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

February 17, 2011

Nicholas & Judie Yaksic II
216 Omak River Rd
Omak WA 98841-9673

RE: Trust Water Donation No. CG4-26772C

Dear Mr. and Mrs. Yaksic:

The purpose of this letter is to acknowledge your request to extend the donation of temporary Trust Water Right No. CG4-26772C to the Washington State Trust Water Right Program.

The Department of Ecology (Ecology), pursuant to RCW 90.42.080(1)(b), acknowledges your donation in the amount of 110 gallons per minute and 35 acre-feet per year. The purpose of the donation is to benefit instream flow in the Okanogan River from April 1, 2011 to October 1, 2011.

This trust water right expires on December 31, 2011.

This trust water right is made possible by the fallowing of 10 acres, at the recorded place of use, located within Government Lot 2 of Section 30, T. 34 N., R. 27 E.W.M., Parcel No. 3427300019.

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.

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 1111 Israel Road 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, Section Manager
Water Resources Program/CRO

MCS:ST:gg/110227

Enclosure: *Your Right To Be Heard*

Certified Mail: 7007 2560 0001 9535 3618

cc: Lois Trevino, Administrator, Environmental Trust, Colville Confederated Tribes