STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
Northwest Regional Office • 3190 160th Ave SE • Bellevue, WA 98008-5452 • 425-649-7000
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MAR 2 8 2016

Paul D. Elgersma
303 Ten Mile Road
Lynden, WA 98264-9634

Re: APPROVED Seasonal Change Authorization for Surface Water Certificate 3102, Whatcom County, Water Resources Inventory Area 1

Dear Mr. Elgersma:

BACKGROUND INFORMATION & REQUEST

The Department of Ecology (Ecology) received your application for a seasonal change of Surface Water Certificate (SWC) 3102 on March 14, 2016. Your application has been assigned control number CS1-*07253C. Please refer to this number when corresponding with us about this seasonal change request.

SWC 3102 was issued to Fred Oltman with a priority date of June 15, 1946. It authorizes the diversion of up to 0.2 cubic feet per second (cfs) (≈89 gpm) from Ten Mile Creek, for the irrigation of 20 acres. Your application states you are now the owner of this water right and its appurtenant property. Your application also states that water has been put to beneficial use within the last five years.

Your requested changes are as follows:

- Change the place of use and point of diversion from the NW¼ SE¼ of Section 18, Township 39 North, Range 3 East (parcel #390318306200) to parcel #390318183150 generally within the S½ S½ NE¼ SW¼ of Section 18, Township 39 North, Range 3 East. This is a short downstream move along Ten Mile Creek. Parcel #390318183150 is owned by John Belisle.
- Change the purpose of use from irrigation to frost protection.
- Effective April 1 – May 31, 2016.

DEPARTMENT OF ECOLOGY DECISION - INCLUDING TERMS & CONDITIONS

Your request for a seasonal change of place of use, point of diversion, and purpose of use is hereby **APPROVED** under the terms and conditions listed below:

- The authorized diversion rate shall not be exceeded at any time.

- Water use under this authorization shall be limited to 20 acres.
- An approved measuring device shall be installed and maintained on the authorized point of diversion in accordance with the rule "Requirements for Measuring and Reporting Water Use", WAC 173-173. Water use data (peak instantaneous rate and total volume pumped) shall be recorded weekly and shall be promptly submitted to Ecology upon request.
- WAC 173-173 describes the requirements for data accuracy, device installation and operation, and information reporting. It also allows a water user to petition Ecology for modifications to some of the requirements. Installation, operation and maintenance requirements are enclosed as a document titled "Water Measurement Device Installation and Operation Requirements". http://www.ecy.wa.gov/programs/wr/measuring/measuringhome.html
- The intake(s) must be screened in accordance with Department of Fish and Wildlife screening criteria (pursuant to RCW 77.57.010, RCW 77.57.070, and RCW 77.57.040). Contact the Department of Fish and Wildlife, 600 Capitol Way N, Olympia, WA 98501-1091. Attention: Habitat Program, Phone: (360) 902-2534 if you have questions about screening criteria. http://www.wdfw.wa.gov/reg/regions.htm
- All conditions and provisions in the original water right must be complied with.
- No dam or weir may be constructed in connection with this diversion.
- This seasonal change authorization is subject to existing rights, including any rights held by the United States for the benefit of tribes under treaty or settlement.
- If it can be shown that water use authorized by this seasonal change is causing impairment of existing rights, then this authorization will be immediately canceled.
- This seasonal change authorization shall be in effect through May 31, 2016 (unless canceled sooner); at which time the subject right will automatically revert back to the original attributes described in SWC 3102.
- Violation of any of the terms and conditions of this seasonal change 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.
- Ecology staff may field verify this seasonal change at any time for compliance with the terms and conditions of this authorization.
- **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.**

If you have any questions or concerns regarding this authorization, please call Buck Smith at (425) 649-7147 or email him at buck.smith@ecy.wa.gov.

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

Signed at Bellevue, Washington, this 28th day of March, 2016.

Thomas Buroker, Section Manager
Water Resources Program

tb/bs/mc

Enclosure: Your right to be heard

By Certified Mail: 9171 9690 0935 0106 7186 15

cc: John Belisle

ecc: Kasey Cykler, Watermaster, Department of Ecology, Bellingham Field Office