



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
Central Region Office

1250 West Alder St., Union Gap, WA 98903-0009 • 509-575-2490

SENT VIA EMAIL

January 3, 2023

Icicle Irrigation District
Attn: Levi Jantzer
5594 Wescott Dr
Cashmere, WA 98815-9523
levi.ipid@nwi.net

RE: Trust Water Donation No. CR4-5527 (Square Lake)

Dear Levi Jantzer:

The purpose of this letter is to acknowledge the Department of Ecology's (Ecology) acceptance of your donation to the Washington State Trust Water Rights Program. The trust water right has been assigned file number CR4-5527. Please refer to this number when corresponding with us about this trust water right.

Under RCW 90.42.080(1) (b), Ecology accepts your donation, as summarized below.

Benefiting Water Body	Leland Creek, Icicle Creek, and the Wenatchee River
Purpose	Instream Flow
Rate	10 cfs*
Acre-Feet Per Year	2,000
Season	Continuous

* Water is donated for a maximum instantaneous fill rate of 10 cfs and an annual volume of 2,000 acre-feet of inflow stored into Square Lake for the purpose of irrigation within the boundaries of Icicle Peshastin Irrigation District (IPID). Operationally, IPID has released water at a rate between 0 and 50 cfs; then, if needed for irrigation, water is diverted through the IPID point of diversion on Icicle Creek. As a result of this donation, IPID will release water from Square Lake that it will not divert for irrigation purposes downstream on Icicle Creek. Rather, IPID will coordinate releases through regular participation in the Icicle Workgroup (IWG) Instream Flow Subcommittee.

Trust Water Expiration Date: March 30, 2023

In your letter dated August 29, 2022, you requested certain conditions for this trust water donation.

Ecology does not accept responsibility for "all costs incurred by the district associated with the defense of any appeals to this trust water donation."

Ecology accepts the remaining conditions set forth in your letter dated August 29, 2022, which are as follows:

- 1) The Department of Ecology will defend any appeals to this trust water decision.
- 2) In the event of infrastructure failure, drought, or other unforeseen circumstances, IPID may cancel this trust water donation with 10-days' notice.

- 3) This is a storage water right donation and is to not decrease, and have no effect, on IPID's natural flow water rights or IPID's ability to divert their full quantities from Icicle Creek or Snow Creek authorized under Certificate Nos. 1083, S4-*35002ABBJ and S4-35002JC.

In accordance with RCW 90.42.040(6), RCW 90.14.140(2)(h), and RCW 90.14.215, a water right is not subject to relinquishment while it is managed within the Trust Water Rights Program.

Ecology's acceptance of the donated water right into the trust water rights program is not evidence of the validity or quantity of the right. When the period of trust ends, the water right will revert back to the water right holder or landowner in the full quantity accepted into the trust water rights program and as described on the water right certificate or most recent approved change authorization.

RCW 90.42.080 provides that the 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.

If, prior to expiration of this temporary donation, you would like to extend the temporary donation, please send us a written request. 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 any questions, please contact Heather Hazlett by phone at (509) 379-1986 or via email at heather.hazlett@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 all of 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,



Scott Turner, Operations Section Manager
Office of Columbia River
Central Regional Office

ST:HH:SS/230101
WRTS No. 6804790

Enclosure: Your Right To Be Heard

Sent electronically with read receipt, delivery confirmation/notification

ecc: Lois Trevino, Water Administrator, Colville Confederated Tribes
Phil Rigdon, Superintendent, Natural Resources Department, Yakama Nation

