

**The Law Office of
JOHN H. F. UFKES**

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June 18, 2013

Central Regional Office
Department of Ecology
15 W Yakima Ave., Suite 200
Yakima, WA 98902

RE: Trust Water Extension Request-Court Claim No. 00634 (1873 priority)

Application #	CS4-00634CTCLsb9a
Date of original acceptance:	June 12, 2013
Requested extension:	until December 31, 2018 unless earlier removal from Trust requested

To the appropriate staff member:

This letter is sent by the Law Office of John H. F. Ufkes, who represent John Eaton and Cristi Eaton, to inform the Department of Ecology (Ecology) of their intent to extend the portion of the above referenced water right already placed in trust until December 31, 2013, for an additional five seasons through December 31, 2018, or until an earlier written request for removal is received by your office from this owner.

From their portion of the total amount of water confirmed with the 1873 priority date under Court Claim No. 00634, **1.1 cfs, 179.14 acre-ft/year** of water was placed in the Trust Water Rights Program, under Trust Water Application number CS4-00634CTCLsb9a. In part, the acceptance of this trust water application, dated June 12, 2013 a copy of which is attached, provides:

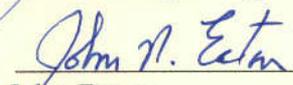
"Trust Water Expiration Date: December 31, 2013."

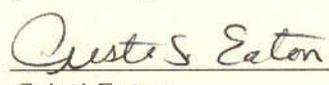
Please consider this letter to be the written request referenced in the decision and send confirmation of its acceptance upon receipt. Please also contact this office if you need additional information or have questions.

Sincerely,


John H. F. Ufkes

The undersigned agree to this request for extension of water right to the state Trust Water Rights Program.

 Date: 6/19/13
John Eaton

 Date: June 18, 13
Cristi Eaton

NOT EXPIRED YET
* JUST ISSUED
~~WAS~~ IN JUNE.
OK TO EXTEND?

O



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

June 12, 2013

John & Cristi Eaton
473 Thrall Rd
Ellensburg, WA 98926

RE: Trust Water Donation CS4-00634sb9a

Dear Mr. & Mrs. Eaton,

The purpose of this letter is to acknowledge the Department of Ecology's acceptance of your donation to the Washington State Trust Water Right Program. The trust water right has been assigned Application No. CS4-00634sb9a. Please refer to this number when corresponding with us about this trust water right.

The Department of Ecology (Ecology) pursuant to 90.38.020(1)(b) accepts your donation, as summarized below:

Benefiting Waterbody	Wilson Creek
Purpose	Instream Flow
Rate	1.1 Cubic Feet Per Second
Acre-Foot Per Year	179.14
Season	04/01 - 10/31
Water Right Place of Use	That portion of the W½SE¼ of Section 30, T. 17 N., R. 19 E.W.M., lying west of interstate Highway 82, EXCEPT right of way on the south boundary.

Trust Water Expiration Date: December 31, 2013

RCW 90.38.020 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 90.38.040(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.

This Decision may be appealed pursuant to RCW 34.05.514(3), RCW 90.03.210(2), and Pretrial Order No. 12 entered in *State of Washington, Department of Ecology v. James Acquavella, et al.*, Yakima County Superior Court No. 77-2-01484-5 (the general adjudication of surface water rights in the Yakima River Basin). The person, to whom this Decision is issued, if he or she wishes to file an appeal, must file the notice of appeal with the Yakima County Superior Court **within thirty (30) days of receipt of this Decision**. Appeals must be filed with the Superior Court Clerk's Office, Yakima County Superior Court, 128 North 2nd Street, Yakima WA 98901, RE: Yakima River Adjudication. Appeals must be served in accordance with Pretrial Order No. 12, Section III ("Appeals Procedures"). The content of the notice of appeal must conform to RCW 34.05.546. Specifically, the notice of appeal must include:

- The name and mailing address of the appellant;
- Name and address of the appellant's attorney, if any;
- The name and address of the Department of Ecology;
- The specific application number of the decision being appealed;
- A copy of the decision;
- A brief explanation of Ecology's decision;
- Identification of persons who were parties in any adjudicative proceedings that led to Ecology's decision;
- Facts that demonstrate the appellant is entitled to obtain judicial review;
- The appellant's reasons for believing that relief should be granted; and
- A request for relief, specifying the type and extent of relief requested.

The "parties of record" who must be served with copies of the notice of appeal under RCW 34.05.542(3) are limited to the applicant of the decision subject to appeal, Ecology and the Office of the Attorney General.

All others receiving notice of this Decision, who wish to file an appeal, must file the appeal with the Yakima County Superior Court within **thirty (30) days of the date the Order was mailed**. The appeal must be filed in the same manner as described above.

If you have questions or concerns, contact Scott Turner at (509) 457-7106 or STUR461@ecy.wa.gov.

Sincerely,



Mark Kemner, LHG
Section Manager
Water Resources Program

MK: ST: ba
130612

Certified Mail: 7000 2250 0004 4950 9253

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com®

OFFICIAL USE

Postage	\$	Postmark Here 4/12
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Sent To: John & Cristi Eaton
 Street, Apt. No., or PO Box No.: CS4-00634sb9a
 City, State, ZIP+4

PS Form 3800, August 2006 See Reverse for Instructions

7009 2250 0004 4950 9253

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input checked="" type="checkbox"/> <u>Cristi S. Eaton</u> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery <u>CRISTI S. EATON</u></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <div style="border: 1px solid black; padding: 5px; margin: 5px 0;"> JOHN & CRISTI EATON 473 THRALL RD ELLENSBURG WA 98926 </div> <p style="margin-top: 10px;">WR/ba CS4-00634sb9a</p>	<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label)</p>	<p style="font-size: 1.2em; text-align: center;">7009 2250 0004 4950 9253</p>
<p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540</p>	

REPORT OF EXAMINATION & POSTING ROUTER

ROE ROE for Change

TW Donation TW Extension

WR Doc ID: _____

PROTESTS? Yes No

File No.: CS4-00634569a

Circle appropriate WRIA. County:

Author/Date: Scott T. 5-22-13

TRIBE	WRIA
Colville Confederated Tribes	49 50 51 52 53 58 60 61
Yakama Nation	29 30 31 32 33 37 38 <u>39</u> 40
Both Tribes	45 46 47 48

QA/QC Review Group: _____

SharePoint > TURNER > Donations 2013 > CS4-00634569a (Eaton)

Y:\Staff\ _____

Unit Supervisor: _____

(Initial & date - Begin routing.)

Dates drafted/edited (Admin): _____

Certified CCs: (Check application signatures)

Reviewer/Date _____

(Reviewer please comment on back of page)

GWIS Mapping Review (review changes BEFORE final)

GWIS initials/date: _____

GWIS remarks & edits (if more room is needed use back of page):

CCs to anyone else? Please list cc's & protestants - more room on back

Permit Writer: _____

(Initial & date - ROE DRAFT ready for 30-day posting to Web.)

Unit Supervisor: _____

(Initial & date - ROE DRAFT ready for 30-day posting to Web.)

Section Manager: _____

(Initial & date: ROE DRAFT is ready for 30-day posting to Web)

DRAFT ROE post 30-days to Web initial & date (Admin):

Minimum Flow River List? (Y:\Adm\Rivers)

Name of River _____

Add name to the appropriate River Data Source:

Attachments:

- Your Right to Be Heard
- PTO appeal? No Your Right to Be Heard
- BC, CC, PA forms _____
- Water Measurement Requirements
- Fish Screening Criteria
- Focus on Water Right Relinquishment (98-1812-WR)
- Other: _____

Permit Writer _____

(Initial & date - FINAL ROE ready for mail/posting.)

Unit Sup (Consider Comments): _____

(Initial & date - FINAL ROE ready for mail/posting.)

Section Manager: _____

(Initial & date: FINAL ROE is ready for mail/posting.)

FINAL ROE mail out & post 60-days to Web [Admin]:

Remarks or Related Files (More space on back of page):

Yakima Basin "Do Not Publish"

