 of Sec. 9, T 17 N, R 18 E WM.
43 (3) 621' E and on the line east from the center point of section
44 NW 1/4 in Sec. 8, T 17 N, R 18 E WM.
45 (4) 225' S and on the line from the center point of the NE 1/4
46 corner of section, in Sec. 8, T 17 N, R 18 E WM.

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(5) Approximately 45', 1425', 2250' and 3249' from the corner of
Section and being on the N line of Sec. 36, T 19 N, R 17 E WM
and following Dry Creek.

8. Claimant reserves the right to amend his Statement of Claim if further
information is required or obtained.


CLAIMANT


STATE OF WASHINGTON)
County of Kittitas)

The undersigned being first duly sworn upon oath, deposes and says:
That I am the Claimant named herein. I have read the foregoing
Statement of Claim and the information contained therein is true and accurate
to the best of my knowledge and belief.

SUBSCRIBED AND SWORN to before me this ____ day of September, 1981.

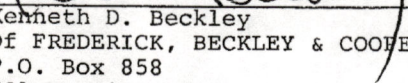
NOTARY PUBLIC in and for the State of
Washington, residing in Ellensburg.

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APR 1 1981
DEPT. OF REVENUE
ELLensburg, WA

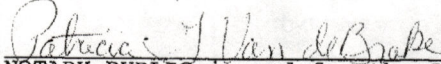
VERIFICATION OF AUTHORIZED AGENT

STATE OF WASHINGTON)
) ss.
County of Kittitas)

The undersigned, being first duly sworn on oath, states:
I am the attorney and authorized agent for the claimant
above named in paragraph 1 of this Statement of Claim. I am
authorized to make and do make this verification on the claim-
ant's behalf. I have read the foregoing Statement of Claim;
know the contents thereof and believe the same to be true.
I am authorized to accept all future service of pleadings and
other papers filed in this case.


Kenneth D. Beckley
Of FREDERICK, BECKLEY & COOPER
P.O. Box 858
701 N. Pine
Ellensburg, WA 98926
(509) 925-4128

SUBSCRIBED AND SWORN to before me this 31 day of August, 1981.


NOTARY PUBLIC in and for the State of
Washington, residing at Ellensburg.

RECEIVED

APR 15 2025

DEPT OF ECOLOGY
CENTRAL REGIONAL OFFICE

(KTC) KTC

GRANTOR _____
GRANTEE _____
COMPARED _____

Filed for Record at Request of
After Recording Mail To:

THIS SPACE RESERVED FOR RECORDER'S USE

477842

1% RE EXCISE TAX PAID

Amount 716.90

Date 3/12/84

Affidavit No. 18022

BETTE J. SPENCE
KITITAS COUNTY TREASURER

By dcd

REVENUE STAMPS

\$4.00
R.S.
#40.00

KITITAS COUNTY AUDITOR
FILED
1984 MAR 12 PM 4:06

Statutory Warranty Deed

THE GRANTOR STANLEY K. MOON AND SHEILA A. MOON, husband and wife

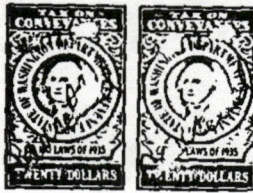
for and in consideration of TEN DOLLARS AND OTHER VALUABLE CONSIDERATION

in hand paid, conveys and warrants to

JEFFREY L. PLAYTER AND KIMBERLY MILLEN PLAYTER, HUSBAND AND WIFE

the following described real estate, situated in the County of KITITAS
State of Washington:

SEE ATTACHED



Dated this 6th day of MARCH 1984

(SEAL)
Stanley K. Moon
STANLEY K. MOON (SEAL)
Sheila A. Moon
SHEILA A. MOON (SEAL)

STATE OF WASHINGTON, } SS.

County of KITITAS

On March 9, 1984

before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared _____ and _____ to me known to be the President and Secretary respectively, of the corporation that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that instrument and that the seal affixed is the corporate seal of said corporation. authorized to execute the said

Witness my hand and official seal hereto affixed the day and year first above written.

Robert O. Kelly
Notary Public in and for the State of Washington,
residing at Ellensburg

STATE OF WASHINGTON, } SS.

County of YAKIMA

On this day personally appeared before me THE UNDERSIGNED STANLEY K. MOON AND SHEILA A. MOON, husband and wife to me known to be the individuals described in and who executed the within and foregoing instrument, and acknowledged that they signed the same as their free and voluntary act and deed, for the use and purposes mentioned. GIVEN under my hand and official seal this 9th day of MARCH 1984

Robert O. Kelly
Notary Public in and for the State of Washington,
residing at Ellensburg
Commission Expires June 27, 1984

OFFICIAL RECORDS

45.125 (4.00) (200.00) (190.00)

vol 200 pg 386

A portion of the South 1/2 of the South 1/2 of Section 5, and a portion of the North 1/2 of the North 1/2 of Section 8, Township 17 North, Range 18 East, W.M., in the County of Kittitas, State of Washington, which is bounded by a line described as follows:

Beginning at the Southwest corner of said Section 5, thence South 89°23'51" East, along the South boundary of said Section 5, 1429.76 feet to the true point of beginning; thence North 63°29'44" East, 1441.93 feet; thence North 68°23'09" East, 275.66 feet; thence North 69°42'29" East, 667.06 feet; thence South 3°57'07" East, 317.62 feet; thence South 66°45'15" West, 63.57 feet; thence South 38°12'40" West, 250.27 feet; thence South 67°49'22" West, 81.25 feet; thence North 82°22'17" West, 345.98 feet; thence South 1°11'58" West, 486.22 feet; thence North 88°48'02" West, 1194.24 feet; thence South 65°00'22" West, 214.83 feet; thence South 43°44'39" West, 236.16 feet; thence North 0°09'26" West, 269.50 feet to the true point of beginning.

EXCEPT: The right of way of the County Road (Hansen Road).

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200-FILE 387

APR 15 2005

OFFICIAL RECORDS

DEPT OF ECOLOGY
CENTRAL REGIONAL OFFICE

When recorded return to:
Richard A. & Kimberly E. Brown
2440 Hanson Road
Ellensburg, WA 98926

Recorded in the County of Kittitas, WA
Beverly M. Allenbaugh, Auditor



9.00

199904090042 4:53pm 04/09/99

001 4014206 04 06
001 2 7786 8.00 1.00

QUIT CLAIM DEED

AMT 81899E 9-

THE GRANTOR **Kimberly Millen Brown, who acquired title as Kimberly Millen Playter, as her separate property**

Arks 22, 42

for and in consideration of ten dollars & other valuable consideration

conveys and quit claims to **Richard A. Brown and Kimberly E. Brown, husband and wife**

the following described real estate, situate in the County of Kittitas, State of Washington, together with all after acquired title of the grantor(s) therein:

Section 5, Township 17 N, Range 18 E
Section 8, Township 17 N, Range 18 E

As fully set forth in attached Exhibit "A"

Assessor's Property Tax Parcel/Account No. 17-18-05030-0002 17-18-08000-0031 17-1805030-0001
17-18-08000-0017

Dated April 5, 1999

Kimberly E. Brown
Kimberly E. Brown

Real Estate Excise Tax
Exempt

Kittitas County Treasurer

By Phyllis

AFF# 7786

4-9-99

STATE OF WASHINGTON)

) ss.

COUNTY OF KITTITAS)

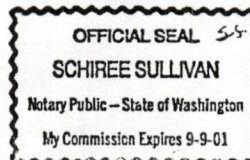
On this day personally appeared before me **Kimberly E. Brown** to me known to be the individual described in and who executed the within and foregoing instrument, and acknowledged that she signed the same as her free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 5th day of April, 1999.

Schiree Sullivan
Printed Name Schiree Sullivan

Notary Public in and for the State of
Washington, residing at Ellensburg

My commission expires September 9, 2001



1999040 T0042

Legal Description:

PARCEL 1:

A portion of the South Half of the South Half of Section 5, and a portion of the North Half of the North Half of Section 8, all in Township 17 North, Range 18 East, W.M., in the County of Kittitas, State of Washington, which is bounded by a line described as follows:

Beginning at the Southwest corner of said Section 5, thence South 89°23'51" East, along the South boundary of said Section 5, 1429.76 feet to the true point of beginning; thence North 63°29'44" East, 1441.93 feet; thence North 68°23'09" East, 275.66 feet; thence North 69°42'29" East, 667.06 feet; thence South 3°57'07" East, 317.62 feet; thence South 66°45'15" West, 63.57 feet; thence South 38°12'40" West, 250.27 feet; thence South 67°49'22" West, 81.25 feet; thence North 82°22'17" West, 345.98 feet; thence South 1°11'58" West, 486.22 feet; thence North 88°48'02" West, 1194.24 feet; thence South 65°00'22" West, 214.83 feet; thence South 43°44'39" West, 236.16 feet; thence North 0°09'26" West, 269.50 feet to the true point of beginning;

EXCEPT:

1. The Easterly 431.90 feet, when measured perpendicular to the easternmost line thereof;
2. Any portion thereof lying northerly of the southerly bank of Manastash Creek.

PARCEL 2:

An easement 20 feet in width, for ingress, egress and utilities, which will be centered on the existing access road and bridge, and which will connect completely between Hanson Road and the above described premises. This easement affects the following described property:

A portion of the South Half of the South Half of Section 5, and a portion of the North Half of the North Half of Section 8, all in Township 17 North, Range 18 East, W.M., in the County of Kittitas, State of Washington, which is bounded by a line described as follows:

Beginning at the Southwest corner of said Section 5, thence South 89°23'51" East, along the South boundary of said Section 5, 1429.76 feet to the true point of beginning; thence North 63°29'44" East, 1441.93 feet; thence North 68°23'09" East, 275.66 feet; thence North 69°42'29" East, 667.06 feet; thence South 3°57'07" East, 317.62 feet; thence South 66°45'15" West, 63.57 feet; thence South 38°12'40" West, 250.27 feet; thence South 67°49'22" West, 81.25 feet; thence North 82°22'17" West, 345.98 feet; thence South 1°11'58" West, 486.22 feet; thence North 88°48'02" West, 1194.24 feet; thence South 65°00'22" West, 214.83 feet; thence South 43°44'39" West, 236.16 feet; thence North 0°09'26" West, 269.50 feet to the true point of beginning;

EXCEPT:

1. The Easterly 431.90 feet, when measured perpendicular to the easternmost line thereof;
2. Any portion thereof lying southerly of the southerly bank of Manastash Creek;
3. Right of way of the County Road (Hanson Road).

9455

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APR 15 2025

DEPT OF ECOLOGY
CENTRAL REGIONAL OFFICE

Kittitas County Water Conservancy Board

P.O. Box 182

Ellensburg, WA 98926

STATE ENVIRONMENTAL POLICY ACT

Determination of NonSignificance

Date of issuance: January 27, 2025

Lead Agency: Kittitas County Water Conservancy Board

Lead Agency Contact: Mark Crowley KCWCB_Clerk@yahoo.com

Agency File Number: KITT-24-01 and KITT-24-02

Description of proposal – Nunnally Holdings LLC proposes to change the place and purpose of use of Water Right Nos. S4-83516-J and S4-83504-J to instream flow in Manastash Creek. These two water right certificates authorize a maximum instantaneous quantity of 2.586 cubic feet per second (cfs) from April 1 to June 30 and 1.294 cfs from July 1 to October 31 and a maximum annual quantity of 791.3 acre-feet per year. The entirety of the two water rights (to the extent that they are deemed valid by the Kittitas County Water Conservancy Board) will be transferred to instream flow in Manastash Creek where they will be protected in Ecology's Trust Water Right Program.

Location of Proposal: From the two historic points of diversion on Manastash Creek downstream to the Yakima River confluence. The historic point of diversion for S4-83516-J is located 5 feet north and 700 feet west of the center of Section 7, being within the SE¼NW¼ of Section 7, T. 17 N., R. 18 E.W.M. The historic point of diversion for S4-83516-J for S4-83504-J is located 500 feet south and 150 feet east from the north quarter corner of Section 14, being within the NW¼NE¼ of Section 14, Township 17 North, Range 18 E.W.M.

Proponent – Nunnally Holdings LLC, (509) 766-1542, VICJ@Lynden.com

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030 (2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

This determination is based on the following findings and conclusions: This project prevents water from leaving the stream, providing environmental benefit. Additionally, the water will be permanently protected in stream through the Trust Water Rights Program.

This DNS is issued under WAC 197-11-340(2); the lead agency will not act on this proposal for 14 working days. Any action to set aside, enjoin, review, or otherwise challenge this administrative SEPA action's procedural compliance with the provisions of Chapter 197-11 WAC shall be commenced on or before 5:00 pm, February 10, 2025.

Responsible Official: Mark Crowley
Kittitas County Water Conservancy Board
P.O. Box 182
Ellensburg, WA 98926
KCWB_Clerk@Yahoo.com

Signature

Mark W Crowley

(electronic signature or name of signor is sufficient)

Date

1/27/25 APR 15 2025

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CENTRAL REGIONAL OFFICE

ADVERTISING RECEIPT

401 N Main St,
Ellensburg, WA 98926
Ph. (509) 204-8236 Fax: (907) 452-5054

BILLING DATE: ACCOUNT NO:

10/31/24

50014

WENDY VALDEZ
ASPECT CONSULTING, LLC
1106 N. 35TH AVENUE
YAKIMA, WA 98902

AD #	DESCRIPTION	START	STOP	TIMES	AMOUNT
572767	PN: Water Conservanc	10/24/24	10/31/24	4	\$480.44

Payments:

Date	Method	Card Type	Last 4 Digits	Check	Amount
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Discount: \$0.00
Surcharge: \$0.00
Credits: \$0.00

Gross: \$480.44
Paid Amount: \$0.00

Amount Due: \$480.44

We Appreciate Your Business!

572767

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APR 15 2025
DEPT OF ECOLOGY
CENTRAL REGIONAL OFFICE

AFFIDAVIT OF PUBLICATION

State of Washington, County of Kittitas, ss: The undersigned being first duly sworn on oath, deposes and says: That he/she is the representative of The Daily Record, a daily newspaper. That said newspaper is a legal newspaper and has been approved as a legal newspaper by order of the superior court in the County in which it is published and it is now and has been for more than six months prior to the date of the publications hereinafter referred to, published in the English language continually as a newspaper in Ellensburg, Kittitas County, Washington, and it is now and during all of said time printed in an true copy of

ASPECT CONSULTING, LLC
PN: Water Conservancy Board

is published in regular issues (and not in supplement form) of said newspaper once a week for a period of 2 consecutive week(s), commencing on the following days.

10/24/24, 10/31/24

All dates inclusive and that such newspaper were regularly distributed to its subscribers during all of said period. That the full amount of the fee charged for the foregoing publication is the sum of \$495.73 the rate of \$13.75 per column inch for each insertion.

Ruth Turner

Subscribed to me this date: 10/31/24

BRITTANY GONZALES
Notary Public
State of Washington
Commission # 22011993
My Comm. Expires Mar 12, 2026

Brittany Gonzales

Signed Name

Printed Name
Notary Public in and for
The State of Washington
(SEAL)

Legals

Legals

Legals

Legals

Legals

Legals

BEFORE THE KITTITAS COUNTY WATER CONSERVANCY BOARD
ELLENSBURG, WASHINGTON

Notice of Application to Change the place of use and purpose of use under 84-83516-J.

TAKE NOTICE: That on September 17, 2024, Nunnally Holdings LLC of Moses Lake, Washington, filed application number KITT-24-01 with the Kittitas County Water Conservancy Board to change the place of use and add purposes of use under 84-83516-J.

That said right, under priority date of June 30, 1872, authorize the diversion of 2.233 cubic foot per second (cfs) from April 1 through June 30 and 1.177 cfs from July 1 through October 31 and an annual quantity of 720.2 acre-feet per year (ac-ft/yr) from Manastash Creek located within the SE¼ NW¼ of Section 7, T. 17 N., R. 18 E.W.M. That said right authorize water to be used for irrigation of 101 acres from April 1 to October 31 from the NE¼ NW¼ and the NW¼ NE¼ of Section 8 and that part of the SW¼ SE¼ of Section 6, lying south of Manastash Creek all in T. 17 N., R. 18 E.W.M.

That the applicant proposes to change the entirety of the right as follows:

• The purpose of use to instream flow and instream flow for mitigation; and

• The place of use from the historical point of diversion, downstream to the confluence with the Yakima River then downstream to the Yakima River Canyon within Kittitas County (RM 127).

Any protests or objections to the approval of this application may be filed with the Department of Ecology and must include a detailed statement of the basis for objections; protests must be accompanied by a fifty dollar (\$50) recording fee and filed with the Department of Ecology Cadastral Unit, P.O. Box 47611, Olympia, WA 98504-7611 within thirty (30) days from October 31, 2024.

Any interested party may submit comments, objections, and other information to the board regarding this application. The comments and information may be submitted in writing or verbally at any public meeting of the board held to discuss or decide on the application. This application will be on the board agenda during its regular meetings to be held on the third Tuesday of each month at the Kittitas County Conservation District 2211 W. Dollyway Road Suite #4 at 3:00 p.m. and at subsequent scheduled meetings thereafter until the Board renders a decision on the application. Additionally, the Water Conservancy Board, may receive written comments or information through November 30, 2024 at its offices located at PO Box 605, Ellensburg, WA 98926.

PUBLISH: Daily Record: October 24 & 31, 2024 / LEGAL #: 572770

City of Ellensburg

**REQUEST FOR PROPOSALS
TREE INVENTORY, URBAN FOREST
MANAGEMENT PLAN & MUNICIPAL TREE
ORDINANCE SERVICES**

GENERAL INFORMATION:

The City of Ellensburg invites qualified consultants to submit proposals for the development of a Park Tree Inventory, a comprehensive Urban Forest Management Plan (UFMP), an updated Tree Ordinance, and Street Tree Development Standards. This project aims to modernize Ellensburg's urban forestry program, improve tree health, expand canopy coverage, and address equity in access to green spaces, particularly in underserved areas.

Issue date: October 29, 2024

Questions due: November 11, 2024, 3:00 PM

Submit date: November 19, 2024, 3:00 PM

Inquiries/submissions:

Erin McGowan, Stormwater/Urban Forestry Tech
City of Ellensburg, Public Works & Utilities Department
501 N. Anderson Street, Ellensburg, WA 98926
mcgowan@ellensburgwa.gov
(509) 962-7237

All questions concerning this request for proposals (RFP) must be submitted via email per the schedule outlined above. Replies to all inquiries will be made in writing and issued on November 13, 2024, through an addendum for the RFP. All addenda will be posted to the City's website, <https://ci.ellensburg.wa.us/bids.aspx>.

PROJECT SCOPE

- Task 1 – Park Tree Inventory
- Task 2 – Urban Forest Management Plan
- Task 3 – Municipal Ordinance Rewrite
- Task 4 – Street Tree Section for Public Works Development Standards
- Task 5 – Outreach & Engagement Materials

BUDGET:

The anticipated budget for the project is up to \$202,000. Upon selection of a qualified consultant, the scope and fee will be negotiated. The City shall not be responsible for any costs incurred during the preparation of materials and submission of the Request for Proposals.

TERM OF CONTRACT:

The project shall be initiated as soon as possible after contract execution and completed promptly with final deliverables and invoices received no later than June 1, 2027 (The end date of the 2024 DNR Community Forestry Assistance Grant agreement is June 30, 2027).

PUBLISH: Seattle Daily Journal of Commerce: October 31 & November 7, 2024

PUBLISH: Daily Record: October 31 & November 7, 2024 / LEGAL #: 572803



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here!**

BEFORE THE KITTITAS COUNTY WATER CONSERVANCY BOARD
ELLENSBURG, WASHINGTON

Notice of Application to Change the place of use and the purpose of use under 84-83504-J.

TAKE NOTICE: That on September 17, 2024, Nunnally Holdings LLC of Moses Lake, Washington, filed application number KITT-24-02 with the Kittitas County Water Conservancy Board to change the purpose and place of use under 84-83504-J.

That said right, under priority date of June 30, 1872, authorize the diversion of 0.233 cubic foot per second (cfs) from April 1 through June 30 and 0.117 cfs from July 1 through October 31 and an annual quantity of 71.1 acre-feet per year from Manastash Creek located within the NW¼ NE¼ of Section 14, T. 17 N., R. 17 E.W.M. That said right authorize water to be used for irrigation of 10 acres from April 1 to October 31 from within that portion of the S½ NE¼ NE¼ of Section 8, T. 17 N., R. 18 E.W.M. lying westerly of the West Side Canal, Kittitas County, Washington.

That the applicant proposes to change the entirety of the right as follows:

• The purpose of use to instream flow; and

• The place of use to Manastash Creek beginning from the historical point of diversion downstream to the confluence with the Yakima River within Kittitas County.

Any protests or objections to the approval of this application may be filed with the Department of Ecology and must include a detailed statement of the basis for objections; protests must be accompanied by a fifty dollar (\$50) recording fee and filed with the Department of Ecology Cadastral Unit, P.O. Box 47611, Olympia, WA 98504-7611 within thirty (30) days from October 31, 2024.

Any interested party may submit comments, objections, and other information to the board regarding this application. The comments and information may be submitted in writing or verbally at any public meeting of the board held to discuss or decide on the application. This application will be on the board agenda during its regular meetings to be held on the third Tuesday of each month at the Kittitas County Conservation District 2211 W. Dollyway Road Suite #4 at 3:00 p.m. and at subsequent scheduled meetings thereafter until the Board renders a decision on the application. Additionally, the Water Conservancy Board, may receive written comments or information through November 30, 2024 at its offices located at PO Box 605, Ellensburg, WA 98926.

PUBLISH: Daily Record: October 24 & 31, 2024 / LEGAL #: 572767

Notice of Application

Project Name: Stolarenko (SE-24-00032)

Applicant: Eduard Stolarenko

Location: The subject properties are parcel #'s 577935, off Keeney Drive, east of the intersection of SR 906 & Keeney Drive by 0.03 miles in Snoqualmie Pass, WA. In Section 08, Township 22, Range 11, in Kittitas County.

Proposal: Eduard Stolarenko is proposing a pedestrian bridge over a seasonal stream to access the property from the road. The subject property is zoned Residential. The subject properties land use is LAMIRO.

Materials Available for Review: The complete SEPA Checklist and application file may be viewed at Kittitas County Community Development Services, 411 N. Ruby St, Suite 2, Ellensburg, WA 98926 during regular business hours. The file can also be viewed online at <https://www.co.kittitas.wa.us/development-services/default.aspx> navigating to "State Environmental Policy Act (SEPA)," then to the application number "SE-24-00032 Stolarenko."

Written Comments from the public may be submitted to the Kittitas County Community Development Services no later than **November 15, 2024, at 5:00 p.m.**, after which a SEPA threshold determination will be issued pursuant to 43.21C RCW (State Environmental Policy Act). A Determination of Non-Significance is expected to be issued using the Optional DNS Process under WAC 197-11-355. This may be the only opportunity to comment on the environmental impacts of this proposal. A copy of this subsequent threshold determination will be available to the public upon request.

Designated Permit Coordinator (staff contact): Bradley Gasowski (509) 962-7539; email at bradley.gasowski@co.kittitas.wa.us.

Notice of Application: October 31, 2024
Application Received: October 15, 2024
Application Complete: October 30, 2024

PUBLISH: Daily Record: October 31, 2024 / LEGAL #: 576607

**NOTICE OF PUBLIC HEARING
CITY OF ELLENSBURG
2024 LAND DEVELOPMENT CODE AMENDMENTS**

NOTICE IS HEREBY GIVEN that the City of Ellensburg Planning Commission will hold a public hearing on Thursday, November 14, 2024 at 5:45 p.m. to consider proposed Land Development Code Amendments.

Materials Available for Review: The proposed amendments and related documents may be examined by the public by visiting the City of Ellensburg Community Development Department webpage at Public Notice/Current Projects | Ellensburg, WA and navigating to the # P24-059.

Written Comments from interested persons will be accepted by USPS Mail or email to carlson@ci.ellensburg.wa.us until 3:00 p.m. on November 14, 2024.

Mailing Address: Community Development Dept., 501 N. Anderson St., Ellensburg, WA 98926.

Staff contact: Dan Carlson, Community Development Director

NOTICE IS FURTHER GIVEN that all persons interested in this matter may participate in the hybrid meeting by contacting Staff no later than 5:00 p.m. on Thursday, November 14, 2024. An email link, or phone number will be provided which will allow for electronic participation in the public hearing.

The City of Ellensburg strives to make our services, programs, and activities readily accessible and usable by individuals with disabilities. Reasonable accommodations will be made upon request.

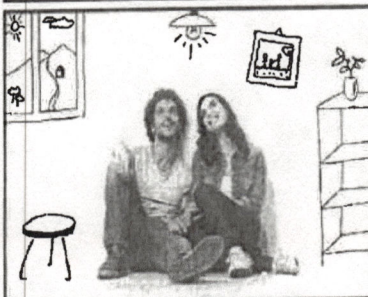
PUBLISH: Daily Record: October 31, 2024 / LEGAL #: 576609



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DEPT OF ECOLOGY
CENTRAL REGIONAL OFFICE

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Ellensburg, WA 98926
Ph. (509) 204-8236 Fax: (907) 452-5054

BILLING DATE:	ACCOUNT NO.
10/31/24	50014

WENDY VALDEZ
ASPECT CONSULTING, LLC
1106 N. 35TH AVENUE
YAKIMA, WA 98902

AD #	DESCRIPTION	START	STOP	TIMES	AMOUNT
572770	PN: Water Conservanc	10/24/24	10/31/24	4	\$495.73

Payments:

Date	Method	Card Type	Last 4 Digits	Check	Amount
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Discount: \$0.00
Surcharge: \$0.00
Credits: \$0.00

Gross: \$495.73
Paid Amount: \$0.00

Amount Due: \$495.73

We Appreciate Your Business!

572770

AFFIDAVIT OF PUBLICATION

State of Washington, County of Kittitas, ss: The undersigned being first duly sworn on oath, deposes and says: That he/she is the representative of The Daily Record, a daily newspaper. That said newspaper is a legal newspaper and has been approved as a legal newspaper by order of the superior court in the County in which it is published and it is now and has been for more than six months prior to the date of the publications hereinafter referred to, published in the English language continually as a newspaper in Ellensburg, Kittitas County, Washington, and it is now and during all of said time printed in an true copy of

ASPECT CONSULTING, LLC
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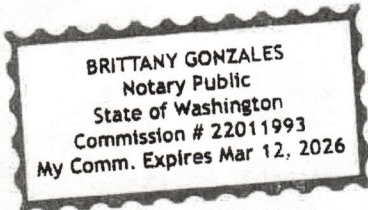
is published in regular issues (and not in supplement form) of said newspaper once a week for a period of 2 consecutive week(s), commencing on the following days.

10/24/24, 10/31/24

All dates inclusive and that such newspaper were regularly distributed to its subscribers during all of said period. That the full amount of the fee charged for the foregoing publication is the sum of \$480.44 the rate of \$13.75 per column inch for each insertion.

Ruth Turner

Subscribed to me this date: 10/31/24



Printed Name
Notary Public in and for
The State of Washington
(SEAL)

Brittany Gonzales
Signed Name

