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

October 1, 2014

Taneum Canal Company
c/o Paul Hutchinson, Secretary
1283 Goodwin Rd
Thorp WA 98946-9500

RE: **Modified** Trust Water Donation No. CS4-00411sb6@5

Dear Mr. Hutchinson:

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. CS4-00411sb6@5. Please refer to this number when corresponding with us about this trust water right.

This water is being made available by Taneum Canal Company no longer supplying stockwater to the service area.

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

Benefiting Water Body	Taneum Creek
Purpose	Instream flow
Rate	0.06 cfs
Acre-Feet Per Year	30
Season	February 20 to November 15
Water Right Place of Use	Stockwater used in the Taneum Canal Company service area.

Benefiting Water Body	Taneum Creek
Purpose	Instream flow
Rate	1.2 cfs
Acre-Feet Per Year	10
Season	November 16 to February 19
Water Right Place of Use	Stockwater used in the Taneum Canal Company service area.

Trust Water Expiration Date: December 31, 2033

A more accurate legal description can be obtained upon request.

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 questions or concerns please contact Jacquelyn Metcalfe at 509-457-7148 or via email at jmet461@ecy.wa.gov.

Sincerely,

Robert F. Barwin, Acting WR Section Mgr by,

Robert F. Barwin, P.E.,
Acting Section Manager
Water Resources Program

RFB:JM:ss/140915

By certified mail: 7010 0290 0000 7127 1788

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