

WATER TRANSFER WORKING GROUP PROJECT DESCRIPTION

APPLICATION NO./COURT CLAIM NO. KIT-20-05 (CS4-83764-J)		Proposed split of water right: (A) Tom and Carol Conner (B) Charley and Lanora Rosenberry
APPLICANT NAME Charley Rosenberry and Lanora Rosenberry, husband and wife	CONTACT NAME Paul Dempsey / Halverson Northwest Law Group	TELEPHONE NO. 509-248-6030
WATER RIGHT HOLDER'S NAME (if different) Tom Conner and Carol Conner, husband and wife		EMAIL pdempsey@hnw.law

DATE OF APPLICATION November 17, 2020	PRIORITY DATE June 30, 1899
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WATER SOURCE: Teanaway River	CROP: pastureland
INSTANTANEOUS QUANTITY: (A) 0.8 cfs, May 1 through June 30 0.38 cfs, July 1 through September 15 (B) 0.02 cfs, July 1 through September 15	ANNUAL QUANTITY: (A) 70.72 AF/y, May 1 through June 30 42.41 AF/y, July 1 through September 15 (B) 2.23 AF/y, July 1 through September 15
PERIOD OF USE: Early Season: May 1 through June 30. Late Season: July 1 through September 15	
PLACE OF USE: (A) Early Season: E $\frac{1}{2}$ NE $\frac{1}{4}$ and SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 9, T. 20 N., R. 16 E.W.M., lying south of the Teanaway Road and north of the Teanaway River. Late Season: Same as above with the additional portion of the NW $\frac{1}{4}$ of Section 10 (minus the Rosenberrys' parcel) (B) Lots 1 and 2 of Downs SP 12-00007, S. 14, T. 20 N., R. 16 E.W.M. (Assessor's Parcel Nos. 959263 and 959264)	PURPOSE OF USE: (A) Irrigation of 40 acres, May 1 through June 30 Irrigation of 19 acres, July 1 through September 15 (B) Irrigation of one (1) acre, July 1 through September 15
IRRIGATION METHOD: (A) Wheel line sprinklers, fed by pipe from onsite pond, hydraulically connected to the Teanaway River (POD 1). (B) Sprinklers, sourced from two proposed new points of diversion, downstream from the currently authorized points of diversion on the Teanaway river: (1) a shallow well hydraulically connected to the Teanaway River; and (2) an in-river diversion, both of which are to be located within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 14, T. 20N, R. 16 E.W.M. (Assessor's Parcel No. 154835).	

NARRATIVE DESCRIPTION OF PROJECT:

Certificate S4-83764-J authorizes irrigation of 40 acres from May 1 through June 30, within that portion of the E½NE¼ and the SW¼NE¼ of Section 9, T. 20 N., R. 16 E.W.M. (the “Early Season Right”); as well as irrigation of 20 acres from July 1 through September 15, within that portion of the E½NE¼ and the SW¼NE¼ of Section 9, and that portion of the NW¼ of Section 10, T. 20 N., R. 16 E.W.M., lying south of the Teanaway Road and north of the Teanaway River (the “Late Season Right”). The Late Season Right authorizes the diversion of up to 0.40 cubic foot per second (cfs) and 44.64 acre-feet per year (AF/y). The Early Season Right and Late Season Right have two authorized points of diversion: (1) 470 feet from the Teanaway River in the SW¼NW¼ of Section 10, T. 20 N., R. 16 E.W.M., approximately 7,600 feet downstream from the historical Ballard Ditch diversion located in the NE¼NE¼ of Section 8, T. 20 N., R. 16 E.W.M.; and (2) a pump in the Teanaway River in the NW¼SW¼ of Section 10, T. 20 N., R. 16 E.W.M.

Applicants recently purchased from Mr. and Mrs. Conner a 20-acre parcel, Kittitas County Parcel No. 044835, which lies entirely within the above-described, authorized Late Season Right POU, together with 0.02 cfs, 2.23 AF/y for irrigation of one (1) acre under S4-83764-J during the period July 1 through September 15. Applicants propose to transfer their purchased irrigation rights downstream on the Teanaway River to the proposed new/additional place of use on Applicants’ farm, identified above. In connection therewith, Applicants will not irrigate any portion of said Parcel No. 044835 at the currently authorized POU. Likewise, Mr. and Mrs. Conner, who have consented to and are participating in this application, have agreed to the fallowing of one (1) acre within the currently authorized Late Season Right POU, to facilitate the proposed downstream transfer. The Conners will continue to irrigate with their Early Season Right under S4-83764-J, as well as with their retained portions of the Late Season right (19 acres; 0.38 cfs; and 42.41 AF/y) within a modified upstream Late Season Right POU that will no longer include Applicants’ Parcel No. 044835.

S4-83764-J was confirmed by Ecology in 2018 under change authorization CS4-00746sb3@7, by which portions of the Conner family’s predecessor water right were transferred to instream flow and trust purposes. The portion of S4-83764-J recently purchased by Applicants comes from the Conner-retained irrigation rights under the CS4-0074sb3@7 change authorization. (The portion approved for transfer to instream flow is now recognized as S4-85354-J.) Under this application, for purposes of the required tentative determination, Applicants intend to rely on Ecology’s findings under CS4-0074sb3@7.

Applicants conducted pre-application consultation with Ecology CRO Water Resources staff concerning the proposed downstream transfer. Additionally, Applicants conferred extensively with Department of Fish & Wildlife staff and Kittitas County, to identify acceptable locations for the proposed new points of diversion in light of Teanaway River seasonal flow and fish habitat considerations. Because the shallow well is located away from the River and approximately 240’ from the ordinary highwater mark, both WDFW and the County have confirmed that neither Hydraulic Project Approval (HPA) nor shorelines substantial development permit requirements will apply in this case. Construction of the in-river diversion is expected to require an HPA permit.

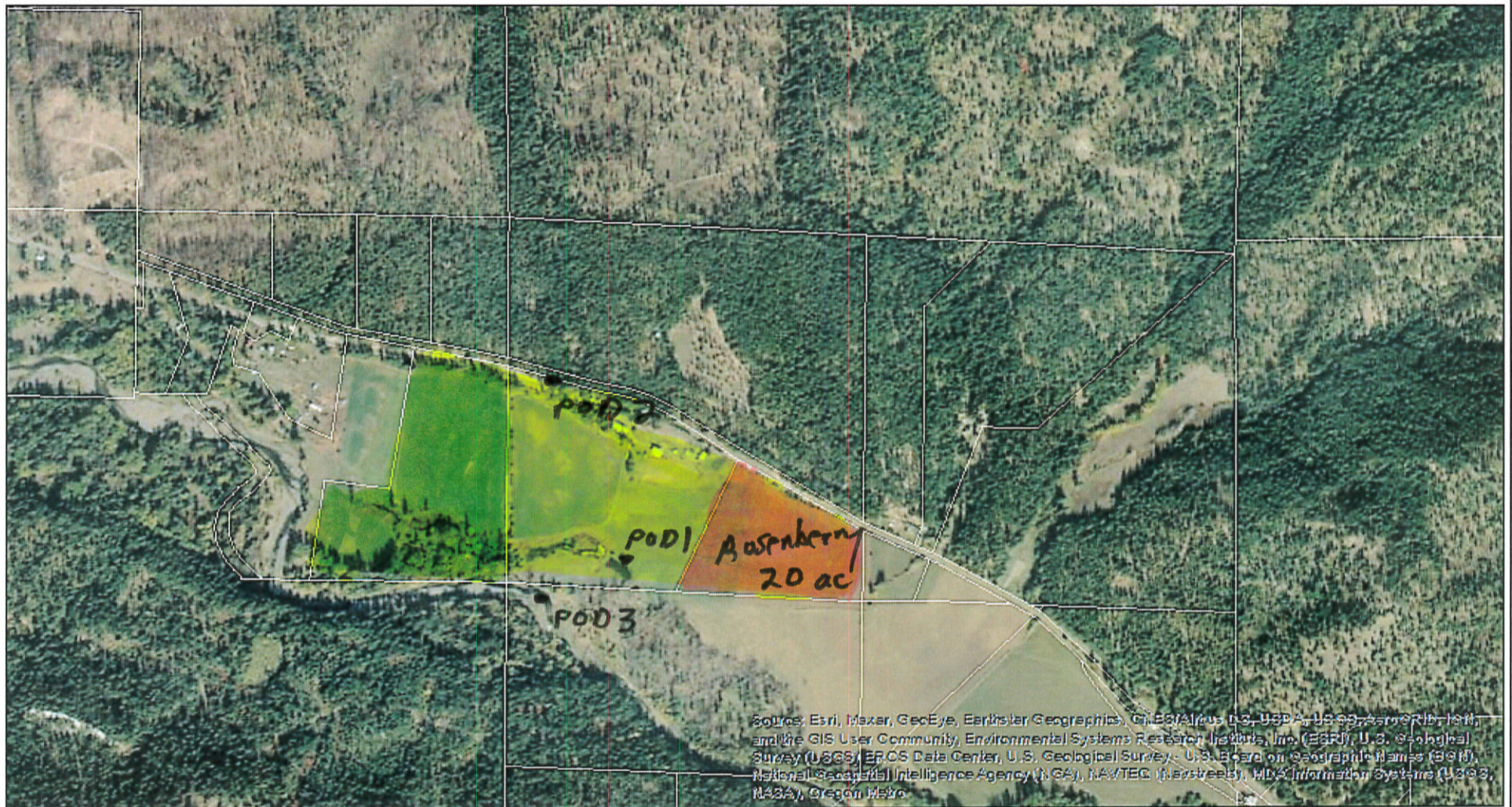
Applicants anticipate that application approvals will include metering and reporting conditions consistent with Ch. 173-173 WAC and *Acquavella* requirements to ensure combined upstream and downstream diversions will not exceed determined valid quantities under S4-83764-J.

Attached are the following:

- Annotated aerial photo of currently authorized POU and PODs under S4-83764-J.
 - Combined green, yellow, and orange areas comprise the late-season POU.
 - The green area comprises the early-season-only POU (Conner-retained land).
 - The combined green and yellow areas (Conner-retained land) comprise the proposed late-season POU for the “upstream” portion of the right.
- Annotated aerial photo of proposed “downstream” place of use for Rosenberry-purchased and transferred rights, shown in yellow (23.56 combined acres), including proposed new POD 1 (shallow well) and POD 2 (instream diversion).

(Applicants have also filed a companion change application to transfer a portion the Conners’ early season right under S4-83763-J, summarized in a separate WTWG Project Description.)

Upstream POU S4-83764-J



Date: 1/7/2021

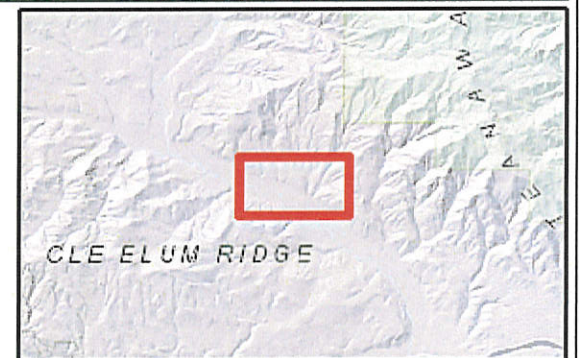
1 inch = 1,505 feet
Relative Scale 1:18,056

Disclaimer:

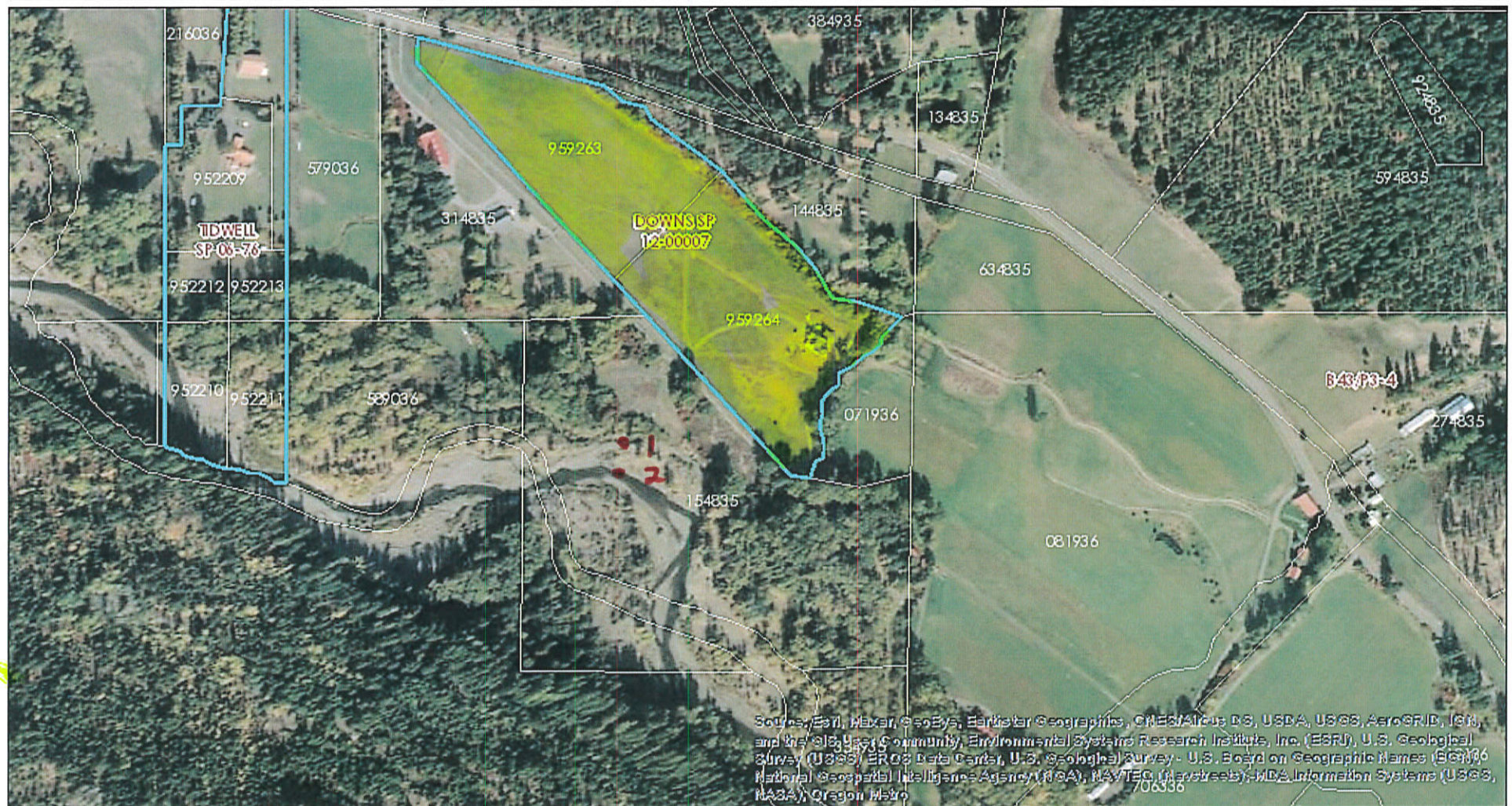
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0 0.0750.15 0.3 0.45 0.6 mi



Proposed Rosenberry Downstream POU (83763 & 83764)



Date: 1/7/2021

1 inch = 752 feet

Relative Scale 1:9,028

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