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

July 31, 2013

Kent and Donna Moore
K & D Properties
PO Box 434
Pateros, WA 98846

RE: Trust Water Donation Applications: CS3-21752C@1, CG4-28100C@1, CS4-CV1-4P261@1 and CS4-28101C@2 for the 2011 irrigation season.
ALSO: Trust Water Donation Applications: CS3-21752C@2, CG4-28100C@2, CS4-CV1-4P261@2 and CS4-28101C@3 for the 5 year period starting in April of 2013 and ending in October of 2017.

Dear Mr. and Ms. Moore:

The Department of Ecology received the above referenced trust water donation applications submitted by Aaron Penvose of Trout Unlimited (TU) on your behalf.

After a review of the information provided on each application and county parcel records, the Department of Ecology (Ecology) has been reluctant to accept the above referenced trust applications without all the legal land owners' signatures who own property within the defined places of use for each of the water rights. Ecology contacted TU and requested that the appropriate signatures be added to the applications. We were told the signatures were very difficult to acquire and have not received the other land owners' signatures to date. We recognize that if these water rights are not accepted into Ecology's Trust Water Right Program (TWRP), they may be in danger of relinquishment.

Therefore, The Department of Ecology, pursuant to RCW 90.42.080(1)(b) will accept the above referenced trust water donations into the TWRP without the other legal land owners' signatures. Please be advised that acceptance of these trust donations is contingent not only on the yet undetermined validity and extent of each water right, but also on the other land owners being unopposed to the use of these water rights as instream flow.

The four applications for the 2011 irrigation season will be considered donated for that year for the purpose of instream flow of the Columbia River in the amounts indicated below in Table 1.

The four current trust donations for the 5 year period starting April 1, 2013 and ending October 31, 2017 will be managed in the TWRP for the exclusive benefit of instream flow/ fish maintenance within the Columbia River. The annual quantity for each donation is the same as the quantity donated during the 2011 irrigation season as follows:

Table 1

Water Right Number	Annual Quantity Qa (acre-feet per year)	Acres Fallowed	Years Donated
CS3-21752C@2	12.8	3	2011, 2013-2017
CG4-28100C@2	12	4	2011, 2013-2017
CS4-CV1-4P261@2	40	10	2011, 2013-2017
CS4-28101C@3	8.56	2	2011, 2013-2017

Trust Water Donations CS3-21752C@2, CG4-28100C@2, CS4-CV1-4P261@2 and CS4-28101C@3 will expire December 31, 2017.

RCW 90.42.080 provides in part that the total of any portion of a 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 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).

If an extension of these donations is desired beyond the indicated irrigation season(s), a letter can be submitted to Ecology with such a request **before** the expiration date indicated above. Please include the trust water right application number, the date the extension is to terminate, and the signatures of legal land owners. 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 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

PK:MCS:RAZ (130734)

Enclosure: Your Right to be Heard

Cc: Lois Trevino, Colville Confederated Tribes
Philip Rigdon, Yakama Nation
Aaron Penvose, Trout Unlimited

By certified mail: 7010 0290 0000 7131 4447

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PS Form 3800, August 2006 See Reverse for Instructions

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1. Article Addressed to:

KENT AND DONNA MOORE
K & D PROPERTIES
PO BOX 434
PATEROS WA 98846

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X Donna Moore ☐ Agent ☐ Addressee

B. Received by (Printed Name) Donna Moore
C. Date of Delivery 8-7-13

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