

WATER TRANSFER WORKING GROUP PROJECT DESCRIPTION

APPLICATION NO./COURT CLAIM NO. USBR (YRBWEP BCP-funded conserved water from U.S./Sunnyside Division water rights) CS4-01752@6 through CS4-01752@17 (12 applications)		
APPLICANT NAME US Bureau of Reclamation	CONTACT NAME Stan Isley	TELEPHONE NO. (509) 575-5848, ext. 281
WATER RIGHT HOLDER'S NAME (if different) US Bureau of Reclamation (YRBWEP BCP-funded conserved water from U.S./Sunnyside Division irrigation season water rights)		EMAIL sisley@usbr.gov

DATES OF APPLICATIONS CS4-01752@6 through CS4-01752@11: August 15, 2012 CS4-01752@12 through CS4-01752@17: September 29, 2016	PRIORITY DATES 6-29-1878, 6-30-1878, 9-03-1890, 7-18-1893, 5-09-1905, and 5-10-1905.
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WATER SOURCE: Yakima River	CROP: A mix of perennial orchard, vineyard, etc., and annual pasture, etc., crops.
INSTANTANEOUS QUANTITY: 1) June 29, 1878 – 24 cubic feet per second (cfs); 2) June 30, 1878 – 34 cfs; 3) September 3, 1890 – 537 cfs; 4) July 18, 1893 – 30 cfs; 5) May 9, 1905 – 2 cfs; and, 6) May 10, 1905 – 689 cfs.	ANNUAL QUANTITY: 1) June 29, 1878 – 1,925 acre-feet per year (af/yr); 2) June 30, 1878 – 14,089 af/yr; 3) September 3, 1890 – 145,776 af/yr; 4) July 18, 1893 – 12,698 af/yr; 5) May 9, 1905 – 138 af/yr; and, 6) May 10, 1905 – 260,796 af/yr.
PERIOD OF USE: April 1 – October 31	
PLACE OF USE: The irrigable acres within the Sunnyside Division exterior boundaries as of the August 14, 2003 date of the Court's Conditional Final Order, but not to exceed 99,244 irrigated acres within the total 103,570 irrigable acres within the Sunnyside Division.	PURPOSE OF USE: Historic irrigation and related uses.
IRRIGATION METHOD: The full mix of irrigation methods.	

CONSUMPTIVE USE CALCULATION: Primary reach Trust and Non-Trust Program water rights only, no fallowed consumptive use, so no secondary reach Trust water rights can be created. <u>A. Primary reach Trust water Q's for applications CS4-01752@6 through CS4-01752@11</u> total a maximum of 41,371 af/yr (of the 6 U.S./Sunnyside Division water rights confirmed for irrigation and related uses from 4/01-10/31), subject to the applicable drought-year prorationing rate of the U.S./Sunnyside Division water rights (which are 68.9% non-proratable and 31.1% proratable), managed by USBR in the primary reach either: 1) as constant rate instream flow Trust

water rights, from 4/01-10/31, totaling 97.47 cfs (subject to prorationing during drought years), or 2) alternatively USBR may use available storage space in the 5 Federal reservoirs in the Yakima Basin to shape the release and use of this Trust water, at varying release rates in cfs, to maximize fisheries and habitat benefits, from 4/01 through 3/31 of the following year.

B. Primary reach Non-Trust Program water Q's for applications CS4-01752@12 through CS4-01752@17 total a maximum of 9,712 af/yr (of the 6 U.S./Sunnyside Division water rights confirmed for irrigation and related uses from 4/01-10/31), subject to the applicable drought-year prorationing rate of the U.S./Sunnyside Division water rights (which are 68.9% non-proratable and 31.1% proratable), managed by USBR either for instream flow augmentation or augmentation of the Yakima Basin's Total Water Supply Available (TWSA) for irrigation and other existing valid TWSA water uses, as follows:

- During full water supply years and minor drought years when Yakima Basin proratable May 10, 1905 priority water rights are prorated to between 70.1% and 99.9% of their full water supply, USBR will manage this 9,712 af/yr (as prorated) of Non-Trust water either, 1) as constant rate instream flow (Non-Trust) water rights, from 4/01-10/31, totaling 22.88 cfs (subject to prorationing), or 2) alternatively USBR may use available storage space in the 5 Federal Yakima Basin reservoirs to shape the release and use of this Non-Trust water, at varying release rates in cfs, to maximize fisheries and habitat benefits, from 4/01 through 3/31 of the following year.

- But during serious drought years when USBR declares 70% or worse prorationing of Yakima Basin proratable May 10, 1905 priority water rights, USBR will manage the prorated remainder of this 9,712 af/yr of Non-Trust water to augment the Yakima Basin TWSA for irrigation and other valid existing TWSA water uses.

NARRATIVE DESCRIPTION OF PROJECT:

The USBR, The Yakama Nation (YN), The Washington Department of Ecology (Ecology), and the Sunnyside Division and its member entities, entered the Sunnyside Division Water Right Settlement Agreement on May 12, 2003. The parties agreed, in Section 6 of that agreement, to fund Sunnyside Division water conservation projects with Yakima River Basin Water Enhancement Project (YRBWEP) funding, generally providing that two-thirds of the resultant conserved water would be applied to use as instream target flow increases at the Parker and Prosser stream flow gages in the lower Yakima River, and one-third of the conserved water would be used to augment the Sunnyside Division drought-year water supply.

The YRBWEP-funded Sunnyside Division Phase I water conservation project is now completed, and Phase II is ongoing, with its expected completion date being about 2032.

USBR continues to acquire additional instream target flow enhancement water each year as the ongoing Sunnyside Division water conservation project work is implemented, with the final total of 41,371 af/yr (subject to drought-year prorationing) of conserved water (instream flow Trust water) to be acquired upon final completion of the Phase II conservation project about 2032. USBR proposes to place this 42,371 af/yr (subject to prorationing) of water in the Trust Program for instream target flow

enhancement use in the Yakima River, either 1) as a default constant rate instream flow augmentation of 97.47 cfs (subject to prorationing) from 4/01-10/31, from the Sunnyside Diversion Dam at Yakima River Mile (RM) 103.8, downstream to the last return flow point from the Sunnyside Division at the Kiona Canal Wasteway's discharge to the Yakima River at Yakima RM 23.8, where these instream flow Trust water rights would terminate; OR, 2) USBR may choose to utilize available storage space in the 5 Federal Yakima Basin reservoirs to make shaped releases, at varying rates of flow in cfs, of these Trust water rights to maximize fisheries and habitat benefits, with the place of use being from the outlets of each of the 5 Federal Yakima Basin reservoirs downstream to the Kiona Canal Wasteway discharge to the Yakima River at Yakima RM 23.8, where these instream flow Trust water rights would terminate.

On 4-20-2010, the USBR entered a Diversion Reduction Agreement with the Sunnyside Division and its Constituent Entities, authorizing the USBR to use the one-third block of conserved water from Sunnyside Division's Phase I water conservation project (9,712 af/yr during full water supply years, subject to drought-year prorationing) for instream target flow enhancement in the Yakima River, during full water supply years, and (as prorated) during minor drought years when USBR prorates Yakima Basin prorable water rights to between 70.1% and 99.9% of full supply. This agreement also provides that USBR will manage the prorated remainder of this 9,712 af/yr of conserved water to augment the Yakima Basin TWSA for irrigation and other existing valid TWSA uses, during serious drought years when USBR declares 70% or worse prorationing of prorable Yakima Basin water rights.

USBR, YN, Ecology, and the Sunnyside Division and its member entities, entered the Second Amendment to the Sunnyside Division Water Rights Settlement Agreement on 6-23-2010, which (among other things) endorsed USBR's acquisition of the right to use up to 100% of Sunnyside conserved water for instream target flow enhancement, as agreed in the 4-20-2010 USBR/Sunnyside Division Diversion Reduction Agreement. USBR obtained Yakima Adjudication Court Order Pendente Lite (OPL) authorization on 5-11-2010 to use this 9,712 af/yr of U.S./Sunnyside conserved water (subject to prorationing) for instream flow augmentation most years, and for general augmentation of the Yakima Basin TWSA during serious drought years (with 70% or worse prorationing).

The Sunnyside Canal's Yakima River diversion point is at Yakima RM 103.8, within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 28, T. 12 N., R. 19 E.W.M.

The Kiona Canal Wasteway's discharge to the Yakima River is at Yakima RM 23.8, within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 30, T. 10 N., R. 27 E.W.M., where these Trust water rights (41,371 af/yr, or as prorated) and Non-Trust water rights (9,712 af/yr, or as prorated) would terminate.

The USBR will place this 41,371 af/yr (subject to drought-year prorationing) block of U.S./Sunnyside Division conserved water in the Trust Program under the terms of Memorandum of Understanding #1425-0-8MU1U7121, between the Bureau of Reclamation and the Department of Ecology, for Water Marketing and Management of Trust Water Rights in the Yakima Basin, entered on July 9, 2008.

That MOU provides that USBR will place this water into Trust for 10-year, automatically-renewing terms; the water will remain in USBR ownership while it is in Trust; and USBR can remove it from Trust by providing 60-day notice to Ecology if

USBR determines its placement in the Trust is no longer meeting the goals of YRBWEP.

USBR will manage the 9,712 af/yr (subject to prorationing) block of U.S. Sunnyside Division conserved water outside the Trust Program, as either instream flow enhancement water in full water supply years and minor drought years, or for general augmentation of the Yakima Basin TWSA during 70% or worse prorationing years, as described above.

DETAILS: The total 51,083 af/yr (i.e., 41,371 af/yr of Trust water and 9,712 af/yr of Non-Trust water) of USBR's Sunnyside conserved water (subject to drought-year prorationing) is allocated to each of the U.S./Sunnyside Division water rights as follows:

1) Trust applications (41,371 af/yr total):

- a) CS4-01752@6 – 182.90 af/yr (0.431 cfs, or as shaped), 6-29-1878 priority;
- b) CS4-01752@7 – 1,338.65 af/yr (3.154 cfs, or as shaped), 6-30-1878 priority;
- c) CS4-01752@8 – 13,850.70 af/yr (32.631 cfs, or as shaped), 9-03-1890 priority;
- d) CS4-01752@9 – 1,206.48 af/yr (2.842 cfs, or as shaped), 7-18-1893 priority;
- e) CS4-01752@10 – 13.11 af/yr (0.031 cfs, or as shaped), 5-09-1905 priority; and,
- f) CS4-01752@11 – 24,779.16 af/yr (58.378 cfs, or as shaped), 5-10-1905 priority.

Trust Water Rights Totals: 41,371 af/yr (97.47 cfs from 4/01-10/31, or as usage is shaped from 4/01-3/31).

2) Non-Trust applications (9,712 af/yr total):

- g) CS4-01752@12 – 42.94 af/yr (0.101 cfs, or as shaped), 6-29-1878 priority;
- h) CS4-01752@13 – 314.25 af/yr (0.740 cfs, or as shaped), 6-30-1878 priority;
- i) CS4-01752@14 – 3,251.50 af/yr (7.660 cfs, or as shaped), 9-03-1890 priority;
- j) CS4-01752@15 – 283.23 af/yr (0.667 cfs, or as shaped), 7-18-1893 priority;
- k) CS4-01752@16 – 3.08 af/yr (0.007 cfs, or as shaped), 5-09-1905 priority; and,
- l) CS4-01752@17 – 5,817.00 af/yr (13.704 cfs, or as shaped), 5-10-1905 priority.

Non-Trust Water Rights Totals: 9,712 af/yr (22.88 cfs from 4/01-10/31, or as usage is shaped from 4/01-3/31).

Grand Total Trust and Non-Trust Water Rights: 51,083 af/yr (120.35 cfs from 4/01-10/31, or as usage is shaped from 4/01-3/31).

These proposed Trust and Non-Trust water right changes/transfers will of course be conditioned to ensure no detriment or injury or impairment of third-party Yakima Basin water rights.

The USBR seeks a WTWG thumbs up approval recommendation for this set of Trust and Non-Trust Program transfers of these YRBWEP-funded conserved water portions of the U.S./Sunnyside Division water rights originally confirmed by the Yakima Adjudication Court for irrigation and related uses during the 4/01-10/31 irrigation season.