



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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JUN 15 2015

Robert Powell
General Manager
Public Utility District No. 1 of Skagit County
1415 Freeway Drive
Mount Vernon, WA 98273

RE: 24 Hour Temporary Drought Change Authorization for Water Rights S1-25129P and GWP 3350

Dear Mr. Powell:

In accordance with the provisions of RCW 43.83B.405, on May 21, 2015, it was determined and ordered by Director Maia Bellon of the Department of Ecology and Governor Jay Inslee that the entire State of Washington is under drought conditions. In accordance with the provisions of WAC 173-166-080, the Department of Ecology is, under the terms of this Order, issuing a **24 HOUR TEMPORARY DROUGHT CHANGE AUTHORIZATION** for Water Rights S1-25129P and GWP 3350. The intent of this Authorization is to reduce hardships on downstream water users arising from the drought conditions.

THIS AUTHORIZATION SHALL IN NO MANNER BE CONSTRUED TO GUARANTEE OR IMPLY THAT A FINAL (REGULAR) CHANGE AUTHORIZATION WILL ISSUE FOR THE FUTURE USE OF THE WATER HEREIN AUTHORIZED.

The Public Utility District No. 1 of Skagit County (PUD) is requesting to temporarily transfer up to 20 cubic feet per second (cfs) and 39.67 acre-feet from water rights S1-25129P and GWP 3350 to downstream points of diversion. These downstream points of diversion are operated by Skagit County Drainage & Irrigation District (DID) #15 and Skagit County Consolidated Diking Improvement District (CDID) #22.

Water right S1-25129P authorizes 13.15 cfs and 3700 acre-feet per year (ac-ft/yr) to be diverted from Gilligan Creek and the Skagit River for municipal supply purposes, year-round. The authorized points of diversion (POD) are as follows:

- Gilligan Creek diversion: NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 2, Township 34N, Range 5E, W.M.
- Skagit River diversion: SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 29, Township 35N, Range 5E, W.M.

Water Right GWP 3350 authorizes 8.91 cfs and 6400 ac-ft/yr to be diverted from the Skagit River



for municipal supply purposes, year-round. The authorized POD is as follows:

- Within the SW¼ of Section 29 and/or SE¼ of Section 30, Township 35N, Range 5E, W.M.

The PUD's authorized place of use is:

- Areas served by the Public Utility District No. 1 of Skagit County and the City of Anacortes, as indicated in the Skagit County Coordinated Water System Plan Designated Water Service Areas, approved by the Washington State Department of Health.

DEPARTMENT OF ECOLOGY DECISION - INCLUDING TERMS & CONDITIONS

Under the authorities of RCW 43.83B.405, RCW 90.03.397, and WAC 173-166-080, your request for a **temporary 24 hour change** in point of diversion is hereby **APPROVED** under the terms and conditions listed below.

- **This Temporary Drought Change Authorization shall be in effect beginning on June 16, 2015 at 05:00 and shall expire on June 17, 2015 at 05:00.**
- This Authorization is for a downstream addition of the PODs operated by DID #15 and CDID #22 as follows:
 - DID #15 point of diversion - NE¼ NE¼ of Section 2, Township 33 North, Range 3 East
 - CDID #22 points of diversion – up to eight PODs located within the:
 - SW¼ SE¼ of Section 36, Township 34 North, Range 3 East
 - SE¼ of Section 1, Township 33 North, Range 3 East
 - NE¼ of Section 12, Township 33 North, Range 3 East
 - SW¼ SE¼ of Section 24, Township 33 North, Range 3 East
 - SE¼ SW¼ of Section 2, Township 33 North, Range 3 East
 - SE¼ NW¼ of Section 10, Township 33 North, Range 3 East
 - SW¼ SW¼ of Section 9, Township 33 North, Range 3 East
 - SE¼ SW¼ of Section 8, Township 33 North, Range 3 East
- The total instantaneous quantity of water to be diverted under this Authorization is limited to 20 cfs, of which 11.1 cfs is from S1-25129P and 8.9 cfs is from GWP 3350. DID #15 and CDID #22 are required to coordinate pumping to ensure this condition is not violated.

- A total of 39.67 acre-feet of water is allowed for use under this Authorization. This was calculated at 20 cfs over a 24 hour period.
- Normal PUD water diversions under S1-25129P and GWP 3350 shall be reduced by 20 cfs and 39.67 acre feet for the duration of this Authorization. The PUD shall include the 39.67 acre-feet used by DID #15 and CDID #22 as part of their annual recording requirements.
- Suitable flow measuring devices or methods must be utilized to ensure the limits of this Authorization are not exceeded.
- Water use under this Authorization shall be within the legal boundaries of DID #15 and CDID #22.
- Department of Ecology personnel will be on-site at times during the period of use of this Authorization. These personnel shall have access to the PODs, measuring devices or methods, and the records of water use that are kept to meet the above conditions.
- All diversion intakes shall be screened in accordance with Washington Department of Fish and Wildlife screening criteria. See: <http://wdfw.wa.gov/about/contact/>
- Violation of any of the terms and conditions of this Temporary Drought Change Authorization will result in this Authorization being immediately canceled, issuance of administrative orders to cease and desist, and may also subject the violator to civil penalties.

Your Right To Appeal

You have a right to appeal this Order to the Pollution Control Hearings Board (PCHB) within 30 days of the date of receipt of this Order. 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 the Order. File your appeal and a copy of this Order 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 Order 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.

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 RD SW Ste 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>

Signed at Bellevue, Washington, this 15th day of June, 2015.



Thomas Buroker
Section Manager
Water Resources Program

cc: The Honorable Norma Smith, Washington State Representative, 10th Legislative District
Brandon Roozen, Executive Director, Western Washington Agricultural Association

tb:bs:mc

Enclosure: Your right to be heard

By Certified Mail: 9171 9690 0935 0088 4613 70