

REPORT OF EXAMINATION & POSTING ROUTER

ROE ROE for Change

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

WR Doc ID: 4922396

PROTESTS? Yes No

File No.: CS4-00169 SB 708

Circle appropriate WRIA. County:

Author/Date: J METCALFE

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: _____

(Date)

SharePoint> _____

Y:\Staff\ METCALFE\TRUSTWATER\EXTENSIONS\CS4-00169 SB 708

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: _____

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: _____

(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):

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]:

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

Certified CCs: (Check application signatures)

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

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):

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Postage	\$
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Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark
Here

1/28/14

Sent To Hutchinson Properties
 Street, Apt. No. or PO Box No.
 City, State, ZIP+4 CS4-00169sb708

PS Form 3800, August 2006

See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- 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.

1. Article Addressed to:

HUTCHINSON PROPERTIES, LLC
 PO BOX 938
 ELLENSBURG, WA 98926

WR:ba CS4-00169sb7@8

2. Article Number
(Transfer from service label)

PS Form 3811, February 2004

COMPLETE THIS SECTION ON DELIVERY

A. Signature [Signature] Agent
 Addressee
 B. Received by (Printed Name) Sam Hutchins
 C. Date of Delivery 1-29-14
 D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

7009 2250 0004 4950 3398

Domestic Return Receipt

102595-02-M-1540

Lathrop, Winbauer, Harrel, Slothower & Denison L.L.P.

Attorneys at Law

Post Office Box 1088, 201 West Seventh Avenue, Ellensburg, WA 98926

*F. Steven Lathrop, P.S.
John P. Winbauer
Susan K. Harrel
Jeff Slothower
James T. Denison, Jr.
Douglas W. Nicholson*

*Jeff Slothower
jslothower@lwbsd.com*

*Tel (509) 925-6916
Direct Fax (509) 343-3206
www.lwbsd.com*

October 31, 2013

VIA EMAIL AND FIRST CLASS U.S. MAIL
SUEB461@ECY.WA.GOV

Sage Park
Department of Ecology
Central Regional Office
15 W. Yakima Avenue, Suite 200
Yakima, WA 98902

Re: Trust Water Right Donation Nos. CS4-00169sb7@8 and CS4-00169sb7@9

Dear Sage:

I am addressing this letter to you because I am unsure who is currently handling trust water right applications in your office.

My client, Ellensburg Cement Products, Inc. (the "Applicant"), would like to extend the above-referenced donations of its water rights to trust from the current trust expiration date of December 31, 2013 until December 31, 2023.

When these rights were originally accepted into trust and then extended, they were donated pursuant to an application in which the Applicant preserved the right to continue donating the portion of the water right to trust beyond the expiration date, and specifically that if the Applicant failed to notify the Department of Ecology of its intentions, then the water would automatically remain in the trust water rights program for the next calendar year. The Applicant owns and operates a gravel mining operation on portions of the place of use of the water right. The mine is operated under DNR Surface Mine Reclamation Permit No. 70-010239. The Applicant desires to continue to donate the water to trust while the mining of the place of use occurs. Once the mining ceases and the place of use is reclaimed, the Applicant will remove the water from the trust to use the water at the authorized place of use for the authorized purposes. Ecology's letter of June 11, 2013 indicates the above-referenced trust water rights expire on December 31, 2013. As indicated above, the Applicant desires that these water rights stay in



Scott Turner
October 31, 2013
Page 2 of 2

trust until December 31, 2023, as it is anticipated that the Applicant will not begin reclamation of the place of use, which will require use of the water for irrigation, until at least December 31, 2023.

Additionally, concurrently with this request to extend the existing trust water rights, the Applicant encloses a third Application to Enter a Water Right Into the Trust Water Rights Program for additional property within the authorized place of use that the Applicant intends to mine in the near future.

Very truly yours,



Jeff Slothower

JS:hh

Enclosure

cc: Client (w/encl.)

REPORT OF EXAMINATION & POSTING ROUTER

ROE ROE for Change

TW Donation TW Extension

WR Doc ID: _____

PROTESTS? Yes No

File No.: CS4-00169sb708

Circle appropriate WRIA. County:

Author/Date: Scott T.

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

QA/QC Review Group: _____

SharePoint (Date) Turner/Donations/2013
CS4-00169sb708 (Hutchison)

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

Jeff Slothower

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 No Web Post

1 ROE for @8 + @9

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2/12

<small>Sent To</small>	Hutchinson LLC
<small>Street, Apt. No., or PO Box No.</small>	
<small>City, State, ZIP+4</small>	CS4-00169sb7@8@9

PS Form 3800, August 2006 See Reverse for Instructions

7009 2250 0004 4950 9246

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>1. Article Addressed to:</p> <div style="border: 1px solid black; padding: 5px; margin: 5px 0;"> <p>HUTCHINSON PROPERTIES LLC C/O JEFF SLOTHOWER PO BOX 1088 ELLENSBURG WA 98926-0938</p> <p>WR/ba CS4-00169sb7@8/@9</p> </div> <p>2. Article Number <small>(Transfer from service label)</small></p>	<p>A. Signature</p> <p><input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name)</p> <p>C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below:</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>2009 2250 0004 4950 9246</p>	
<p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540</p>	

Turner, Scott (ECY)

From: Jeff Slothower [Jslothower@lwbsd.com]
Sent: Thursday, March 01, 2012 2:34 PM
To: Turner, Scott (ECY)
Subject: ECP
Attachments: S60BW-112030114560.pdf

Scott

I believe the confusion results from an error we made in the CS4-00169@1 application we recently filed. Note 5 needs to be corrected. The corrected numbers set forth in note 5 are based on a September 21 2006 letter from Melissa Downs.

Note 5: The applicant wishes to transfer to the Trust Water Right Program the following quantities of water:

Application No.	Purpose of Use	Acres Fallowed	Period	Instantar (c
CS4-00169@1	Irrigation	22.36	Apr 1 - Oct 31	.7
	Conveyance	22.36	Apr 1 - Oct 31	.1
	Stock water	--	Dec 1 - Mar 31	.0

With regard to the second application, CS4-00169CTCL@2: The quantities are based on 20 acres, note the amounts for this right in the September 21, 2006 letter were based on her assumption that only 10 acres were involved. She corrected that in a February 19, 2008 letter when she acknowledged that the acreage was 20 acres. Both letters were attached to the applications we recently filed.

Letters are attached

Please review and give me a call

Jeff

Jeff Slothower, Attorney at Law
Lathrop, Winbauer, Harrel, Slothower & Denison L.L.P.
P.O. Box 1088
Ellensburg, WA 98926

P. 509.925.6916
F. 509.962.8093
Email: jslothower@lwbsd.com
Web: www.lwbsd.com

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Lathrop, Winbauer, Harrel, Slothower & Denison L.L.P.

Attorneys at Law

Post Office Box 1088, 201 West Seventh Avenue, Ellensburg, WA 98926

*F. Steven Lathrop, P.S.
John P. Winbauer
Susan K. Harrel
Jeff Slothower
James T. Denison, Jr.
Douglas W. Nicholson*

Tel (509) 925-6916
Fax (509) 962-8093

January 6, 2012



VIA EMAIL AND FIRST CLASS U.S. MAIL
STUR461@ecy.wa.gov

Scott Turner
Department of Ecology
Central Regional Office
15 W. Yakima Avenue, Suite 200
Yakima, WA 98902

Re: Water Right Change Application Nos. CS4-00169sb7@8 and CS4-00169sb7@9

Dear Mr. Turner:

The two above-referenced applications were submitted to Ecology on August 5, 2011. I received a September 7, 2011 letter from Melissa Downes assigning the applications the above-referenced control numbers. On November 29, 2011 I sent a follow-up letter to Theresa Mitchell requesting the status of the applications. I have not received any further communications from Ecology.

Please advise me what the status of these applications is.

Very truly yours,

A handwritten signature in blue ink, appearing to read "JS", with a stylized flourish at the end.

Jeff Slothower

JS:hh

cc: Client

Lathrop, Winbauer, Harrel, Slothower & Denison L.L.P.

Attorneys at Law

Post Office Box 1088, 201 West Seventh Avenue, Ellensburg, WA 98926

*F. Steven Lathrop, P.S.
John P. Winbauer
Susan K. Harrel
Jeff Slothower
James T. Denison, Jr.*

Tel (509) 925-6916
Fax (509) 962-8093



November 29, 2011

VIA FIRST CLASS U.S. MAIL

Teresa Mitchell
Department of Ecology
Central Regional Office
15 W. Yakima Avenue, Suite 200
Yakima, WA 98902

Re: Water Right Change Application Nos. CS4-00169sb7@8 and CS4-00169sb7@9

Dear Ms. Mitchell:

The two above-referenced applications were submitted to Ecology on August 5, 2011. I received a September 7, 2011 letter from Melissa Downes assigning the applications the above-referenced control numbers. I have not received any further communications from Ecology since that September 7 letter.

Please advise me what the status of these applications is.

Very truly yours,

A handwritten signature in blue ink, appearing to read "JS", written over a horizontal line.

Jeff Slothower

JS:hh

cc: Client



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

September 7, 2011

Jeff Slothower
PO Box 1088
Ellensburg WA 98926-1088

Re: Water Right Change Application Nos. **CS4-00169sb7@8** and CS4-00169sb7@9

Dear Mr. Slothower:

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,

MELISSA M. DOWNES

Melissa Downes, LHG
Acting Section Manager
Water Resource Program

MD:hd
110905

cc: Hutchinson Properties, LLC

App-trustwater.doc



FILE COPY 

parcel_id
11431
480436

Owner_Name
HUTCHINSON PROPERTIES LLC
HUTCHINSON, JAMES O ETUX

Owner_Ad_2
ELLENSBURG WA
ELLENSBURG WA

CLAIMANT NAME: Hutchinson Properties LLC COURT CLAIM NO. 00169
Certificate Number: S4-84116-J
Subbasin: 07 Reecer Creek
Source: Yakima River
Use: Irrigation of 20 acres and stock water
Period of Use: April 1 to October 31 for irrigation; continuous for stock watering
Quantity: 0.60 cubic foot per second, 301.40 acre-feet per year for irrigation and 0.16 cubic foot per second for conveyance loss; 0.08 cubic foot per second, 8.2 acre-feet per year from December 1 to March 31 for stock water
Priority Date: February 21, 1876
Point of Diversion: 500 feet south and 850 feet east from the center of Section 12, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 12, T. 18 N., R. 17 E.W.M.
Place of Use: That part of the W $\frac{1}{2}$ of Section 28, T. 18 N., R. 18 E.W.M. described as follows: Beginning at the northwest corner of said Section 28; thence S 01°13'15" E, 1336.28 feet; thence N 13°26'13" E 36.99 feet; thence S 47°52'05" E, 54.59 feet; thence S 89°14'23" E, 1027.80 feet; thence S 45°18'44" E, 306.60 feet; thence S 14°11'42" W, 753.45 feet; thence S 04°59'22" E, 348.12 feet to the true point of beginning; thence continuing S 04°59'22" E, 327.03 feet; thence S 55°57'51" E 1358.22 feet; thence S 86°08'14" E, 326.09 feet; thence N 00°19'46" W, 674.32 feet; thence N 86°52'58" W, 349.06 feet; thence N 02°12'15" W, 179.49 feet; thence N 78°08'05" W, 1144.46 feet to the true point of beginning.
Limitations of Use: This right is not subject to the Olson et al. limiting agreement. A total of 70 acres is irrigated in the E $\frac{1}{2}$ of Section 18 north of BNRR right-of-way and south of the county road under this right and the right confirmed to Olson Ditch with a June 30, 1885 date of priority.

642