

CLAIMANT NAME: **Greg Bailey
& Barbara Bailey**

COURT CLAIM NO. 01220

Certificate Number: S4-84704-J

Subbasin: 25 Toppenish

Source: Spring Creek (a branch of Toppenish Creek)

Use: Irrigation of 78 acres and stock water

Period of Use: April 1 through October 31

Quantity: 2.2 cubic feet per second, 468.0 acre-feet per year

Priority Date: **June 9, 1855**

Point of Diversion: 50 feet south and 10 feet west of the north quarter corner of Section 17, being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 17, T. 10 N., R. 17 E.W.M.

Place of Use: The N $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 17, T. 10 N., R. 17 E.W.M.

CLAIMANT NAME: **Greg Bailey
& Barbara Bailey**

COURT CLAIM NO. 01220

Certificate Number: S4-84718-J

Subbasin: 25 Toppenish

Source: Spring Creek

Use: Irrigation of 80 acres

Period of Use: April 1 through October 31

Quantity: 2.24 cubic feet per second, 480 acre-feet per year

Priority Date: **June 9, 1855**

Point of Diversion: 50 feet north and 20 feet east of the south quarter corner of Section 8, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 8, T. 10 N., R. 17 E.W.M.

Place of Use: The SW $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 8, T. 10 N., R. 17 E.W.M.

CLAIMANT NAME: **Sophia Olney Blodgett** COURT CLAIM NO. 01711

Certificate Number: S4-84696-J

Subbasin: 25 Toppenish

Source: Agency Creek

Use: Irrigation of 3.17 acres

Period of Use: April 1 through October 15

Quantity: 0.0634 cubic foot per second, 11.412 acre-feet per year

Priority Date: **June 9, 1855**

Point of Diversion: 20 feet south and 20 feet east of the west quarter corner of Section 6, being within the NW¹/₄NW¹/₄SW¹/₄ of Section 6, T. 10 N., R. 17 E.W.M.

Place of Use: The east 270 feet of the west 742 feet of Lot 2 of Coburn's Subdivision, except the south 150 feet thereof, lying in the SE¹/₄NW¹/₄ of Section 6, T. 10 N., R. 17 E.W.M.

CLAIMANT NAME: **Sophia Olney Blodgett** COURT CLAIM NO. 01712

Certificate Number: S4-84697-J

Subbasin: 25 Toppenish

Source: Agency Creek

Use: Irrigation of 2.05 acres

Period of Use: April 1 through October 15

Quantity: 0.041 cubic foot per second, 7.38 acre-feet per year

Priority Date: **June 9, 1855**

Point of Diversion: 20 feet south and 20 feet east of the west quarter corner of Section 6, being within the NW¹/₄NW¹/₄SW¹/₄ of Section 6, T. 10 N., R. 17 E.W.M.

Place of Use: The east 135 feet of the east 540 feet of the west 877 feet of Lot 2 of Coburn's Subdivision in the SE¹/₄NW¹/₄ of Section 6, T. 10 N., R. 17 E.W.M.

CLAIMANT NAME: **Sophia Olney Blodgett** COURT CLAIM NO. 02007

Certificate Number: S4-84698-J

Subbasin: 25 Toppenish

Source: Agency Creek

Use: Irrigation of 2.06 acres

Period of Use: April 1 through October 15

Quantity: 0.0412 cubic foot per second, 7.42 acre-feet per year

Priority Date: **June 9, 1855**

Point of Diversion: 20 feet south and 20 feet east of the west quarter corner of Section 6, being within the NW¹/₄NW¹/₄SW¹/₄ of Section 6, T. 10 N., R. 17 E.W.M.

Place of Use: The east 540.2 feet of the west 877 feet of Lot 2 of Coburn's Subdivision, except the east 135 feet and except the east 270 feet of the west 405.2 feet, being within the SE¹/₄NW¹/₄ of Section 6, T. 10 N., R. 17 E.W.M.

CLAIMANT NAME: **E. James Boisselle
& Susan Boisselle**

COURT CLAIM NO. 00420

Certificate Number: S4-84702-J

Subbasin: 25 Toppenish

Source: Simcoe Creek

Use: Irrigation of 70 acres

Period of Use: April 1 through October 15

Quantity: 2.03 cubic feet per second, 431 acre-feet per year

Priority Date: **June 9, 1855**

Point of Diversion: 660 feet south and 660 feet west from the northeast corner of Section 33, being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 33, T. 11 N., R. 17 E.W.M.

Place of Use: The W $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 27, T. 11 N., R. 17 E.W.M.

CLAIMANT NAME:

**Ray E. Brisbois
& Katherine Brisbois**

COURT CLAIM NO. 01664

Certificate Number:

S4-84699-J

Subbasin:

25 Toppenish

Source:

Toppenish Creek

Use:

Irrigation of 40 acres

Period of Use:

April 1 through October 15

Quantity:

1.12 cubic feet per second; 240.0 acre-feet per year

Priority Date:

June 9, 1855

Point of Diversion:

200 feet north and 1830 feet east of the west quarter corner of Section 35, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 35, T. 10 N., R. 16 E.W.M.

Place of Use:

The N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ and the S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 10, T. 10 N., R. 16 E.W.M.

CLAIMANT NAME: **Jeld-Wen, Inc.**

COURT CLAIM NO. 01515

Certificate Number: S4-84701-J

Subbasin: 25 Toppenish

Source: Agency Creek

Use: Irrigation of 50 acres

Period of Use: April 15 through October 20

Quantity: 0.62 cubic foot per second, 103 acre-feet per year

Priority Date: **June 9, 1855**

Point of Diversion: 400 feet south and 400 feet west from the east quarter corner of Section 1, being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 1, T. 10 N., R. 16 E.W.M.

Place of Use: The NW $\frac{1}{4}$ SE $\frac{1}{4}$; and that portion of the NE $\frac{1}{4}$ SE $\frac{1}{4}$, lying south of the creek; ALL within Section 1, T. 10 N., R. 16 E.W.M.

CLAIMANT NAME: **Jeld-Wen, Inc.**

COURT CLAIM NO. 01515

Certificate Number: S4-84709-J

Subbasin: 25 Toppenish

Source: Agency Creek

Use: Irrigation of 39.25 acres

Period of Use: April 1 through October 20

Quantity: 0.75 cubic foot per second, 125 acre-feet per year

Priority Date: **June 9, 1855**

Point of Diversion: 300 feet south and 20 feet east of the west quarter corner of Section 6, being within Government Lot 6 of Section 6, T. 10 N., R. 17 E.W.M.

Place of Use: Government Lot 7 of Section 6, T. 10 N., R. 17 E.W.M.

CLAIMANT NAME: **Sharon L. Johnson**

COURT CLAIM NO. 01431

Certificate Number: S4-84689-J

Subbasin: 25 Toppenish

Source: Toppenish Creek

Use: Irrigation of 40 acres

Period of Use: April 1 through October 31

Quantity: 0.67 cubic foot per second, 240 acre-feet per year

Priority Date: **June 9, 1855**

Point of Diversion: 150 feet south and 520 feet west from the center of Section 33, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 33, T. 10 N., R. 20 E.W.M.

Place of Use: The NE $\frac{1}{4}$ SW $\frac{1}{4}$ and the north 240 feet of Government Lot 3; ALL within Section 33, T. 10 N., R. 20 E.W.M.

CLAIMANT NAME: **Sharon L. Johnson**

COURT CLAIM NO. 01431

Certificate Number: S4-84708-J

Subbasin: 25 Toppenish

Source: Toppenish Creek

Use: Irrigation of 25 acres

Period of Use: April 1 through October 31

Quantity: 0.49 cubic foot per second, 150 acre-feet per year

Priority Date: **June 9, 1855**

Point of Diversion: 10 feet north and 2200 feet east of the west quarter corner of Section 33, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 33, T. 10 N., R. 20 E.W.M.

Place of Use: That portion of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and the northerly 250 feet of Government Lot 4 lying south and east of Highway 97, in Section 33, T. 10 N., R. 20 E.W.M.

Limitations Of Use: The portions of the water right appurtenant to the NW $\frac{1}{4}$ SW $\frac{1}{4}$ lying southeast of Highway 97 were a part of the Toppenish-Simcoe right confirmed to the United States (as trustee for the Yakama Nation and certain tribal members) in the Yakama Nation's CFO (September 12, 1996). The Johnsons were partially substituted for the United States for this parcel as a result of the land being removed from trust status and sold to them.

CLAIMANT NAME: **Colleen M. Kent** COURT CLAIM NO. 01040

Certificate Number: S4-84706-J

Subbasin: 25 Toppenish

Source: South Medicine Creek

Use: Irrigation of 60 acres and stock water

Period of Use: April 1 through October 31

Quantity: 1.74 cubic feet per second; 360 acre-feet per year

Priority Date: **June 9, 1855**

Point of Diversion: 250 feet south and 750 east from the west quarter corner of Section 19, being within Government Lot 3 (the NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 19, T. 11 N., R. 17 E.W.M.

Place of Use: The N $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 19, T. 11 N., R. 17 E.W.M.

CLAIMANT NAME:	Colleen M. Kent	COURT CLAIM NO. 01040
Certificate Number:	S4-84707-J	
Subbasin:	25 Toppenish	
Source:	Simcoe Creek (aka Medicine Creek)	
Use:	Irrigation of 35 acres and stock water	
Period of Use:	April 1 through October 31	
Quantity:	1.015 cubic feet per second; 215.6 acre-feet per year	
Priority Date:	June 9, 1855	
Point of Diversion:	The SW ¹ / ₄ SW ¹ / ₄ NE ¹ / ₄ of Section 7, T. 11 N., R. 16 E.W.M. (Hoptowit Ditch)	
Place of Use:	The S ¹ / ₂ N ¹ / ₂ SE ¹ / ₄ SW ¹ / ₄ , the N ¹ / ₂ S ¹ / ₂ SE ¹ / ₄ SW ¹ / ₄ , the S ¹ / ₂ N ¹ / ₂ SW ¹ / ₄ SE ¹ / ₄ and the N ¹ / ₂ S ¹ / ₂ SW ¹ / ₄ SE ¹ / ₄ of Section 12, T. 11 N., R. 16 E.W.M.	

CLAIMANT NAME: **Colleen M. Kent**

COURT CLAIM NO. 01040

Certificate Number: S4-84719-J

Subbasin: 25 Toppenish

Source: Latum Creek

Use: Irrigation of 5 acres and stock watering

Period of Use: April 1 through October 15

Quantity: 0.145 cubic foot per second, 30.8 acre-feet per year

Priority Date: **June 9, 1855**

Point of Diversion: NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 12, T. 11 N., R. 16 E.W.M.

Place of Use: The S $\frac{1}{2}$ N $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ S $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ N $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ and N $\frac{1}{2}$ S $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 12, T. 11 N., R. 16 E.W.M.

CLAIMANT NAME: **Colleen M. Kent**

COURT CLAIM NO. 01040

Certificate Number: S4-84705-J

Subbasin: 25 Toppenish

Source: Medicine Creek, North Medicine Creek and South Medicine Creek

Use: Irrigation of 240 acres and stock water

Period of Use: April 1 through October 31

Quantity: 6.72 cubic feet per second, 1440.0 acre-feet per year

Priority Date: **June 9, 1855**

Point of Diversion: Medicine Creek: The SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 7, T. 11 N., R. 16 E.W.M.

North Fork Medicine Creek:

(1) 400 feet east and 200 feet south from the center of Section 19, being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 19, T. 11 N., R. 17 E.W.M.

(2) 875 feet north and 75 feet east from the southwest corner of Section 20, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 20, T. 11 N., R. 17 E.W.M.

(3) The W $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 29, T. 11 N., R. 17 E.W.M.

(4) The SE $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 19, T. 11 N., R. 17 E.W.M.

South Fork Medicine Creek:

(5) The S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 19, T. 11 N., R. 17 E.W.M.

(6) NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 19, T. 11 N., R. 17 E.W.M.

(7) The E $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 30, T. 11 N., R. 17 E.W.M.

Place of Use: The S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 19; the W $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 29, the E $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 30, the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 20, ALL within T. 11 N., R. 17 E.W.M.

CLAIMANT NAME: **L.R. Ranches Inc.** COURT CLAIM NO. 01613
(A) 02415
(A) 14453

Certificate Number: S4-84686-J

Subbasin: 25 Toppenish

Source: Simcoe Creek

Use: Irrigation of 80 acres and stock watering

Period of Use: April 1 through October 31

Quantity: 2.32 cubic feet per second, 492.8 acre-feet per year

Priority Date: **June 9, 1855**

Point of Diversion: 1320 feet north and 1320 feet east of the southwest corner of Section 2, being near the center of the SW $\frac{1}{4}$ of Section 2, T. 10 N., R. 16 E.W.M.

Place of Use: The S $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 2, T. 10 N., R. 16 E.W.M.

CLAIMANT NAME: **Kip Ramsey
& Lyndia Ramsey**

COURT CLAIM NO. 00669

Certificate Number: S4-84710-J

Subbasin: 25 Toppenish

Source: Toppenish Creek

Use: Irrigation of 50 acres

Period of Use: April 1 through October 31

Quantity: 1.0 cubic foot per second, 180 acre-feet per year

Priority Date: **June 9, 1855**

Point of Diversion: 200 feet north and 1830 feet east of the west quarter corner of Section 35, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 35, T. 10 N., R. 16 E.W.M.

Place of Use: The NE $\frac{1}{4}$ SW $\frac{1}{4}$ and N $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 10, T. 10 N., R. 16 E.W.M.

Limitations Of Use: Use of water is contingent on paying the appropriate assessments to WIP.

CLAIMANT NAME: **Philip M. Sealock**

COURT CLAIM NO. 00464

Certificate Number: S4-84693-J

Subbasin: 25 Toppenish

Source: Toppenish Creek

Use: Irrigation of 278 acres

Period of Use: April 1 through October 31

Quantity: 7.784 cubic feet per second; 1668 acre-feet per year

Priority Date: **June 9, 1855**

Point of Diversion: (1) 1350 feet north and 400 feet east of the center of Section 34, being within the SW¹/₄NE¹/₄ of Section 34, T. 10 N., R. 19 E.W.M.

(2) 40 feet south and 1310 feet east of the north quarter corner of Section 34, being within the NW¹/₄NE¹/₄ of Section 34, T. 10 N., R. 19 E.W.M.

(3) 845 feet north and 460 feet east of the west quarter corner of Section 35, being within the SW¹/₄NW¹/₄ of Section 35, T. 10 N., R. 19 E.W.M.

Place of Use: The SW¹/₄SW¹/₄ of Section 26; the SE¹/₄SE¹/₄ of Section 27; the W¹/₂NE¹/₄, E¹/₂NW¹/₄ and NW¹/₄NW¹/₄ of Section 35, ALL within T. 10 N., R. 19 E.W.M.

CLAIMANT NAME: **Ryan A. Spencer**

COURT CLAIM NO. 14022

Certificate Number: S4-84767-J

Subbasin: 25 Toppenish

Source: Agency Creek

Use: Irrigation of 4 acres

Period of Use: April 1 through October 15

Quantity: 0.12 cubic foot per second; 22.56 acre-feet per year (0.096 cfs for field application and 0.024 cfs for conveyance)

Priority Date: **June 9, 1855**

Point of Diversion: 250 feet south of the west quarter corner of Section 6, being within the $W\frac{1}{2}W\frac{1}{2}SW\frac{1}{4}$ of Section 6, T. 10 N., R. 16 E.W.M.

Place of Use: Lots 3, 5 and 7 of Division No. 1 of Coburn's Subdivision in Section 6, T. 10 N., R. 16 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: **Tule Gun Club** COURT CLAIM NO. 01519

Certificate Number: S4-84694-J

Subbasin: 25 Toppenish

Source: Toppenish Creek

Use: Irrigation of 76 acres

Period of Use: April 1 through October 31

Quantity: 2.128 cubic feet per second, 456 acre-feet per year

Priority Date: **June 9, 1855**

Point of Diversion: (1) 890 feet north and 460 feet east of the southwest corner of Section 28, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 28, T. 10 N., R. 19 E.W.M.

(2) 720 feet north and 560 feet east of the southwest corner of Section 28, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 28, T. 10 N., R. 19 E.W.M.

Place of Use: 64 acres in the S $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 28 and 12 acres in that portion of the N $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 33 lying north of Pumphouse Road; ALL within T. 10 N., R. 19 E.W.M.

CLAIMANT NAME: **United States, Bureau of Indian Affairs for use by fee land owners within the Toppenish-Simcoe Unit of the Wapato Irrigation Project** COURT CLAIM NO. 01405 Court Claim NO. 14175

Certificate Number: S4-85370-J

Subbasin: 25 Toppenish

Source: Toppenish Creek

Use: See Special Provisions Section below

Period of Use: See Special Provisions Section below

Quantity: See Special Provisions Section below

Priority Date: **June 9, 1855**

Place of Use: See Special Provisions Section below

Limitations Of Use: Special Provisions: The fee land water users allowed to have water delivered through the Claimant are as follows:

1. Gardner, Jesse W. and Edna P. (Court Claim No. 01405)

Source: Toppenish Creek

Period of Use: March 15 to October 15

Quantity: 0.98 cfs, 210 acre-feet per year

Place of Use: SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 11, T. 10 N., R. 16 E.W.M.

Point of Diversion: 200 feet north and 1830 feet east of the west quarter corner of Section 35, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 35, T. 10 N., R. 16 E.W.M.

Use: Irrigation of 35 acres and stock water

2. Jeld-Wen, Inc., (Court Claim No. 14175)

Source: Toppenish Creek

Period of Use: April 1 through October 31

Quantity: 2.1 cfs, 450.0 acre-feet per year

Place of Use: NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 12, SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 1, T. 10 N., R. 16 E.W.M.

Point of Diversion: 300 feet north and 850 feet west of the center of Section 35, being within the S $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 35, T. 10 N., R. 16 E.W.M.

Use: Irrigation of 75 acres

Special Conditions: The rights to the use of WIP water are governed by federal rules and statues and the landowners are only entitled to a prorate share of available water. These rights are separate from and not part of the rights already awarded to the Yakama Nation under the Conditional Final Order as a Final Judgement Pursuant to CR 54(b) and RAP 2.2(d) and Pretrial Order Number 8 as Amended, Yakama Indian Nation Court Claim Nos. 2276 and 7253 (Amendment) (Sept. 12, 1996). Memorandum Opinion and Order RE: Objections to Entry of Conditional Final Order - Sub 25 (Toppenish) (May 21, 2007); Memorandum Opinion and Order RE: Exceptions to Report of Referee-Sub. 25 (Toppenish) (March 5, 2007).

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

CLAIMANT NAME: **United States, Bureau of Indian Affairs as trustee for the Yakama Nation and the following water users within the Toppenish-Simcoe Unit of the Wapato Irrigation Project** COURT CLAIM NO. 01989
COURT CLAIM NO. 00669
COURT CLAIM NO. 01798

Certificate Number: S4-85369-J
Subbasin: 25 Toppenish
Source: Toppenish Creek and Simcoe Creek as provided in Special Provision Section below
Use: See Special Provisions Section below
Period of Use: See Special Provisions Section below
Quantity: See Special Provisions Section below
Priority Date: **June 9, 1855**
Place of Use: See Special Provisions Section below
Limitations Of Use: Special Provisions: The fee land water users allowed to have water delivered through the Claimant are as follows:

1. Hull, Terry & Carol (Court Claim No. 01989)
 - A. Parcel 1
Source: Toppenish Creek
Period of use: April 1 through October 15
Quantity: 2.04 cfs, 438 acre-feet per year
Place of Use: N $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 13, T. 10 N., R. 16 E.W.M.
Point of Diversion: 200 feet north and 1830 feet east of the west quarter corner of Section 35, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 35, T. 10 N., R. 16 E.W.M.
Use: 73 acres and stock water

The Court granted Ecology's clarification and changed the annual quantity from 451.14 to 438 acre-feet in the March 5, 2007 Memorandum Opinion/Order RE: Exceptions to the Report of Referee Subbasin 25 (Toppenish) at p. 6, lines 6-7 (#19952A)

B. Parcel 2

Source: Simcoe Creek

Period of Use: April 1 through October 15

Quantity: 4.50 cfs, 954.8 acre-feet per year

Place of Use: S $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 36, T. 11 N., R. 16 E.W.M.

Point of Diversion: 1620 feet north and 400 feet west of the south quarter corner, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 34, T. 11 N., R. 16 E.W.M.

Use: 155 acres and stock watering

The Place of Use was initially changed in the March 5, 2007, Memorandum Opinion/Order (p.6 lines 5-7). It was corrected by the May 21, 2007, Memorandum Opinion/Order RE: Objections to Entry of the Conditional Final Order Subbasin 25 (Toppenish), p. 2, lines 8 $\frac{1}{2}$ -10 (#20085) to: S $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$

2. Ramsey, Kip and Lyndia (Court Claim No. 00669)

Source: Toppenish Creek

Period of Use: April 1 through October 31

Quantity: 2.40 cfs, 432 acre-feet per year

Place of Use: S $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 3, and the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 10, T. 10 N., R. 16 E.W.M.

Point of Diversion: 300 feet north and 1830 feet east of the west quarter corner of Section 35, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 35, T. 10 N., R. 16 E.W.M.

Use: Irrigation of 120 acres

3. Yakama Nation (Court Claim No. 01798)

Source: Toppenish Creek

Period of Use: March 15 through October 31

Quantity: 1.06 cfs, 228 acre-feet per year

Place of Use: SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 11, T. 10 N., R. 16 E.W.M.

Point of Diversion: 200 feet north and 1830 feet east of the west quarter corner of Section 35, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 35, T. 10 N., R. 16 E.W.M.

Use: Irrigation of 38 acres and stock water

Special Conditions: The rights to the use of WIP water are governed by federal rules and statues and the landowners are only entitled to a prorate share of available water. These rights are separate from and not part of the rights already awarded to the Yakama Nation under the Conditional Final Order as a Final Judgement Pursuant to CR 54(b) and RAP 2.2(d) and Pretrial Order Number 8 as Amended, Yakama Indian Nation Court Claim Nos. 2276 and 7253 (Amendment) (Sept. 12, 1996). Memorandum Opinion and Order RE: Objections to Entry of Conditional Final Order - Sub 25 (Toppenish) (May 21, 2007); Memorandum Opinion and Order RE: Exceptions to Report of Referee-Sub. 25 (Toppenish) (March 5, 2007).

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

CLAIMANT NAME: **Yakama Nation** COURT CLAIM NO. 00617
(A) 01260
(A) 02411

Certificate Number: S4-84687-J

Subbasin: 25 Toppenish

Source: Simcoe Creek

Use: Irrigation of 70 acres

Period of Use: April 1 to October 15

Quantity: 2.03 cubic feet per second, 431.2 acre-feet per year

Priority Date: **June 9, 1855**

Point of Diversion: 2640 feet west of the southeast corner of Section 32, being on the south quarter corner of Section 32, T. 11 N., R. 17 E.W.M.

Place of Use: The S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 32, T. 11 N., R. 17 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: **Yakama Nation Land Enterprises** COURT CLAIM NO. 01886A

Certificate Number: S4-84688-J

Subbasin: 25 Toppenish

Source: Simcoe Creek via Miller Ditch

Use: Irrigation of 63 acres and stock water

Period of Use: April 1 through October 31

Quantity: 1.827 cubic feet per second; 388.08 acre-feet per year

Priority Date: **June 9, 1855**

Point of Diversion: Approximately 1,300 feet north and 100 feet east from the southwest corner of Section 32, being within the SW¹/₄SW¹/₄ (or the NW¹/₄SW¹/₄) of Section 32, T. 11 N., R. 17 E.W.M.

Place of Use: The SW¹/₄NW¹/₄ of Section 32 and that portion of the NW¹/₄SW¹/₄ of Section 32, lying north of Simcoe Creek, ALL in T. 11 N., R. 17 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:

Yakama Nation Land Enterprises

COURT CLAIM NO. 01641

(A) 02405

Certificate Number:

S4-84691-J

Subbasin:

25 Toppenish

Source:

Toppenish Creek

Use:

Irrigation of 20.5 acres

Period of Use:

April 1 to October 15

Quantity:

0.56 cubic foot per second, 123 acre-feet per year

Priority Date:

June 9, 1855

Point of Diversion:

Approximately 20 feet west and 20 feet south of the point of intersection of the S $\frac{1}{2}$ SW $\frac{1}{4}$ and N $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 23, and 700 feet east and 500 feet south of the northwest corner of the SW $\frac{1}{4}$ of Section 23, both in T. 10 N., R. 18 E.W.M.

Place of Use:

The S $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 23, T. 10 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: **Confederated Tribes and Bands of the Yakama Nation** COURT CLAIM NO. 18073

Certificate Number: S4-84722-J

Subbasin: 25 Toppenish

Source: Toppenish Creek

Use: Irrigation of 26.1 acres

Period of Use: April 1 through October 15

Quantity: 0.73 cubic foot per second, 156.6 acre-feet per year

Priority Date: **June 9, 1855**

Point of Diversion: 1320 feet west and 660 feet south of the center of Section 27, T. 10 N., R. 19 E.W.M.

Place of Use: The E³/₄N¹/₂SW¹/₄ of Section 27, 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.

CLAIMANT NAME: **Confederated Tribes and Bands of the Yakama Nation** COURT CLAIM NO. 14024

Certificate Number: S4-84720-J

Subbasin: 25 Toppenish

Source: Toppenish Creek

Use: Irrigation of 13 acres

Period of Use: April 1 to October 15

Quantity: 0.364 cubic foot per second, 73.71 acre-feet per year

Priority Date: **June 9, 1855**

Point of Diversion: 200 feet north and 1830 feet east of the west quarter corner of Section 35, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 35, T. 10 N., R. 16 E.W.M.

Place of Use: The W $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 25, T. 10 N., R. 16 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: **Confederated Tribes and Bands of
the Yakama Nation** COURT CLAIM NO. 14352

Certificate Number: S4-84716-J

Subbasin: 25 Toppenish

Source: Toppenish Creek

Use: Irrigation of 60 acres

Period of Use: April 1 to October 15

Quantity: 1.68 cubic feet per second; 360 acre-feet per year

Priority Date: **June 9, 1855**

Point of Diversion: Approximately 100 feet south and 150 feet east of the west
quarter corner of Section 30, in the NW¹/₄NW¹/₄SW¹/₄ of
Section 30, T. 10 N., R. 19 E.W.M.

Place of Use: S¹/₂SE¹/₄ of Section 30, 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.

CLAIMANT NAME: **Confederated Tribes and Bands of the Yakama Nation** COURT CLAIM NO. 13884

Certificate Number: S4-84714-J

Subbasin: 25 Toppenish

Source: Toppenish Creek

Use: Irrigation of 55 acres

Period of Use: April 1 to October 15

Quantity: 1.54 cubic feet per second, 311.85 acre-feet per year

Priority Date: **June 9, 1855**

Point of Diversion: 200 feet north and 1830 feet east of the west quarter corner of Section 35, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 35, T. 10 N., R. 16 E.W.M.

Place of Use: N $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 17, T. 10 N., R. 17 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: **Confederated Tribes and Bands of the Yakama Nation** COURT CLAIM NO. 01760

Certificate Number: S4-84684-J

Subbasin: 25 Toppenish

Source: Toppenish Creek

Use: Irrigation of 80 acres

Period of Use: June 1 to October 1

Quantity: 2.24 cubic feet per second, 480 acre-feet per year

Priority Date: **June 9, 1855**

Point of Diversion: 20 feet north and 1300 feet west of the southeast corner of Section 28, being within the S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 28, T. 10 N., R. 19 E.W.M.

Place of Use: The SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 28, and the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 33; ALL within 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.

CLAIMANT NAME: **Confederated Tribes and Bands of the Yakama Nation** COURT CLAIM NO. 14495

Certificate Number: S4-84713-J

Subbasin: 25 Toppenish

Source: Mool Mool Springs

Use: Non-consumptive cultural, medicinal, recreational, historical and aesthetic, etc. purposes

Period of Use: Continuous

Quantity: Non-consumptive use of entire flow of the springs

Priority Date: **June 9, 1855**

Point of Diversion: Springs are located in the SE¹/₄NE¹/₄NE¹/₄ of Section 20 and the NW¹/₄SW¹/₄NW¹/₄ of Section 21, T. 10 N., R. 16 E.W.M.

Place of Use: E¹/₂NE¹/₄ of Section 20 and W³/₄NW¹/₄ of Section 21, T. 10 N., R. 16 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: **Confederated Tribes and Bands of the Yakama Nation** COURT CLAIM NO. 14024

Certificate Number: S4-84712-J

Subbasin: 25 Toppenish

Source: Toppenish Creek

Use: Irrigation of 25 acres

Period of Use: April 1 to October 15

Quantity: 0.70 cubic foot per second, 150 acre-feet per year

Priority Date: **June 9, 1855**

Point of Diversion: 200 feet north and 1830 feet east of the west quarter corner of Section 35, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 35, T. 10 N., R. 16 E.W.M.

Place of Use: The NE $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, and the W $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 26, T. 10 N., R. 16 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: **Confederated Tribes and Bands of the Yakama Nation** COURT CLAIM NO. 14023

Certificate Number: S4-84711-J

Subbasin: 25 Toppenish

Source: Toppenish Creek

Use: Irrigation of 19 acres

Period of Use: April 1 through October 15

Quantity: 0.47 cubic foot per second, 114 acre-feet per year

Priority Date: **June 9, 1855**

Point of Diversion: 1000 feet south and 500 feet west of the east quarter corner of Section 27, being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 27, T. 10 N., R. 19 E.W.M.

Place of Use: That portion of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 27, T. 10 N., R. 19 E.W.M. lying north of Toppenish Creek.

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

CLAIMANT NAME: **Confederated Tribes and Bands of the Yakama Nation** COURT CLAIM NO. 14024

Certificate Number: S4-84721-J

Subbasin: 25 Toppenish

Source: Toppenish Creek

Use: Irrigation of 10 acres

Period of Use: April 1 to October 15

Quantity: 0.28 cubic foot per second, 56.7 acre-feet per year

Priority Date: **June 9, 1855**

Point of Diversion: 200 feet north and 1830 feet east of the west quarter corner of Section 35, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 35, T. 10 N., R. 16 E.W.M.

Place of Use: The N $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 26, T. 10 N., R. 16 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: **Michael Carey**

COURT CLAIM NO. 01112

Certificate Number: S4-84703-J

Subbasin: 25 Toppenish

Source: Spring Creek

Use: Irrigation of 6 acres

Period of Use: April 1 through September 30

Quantity: 0.22 cubic foot per second, 36 acre-feet per year

Priority Date: **June 30, 1894**

Point of Diversion: 1,100 feet north and 250 feet east from the south quarter corner of Section 28, being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 28, T. 11 N., R. 16 E.W.M.

Place of Use: That portion of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 28, T. 11 N., R. 16 E.W.M. lying east of Spring Creek.

CLAIMANT NAME: **U.S. Fish & Wildlife Service** COURT CLAIM NO. 01506
USFWS Mid-Columbia River NWRC

Certificate Number: S4-84695-J

Subbasin: 25 Toppenish

Source: Toppenish Creek

Use: Pond level maintenance for wildlife habitat

Period of Use: Continuously

Quantity: 15 cubic feet per second; 350 acre-feet per year from April 1 through September 30 and 175 acre-feet per year from October 1 through March 31 (non-consumptive)

Priority Date: **April 27, 1964**

Point of Diversion: 40 feet south and 120 feet east of the north quarter corner of Section 31, being within the NW¹/₄NE¹/₄ of Section 31, T. 10 N., R. 20 E.W.M.

Place of Use: The S¹/₂NW¹/₄ and NE¹/₄NW¹/₄ of Section 32, T. 10 N., R. 20 E.W.M.