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

January 25, 2016

Gebbers Farms, Inc.
c/o Tory Wulf
PO Box 735
Brewster, WA 98812

Re: Trust Water Donation CS4-29870P

Dear Tory:

In response to the request made by Gene St. Godard, you are hereby granted an extension of the above referenced Trust Water Donation to remain in the Trust Water Right Program for an additional 5 years.

This trust water right expires on December 31, 2020

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.

ADDRESS AND LOCATION INFORMATION

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/CodeReviser

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

Sincerely,

Thomas Perkow, Acting Section Manager
Water Resources Program
Central Regional Office

TP:JMM:FG/160107
WR ID #4723767

Enclosures: Your Right to be Heard

By certified mail: 7014 3490 0001 5527 6291

cc: Gene St. Godard, Water & Natural Resource Group, Inc
Lois Trevino, Water Administrator, Colville Confederated Tribes
W. Scott Detro, Callaway & DeTro, PLLC

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

July 22, 2013

Tory Wulf
Gebbers Farms, Inc.
PO Box 735
Brewster, WA 98812

RE: Trust Water Donation Application CS4-29870P

Dear Mr. Wulf:

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 number CS4-29870P. 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 490.91 acre-feet per year. The purpose of the donation is to benefit instream flow in the Columbia River. The term of the donation is from April 1, 2011 to October 31, 2015.

This trust water right expires on December 31, 2015.

Surface Water Permit S4-29870P authorizes the withdrawal of up to 800 acre-feet per year for the irrigation of 200 acres during the irrigation season. The recorded place of use is located within the SE¼NE¼ and N½SE¼ of Sections 11 and within the W½NW¼ of Section 12, T. 30 N., R. 24 E.W.M., Okanogan 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(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).

Your water right permit is a Family Farm Water Act (FFWA) water right as defined under Chapter 90.66 RCW. The Act does not provide explicit authority for Ecology to accept FFWA provisioned water rights via the donation process as described under trust water right statute Chapter 90.42 RCW. However, Ecology will accept a FFWA water right into the TWRP with disclosure that the future validity of your trust donation may be at risk should a court proceeding determine that your water right was not legally able to qualify for trust status as defined under the Family Farm Act or the trust water right statutes.

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.

FILE COPY

If you have questions or concerns, please call the Office of Columbia Rivers Trust Water Coordinator, Patricia Kirk, by phone at (509) 249-6299 or by e-mail at patricia.kirk@ecy.wa.gov.

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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/CodeReviser

Sincerely,

Mark C. Schuppe
Operations Manager
Office of Columbia River

PK:MCS:RAZ (130716)

Enclosure: Your Right To Be Heard

Cc: Lois Trevino, Colville Confederated Tribes
W. Scott DeTro

By certified mail: 7010 0290 0000 7131 4157

7010 0290 0000 7131 4157

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TORY WULF
GEBBERS FARMS INC
PO BOX 735
BREWSTER WA 98812

Sent To

Street, Apt. No.; or PO Box No.

City, State, ZIP+4

PS Form 3800, August 2006 See Reverse for Instructions

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

TORY WULF
GEBBERS FARMS INC
PO BOX 735
BREWSTER WA 98812

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X W Fry
☐ Agent
☐ Addressee

B. Received by (*Printed Name*) Bill Fry
C. Date of Delivery 7-25-13

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

USPS 98812 JUL 25 2013

3. Service Type
☑ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. Article Number *(Transfer from service label)* 7010 0290 0000 7131 4157

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540