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

May 21, 2013

David L. Lund et al.
210 Lund Lane
Cle Elum WA 98922-9453

RE: Trust Water Right No. CS4-00353sb2@1

Dear Mr. Lund:

The purpose of this letter is to acknowledge the Department of Ecology's acceptance of your leased trust water right to the Washington State Trust Water Right Program. The trust water right application was accepted on August 8, 2011 and has been assigned Control No. CS4-00353sb2@1.

On June 3, 2011, Washington Water Project of Trout Unlimited (TU) and David & Marilyn Lund entered into an agreement to lease Subbasin No. 2 Court Claim No. 00353. The terms of the agreement state that the lease begins when TU submits an application to place the water right into the Trust Water Rights Program and Yakima County Superior Court issues an Order Pendente Lite for Court Claim No. 00353. The Order Pendente Lite changing the Lund's water right to instream flow was signed on August 11, 2011.

The period of the short term trust water lease is from August 11, 2011 to February 29, 2016.

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 (Ecology);
The specific application number of the decision being appealed;
A copy of the decision;

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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.

Sincerely,

Mark Kemner, LHG, Section Manager
Water Resources Program/CRO

MK:ST:ss/130518

Certified Mail: 7010 0290 000 7131 2795

cc: Philip Rigdon, Director Natural Resources Division Yakama Nation
David Burdick, Department of Ecology, Headquarters (email/pdf)
Aaron Penvose, Trout Unlimited