



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](mailto:levi.ipid@nwi.net)

RE: Trust Water Donation No. CS4-SWC1229@1 (Colchuck 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 CS4-SWC1229@1. 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.

<b>Benefiting Water Body</b>	Icicle Creek and the Wenatchee River
<b>Purpose</b>	Instream Flow
<b>Rate</b>	25 cfs*
<b>Acre-Foot Per Year</b>	2,500**
<b>Season</b>	Continuous

\* The total water duty authorized on the subject water right is 50 cfs; however, the donor has requested to donate only 25 cfs.

\*\* 2,500 acre-feet per year is an annual quantity estimated by the donor. Certificate No. 1229 does not provide for an annual quantity. Ecology's acceptance of that estimated annual quantity into the trust water rights program is not evidence of the validity or quantity of the right.

**Trust Water Expiration Date: March 30, 2023**

In your letter dated October 12, 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 October 12, 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](mailto: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
<b>Department of Ecology</b> Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey WA 98503	<b>Department of Ecology</b> Attn: Appeals Processing Desk PO Box 47608 Olympia WA 98504-7608
<b>Pollution Control Hearings Board</b> 1111 Israel Road SW, Ste. 301 Tumwater WA 98501	<b>Pollution Control Hearings Board</b> 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. 6804836

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

