

Department of Ecology
 Water Resources Program/CRO
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 Yakima WA 908902-3452

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 Certificate DEPT ECOLOGY
 Kittitas County Auditor

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**STATE OF WASHINGTON
 DEPARTMENT OF ECOLOGY
 Certificate of Trust Water Right No. S4-01724CTCLsb7**

**To Change the Place of Use and Purpose of Use of the
 Water Right Confirmed Under Court Claim No. 01724**

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 the Department of Ecology, on behalf of the STATE OF WASHINGTON, has 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. 01724, as modified by Ecology's February 10, 2010, Amended Modification Order of Water Right Change Authorization **CS4-01724CTCLsb7** to a **Certificate of Trust Water Right** for instream flow enhancement use in Yakima River, Kittitas, Yakima, and Benton County, Washington, and the Columbia River to the Pacific Ocean, Pacific County, Washington, as follows:

- 1) A Trust Water Right is created in the name of the State of Washington, to be used in perpetuity for instream flow enhancement in the Yakima and Columbia Rivers, for instream flow use from April 1 through October 15 each year (within the historic operation period of Water Right Court Claim No. 01724). This instream flow Trust Water Right has a confirmed 1884 priority date, and is a portion of the senior water right from the Yakima River.
- 2) The Primary Reach Trust Water Right is for 4.91 cubic feet per second, 226.27 acre-feet of water per year. The Secondary Reach Trust Water Right is for 166.27 acre-feet of water per year. The Primary Reach begins at approximate river mile (RM) 154.6 at the Court confirmed point of diversion located 500 feet south and 700 feet east from the NW corner of Section 3, T. 17 N., R. 18 E.W.M., and ends downstream at approximate RM 153.3; which is legally described as a point on the mainstream of the Yakima River as 1,340 feet south and 1,760 feet west from the NE corner of Section 10; being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 10, T. 17 N., R. 18 E.W.M. The Secondary Reach begins at approximate RM 153.3 which is legally described as a point on the mainstream of the Yakima River as 1,340 feet south and 1,760 feet west from the NE corner of Section 10; being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 10, 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., to the confluence of the Columbia River with the Pacific Ocean located at River Mile 0 in Section 18, T. 9 N., R. 11 W.W.M., Pacific County, Washington.

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

Primary Reach	May	June	July	August	September	October	Total
Qi (cfs)	4.91	4.91	4.91	4.91	4.91	4.91	
QA (ac-ft/yr)							226.27
Secondary Reach	May	June	July	August	September	October	Total
Qi (cfs)	0.27	0.61	0.83	0.66	0.38	0.11	
QA (ac-ft/yr)	16.23	35.95	49.27	39.28	22.36	3.17	166.27

This certificate is subject to the following provision(s):

Water contained within the Primary and Secondary Reach of this Trust Water Right Certificate are subject to change as water from this certificate will be used for off-setting mitigation for new ground water or surface water diversionary permits within the Yakima Basin, particularly within Kittitas County, Washington.

Said certificate 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 13 day of April 2010.



Ted Sturdevant, Director
Department of Ecology

By Mark C. Schuppe, Section Manager,
by LOUISSA DOWNES
Mark C. Schuppe, Section Manager
Water Resources Program/CRO
Department of Ecology

Data Review: ok
MCS:RM:gg