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

April 18, 2016

Icicle Peshastin Irrigation
District
c/o Tony Jantzer
5594 Wescott Dr.
Cashmere, WA 98815

RE: Trust Water Donation Application CS4-SWC5527, Square Lake

Dear Mr. Jantzer:

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 Control No. CS4-SWC5527. Please refer to this number when corresponding with us about this trust water right.

The Department of Ecology (Ecology), pursuant to RCW 90.42.080(1)(b) accepts your donation in the amount of up to 10 cubic feet per second and 2,000 acre-feet per year. The purpose of the donation is to benefit instream flow in Icicle Creek from July 11 to October 15, 2016. The donated water is made available by releasing water from Square Lake and leaving it instream for environmental benefit during the 2016 irrigation season.

This trust water right expires on March 31, 2017.

The recorded place of use for the purpose of irrigation is approximately 400 acres of the 7,000 acres embraced in the Icicle Peshastin Irrigation District located within T. 24 N., R.17 E.W.M.; T. 24 N., R. 18 E.W.M.; T. 23 N., R.18 E.W.M.; and T. 23 N., R. 19 E.W.M., Chelan County.

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(2)(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 donated water right will revert back to the water right holder or landowner. To the extent that the donated water right represents a valid water right, the water right holder or landowner may resume exercising the right in a manner consistent with the original purpose(s).

As indicated in your application materials, this trust water donation is accepted with the following conditions:

- The Department of Ecology will defend any appeals to this trust water donation. Additionally, the Department of Ecology will be responsible for all costs incurred by the district associated with the defense of any appeals to this trust water donation.
- In the event of infrastructure failure, drought, or other unforeseen circumstances, Icicle Peshastin Irrigation District may cancel this trust water donation with 10-day notice.
- This is a storage water right donation and is to not decrease, and have no effect, on IPID's natural flow water rights or IPID's ability to divert their full quantities from Icicle Creek or Snow Creek authorized under Certificate Nos. 1083, S4-*35002ABBJ and S4-35002JC.

If prior to the 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 modified terms and conditions and will notify you whether the donation can be extended or terminated.

If you have questions or concerns, please contact the Office of Columbia River's Trust Water Coordinator, Patricia Kirk, by phone at (509) 249-6299 or by e-mail at patricia.kirk@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 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 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.

Street Addresses	Mailing Addresses
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	**Department of Ecology** Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
Pollution Control Hearings Board 1111 Israel Road SW Ste 301 Tumwater, WA 98501	**Pollution Control Hearings Board** PO Box 40903 Olympia, WA 98504-0903

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://www.leg.wa.gov/Code Reviser

Sincerely,

Mark C. Schuppe
Operations Managers
Office of Columbia River

MCS:aa (160475)

Enclosure: Your Right To Be Heard

By certified mail: 7010 0290 0000 7126 8481

cc: Philip Rigdon, Yakama Nation
Lois Trevino, Colville Confederated Tribes