



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

December 16, 2009

Attn: Peter Fraley
The John's Retirement Plan
PO Box 1606
Wenatchee WA 98807-1606

Dear Mr. Fraley:

The purpose of this letter is to acknowledge the Department of Ecology's acceptance of your donation to the Washington State Trust Water Rights Program. The trust water right has been assigned Application No. **CG4-GWC6371-A(A)@1**. 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), acknowledges your donation in the amount of 160 acre-feet per year at a rate of 396 gallons-per-minute. The purpose of the donation is to benefit instream flow in the Okanogan and Columbia Rivers from May 1, 2008 to October 31, 2017. This trust water right is made possible through the non-use of water on 53 acres while the water right undergoes a planned change.

This trust water right expires on April 30, 2018. The applicant may provide Ecology 30-day advance written notice of the termination of this donation prior to April 30, 2018.

The instream place-of-use shall commence at the historic point-of-withdrawal located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 13, T. 36 N., R. 26 E.W.M. as identified under water right No. CG4-GWC6371-A(A).

Section 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 Rights Program.

Ecology's acceptance of the donated water right into the Trust Water Rights 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.

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.

If you have questions or concerns, please call Gary Steele at (509) 249-6299.



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You have a right to appeal this decision. To appeal this you must:

- File your appeal with the Pollution Control Hearing Board within 30 days of the "date of receipt" of this document. Filing means actual receipt by the Board during regular office hours.
- Serve your appeal on the Department of Ecology within 30 days of the "date of receipt" of this document. Service may be accomplished by any of the procedures identified in WAC 371-08-305(10). "Date of receipt" is defined at RCW 43.21B.001(2).

Be sure to do the following:

- Include a copy of this document that you are appealing with your Notice of Appeal.
- Serve and file your appeal in paper form; electronic copies are not accepted.

1. To file your appeal with the Pollution Control Hearings Board:

Mail appeal to:

OR

Deliver your appeal in person to:

The Pollution Control Hearings Board
PO Box 40903
Olympia WA 98504-0903

The Pollution Control Hearings Board
4224 – 6th Ave SE Rowe Six, Bldg 2
Lacey WA 98503

2. To serve your appeal on the Department of Ecology:

Mail appeal to:

OR

Deliver your appeal in person to:

The Department of Ecology
Appeals & Application for Relief
Coordinator
PO Box 47608
Olympia WA 98504-7608

The Department of Ecology
Appeals & Application for Relief
Coordinator
300 Desmond Dr SE
Lacey WA 98503

3. And send a copy of your appeal packet to:

Mark C. Schuppe, Section Manager
Water Resources Program
Central Region Office
15 W Yakima Ave Ste 200
Yakima WA 98902-3452

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, WR Section Mgr. by MARGARET ADAMS
Mark C. Schuppe, Section Manager
Water Resources Program

MCS:GS:gg/091210

cc: Lois Trevino, Administrator, Environmental Trust, Colville Confederated Tribes
Certified Mail: 70072560 0001 9534 6580
Attachment: Your Right To Be Heard