



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

15 W Yakima Ave, Ste 200 • Yakima, WA 98902-3452 • (509) 575-2490

March 4, 2009  
CERTIFIED MAIL  
[7007 2560 0001 9534 5996]

Chelan County PUD No. 1  
c/o Waikele Hampton  
PO Box 1231  
Wenatchee WA 98807-1231

**RE: Temporary Authorization No. S4-35223 for Fish Tagging Operations**

On January 22, 2009, Public Utility District No. 1 of Chelan County, Washington, filed a temporary application to divert 0.01 cubic feet per second (cfs), and up to 0.5 acre-feet per year (ac-ft/yr) of water to supply a flow of water during fish tagging operations.

The proposed source of water for this project is located on parcel number 271728000050 within the NE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 28, T. 27 N., R 17 E.W.M., approximately 2306 feet north and 644 feet south of the SE corner of Section 28. Water will be diverted from the Wenatchee River to a fish holding container. The proposed place of use is located within the NE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 28, T. 27 N., R 17 E.W.M., land owned by the Washington State Parks & Recreation Commission.

Water will be piped into a fish holding container and will continually be recirculated. From the fish holding container water will overflow into a tote that encompasses the fish holding container. From the tote, water will be piped back to the river approximately 10 – 20 feet downstream from the point of diversion.

This request for a Temporary Authorization will not impair existing rights due to the no-net consumptive use proposed and provided the following conditions are met.

**No water right in perpetuity will result from this Temporary Authorization.**

This Temporary Authorization is granted in accordance with RCW 90.03.250 seasonally from April 1, 2009, through June 1, 2014. This Temporary Authorization is subject to the following conditions:

1. The duration of the Temporary Authorization is from April 1 through June 1, each year until June 1, 2014 unless sooner revoked for cause.
2. Violation of any of the terms and/or conditions of this Temporary Authorization will result in this authorization being immediately terminated, issuance of Administrative Orders to Cease and Desist, may also subject the violator to civil penalties.
3. The source of the water is the Wenatchee River, located within the NE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 28, T. 27 N., R 17 E.W.M.

4. Withdrawal from the source is limited to 0.01 cfs, up to 0.5 ac-ft/yr.
5. The applicant shall have a copy of this Temporary Authorization at or near the point of diversion when pumping water.
6. An approved measuring device shall be installed and maintained for each of the sources identified by this water right in accordance with the rule "Requirements for Measuring and Reporting Water Use", Chapter 173-173 WAC.
7. Water use data shall be recorded weekly. The maximum rate of withdrawal and the annual total volume shall be submitted to the Department of Ecology (Ecology) by January 31st of each calendar year.
8. Chapter 173-173 WAC 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 as a document entitled "Water Measurement Device Installation and Operation Requirements".
9. The following information, including appropriate units of measure, shall be included with each submittal of water use data: owner, contact name if different, mailing address, daytime phone number, WRIA No., Permit No., source name, annual quantity used, maximum rate of withdrawal, purpose of use, and period of use. In the future, Ecology may require additional parameters to be reported or more frequent reporting. Ecology prefers web based data entry, but does accept hard copies. Ecology will provide forms and electronic data entry information.
10. 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.
11. The water source and/or water transmission facilities are not wholly located upon land owned by the applicant. Issuance of this Temporary Authorization by Ecology does not convey a right of access to, or other right to use, land which the applicant does not legally possess. Obtaining such a right is a private matter between applicant and owner of that land.
12. 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 Temporary Authorization. Contact the Dept. 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>
13. 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>.

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:

Mark C. Schuppe  
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://www.leg.wa.gov/CodeReviser>

Sincerely,

Mark C. Schuppe, Acting Section Manager by  
Mark C. Schuppe, Acting Section Manager  
Water Resources Program



MCS:BZ:gg/090303

Enclosure: Your Right To Be Heard  
Water Measurement Requirements  
Fish Screening Criteria

cc: Rick Halstead, Lake Wenatchee State Park, WA State Parks & Recreation Commission  
Lois Trevino, Administrator, Environmental Trust, Colville Confederated Tribes  
Philip Rigdon, Director, Natural Resources Division, Yakama Nation

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PS Form 3800, August 2006 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature <u>[Signature]</u> <input type="checkbox"/> Agent</p> <p>B. Received by (Printed Name) <u>Wells &amp; Son, Inc.</u> <input type="checkbox"/> Addressee</p> <p>C. Date of Delivery <u>MAR 06 2004</u></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes                      If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p>CHELAN COUNTY PUD NO. 1                      C/O WAIKELE HAMPTON                      PO BOX 1231                      WENATCHEE WA 98807-1231</p> <p>WR/gg BZ Temp Auth S4-35223</p>	<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>
<p>2. Article Number                      (Transfer from service label)</p> <p>7007 2560 0001 9534 5996</p>	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>