



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

15 W Yakima Ave, Ste 200 • Yakima, WA 98902-3452 • (509) 575-2490

December 10, 2010

Ron Ihrig, Director of Operations & Generation
Public Utility District No. 1 of Klickitat County (KPUD)
1313 S. Columbus
Goldendale WA 98620

RE: Trust Water Donation, Water Right No. CS3-00845C@3

Dear Mr. Ihrig:

Ecology is in receipt of your October 20, 2010 letter asking that the state Trust Water Rights Program (TWRP) return a portion of this donation to KPUD. That returned portion is 112 acre-feet (AF) at 0.67 cubic-feet-per-second (CFS), which the Klickitat Water Conservancy Board Report of Examination describes as entirely consumptive.

The remainder of this trust water right donation is now 13,799 AF and 34.63 CFS, of which 4,739 acre-feet is consumptive. Per our telephone conversation, this remaining quantity and rate will stay in the TWRP for 2011. Please provide 30-days written notice if KPUD wishes to withdraw all or a portion of this remainder from trust prior to its expiration.

The remainder of this trust water right will expire on December 31, 2011.

Section 90.42.080(4) provides 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 prior to the donation.

In accordance with RCW 90.42.040(6) and RCW 90.14.140(2)(h), a water right is not subject to relinquishment while managed by the TWRP.

Ecology's acceptance of a donated water right into the TWRP is not evidence of the validity or quantity of the right. When the period of trust ends, the water right will revert to the water right holder in the full quantity and rate accepted into the TRWP and for the same purpose-of-use as when it entered the TWRP.

Please contact Gary Steele at (509) 249-6299 if you have any questions regarding this trust water right.



YOUR RIGHT TO APPEAL

You have a right to appeal this decision to the Pollution Control Hearing 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 111 Israel RD 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>

Sincerely,



Derek I. Sandison, Director
Office of Columbia River

GS:DIS:RAZ (101204)

By certified mail: 7007 2560 0001 9535 0464

Enclosure: *Your Right to Be Heard*, PCHB