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

August 10, 2016

Milton F. & Geraldine Downs
3380 Teanaway Rd.
Cle Elum, WA 98922-9255

RE: Trust Water Donation No. CS4-00777sb3@13

Dear Mr. & Mrs. Downs:

The purpose of this letter is to acknowledge the Department of Ecology's (Ecology) acceptance of your donation to the Washington State Trust Water Right Program. The trust water right has been assigned Application No. CS4-00777sb3@13. Please refer to this number when corresponding with us about this trust water right.

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

Benefiting Water Body	Teanaway River
Purpose	Instream flow
Rate	0.44 cfs plus an additional 0.44 cfs when surplus water is available per court claim no. 00777(A) 05114.
Acre-Feet Per Year	145
Season	May 1 to September 15
Water Right Place of Use	That portion of the E½ of Section 14, T. 20 N., R. 16 E.W.M., described as follows: Commencing at the east quarter corner of said section; thence north to the south right of way of the Teanaway Road; Thence northwesterly to the intersection of said road and 3M Ditch, being at the beginning; thence northwesterly along said right of way 700 feet, more or less; thence southerly 90 feet, more or less, to the old railroad right of way; thence southeasterly along the said right of way 2000 feet, more or less; thence easterly 80 feet, more or less, to Mason Creek; thence northeasterly along the west bank of said creek to the 3M Ditch; thence northwesterly along the south bank of said ditch to the point of beginning.

Trust Water Expiration Date: December 31, 2018

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 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.

RCW 90.42.080 provides that 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.

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.

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/160812
WRTS No. 6799491

By certified mail: 7010 0290 0000 7128 4450

cc: Jeff Slothower, Attorney at Law
Philip Rigdon, Director Natural Resources Division Yakama Nation