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

January 19, 2011

Jim Kuntz, Executive Director
Port of Walla Walla
310 A Street
Walla Walla WA 99362-2269

Dear Mr. Kuntz:

The purpose of this letter is to acknowledge Department of Ecology's acceptance of your request to extend the term of your current donation by one year. This trust water right is identified by control number **CG3-21039C**. Please refer to this number when corresponding with us about this trust water right.

This trust water right expires on December 31, 2011.

The Trust Water Rights Program is aware that negotiations are underway between Ecology and the Port of Walla Walla to create a lease agreement for the parent water right to this trust water right. If a lease agreement is executed between the two parties, then this trust water right will be cancelled per the effective date of said lease agreement.

The Department of Ecology, pursuant to RCW 90.42.080(1)(b), acknowledges your donation in the amount of 622 acre-feet per year. The purpose of the donation is for groundwater preservation in the unconsolidated sedimentary aquifer from January 1, 2011 to December 31, 2011. Groundwater within the unconsolidated sedimentary aquifer likely discharges to and is recharged by the Columbia River (McNary Pool).

The parent water right, G3-21039C, authorized the withdrawal of 1300 gallons per minute, up to 744 acre-feet per year for the irrigation of 160 acres during the irrigation season. The recorded place of use is located within the SW1/4 of Section 18, T. 7 N., R. 32 E.W.M.

Section 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 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.

YOUR RIGHT TO APPEAL

You have a right to appeal this decision to the Pollution Control Hearing 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 4224 – 6th Avenue SE Rowe Six Building 2 Lacey WA 98503	**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,

Derek I. Sandison, Director
Office of Columbia River

GS:DIS:RAZ (110130)

Enclosure: *Your Right to be Heard – Washington State Pollution Control Hearings Board, Environmental Hearings Office*

By certified mail: 7007 2560 0001 9535 0785