



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Ave SE • Bellevue, WA 98008-5452 • 425-649-7000  
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January 7, 2011

Julie H. Keough  
Forest Land Use Manager  
Weyerhaeuser Company  
P.O. Box 889  
Rainier, WA 98576

**RE: Your temporary trust water right donation of Surface Water Certificate 180(A)**

Dear Ms. Keough:

The purpose of this letter is to acknowledge the acceptance of your donation to the Washington State Trust Water Right Program (TWRP). This trust water right has been assigned the control number CS1-\*01933C(A)@1. Please refer to that number when corresponding with us about this trust water right.

Surface Water Certificate (SWC) 180 was issued to the Snoqualmie Falls Lumber Company (a predecessor of Weyerhaeuser Company) with a priority date of November 27, 1926. It authorized the surface water diversion of 15 cubic feet per second (an annual quantity was not specified) from Tokul Creek for domestic and industrial water supply. The authorized point of diversion was listed as being within the NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 20, Township 24 North, Range 8 East, W. M., in King County.

On July 27, 1995, Weyerhaeuser Company submitted an application to change SWC 180. This application for change was a request to permanently donate 0.122 cubic feet per second (cfs) and 88.3 acre-feet per year (afy) to the TWRP as mitigation for Groundwater Permit G1-25449. The Department of Ecology (Ecology) accepted this donation and subsequently split SWC 180 into two records (A & B). SWC 180(A), the subject of this letter, continued to be held by the Weyerhaeuser Company. All the attributes remained the same as the original certificate except for the instantaneous diversion rate, which was reduced by 0.122 cfs, to 14.878 cfs. SWC 180(B) issued to the TWRP for 0.122 cfs and 88.3 afy for instream flow purposes in Tokul Creek and the Snoqualmie River. Record A retained priority (seniority) over Record B.

On January 3, 2011, Weyerhaeuser Company submitted the subject application of change to temporarily donate SWC 180(A) to the TWRP for instream flow purposes. Weyerhaeuser specified its donation terms as follows:



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- The donation is temporary, until further notice, so the water right will revert to the donor at the end of the temporary donation period.
- The term of the temporary donation will begin on the date that Ecology accepts the water right into the TWRP and will continue until 30 days after Weyerhaeuser notifies Ecology that the temporary donation will end.
- During the term of the temporary donation, the donor reserves the right to convert the donation to a permanent donation.

Along with the subject application for change, Weyerhaeuser Company submitted a report (AESI project # KH070569A) that provides documentation of the extent to which SWC 180(A) has been exercised during the five years prior to the donation, pursuant to RCW 90.42.080(4). Information in the report demonstrates that within the preceding five years, SWC 180(A) was beneficially used at an instantaneous rate of 2.08 cfs and an annual quantity of 863.8 afy (in 2006), of which 0.0783 cfs and 56.71 afy were consumptively used.

The Department of Ecology, pursuant to RCW 90.42.080(1)(b), hereby accepts your donation in the amount of 2.08 cfs (0.0783 cfs consumptive) and 863.8 afy (56.71 afy consumptive) to benefit instream flow in Tokul Creek and the Snoqualmie River. This temporary donation is being accepted under the terms specified by Weyerhaeuser Company.

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 (exercised) 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 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 purpose.

If you have any questions or concerns, please call Buck Smith at (425) 649-7147 or email him at [buck.smith@ecy.wa.gov](mailto:buck.smith@ecy.wa.gov).

You have a right to appeal this action to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this document. 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 document:**

- File your appeal and a copy of this document 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 document on Ecology in paper form - by mail or in person. (See addresses below.) Email 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 P.O. Box 47608 Olympia, WA 98504-7608
Pollution Control Hearings Board Environmental Hearings Office 1111 Israel Road SW, Suite 301 Tumwater, WA 98501	Pollution Control Hearings Board P.O. Box 40903 Olympia, WA 98504-0903

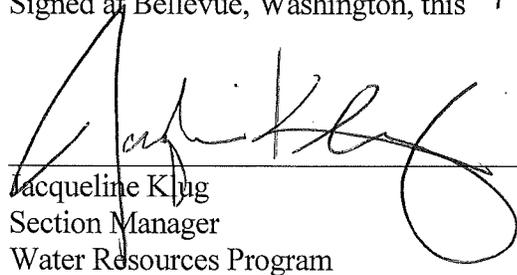
**Please also send a copy of your appeal to:**

Jacqueline Klug  
Department of Ecology  
Northwest Regional Office  
3190 160<sup>th</sup> Avenue SE  
Bellevue, WA 98008

*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 7<sup>th</sup> day of January, 2011.

  
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Jacqueline Klug  
Section Manager  
Water Resources Program

jg/bs/mc

By certified mail: 7008 1140 0000 2359 9913

cc: Scott Dahlquist, VP Western Region, Weyerhaeuser Company  
Tulalip Tribes Natural Resources Department  
Snoqualmie Tribe Department of Environmental and Natural Resources