STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
*1250 W Alder St • Union Gap, WA 98903-0009 • (509) 575-2490*

May 18, 2016

Washington State Dept. of Transportation
Attn: W. Brian White, P.E.
P.O. BOX 12560
Yakima, WA 98909

RE: Trust Water Donation No. CS4-00525sb16@3

Dear Mr. White:

The purpose of this letter is to acknowledge the Department of Ecology's (Ecology) acceptance of the re-donated quantity associated with trust water donation CS4-00525sb16@3 to the Washington State Trust Water Right Program. This portion of trust water donation CS4-00525sb16@3 was previously withdrawn by the applicant from donation status in 2012.

Under RCW 90.42.080(1)(B), Ecology accepts your re-donation, as summarized below:

| | |
|---|---|
| **Benefiting Water Body** | Rattlesnake Creek |
| **Purpose** | Instream flow |
| **Rate** | 0.21 cfs |
| **Acre-Feet Per Year** | 5 |
| **Season** | April 1 to October 31 |
| **Water Right Place of Use** | That portion of the W½SW¼ of Section 2 lying westerly of the country road (Nile Road); EXCEPT the south 534 feet lying easterly of the Carmack Parker Ditch. That portion of the E½SE¼ of Section 3 lying southerly of the county road (Nile Road). That portion of the NW¼NW¼NW¼ of Section 11 lying east of the flowing stream; ALL in T. 15 N., R. 15 E.W.M. |

The current and full donated amount for trust water donation CS4-00525sb16@3 is summarized below:

| | |
|---|---|
| **Benefiting Water Body** | Rattlesnake Creek |
| **Purpose** | Instream flow |
| **Rate** | 0.62 cfs |
| **Acre-Feet Per Year** | 87 |
| **Season** | April 1 to October 31 |
| **Water Right Place of Use** | That portion of the W½SW¼ of Section 2 lying westerly of the country road (Nile Road); EXCEPT the south 534 feet lying easterly of the Carmack Parker Ditch. That portion of the E½SE¼ of Section 3 lying southerly of the county road (Nile Road). That portion of the NW¼NW¼NW¼ of Section 11 lying east of the flowing stream; ALL in T. 15 N., R. 15 E.W.M. |

**Trust Water Expiration Date: December 31, 2021**

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 2nd 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 .

Sincerely,

Trevor Hutton

Trevor Hutton, Section Manager
Water Resources Program
Central Regional Office

TH:JMM:SS/160517
WR ID# 4921994

By certified mail: 7010 0290 0000 7128 2029

cc: Philip Rigdon, Director Natural Resources Division Yakama Nation
Boyd A. & Shirley M. Brown

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
15 W Yakima Ave, Ste 200 • Yakima, WA 98902-3452 • (509) 575-2490

October 7, 2011

Boyd A. Brown
Shirley M. Brown
1050 Nile Rd
Naches WA 98937-9190

RE: Trust Water Donation CS4-00525sb16@3

Dear Mr. and Mrs. Brown:

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 Application No. CS4-00525sb16@3. 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 0.62 cubic feet per second and 87 acre-feet per year, more specifically partitioned in the table below. The purpose of the donation is to benefit instream flow in the Rattlesnake Creek from April 1 through October 31 each year. This trust water right is created by fallowing 29 acres.

**This trust water right expires on December 31, 2021.**

The quantities, as agreed upon by the parties, being placed into the trust water right program are as follows:

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| Property Owner | Parcel number | Acres | cubic feet per second | acre-ft/yr. |
|---|---|---|---|---|
| Boyd Brown | 15150233406<br>(formerly 15150233005)<br>151502-99993*<br>151502-99998* | 12 | 0.28 | 36 |
| WSDOT (former Vian) | 151502-99993<br>(formerly 15150233404) | 11 | 0.22 | 33 |
| WSDOT (former Rose) | 151502-99993<br>(formerly 15150233002) | 1 | 0.02 | 3 |
| WSDOT | 151502-99998**<br>(formerly 15150233401) | | | |
| Robinson | | 2 | 0.04 | 6 |
| WSDOT (former Kandle) | 151502-99993<br>(formerly 15151122004) | 3 | 0.06 | 9 |
| **TOTAL** | | **29** | **0.62** | **87** |

*A portion of the right historically used on these parcels will be placed into the Trust Water Rights Program for Boyd Brown.

**WSDOT purchased Yakima County Parcel No. 15150233401 without the water rights. The Robinson's retained the water right and will be placing it into the Trust Water Right Program.

The quantities as agreed upon by the parties not being placed into the trust water right program are as follows:

| Property Owner | Parcel number | Acres | cubic feet per second | acre-ft/yr. |
|---|---|---|---|---|
| Joseph & Catherine Earl | 15150341401 | 4 | 0.08 | 12 |
| Boyd Brown (irrigation) | 15150233406<br>(formerly 15150233005) | 32 | 0.74 | 96 |
| **TOTAL** | | **36** | **0.82** | **108** |

RCW 90.38.020 provides in part that the total of any portion of the water right remaining with the donor plus the donated portion of the water right may not exceed the extent to which the water right was exercised during the five years before the donation.

In accordance with RCW 90.38.040(6), RCW 90.14.140(h), and RCW 90.14.215, a water right is not subject to relinquishment while it is managed within the Trust Water Right Program.

Ecology's acceptance of the donated water right into the trust water right program is not evidence of the validity or quantity of the right. When the period of trust ends, the water right

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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.

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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.

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Sincerely,

Melissa Downes, Acting Section Manager
Water Resources Program/CRO

MD:ST:ss/111004

Certified Mail: 7009 2250 0004 4952 1347 Boyd & Shirley Brown
7009 2250 0004 4952 1354 Clyde & Sheila Robinson
7009 2250 0004 4952 1361 Joseph & Catherine Earl
7009 2250 0004 4952 1378 Brian White, WSDOT

cc: Philip Rigdon, Director Natural Resources Division Yakama Nation
Carol Knudson, Adjudications Unit, Dept of Ecology
Clyde M. & Sheila E. Robinson
Joseph & Catherine Earl
Brian White, Washington Department of Transportation