



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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August 30, 2013

L.H. Piro-Beebe LLC, et al.
538 Hyacinth Road
Manson, WA 98831-9738

RE: Trust Water Donation Application Nos. CS4-01052(D)C@1, CS4-00564(C)C and CS4-00540(C)C.

Dear Mr. Piro:

The purpose of this letter is to inform you that the above referenced trust water donation applications, submitted in November of 2009 were processed some time ago; however, it appears that no correspondence was sent to confirm Ecology's decision on the applications.

Your request to place a portion of Surface Water Right No. S4-01052(D)C was accepted into Ecology's Trust Water Right Program (TWRP) for the 2010 irrigation season. The donation of 157.815 acre-feet was made available to the TWRP by the non-use of the commercial orchard irrigation portion of Water Right S4-01052(D)C located within Sections 9 and 10 of Township 27 North, Range 23 East, Douglas County.

The donation expired on December 31, 2010.

It is Ecology's understanding that the other two donation applications, CS4-00564(C)C and CS4-00540(C)C, were for the same fallowed acreage and are for portions of water rights that are non-additive to S4-01052(D)C. Since only one full duty of water can be donated for the fallowed acreage, the non-additive water rights were not considered eligible for the donation program. Non-additive water rights do not contribute additional water to instream flow. This having been said, during the time period the primary water right was donated to the TWRP, the status or validity of the non-additive water rights would be the same as if the primary water right had been used for irrigation that year. Non-additive water rights are not subject to relinquishment under Chapter 90.14.140(2)(b) RCW.

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.



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Please forgive the excessive delay in informing you of Ecology's position on the three trust water right donation applications. Several personnel changes have created gaps in the processing of the large quantity of donation applications we receive in this region.

If you have questions or concerns, please call the Office of Columbia Rivers Trust Water Coordinator, Patricia Kirk, by phone at (509) 249-6299 or by e-mail at patricia.kirk@ecy.wa.gov.

Sincerely,



Mark C. Schuppe
Operations Manager

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