



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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SENT VIA EMAIL ONLY

September 3, 2021

Washington Department of Fish and Wildlife
Attn: Cindy Knudsen
600 Capitol Way
Olympia, WA 98501

RE: Trust Water Donation CS4-84062-J@2

Dear Cindy Knudsen:

The purpose of this letter is to acknowledge the Department of Ecology's acceptance of the Dept. of Fish and Wildlife's temporary donation to the Washington State Trust Water Right Program (TWRP). The trust water right has been assigned control number **CS4-84062-J@2**. Please refer to this number when corresponding with us about this trust water right. This donation's identifying number has been changed from CS4-02109sb18 to CS4-84062-J@2 due to a new Adjudicated Certificate of Water Right number being issued for the parent water right (S4-84062-J).

The Department of Ecology (Ecology), pursuant to RCW 90.38.020(1)(b), accepts your donation in the amount of 0.64 cubic feet per second and 128 acre-feet per year. The purpose of the donation is to benefit instream flow in the South Fork Cowlitz Creek and Yakima River from April 1 to October 31 annually.

This trust water right donation expires on December 31, 2036.

This donation is made possible by following 32 acres, at the recorded place of use. The point of diversion is located within the South 1/2 of the Northeast 1/4 of Section 36, T. 14 N., R. 16 E.W.M., and place of use within Yakima County Parcel No. 16143613402.

RCW 90.38.020 provides in part that the total of any portion of 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.

In accordance with RCW 90.38.040(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 TWRP.

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.

This temporary trust water right donation cannot be used as evidence that a valid water right existed before the donation term. It also does not provide evidence of the quantities of beneficial use historically diverted or withdrawn up and to the time of the Trust Donations submission date. Only a complete "Extent and Validity" investigation initiated by an adjudication, permanent change into the TWRP, or other permanent water right change or Proof Examination can determine the current legal characteristics of a water right.

Temporary trust water donations are not a means of providing water to mitigate other water rights.

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, 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 questions or concerns, please call the Office of Columbia Rivers Trust Water Coordinator, Patricia Kirk, by phone at (509) 249-6299 or by Email 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.

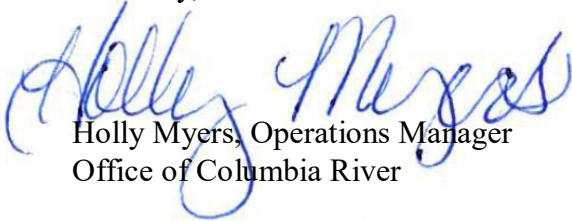
You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

ADDRESS AND LOCATION INFORMATION

Street Addresses	Mailing Addresses
<p>Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503</p> <p>Pollution Control Hearings Board 1111 Israel Road SW Ste 301 Tumwater, WA 98501</p>	<p>Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608</p> <p>Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903</p>

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,



Holly Myers, Operations Manager
Office of Columbia River

HM:PK:ce(210902)

Enclosure: Your Right To Be Heard

ecc: Phil Rigdon, Natural Resources Director, Yakama Nation