

# **Water Right Summary Report**

*Parcel Nos. 201234-34002 & 201234-33002*

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**Prepared for:**

**Blaine Bickelhaupt, ALC – Fay Ranches, Inc.  
238 E. Main St.  
Dayton, WA 99328**

**By:**

**Bill Neve, CWRE  
Water Right Solutions, LLC  
PO Box 511  
Walla Walla, WA 99362**



**November 1, 2024**



WATER RIGHT  
SOLUTIONS, LLC

## MEMORANDUM

November 1, 2024

**To:** Blaine Bickelhaupt, ALC - Fay Ranches, Inc.  
**From:** Bill Neve, Water Right Solutions, LLC *BN*  
**Re:** *Water Right Summary – Yakima County Tax Parcels 20123434002 & 20123433002*

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### Executive Summary

This memorandum (Memo) summarizes Water Right Solutions, LLC's (WRS) initial review of the water rights appurtenant to the above-referenced tax parcels owned by Marvin Estes. This property is located approximately 5 miles northwest of the city of Zillah in Yakama County, Washington. The following sections summarize WRS's review of State water right records, information provided by the client, aerial photography interpretation and other relevant documents to determine the extent of water rights for the subject property.

After review of available information, I conclude the following:

- There is one groundwater (well) right appurtenant to the subject property (G4-24077). This right authorizes withdrawal of water for the seasonal irrigation of up to 84 acres, and frost protection. A 2024 extent and validity review of this right by the Department of Ecology ("Ecology") determined that a maximum of 65 acres of irrigation under G4-24007 are valid.
- There are several overlapping surface water rights issued to the US Bureau of Reclamation, and administered through the Roza Irrigation District, which overlap this property. Ecology, through their 2024 extent and validity review, determined that 45.2 acres authorized under G4-24077 are primary water right, and 18.8 acres are supplemental to Roza District allocations. Water use under G4-24077 on these 18.8 acres issued less any water applied to these same acres under Roza District allocations.
- It appears that use of water for irrigation of the subject lands ceased in 2020.
- On July 24<sup>th</sup>, 2024, a Seasonal Change authorization was issued by Ecology allowing for a change in place of use and point of withdrawal to a portion of G4-24077 for the 2024 irrigation season. The quantities transferred were 550 gallons per minute, 70.512 ac-ft/yr, for the irrigation of 45.2 acres. This authorization expired on October 1, 2024, and the associated quantities/acres reverted to the original place of use.



- On August 20, 2024 the Estes' entered into a agreement with Ecology to donate 359.488 acre-feet per year into the state Trust Water Rights Program. This agreement expires on December 31, 2030, although all or any portion of this donated quantity may be removed prior to the expiration upon notice to Ecology.

### Subject Property

WRS has reviewed Washington State Department of Ecology (Ecology) water right records to determine the extent of water rights appurtenant to the following described property owner by Marvin L. Estes. The property is located within the S½S½ of Sec. 34, T. 12 N., R. 20 E.W.M., approximately 5 miles northwest of Zillah, Washington.

### Appurtenant Water Rights

There is one (1) groundwater right which is wholly appurtenant to the subject parcels. Ground Water Cert. No. G4-24077 authorizes withdrawal of water from a well for irrigation of up to 84 acres within the subject property. The specific attributes of this right are summarized below.

**Table 1: Marvin L. & Joanne Estes: Appurtenant Water Rights (S½S½ Sec. 34, T12N, R20E)**

<i>Cert. No.</i>	<i>Priority</i>	<i>Source</i>	<i>Purpose</i>	<i>Qi (gpm)</i>	<i>Qa (ac-ft/yr)</i>	<i>Acres</i>
G4-24077	08/18/1975	Well	Irrigation & Frost Control	550	430	84
Various		Rosa ID	Irrigation			18 <sup>1</sup>

<sup>1</sup>Based on 2024 tentative extent and validity determination by Ecology

Water rights issued to the USBR Columbia Basin Project also include this property within their authorized place of use. In this area, these rights are administered through the Roza Irrigation District. Cert. No. G4-24077 issued with a provision that the quantities authorized were less any water used on the same lands under the USBR water rights. In 2024, for purposes of evaluating a seasonal change application on G4-24077, determined that a total of 18.8 acres of Roza ID water overlaps acres authorized under G4-24077. Cert. G4-24077 is supplemental to these 18.8 acres, and the quantities authorized under G3-24077 issued less any water provided by Roza ID on these same acres.

### 2024 Seasonal Change

On April 16, 2024, a Seasonal Change application was filed on Cert. No. G4-24077 requesting to temporarily change the point of withdrawal and place of use of the right for remainder of the 2024 irrigation season. As part of the evaluation of this application Ecology conducted a tentative determination as to the historic beneficial use of water under the right and determined that there were two periods of diminished use in 1981-1985 and 2001-2006, that limited the number of acres which could be irrigated under this right to 64. Ecology has not issued any formal relinquishment order with respect to the 19-acre difference between the acres authorized under the right and their tentative determination. This being the case, the right still technically authorizes the irrigation of up to 84 acres, although it can be expected that any future application filed with Ecology with respect to this right would reference back to this evaluation and limit it accordingly.

The seasonal change evaluation did not appear to include a tentative determination as to the validity of the instantaneous or annual quantities. Any water right, or portion of a water right, not put to beneficial use for a period of 5 consecutive years, without sufficient cause, is relinquished to the state. It would seem to follow that a reduction of irrigated acres under the right would also involve a commensurate reduction in acre-feet authorized; such a determination would normally be made through evaluation of any subsequent permanent change application filed to this water right, although Ecology could make such a determination at any time at their prerogative.

### **2024 Trust Water Right Agreement**

As noted previously, any water right, or portion of a water right, not put to beneficial use for a period of 5 consecutive years, without sufficient cause, is relinquished to the state. The state Trust Water Right Program provides an opportunity for a right holder to protect a right from relinquishment due to non-use. A water right, to the extent that it is valid going into the Trust program, is protected from relinquishment due to non-use for the duration of time the right remains in Trust. On July 23, 2024, 359.488 acre-feet per year of the 430 acre-feet allocated under Cert. No. G4-24077 were donated into the state Trust Water Right Program for a term of 7 years (through 2030). If, as it appears in aerial photos, the last full use of the right was in 2019, placement into Trust in 2024 would protect the valid portion of the right from relinquishment.

As noted above, if only 64 acres of the 83 acres authorized under the right are valid, then it could be assumed that some portion of the acre-foot allocation would also be subject to reduction due to non-use. The determination as to what portion of the 359.488 acre-feet in Trust is valid and being protected has not been made by Ecology as of the time of this report. Whatever this valid portion may be, it is currently being protected by non-use by virtue of the existing Trust donation.

### **Domestic Water Right**

State water law authorizes the withdraw of water under a groundwater permit exemption (RCW 90.44.050) without having to make application or obtain a permit. The quantities and uses of water are limited to the following:

- 5,000 gallons per day for in-house use
- 5,000 gallons per day for industrial supply
- Water for stock watering purposes
- Irrigation of no more than ½ acre of lawn and non-commercial garden

This groundwater permit exemption would authorize use of water for domestic supply at a home and shop on the property, as well as lawn/landscaping not exceeding ½ acre.

### **Disclaimer/Use of this Report**

This report was prepared at the request of Blaine Bickelhaupt for the purpose of summarizing the water rights for Marvin L. Estes property located near Zillah, Washington. Though care was taken in researching and describing the water rights, no warranties are made. Nothing in this report is legal advice; the author is not an attorney.

At the time of authorship, this report was considered to be confidential. Its use is only authorized for those parties who have been granted permission by the owner.



## **Attachments**

Appendix A: Property Summary/Maps  
Appendix B: Water Right Documentation – G4-24077  
Appendix C: 2024 Seasonal Change Documents  
Appendix D: 2024 Trust Donation Documents

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## **APPENDIX A: SUBJECT PROPERTY SUMMARY**

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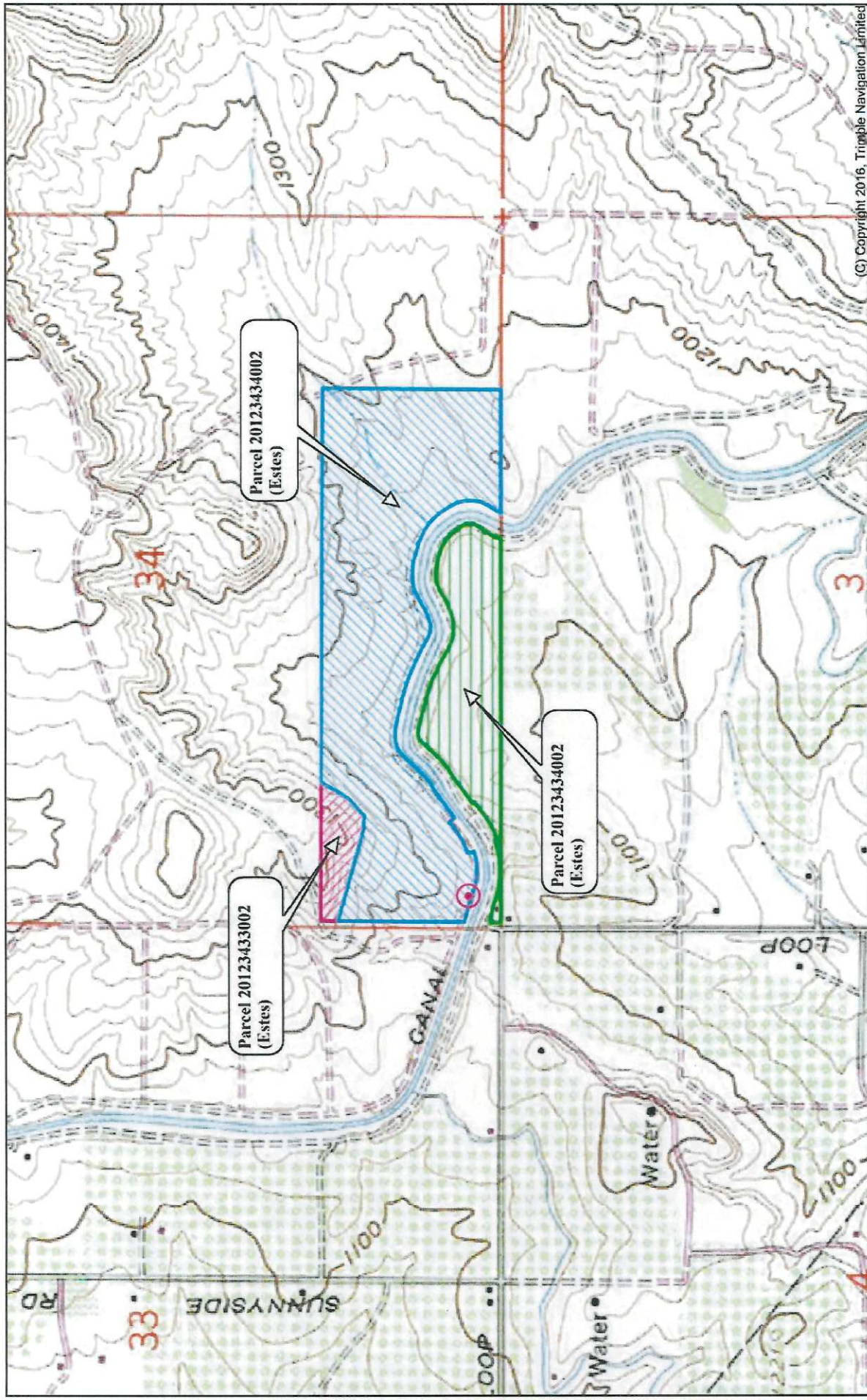
*Yakima County Parcel Nos. 201234-33002 & 34002*



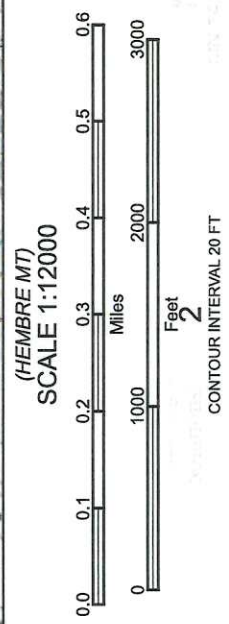
TOPPENISH QUADRANGLE  
WASHINGTON  
TOPOGRAPHIC SERIES  
120° 17' 12.572" W  
+ 046° 29' 12.0276" N  
(BLACK ROCK  
SPRING SW)

Ground Water Cert. G4-24077: Parcels w/in Authorized Place of Use  
(ELEPHANT MT)

(YAKIMA EAST)  
120° 19' 40.4635" W  
046° 29' 12.0276" N +



(C) Copyright 2016, Trimble Navigation Limited  
Printed: Fri Oct 25, 2024  
120° 17' 12.572" W  
+ 046° 29' 12.0276" N



(GRANGER)  
TOPPENISH, WA  
JAN 1, 1985



**Parcel Number:** [201234-33002](#) View Map ([http://www.yakimap.com/servlet/com.esri.esrimap.Esrimap?name=YakGISH&Cmd=Search&TAB=TabAssessor&SEARCH\\_BY=Parcel&SearchTextParcel=201234-33002](http://www.yakimap.com/servlet/com.esri.esrimap.Esrimap?name=YakGISH&Cmd=Search&TAB=TabAssessor&SEARCH_BY=Parcel&SearchTextParcel=201234-33002)) | Property Tax ([https://yes.co.yakima.wa.us/ascend/parcelinfopaytaxes.aspx?parcel\\_number=201234-33002](https://yes.co.yakima.wa.us/ascend/parcelinfopaytaxes.aspx?parcel_number=201234-33002)) | View Web Version (AssessorAPI/Property\_Search.html?pn=201234-33002) | Print Page

**Situs Address:** 3221 Lombard Loop Rd Wapato  
**Property Use:** 11 Single Unit  
**Tax Code Area:** 482  
**Property Size:** 5.38  
**Neighborhood:** 260  
**Owners:** Marvin L Estes

**Abbreviated Legal Description:**

Section 34 Township 12 Range 20 Quarter SW: THAT PORTION OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID SUBDIVISION, THENCE SOUTH ALONG THE WEST BOUNDARY 126.89 FEET, THENCE SOUTH 74° 34' 00" EAST 703.66 FEET, THENCE SOUTH 86° 26' 00" EAST 108.74 FEET, THENCENORTH 47° 56' 10" EAST 167.94 FEET, THENCE NORTH 31° 16' 00" EAST 247.91 FEET MORE OR LESS TO THE NORTH BOUNDARY SAID SUBDIVISION, THENCE WEST TO THE POINT OF BEGINNING

**Details for Residence #1**

<b>Building Style:</b> Contemporary	<b>Quality:</b> Good	<b>Condition:</b> Average
<b>Year Built:</b> 1996	<b>Eff Yr Built:</b> 1996	<b>Stories:</b> 1.00
<b>Bedrooms:</b> 3	<b>Main Floor:</b> 1,496	<b>Upper Floor:</b>
<b>Add. Area:</b>	<b>Full Baths:</b> 3	<b>3/4 Baths:</b>
<b>Half Baths:</b>	<b>Fixtures:</b> 14	<b>Basement:</b> 800
<b>Finished Bsmt:</b> 800	<b>Attached Garage:</b> 576	<b>Built in Garage:</b>
<b>Wood Deck:</b> 416	<b>Patio:</b> 416	<b>Cover:</b>
<b>Masonry Trim:</b>	<b>Roof Type:</b> Hip	<b>Roof Material:</b> Composition
<b>Flooring:</b> Carpet	<b>Exterior Wall:</b> Wood-Siding	<b>Foundation:</b> Concrete
<b>Fuel Type:</b> Electric	<b>Heat Type:</b> Mini-Split-Hp	<b>Central Air:</b>
<b>Wood Stove:</b>	<b>Fireplace:</b>	<b>Prefab Fireplace:</b> 1

**Utility Information:** *(indicates utility is available at parcel boundary)*

<b>Gas:</b> No	<b>Electricity:</b> Yes	<b>Water:</b> Well
<b>Sewer/Septic:</b> Septic		

**Site Information:**

<b>Property Type:</b> Residential	<b>Zoning:</b> Ag	<b>Street Type:</b> Private
<b>Street Finish:</b> Gravel	<b>Traffic:</b> None	<b>Side Walk:</b> No
<b>Curbs:</b> No	<b>Location:</b> Interior	

**Details for Land Record #1**

<b>Land Flag:</b> MDL	<b>Soil Class:</b> 1	<b>Calc CU:</b> No
<b>Water Source:</b> Well	<b>Sewer Source:</b> Septic	<b>Flood Plain:</b> No
<b>Lot Shape:</b> Irregular	<b>Topography:</b> Sloping	<b>Land View:</b> Excellent View
<b>Landscaping:</b> Minimal	<b>Value Method:</b> Acres	<b>Lots:</b> 0
<b>SquareFeet:</b>	<b>Acre(s):</b> 1.000	

**Excise Transactions on Parcel Number 201234-33002**

Excise #	Grantor Name	Excise Date	Sale Price	Document Type	Portion (Y/N)	Parcel(s) Sold
450505	Estes, Phyllis M	Apr 4, 2018	\$0	Lack Of Probate	No	1

**Segregations or Mergers on Parcel Number 201234-33002**

Seg/Merge #	Seg/Merge Type	Status Date	Status	Parcel Involvement
SM140248	Short Subdivision Exemption (SSE)	Dec 19, 2014	Completed	Child

**Tax Breakdown Information\***

**Details for Tax Year 2024**

District	Regular Rate	Regular Value	Regular Tax	Excess Rate	Excess Value	Excess Tax
County Ems	0.25000000	\$449,200	\$112.30	0.00000000	\$449,200	\$0.00
County Flood Control	0.05513605	\$449,200	\$24.77	0.00000000	\$449,200	\$0.00
State School Levy	1.43728318	\$449,200	\$645.63	0.00000000	\$449,200	\$0.00
State School Levy Part 2	0.77100703	\$449,200	\$346.34	0.00000000	\$449,200	\$0.00
Toppenish School	0.00000000	\$449,200	\$0.00	1.36895966	\$449,200	\$614.94
Toppenish School Bonds	0.00000000	\$449,200	\$0.00	0.35604486	\$449,200	\$159.94
Toppenish School Capital Projects	0.00000000	\$449,200	\$0.00	1.48203671	\$449,200	\$665.73
Yakima County	0.97798949	\$449,200	\$439.31	0.00000000	\$449,200	\$0.00
Yakima County Fire District 5	0.90959204	\$449,200	\$408.59	0.00000000	\$449,200	\$0.00
Yakima County Fire District 5 Bonds	0.00000000	\$449,200	\$0.00	0.25872004	\$449,200	\$116.22
Yakima County Road	1.30049520	\$449,200	\$584.18	0.00000000	\$449,200	\$0.00
Yakima Valley Regional Library	0.29320895	\$449,200	\$131.71	0.00000000	\$449,200	\$0.00
<b>Total</b>	<b>5.99471194</b>	<b>\$449,200</b>	<b>\$2,692.83</b>	<b>3.46576128</b>	<b>\$449,200</b>	<b>\$1,556.83</b>

\*Please Note: These are not guaranteed tax amounts and are only provided for convenience. Tax amounts above may have rounding errors and are only provided as an indication of what taxes would be if the parcel were taxed at 100% Assessed values for the full tax year. In addition, no assessments are included in these lists and may be included in the property tax bill. If you want exact current tax amounts please view this property on the County Treasurer Tax Portal ([https://yes.co.yakima.wa.us/ascend/parcelinfopaytaxes.aspx?parcel\\_number=201234-33002](https://yes.co.yakima.wa.us/ascend/parcelinfopaytaxes.aspx?parcel_number=201234-33002)).

**Value Breakdown Information**

Value Type	2025	2024	2023	2022	2021	2020	2019
Taxable Value Regular	\$457,000	\$197,604	\$196,123	\$195,364	\$109,545	\$194,278	\$106,557
Taxable Value Excess	\$457,000	\$8,904	\$7,423	\$6,664	\$6,065	\$5,578	\$5,128
Market Land	\$100,600	\$93,500	\$89,100	\$86,600	\$80,100	\$80,100	\$72,600





## **APPENDIX B: WATER RIGHT DOCUMENTATION**

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*Ground Water Certificate No. G4-24077*

STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

CERTIFICATE OF WATER RIGHT

- Surface Water (Issued in accordance with the provisions of Chapter 117, Laws of Washington for 1917, and amendments thereto, and the rules and regulations of the Department of Ecology.)
- Ground Water (Issued in accordance with the provisions of Chapter 263, Laws of Washington for 1945, and amendments thereto, and the rules and regulations of the Department of Ecology.)

PRIORITY DATE August 18, 1975	APPLICATION NUMBER G4-24077	PERMIT NUMBER G4-24077P	CERTIFICATE NUMBER G4-24077C
----------------------------------	--------------------------------	----------------------------	---------------------------------

NAME MARVIN L. ESTES			
ADDRESS (STREET) Rt. 2 Box 2104	(CITY) Wapato	(STATE) Washington	(ZIP CODE) 98951

*This is to certify that the herein named applicant has made proof to the satisfaction of the Department of Ecology of a right to the use of the public waters of the State of Washington as herein defined, and under and specifically subject to the provisions contained in the Permit issued by the Department of Ecology, and that said right to the use of said waters has been perfected in accordance with the laws of the State of Washington, and is hereby confirmed by the Department of Ecology and entered of record as shown.*

PUBLIC WATER TO BE APPROPRIATED

SOURCE  
A well

TRIBUTARY OF (IF SURFACE WATERS)

MAXIMUM CUBIC FEET PER SECOND	MAXIMUM GALLONS PER MINUTE 550	MAXIMUM ACRE-FEET PER YEAR 430
-------------------------------	-----------------------------------	-----------------------------------

QUANTITY, TYPE OF USE, PERIOD OF USE

To be used for irrigation from April 1 to October 1 of 84 acres; and frost protection as needed.

LOCATION OF DIVERSION/WITHDRAWAL

APPROXIMATE LOCATION OF DIVERSION-WITHDRAWAL

200 feet east and 200 feet north from the southwest corner of Section 34.

LOCATED WITHIN (SMALLEST LEGAL SUBDIVISION) SW1/4SW1/4	SECTION 34	TOWNSHIP N. 12	RANGE, (E. OR W.) W.M. 20 E.	W.R.I.A. 37	COUNTY Yakima
-----------------------------------------------------------	---------------	-------------------	---------------------------------	----------------	------------------

RECORDED PLATTED PROPERTY

LOT	BLOCK	OF (GIVE NAME OF PLAT OR ADDITION)
-----	-------	------------------------------------

LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED

SW1/4 & the SW1/4SE1/4, all within Sec. 34 T. 12 N., R. 20 E.W.M.

PROVISIONS

A maximum of 430 acre-feet per year shall be applied to these lands for irrigation, less any waters applied under existing rights.

Installation and maintenance of an access port as described in Ground Water Bulletin No. 1 is required. An air line and gage may be installed in addition to the access port.

All water wells constructed within the state shall meet the minimum standards for construction and maintenance as provided under RCW 18.104 (Washington Water Well Construction Act of 1971) and Chapter 173-160 WAC (Minimum Standards for Construction and Maintenance of Water Wells).

*The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, except as provided in RCW 90.03.380, 90.03.390, and 90.44.020.*

**This certificate of water right is specifically subject to relinquishment for nonuse of water as provided in RCW 90.14.160.**

Given under my hand and the seal of this office at **Union Gap,** **Washington,** this 25th day of August, 1980.

Department of Ecology

ENGINEERING DATA

OK *[Signature]*

by *Russell K. Taylor*

**RUSSELL K. TAYLOR, Regional Manager**

**827**

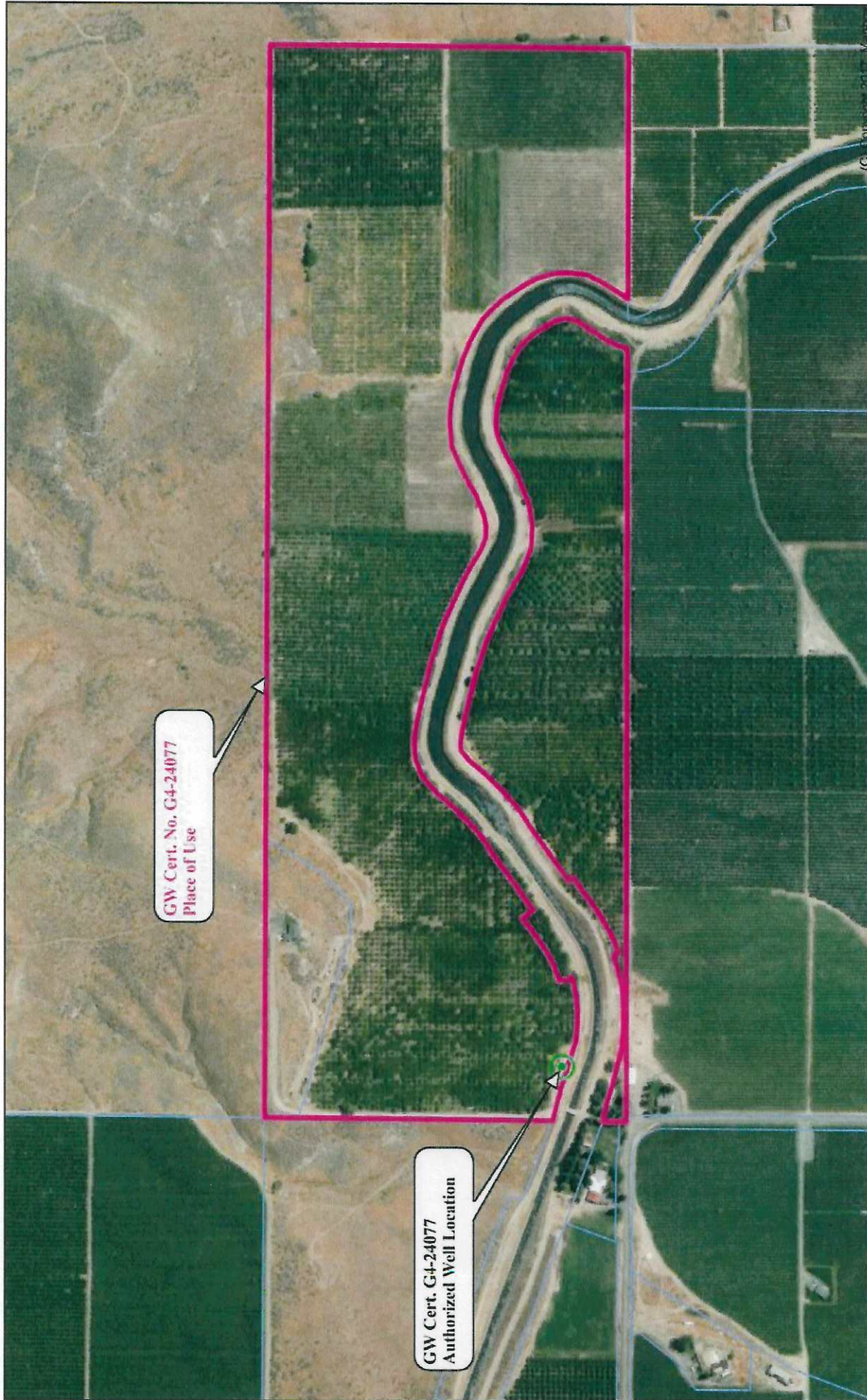
**FOR COUNTY USE ONLY**



SATELLITE IMAGE QUADRANGLE  
WASHINGTON  
AERIAL PHOTO SERIES  
120° 17' 51.1174" W  
+ 046° 28' 58.5423" N  
(Unavailable)

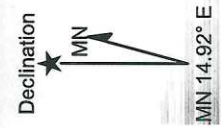
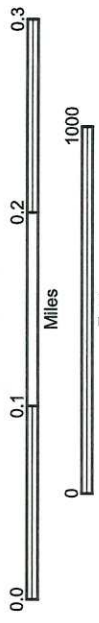
# Ground Water Cert. No. G4-24077: Authorized Place of Use/Well Location

(Unavailable)  
046° 28' 58.5423" N +  
120° 17' 05.0614" W



046° 28' 58.5423" N +  
120° 17' 51.1174" W  
Copyright 2017, Microsoft  
Pinlock FI Oct 26, 2024

(Unavailable)  
SCALE 1:6000



TOPPENISH, WA  
UNKNOWN



Water Right  
Solutions



The Dep. The Department of Ecology does NOT Warranty the Data and/or the Information on this Well Report.

File Original and First Copy with Department of Ecology  
 Second Copy - Owner's Copy  
 Third Copy - Driller's Copy

# WATER WELL REPORT

STATE OF WASHINGTON

Application No **G4-24077**  
 Permit No **G4-24077P**

(1) **OWNER:** Name **Marvin Estes** Address **Route 2, Box 2104, Wapato, Wa.**  
 (2) **LOCATION OF WELL:** County **Yakima** W  $\frac{1}{2}$  SW  $\frac{1}{4}$  SW  $\frac{1}{4}$  Sec **34** T **12N** R **20E** W M  
 Distance and distance from section or subdivision corner

(3) **PROPOSED USE:** Domestic  Industrial  Municipal   
 Irrigation  Test Well  Other   
 (4) **TYPE OF WORK:** Owner's number of well (if more than one) **First**  
 New well  Method: Dug  Bored   
 Deepened  Cable  Driven   
 Reconditioned  Rotary  Jetted

(5) **DIMENSIONS:** Diameter of well **20** inches  
 Drilled **1410** ft Depth of completed well **1410** ft.

(6) **CONSTRUCTION DETAILS:**  
 Casing installed: **20** " Diam from **0** ft to **187** ft  
 Threaded  **16** " Diam from **167** ft to **528** ft  
 Welded  **8** " Diam from **720** ft to **869** ft  
**12** " Diam **490** ft to **840** ft  
 Perforations: Yes  No   
 Type of perforator used **Torch**  
 SIZE of perforations **4** in by **3/16** in.  
**700** perforations from **720** ft to **869** ft  
**217** perforations from **817** ft to **873** ft  
 perforations from \_\_\_\_\_ ft to \_\_\_\_\_ ft

Screens: Yes  No   
 Manufacturer's Name \_\_\_\_\_ Model No \_\_\_\_\_  
 Type \_\_\_\_\_ Diam \_\_\_\_\_ Slot size \_\_\_\_\_ from \_\_\_\_\_ ft to \_\_\_\_\_ ft  
 Diam \_\_\_\_\_ Slot size \_\_\_\_\_ from \_\_\_\_\_ ft to \_\_\_\_\_ ft

Gravel packed: Yes  No  Size of gravel \_\_\_\_\_ ft to \_\_\_\_\_ ft  
 Gravel placed from \_\_\_\_\_ ft to \_\_\_\_\_ ft  
 Surface seal: Yes  No  To what depth? **20** ft  
 Material used in seal **Cement**  
 Did any strata contain unusable water? Yes  No   
 Type of water? \_\_\_\_\_ Depth of strata \_\_\_\_\_  
 Method of sealing strata off \_\_\_\_\_

(7) **PUMP:** Manufacturer's Name \_\_\_\_\_ Type \_\_\_\_\_ HP \_\_\_\_\_

(8) **WATER LEVELS:** Land surface elevation above mean sea level \_\_\_\_\_  
 static level **144** ft below top of well Date **3/9/78**  
 Artesian pressure \_\_\_\_\_ lbs per square inch Date \_\_\_\_\_  
 Artesian water is controlled by \_\_\_\_\_ (Cap, valve etc)

(9) **WELL TESTS:** Drawdown is amount water level is lowered below static level  
 Was a pump test made? Yes  No  If yes, by whom? **AKTAK INC**  
 Yield \_\_\_\_\_ gal/min with \_\_\_\_\_ ft drawdown after \_\_\_\_\_ hrs  
 Recovery data (time taken as zero when pump turned off) (water level measured from well top to water level)  
 Time Water Level | Time Water Level | Time Water Level

Date of test \_\_\_\_\_  
 Baller test \_\_\_\_\_ gal/min with \_\_\_\_\_ ft drawdown after \_\_\_\_\_ hrs  
 Artesian flow \_\_\_\_\_ fpm Date \_\_\_\_\_  
 Temperature of water **81** Was a chemical analysis made? Yes  No

(10) **WELL LOG:** Formation Describe by color, character, size of material and structure, and show thickness of aquifers and the kind and nature of the material in each stratum penetrated, with at least one entry for each change of formation

MATERIAL	FROM	TO
Top Soil	0	15
Sand stone & clay	15	40
Cemented Gravel	40	55
Brown Clay with Sand	55	135
Hard Sandstone	135	160
Soft Sandstone	160	173
Sand	173	179
Green Clay	179	186
Broken Basalt Firm	186	209
Black Basalt Hard	209	216
Broken Basalt	216	219
Clay & Sand Hard	219	249
Hard Yellow & Green Clay	249	273
Pea Green Clay	273	310
Green Sandstone	310	333
Green Sand	333	357
Green Clay	357	380
Green Sandy Clay	380	390
Green Shale	390	430
Green Sand (Heavy)	430	460
Green Shale	460	485
Green Sandy Shale	485	490
Green Clay Small Gravel	490	500
Green Clay & Shale	500	550
Gray Basalt Med-Hard	550	555
No Cuttings	555	557
SWL dropped from 170-210		
Gray Basalt Broken	557	562
No Cuttings	562	568
Black Basalt Broken	568	572
SWL 200		
Red Basalt Broken	572	580
Black Basalt Med-Hard	580	585
SWL 191		
Gray Basalt Firm	585	592
SWL 178		

Work started \_\_\_\_\_ completed \_\_\_\_\_ Cont. Page 2

**WELL DRILLER'S STATEMENT:**  
 This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief

NAME **Moriarty Drilling** (Person, firm, or corporation) (Type or print)  
 Address **Rt 9, Box 269, Yakima, Wa. 98901**  
 [Signed] *W. H. Moriarty, Jr.* (Well Driller)  
 License No **0355** Date **3/9** 19 **78**









## **APPENDIX C: 2024 SEASONAL CHANGE DOCUMENTS**

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*Ground Water Certificate No. G4-24077*





STATE OF WASHINGTON  
**DEPARTMENT OF ECOLOGY**

Central Region Office  
1250 West Alder St., Union Gap, WA 98903-0009 • 509-575-2490

July 24, 2024

Arthur & Ruth den Hoed  
62002 Missimer Rd  
Grandview, WA 98930

Email: arthurjdenhoedinc@gmail.com

Re: 2024 Seasonal Change Authorization for CG4-24077

Dear Arthur & Ruth den Hoed:

Your application for a temporary change is **approved**.

**Background**

As a result of the drought declared by the Department of Ecology for the Lower Yakima River watershed on April 16, 2024, Arthur & Ruth den Hoed (den Hoed) submitted an application to temporarily change the point of withdrawal (POW) and place of use (POU) under Certificate Number G4-24077C on May 24, 2024. This right, held by Marvin L. & Joanne Estes, authorizes an instantaneous quantity of 550 gallons per minute (gpm) and an annual quantity of 430 acre-feet per year (ac-ft/yr) total, supplemental to existing rights, from a well for irrigation of 84 acres and frost protection as needed. This change is to alleviate drought impacts to den Hoed's farm north of Sunnyside.

The attributes of the authorization under the certificate and as requested in the seasonal change application are as follows:

	Original	2024 Seasonal Use
<b>Water Right File No.</b>	G4-24077C	CG4-24077
<b>Source</b>	Wanapum Aquifer	Same
<b>Purpose</b>	Irrigation of 83 acres; Frost Protection	Same
<b>Period of Use</b>	April 1 - October 1	From authorization date until October 1
<b>Quantities of Water</b>	550 gpm, 430 ac-ft/yr	Same
<b>Priority Date</b>	August 18, 1975	Same
<b>Point of Withdrawal</b>	A well located 200 feet east and 200 feet north from the southwest corner of Section 34.  Within W $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 34, T. 12 N., R. 20 E.W.M., Yakima County.	Yakima County Parcel No. 231005-31001.  Within the SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 5, T. 10 N., R. 23 E.W.M., Yakima County. (Well Tag No. AHP-776)
<b>Place of Use</b>	S $\frac{1}{2}$ SW $\frac{1}{4}$ & the SW $\frac{1}{4}$ SE $\frac{1}{4}$ , all within Section 34, T. 12 N., R. 20 E.W.M.	Portions of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ , NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ , and NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ in Section 8, and portions of the S $\frac{1}{2}$ of the S $\frac{1}{2}$ of Section 5, all within T. 10 N. R. 23 E.W.M. (Yakima County Parcel Nos. 23100823001, 23100821001, 23100531001, and 23100543002.)
<b>Provisions</b>	A maximum of 430 acre-feet per year shall be applied to these lands for irrigation, less any water applied under existing rights.  Installation and maintenance of an access port as described in Ground Water Bulletin No. 1 is required. An air line and gage may be installed in addition to the access port.  All water wells construction within the state shall meet the minimum standards for construction and maintenance as provided under RCW 18.104 (Washington Water Well Construction Act of 1971) and Chapter 173-160 WAC (Minimum Standards for Construction and Maintenance of Water Wells).	Provisions located under "Recommendations" below.



**Tentative Determination of Extent and Validity**

A tentative determination of the validity and extent of a water right must be performed for any proposed water right change. Ecology must evaluate the historical use of the subject right and other factors to determine the rate and quantity of water that may be changed.

During Ecology's investigation into the historic use of this right, there was a five-year period and a six-year period of diminished use, 1981-1985 and 2001-2006. By reviewing aerial photography and Landsat images, it was found that during the 1981-1985 period only 64 acres were irrigated, and only a high of 75 acres was irrigated in 2004 during the 2001-2006 period. Ecology contacted the water right holder and applicant to ask if there is a sufficient cause for this non-use as described under RCW 90.14.140. The applicant has not asserted one the exemptions or excuses to relinquishment for the non-use during those periods. From this review, Ecology is recommending that only the irrigation of 64 acres is available for change, of which 18.8 acres are supplemental to their Roza Irrigation District shares.

**Enlargement**

The existing certificate issued with the provision stating that up to 430 acre-feet could be used under this right less any amount applied under other rights. Upon further review of the authorized place of use, Ecology found that all the place of use (POU) south of the Roza Irrigation District (Roza) canal is assessed for 18.8 acres of Roza shares, making that portion of this certificate supplemental to the Roza shares. The rest of the POU is only supplied water under this certificate making that portion of this certificate a primary source of water. The proposed POU is all assessed Roza shares, which in June was only forecasted to receive 48% of their normal supply. To not enlarge the primary portion of this right, 45.2 acres, and allow it to be processed under WAC 173-166, Ecology is only allowing 70.512 acre-feet to be transferred under this authorization. This will bring the 45.2 acres within the proposed place of use up to their 100% of normal supply under their Roza shares.

**Impairment, Same Source, and Physical Availability**

Ecology's technical unit staff reviewed the proposed application for impairment to nearby groundwater users and found that the nearest user was over 6,000 ft away. They then evaluated the pumping impacts from this proposed change and found that the proposed pumping will not cause impairment to nearby groundwater users. Additionally, Ecology staff found that the proposed point of withdrawal is in the same source as the certificated well, the Wanapum aquifer. Ecology staff also looked at physical availability from the proposed source and believe that water is physically available from the proposed source.

**Beneficial Use**

Irrigation is considered a beneficial use of water under RCW 90.54.020(1).

### **Public Interest**

Under RCW 43.83B.410, public notice for temporary changes is not required when the change is necessary to respond to drought conditions.

However, Ecology must give notice to the Department of Fish and Wildlife (WDFW) of application to divert, withdraw, or store water RCW 90.03.280. WDFW is a part of the Yakima River Basin Water Transfer Work Group (WTWG) and was presented to the group on June 3, 2024. There were some concerns that were voiced by members of WDFW and Yakama Nation regarding an enlargement of the water right because of the supplemental provision. This seasonal change was presented again on July 15, 2024, to the WTWG and the concerns that were initially raised were discussed amongst the group. At the conclusion of the group discussion, the WTWG still had concerns about moving the supplemental portion of this right, 18.8 acres of the 64 acres. To address these concerns, Ecology is not authorizing the supplemental portion of this right to be moved, 18.8 acres, currently, and only authorizing moving the 45.2 acres of primary irrigation under this right. Ecology sent the updated proposal to the voting members of the group and received a "thumbs up" from WDFW.

### **Conclusions**

I find that:

- 550 gpm and 70.512 ac-ft/yr of water for the irrigation of 45.2 acres is eligible for change.
- The proposed change will not result in an enlargement of the subject water right.
- The proposed change will not impair existing rights.
- The existing and proposed points of withdrawal draw water from the same source.
- Water is physically available at the new point of withdrawal.
- Irrigation is a beneficial use.
- Approval of this change application will not be detrimental to the public interest.

### **Recommendations**

Based on the information presented above, the author recommends approval of the applicants requested change in POW and POU for the quantities and well below:

- Instantaneous quantity: 550 gpm
- Annual Quantity: 70.512 ac-ft/yr
- Point of Withdrawal: Well (Tag No. AHP-776) located on Yakima County Parcel No. 231005-31001, which is within the SW¼ of SE¼ of Section 5, T. 10 N., R. 23 E.W.M., Yakima County.
- Place of Use: That portion of the SW¼ of the NW¼ in Section 8 lying SE of HWY 241, and that portion of the SE¼ of the SW¼ of Section 5 lying east of HWY 241, and the west half of Yakima County Parcel 231005-43002 within the S½ of the SE¼ of Section 5, all within T. 10 N., R. 23 E.W.M. (Yakima County Parcel Nos. 231008-23001, 231005-31001, and 231005-43002.) (Map from email received on July 22, 2024.)

Your application for temporary change is **approved**, subject to the following provisions:



- 1) Violation of any of the terms and/or conditions of this authorization may result in immediate termination of this authorization and may be subject to formal enforcement actions.
- 2) To prevent enlargement of the water right, water may not be diverted from the seasonally authorized POW during any time when water would not normally be available for diversion at the original POW.
- 3) The Department of Ecology assumes no liability for the purchase and/or construction of any permanent facilities in conjunction with this Temporary Change Authorization. Applicants for temporary change should not construe that a temporary change will result in the granting of a permanent change of water right.
- 4) The applicant and operator of the system under this Temporary Change Authorization shall:
  - Have a copy of this Temporary Change Authorization available on-site.
  - Be aware of the parameters and provisions and operate accordingly.
  - Provide said copy as evidence of this authorization upon request by Department of Ecology staff.
- 5) Withdrawal of water under other rights appurtenant to the POU may be, or will continue to be, limited or otherwise regulated in favor of senior rights.
- 6) An approved measuring device must be installed and maintained for each of the sources identified by this water right in accordance with the rule "Requirements for Measuring and Reporting Water Use" WAC 173-173.
- 7) WAC 173-173 describes the requirements for data accuracy, device installation and operation, and information reporting. It also allows a water user to petition the Department of Ecology for modifications to some of the requirements.  
Recorded water use data shall be submitted via the Internet. To set up an Internet reporting account, contact the Central Regional Office. If you do not have Internet access, you can still submit hard copies by contacting the Central Regional Office for forms to submit your water use data.
- 8) Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the records of water use that are kept to meet the above conditions, and to inspect at reasonable times any measuring device used to meet the above conditions, but only to the extent otherwise allowed by law.
- 9) This Temporary Change Authorization shall in no way excuse the permittee from compliance with any applicable federal, state, or local statutes, ordinances, or regulations including those administered by other programs of the Department of Ecology.

- 10) All wells constructed in the state shall meet the "Minimum Standards for the Construction and Maintenance of Wells" (WAC 173-160) and "Water Well Construction" (RCW 18.104). In general, wells shall be located at least 100 feet from sources of contamination and at least 1,000 feet of the boundary of a solid waste landfill. Any well which is unusable, abandoned, or is an environmental, safety, or public health hazard shall be decommissioned.
- 11) All wells shall be tagged with a Department of Ecology unique well identification number. If you have an existing well and it does not have a tag, please contact the well-drilling coordinator at the regional Department of Ecology office issuing this decision. This tag shall remain attached to the well. If you are required to submit water measuring reports, reference this tag number.

### Contact information

Please direct all questions about this letter to:

Christopher Kossik  
Permitting Unit Supervisor  
Water Resources Program  
Central Region Office

Phone: (509) 379-1826  
Email: Christopher.Kossik@ecy.wa.gov

### Your right to appeal

You have a right to appeal this decision to the Pollution Control Hearings Board (PCHB) within 30 days of the date of receipt. 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 notice of appeal and a copy of this decision with the PCHB (see filing information below). "Filing" means actual receipt by the PCHB during regular business hours as defined in WAC 371-08-305 and -335. "Notice of appeal" is defined in WAC 371-08-340.
- Serve a copy of your notice of appeal and this decision on the Department of Ecology by mail, in person, or by email (see addresses below).

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



### Filing an appeal

#### Filing with the PCHB

For the most current information regarding filing with the PCHB, visit: <https://eluh0.wa.gov/> or call: 360-664-9160.

#### Service on Ecology

**Street Address:**

Department of Ecology  
Attn: Appeals Processing Desk  
300 Desmond Drive SE  
Lacey, WA 98503

**Mailing Address:**

Department of Ecology  
Attn: Appeals Processing Desk  
PO Box 47608  
Olympia, WA 98504-7608

**E-Mail Address:**

[ecologyappeals@ecy.wa.gov](mailto:ecologyappeals@ecy.wa.gov)

### More information

- **[Pollution Control Hearings Board Website](https://eluh0.wa.gov/)**  
<https://eluh0.wa.gov/>
- **[Chapter 43.21B RCW – Environmental Hearings Office – Pollution Control Hearings Board](http://apps.leg.wa.gov/RCW/default.aspx?cite=43.21B)**  
<http://apps.leg.wa.gov/RCW/default.aspx?cite=43.21B>
- **[Chapter 371-08 WAC – Practice And Procedure](http://apps.leg.wa.gov/WAC/default.aspx?cite=371-08)**  
<http://apps.leg.wa.gov/WAC/default.aspx?cite=371-08>
- **[Chapter 34.05 RCW – Administrative Procedure Act](http://apps.leg.wa.gov/RCW/default.aspx?cite=34.05)**  
<http://apps.leg.wa.gov/RCW/default.aspx?cite=34.05>
- **[Ecology's Laws, Rules & Rulemaking](https://www.ecology.wa.gov/About-us/How-we-operate/Laws-rules-rulemaking#ws)**  
<https://www.ecology.wa.gov/About-us/How-we-operate/Laws-rules-rulemaking#ws>

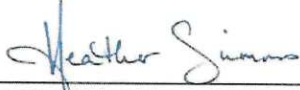
### Americans with Disabilities Act information

#### Accommodation Requests

To request ADA accommodation including materials in a format for the visually impaired, call Ecology at 360-407-7668 or visit <https://ecology.wa.gov/accessibility>. People with impaired hearing may call Washington Relay Service at 711. People with speech disability may call TTY at 877-833-6341.

**Signature**

Sincerely,



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Heather Simmons  
Section Manager  
Water Resources Program  
Central Region Office

HS:CK:NS/240733

Enclosures: **Form 1 - Measuring Device Information**  
<https://apps.ecology.wa.gov/publications/documents/ecy070170.pdf>

**Form 2 – Water Use Data Collection Reporting**  
<https://apps.ecology.wa.gov/publications/documents/ecy070171.pdf>

cc: Philip Rigdon, Yakama Nation (prigdon@yakama.com)  
Eric Weinheimer, Agent (ewagrealestate@hotmail.com)  
Marty Estes (estesfruits@icloud.com)  
Joanne Estes (joanneestes80@icloud.com)



Notes for CG4-24077

This application meets the processing of Drought WAC 173-166-080; we have 15 days to process this application and we are not required to run public notice or review the application for SEPA applicability.

Tentative Extent & Validity

Portion of ROE stating they have Roza Shares and that is why the provision about "less any water applied under existing rights" is in certificate.

**The total annual quantity is recommended for approval as follows:**

**The water requirement for irrigation of orchard in this area is 5.4 feet per acre (which includes a 30 percent efficiency loss) from April 1 to October 1 or 453 acre-feet per year for the irrigation of 84 acres.**

**It is that the applicant claims waters from another source, the Roza Irrigation Canal, permit shall be subject to the provision that:  
"A maximum of 453 acre-feet per year shall be applied to these lands for irrigation, less any waters applied under existing rights."**

"(b) If such right is used for a standby or reserve water supply to be used in time of drought or other low flow period so long as withdrawal or diversion facilities are maintained in good operating condition for the use of such reserve or standby water supply;"

**If supplemental** source to Roza shares (18.8 acres), then may qualify for 90.14.140(2)(b) and be exempt from relinquishment. Need to check that withdrawal or diversion facilities have been "maintained in good operating condition".

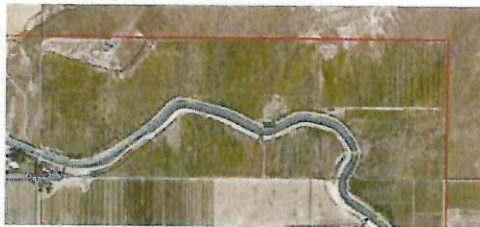
- Do we have a picture of the well or other evidence that they have maintained it in good standing or operating condition?
  - Orchard seems pulled out now but does look to be irrigated back in 2015 and 2019.
- Could be done with site visit. Well looks to be in working order/meeting 90.14.140(2)(b).
  - On site visit well is still in good working order and hooked up

Doesn't look like any other rights pull from that well.

- Contacted Arthur Den Hoed on 7/8/2024 and he stated that the well will only be used for this application.

Only application overlaps the POU of this right.

Only Estes owns land within original POU of certificate. 18.8 acres on Roza south of canal, the rest was irrigated using the well.



What are the other POU on the proposed POU?

- G4-24629C: Only covers Parcels 231007-41001 and 231007-44002 in Proposed POU. Supplemental irrigation of 490 acres for Roza, and industrial use.
- G4-129743CL: Short form claim for domestic and irrigation, parcels 231008-23001, 231008-23001, 231008-21001, and the west half of 231008-21001 in proposed POU.
- G4-110955CL: Short form claim for domestic and irrigation, parcels 231008-21001 and 231008-21001 in proposed POU.
- G4-110954CL: Short form claim for domestic and irrigation, parcels 231005-31001, 231005-31001 and west half of 231005-43002 in proposed POU.
- G4-129744CL: Short form claim for domestic, stockwatering, and irrigation, parcels 231005-31001 in proposed POU.
- G4-159714CL: Domestic claim on parcels 231005-21002, 231005-21002, south portion of 231005-11003, northwest third of 231005-14002, and 231005-11004 in proposed POU.
- G4-31999, G4-31404, G4-32025, and G4-31737: All pending applications, do not effect this seasonal change application.

What are the other rights, if any, coming out of the proposed POW?

- G4-129744CL is also mapped at POW, short form claim but POU is parcel that includes acres
- Nearby mapped well looks to have G4-110954CL associated with it, short form claim but is for same parcel as G4-129744CL and parcel to the east below canal

-Meter might not be working/had condensation, might want to do another check after they start using the well.

**Need to look** at last time the above portion was irrigated/tentative determination because it may not meet the exemption because it may be a primary right.

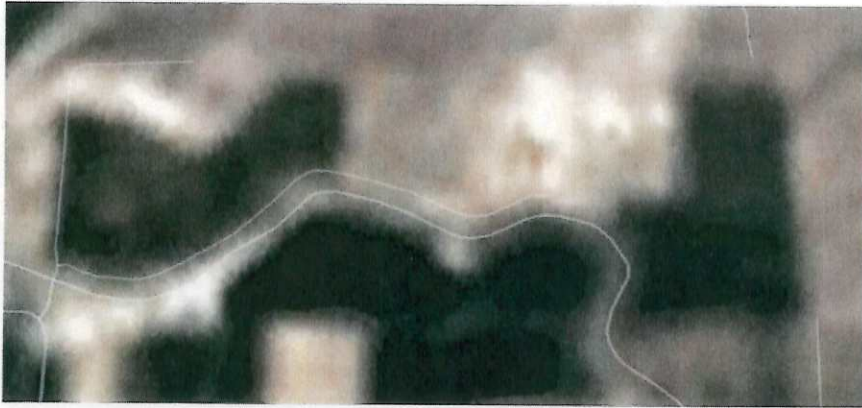
- Lowest 5 year periods are 1981-1985 and 2001-2006
  - 2001-2006: Highest use is 74.86 acres (including 18.8 covered by Roza)
  - 1981-1985: Highest use is 71.19 or 63.37 acres (including 18.8 covered by Roza), there is a difference between what I calculated from Landsat vs the 1985 Google Earth photo (landsat found 71.19 and Photo found 63.1)



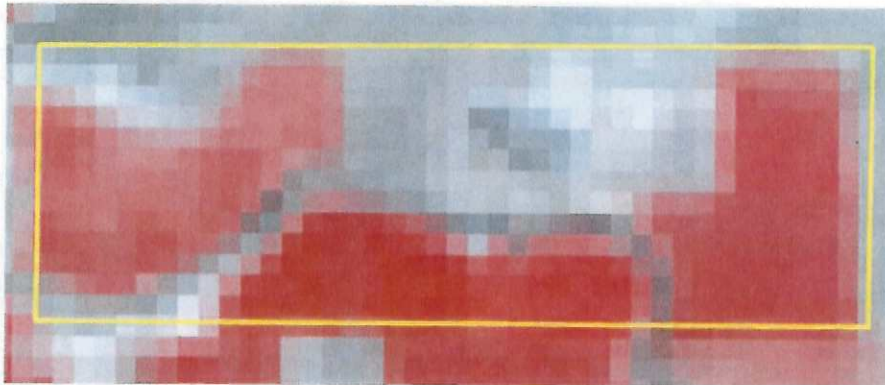
Year	Acres in S1/3	Acres in N1/3	Acres in E1/3
2023	None	None	None
2022	None	None	None
2021	None	None	None
2020			
2019	18.8	40.75	24.6
2018	18.8	42.6	30
2017	18.8	42.3	29.37
2016			
2015	18.8	42.3	20.45
2014			
2013	18.8	42.3	18.3
2012			
2011	18.8	42.3	18.09
2010			
2009	18.8	42.3	17.51
2008	18.8	42.3	17.51
2007	18.8	42.3	17.51
2006	18.8	42.3	8.93
2005	18.8	42.3	8.93
2004	18.8	42.3	13.76
2003	18.8	42.3	7.7
2002	18.8	42.3	~10
2001	18.8	42.3	~10
2000	18.8	42.3	28.61
1999	18.8	42.3	28.61
1998	18.8	42.3	28.61
1997	18.8	42.3	28.61
1996	18.8	42.3	28.61
1995	18.8	42.3	28.61
1994	18.8	42.3	28.61
1993	18.8	42.3	28.61
1992	18.8	42.3	28.61
1991	18.8	42.3	28.61
1990	18.8	42.3	28.61
1989	18.8	42.3	28.61
1988	18.8	42.3	28.61
1987	18.8	38.23	28.61
1986	18.8	38.58	28.61
1985	18.8	27.25	25.14
1984	18.8	17.38	27.19
1983	18.8	17.38	27.19
1982 (No Landsat)			
1981	18.8	17.38	27.19

1980 (Cert issued)			
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1985 Google Earth Pro

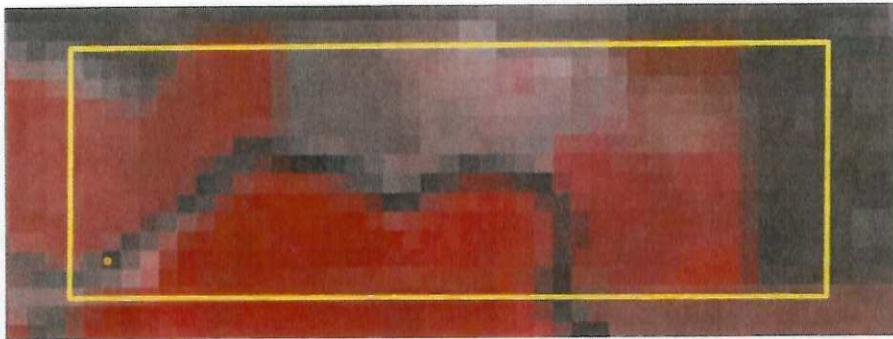


1985 Landsat (8/16/1985)





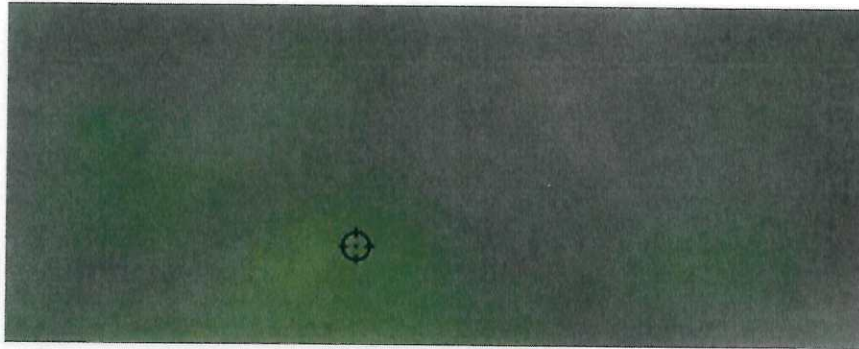
1984 Landsat (8/13/1984)



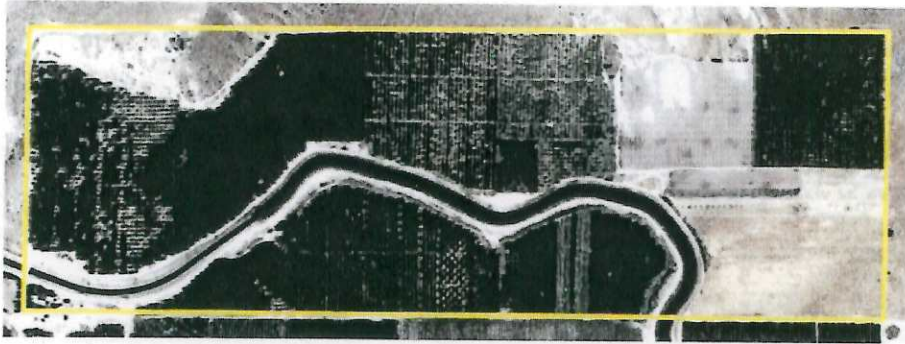
1983 Landsat (8/12/1983)



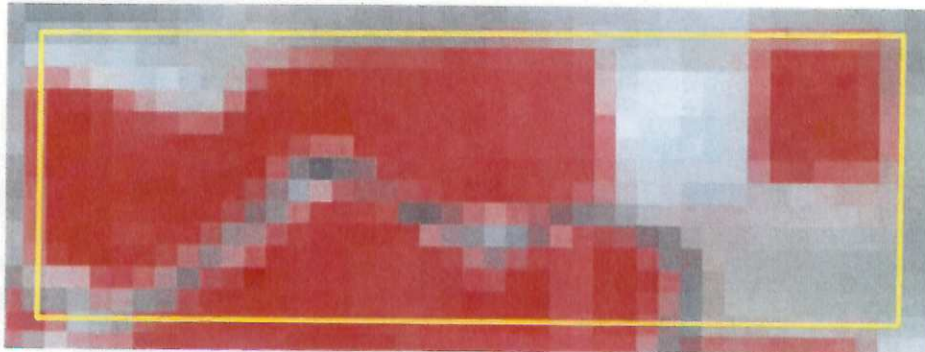
1981 Landsat (8/12/1981)



2006 Aerial Photo

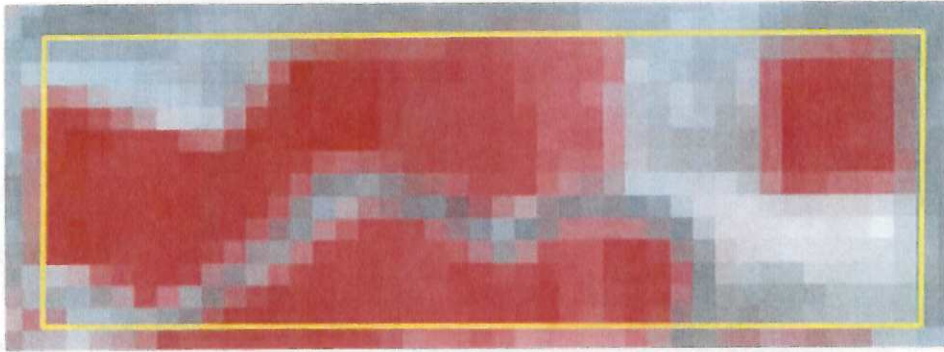


2006 Landsat (8/26/2006)

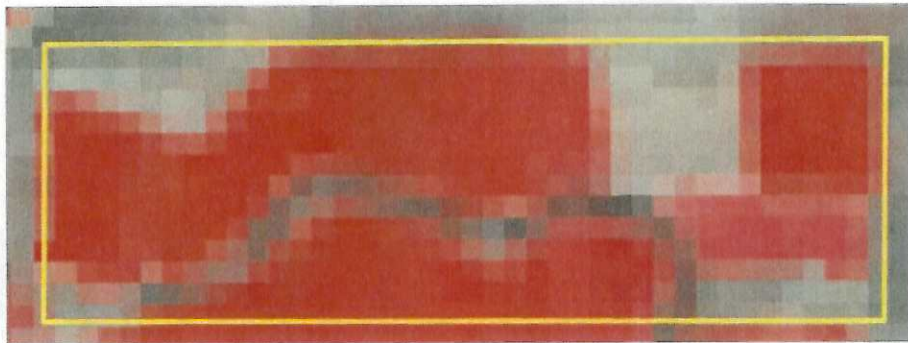




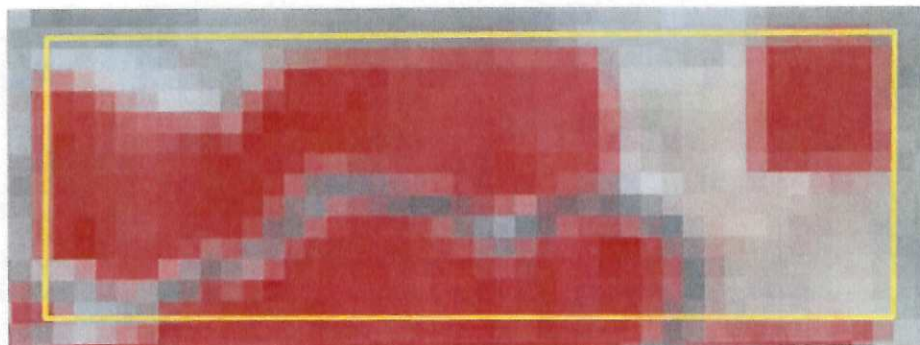
2005 Landsat (8/7/2005)



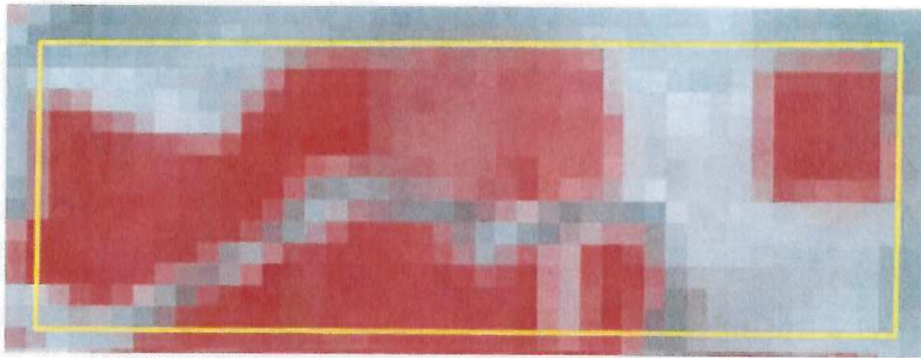
2004 Landsat (9/21/2004)



2003 Landsat (8/18/2003)



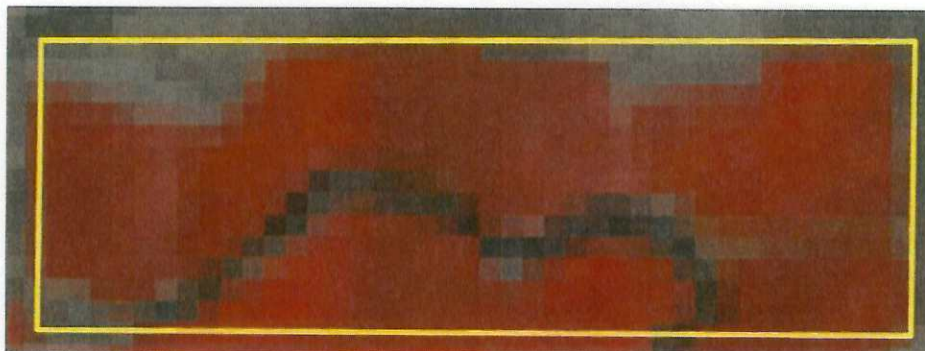
2002 Landsat (8/31/2002)



2001 Landsat (9/13/2001)



2000 Landsat (8/25/2000)





Year	Acres in S1/3			Acres in N1/3			Acres in E1/3			Total
	2023	None	None	None	None	None	None	None	None	
2020 (No Photo)										0
2019	18.8		40.75			24.6				84.15
2018	18.8		42.6			30				91.4
2017	18.8		42.3			29.37				90.47
2016 (No Photo)										0
2015	18.8		42.3			20.45				81.55
2014 (No Photo)										0
2013	18.8		42.3			18.3				79.4
2012 (No Photo)										0
2011	18.8		42.3			18.09				79.19
2010 (No photo)										0
2009	18.8		42.3			17.51				78.61
2008	18.8		42.3			17.51				78.61
2007	18.8		42.3			17.51				78.61
2006	18.8		42.3			8.93				70.03
2005	18.8		42.3			8.93				70.03
2004	18.8		42.3			13.76				74.86
2003	18.8		42.3			7.7				68.8
2002	18.8		42.3			10				71.1
2001	18.8		42.3			10				71.1
2000	18.8		42.3			28.61				89.71
1999	18.8		42.3			28.61				89.71
1998	18.8		42.3			28.61				89.71
1997	18.8		42.3			28.61				89.71
1996	18.8		42.3			28.61				89.71
1995	18.8		42.3			28.61				89.71
1994	18.8		42.3			28.61				89.71
1993	18.8		42.3			28.61				89.71
1992	18.8		42.3			28.61				89.71
1991	18.8		42.3			28.61				89.71

Low water use period  
Highest Year of 5 lowest

1990	18.8	42.3	28.61	89.71	18.8	22.3	63.1
1989	18.8	42.3	28.61	89.71	18.8	22.3	63.1
1988	18.8	42.3	28.61	89.71	18.8	22.3	63.1
1987	18.8	38.23	28.61	85.64	18.8	22.3	63.1
1986	18.8	38.58	28.61	85.99	18.8	22.3	63.1
1985	18.8	27.25	25.14	71.19	18.8	22.3	63.1
1984	18.8	17.38	27.19	63.37	18.8	22.3	63.1
1983	18.8	17.38	27.19	63.37	18.8	22.3	63.1
1982 (No Landsat)				0			
1981	18.8	17.38	27.19	63.37	18.8	22.3	63.1
1980 (Cert issued)							



## **2024 SEASONAL CHANGE DOCUMENTS**

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*Ground Water Certificate No. G4-24077*

**From:** [Bingham, Rachael \(ECY\)](#)  
**To:** [estesfruits@icloud.com](mailto:estesfruits@icloud.com)  
**Cc:** [Lopez, Vilma \(ECY\)](#)  
**Subject:** Temporary Trust Donation No. CG4-24077@1, WRDocID#6806392, Acceptance of Donation  
**Date:** Tuesday, August 20, 2024 2:12:34 PM  
**Attachments:** [07-23-2024 TW Donation G4-24077 Estes, Marvin & Joanne.pdf](#)

---

Dear Marvin L. Estes Jr and Joanne Estes,

Thank you for submitting your Temporary Donation to the Trust Water Rights Program. Please keep this email as proof of Ecology's acceptance of your temporary donation. Your assigned tracking number is **CG4-24077@1**.

In response to your request, Ecology accepts your partial temporary donation as summarized below:

<b>Benefiting Water Body</b>	Groundwater
<b>Purpose</b>	Groundwater Preservation
<b>Acre-Feet Per Year</b>	359.488
<b>Season</b>	April 1 to October 1

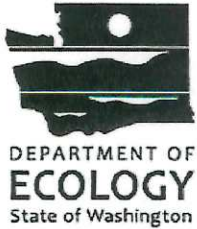
**This trust water right expires on December 31, 2030.**

If, prior to expiration of this temporary donation, you would like to extend, modify, or terminate the temporary donation, please email Ecology at: [wrCRO@ecy.wa.gov](mailto:wrCRO@ecy.wa.gov).

Thank you,

Rachael Bingham  
WRTS Coordinator/GWIS Editor  
Central Regional Office  
Department of Ecology





# WATER RESOURCES PROGRAM

## Temporary Donation to the Trust Water Rights Program

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Central Regional Office

### Water Right Information

WATER RIGHT CERTIFICATE OR CLAIM NUMBER Certificate No. G4-24077C	NAME(S) ON WATER RIGHT OR CLAIM Marvin L. Estes	
WATER RIGHT OWNER OR LEGAL REPRESENTATIVE Marvin L. Estes Jr., and Joanne Estes	PHONE NO. (509) 480-2829	ALT PHONE NO. (509) 941-7916
ADDRESS 1983 Lombard Loop Road		
CITY Wapato	STATE WA	ZIP CODE 98951
EMAIL ADDRESS		
CONTACT (if different than owner)		
PHONE NO.	EMAIL ADDRESS	

### Temporary Donation Agreement

The water right owner or legal representative ("Donor") agrees to temporarily donate water quantities ("donated quantities") associated with the water right identified above, to the Washington Department of Ecology (Ecology) to be held in the Trust Water Rights Program.

#### Donated Quantities

All  \*At such time as any portion of this water right is approved for change/transfer, we will remove that portion from trust in writing.  or a portion  of the Water Right Certificate or Claim to be temporarily donated

Instantaneous Quantity:        cfs OR 550 gpm

Annual Volume: 430 acre-feet per year

Description of how water will be made available for temporary donation (e.g., non-use, change in use practices):

**Non-use.**

The Donor attests that the donated quantities have been diverted or withdrawn and put to beneficial use. The Donor attests that the donated quantities, in addition to any portion of the water right retained for use, do not exceed the Donor's highest use within the last five years, unless:

- A qualifying [exemption to relinquishment](#) applies in the last five years, and the Donor attests that the donated quantities and any retained use do not exceed the highest use in the five years preceding the qualifying exemption (RCW 90.14.140 (1)); OR
- The right or claim is for municipal or hydropower purposes, and the Donor attests that the donated quantities and any retained use do not exceed historical beneficial use ([RCW 90.14.140\(2\)\(a\) or \(d\)](#)).

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**Location**

The Donor owns or represents the following parcels that are associated with the donated quantities:

QTR QTR	QTR	SEC	TWP	RGE	COUNTY	PARCEL No(s).
see	below				Yakima	2012343300 and 220123434002
LEGAL DESCRIPTION: S1/2SW1/4 & the SW1/4SE1/4, all within Sec. 34 T. 12 N., R. 20 E.W.M.						

**Duration of Temporary Donation**

The Donor agrees not to divert or withdraw the donated quantities until the term expires. The temporary donation term will begin on the day Ecology’s acceptance email is sent to the Donor, and expires on the date provided below. When the temporary donation expires, the donated quantities revert back to the Donor.

**End Date**

December 31, 2030 unless sooner removed upon written notice by Donor.

**Terms and Conditions**

- The donated quantities are not subject to relinquishment while accepted in the Trust Water Rights Program.
- Ecology’s acceptance of the temporarily donated quantities is not a validation or quantification of the water right. Any relinquishment or non-use of the water right that may have occurred prior to this temporary donation cannot be reversed, or addressed in any way through this Agreement.
- During the term of this temporary donation, the donated quantities will be used to support instream flows and groundwater preservation only; they cannot be used to mitigate other water uses.
- The Donor agrees to provide proof of beneficial use prior to the donation if requested by Ecology (RCW 90.42.080).
- If the Donor sells or leases the water right or portion of the right that has been temporarily donated, the donor must notify the buyer or leasor of the temporary donation.
- This Agreement will be considered fully executed, and the temporary donation considered accepted into the Trust Water Rights Program, only if the Donor receives confirmation of Ecology’s acceptance by email or letter.

**Signatures**

I, the Donor, agree to the terms and conditions herein and certify that the information above is true and accurate to the best of my knowledge. I understand that all responsibility for the accuracy of the information rests with me.

Marvin L. Estes Jr.  7/22/2024  
 Donor Printed Name – Title                      Donor Signature                      Date (MM/DD/YYYY)  
 Joanne Estes  7/22/2024



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**Send your completed form to Ecology**

Attach a scanned copy of the completed and signed agreement form in an email and send it to the regional office where your water right is located (see email addresses below). We strongly encourage paperless processing, but if you do not have access to email, mail the form to the appropriate regional office below.

**Office Locations and Contact Information**

Region/ Office	Counties served	Mailing Address	Phone
<b>Central</b>	Benton, Chelan, Douglas, Kittitas, Klickitat, Okanogan, Yakima	<a href="mailto:wrCRO@ecy.wa.gov">wrCRO@ecy.wa.gov</a> 1250 W Alder St Union Gap, WA 98903-0009	509-575-2490
<b>Office of Columbia River</b>	OCR has jurisdiction for designated OCR projects, and new projects located within one mile of the Columbia River.	<a href="mailto:wrCRO@ecy.wa.gov">wrCRO@ecy.wa.gov</a> 1250 W Alder St Union Gap, WA 98903-0009	509-457-7141
<b>Eastern</b>	Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman	<a href="mailto:wrERO@ecy.wa.gov">wrERO@ecy.wa.gov</a> 4601 N Monroe Spokane, WA 99205-1265	509-329-3400
<b>Northwest</b>	Island, King, Kitsap, San Juan, Skagit, Snohomish, Whatcom	<a href="mailto:wrNWRO@ecy.wa.gov">wrNWRO@ecy.wa.gov</a> PO Box 330316 Shoreline, WA 98133-9716	206-594-0000
<b>Southwest</b>	Clallam, Clark, Cowlitz, Grays Harbor, Jefferson, Lewis, Mason, Pacific, Pierce, Thurston, Skamania, Wahkiakum	<a href="mailto:wrSWRO@ecy.wa.gov">wrSWRO@ecy.wa.gov</a> PO Box 47775 Olympia, WA 98504-7775	360-407-6300

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