STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
303 S Mission St, Ste 200 • Wenatchee, WA 98801-6142 • (509) 662-0500

December 6, 2011

Kirby and Darla Hoyt
2499 Lower Hedges Road
Wenatchee, WA 98801

RE: Trust Water Donation Application Number CS4-59009(B)J@1

The purpose of this letter is to acknowledge the Department of Ecology's acceptance of the five year extension you requested to your donation into the Washington State Trust Water Right Program.

The Department of Ecology, pursuant to RCW 90.42.080(1)(b), accepts your donation in the amount of 0.275 cubic-feet-per second and 55 acre-feet per year. A total of 13.75 acres of previously irrigated acreage will be left fallow to benefit instream flow commencing in Cummings Canyon and continuing into the Columbia River at approximately River Mile 463 from April 1, 2012 to October 31, 2016. Ecology acknowledges the applicant's stipulation that the donation maybe withdrawn at any time during the five year period indicated herein pursuant to RCW 90.42.080(1)(b).

This trust water right expires on December 31, 2016.

The parent water right, S4-59009BDJWRIS authorized the withdrawal of up to 112 acre-feet per year for the irrigation of 28 acres during the irrigation season, at a maximum rate of 0.47 cubic-feet-per-second. The recorded place of use is located within the E½SW¼ and the W½SE¼ of Section 24, T. 22 N., R.20 E.W.M., Chelan County parcels 222024340155 and 222024430150.

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 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 Right Program.

<u>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</u>. 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 or terminated.

If you have questions or concerns, please call the Central Region's Trust Water Coordinator, Patricia Kirk 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).

YOUR RIGHT TO APPEAL

You have a right to appeal this decision to the Pollution Control HearingsBoard (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 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,

Mark C. Schuppe
Operations Manager
Office of Columbia River

PK:MCS:RAZ (111204)

Enclosure: Your Right to be Heard

Certified Mail: 7007 2560 0001 7675 5806