



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

4601 N Monroe Street • Spokane, Washington 99205-1295 • (509)329-3400

October 29, 2012

Mr. Roger Sommers
PO Box 51
Quincy, WA 98848

Dear Mr. Sommers:

Re: Acceptance for Temporary Donation of Ground Water Certificate G3-29101

The purpose of this letter is to acknowledge Department of Ecology's acceptance of your donation to the Washington State Trust Water Rights Program (TWRP). The trust water right has been assigned the control number 5443989. Please refer to that number when corresponding with us about this trust water right.

The Department of Ecology, pursuant to RCW 90.42.080(1)(b), acknowledges your donation in the amount of 1400 gallons per minute and 332.5 acre-feet per year, and for 95 acres. The purpose of the donation is to benefit the ground water aquifer in Grant County, Washington from November 1, 2012 to October 31, 2022.

This trust water right expires on October 31, 2022.

The parent water right, G3-29101C, authorized the withdrawal of 1400 gallons per minute, up to 332.5 acre-feet per year for the irrigation of 95 acres during the irrigation season. The recorded place of use is located within the SE¼ of Section 25, T.21N., R. 24E.W.M.

Section 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 Rights Program.

Ecology's acceptance of the donated water right into the Trust Water Rights 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.

Your water right is a Family Farm Water Act (FFWA) water right as defined under Chapter 90.66 RCW. The Act does not provide explicit authority for Ecology to accept water rights via



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the donation process as described under the trust water right statutes of Chapters 90.38 or 90.42 RCW. However, Ecology will accept a FFWA water right via donation into the TWRP with disclosure that certain legal risks to the future validity of your water right may exist. The primary risk could be relinquishment should a court proceeding determine that your water right was not legally able to qualify for trust status as defined under the Family Farm Act or the trust water right statutes.

Absent a court ruling to the contrary, Ecology will view FFWA water rights donated to the TWRP as beneficially used and not subject to relinquishment consistent with RCW 90.42.040(6), RCW 90.14.140(h), and RCW 90.14.215. Ecology is willing to work with FFWA water right holders on a case-by-case basis to determine whether options exist to reduce or eliminate this legal risk.

If, prior to expiration of your donation, you elect to extend the term of this 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 of any new or modified terms and conditions and you will be notified if the donation can be extended.

If you have questions or concerns, please call Ying Fu at (509) 329-3451.

YOUR RIGHT TO APPEAL

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.

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

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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 PO Box 47608 Olympia, WA 98504-7608
Pollution Control Hearings Board 1111 Israel Road SW Suite 301 Tumwater, WA 98501	Pollution Control Hearings Board PO 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> .*

Sincerely,



Keith L. Stoffel
Section Manager
Water Resources Program
Eastern Regional Office

KLS:YF:ka
Enclosure

By Certified Mail 7011 3500 0001 8626 4334

cc: Ying Fu, Ecology/ERO
Peter A. Fraley/Attorney