Kirk, Patricia S. (ECY)

From: Kirk, Patricia S. (ECY)
Sent: Friday, April 12, 2013 11:59 AM
To: 'Aaron Penvose'
Cc: Schuppe, Mark (ECY)
Subject: RE: Emailing: DOC041013.pdf

Hi Aaron,

I understand that getting the signatures seems like a cumbersome exercise for putting these water rights into trust, however, there is no flexibility in the water code or current policy for us to work with. After looking at the Okanogan County parcel data, there were a couple of things that came to mind.

1. Water Right donation 28101C2@ requires the most signatures. They include:

    Scroggie
    Sunshine Agriculture
    Greene
    Thomas
    Hernandez
    Douglas Co. PUD #1
    Pateros School District #122

2. For the S3-21752C donation only the Scroggies need to provide signatures.

3. For the G4-28100C donation, only the Scroggie and the Hernandez land owners fall within the place of use. I don't know whether they live on their parcels, but if they do, their signatures shouldn't be hard to get.

4. For the CV1-4P261 donation, the Scroggie, Hernandez and Sunshine Agriculture are needed.

If there was a way for the Moores to irrigate the two acres (S4-28101C), or offer to let someone else irrigate a couple of acres that might be a simpler solution (if used from the appropriate point of diversion). The water right the two acres fall under is a Family Farm Act (FFA) provisioned water right along with the G4-28100C right. There is a risk at putting such rights into trust. The trust statutes don't address FFA rights so it is unclear if or how well they are protected in trust. Getting the signatures is not a guarantee of

protection in the trust program given the FFA issue. Is it worth the effort for the 2 acres to the Moores?

It's important for Moores to act on these donations or irrigate. The only thing I need to process them is the signatures at this point. Let me know what they plan to do.

Patricia Kirk
Patricia Kirk, Office of Columbia River
Washington State Department of Ecology | Central Regional Office
15 W. Yakima Ave., Ste 200 | Yakima, WA. 98902 Direct 509-249-6299 | Main 509-575-2490 | Fax 509-575-2809

-----Original Message-----
From: Aaron Penvose [mailto:APenvose@tu.org]
Sent: Wednesday, April 10, 2013 4:04 PM
To: Schuppe, Mark (ECY); Kirk, Patricia S. (ECY)
Subject: Emailing: DOC041013.pdf

Hi Mark,

Here is an example letter that was sent during the original trust donation for 2009, which was accepted by Gary and Rick. I believe we got 7 of the 10 landowners to return the letters at that time. Like I mentioned, this is nothing more than a landowner trying to prevent relinquishment while he figures out what to do with land. I was also thinking, it is good water, maybe the CRP would be interested in making an offer for them to consider?

Thanks for your consideration, I really appreciate it.

Aaron

Your message is ready to be sent with the following file or link attachments:

DOC041013.pdf

No response from Aaron 7/13
PK

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STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
15 W Yakima Ave, Ste 200 • Yakima, WA 98902-3452 • (509) 575-2490

April 1, 2013

Trout Unlimited
Washington Water Project
c/o Aaron Penvose
103 Palouse Street, Suite 14
Wenatchee WA 98801-2251

Re: Water Right Change Application Nos. CS4-CV1-4P261@2, CS3-21752C@2, CS4-28101C@3, CG4-28100C@2
Kent Moore: Pateros K & D Properties, LLC; Pateros D & K Properties, LLC; Pateros M & M Properties, LLC and HPR Properties, LLC

Dear Mr. Penvose:

We have received your trust water right applications and have assigned the application numbers shown above. Please use these numbers in future communications with our office.

If you have any questions, please contact Teresa Mitchell at 509-575-2597.

Sincerely,

Mark Kemner, LHG
Section Manager
Water Resources Program

MK:hd
130402

cc: Kent Moore, et al.

App-trustwater.doc

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