



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Ave SE • Bellevue, WA 98008-5452 • 425-649-7000  
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July 12, 2013

Richard and Linda Hanika  
10617 206<sup>th</sup> Street SE  
Snohomish, WA 98298

**RE: Temporary Trust Water Right Donation of a Portion of Ground Water Certificate  
3508 (Tracking number CG1-\*05352C@1) – Skagit County**

Dear Mr. & Mrs. Hanika:

The purpose of this letter is to acknowledge the Department of Ecology (Ecology) has accepted your temporary donation into the Washington State Trust Water Right Program. This trust water right has been assigned tracking number CG1-\*05352C@1. Please refer to this number when corresponding with us about this trust water right.

**Background Information**

Ground Water Certificate 3508 was issued to Don Volle with a priority date of July 28, 1959. This certificate is appurtenant to approximately 77 acres located in the N $\frac{1}{2}$  NW $\frac{1}{4}$  of Section 34, Township 33 North, Range 4 East, in southwestern Skagit County. It issued for 150 gallons per minute (gpm) and 80 acre-feet per year (afy) for the irrigation of 40 acres. The authorized point of withdrawal (an infiltration trench) is located within the N $\frac{1}{2}$  NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 34, Township 33 North, Range 4 East. The certificated place of use and point of withdrawal are shown in Attachment 1.

As part of the application process for the requested trust water right, you provided a report written by your consultant Charles Lindsay (Geologist License No. 617) of Associated Earth Sciences, Inc. (AESI) and a signed notarized affidavit from you (Richard Hanika) attesting to beneficial use of up to 150 gpm and 40 afy from the subject right within the most recent five years.

You are currently utilizing the water right to irrigate up to 37 acres at the Starbird Farm Adult Family Home property (Tax Parcel P17781). The remaining approximately 40 acres within the place of use are owned by Scott & Sandra Kelly (Tax Parcels P17782, P17779, & P101063) and by Gregory & Kathleen Carpenter (Tax Parcel 17780). Neither the Kelly's nor the Carpenter's claim ownership or partial ownership of the subject right.

You have requested to donate 20 afy into the temporary trust water right program for groundwater preservation and instream flow augmentation purposes. The portion of your right not donated will remain for you to use on your property.



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### Terms & Conditions

The Department of Ecology pursuant to RCW 90.42.080(1)(B) accepts your donation, summarized as follows:

<b>Benefiting Water Body:</b>	Fisher Creek Sub-basin (tributary to the Skagit River)
<b>Purpose:</b>	Groundwater Preservation & Instream Flow Augmentation
<b>Annual Volume:</b>	20 acre-feet per year
<b>Season:</b>	During the irrigation season
<b>Trust Water Right Place of Use:</b>	Down-gradient of the original point of withdrawal within the N½ NW¼ NW¼ of Section 34, Township 33 North, Range 4 East (Parcel #P17781)
<b>Trust Water Expiration Date:</b>	January 1, 2024

RCW 90.42.080 provides in part that the total of any portion of the water right remaining with the donor plus the donated portion of the water right may not exceed the extent to which the water right was exercised during the five years before the donation.

In accordance with RCW 90.42.040(6), RCW 90.14.140(h), and RCW 90.14.215, a water right is not subject to relinquishment while it is managed within the Trust Water Right Program.

Ecology's acceptance of the donated water right into the trust water right program is not evidence of the validity or quantity of the right. When the period of trust ends, the water right will revert back to the water right holder or landowner in the full quantity accepted into the trust water program and for the original purposes.

If, prior to expiration of this temporary donation, you would like to extend the temporary donation, please send us a written request. Also, if you wish to modify any terms of your donation, your letter must include the new terms. Ecology will review your request and any new or modified terms and conditions and will notify you whether the donation can be extended or terminated.

You have a right to appeal this action to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this document. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

#### **To appeal, you must do the following within 30 days of the date of receipt of this document:**

- File your appeal and a copy of this document with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this document on Ecology in paper form - by mail or in person. (See addresses below.) Email is not accepted.

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You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

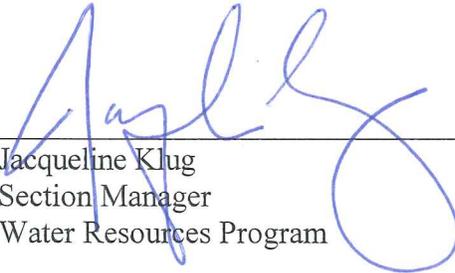
Street Addresses	Mailing Addresses
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	Department of Ecology Attn: Appeals Processing Desk P.O. Box 47608 Olympia, WA 98504-7608
Pollution Control Hearings Board Environmental Hearings Office 1111 Israel Road SW, Suite 301 Tumwater, WA 98501	Pollution Control Hearings Board P.O. Box 40903 Olympia, WA 98504-0903

*For additional information visit the Environmental Hearings Office Website:*  
<http://www.eho.wa.gov>

*To find laws and agency rules visit the Washington State Legislature Website:*  
<http://www1.leg.wa.gov/CodeReviser>

If you have questions or concerns, please contact Buck Smith at (425) 649-7147 or [buck.smith@ecy.wa.gov](mailto:buck.smith@ecy.wa.gov).

Signed at Bellevue, Washington, this 12 day of July 2013.

  
\_\_\_\_\_  
Jacqueline Klug  
Section Manager  
Water Resources Program

Enclosure: Water Right Map  
Your Right To Be Heard

Certified Mail: 7012 3460 0000 2586 5205

cc: Chuck Lindsay, AESI

