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

February 12, 2013

Jason Gaul, Manager
Selland Construction Inc.
PO Box 119
Wenatchee, WA 98807-0119

RE: Amended Short-Term Authorization No. S4-33038 for Dust Control and Road Compaction

On September 12, 2011, Selland Construction Inc. of Wenatchee, Washington, filed a temporary water right application to divert 100gpm (0.22 cfs) and up to 4.5 acre-feet per year (ac-ft/yr) of water for dust control and road compaction.

A Short-Term permit was issued on June 26, 2012 that had an expiration date of November 15, 2012. On October 2, 2012 James Flowers of Selland Construction requested to extend the period of use through November 15, 2013. This request is needed due to the extreme fire danger within the project area; this was created by the fire that occurred late last summer and early fall of 2012. The fire danger interfered with the ability of the applicant to complete the project by the time the permit had expired.

The proposed source of water for this project is Chiwaukum Creek a tributary to the Wenatchee River, located within Parcel No. 251705440050, within the SE¼SE¼ of Section 5, T. 25N., R. 17 E.W.M. located in Chelan County.

Water will be pumped from an existing diversion box from Chiwaukum Creek into a water truck and distributed for dust control and road compaction for the US Highway 2 Tumwater Canyon Bridge replacement project. The point of diversion on Chiwaukum Creek is located approximately 1000 feet north and 900 feet west from the south east corner of Section 5 being within the SE¼SE¼ of Section 5, T. 25 N., R. 17 E.W.M. located in Chelan County.

The water that is proposed to be diverted will be mitigated by forgoing the irrigation of lands listed in Surface Water Right Claim No. 041935. An agreement to fallow eight acres of Surface Water Right Claim No.041935 by William R. Thompson (the owner of the land the claim is appurtenant) has been submitted to Ecology to mitigate for the Selland Construction use. Review of the 2005, 2006, 2009 and 2011 aerial shows the field is green and is irrigated.

Impairment

Chiwaukum Creek is a tributary to the Wenatchee River. The requested period of use for this temporary permit is during April 1 through November 15, 2013. The water that will be used will be mitigated from a senior water right claim and therefore no new impacts will occur to Chiwaukum Creek.

Conclusions and Decision

There is water available through the mitigation proposed for the project and can take place on a temporary basis without impairing existing water rights.

FILE COPY

This Temporary Authorization is subject to the following limitations and provisions:

1. The priority date of this water right is September 12, 2011.
2. The point of diversion will be located within the SE¼SE¼ of Section 5, T. 25 N., R. 17 E.W.M, located in Chelan County, Parcel No. 251705440050
3. The place of use will be located within the SW¼ of Section 4, T 25 N., R. 17 E.W.M., in Chelan County.
4. The period of use will be from April 1, 2013 through November 15, 2013
5. This authorization will expire November 15, 2013, unless sooner revoked for cause.
6. The diversion shall not exceed 0.22 cubic feet per second (100 gallons per minute) not to exceed 4.5 acre-feet.
7. The purpose of use is for dust abatement and road compaction.
8. The diversion intake shall be tightly screened at all times with wire mesh having openings with dimensions not greater that 0.125 ($^1/_8$) inch.
9. The operator of the system under this authorization shall:
   - Be aware of the parameters and provisions and operate accordingly.
   - Have a copy of this Temporary Authorization.
   - Provide said copy of this authorization upon request of Department of Ecology staff.
10. Diversion of water under this Temporary Authorization may be limited or otherwise regulated in favor of senior rights.
11. Under RCW 90.03.360, measuring is required for all surface water diversions, and all withdrawals of ground water in fish-critical basins. Whenever water is being diverted, volume of water shall be recorded and maintained by the permittee. These readings shall be documented by time, date, and the person conducting the measurements. Copies of these records shall be submitted to the Department of Ecology by January 31, 2013.
12. 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 No., source name and maximum instantaneous rate of diversion (cubic feet per second).
13. Department of 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.
14. This Temporary Authorization shall in no way excuse the applicant from compliance with any applicable federal, state, or local statutes, ordinances, or regulations including those administered by other programs of the Department of Ecology.
15. The water source and place of use may not be located entirely upon land owned by the applicant. Therefore, the applicant is advised that issuance of a permit by the Department of Ecology for appropriation of the waters in question does not convey a right of access to, or other right to use, land which the applicant does not legally possess.
16. No water right in perpetuity shall result from this Temporary Authorization.

YOUR RIGHT TO APPEAL

You have a right to appeal this Decision to the Pollution Control Hearing 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).

FILE COPY

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

Sincerely,

Mark Kemner, LHG
Section Manager
Water Resources Program

MK:EH:ss

130210

Enclosures: Your Right To Be Heard
Water Measuring Requirements and Form 1

By Certified Mail: 7010 0290 0000 7131 2528

Certified cc: William R. Thomson (7010 0290 0000 7131 2535)

cc: Lois Trevino, Water Administrator, Colville Confederated Tribes
Philip Rigdon, Director Natural Resources Division Yakama Nation