



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Ave SE • Bellevue, WA 98008-5452 • 425-649-7000
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SEP 25 2018

Steve & Janet Keller
Tall Chief Farm, LLC
P.O. Box 1377
Fall City, WA 98024

**RE: Temporary Trust Water Right Donation CG1-126873CL@12 – King County
(WRIA 7)**

Dear Mr. & Ms. Keller:

The purpose of this letter is to acknowledge the Department of Ecology's (Ecology's) acceptance of a portion of Water Right Claim 126873 for temporary donation to the Washington State Trust Water Right Program. The subject trust water right has been assigned control number CG1-126873CL@12. Please refer to this number when corresponding with us about this trust water right donation.

BACKGROUND INFORMATION

Water Right Claim 126873 was filed by Tall Chief Associates, Limited in June 1974, attesting to pre-code (RCW 90.44) vested rights to groundwater. The quantities of water claimed were 200 gallons per minute (gpm) and 320 acre-feet per year (afy). The quantities listed as presently used were 175 gpm and 280 afy. The purpose of use was listed as irrigation, from March 1 through November 1. The point of withdrawal (POW) was listed as being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 5, Township 24 North, Range 7 East, W. M. The POW was described as being 1650 feet south and 600 feet west from the northeast quarter corner of said Section 5. The place of use (POU) was described as the E $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 5, Township 24 North, Range 7 East, W. M.

In 2013, at the request of John Tomlinson of Tall Chief Golf, G1-126873CL was temporarily placed into the Washington State Trust Water Right Program. Mr. Tomlinson had provided water use information attesting to the use of up to 150 gpm and 96.9 afy during the previous five years of beneficial use. Ecology accepted the temporary donation for the specified quantities for groundwater preservation and to enhance the flows of the Snoqualmie River.

The POU and water right claim G1-126873CL were soon thereafter purchased by the King County Department of Natural Resources and Parks (DNRP), Water and Land Resources Division. On July 10, 2015, Christie True, DNRP Director, sent Ecology a written request to have G1-126873CL removed from the Trust Program. On July 15, 2015, Ecology removed G1-126873CL from the Trust Program.

In 2016, the POU and water right claim G1-126873CL were purchased by you (dba Tall Chief Farm, LLC). On March 8, 2018, Ecology received your request to temporarily place a portion of the subject claim into the Trust Program. The most recent beneficial use was in 2016.



Claimed attributes as listed on Water Right Claim 126873 filed in June 1974

Source: A well within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 5, Township 24 North, Range 7 East, W.M. 8105 2 2 932

Date of First Use: March 1968 (records indicate first use on the property began prior to 1945)

Instantaneous Rate: 200 gallons per minute (gpm)

Annual Volume: 320 acre-feet per year (afy)

Number of Irrigated Acres: 220

Purpose of Use: Irrigation

Period of Use: March 1 thru November 1

Place of Use: E $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 5, Township 24 North, Range 7 East, W.M.

Legal Doctrine: Appropriation

Most recent beneficial use per the trust donation form filed on September 5, 2013

Sources: Well #1 within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 5, Township 24 North, Range 7 East, W.M.
Well #2 within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 5, Township 24 North, Range 7 East, W.M.
Well #3 within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 5, Township 24 North, Range 7 East, W.M.

Most Recent Use: Within the past 5 years

Instantaneous Rate: 150 gpm

Annual Volume: 96.9 afy

Number of Irrigated Acres: 193

Purposes & Periods of Use: Community Domestic (year-round) & Irrigation (during the irrigation season) for the Tall Chief golf course and clubhouse

Place of Use: E $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 5, Township 24 North, Range 7 East, W.M. (Parcel #052407-9002-09)

Current request and terms for temporary donation

- Donated Quantity:** 65.9 afy (for an indefinite period)
- Retained Quantities:** Up to 150 gpm and 31 afy to be beneficially used downstream (through seasonal or temporary change approvals) by the Snoqualmie Valley Watershed Improvement District members for irrigation purposes during the irrigation season.
- Reason for donation:** To enhance the flows of the Snoqualmie River.
- Termination Terms:** The subject donation can be terminated with a five business day written notice (email or US Mail) from Tall Chief Farm to the Section Manager of Ecology's Northwest Regional Office. Upon expiration of the five day notice period, the subject claim will no longer be in trust, and Tall Chief is entitled to beneficial use under the limitations of G1-126873CL.
- Assignability:** The subject donation may be assigned by Tall Chief Farm upon the giving of written or verbal notice to Ecology.

Department of Ecology Acceptance

The Department of Ecology, pursuant to RCW 90.42.080(1)(b), **accepts your temporary donation of 65.9 afy to enhance the flows of the Snoqualmie River.** You will retain 31 afy.

Ecology typically accepts temporary donations for up to 20 years. Therefore, **this temporary donation will expire on October 1, 2038.** If, prior to the expiration of this acceptance, you would like to assign, extend, or revoke the temporary donation, please send us a written request as per your terms listed above. Also, if you wish to modify any terms of your donation, your letter must include the new terms.

Ecology's acceptance of the donated water right claim into the trust water right program is not evidence of the extent, validity, or quantities of the claimed right, nor is it an approval of any de facto changes made to the claimed right.

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

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.

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>*

Signed at Bellevue, Washington, this 25 day of Sept. 2018.



Ria Berns
Section Manager
Water Resources Program

Enclosure: Your Right To Be Heard

By Certified Mail: 9171 9690 0935 0163 8179 55

cc: Cynthia Krass, Snoqualmie Valley Watershed Improvement District