



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

15 W Yakima Ave, Ste 200 • Yakima, WA 98902-3452 • (509) 575-2490

May 19, 2011

Marjorie J. Hart
14390 Highway 24
Moxee WA 98936

RE: Trust Water Donation Nos. CG4-23898C, CG4-23984C and CG4-26362C

Dear Mrs. Hart:

The purpose of this letter is to acknowledge the Department of Ecology's acceptance of your three donations to the Washington State Trust Water Right Program. The trust water rights have been assigned Application Nos. CG4-23898C, CG4-23984C, and CG4-26362C. Please refer to these numbers when corresponding with us about these trust water rights.

There are three Water Right Certificates describing the same place of use (POU). The following tables illustrate what was authorized on the existing Certificates (Table 1); the portion of the water rights will be donated into the Trust Water Rights Program (Table 2); and the portion remaining with the applicant (Table 3).

Table 1. Certificates as currently authorized

| Certificate No. | Authorized Acres | GPM | Irrigation ac-ft | Domestic ac-ft | Stock ac-ft | Total ac-ft |
|-----------------|------------------|------------|------------------|----------------|-------------|-------------|
| G4-23898C | 13 | 65 | 52 | 2 | 0 | 54 |
| G4-23984C** | 15 | 35 | 26 | 2 | 0 | 28 |
| G4-26362C* | 15.5 | 100 | 81 | 0 | 1 | 82 |
| Total | 15.5 | 100 | 81 | 4 | 1 | 86 |
| Additive | | | | | | |

*A provision in Certificate G4-26326 states the use is supplemental (non-additive) in the amount of 78 acre-feet for 15 acres of irrigation, and limits the total amount of water delivered to the POU to 81 acre-feet total with 3 acre-feet per year primary for the additional 0.5 acres.

**Water Right was issued with both additive and primary quantities. 15.6 acre-feet was issued as additive to the 13 acres in G4-23898C to bring the water duty up to 5.2 acre-feet per acre ($1.2 \times 13 = 15.6$). 10.4 acre-feet was issued as primary to an additional 2 acres with a water duty of 5.2 acre-feet per acre ($5.2 \times 2 = 10.4$)

Table 2. Quantities additive donated into the Trust Water Right Program

| Certificate No. | Acres in Trust | GPM | Irrigation ac-ft | Domestic ac-ft | Stock ac-ft | Total ac-ft |
|--------------------|----------------|-----------|------------------|----------------|-------------|-------------|
| G4-23898C | 11 | 52.5 | 44 | 0 | 0 | 44 |
| G4-23984C | 13 | 22.5 | 23.6 | 0 | 0 | 23.6 |
| G4-26362C | 0.5 | 75 | 3 | 0 | 1 | 4 |
| Total Trust | 13.5 | 75 | 70.6 | 0 | 1 | 71.6 |



Table 3. Quantities remaining with the applicant

| Certificate No. | Acres Remaining | GPM | Irrigation ac-ft | Domestic ac-ft | Stock ac-ft | Total ac-ft |
|------------------------|-----------------|-----------|------------------|----------------|-------------|-------------|
| G4-23898C | 2 | 12.5 | 8 | 2 | 0 | 10 |
| G4-23984C | 2 | 12.5 | 2.4 | 2 | 0 | 4.4 |
| G4-26362C | 0 | 25* | 0 | 0 | 0 | 0 |
| Total Remaining | 2 | 25 | 10.4 | 4 | 0 | 14.4 |

* Remaining Qi would be used to pump the standby reserve portions of G4-23898C and G4-23984 if needed.

The Department of Ecology (Ecology), pursuant to RCW 90.42.080(1)(b), acknowledges your donation in the amount of 75 gallons per minute and 71.6 acre-feet per year under all three of the above referenced Certificates. The purpose of the donation is for ground water preservation from April 1, 2010 to November 1, 2019.

This trust water right expires on December 31, 2019.

This trust water right is made possible by the fallowing of 13.5 acres (additive) at the recorded place of use and the cessation of stock watering, located within the NW¼ of Section 21, T. 12 N., R. 21 E.W.M., Parcel No. 21122122010.

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.

If you have questions or concerns, please call the Central Region's Trust Water Coordinator, Scott Turner at (509) 457-7106.

YOUR RIGHT TO APPEAL

You have a right to appeal this decision to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this decision. 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 decision:

- File your appeal and a copy of this decision 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 decision on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.

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

ADDRESS AND LOCATION INFORMATION

| 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, Ste 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://www.leg.wa.gov/CodeReviser>

Sincerely,



Melissa Downes, LHG
Acting Section Manager
Water Resource Program

MD:ST:gh
110509

Enclosure: *Your Right To Be Heard*

Certified Mail: 7007 2560 0001 9535 2635

cc: Philip Rigdon, Director, Natural Resources Division, Yakama Nation