



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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

March 27, 2013

Dan and Lynnette Haller  
1770 Longmire Lane  
Selah WA 98942-8147

Re: Water Right Change Application No. CS4-0160sb15@1

Dear Mr. and Mrs. Haller:

We have received your trust water right application and have assigned the application number shown above. Please use this number 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  
130322

App-trustwater.doc

**FILE COPY**



CLAIMANT NAME:

**Daniel R. Haller  
& Lynnette A. Haller**

COURT CLAIM NO. 01604

Certificate Number:

S4-83129-J

Subbasin:

15 Wenas Creek

Source:

South Fork of Wenas Creek

Use:

Irrigation of 19 acres and stock water

Period of Use:

March 15 to October 15

Quantity:

0.38 cubic foot per second, 57 acre-feet per year for irrigation; 0.01 cubic foot per second, 1 acre-foot per year for stock water

Priority Date:

**June 30, 1877**

Point of Diversion:

550 feet south and 980 feet east from the north quarter corner of Section 24, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 24, T. 15 N., R. 17 E.W.M.

Place of Use:

Lot 3 of Short Plat recorded in Book 81, Page 60, Records of Yakima County, being within a portion of the N $\frac{1}{2}$ NE $\frac{1}{4}$  of Section 24, T. 15 N., R. 17 E.W.M.

Limitations Of Use:

In addition to the right granted from Wenas Creek, this land receives supplemental water from the Wenas Irrigation District. Historically under these rights, a maximum of 104 acre-feet per year has been used from both sources for irrigation of this land.



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ONLY

December 23, 2009

Daniel & Lynnette Haller  
1770 Longmire Ln  
Selah WA 98942

RE: Trust Water Donation No. CS4-01604CTCL

Dear Mr. and Mrs. Haller:

The purpose of this letter is to acknowledge your request to extend the donation of temporary trust water right No. CS4-01604CTCL to the Washington State Trust Water Right Program.

The Department of Ecology (Ecology), pursuant to RCW 90.38.020(1)(b), acknowledges your donation in the amount of 0.076 cubic feet per second and 13.57 acre-feet per year. The purpose of the donation is to benefit instream flow in Wenas Creek from March 15, 2010 to October 15, 2011.

**This trust water right expires on December 31, 2011.**

This trust water right is made possible by the fallowing of approximately 10 acres, at the recorded place of use, located within Lot 3 of Short Plat recorded in Book 81, Page 60 Records of Yakima County, being within a portion of the N $\frac{1}{2}$ NE $\frac{1}{4}$  of Section 24, T. 15 N., R. 17 E.W.M.

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.

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If you have questions or concerns, please call the Central Region's Trust Water Coordinator, Scott Turner at (509) 457-7106.

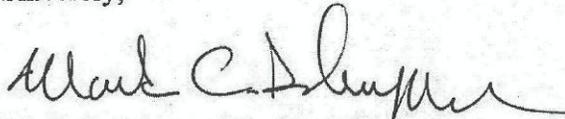
This Decision may be appealed pursuant to RCW 34.05.514(3), RCW 90.03.210(2), and Pretrial Order No. 12 entered in *State of Washington, Department of Ecology v. James Acquavella, et al.*, Yakima County Superior Court No. 77-2-01484-5 (the general adjudication of surface water rights in the Yakima River 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 2<sup>nd</sup> 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.

Sincerely,



Mark C. Schuppe, Section Manager  
Water Resources Program

MCS:ST:gg/091225

Certified Mail: 7007 2560 0001 9534 6627

cc: Philip Rigdon, Director, Natural Resources Division, Yakama Nation

INFO

**Turner, Scott (ECY)**

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**From:** Dan Haller [zerbert@fairpoint.net]  
**Sent:** Friday, March 15, 2013 10:20 PM  
**To:** Turner, Scott (ECY); Park, Sage (ECY)  
**Subject:** trust water donation  
**Attachments:** ROE 2007.pdf; trust application March 2013.docx

Hi Scott and Sage,

Please find **attached a trust water donation**. This is the same donation as I had from 2007 to 2011, but inadvertently let it expire last year.

Thanks very much, Dan.