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

November 9, 2011

BRD Goldendale LLC
3775 Crates Way
The Dalles OR 97058-3559

RE: Trust Water Donation No. CG3-22760C

To whom it may concern:

The purpose of this letter is to acknowledge your request to extend the donation of temporary trust water right No. CG3-22760C to the Washington State Trust Water Right Program.

The Department of Ecology, pursuant to RCW 90.42.080(1)(b), acknowledges your donation in the amount of 154 gallons per minute and 104 acre-feet per year. The purpose of the donation is to benefit instream flow in Mill Creek, a tributary to the Little Klickitat River, from March 15, through October 15 each year.

**This trust water right expires on December 31, 2012.**

Ground Water Certificate No. G3-22760C is additive to Ground Water Certificate No. G3-22761C in annual and instantaneous quantities, but not in acreage (120 total acres for both certificates).

This trust water right is made possible by the fallowing of approximately 70 acres under both certificates, at the recorded place of use, located within:

NW¼NW¼ of Section 5, T. 4 N., R. 15 E.W.M.
N½NE¼ and NW¼ of Section 6, T. 4 N., R. 15 E.W.M.
E3/4 SE¼NE¼ and E3/4 NE¼SE¼ of Section 6, T. 4 N., R. 15 E.W.M.
Except portion along south side thereof embraced in tract described in Vol. 44 of deeds, page 271, under auditors file number 6193, records of said County, and except right of way for Bonneville-Coulee transmission line.

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 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**<br>Attn: Appeals Processing Desk<br>300 Desmond Drive SE<br>Lacey WA 98503 | **Department of Ecology**<br>Attn: Appeals Processing Desk<br>PO Box 47608<br>Olympia WA 98504-7608 |
| **Pollution Control Hearings Board**<br>1111 Israel Road SW, Suite 301<br>Tumwater WA 98501 | **Pollution Control Hearings Board**<br>PO Box 40903<br>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 questions or concerns, please call the Central Region's Trust Water Coordinator, Scott Turner at (509) 457-7106.

Sincerely,

Mark Kemner
Section Manager
Water Resources Program

MK:ST:ss/111107

Enclosure: Your Right To Be Heard

Certified Mail: 7009 2250 0004 4952 1392

cc: Tom McDonald, Attorney, Cascadia Law Group
Philip Rigdon, Director, Natural Resources Division, Yakama Nation