



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

1250 W Alder St • Union Gap, WA 98903-0009 • (509) 575-2490

August 25, 2016

Yakima Nation Land Enterprises  
Attn: Todd Newsome  
P.O. Box 151  
Toppenish, WA 98948-0151

Re: Trust Water Donation CS4-00487CTCLsb7@1

Dear Mr. Newsome:

In response to your request, you are hereby granted an extension of the above referenced Trust Water Donation to remain in the Trust Water Right Program for an additional 2 years.

**This trust water right expires on December 31, 2018**

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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.

If you have any questions, please contact Jacquelyn Metcalfe at 509-457-7148 or [jacquelyn.metcalfe@ecy.wa.gov](mailto:jacquelyn.metcalfe@ecy.wa.gov).

Sincerely,



Trevor Hutton, Section Manager  
Water Resources Program  
Central Regional Office

TH:JMM:SS/160850  
WRTS No. 4680823

By certified mail: 7010 0290 0000 7128 4672

cc: Philip Rigdon, Director Natural Resources Division Yakama Nation



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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

November 22, 2013

Todd Newsome  
Yakima Nation Land Enterprises  
PO Box 151  
Toppenish WA 98948-0151

Re: Trust Water Right No. CS4-00487CTCLsb7@1

In response to your request, you are hereby granted an extension of the above referenced Trust Water Donation to remain in the Trust Water Right Program for an additional 2 years.

**This trust water right expires on December 31, 2016**

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:

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- The appellant's reasons for believing that relief should be granted; and
- A request for relief, specifying the type and extent of relief requested.

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Yakama Nation Land Enterpris  
TW Donation File No. CS4-00487CTCLsb7@1  
November 22, 2013  
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If you have any questions, please contact Teresa Mitchell at 509-575-2597.

Sincerely,

*Mark Kemner WJR Section mgr*  
*by [Signature]*  
Mark Kemner, LHG, Section Manager  
Water Resources Program

MK:CA:ss  
131163

By certified mail: 7010 0290 0000 7126 5244

cc: Philip Rigdon, Director Natural Resources Division Yakama Nation

Y900-117



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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

October 9, 2012

Todd Newsome  
Yakama Nation Land Enterprises  
P.O. Box 151  
Toppenish WA, 98948-0151

RE: Trust Water Right No. CS4-00487CTCLsb7@1

In response to your request, you are hereby granted an extension of the above referenced Trust Water Donation to remain in the Trust Water Right Program for an additional 2 years.

**This trust water right expires on December 31, 2014.**

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:

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The "parties of record" who must be served with copies of the notice of appeal under

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Todd Newsome, Yakama Nation Land Enterprises  
TW Donation File No. CS4-00487CTCLsb7@1  
October 9, 2012  
Page 2 of 2

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

Sincerely,



Mark Kemner, LHG, Section Manager  
Water Resources Program/CRO

MK:ST:ss  
121013

By certified mail: 7009 2250 0004 4952 1965

cc: Jeff Schuster, Yakama Nation

PA extension granted.doc

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STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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

August 16, 2011

Yakama Nation Land Enterprises  
c/o Todd Newsome  
PO Box 151  
Toppenish WA 98948

RE: Trust Water Donation Application No. CS4-00487CTCLsb7@1

Dear Mr. Newsome:

The purpose of this letter is to acknowledge the Department of Ecology's acceptance of your donation to the Washington State Trust Water Right Program. The trust water right has been assigned the Application No. CS4-00487CTCLsb7@1. Please refer to this number when corresponding with us about this trust water right.

The Department of Ecology (Ecology), pursuant to RCW 90.38.020(1)(b), accepts your donation in the amount of 4.62 cubic feet per second and 677 acre-feet per year. The purpose of the donation is to benefit instream flow in the Yakima River in the amounts listed below for the historical uses:

	Annual Quantity	Season of Use
Irrigation	675 acre-feet	April 1 to October 15
Stock Watering	2 acre-feet	April 1 to October 15

**This trust water right expires on December 31, 2012.**

This trust water right is made possible by the fallowing of 26.8 acres and the cessation of stock watering, at the recorded place of use, located within that portion of the NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 19, lying north and east of an unnamed slough and that portion of the NW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 19, lying north of I-90, all in T. 18 N., R. 18 E.W.M., Parcel Nos. 18-18-19010-0002, 18-18-19010-0014 and 18-18-19010-0015.

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.

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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.

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:

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Yakama Nation Land Enterprises  
TW Donation CS4-00487CTCLb7@1  
August 16, 2011  
Page 3 of 3

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Sincerely,



Robert F. Barwin, Acting Section Manager  
Water Resources Program/CRO

RFB:ST:gg/110816

Certified Mail: 7007 2560 0001 9535 5711

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

