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

February 3, 2010

CERTIFIED MAIL
7007 2560 0001 9535 0044

Berg Farms, LLC
PO Box 127
Prosser, WA 99350

Dear Nicole & Matt Berg:

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. **CS4-30834@4**. 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 1,000 acre-feet at a maximum withdrawal rate of 4.60 cubic feet per second. The purpose of this donation is to benefit instream flow in the Columbia River from April 1, 2010 to October 31, 2010. This trust water right is made possible through less water use via crop rotation.

This trust water right expires on December 31, 2010.

The parent water right, S4-30834, authorized the withdrawal of 2,850 acre-feet at a maximum withdrawal rate of 13.37 cubic feet per second for the irrigation of 750 acres during the irrigation season.

The trust water reach commences near the historic point of withdrawal located in the SW¼NE¼ of Section 8, T. 5 N., R 26 E.W.M. and continues downstream to the mouth of the Columbia River where the trust water reach will end.

Section 90.42.080 specifies 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.
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, Section Manager
Water Resources Program

MCS:GS:RAZ (100203)

Enclosure: Your Right To Be Heard