



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

1250 W Alder St • Union Gap, WA 98903-0009 • (509) 575-2490

August 12, 2016

Barker Ranch, Ltd.
Attn: Michael Crowder
85305 Snively Rd.
West Richland, WA 99353-6151

RE: Temporary Trust Water Donation Application CS4-1858&59(A)@3 (83818)

Dear Mr. Crowder:

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 water right number CS4-1858&59(A)@3 (83818). 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) and RCW 90.38.020(1)(b), accepts your donation in the amount of 6.4 cfs and 2,600 acre-feet per year. The purpose of the donation is to benefit instream flow of the Yakima and Columbia Rivers from July 5, 2016, to December 31, 2020.

Be advised that this trust water right expires on December 31, 2020.

This trust water right is made possible by nonuse of two portions of Surface Water Right Nos. CS4-1858&59CTCL(A), also identified as Yakima Adjudication Conditional Final Order Certificate No. S4-83818-J, which have been leased to Shaw Vineyards and Easterday Farms, both within Benton County. The Temporary Change of Water Right for the leases have been authorized under Yakima Superior Court, Order Pendente Lite No. 77-2-01484 5. The authorized places of use under the leases are as follows:

PROPERTY NAME	SECTION	TOWNSHIP	RANGE	WRIA	DONATED PORTION
EASTERDAY FARMS	11, 12, 13, 14, 23, 24, 25, 26	7 North	30 E.W.M.	31	No fallowed acres, non-use of leased water only
	8, 17, 18, 19, 20, 29, 30	7 North	31 E.W.M.	31	



Mr. Michael Crowder
August 12, 2016

SHAW VINEYARDS	10, 9, 3, W1/2 of 14, NW1/4 of 23	10 North	27 E.W.M.	37	Up to 550 (undeveloped) acres
---------------------------	---	----------	--------------	----	-------------------------------------

RCW's 90.42.080 and 90.38.020 provide 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's 90.42.040(6), 90.38.040(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.

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 lease holder in the quantities within the lease agreement and Yakima Superior Court Order No. 77-2-01484 5.

If, prior to expiration of this temporary donation, an extension to the temporary donation is desired, 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 Office of Columbia Rivers Trust Water Coordinator, Patricia Kirk, by phone at (509) 249-6299 or by e-mail at patricia.kirk@ecy.wa.gov.

YOUR RIGHT TO APPEAL

You have a right to appeal this decision to the Pollution Control Hearings 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.

Mr. Michael Crowder
August 12, 2016

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
Operations Manager
Office of Columbia River

MCS:PK:aa (160805)

Enclosure: Your Right To Be Heard

cc: Darryll Olsen
Shaw Vineyards
Easterday Farms

By certified mail: 7010 0290 0000 7126 6715