

CLAIMANT NAME: **United States of America in trust
for Yakama Nation** COURT CLAIM NO. 02276
(A) 03074
(A) 05548
(A) 07253

Certificate Number: S4-84764-J
Subbasin: FI Federal Reserved (Indian)
Source: Yakima River and its tributaries
Use: A diminished treaty water right for fish and other aquatic life
Period of Use: N/A
Quantity: Minimum instream flow necessary to maintain fish and other aquatic life
Priority Date: **Time Immemorial**
Point of Diversion: N/A
Place of Use: N/A
Limitations Of Use: Amended Partial Summary Judgment Entered as Final Judgment Pursuant to Civil Rule 54(b), November 29, 1990, affirmed Ecology v. Yakima Reservation Irrigation District, 121 Wn.2d 257, 850 P.2d 1306 (1993) and Final Order Re: Treaty Reserved Water Rights at Usual and Accustomed Fishing Places, March 1, 1995, and other opinions and orders of the court.

This water right is a federally reserved right and is not subject to state regulation, law or oversight.

CLAIMANT NAME: **United States of America in trust
for Yakama Nation** COURT CLAIM NO. 02276
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Certificate Number: S4-84758-J
Subbasin: FI Federal Reserved (Indian)
Source: Satus Creek, Simcoe Creek and Toppenish Creek
Use: An undiminished Treaty water right for fish and other aquatic life
Period of Use: Continuously
Quantity: Water for the Treaty water right for fish and other aquatic life as recognized in opinions and orders of the court
Priority Date: **Time Immemorial**
Point of Diversion: N/A
Place of Use: Satus Creek, Simcoe Creek and Toppenish Creek
Limitations Of Use: Amended Partial Summary Judgment Entered as a Final Judgment Pursuant to Civil Rule 54(b), November 29, 1990, Affirmed Ecology v. Yakima Reservation Irrigation District, 121 Wn.2d 257, 850 P.2d 1306 (1993) and Final Order Re: Treaty Reserved Water Rights at Usual and Accustomed Fishing Places, March 1, 1995, and other opinions and orders of the court.

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CLAIMANT NAME: **United States of America Bureau of Indian Affairs as trustee for Yakama Nation and water users within the Wapato-Satus Unit of the Wapato Irrigation Project** COURT CLAIM NO. 02276 (A) 03074 (A) 05548 (A) 07253

Certificate Number: S4-84763-J

Subbasin: FI Federal Reserved (Indian)

Source: Yakima River

Use: Irrigation of 72,000 irrigable acres and domestic uses incidental thereto

Period of Use: April 1 through October 31

Quantity: 573 cubic feet per second and 243,217 acre-feet per year (non-proratable)

Priority Date: **June 9, 1855**

Point of Diversion: SW $\frac{1}{4}$ of Section 17, T. 12 N., R. 19 E.W.M. (New Reservation Canal)

NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 28, T. 12 N., R. 19 E.W.M. (Old Reservation Canal)

Place of Use: "A" Lands within the Wapato-Satus Unit of the Wapato Irrigation Project within the Yakama Indian Reservation.

Limitations Of Use: The amount diverted into each canal shall be subject to the historic canal capacity of each canal.

The Bureau of Reclamation may allow diversions into the New Reservation Canal in November so long as the amounts diverted are within the overall quantities set forth in the Amended Partial Summary Judgment Entered as a Final Judgment Pursuant to Civil Rule 54(b), November 29, 1990, Affirmed Ecology v. Yakima Reservation Irrigation District, 121 Wn.2d 257, 850 P.2d 1306 (1993).

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CLAIMANT NAME: **United States of America Bureau of Indian Affairs as trustee for Yakama Nation and water users within the Wapato-Satus Unit of the Wapato Irrigation Project** COURT CLAIM NO. 02276 (A) 03074 (A) 05548 (A) 07253

Certificate Number: S4-84762-J

Subbasin: FI Federal Reserved (Indian)

Source: Yakima River

Use: Irrigation of 72,000 irrigable acres and domestic uses incidental thereto

Period of Use: April 1 through October 31

Quantity: 147 cubic feet per second and 62,396 acre-feet per year (non-proratable)

Priority Date: **June 9, 1855**

Point of Diversion: SW $\frac{1}{4}$ of Section 17, T. 12 N., R. 19 E.W.M. (New Reservation Canal)

NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 28, T. 12 N., R. 19 E.W.M. (Old Reservation Canal)

Place of Use: "A" Lands within the Wapato-Satus Unit of the Wapato Irrigation Project within the Yakama Indian Reservation.

Limitations Of Use: The amount diverted into each canal shall be subject to the historic canal capacity of each canal.

The Bureau of Reclamation may allow diversion into the New Reservation Canal in November so long as the amounts diverted are within the overall quantities set forth in the Amended Partial Summary Judgment Entered as a Final Judgment Pursuant to Civil Rule 54(b), November 29, 1990, Affirmed Ecology v. Yakima Reservation Irrigation District, 121 Wn.2d 257, 850 P.2d 1306 (1993).

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Certificate Number: S4-84761-J

Subbasin: FI Federal Reserved (Indian)

Source: Springs, reservoirs, pits, troughs, lakes within Toppenish, Simcoe and Satus drainages

Use: Stock water

Period of Use: Continuously

Quantity: 491.94 acre-feet per year (Attachment B/US 217B) and broken down as follows:

Toppenish Area:	114 facilities	126.56 acre-feet per year
Satus Area:	285 facilities	332.95 acre-feet per year
Yakima Area:	19 facilities	<u>32.43</u> acre-feet per year
Total:		491.94 acre-feet per year

The water may also be used at the additional points of diversion and places of use found on YIN 41, YIN 42, and YIN 259.

Priority Date: **June 9, 1855**

Point of Diversion: Attachment B/US 217B (to Gurney Affidavit); YIN 41; YIN 42; YIN 259

Place of Use: Attachment B/US 217B; YIN 41; YIN 42 (maps of additional locations); YIN 259

Limitations Of Use: This water right is a federally reserved right and is not subject to state regulation, law or oversight.

CLAIMANT NAME: **United States of America in trust for Yakama Nation** COURT CLAIM NO. 02276
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Certificate Number: S4-84760-J

Subbasin: FI Federal Reserved (Indian)

Source: Toppenish Creek, Simcoe Creek, Satus Creek and Local Springs

Use: Irrigation of 3,644.5 acres and domestic uses

Period of Use: April 1 through October 31

Quantity: 101.89 cubic feet per second and 22,183 acre-feet per year. These are further broken down as follows:

Toppenish Creek area:	53.57 cfs	11,360 acre-feet per yr
Simcoe Creek area:	39.23 cfs	8,322 acre-feet per yr
Local Springs:	.50 cfs	115 acre-feet per yr
Satus Creek:	<u>8.59 cfs</u>	<u>2,386</u> acre-feet per yr
Total:	101.89 cfs	22,183 acre-feet per yr

Priority Date: **June 9, 1855**

Point of Diversion: Supplemental Attachment C to the Supplemental Report of the Court (Vol. 25A) (June 21, 1996), *Ecology v. Acquavella*, No. 77-2-01484-5.

Place of Use: Within the following areas:

Toppenish Creek area:	1,888.0 acres
Simcoe Creek area:	1,351.0 acres
Local Springs areas:	18.2 acres
Satus Creek area:	<u>387.3</u> acres
Total:	3,644.5 acres

Limitations Of Use: This water right is a federally reserved right and is not subject to state regulation, law or oversight.

CLAIMANT NAME: **United States of America in trust for Yakama Nation** COURT CLAIM NO. 02276
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Certificate Number: S4-84759-J

Subbasin: FI Federal Reserved (Indian)

Source: Toppenish Creek, Simcoe Creek and Satus Creek

Use: Irrigation of 32,795.5 acres and domestic uses for future and idle lands. These lands are broken down further as:

Toppenish/Simcoe Area:	19,466.5 acres
Satus Area:	<u>13,329.0</u> acres
Total	<u>32,795.5</u> acres

Period of Use: April 1 through October 31

Quantity: 723.55 cubic feet per second and 125,981 acre-feet per year. The breakdown is as follows:

Toppenish/Simcoe Area:	418.99 cfs	70,051.0 ac-ft per yr
Satus Area:	<u>304.56</u> cfs	<u>55,930.0</u> ac-ft per yr
Total:	<u>723.55</u> cfs	<u>125,981.0</u> ac-ft per yr

See Attachment D (from Yakama Nation's Report, Vol. 25 (Nov. 13, 1995), *Ecology v. Acquavella*, No. 77-2-01484-5) and Supplemental Attachment A (from Supplemental Report, Vol. 25A (June 21, 1996)).

Priority Date: **June 9, 1855**

Point of Diversion: Supplemental Attachment B to the Supplemental Report of the Court (Vol. 25A) (June 21, 1996), *Ecology v. Acquavella*, No. 77-2-01484-5.

Place of Use: Future and Idle lands within the Toppenish/Simcoe Area and Satus Area within the Yakama Indian Reservation.

Limitations Of Use: This water right is a federally reserved right and is not subject to state regulation, law or oversight.

CLAIMANT NAME: **United States of America in trust for the Yakama Nation** COURT CLAIM NO. 01256 (A) 02527

Certificate Number: S4-84757-J

Subbasin: FI Federal Reserved (Indian)

Source: Satus Creek
Two water holes and a sump (stock water only)

Use: Irrigation, stock water and lawn and garden on 52 acres
Additionally, a right is confirmed for purposes of stock watering from two water holes and a sump on the place of use.

Period of Use: April 1 through October 31

Quantity: 3.0 cubic feet per second April 1 through June 30; 1.56 cubic feet per second July 1 through October 31; 220 acre-feet per year

Priority Date: **June 9, 1855**

Point of Diversion: Approximately the northeast corner of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 3, T. 7 N., R. 18 E.W.M.

Place of Use: Satus Ranch Block No. 9, Lots 23, 24, 25, 26, 38, 39, 40, 41 and Parcels A, B, and C in Sections 25, 26, 35, 36, T. 8 N., R. 18 E.W.M.

Limitations Of Use: This water right is a federally reserved right and is not subject to state regulation, law or oversight.

CLAIMANT NAME: **United States of America in trust for the Yakama Nation** COURT CLAIM NO. 02204

Certificate Number: S4-84756-J

Subbasin: FI Federal Reserved (Indian)

Source: Toppenish Creek

Use: Stock water and wildlife watering

Period of Use: October 1 through April 1

Quantity: 15 cubic feet per second and 5,414 acre-feet per year

Priority Date: **June 9, 1855**

Point of Diversion: S $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 29, T. 10 N., R. 19 E.W.M.

Place of Use: Double Z Ranch, 160 acres, located within Parcels #1 and #2 in the N $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 20 and the S $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 29, all in T. 10 N., R. 19 E.W.M.

Limitations Of Use: This water right is a federally reserved right and is not subject to state regulation, law or oversight.

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Certificate Number: S4-84753-J

Subbasin: FI Federal Reserved (Indian)

Source: Yakima River

Use: Stock water and wildlife purposes

Period of Use: November 1 to March 1

Quantity: 94 cubic feet per second and 9,490 acre-feet per year

Priority Date: **June 30, 1859**

Point of Diversion: NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 28, T. 12 N., R. 19 E.W.M. (Old Reservation Canal)

Place of Use: Yakama Indian Reservation

Limitations Of Use: This water right is a federally reserved right and is not subject to state regulation, law or oversight.

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Certificate Number: S4-84752-J

Subbasin: FI Federal Reserved (Indian)

Source: Yakima River

Use: Irrigation and domestic uses incidental thereto

Period of Use: February 15 through June 30

Quantity: 1,000 cubic feet per second and 18,000 acre-feet per year of floodwater

Priority Date: **June 30, 1859**

Point of Diversion: SW $\frac{1}{4}$ of Section 17, T. 12 N., R. 19 E.W.M. (New Reservation Canal)

Place of Use: A and B lands within the Wapato-Satus Unit of the Yakama Indian Reservation

Limitations Of Use: The amount of water diverted into the canal shall be subject to the historic canal capacity of canal.

Such water shall only be made available after all diversionary rights are satisfied as well as adequate instream flows for fish life and such diversions are consistent with overall Yakima Project operations. Determinations as to whether flood water exists shall be made by the Yakima Field Office Manager.

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Certificate Number: S4-84755-J

Subbasin: FI Federal Reserved (Indian)

Source: Yakima River

Use: Irrigation of 72,000 irrigable acres and domestic uses incidental thereto

Period of Use: April 1 through September 30

Quantity: 374 cubic feet per second and 100,000 acre-feet per year. The monthly breakdown is as follows:

April	151 cfs	9%	9,000 acre-feet per year
May	342 cfs	21%	21,000 acre-feet per year
June	336 cfs	20%	20,000 acre-feet per year
July	374 cfs	23%	23,000 acre-feet per year
August	342 cfs	21%	21,000 acre-feet per year
September	101 cfs	6%	6,000 acre-feet per year

Priority Date: **May 10, 1905**

Point of Diversion: SW $\frac{1}{4}$ of Section 17, T. 12 N., R. 19 E.W.M.
(New Reservation Canal)

NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 28, T. 12 N., R. 19 E.W.M.
(Old Reservation Canal)

Place of Use: A lands within the Wapato-Satus Unit of the Wapato Irrigation Project within the boundaries of the Yakama Indian Reservation.

Limitations Of Use: Interchange of the monthly entitlement in June, July, August, and September is allowed so long as the date for interchange is subsequent to the date for storage release for use below Union Gap and is limited to 70,000 acre-feet and may be modified by agreement between BOR and BIA during and for that irrigation season.

The amount diverted into each canal shall be subject to the historic canal capacity of each canal.

The Bureau of Reclamation may allow diversions into the New Reservation Canal in November so long as the amounts diverted are within the overall quantities set forth in the Amended Partial Summary Judgment Entered as a Final Judgment Pursuant to Civil Rule 54(b), November 29, 1990, Affirmed Ecology v. Yakima Reservation Irrigation District,

121 Wn.2d 257, 850 P.2d 1306 (1993).

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Certificate Number: S4-84754-J

Subbasin: FI Federal Reserved (Indian)

Source: Yakima River

Use: Irrigation of 48,000 irrigable acres and domestic uses incidental thereto

Period of Use: April 1 through September 30

Quantity: 935 cubic feet per second and 250,000 acre-feet per year. The monthly breakdown is as follows:

April	378 cfs	9%	22,500 acre-feet per year
May	853 cfs	21%	52,500 acre-feet per year
June	840 cfs	20%	50,000 acre-feet per year
July	935 cfs	23%	57,500 acre-feet per year
August	854 cfs	21%	52,500 acre-feet per year
September	252 cfs	6%	15,000 acre-feet per year

Priority Date: **May 10, 1905**

Point of Diversion: SW¹/₄ of Section 17, T. 12 N., R. 19 E.W.M. (New Reservation Canal)

NE¹/₄NE¹/₄SW¹/₄ of Section 28, T. 12 N., R. 19 E.W.M. (Old Reservation Canal)

Place of Use: B lands within the Wapato-Satus Unit of the Wapato Irrigation Project all within the boundaries of the Yakama Indian Reservation.

Limitations Of Use: Interchange of the monthly entitlement in June, July, August, and September is allowed as long as the date for interchange is subsequent to the date for storage release for use below Union Gap. Pursuant to such an agreement and with the above restrictions, the BIA may divert a portion of the June-August water in October. Such an agreement is effective only as to those months in the same irrigation season in which the agreement was made.

The water right is appurtenant to the 48,000 irrigable acres known as the "B" lands within the Wapato Satus Unit of the Wapato Irrigation Project all within the boundaries of the Yakama Indian Reservation and require repayment of storage, operation and maintenance costs to retain their validity.

The amount diverted into each canal shall be subject to the historic canal capacity of each canal.

The Bureau of Reclamation may allow diversions into the New Reservation Canal in November so long as the amounts diverted are within the overall quantities set forth in the Amended Partial Summary Judgment Entered as a Final Judgment Pursuant to Civil Rule 54(b), November 29, 1990, Affirmed Ecology v. Yakima Reservation Irrigation District, 121 Wn.2d 257, 850 P.2d 1306 (1993).

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