



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

4601 N Monroe Street • Spokane, Washington 99205-1295 • (509)329-3400

September 17, 2014

Ms. Virginia Scott
2450 Columbia Drive
P.O. Box 633
Pomeroy, Washington 99347

Re: Surface Water Permit No. S3-30125

Dear Ms. Scott:

On, August 6, 2014 this office notified you that your Water Application Number S3-30125 would be rejected unless you returned the *Statement of Intent Form ECY 070-424* within 30 days.

Since we received no response to that notice, your application is hereby **rejected**.

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 document. 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 document:

- File your appeal and a copy of this document 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 document on Ecology in paper form - by mail or in person. (See addresses below.) Email is not accepted.

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

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

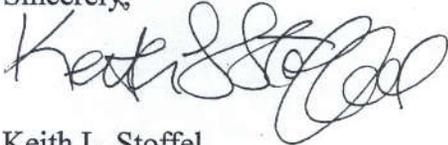


Ms. Scott
S3-30125
Page 2
September 17, 2014

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>.

If you have any questions, please contact Dan Tolleson at 509-329-3526.

Sincerely,



Keith L. Stoffel
Section Manager
Water Resources Program
Eastern Regional Office

KLS/DT:md
Enclosure: *Your Right to Be Heard*

By certified mail: 7008 0500 0000 2256 6290

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

7008 0500 0000 2256 6290

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorse)	

Postmark
Here

Total P.
Ms. Virginia Scott
2450 Columbia Drive
P.O. Box 633
Pomeroy, Washington 99347

Sent To
 Street, Apt
 or PO Box
 City, State

PS Form 3800, August 2006

See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Ms. Virginia Scott
2450 Columbia Drive
P.O. Box 633
Pomeroy, Washington 99347

2. Article Number
 (Transfer from service label)

7008 0500 0000 2256 6290

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

Virginia Scott Agent
 Addressee

B. Received by (Printed Name)

Virginia Scott C. Date of Delivery

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type

- Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

4601 N Monroe Street • Spokane, Washington 99205-1295 • (509)329-3400

August 6, 2014

Virginia Scott
P.O. Box 633
Pomeroy, Washington 99347

Re: GW/SW Application No. S3-30125

Dear Ms. Scott:

NOTICE - WATER RIGHT APPLICATION STATUS

The Department of Ecology (Ecology) has updated information on water availability for new water right applications within the Pataha Creek drainage of the Middle Snake River Basin, WRIA 35.

The Department of Fish and Wildlife recommend denial of your application since it will increase degradation to the stream and existing, functional fish and wildlife habitat. In addition, your proposed diversion is located upstream of an area that was adjudicated. This adjudication essentially claimed all the water of Pataha Creek within the lower portion of the basin for existing rights. This means any new water uses would negatively impact these rights. **Therefore, it appears that your application for a new water right will in all likelihood be denied.**

Please complete the enclosed form and return it to this office within thirty days from the date of this letter. To be clear, the form only applies to applications for new water rights and will not affect existing rights.

Your options are:

1. Mail the enclosed form back to us with the "NO LONGER INTERESTED" box checked. In this case, your application will be rejected and Ecology will close the file and remove it from the waiting list.
2. Mail the enclosed form back to us with the "PROCEED (Requesting Formal Decision)" box checked. In this case, Ecology must go through the lengthy process of making a formal decision (which could incur costs to you) and issuing a formal report recommending denial of the application, which is an appealable action pursuant to Chapter 43.21B310 RCW.
3. Do not return the form within 30 days. In this case, Ecology will issue a formal order rejecting the application, which is an appealable action pursuant to Chapter 43.21B310 RCW. We will then close the file and remove it from the waiting list.

reject application
no response to
this letter.

DT 9/15/2014

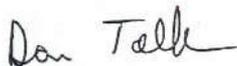


Ms. Scott
S3-30125
Page 2
August 6, 2014

This letter of notification is not an administrative order of Ecology pursuant to RCW 43.27A.190, nor is issuance of this letter an appealable action pursuant to RCW 43.21B.310. However, if you fail to respond to this letter, Ecology will issue you an Administrative Order rejecting your application. That Order would be a formal decision by Ecology that you may appeal to the state's Pollution Control Hearings Board.

If you have any questions or need additional information, please contact me at 509 329-3526 or dtol461@ecy.wa.gov.

Sincerely,



Dan Tolleson
Water Resources Program
Eastern Regional Office

DT:md

Enclosure: *Statement of Intent form ECY 070-424,
Copy of WDFW Letter*

By **CERTIFIED MAIL:** 7012 3460 0002 8017 9628

7012 3460 0002 8017 9628

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com®

OFFICIAL USE

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	

Postmark
Here

Total **Virginia Scott**
 Sent To **P.O. Box 633**
Pomeroy, Washington 99347

Street, A or PO Box
 City, State

PS Form 3800, August 2006

See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Virginia Scott
 P.O. Box 633
 Pomeroy, Washington 99347

COMPLETE THIS SECTION ON DELIVERY

A. Signature
 X *Dennis Scott* Agent Addressee

B. Received by (Printed Name) **Dennis Scott** C. Date of Delivery **8-8-14**

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number
(Transfer from service label)

7012 3460 0002 8017 9628

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540



State of Washington
DEPARTMENT OF FISH AND WILDLIFE

Mailing Address: 600 Capitol Way N, Olympia, WA 98501-1091 • (360) 902-2200 • TDD (360) 902-2207
Main Office Location: Natural Resources Building, 1111 Washington Street SE, Olympia, WA

July 3, 2014

Water Resources- Eastern Regional Office
Washington State Department of Ecology
N. 4601 Monroe
Spokane, WA 99205-1295

Re: S3-30125

Pursuant to Chapter 77.57.020 RCW, WDFW has reviewed the following pending water right application for its impacts to stream flows that support Washington fish populations:

Application		Quantity		
No.	Applicant	Instantaneous	Annual	POD
S3-30125	Virginia Scott	0.22 cfs		SW SE S32 T12N R42E WM

Based on available literature and WDFW databases, the following are the water resource inventory areas and species of fish potentially affected by this application:

Water			
Source	Name	WRIA	Species
Surface	Pataha Creek	35	CK, SO, RB/SH, BT/DV, Other

Codes: CK=Chinook, CO=coho, CH=chum, PK=pink, SO=sockeye, KO=kokanee, RB/SH=rainbow trout/steelhead, CT=Cutthroat Trout, BT/DV=Dolly Varden/bull trout, EBT=eastern brook trout, LMB=largemouth bass, Other=other resident game & non-game fish

Based on impacts to fish and/or wildlife and the habitat they rely on, and pursuant to Chapter 77.57.020 RCW, WDFW recommends denial of this application.

Pataha Creek, a tributary to the Tucannon River, is a severely degraded stream due to land use practices over the past several decades. It is excessively incised and has been disconnected from the floodplain throughout much of its extent. Agricultural practices have eliminated riparian vegetation, particularly in the lower reaches. Ecology stream gage data show extreme low flow during several

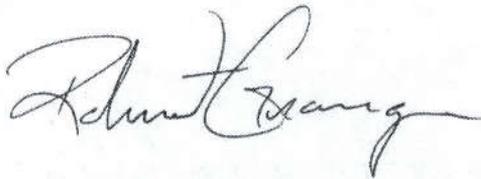
Department of Ecology
July 3, 2014
Page 2

months of the year and additional water withdrawal will result in further degradation of fish habitat as well as water quality in Pataha Creek and the Tucannon River.

This letter does not exempt the applicant from compliance with state Hydraulic Code (Chapter 77.55 RCW) and fish screening statutes (RCW 77.57.010, RCW 77.57.040, and RCW 77.57.070), which may be required in order to divert water.

Thank you for the opportunity to comment on this application.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Granger". The signature is fluid and cursive, with a large initial "R" and "G".

Robert Granger, Instream Flow Biologist
Habitat Program

cc: Steve Boessow

Tolleson, Daniel F. (ECY)

From: Tolleson, Daniel F. (ECY)
Sent: Thursday, June 26, 2014 1:53 PM
To: Boessow, Steven N (DFW)
Subject: WRIA 35 _ new applications
Attachments: Rencehausen S3-30495.pdf; Parkman S3-29361.pdf; WDFW S3-29491.pdf; Eaton S3-30327.pdf; Flerchinger S3-30258.pdf; Scott S3-30125.pdf; Waldher S3-30416.pdf

I am currently working on new surface water applications within WRIA 35, that do not propose to divert water directly from the Snake River. I have attached a copy of each application that needs a comment from WDFW. Thank you.

Dan Tolleson
Water Resources Program
4601 N Monroe Street
Spokane, WA 99205-1295
(509)329-3562



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

4601 N Monroe Street • Spokane, Washington 99205-1295 • (509)329-3400

May 5, 2014

Ms. Virginia Scott
P.O. Box 633
Pomery, WA 99347

Dear Ms. Scott:

Re: Application No. S3-30125

NOTICE - WATER RIGHT APPLICATION STATUS

The Department of Ecology (Ecology) is currently in the process of reviewing applications we have on file for new water rights within the Middle Snake Basin, Water Resource Inventory Area (WRIA) 35. This letter is intended to give you the opportunity to inform Ecology whether or not you are still interested in pursuing your application(s) for a new water right in the Middle Snake Basin.

Please contact me at your earliest convenience if you are still interested in pursuing your application(s). Provide any updated contact information including phone number(s), email address and any alternate mailing addresses.

If we do not receive a response within 30 day of the date of this letter, it will be assumed that you no longer have any interest in the application(s). At which time the rejection process will begin for your application(s).

If you have any questions or need information please contact me at (509) 329-3526 or dtol461@ecy.wa.gov. My mailing address is Department of Ecology, 4601 N. Monroe Street, Spokane, Washington, 99205-1295.

Sincerely,

Dan Tolleson
Water Resources Program
Eastern Regional Office

DT:md

Enclose *Copy of Application*

*OK TO process
application per
phone conversation with
ms Scott's daughter
Tanya 509-270-9926
(use water on hot)
DT 5/27/2014*

2011 Aerial Photo
Wed Jul 06
Sat Aug 27

32

T12N/R42E

33

S3-30125

no overlapping rights

05

T11N/R42E

*46.4742
117.5758*

04



COPY

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

4601 N. Monroe Street • Spokane, Washington 99205-1295 • (509) 329-3400

July 14, 2005



Your address
is in the
Middle
Snake
watershed

Ms. Virginia Scott
P.O. Box 633
Pomeroy, Washington 99347-0633

Dear Ms. Scott:

Re: Surface Water Application No. S3-30125
WRIA 35 – Garfield County

We have received the Affidavit of Publication of notice in connection with the above-numbered application on July 13, 2005.

The cost of publishing the notice is the responsibility of the water right applicant; therefore, we have enclosed to you the billing invoice from the newspaper which was received by our office on July 13, 2005.

The water codes require that we take no action on the application until after the expiration of a thirty-day period from the last date of publication. This time period allows concerned citizens to file any protests or objections to your proposed water use.

You will be notified when an examination of your application will be made; however, it may be some time before this is done. Please be advised that you are required to obtain authorization before you can begin using the change applied for under this application, **please note that no construction or water use should begin before a water right change permit is obtained.** I have enclosed a focus sheet describing the water right process for your review.

If you have any questions regarding this letter you may contact me directly at 509-329-3586. **For technical assistance please contact Bill Neve of our Walla Walla Field Office at 509-527-4546.**

Sincerely,

Katherine A. Yerbich
Water Resources Program

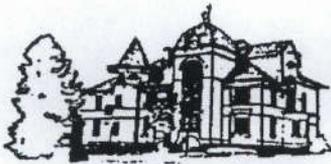
KAY:kla

w: public notices/yerbich/2005/S3-30125 affpub revd 7 14 2005

Enclosure

cc: Mr. Bill Neve, WWFO, 1815 Portland Avenue # 1, Walla Walla, Washington 99362





POMEROY
**East
Washingtonian**

P.O. Box 70 • 742 Main St. • Pomeroy, WA 99347-0070
Phone: 509-843-1313 • Fax: 509-843-3911
E-mail: e-dub@pomeroy-wa.com

**Proof of Publication
Affidavit**

State of Washington }
County of Garfield } ss.

Teresa Tom being first duly sworn on oath deposes and says that she is an employee of the Pomeroy East Washingtonian, a weekly newspaper. That said newspaper has been approved as a legal newspaper by order of the Superior Court of the state of Washington, in and for the County of Garfield, and it is now and has been for more than six months prior to the date of publications hereinafter referred to, published in the English language continually as a weekly newspaper in Pomeroy, Garfield County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of said newspaper.

That the annexed is a true copy of:

Notice of Application to Appropriate Public Waters

as it was published in regular issues (and not in supplement form) of said newspaper once each week for a period of 2 consecutive weeks, commencing on the 22 day of June 2005 and ending on the 29 day of June 2005, both dates inclusive, and that such newspaper was regularly distributed to its subscribers during all of said period.

That the full amount of the fee charged for the foregoing publication is the sum of \$ 72.25, which amount has been paid in full, at the rates of \$5.50 per column inch per insertion, plus a \$3.50 affidavit preparation and notarization fee.

Teresa Tom

Teresa Tom

Subscribed and sworn to before me this
day of July, 2005

Notary Public }
Court Commissioner }

Ann Cox

Residing at Pomeroy, Washington

AFF. OK: July 13, 2005
AFF. EXP.: July 29, 2005
CHKD BY: Kaufman

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

NOTICE OF APPLICATION
TO APPROPRIATE
PUBLIC WATERS

TAKE NOTICE:

That Virginia Scott of Pomeroy, Washington on January 5, 1999 under Application No. *S3-30125* filed for permit to appropriate public waters, subject to existing rights from Pataha Creek in the amount of 0.22 cubic feet per second, each year, for the seasonal irrigation of 3 acres. The source of the proposed appropriation is located within Block 38, Depot Addition,

within the SW 1/4 SE 1/4 of Section 32, Township 12 N., Range 42 E.W.M., in Garfield County.

Protests or objections to approval of this application must include a detailed statement of the basis for objections; protests must be accompanied by a two dollar (\$2.00) recording fee and filed with the Department of Ecology, at the address shown below, within thirty (30) days from June 29, 2005

State of Washington
Department of Ecology
North 4601 Monroe, Suite 202
Spokane, WA 99205-1295

Published June 22 and 29, 2005
Pomeroy East Washingtonian



7-11-2005

VIRGINIA SCOTT called in today - the Editor/Owner of the newspaper she published her affidavit in is "dragging feet" on getting her published notice notarized. She has copy of the published articles for both publish dates, but is waiting on the Owner, Mike Tom at the East Washington Newspaper to get her affidavit back to her, as the Notary Public he has on staff only comes in, "once in a while" to notarize. Ms. Scott has the articles showing dates of publication from the newspaper itself as proof, but is waiting on editor's notary.

#53-30125

Aliya



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

4601 N Monroe Street • Spokane, Washington 99205-1295 • (509)329-3400

June 14, 2005

CERTIFIED MAIL (7000 1670 0000 6083 8277)

COPY

Ms. Virginia Scott
P.O. Box 633
Pomeroy, Washington 99347-0633

Dear Ms. Scott:

Re: Surface Water Application No. S3-30125

On January 28, 1999, this office forwarded to you a notice for publishing the above referenced application in the East Washingtonian within Garfield County.

As of this date, we have not received the necessary Affidavit of Publication concerning this application.

If we do not hear from you within thirty (30) days from the date of this letter, we will assume you are no longer interested in the application and it will be rejected without further notice.

If you have any questions, please call our reception line at (509) 329-3400 and ask for the water resources person on phone duty for that day.

Water Resources Program
Eastern Regional Office

/md 



U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

7000 1670 0000 6083 8277

Affidavit S3-30125

Postage	\$	Postmark Here <i>6-14-05</i>
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Recipient's Name (Please Print Clearly) to be completed by mailer:
Virginia Scott
 Street, apt. No. or PO Box No.
PO Box 633
 City, State, ZIP+4
Pomeroy WA 99347

PS Form 3800, February 2000 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 		<p>A. Signature <input checked="" type="checkbox"/> <i>Virginia Scott</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>	
<p>1. Article Addressed to: MS VIRGINIA SCOTT PO BOX 633 POMEROY WA 99347-0633</p>		<p>B. Received by (Printed Name) <i>VIRGINIA SCOTT</i> C. Date of Delivery <i>6-15-05</i></p>	
<p>2. Article Number <i>7000 1670 0000 6083 8277</i> (Transfer from service label)</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>3. Service Type <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>		<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
<p>/md affidavit s3-30125</p>			
<p>PS Form 3811, August 2001</p>		<p>Domestic Return Receipt 2ACPRI-03-P-4081</p>	

Apr
May
Jun
Jul
Aug
Sep
Oct
Nov
Dec

Instream flows to be measured at

Other conditions requested by WDFW indicated by X:

- X **HPA**
- X **Screen intake** if accessible to fish (to be determined during application for HPA) according to WDFW standards.
- X Based upon review of fish resources present, type and amount of water use, condition of habitat, and amount of water available, **WDFW REQUESTS DENIAL of this application, in accordance with RCW 75.20.050, IF THIS SPACE IS CHECKED.**

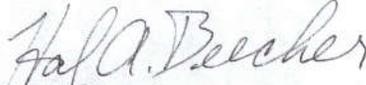
WDFW recommends modification of this proposal to minimize impacts to fish:

WDFW is a landowner and water user that will be affected by this proposed use.

Please HOLD this application pending field review. WDFW staff will provide detailed response by

Granting this water right application would adversely affect WDFW's existing water rights for a facility. We request the following conditions for this water right if it is granted.

Rationale for WDFW recommendations if not based on existing rules or statutes: Pataha Creek is a severely degraded tributary to the Tucannon River. We have measured flows in this stream that are clearly inadequate for fish. Additional water diversion or withdrawal would further degrade Pataha Creek as fish habitat, including adverse impacts to water quality both in Pataha Creek and in the Tucannon River. Diversion can directly affect fish listed under the federal Endangered Species Act.


Hal A. Beecher
Instream Flow Biologist



FILE COPY

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

4601 N. Monroe, Suite 202 • Spokane, Washington 99205-1295 • (509) 456-2926

January 28, 1999

Ms. Virginia Scott
PO box 633
Pomeroy, WA 99347-0633

Dear Ms. Scott:

Re: Surface Water Application No. S3-30125

We have received your application for the appropriation of water and it has been assigned the above number. Will you please refer to it by number in future correspondence.

Enclosed is a notice of your application which must be published **once a week for two consecutive weeks** in the East Washingtonian published in Garfield County as provided in RCW 90.03.280. This newspaper has general circulation in the locality where the water is to be appropriated and used and is qualified as a legal newspaper as provided in Chapter 65.16 RCW.

Please draw to the publisher's attention that the actual date of the **second** publication must appear in the space in the notice over the caption "last date of publication."

The cost of publishing the notice is the responsibility of the water right applicant. To assure accuracy, **it is the responsibility of the applicant to check the notice carefully before having it published.** If an error is detected, do not submit the notice for publication, but refer the error to this office for correction and/or resolution.

Please provide us with the **original notarized affidavit** of that publication. Publication should start within thirty (30) days and the affidavit must be received in this office within sixty (60) days from the date of this letter or rejection will be initiated.

Sincerely,

Linda M. Kiefer
Water Resources Program

LMK:mjw
Enclosures



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

NOTICE OF APPLICATION TO APPROPRIATE PUBLIC WATERS

TAKE NOTICE:

That Virginia Scott of Pomeroy, Washington on January 5, 1999 under Application No. S3-30125 filed for permit to appropriate public waters, subject to existing rights from Pataha Creek in the amount of 0.22 cubic feet per second, each year, for the seasonal irrigation of 3 acres. The source of the proposed appropriation is located within Block 38, Depot Addition, within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 32, Township 12 N., Range 42 E.W.M., in Garfield County.

Protests or objections to approval of this application must include a detailed statement of the basis for objections; protests must be accompanied by a two dollar (\$2.00) recording fee and filed with the Department of Ecology, at the address shown below, within thirty (30) days from

(Last date of publication to be entered above by publisher)

State of Washington
Department of Ecology
North 4601 Monroe, Suite 202
Spokane, WA 99205-1295

NOTICE

FILE COPY



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

4601 N. Monroe, Suite 202 • Spokane, Washington 99205-1295 • (509) 456-2926

January 5, 1999

Ms. Virginia Scott
PO Box 633
Pomeroy, WA 99347

FILE COPY COPY

Dear Ms. Scott:

We cannot accept and process your water right permit application until our office receives the statutory examination fees and signed application. Therefore, we are returning your water rights application for completion of the following items:

1. Section 4 – Location area (highlighted in yellow)
2. Section 5b. – Briefly describe your proposed water system.
3. Section 10 – Required Map: Please mark an "x" on the approximate location for withdrawal of water from Pataha Creek on the attached map.
4. Section 11 – Applicant's signature and date needed (IN INK)
5. Section 11 – Landowner's signature and date needed (if other than applicant).
6. Submit Statutory Application Fee of \$10.00.

Before you return the application to our office, you may wish to contact Bill Never, Ecology's Water Master located in Walla Walla at (509) 527-4546. Your application requests water for irrigation from the Pataha Creek, where because of low flow problems, new water rights may not be permitted. However, Mr. Neve may be able to assist you in researching as to whether there any existing historical rights pertinent to your property.

If you decide to resubmit this application, in order to retain your original priority date of January 5, 1999, please complete and return your application along with the required fee within thirty (30) days from the date of this letter. Please make your check or money order payable to the Department of Ecology.

Sincerely,

Linda M. Kiefer
Water Resources Program

LK
Enclosures

S 330125

cc: Bill Neve



SURFACE WATER SOURCE LIMITATION

(Instructions: See Over)

SOURCE: Pataha Creek

County(ies): Columbia & Garfield

TRIBUTARY OF: Tucannon River

LOCATION DATA: Map(s): Hay 15' Pomeroy 7½'
Turner 7½' Peola 15'
Zumwalt 7½'

40-acre tract: SW¼SW¼ Sec. 34 ,T. 12 N., R. 42 E. .W.M. (Zumwalt 7½')

STATUS:

- Low flow (RCW 75.20.050) Federal withdrawal (RCW 90.40.030)
- Closure (RCW 75.20.050) Adjudicated (RCW 90.03.200)
Does closure apply to single domestic supply: Yes
If closure is partial, explain under REMARKS No
- Minimum flow (RCW 90.22.010) Reservation under RCW 90.54.050(1)
- Base flow (RCW 90.54.020) Withdrawal under RCW 90.54.050(2)
- Lake level Adjudication incomplete (RCW 90.03.110)
RCW 75.20.050
RCW 90.22.010
RCW 90.24.040
RCW 75.20.050
- Basin Management Program Other (specify):
 adopted
 in process

DOCUMENTARY BASIS:

*Court Decree Superior Court of Garfield County July 2, 1915

Letter, Game, Oct. 29, 1968

Accept & process low flow proviso on findings (list Court Decree on F.E.)

DOE FILE NUMBER(s):

Cert 10376 (App 20774)

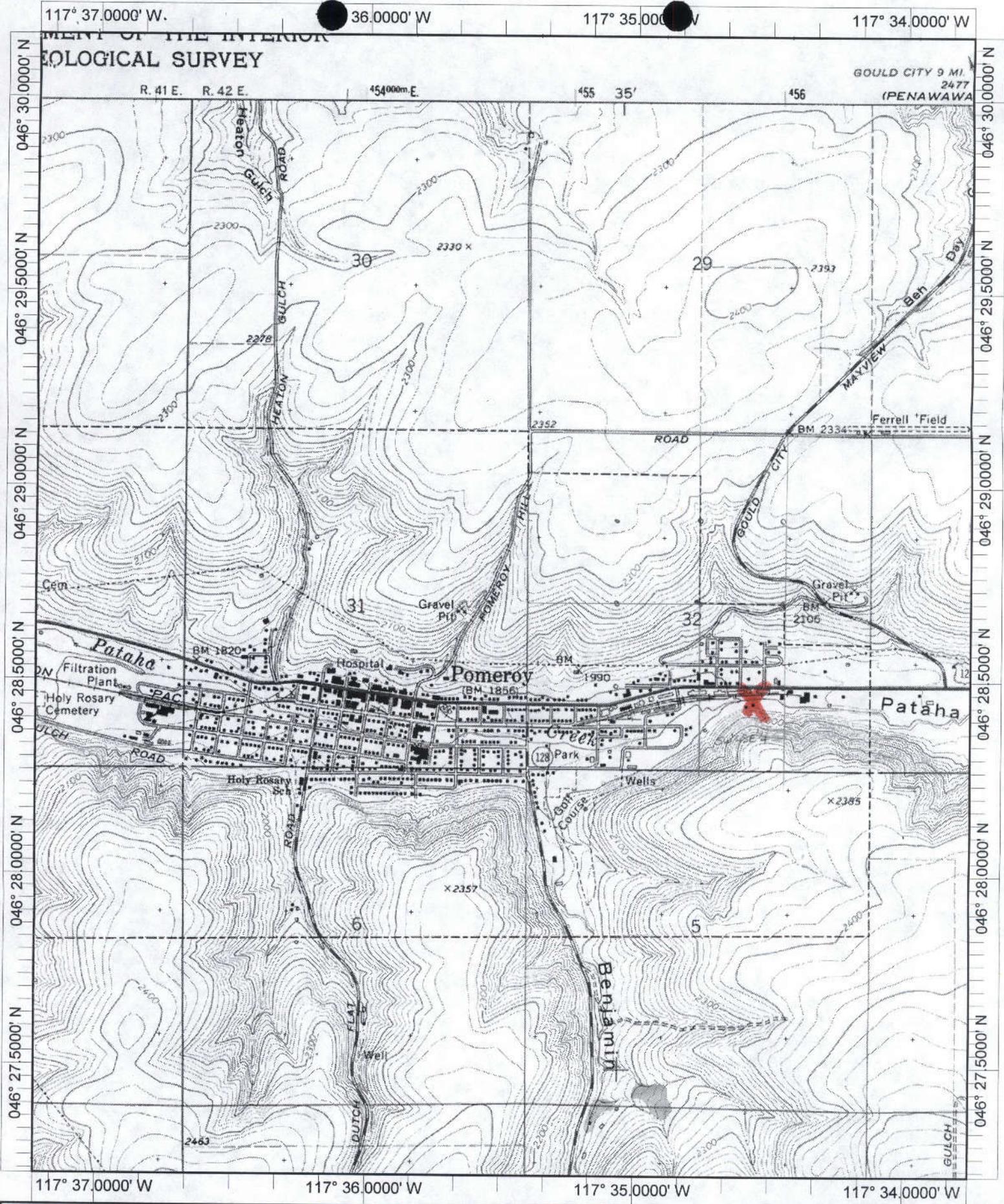
REMARKS:

No diversion when flow drops below 10 cfs at a point about 1000 feet east of the SW corner of Sec. 34, T. 12 N., R. 41 E.W.M.

S 330125

Beginning at a point 110 feet south of the Northeast corner of Block 38, Depot Addition to the town, now city of Pomeroy, thence South 330 feet, thence South $87^{\circ}34'$ West 528 feet, thence North 330 feet to the South line of the lands owned by the O-W. R.R. & N.Co., thence North $87^{\circ}34'$ East 528 feet to the place of beginning, except Tax No. 28 as shown on the county assessor's records on December 10, 1942.

5330125



Name: POMEROY
 Date: 1/5/99
 Scale: 1 inch equals 1960 feet

Location: 046° 28.6936' N 117° 35.4930' W

S 330125

Copyright (C) 1997, Maptech, Inc.

117° 42.0000' W 117° 40.0000' W 117° 38.0000' W 117° 36.0000' W 117° 34.0000' W 117° 32.0000' W 117° 30.0000' W 117° 28.0000'

046° 30.0000' N

046° 30.0000' N

046° 25.0000' N

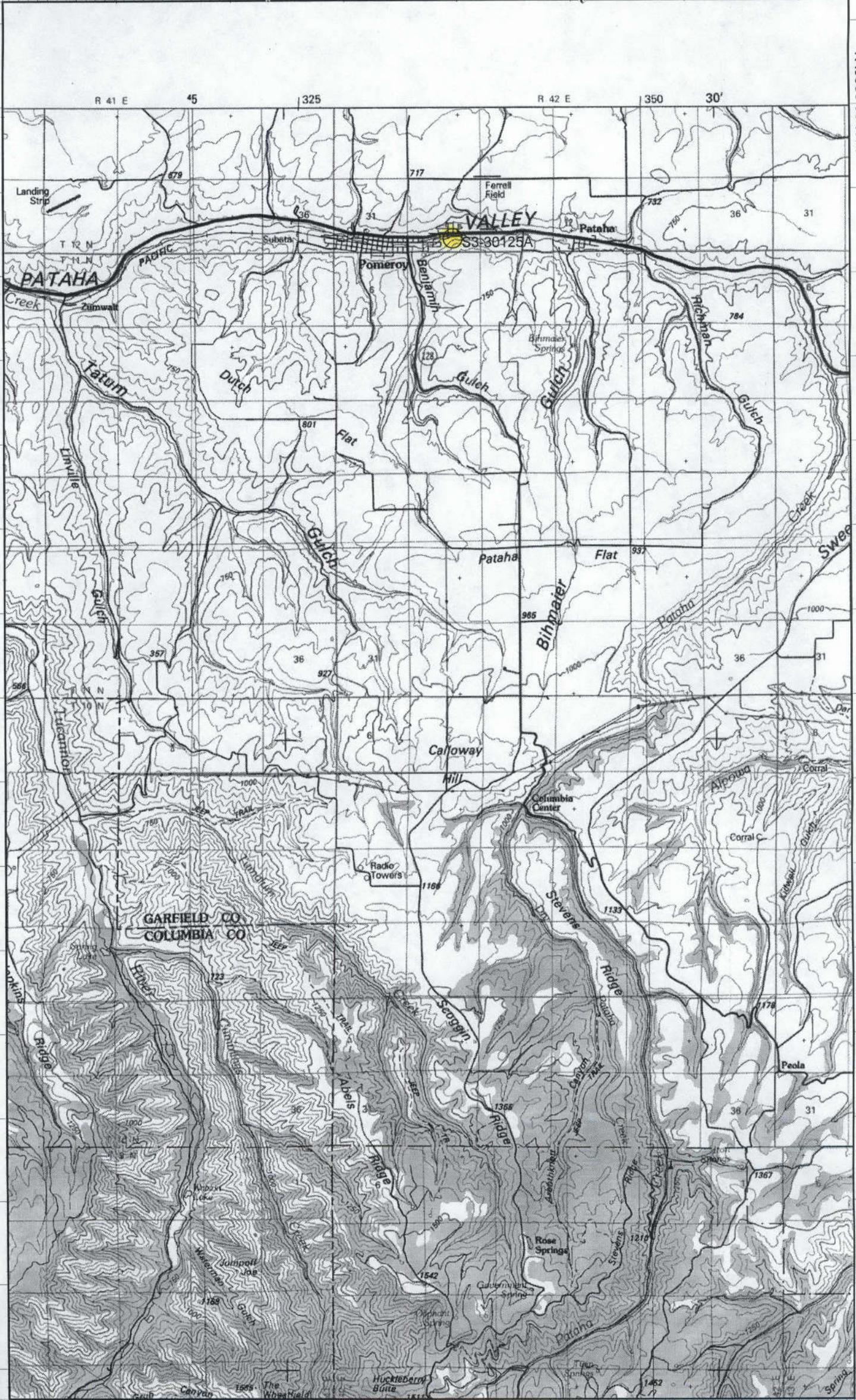
046° 25.0000' N

046° 20.0000' N

046° 20.0000' N

046° 15.0000' N

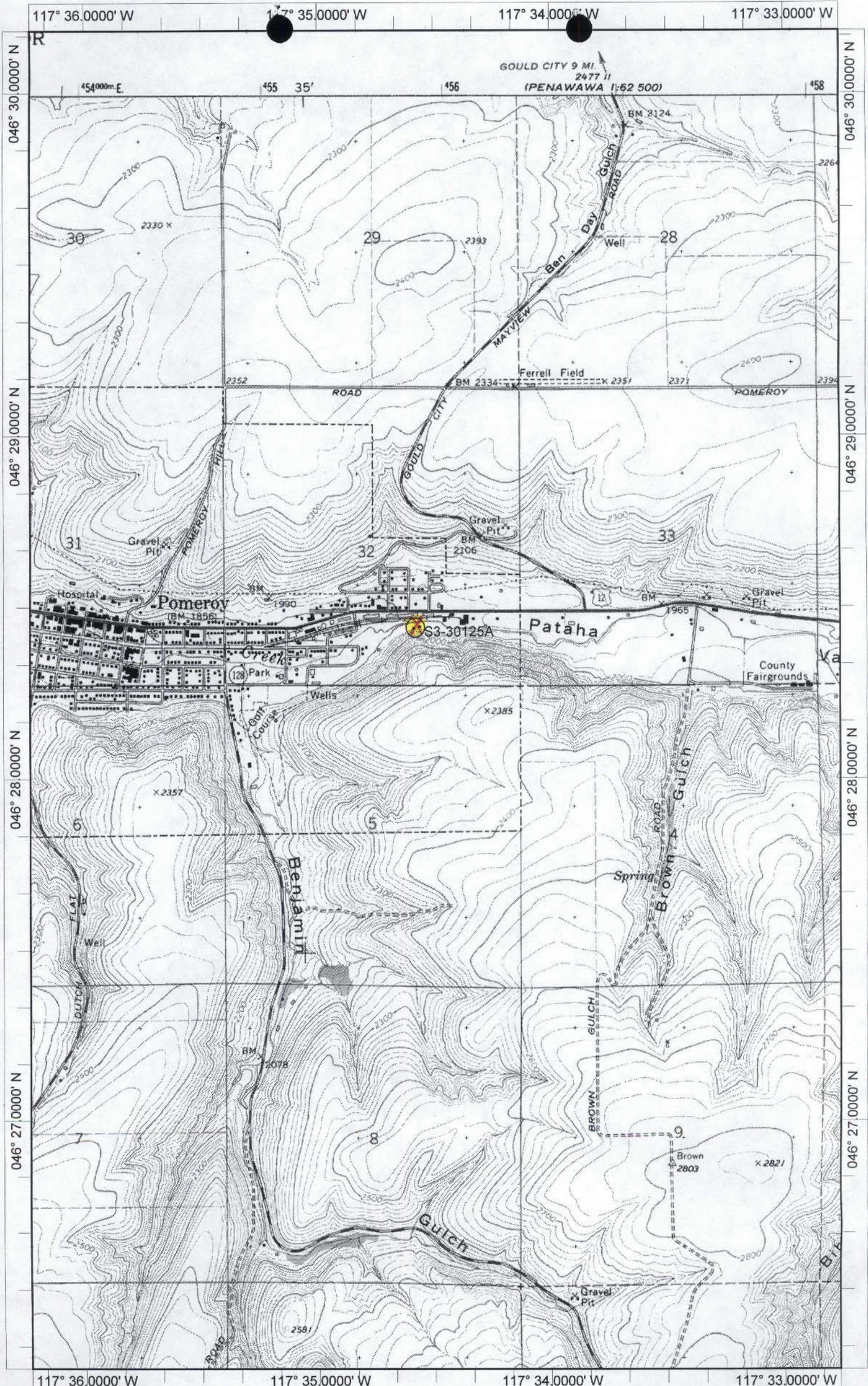
046° 15.0000' N



Name: CLARKSTON
 Date: 1/22/99
 Scale: 1 inch equals 1.578 miles

S 330125

Location: 046° 22.9534' N 117° 35.0553' W
 Caption: S3-30125A
 Scott, Virginia
 T12N, R42E, S32
 SW1/4SE1/4



Name: POMEROY
 Date: 1/22/99
 Scale: 1 inch equals 1960 feet

S330125

Location: 046° 28.2255' N 117° 34.4965' W
 Caption: S3-30125A
 Scott, Virginia
 T12N, R42E, S32
 SW1/4SE1/4