



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

December 9, 2015

MTA Holdings, LLC
P.O. Box 99
Ellensburg, WA 98926

Re: Trust Water Donation Nos. CS4-00296CTCLsb7 & CS4-00636CTCLsb7@1

In response to your request, you are hereby granted an extension of the above referenced Trust Water Donations to remain in the Trust Water Right Program as listed below for an additional three (3) years.

Trust Water Donation No. CS4-00296CTCLsb7

Benefiting Water Body	Yakima River
Purpose	Instream flow
Rate	0.13 cfs
Acre-Feet Per Year	202.18
Season	April 1 to October 31
Water Right Place of Use	The NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, the E $\frac{1}{2}$ E $\frac{1}{2}$ SW $\frac{1}{4}$ and that portion of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ lying southwest of the Northern Pacific Railroad, all in Section 34, T. 18 N., R. 18 E.W.M.

Trust Water Donation No. CS4-00636CTCLsb7@1

Benefiting Water Body	Yakima River
Purpose	Instream flow
Rate	0.152 cfs
Acre-Feet Per Year	75.16
Season	April 1 to October 15
Water Right Place of Use	The W $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 34, T. 18 N., R. 18 E.W.M.

The above trust water rights expire on December 31, 2018.

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 all of 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, Suite 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>

If you have any questions, please contact Jacquelyn Metcalfe at 509-457-7148 or jmet461@ecy.wa.gov.

Sincerely,



Thomas Perkow, Acting Section Manager
Water Resources Program
Central Regional Office

TP:JMM:SS/151228
WR ID# 4470354 & 4627141

Enclosures: Your Right to Be Heard

By certified mail: 7014 3490 0001 5527 8837

cc: Jeff Slothower, Attorney at Law
Philip Rigdon, Director Natural Resources Division Yakama Nation



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

15 W Yakima Ave, Ste 200 • Yakima, WA 98902-3452 • (509) 575-2490

January 21, 2010

Jeff Slothower
Lathrop, Winbauer, Harrel, Slothower & Denison L.L.P.
P.O. Box 1088
Ellensburg, WA 98926

RE: Trust Water Donation No. CS4-00636CTCLsb7@1 – MTA HOLDINGS, LLC

Dear Jeff:

The purpose of this letter is to acknowledge the Department of Ecology's acceptance of your donation to the Washington State Trust Water Right Program. The trust water right has been assigned Application No. CS4-00636CTCLsb7@1. Please refer to this number when corresponding with us about this trust water right.

The Department of Ecology (Ecology), pursuant to RCW 90.38.020(1)(b), acknowledges your donation in the amount of 84 gpm or 0.188 cubic feet per second and 74.16 acre-feet per year from May 13, 2009 to October 15, 2009; and 98 gpm or 0.219 cubic feet per second and 86.36 acre-feet per year from April 1, 2010 to October 15, 2010. The purpose of the donation is to benefit instream flow in the Yakima River.

This trust water right expires on December 31, 2010.

This trust water right is made possible by the fallowing of 8.5 acres as noted in Kittitas County Conservancy Board Change Authorization KITT-07-09, at the recorded place of use, located within that portion of the W $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 34, T. 18 N., R. 18 E.W.M.

RCW 90.38.020 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 90.38.040(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 holder or landowner in the full quantity accepted into the Trust Water Program and for the original purposes.



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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, Scott Turner at (509) 457-7106.

This decision may be appealed pursuant to RCW 34.05.514(3), RCW 90.03.210(2), and Pretrial Order No. 12 entered in *State of Washington, Department of Ecology v. James Acquavella, et al.*, Yakima County Superior Court No. 77-2-01484-5 (the general adjudication of surface water rights in the Yakima River Basin). The person to whom this decision is issued, if he or she wishes to file an appeal, must file the Notice of Appeal with the Yakima County Superior Court **within thirty (30) days of receipt of this decision**. Appeals must be filed with the Superior Court Clerk's Office, Yakima County Superior Court, 128 North 2nd Street, Yakima, WA 98901, RE: Yakima River Adjudication. Appeals must be served in accordance with Pretrial Order No. 12, Section III ("Appeals Procedures"). The content of the Notice of Appeal must conform to RCW 34.05.546. Specifically, the Notice of Appeal must include:

- The name and mailing address of the appellant;
- Name and address of the appellant's attorney, if any;
- The name and address of the Department of Ecology;
- The specific application number of the decision being appealed;
- A copy of the decision;
- A brief explanation of Ecology's decision;
- Identification of persons who were parties in any adjudicative proceedings that led to Ecology's decision;
- Facts that demonstrate the appellant is entitled to obtain judicial review;
- The appellant's reasons for believing that relief should be granted; and
- A request for relief, specifying the type and extent of relief requested.

The "parties of record" who must be served with copies of the Notice of Appeal under RCW 34.05.542(3) are limited to the applicant of the decision subject to appeal, Ecology and the Office of the Attorney General.

All others receiving notice of this decision, who wish to file an appeal, must file the appeal with the Yakima County Superior Court within **thirty (30) days of the date the Order was mailed**. The appeal must be filed in the same manner as described above.

Y9905 2011

MTA Holdings, LLC
No. CS4-00636CTCLsb7@1
January 21, 2010
Page 3 of 3

Sincerely,



Mark C. Schuppe
Section Manager
Water Resources Program

MCS:ST:gh
100127

Certified Mail: 7007 2560 0001 7674 9140

CC: MTA Holdings, LLC
Philip Rigdon, Director, Natural Resources Division, Yakama Nation

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STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

15 W Yakima Ave, Ste 200 • Yakima, WA 98902-3452 • (509) 575-2490

March 27, 2008
CERTIFIED MAIL
7007 22560 0001 7692 3533

MTA Holdings, LLC
PO Box 99
Ellensburg, WA 98926

RE: Surface Water Application No. CS4-00296CTCLsb7

The purpose of this letter is to acknowledge Ecology's acceptance of your donation to the Washington State Trust Water Right Program. The trust water right has been assigned the control No. CS4-00296CTCLsb7. Please refer to that number when corresponding with us about this trust water right.

The Department of Ecology, pursuant to RCW 90.42.080(1)(b), acknowledges your donation in the amount of 1.5 cubic feet per second and 589 acre-feet per year. The purpose of the donation is to benefit instream flow in the Yakima River from April 1, 2008 to March 1, 2009. **This trust water right expires on March 1, 2009.**

This water is made available for the Trust Water Rights Program by nonuse of all of the named water right. Sixty (60) acres; the full acreage amount appurtenant to this water right, will not be irrigated from this water right during the trust water right period. The recorded place of use is located within NW1/4NE1/4SW1/4; the E1/2, E1/2SW1/4 and that portion of the NW1/4SE1/4 lying southwest of the Northern Pacific Railroad in Section 34, T. 18 N., R. 18 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 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 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



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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 Timothy Blocher, the trust water coordinator for the Central Region at (509) 925-7327.

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).

Be sure to do the following:

- Include a copy of this document that you are appealing with your Notice of Appeal.
- Serve and file your appeal in paper form; electronic copies are not accepted.

1. To file your appeal with the Pollution Control Hearings Board:

Mail appeal to:

OR

Deliver your appeal in person to:

The Pollution Control Hearings Board
PO Box 40903
Olympia WA 98504-0903

The Pollution Control Hearings Board
4224 – 6th Ave SE Rowe Six, Bldg 2
Lacey WA 98503

2. To serve your appeal on the Department of Ecology:

Mail appeal to:

OR

Deliver your appeal in person to:

The Department of Ecology
Appeals Coordinator
PO Box 47608
Olympia WA 98504-7608

The Department of Ecology
Appeals Coordinator
300 Desmond Dr SE
Lacey WA 98503

3. And send a copy of your appeal packet to:

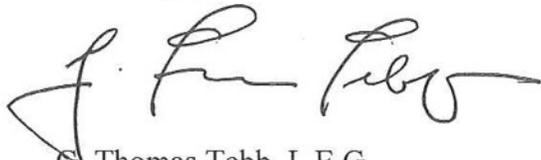
G. Thomas Tebb, L.E.G.
The Department of Ecology
Central Region Office
15 W Yakima Ave Ste 200
Yakima WA 98902-3452

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MTA Holdings, LLC
March 27, 2008
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*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,

A handwritten signature in black ink, appearing to read "G. Thomas Tebb". The signature is fluid and cursive, with a large initial "G" and a long, sweeping underline.

G. Thomas Tebb, L.E.G.
Section Manager
Water Resources Program

GTT:TB:gh
080323

Enclosure: Your Right to Be Heard

Cc: Jeff Slothower, Attorney