

Department of Ecology
Central Region Office
1250 W. Alder St.
Union Gap, WA 98903-0009



**BEFORE THE
DEPARTMENT OF ECOLOGY
STATE OF WASHINGTON**

IN THE MATTER OF SURFACE
WATER DRAFT CERTIFICATE
NO'S. S4-83505-J, S4-83513-J,
S4-83515-J, S4-83564-J, S4-83511-J,
S4-83514-J, S4-83557-J, S4-83592-J,
AND S4-83512-J.

Rescinding Order
Docket No. 13263

TO: Harrell and Sons Farms LLC
3121 Hanson Road
Ellensburg, WA 98926

On April 9, 2012, Clarence Harrell of Ellensburg, Washington filed nine applications with the Department of Ecology (Ecology) to change the Place of Use (POU) to one single consolidated POU for all of the Harrell rights. Seven of the applications are for Yakima Adjudicated Court Claim No. 00477 and two applications are for Yakima Adjudicated Court Claim No. 00657 in *The State of Washington, Department of Ecology v. James J. Acquavella, et al. (Acquavella)*. The applications were accepted and assigned Application Nos. CS4-00657sb11a, CS4-00657sb11c@1, CS4-00477sb11a, CS4-00477sb11c, CS4-00477sb11e, CS4-00477sb11f, CS4-00477sb11g, CS4-00477sb11h, and **CS4-00477sb11i@1**.

In addition, on February 17, 2012, Ecology received an application requesting entrance for a portion of the adjudicated surface water right associated with Court Claim No. 00657 (Draft Certificate No. S4-83492-J) into the State Trust Water Right Program (TWRP). The application was accepted and assigned Application No. CS4-00657sb11c. Also, on November 15, 2012, Ecology received two consolidated applications for the Irrigation Efficiency Grant Program (IEGP) requesting to place a portion of the adjudicated surface water rights associated with Court Claim No. 00477 (Draft Certificate Nos. S4-83511-J & S4-83513-J) into the TWRP. Both of these applications were accepted and assigned Application Nos. CS4-00477sb11e@1 and CS4-00477sb11i@2.

Ecology issued decisions on all twelve of these applications on March 10, 2016. On April 8, 2016, the applicant's legal representatives, along with a representative from the Kittitas County Conservation District, met with staff from Ecology and agreed to rescind all twelve of the decisions.

Based on the preceding facts and as agreed between all parties, Ecology hereby rescinds the decisions for water right application Nos. CS4-00657sb11a, CS4-00657sb11c@1, CS4-00477sb11a, CS4-00477sb11c, CS4-00477sb11e, CS4-00477sb11f, CS4-00477sb11g, CS4-00477sb11h, and CS4-00477sb11i@1, CS4-00657sb11c, CS4-00477sb11e@1 and CS4-00477sb11i@2, all dated March 10, 2016.

YOUR RIGHT TO APPEAL

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:

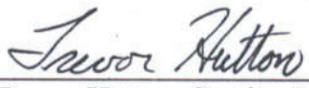
- The name and mailing address of the appellant.
- Name and address of the appellant's attorney, if any.
- The name and address of the Department of Ecology.
- The specific application number of the decision being appealed.
- A copy of the decision.
- A brief explanation of Ecology's decision.
- Identification 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.

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>.

Dated this 12th day of April, 2016.



Trevor Hutton, Section Manager
Water Resources Program
Central Regional Office
Department of Ecology

DATA REVIEW

OK 

CS4-00477sb11i@2, CS4000657sb11c,
CS4-00477sb11e@1, CS4-00477sb11h,
CS4-00477sb11i@1
CS4-00657sb11c@1, CS4-00477sb11g,
CS4-00477sb11f,
CS4-00657sb11a, CS4-00477sb11e,
CS4-00477sb11a, CS4-00477sb11c

1. Article Addressed to:

Clarence Harrell/Harrell & Sons
3121 Hanson Road
Ellensburg, WA 98926
WR/FG/160306/Final ROEs

COMPLETE THIS SECTION ON DELIVERY

A. Signature

Agent

Addressee

X CLARENCE

B. Received by (Printed Name)

C. Date of Delivery

Clarence Harrell

3/15/16

D. Is delivery address different from item 1? Yes

No

If YES, enter delivery address below:

3. Service Type

Certified Mail

Express Mail

Registered

Return Receipt for Merchandise

Insured Mail

C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes

2. Article Number

(Transfer from service label)

7014 3490 0001 5527 2552



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

1250 W Alder St • Union Gap, WA 98903-0009 • (509) 575-2490

March 14, 2016

Clarence Harrell
Harrell and Sons Farms, LLC
3121 Hanson Road
Ellensburg, WA 98926

Re: Water Right Change Application Nos. CS4-00477sblli@2, CS4-00657sb11c,
CS4-00477sb11e@1, CS4-00477sbl1h, CS4-00477sblli@1, CS4-00657sbllc@1,
CS4-00477sbl1g, CS4-00477sb11f, CS4-00657sblla, CS4-00477sbllc, CS4-00477sblla,
and CS4-00477sb11c.

Dear Mr. Harrell:

Enclosed are copies of the Department of Ecology's *Reports of Examination for Change* for the twelve water rights referenced above. The reports contain our decision regarding your applications.

Your applications have been approved.

If you have any questions or for other options to protect your water right, please contact the Water Resources Help Desk at (509) 575-2597.

Sincerely,

Trevor Hutton, Section Manager
Water Resources Program
Central Regional Office

TH:JMM:FG/160306

WR ID #s 5239705, 5239681, 5239734, 5239631, 5239763, 5239855, 5239655, 5239944, 5239788, 5523424, 5160601, 5523487

Enclosures: Reports of Examination for Change
Form 1 Measuring Device Information
Fish Screening Criteria
Focus on Water Right Relinquishment

By certified mail: 7014 3490 0001 5527 2552

cc: Philip Rigdon, Director Natural Resources Division Yakama Nation
Lawrence Martin, Attorney, Velikanje Halverson PC

®



FILE COPY

REPORT OF EXAMINATION & POSTING ROUTER

ROE ROE for Change
 AMENDED ROE/ROE for Change

TW Donation TW Temporary Donation
 TW Extension TW Short-term Lease
 TW Rejection

WR Doc ID: 5239944

File No.: CS4-60477 SB||i @|

Author/Date: J. METCALFE

QA/QC Review Group: _____

Sharepoint/WR Docs Final/ROE's

Y:\Staff\ METCALFE/CHANGE APPS/HARRELL CHPOW/ROES/
CS4-60477 SB||i @|

Unit Supervisor: _____
 (Initial & date - Begin routing.)

Dates drafted/edited (Admin): _____

Reviewer/Date: _____
 (Reviewer please comment on back of page)

GWIS Mapping Review (review changes **BEFORE** final)
 GWIS initials/date: JK 1/28/16
 GWIS remarks & edits (if more room is needed use back of page):

Trust Water (TW) to Chris Anderson: _____
HQ to Post to Net TW Donation/Extension posted for 2 weeks
 TW Temp D./Short-term Lease posted for 44 days

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

Unit Supervisor: TPH 12/21/15
 (Initial & date - ROE DRAFT ready for 30-day posting to Web.)

Section Manager: TRP 1/27/16
 (Initial & date: ROE DRAFT is ready for 30-day posting to Web)

DRAFT ROE OG 2/2/16
 post 30-days to Web initial & date (Admin):

Permit Writer: [Signature] 3/9/16
 (Initial & date - FINAL ROE ready for mail/posting.)

Unit Sup (Consider Comments): TRP 3/9/16
 (Initial & date - FINAL ROE ready for mail/posting.)

Section Manager: TPH 3/10/16
 (Initial & date: FINAL ROE is ready for mail/posting.)

FINAL ROE 3/14/16 OG
 mail out & post 60-days to Web [Admin]:

Y:\Adm\Routers\ROE Review & Posting Router (8/15/2013)

Circle appropriate WRIA. County:

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

PROTESTS? Yes No
 PTO 17? Yes No

Certified CCs: (Check application signatures)

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

LARRY MARTIN

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: _____

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

