



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300

October 2, 2012

Richard Hoey, P.E.  
Director of Water Resources  
Department of Public Works  
City of Olympia  
PO Box 1967  
Olympia, WA 98507-1967

Re: Request to Extend Temporary Donation of Surface Water Right Certificate S2-SWC4436  
to the Washington State Trust Water Right Program

Dear Mr. Hoey:

In response to your letter of September 20, 2012, requesting to extend the temporary donation to the Trust Water Right Program Water Right Certificate S2-SWC4436 to October 1, 2013, your request is hereby granted.

**This temporary donation will expire on October 1, 2013, unless otherwise extended by the water right owner.**

The parent water right, Surface Water Certificate N. 4436, authorized the withdrawal of .20 cubic feet per second for the irrigation of 20 acres during the irrigation season. The recorded place of use is located within the NE $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Section 8, Township 17 North, Range 1 E.W.M.

RCW 90.42.080 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 90.42.040(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 water right. When the period of the 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.

If you have questions or concerns, please call Mike Gallagher at (360) 407-6058.

You have a right to appeal this decision. To appeal this you must:

- File your appeal with the Pollution Control Hearings Board within 30 days of the “**date of receipt**” of this document. Filing means actual receipt by the Board during regular office hours.
- Serve your appeal on the Department of Ecology within 30 days of the “**date of receipt**” of this document. Service may be accomplished by any of the procedures identified in WAC 371-08-305(10). “Date of receipt” is defined at RCW 43.21B.001(2).

Be sure to do the following:

- Include a copy of this document that you are appealing with your *Notice of Appeal*.
- Serve and file your appeal in paper form; electronic copies are not accepted.

### 1. To file your appeal with the Pollution Control Hearings Board

**Mail appeal to:**  
The Pollution Control Hearings Board  
PO Box 40903  
Olympia WA 98504-0903

**OR**

**Deliver your appeal in person to:**  
The Pollution Control Hearings Board  
1111 Israel Road SW  
Tumwater WA 98501

### 2. To serve your appeal on the Department of Ecology

**Mail appeal to:**  
The Department of Ecology  
Appeals Coordinator  
P.O. Box 47608  
Olympia WA 98504-7608

**OR**

**Deliver your appeal in person to:**  
The Department of Ecology  
Appeals Coordinator  
300 Desmond Dr SE  
Lacey WA 98503

### 3. And send a copy of your appeal to:

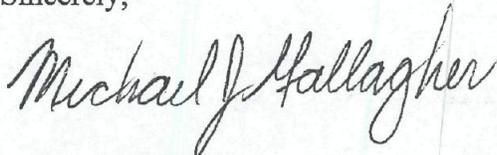
Michael J. Gallagher  
Department of Ecology  
Southwest Regional Office  
PO Box 47775  
Olympia WA 98504-7775

Richard Hoey  
October 2, 2012  
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*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://www1.leg.wa.gov/CodeReviser>.*

If you have any questions, please contact me at (360) 407-6058 or at [mgal461@ecy.wa.gov](mailto:mgal461@ecy.wa.gov).

Sincerely,



Michael J. Gallagher  
Section Manager  
Water Resources Program

MG:dn

Enclosures: *Your Right to Be Heard*

cc: Joe Cushman, Planning Director, Nisqually Indian Tribe



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300

October 7, 2011

Richard Hoey, P.E.  
Director of Water Resources  
Department of Public Works  
City of Olympia  
PO Box 1967  
Olympia, WA 98507-1967

Re: Request to Extend Temporary Donation of Surface Water Right Certificate S2-SWC4436 to the Washington State Trust Water Right Program

Dear Mr. Hoey:

In response to your letter of October 6, 2011 requesting to extend the temporary donation to the Trust Water Right Program Water Right Certificate S2-SWC4436 to October 1, 2012, your request is hereby granted.

**This temporary donation will expire on October 1, 2012, unless otherwise extended by the water right owner.**

The parent water right, Surface Water Certificate N. 4436, authorized the withdrawal of .20 cubic feet per second for the irrigation of 20 acres during the irrigation season. The recorded place of use is located within the NE $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Section 8, Township 17 North, Range 1 E.W.M.

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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.

If you have questions or concerns, please call Mike Gallagher at (360) 407-6058.



**YOUR RIGHT TO APPEAL**

You have a right to appeal this decision to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this decision. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal you must do all of the following within 30 days of the date of receipt of this decision:

- File your appeal and a copy of this decision with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this decision on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.

You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

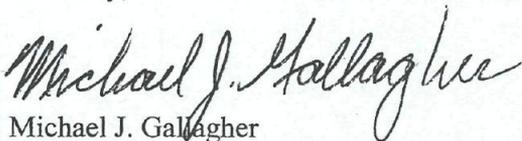
**ADDRESS AND LOCATION INFORMATION**

| Street Addresses   | Mailing Addresses  |
|--|--|
| <p><b>Department of Ecology</b><br/>Attn: Appeals Processing Desk<br/>300 Desmond Drive SE<br/>Lacey, WA 98503</p> <p><b>Pollution Control Hearings Board</b><br/>1111 Israel RD SW<br/>STE 301<br/>Tumwater, WA 98501</p> | <p><b>Department of Ecology</b><br/>Attn: Appeals Processing Desk<br/>PO Box 47608<br/>Olympia, WA 98504-7608</p> <p><b>Pollution Control Hearings Board</b><br/>PO Box 40903<br/>Olympia, WA 98504-0903</p> |

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://www1.leg.wa.gov/CodeReviser>.

If you have any questions, please contact me at (360) 407-6058 or at [mga1461@ecy.wa.gov](mailto:mga1461@ecy.wa.gov).

Sincerely,



Michael J. Gallagher  
Section Manager  
Water Resources Program

Enclosures: *Your Right to Be Heard*

MG:th

cc: Joe Cushman, Planning Director, Nisqually Indian Tribe

BY CERTIFIED MAIL: 7010 1670 0002 4158 0503