



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

October 2, 2013

Mr. Stuart Durfee, District Manager
Gardena Farms Irrigation District No. 13
539 White Road
Touchet, Washington 99360-9740

COPY

Re: Application No. CS3-*28406J@2 for a Temporary Trust Water Right

On October 17, 2012, the Department of Ecology (Ecology) received an application from Gardena Farms Irrigation District No. 13 (GFID) to temporarily place a portion of Walla Walla Adjudicated Certificate No. 406 (WWAC 406) into the Washington Trust Water Right Program, in accordance with Chapter 90.42 RCW. The application was assigned WRTS No. CS3-*28406J@2.

The GFID application asks to temporarily cease diverting a variable quantity of water that GFID is authorized to divert from the Walla Walla River for irrigation purposes under WWAC 406. The quantity diverted would vary, but would be a maximum of 19 cubic feet per second (cfs) from January 1 through June 30 and 18 cfs from July 1 through December 31. The quantity of water that would be bypassed from diversion at any one time would be determined by the flow of the Walla Walla River as measured at Ecology Beet Road Gauge No. 32A105.

GFID entered into an Agreement for Lease of Water Right with the WWWWMP, to bypass some of the water that could be diverted into the GFID ditch and to leave it in the Walla Walla River. The Agreement was submitted to Ecology along with the GFID application.

The original GFID application was amended by a letter submitted to Ecology from the Walla Walla Watershed Management Partnership (WWWMP), dated August 20, 2013. That letter asks Ecology to also allow GFID to divert even less water during brief periods (not to exceed 7 days) of the spring and fall months for the purpose of "biological test flows" in the Walla Walla River. The quantities and durations of these flows would be determined by GFID in consultation with the WWWWMP.

The concept behind the biological test flows is to send surges of water down the Walla Walla River to evaluate the responses of salmon and steelhead to higher flow volumes.

Ecology has evaluated the GFID application as amended by the WWWWMP letter, and has determined the application can be approved in accordance with RCW 90.42.080. This letter serves as a Temporary Trust Water Right, and is issued to improve flows of the Walla Walla River to support salmonid populations.



The quantity of water not diverted by GFID and bypassed to the Walla Walla River is placed into the Washington Trust Water Right Program to be used for purpose of instream flows.

This temporary trust water right is effective from October 1, 2013 through September 30, 2014.

This application is not exempt from the provisions of the State Environmental Policy Act (SEPA) of 1971, Chapter 43.21RCW. After review of the SEPA checklist and Determination of Non-Significance (DNS) issued on May 18, 2005, Ecology determined that this application is part of the original project. Therefore, Ecology adopts the 2005 DNS for this application.

This Temporary Trust Water Right is conditioned by the following provisions and limitations:

- The Temporary Trust Water Right shall be effective from October 1, 2013 to September 30, 2014.
- The reach of this Temporary Trust Water Right shall begin at the GFID diversion point on the Walla Walla River within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 3, T. 6 N., R. 35 E.W.M., and shall run to the mouth of the Walla Walla River.
- The quantity of water actually placed into the Trust Water Program will vary according to the Agreement for Lease of Water Right, but shall not exceed 19 cfs between January 1 to June 30 and 18 cfs between July 1 and December 31.
- This Temporary Trust Water Right shall be measured at the Ecology Beet Road Gauge No. 32A105. The average daily flow at this measurement point, coupled with the instantaneous diversion rate into the GFID canal, will be the basis for determining the quantity of water to be placed into Trust.
- Notifications for biological test flows shall be submitted to Ecology's Walla Walla Watermaster 15 days prior to the flows being released.
- Water will be protected from downstream appropriation only to the extent practicable and without injury to existing water rights.
- Any water right holder who believes his or her water right is impaired by this temporary Trust Water Right may request that Ecology review the impairment claim. If impairment under RCW 90.42.070 is determined to have occurred, Ecology may alter the Trust Water Right to eliminate the impairment.

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).

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.

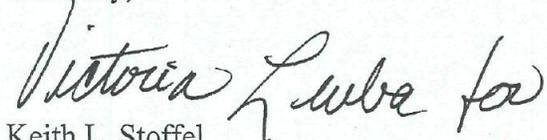
You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

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

If you have further questions or concerns, please call Eric Hartwig, Department of Ecology, Walla Walla Watermaster at 509-540-7680.

Sincerely,



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

KLS/EH:md
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Enclosure

cc: Chris Hyland WWWWMP