



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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MAY 09 2014

Mr. Jody Brown
Stillaguamish Tribe of Indians
P.O. Box 277
Arlington, WA 98223

RE: Temporary Trust Water Right Donation CS1-*12944C (Surface Water Certificate 5860) – Snohomish County (WRIA 5)

Dear Mr. Brown:

The purpose of this letter is to acknowledge the Department of Ecology (Ecology) has accepted the April 1, 2014, request by the Stillaguamish Tribe of Indians (Tribe), to temporarily donate Surface Water Certificate (SWC) 5860 into the Washington State Trust Water Right Program. The subject trust water right has been assigned control number CS1-*12944C. Please refer to this number when corresponding with us about this trust water right.

The Tribe's intent for placing the subject water right into trust is to protect the right from relinquishment while the Tribe determines the future use of the right and to augment instream flows in the Stillaguamish River.

Original Attributes of Surface Water Certificate 5860

Issued to:	Charles J. Nygard
Priority Date:	May 25, 1954
Source:	A diversion within Government Lot 10 of Section 6, Township 31 North, Range 5 East, W.M.
Instantaneous Rate:	0.25 cubic feet per second (cfs)
Annual Volume:	Not specified
Purpose of Use:	Irrigation of 25 acres
Place of Use:	The NE $\frac{1}{4}$ of the SE $\frac{1}{4}$, Government Lot 10 (less road), and Government Lot 9, all within Section 6, Township 31 North, Range 5 East, W.M.



Background Information

The Tribe obtained SWC 5860 in 1996 upon the purchase of the property for which the right is appurtenant (Snohomish County Tax Parcel 31050600100500). There are no available records or pump data to show when and how frequently water was historically (previously) used under this right. All information provided in the Tribe's request is based on the knowledge of employees who have been with the Tribe from the time of purchase of the property.

The original landowner, Charles Nygard, and his successors, used the subject water right for irrigation up until the time the Tribe purchased the property. After the purchase, the Tribe developed a native plant nursery. From 1998 to May 2010, the Tribe had a 6-hp pump in the Stillaguamish River that ran from April-October each year. The point of diversion was located at the same approximate location identified in the water right. Tribal employees estimate up to 0.25 cfs was diverted when the pump was active. Shortly thereafter, the Tribe began moving the native plant nursery to an alternative location and use of the water right began to cease in May 2010.

The Tribe has requested to temporarily donate the entire 0.25 cfs to the trust program for instream flow purposes. The Tribe has requested the ability to remove the right from trust upon their written request, however at this point in time the request is to have the right in trust for 20 years starting March 1, 2014.

Summary of the Tribe's Requested Terms

1. A donation of the full certificated instantaneous rate of 0.25 cfs for instream flow purposes in the Stillaguamish River.
2. A donation period through March 1, 2034.
3. The ability to withdraw the temporary donation from trust by providing a written notice to Ecology.

Ecology's Acceptance

Ecology, pursuant to RCW 90.42.080(1)(b), accepts the Tribe's temporary donation of **0.25 cubic feet per second for instream flow purposes.**

As per the Tribe's request, **this temporary donation will expire on March 1, 2034.** If, prior to the expiration of this temporary donation, the Tribe would like to extend or revoke the donation, or modify its terms, please send Ecology a written request.

Ecology's acceptance of the donated water right into the trust water right program is not evidence of the extent, validity, or quantities of the water right.

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.

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If you have questions or concerns, please contact Buck Smith at (425) 649-7147 or buck.smith@ecy.wa.gov.

Your Right To Appeal

You have a right to appeal this Order to the Pollution Control Hearings Board (PCHB) within 30 days of the date of receipt of this Order. 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 the Order.

File your appeal and a copy of this Order with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.

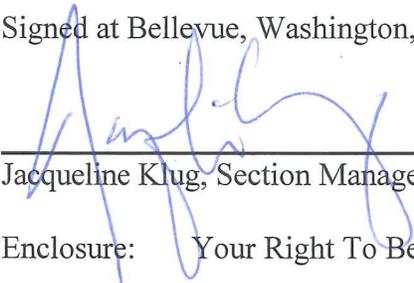
- Serve a copy of your appeal and this Order on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.
- You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

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 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://www1.leg.wa.gov/CodeReviser>.

Signed at Bellevue, Washington, this 9 day of May 2014.



Jacqueline Klug, Section Manager

Enclosure: Your Right To Be Heard

Certified Mail: 7012 3460 0000 2586 7131

