STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
Northwest Regional Office • 3190 160th Ave SE • Bellevue, WA 98008-5452 • 425-649-7000
711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

FEB 01 2012

Yvonne Detlaff
Brad Thompson
US Fish and Wildlife Service
510 Desmond Drive SE
Suite 102
Lacey, WA 98503

Dear Ms. Detlaff and Mr. Thompson:

RE: Short Term Water Use Authorization No. S1-28715 (Laughing Jacob's Creek)

Ecology received your application requesting temporary withdrawal of surface water from Laughing Jacob's Creek, a tributary to Lake Sammamish, for fish propagation purposes from January to May 2012.

- For streams that have been closed to further consumptive uses, withdrawals of water are authorized only in those situations where it is clear that overriding considerations of the public interest will be served. Ecology is committed to support projects that have a direct positive impact on stream habitat. According to RCW 90.54.020(3), the quality of the natural environment shall be protected, and where possible, enhanced. In these cases, water use is authorized when flows are at or above 1 cubic foot per second.

- For rivers where instream flows have been established, water right authorizations are conditioned by instream flows. This means the right to use water can legally be interrupted if stream flows drop below a specific level. Because flows change daily, it is up to the applicant to check the gauges in the sources indicated and shall be responsible for the termination of watering when the flows are not being met (see enclosed copy of Chapter 173-508 WAC).

Nothing in the temporary water use authorization allows for its holder to impair existing water rights.

This Short Term Water Use Authorization is limited to the project as described in Section 2 of your application, and shall continue through May 31, 2012. US Fish and Wildlife shall record how much water is used at each site and will notify Ecology if any of these projects have ended prematurely, been delayed, or completed. Each project site should use procedures to eliminate any waste of water.

Continuation of this project will a new application for Short Term Authorization in each of the five (5) annual cycles as described in Section 2 of you application. To ensure timely processing of the application please ensure that your application is received by Ecology no later than September 1 of each year the project operates.

You have a right to appeal this action 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 Pollution Control Hearings Board Environmental Hearings Office 1111 Israel Road SW, Suite 301 Tumwater, WA 98501	Department of Ecology Attn: Appeals Processing Desk P.O. Box 47608 Olympia, WA 98504-7608 Pollution Control Hearings Board P.O. 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

Should you have any questions regarding this PRELIMINARY PERMIT please contact Doug Wood at (425) 649-7077 or at Doug.Wood@ecy.wa.gov.

Sincerely,

Jacqueline Klug
Section Supervisor
Water Resources

jk/dg/mc

Enclosures: Your Right to be Heard
Copy of Chapter 173-508 WAC

By certified mail: 7010 3090 0000 1910 1293

I certify that I mailed this PRELIMINARY PERMIT and TEMPORARY AUTHORIZATION or an identical copy thereof, postage prepaid, to the addressee this 1st day of February 2012. Michele _____.
(Signature)