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 Certificate
 Kittitas County Auditor
 WASHINGTON STATE DEPT OF ECOLOGY
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Department of Ecology
 Water Resources Program
 15 W Yakima Ave Ste 200
 Yakima WA 98902-3452



STATE OF WASHINGTON
 DEPARTMENT OF ECOLOGY

Certificate of Trust Water Right No. S4-05259CTCL@2sb7

To Change the Place of Use and Purpose of Use of the
 Water Right Confirmed Under Court Claim No. 05259

IN accordance with the provisions of chapter 90.42 of the Revised Code of Washington and the regulations and guidance of the Department of Ecology (Ecology).

THIS is to certify that **Department of Ecology** and **Suncadia LLC**, on behalf of the STATE OF WASHINGTON, have complied with all of the requirements of chapter 90.42 of the Revised Code of Washington and is hereby granted authorization to modify the place of use and purpose of use of a water right confirmed under Court Claim No. 05259, as modified by Ecology's Amended Report of Examination, dated April 7, 2011, of Water Right Change Authorization No. CS4-05259CTCL@2sb7. This is a **Certificate of Trust Water Right** for instream flow enhancement and water banking in the Yakima River within Kittitas, Yakima, and Benton Counties, Washington, described as follows:

- 1) A Trust Water Right is created in the name of the **Department of Ecology**, to be used in perpetuity for instream flow enhancement in the Yakima River, for instream flow use from April 1 through October 31 each year (within the historic operation period of Court Claim No. 05259), and for the purpose of water banking to offset consumptive use associated with new water uses in the Upper Yakima Basin (Kittitas County). This instream flow Trust Water Right has a confirmed 1884 priority date, and is a senior water right from the Yakima River.
- 2) The Primary Reach begins at approximate river mile (RM) 154.5 at the Court confirmed point of diversion located 1,500 feet south and 700 feet east from the NW corner of Section 3, being within the SW¹/₄NW¹/₄ of Section 3, T. 17 N., R. 18 E.W.M., and ends downstream at approximate RM 153.7; which is legally described as a point on the mainstream of the Yakima River as 2,675 feet south and 175 feet east from the NW corner of Section 11, T. 17 N., R. 18 E.W.M. The Secondary Reach begins at approximate RM 153.7; which is legally described as a point on the mainstream of the Yakima River as 2,675 feet south and 175 feet east from the NW corner of Section 11, T. 17 N., R. 18 E.W.M., to the confluence of Yakima River with the Columbia River located in Section 19, T. 9 N., R. 29 E.W.M.

Trust water quantities within the Primary and Secondary Reach are described as follows:

Primary Reach	April	May	June	July	August	September	October	Total
Qi (cfs)	0.50	0.50	0.50	0.50	0.50	0.50	0.50	
QA (ac-ft/yr)								195
Secondary Reach	April	May	June	July	August	September	October	Total
Qi (cfs)	0.11	0.16	0.17	0.20	0.18	0.15	0.09	
QA (ac-ft/yr)	6.55	9.92	10.29	12.17	11.23	9.17	5.24	64.57

This Certificate of Trust Water Right is subject to the following provision(s):

When surplus water is available and not being used for water banking or other authorized purposes, quantities will be added to target flows at Parker Dam and continue onto the confluence with the Columbia River. If the water is used to offset consumptive use by new water users purchasing mitigation credits from Suncadia, the water right will be considered instream at least to Parker Dam in order to offset impacts to total water supply available.

The real property to which the water rights were appurtenant shall remain fallow unless and until another valid water right is transferred to the historic place of use.

The Department of Ecology must manage this trust water right to effectively mitigate for impacts to total water supply available and flow reductions that adversely affect fish. Any portion of this trust water right that is assigned to the 2009 Exchange Contract No. 09XX101700 between the Department of Ecology and the U.S. Bureau of Reclamation will be managed in accordance with that contract and its associated review procedures.

This permanent instream flow trust water right is the result of following 20 acres of the place of use under Court Claim No. 05259, to the extent of 0.50 cubic feet per second and 195 acre-feet per year.

Said Certificate of Trust Water Right may be replaced or modified when necessary to comply with the final Decree in Acquavella v Department of Ecology, once it is issued by Yakima County Superior Court.

Given under my hand and seal of this office at Yakima, Washington this 29 day of September 2011.



Ted Sturdevant, Director
Department of Ecology

By: Melissa Downes

Melissa Downes, Acting Section Manager
Water Resources Program
Department of Ecology

Data Review:

OK [Signature]

MD:RFB:gh

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