

**Anderson, Sandra K. (ECY)**

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**From:** Park, Sage (ECY)  
**Sent:** Thursday, November 21, 2013 11:57 AM  
**To:** Anderson, Sandra K. (ECY)  
**Subject:** FW: WBN updated list - Tillman

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**From:** Jessica Kuchan [mailto:Kuchan@mentorlaw.com]  
**Sent:** Wednesday, November 20, 2013 4:24 PM  
**To:** Barwin, Robert F. (ECY)  
**Cc:** Park, Sage (ECY)  
**Subject:** RE: WBN updated list - Tillman

**WITHDRAWN**  
11/21/2013

Bob,

Please accept this email as a request on behalf of Suncadia to withdraw S4-35476 and S4-35477.

Thanks,  
Jessica

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**From:** Jessica Kuchan  
**Sent:** Thursday, August 08, 2013 12:20 PM  
**To:** 'Barwin, Robert F. (ECY)'  
**Subject:** RE: WBN updated list - Tillman

I will check with Suncadia and get back to you. Thanks.

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**From:** Barwin, Robert F. (ECY) [mailto:RBAR461@ECY.WA.GOV]  
**Sent:** Thursday, August 08, 2013 11:45 AM  
**To:** Jessica Kuchan  
**Subject:** FW: WBN updated list - Tillman

Hi Jessica: I think these two applications are part of the initial Tillman mitigation project that Joe was developing with runoff from Burchak's field and would no longer seem to serve a purpose. Could they be withdrawn?

Bob Barwin, Environmental Engineer  
Water Resources Program, Central Regional Office  
509-457-7140

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**From:** Downes, Melissa M. (ECY)  
**Sent:** Thursday, August 08, 2013 11:32 AM  
**To:** Park, Sage (ECY); Barwin, Robert F. (ECY)  
**Subject:** FW: WBN updated list - Tillman

**Tillman Creek apps - these are storage???**

S4-35476	Suncadia LLC	A	NewApp	4/14/2011	IFlow
S4-35477	Suncadia LLC	A	NewApp	4/14/2011	IFlow

Sage & Bob – Since the Tillman ROEs have been approved, I'm guessing Suncadia doesn't have a need for these 'mitigation' apps for the Tillman area. Bob if you are still communicating regularly with Mentor Law folk, want to ask Jessica about these? Give them the opportunity to withdraw. -md

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**From:** Anderson, Sandra K. (ECY)

**Sent:** Thursday, August 08, 2013 9:11 AM

**To:** Downes, Melissa M. (ECY); Park, Sage (ECY); Kemner, Mark (ECY); Walker, Kurt (ECY); Hoselton, Anna (ECY); Kroon, Debra L. (ECY); Barwin, Robert F. (ECY); Luttrell, Stuart (ECY)

**Subject:** WBN updated list

*Sandy Anderson*

*Water Resources Program - CRO Yakima*

*(509)454-4172*

*[sand461@ecy.wa.gov](mailto:sand461@ecy.wa.gov)*

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This email has been scanned by the Boundary Defense for Email Security System. For more information please visit <http://www.apptix.com/email-security/antispam-virus>

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DATE TIME 7/11/13



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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

March 21, 2013

Paul Eisenberg  
New Suncadia LLC  
4244 Bullfrog Road, Ste 1  
Cle Elum WA 98922-8717

Re: Water Right Change Application Nos. CS4-YRB07CC01724@2, @5;  
CS4-YRB07CC01724@3, @6; CS4-YRB07CC01724@1, @4; CS4-01724(A)CTCL,  
CS4-01724(B)CTCL, CS4-01724(C)CTCL; CS4-00755(A)CTCL;  
CS4-YRB02CC00755@2; CS4-00648(A)CTCL; CS4-00648(B)CTCL;  
CS4-YRB04CC00648; CS4-YRB04CC00648@1; CS4-00648(AB)sb4-a;  
CS4-00648(AB)sb4-b; CS4-01685(C)CTCL; CS4-01685(D)CTCL; CS4-YRB04CC01685;  
CS4-YRB04CC01685@1; CS4-02255(A)CTCL; CS4-02255(B)CTCL;  
CS4-02255(C)CTCL; CS4-02255(D)CTCL; CS4-02255(E)CTCL; CS4-02255(F)CTCL;  
CS4-YRB03CC02255; CS4-YRB03CC02255@1; CS4-YRB03CC02255@2;  
CS4-YRB03CC02255@3; CS4-YRB03CC02255@4; CS4-YRB03CC02255@5;  
CS4-00626CTCL@2sb7; S4-35476, S4-35477, S4-35570, G4-32487, and G4-32488

Dear Mr. Eisenberg:

We have processed your request for assignments. Our records have been changed to reflect the assignments and we will send all future correspondence to you. Copies of the above referenced change authorizations and applications can be obtained from our office, if needed.

I have also enclosed a WR Document List of Change Applications that have not been assigned from Suncadia LLC to New Suncadia LLC. Please note the yellow highlights

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

Sincerely,

Sandy Anderson  
Water Resources Program

FILE COPY



New Suncadia LLC  
March 21, 2013  
Page 2

SA:gh  
130322

Enclosure: Document List

Cc: Joe Mentor Jr., Mentor Law Group (w/enclosure)

Assignment letter.doc

Y90

**RECEIPT**  
**Department of Ecology (4610)**  
**PO Box 47611**  
**Olympia, WA 98504-7611**  
**(360) 407-7095**

Receipt Number **13CJ011236**  
Manual Receipt

Document Number **461R2311 CJ** Date **12/18/2012** FM 18

Remitter Name **MENTOR LAW GROUP** Receipt Name

Check/Draw Number **2225**

Document Amount **1,800.00**

Method of Payment **Check**

Comment Description **SUSPENSE**

REF NR	DOC NR	REF DOC SFX	INV NR	ID NR	SUB ID NR	T	C	R	FUND	MAJ GRP	MAG SRC	SUB SRC	CNTY	WORK CLS	PIC	AI	ORG	PRJ	SUB PRJ	PRJ PHS	SUB OBJ	SUB SUB OBJ	VAR GL	SUB DR	SID DR	SUB CR	ALLOC AMT
					001		027		09	25		000085															1,800.00

**RECEIVED**

DEC 17 2012

Water Resources  
Department of Ecology



# Mentor Law Group PLLC

315 Fifth Avenue South, Suite 1000  
Seattle, Washington 98104

TEL 206.838.7650 FAX 206.838.7655

12 DEC 17 A 9:51

DEPT. OF ECOLOGY  
FISCAL & BUDGET

Jessica Kuchan  
kuchan@mentorlaw.com

December 14, 2012

*Sent by USPS Priority Mail*

Department of Ecology  
Cashiering Unit  
P.O. Box 47611  
Olympia, WA 98504-7611

RE: **Assignment of Applications and Permits to Appropriate Water  
Projection Located in area administered by Central Regional  
Office**

Dear Cashiering Unit:

Please find enclosed an Assignment of Applications and Permits to Appropriate Water from Suncadia, LLC to New Suncadia, LLC and the requisite fee of \$1,800.00. Please note that the project is within the area administered by the Central Regional Office. Please contact us if you need any additional information.

Sincerely,  
MENTOR LAW GROUP, PLLC



JESSICA C. KUCHAN

ENCLOSURES

REET 3/15/13  
G

Washington Department of Ecology  
Water Resources Program  
**Assignment of Applications and Permits to Appropriate Water**

**Assignor/Applicant/Permittee:**

Suncadia, LLC  
4244 Bullfrog Road, Ste 1  
Cle Elum, WA 98922  
(509) 649-3000

**Assignee:**

New Suncadia, LLC  
4244 Bullfrog Road, Ste 1  
Cle Elum, WA 98922  
(509) 649-3000

Suncadia, LLC, a Delaware limited liability company, hereby assigns to New Suncadia, LLC, a Delaware limited liability company, its rights, title, and interest in and to all the applications and permits listed in Exhibit A, attached hereto and incorporated by reference.

Reason for Assignment: This assignment is made to effectuate the transfer of the water rights from Suncadia, LLC to New Suncadia, LLC in accordance with the Agreement of Purchase and Sale (Deed in Lieu of Foreclosure) dated April 13, 2012, and Non-Merger Deed in Lieu of Foreclosure recorded on June 18, 2012.

Development Schedule: The development schedules for the permits can be met.

Location of Appurtenant Property and Project: In Kittitas County, Washington. This assignment should be sent to Ecology's **Central Regional Office**.

(signatures on the following page)

REF

By signing below, we acknowledge that we have read the above assignment of the applications and permits listed in Exhibit A and that we know the contents thereof, and that the facts therein stated are true.

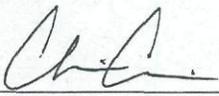
Assignor: Suncadia, LLC  
a Delaware limited liability company

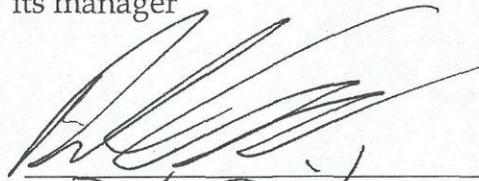
Assignee: New Suncadia, LLC,  
a Delaware limited liability company

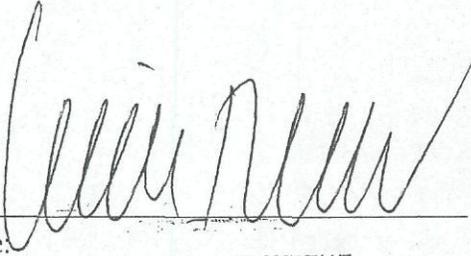
By: LDD Suncadia Investors, LLC,  
a Delaware limited liability company,  
its managing member

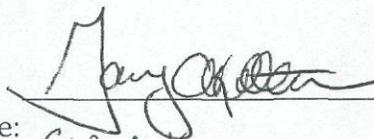
By: Suncadia Operating Member, LLC,  
a Delaware limited liability company,  
its managing member

By: LDD Suncadia Manager, Inc.,  
a Delaware corporation,  
its manager

By:   
Name: CHRISTOPHER CURRIE  
Title: Vice President

By:   
Name: Paul Eisenberg  
Title: Senior Vice President

Date:   
By:   
Name: WILLIAM T. WETHE  
Title: Senior Vice President  
Date:

Date: 12-6-2012  
By:   
Name: GARY A. KITTESON  
Title: VICE PRESIDENT  
Date: 12/6/12

STATE OF WASHINGTON       )  
  ) SS.  
COUNTY OF KITTITAS       )

On this 6<sup>th</sup> day of December 2012, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Paul J. Eisenberg and Gary A. Kittleson, to me known to be the Senior Vice President and Vice President, respectively, of LDD SUNCADIA MANAGER, INC., a Delaware corporation that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act of said company, for the uses and purposes therein mentioned, and on oath stated that they are authorized to execute the said instrument.

Name: Bonnie J. Scott

NOTARY PUBLIC in and for the State of Washington,  
residing at Cle Elum

My Commission expires: 03/04/16

BONNIE J. SCOTT  
STATE OF WASHINGTON  
NOTARY PUBLIC  
MY COMMISSION EXPIRES  
03-04-16

# CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

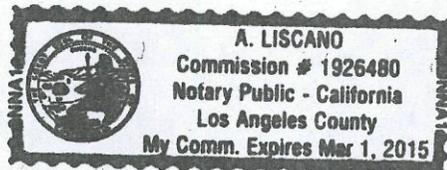
State of California

County of LOS ANGELES

On DECEMBER 4, 2012 before me, A. LISCANO, NOTARY PUBLIC

personally appeared CHRISTOPHER CURRIE AND WILLIAM T. WETHE

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) ~~is~~ are subscribed to the within instrument and acknowledged to me that ~~he~~ she/they executed the same in his/~~her~~their authorized capacity(ies), and that by his/~~her~~their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: A. Liscano  
Signature of Notary Public

Place Notary Seal and/or Stamp Above **OPTIONAL**

*Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.*

**Description of Attached Document**  
Title or Type of Document: ASSIGNMENT OF APPLICATIONS & PERMITS TO APPROPRIATE WATER  
Document Date: \_\_\_\_\_ Number of Pages: \_\_\_\_\_

Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer(s)**

- |   |   |   |   |
|---|---|---|---|
| Signer's Name: _____<br><input type="checkbox"/> Corporate Officer — Title(s): _____<br><input type="checkbox"/> Individual<br><input type="checkbox"/> Partner — <input type="checkbox"/> Limited <input type="checkbox"/> General<br><input type="checkbox"/> Attorney in Fact<br><input type="checkbox"/> Trustee<br><input type="checkbox"/> Guardian or Conservator<br><input type="checkbox"/> Other: _____ | RIGHT THUMBPRINT OF SIGNER<br>Top of thumb here | Signer's Name: _____<br><input type="checkbox"/> Corporate Officer — Title(s): _____<br><input type="checkbox"/> Individual<br><input type="checkbox"/> Partner — <input type="checkbox"/> Limited <input type="checkbox"/> General<br><input type="checkbox"/> Attorney in Fact<br><input type="checkbox"/> Trustee<br><input type="checkbox"/> Guardian or Conservator<br><input type="checkbox"/> Other: _____ | RIGHT THUMBPRINT OF SIGNER<br>Top of thumb here |
|---|---|---|---|

Signer Is Representing: \_\_\_\_\_

Exhibit A: Water Rights Assigned to New Suncadia, LLC

CS4-YRB07CC01724@2,@5  
CS4-YRB07CC01724@3,@6  
CS4-YRB07CC01724@1,@4  
CS4-01724(A)CTCL  
CS4-01724(B)CTCL  
CS4-01724(C)CTCL  
CS4-00755(A)CTCL  
CS4-YRB02CC00755@2  
CS4-00648(A)CTCL  
CS4-YRB04CC00648  
CS4-00648(B)CTCL  
CS4-YRB04CC00648@1  
CS4-00648(AB)sb4-a  
CS4-00648(AB)sb4-b  
CS4-01685(C)CTCL  
CS4-YRB04CC01685@1  
CS4-01685(D)CTCL  
CS4-YRB04CC01685  
CS4-02255(A)CTCL  
CS4-YRB03CC02255  
CS4-02255(B)CTCL  
CS4-YRB03CC02255@1  
CS4-02255( C)CTCL  
CS4-YRB03CC02255@2  
CS4-02255(D)CTCL  
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CS4-YRB03CC02255@4  
CS4-02255(F)CTCL  
CS4-YRB03CC02255@5  
CS4-00626CTCL@2sb7  
S4-35476  
S4-35477  
S4-35570  
G4-32487  
G4-32488



October 1, 2012

Mark Kemner, Section Manager  
Water Resources Program  
Washington Department of Ecology  
15 W. Yakima Ave., Suite 200  
Yakima, WA 98902-3453

RE: Assignment of Trust Water Right Agreement

Dear Mr. Kemner:

On February 11, 2010, Suncadia, LLC and the Washington Department of Ecology signed a Trust Water Right Agreement. The beneficial interest in the water pursuant to the Agreement and the interest in the Agreement have been transferred from Suncadia, LLC to New Suncadia, LLC.

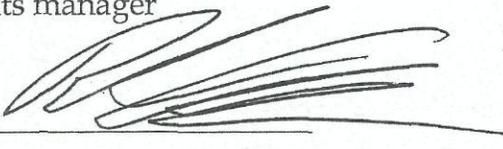
The Trust Water Right Agreement allows for Suncadia, LLC to assign its interest to another party by providing written notice to Ecology.<sup>1</sup> This letter is intended to satisfy that notice requirement. Please update Ecology's records to reflect that the Agreement is between New Suncadia, LLC and Ecology.

Sincerely,

By: New Suncadia, LLC,  
a Delaware limited liability company

By: Suncadia Operating Member, LLC,  
a Delaware limited liability company,  
its managing member

By: LDD Suncadia Manager, Inc.,  
a Delaware corporation,  
its manager

By: 

Name Paul Eisenberg

Its: Sr. Vice President

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<sup>i</sup> Trust Water Right Agreement between Suncadia, LLC and Washington Department of Ecology, paragraph 8, page 6 (Feb. 11, 2010).



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IN THE SUPERIOR COURT FOR THE STATE OF WASHINGTON  
FOR YAKIMA COUNTY

IN THE MATTER OF THE  
DETERMINATION OF THE RIGHTS TO  
THE USE OF THE SURFACE WATERS  
OF THE YAKIMA RIVER DRAINAGE  
BASIN, IN ACCORDANCE WITH THE  
PROVISIONS OF CHAPTER 90.03,  
REVISED CODE OF WASHINGTON

STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY,  
Plaintiff,

v.

JAMES J. ACQUAVELLA, et al.,  
Defendants.

No. 77-2-01484-5

**MOTION TO SUBSTITUTE  
PARTIES**

**NEW SUNCADIA, LLC FOR  
SUNCADIA, LLC**

**COURT CLAIM NOS.:**

**00755 (SUBBASIN NO. 2)**

**00648 (SUBBASIN NO. 4)**

**01685 (SUBBASIN NO. 4)**

**01724 (SUBBASIN NO. 7)**

**02255 (SUBBASIN NO. 3)**

1. CLAIMANT, Suncadia, LLC is the claimant of record and states the following:

A. Claimant Name: Suncadia, LLC

B. Claimant Address: 4244 Bullfrog Road



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IN THE SUPERIOR COURT FOR THE STATE OF WASHINGTON  
FOR YAKIMA COUNTY

IN THE MATTER OF THE  
DETERMINATION OF THE RIGHTS TO  
THE USE OF THE SURFACE WATERS  
OF THE YAKIMA RIVER DRAINAGE  
BASIN, IN ACCORDANCE WITH THE  
PROVISIONS OF CHAPTER 90.03,  
REVISED CODE OF WASHINGTON

STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY,  
Plaintiff,

v.

JAMES J. ACQUAVELLA, et al.,  
Defendants.

No. 77-2-01484-5

**ORDER GRANTING MOTION  
TO SUBSTITUTE PARTIES  
NEW SUNCADIA, LLC FOR  
SUNCADIA, LLC**

**COURT CLAIM NOS.:**

**00755 (SUBBASIN NO. 2)**

**00648 (SUBBASIN NO. 4)**

**01685 (SUBBASIN NO. 4)**

**01724 (SUBBASIN NO. 7)**

**02255 (SUBBASIN NO. 3)**

This ex parte matter came before the Court on a motion of Suncadia, LLC and New Suncadia, LLC for Claim Numbers: 00755 (Subbasin No. 2, Easton); 00648 (Subbasin No. 4, Swauk); 01685 (Subbasin No. 4, Swauk); 01724 (Subbasin No. 7, Reecer); and 02255 (Subbasin No. 3, Teanaway).

1 The Court having considered the motion to substitute parties and for  
2 good cause shown, finds that claimant has transferred these claims. Therefore,  
3 New Suncadia, LLC is substituted for Suncadia, LLC.

4 This ex parte Order shall be effective upon filing with the Clerk. Any  
5 objection to the Order must be filed with the Clerk within 30 days of its  
6 publication in the Monthly Notice or shall be deemed waived.

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Hon. F. James Gavin

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IN THE SUPERIOR COURT FOR THE STATE OF WASHINGTON  
FOR YAKIMA COUNTY

IN THE MATTER OF THE  
DETERMINATION OF THE RIGHTS TO  
THE USE OF THE SURFACE WATERS  
OF THE YAKIMA RIVER DRAINAGE  
BASIN, IN ACCORDANCE WITH THE  
PROVISIONS OF CHAPTER 90.03,  
REVISED CODE OF WASHINGTON

STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY,  
Plaintiff,

v.

JAMES J. ACQUAVELLA, et al.,  
Defendants.

No. 77-2-01484-5

**CERTIFICATE OF SERVICE**

**COURT CLAIM NOS.:**

**00755 (SUBBASIN NO. 2)**

**00648 (SUBBASIN NO. 4)**

**01685 (SUBBASIN NO. 4)**

**01724 (SUBBASIN NO. 7)**

**02255 (SUBBASIN NO. 3)**

I certify that on October 1, 2012, I caused the Motion to Substitute Parties, New Sucadia, LLC for Suncadia, LLC in Court Claim Nos. 00755 (Subbasin No. 2), 00648 (Subbasin No. 4), 01685 (Subbasin No. 4), 01724 (Subbasin No. 7) and 02255 (Subbasin No. 3), Proposed Order and this Certificate of Service to be served on the following persons and entities via the method indicated:

1 Denny Herreid  
Clerk of the Court  
2 Yakima County Superior Court  
128 N. 2nd St., Room 323  
3 Yakima, WA 98901-2631

- Overnight Delivery via Federal Express**
- First Class Mail via USPS
- Certified Mail, Return Receipt Requested
- Hand-Delivered
- Electronic Mail

4 Alan M. Reichman  
Barbara A Munson  
5 Attorney General of Washington  
Ecology Division  
6 2425 Bristol Court SW, 2<sup>nd</sup> Floor  
Olympia, WA 98504

- Overnight Delivery via Federal Express**
- First Class Mail via USPS
- Certified Mail, Return Receipt Requested
- Hand-Delivered
- Electronic Mail

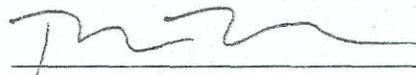
7 Department of Ecology  
8 Water Resources Program  
Central Regional Office  
9 15 W Yakima Ave, #200  
Yakima, WA 98902

- Overnight Delivery via Federal Express
- First Class Mail via USPS**
- Certified Mail, Return Receipt Requested
- Hand-Delivered
- Electronic Mail

10  
11 I declare under the penalty of perjury under the laws of the State of  
12 Washington that the foregoing is true and correct.

13  
14 Executed this 1<sup>st</sup> day of October, 2012, in Seattle, Washington.

15 Respectfully submitted,  
16 MENTOR LAW GROUP, PLLC

17  
18   
19 \_\_\_\_\_  
20 Tammy Liddle



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

15 West Yakima Avenue, Suite 200 • Yakima, Washington 98902-3452 • (509) 575-2490

April 25, 2011

Suncadia, LLC  
4244 Bull Frog Road, Suite 1  
Cle Elum WA 98922-8717

Re: Water Right Application Nos. S4-35476 and S4-35477

We have received your applications for two water rights and have assigned them the numbers shown above. Please use these numbers in future communications with our office.

Please note that construction of your water system and water use should begin only after you have received written authorization from Ecology.

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

Sincerely

Melissa Downes, LHG  
Acting Section Manager  
Water Resource Program

MD:hd  
110430

cc: Jessica Kuchan, Attorney, Mentor Law Group PLLC

App-expedited.doc



**FILE COPY**

