Downes, Melissa M. (ECY)

From: wr_sql_server@ecy.wa.gov
Sent: Wednesday, December 12, 2007 6:00 AM
To: Downes, Melissa M. (ECY)
Subject: Notification for Report of Examination

The publication period has ended for:

S4-35157 Report of Exam Oroville Tonasket Irrigation District* This is an automated email, please do no reply. If you have questions or concerns please direct them to Jeremiah Miller (jmil461@ecy.wa.gov) or Christopher Jennings-Shaffer (cjen461@ecy.wa.gov).

Downes, Melissa M. (ECY)

From: wr_sql_server@ecy.wa.gov
Sent: Monday, December 10, 2007 6:00 AM
To: Downes, Melissa M. (ECY)
Subject: 30 Day Notification, End of Appeal Period for Final Report(s) of Examination

The following Final Report(s) of Examination have been posted for 30 days: S4-35157 for Oroville Tonasket Irrigation District*. 11/9/2007 12:00:00 AM to 12/11/2007 12:00:00 AM This is an automated email, please do not reply. If you have questions or comments please contact Water Resources - Info Management.

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

November 9, 2007
CERTIFIED MAIL
[7006 0100 0002 8191 9215]

Oroville-Tonasket Irrigation District
PO Box 1729
Oroville WA 98844-1729

RE: Water Right Application No. S4-35157 – Temporary Authorization to divert water for fish rearing

On October 29, 2007, Oroville-Tonasket Irrigation District (OTID) submitted an application seeking authorization to divert 10 cubic feet per second (cfs), 3,620 acre-feet per year (ac-ft/yr) for non-consumptive use from October 15, 2007 through April 15, 2008. The application has been assigned Identifier No. S4-35157. This project proposes to withdraw water from the Okanogan River from an existing diversion located within the SE¼SE¼ of Section 04, T. 37 N., R. 27 E.W.M.

OTID has requested a temporary permit to divert water from the Okanogan River and pump it to their irrigation settling ponds located on Tax Parcel No. 3727040030 within the SE¼SE¼ of Section 04, T. 37 N., R. 27 E.W.M. OTID is proposing to use these ponds during the non-irrigation season to acclimate juvenile Chinook salmon before being released in spring 2008. The proposal includes continuous pumping of water from the river, through the ponds, and back to the river. Water will be returned back to the Okanogan River via 24 inch, smooth walled pipe, approximately 125 feet upstream from the diversion.

There are four water rights appurtenant to this property, three of which are seasonal irrigation rights owned by Oroville-Tonasket Irrigation District; CS4-ADJ01VOL1P2, SC4-SWC10694, and SC4-SWC10379. The fourth water right appurtenant to this property is described below:

- **S4-28324 – US Bureau of Reclamation**: authorized to divert 0.55 cfs, 108 ac-ft/yr, from a point located 90 feet north, 390 feet west of the SW corner of Section 4, T. 37 N., R. 27 E.W.M. for the benefit of wildlife habitat and watering from April 1 to October 15 each year.

This water right application is being processed prior to competing applications in accordance to WAC 173-152-050(2)(b). This temporary water right is nonconsumptive and will enhance or protect the quality of the natural environment.

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This TEMPORARY AUTHORIZATION has the following parameters and provisions:

1) Violation of any of the terms and/or conditions of this authorization will result in immediate termination, issuance of Administrative Orders to Cease and Desist, may also subject the violator to civil penalties.

2) A diversion of 10.0 cfs may take place from November 9, 2007 to April 15, 2008. This Temporary Authorization will expire on April 15, 2008.

3) The temporary place of use under this authorization will be used to acclimate Chinook salmon in settling ponds located within SE¼SE¼ of Section 04, T. 37 N., R. 27 E.W.M.

4) The maximum annual volume of water allowed is 3,620 ac-ft/yr.

5) The priority date for this water right is October 29, 2007.

6) The Department of Ecology assumes no liability for the purchase and/or construction of any permanent facilities in conjunction with this Temporary Authorization. Applicants for a temporary water right should not construe that a temporary authorization will result in the granting of a permanent water right.

7) The applicant and operator of the system under this Temporary Change Authorization shall:

   - Have a copy of this Temporary Change Authorization available on-site.
   - Be aware of the parameters and provisions and operate accordingly.
   - Provide said copy as evidence of this authorization upon request by Department of Ecology staff.

8) An approved measuring device shall be installed and maintained for the source(s) identified herein in accordance with the rule "Requirements for Measuring and Reporting Water Use", Chapter 173-173 WAC. Water use data shall be recorded weekly and shall be submitted to Ecology by January 31, 2009.

9) The rule above describes the requirements for data accuracy, device installation and operation, and information reporting. It also allows a water user to petition Ecology for modifications to some of the requirements. Installation, operation and maintenance requirements are enclosed or available from Ecology as a document entitled "Water Measurement Device Installation and Operation Requirements".

10) Water use data shall be recorded weekly. The maximum monthly rate of diversion/withdrawal and the monthly total volume shall be submitted to Ecology by January 31st of each calendar year. Ecology is requiring submittal of monthly meter readings to collect seasonal information for water resource planning, management and compliance.

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11) At a minimum, the following information shall be included with each submittal of water use data: owner, contact name if different, mailing address, daytime phone number, WRIA, Permit or Certificate No., source name, annual quantity used including units, maximum rate of diversion including units, period of use, monthly meter readings including units, and peak flow including units for each month. In the future, Ecology may require additional parameters to be reported or more frequent reporting.

12) Ecology prefers web based data entry, but does accept hard copies. Ecology will provide forms and electronic data entry information.

13) Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the records of water use that are kept to meet the above conditions, and to inspect at reasonable times any measuring device used to meet the above conditions, but only to the extent otherwise allowed by law.

14) This Temporary Authorization is subject to Washington Department of Fish and Wildlife fish screening criteria (pursuant to RCW 77.57.010, RCW 77.57.070, and RCW 77.57.040). Fish screening criteria are attached to this Report of Examination. Contact the Department of Fish and Wildlife, 600 Capitol Way N, Olympia, WA 98501-1091. Attention: Habitat Program, Phone: (360) 902-2534 if you have questions about screening criteria. http://wdfw.wa.gov/hab/engineer/habeng.htm

15) The intake shall be screened at all times in accordance with Department of Fish and Wildlife screening criteria. http://wdfw.wa.gov/hab/engineer/habeng.htm.

16) This Temporary Authorization shall in no way excuse the permittee from compliance with any applicable federal, state, or local statutes, ordinances, or regulations including those administered by other programs of the Department of Ecology.

You have a right to appeal this order. To appeal this you must:

- File your appeal with the Pollution Control Hearing Board within 30 days of the "date of receipt" of this document. Filing means actual receipt by the Board during regular office hours.
- Serve your appeal on the Department of Ecology within 30 days of the "date of receipt" of this document. Service may be accomplished by any of the procedures identified in WAC 371-08-305(10). "Date of receipt" is defined at RCW 43.21B.001(2).

Be sure to do the following:

- Include a copy of this document that you are appealing with your Notice of Appeal.
- Serve and file your appeal in paper form; electronic copies are not accepted.

1. To file your appeal with the Pollution Control Hearings Board:

Mail appeal to:	OR	Deliver your appeal in person to:
Pollution Control Hearings Board PO Box 40903 Olympia WA 98504-0903		Pollution Control Hearings Board 4224 – 6th Ave SE Rowe Six, Bldg 2 Lacey WA 98503

2. To serve your appeal on the Department of Ecology:

Mail appeal to:	OR	Deliver your appeal in person to:
Department of Ecology Appeals Coordinator PO Box 47608 Olympia WA 98504-7608		Department of Ecology Appeals Coordinator 300 Desmond Dr SE Lacey WA 98503

3. And send a copy of your appeal packet to:

   G. Thomas Tebb, L.E.G.
   Department of Ecology
   15 W Yakima Ave Ste 200
   Yakima WA 98902-3452

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://www1.leg.wa.gov/CodeReviser

Sincerely,

FOR

G. Thomas Tebb, L.E.G.
Section Manager
Water Resources Program

GTT:BZ:gg/071111

Enclosures: Your Right To Be Heard
Water Measuring Requirements
Fish Screening Criteria

cc: Chris Fisher, Oroville-Tonasket Irrigation District
Lois Trevino, Office of Environmental Trust, Colville Confederated Tribes

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PS Form 3800, June 2002 — See Reverse for Instructions

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1. Article Addressed to:

OROVILLE-TONASKET IRRIGATION DISTRICT
PO BOX 1729
OROVILLE WA 98844-1729

WR/gg Temp Auth S4-35157

COMPLETE THIS SECTION ON DELIVERY

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X Karen Sydnes
☑ Agent
☑ Addressee

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11/13/07

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PS Form 3811, February 2004 — Domestic Return Receipt — 102595-02-M-1540