



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

September 18, 2018

Patrick Ryan, Department of Natural Resources
713 Bowers Road
Ellensburg, WA 98926

RE: DNR Trust Water Donation CS4-25639(LL)@1

Dear Mr. Ryan:

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 (TWRP). The trust water right has been assigned control number **CS4-25639(LL)@1**. 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) accepts your donation in the amount of 1,253.2 acre-feet annually. The donation of Certificate of Water Right No. CS4-25639(LL) extends from February 1 to November 15 each year.

This trust water right expires on December 31, 2022.

Surface Water Right No. S4-25639(LL) authorizes the diversion of 5.06 cfs and 1,253.2 acre-feet of water for the irrigation of 313.3 acres annually from the Columbia River out of the John Day Pool. The authorized place of use is in the NE1/4 of Section 34 and Section 36, Township 5 North, Range 24 East W.M., in Benton County.

Please keep in mind that under RCW 90.42.080(4) the donated trust water right may not exceed the extent to which the water right was exercised during the five years before the donation period started. 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 donated water right will revert back to the water right holder or landowner. To the extent that the donated



water right represents a valid water right, the water right holder or landowner may resume exercising the right in a manner consistent with the original purpose(s).

Your water right is classified as a Publicly Owned Land Permit under the Family Farm Water Act (FFWA) as defined under Chapter 90.66 RCW. The Act does not provide explicit authority for Ecology to accept FFWA provisioned water rights via the donation process as described under trust water right statute Chapter 90.42 RCW. However, Ecology will accept a FFWA water right into the TWRP with disclosure that the future validity of your trust donation may be at risk should a court proceeding determine that your water right was not legally able to qualify for trust status as defined under the Family Farm Act or the trust water right statutes.

If, prior to expiration of the temporary donations, you would like to extend the donations once again, please send us a written request. Also, if you wish to modify any terms of the donation(s), 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(s) 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.

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 (180901)

Enclosure: Your Right To Be Heard

cc: Philip Rigdon, Director, Natural Resources Division, Yakama Nation

By certified mail: 91 7199 9991 7037 9077 1067