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

July 9, 2013

Department of Natural Resources
713 Bowers Road
Ellensburg, WA 98926-9301

RE: Trust Water Donation CS3-22005(B)@3(B)@1 for the ten year period starting February 1, 2013 and ending December 31, 2023.

Dear Sir or Madam:

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 (TWRP). The trust water right has been assigned control number CS3-22005(B)@3(B)@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) accepts your donation of 3,552 acre-feet for the 2013 irrigation season. The Trust donation for 2013 is made possible by the fallowing of 1019.7 acres within the place of use under Water Right CS3-22005(B)@3, in Benton County.

The purpose of this donation is to benefit instream flow in the Columbia River.

The quantities accepted for each successive year of this donation to the TWRP will be based on the Farm Plan submitted to Ecology as provisioned under the Superseding Modification Order for Surface Water Change CS3-22005C(B)@3 dated May 1, 2013. The yearly Farm Plan should include the quantity to be donated to the TWRP for the associated irrigation season and how the water will be made available for instream flow. If completion of the project occurs before the 2023 irrigation season, the final Farm Plan must indicate the quantities to be donated for each successive year until the term of the donation ends. If a farm plan is not received by Ecology for any given year within the development stage of the project, no donation will be credited for that irrigation season.

When submitting your annual Farm Plan, please reference the trust water donation control number above in addition to the water right change file number.

This trust water right expires on December 31, 2023.
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 prior 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).

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.

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.

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

Sincerely,

Mark C. Schuppe
Operations Manager
Office of Columbia River

PK:MCS:RAZ (130707)

Enclosure: Your Right To Be Heard

Cc: Philip Rigdon, Yakama Nation

By certified mail: 7010 0290 0000 7131 4140