



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

15 W Yakima Ave, Ste 200 • Yakima, WA 98902-3452 • (509) 575-2490

May 25, 2010

Cascade Land Conservancy
409 N. Pine Street
Ellensburg, WA 98926-3117

RE: Short-Term Authorization No. S4-35278 for Restoration/Re-vegetation

On April 12, 2010, Cascade Land Conservancy of Ellensburg, Washington, filed a short-term application to divert 55gpm (0.12cfs) and up to 0.40 acre-feet per year (ac-ft/yr) of water for the restoration and re-vegetation of Wilson Creek within Helen McCabe State Park.

The proposed source of water for this project is the Wilson Creek, located within Parcel No. 940333, within the SW¼NE¼ of Section 31, T. 17 N., R. 19 E.W.M, located in Kittitas County.

Water will be diverted from Wilson Creek within Helen McCabe State Park. The point of diversion on Wilson Creek is approximately 0.5 mile from the confluence with the Yakima River. A 3-hp portable pump will be used to pump water into a common garden hose. The water will be used to hand irrigate 6,000 trees and shrubs. Each plant will require five gallons of water every two weeks for two months.

Impairment

Wilson Creek is a tributary to the Yakima River which both are a part of the Yakima Basin Adjudication. The requested period of use for this Short-term permit is during April through June 2010. There are no authorized points of diversion between the proposed point and the confluence of Wilson Creek and the Yakima River.

Historical flows in Wilson Creek at the proposed point of diversion during this time period is highly influenced by spring freshet and return flow from irrigation canals. By diverting such a small amount of water and being infrequent in nature, the effects on the flows of Wilson Creek and the Yakima River will be minimal. Typically the flow of Wilson Creek during April through June is at a level that would allow the diversion to take place without being detrimental to aquatic species.



Public Interest

Washington State Department of Fish and Wildlife considers this project beneficial to the ecology of this area. The goal of re-establishing natural habitat is in the public interest.

Conclusions and Decision

There is water available for the proposed project and can take place on a Short-term basis without impairing existing water rights and is not contrary to public interest.

This Short-term Authorization is subject to the following limitations and provisions:

1. The priority date of this water right is April 12, 2010.
2. The point of diversion will be located within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 31, T. 17 N., R. 19 E.W.M., located in Kittitas County, Parcel No. 940333
3. The place of use will be located within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 31, T. 17 N., R. 19 E.W.M., in Kittitas County, Parcel No. 940333.
4. The period of use will be from May 25 through June 30.
5. This authorization will expire June 30, 2010, unless sooner revoked for cause.
6. The diversion shall not exceed 0.12 cubic feet per second (55 gallons per minute) not to exceed 0.4 acre feet.
7. The purpose of use is for irrigation.
8. The diversion intake shall be tightly screened at all times with wire mesh having openings with dimensions not greater than 0.125 (1/8) inch.
9. The operator of the system under this authorization shall:
 - Be aware of the parameters and provisions and operate accordingly.
 - Have a copy of this Short-term Authorization.
 - Provide said copy of this authorization upon request of Department of Ecology staff.
10. Diversion of water under this Short-term authorization may be limited or otherwise regulated in favor of senior rights.
11. Under RCW 90.03.360, measuring is required for all surface water diversions, and all withdrawals of ground water in fish-critical basins. Whenever water is being diverted, volume of water shall be recorded and maintained by the permittee. These readings shall be documented by time, date, and the person conducting the measurements. Copies of

these records shall be submitted to the Department of Ecology by January 31, 2011.

12. The following information shall be included with each submittal of water use data: owner, contact name if different, mailing address, daytime phone number, WRIA, Permit No., source name and maximum instantaneous rate of diversion (cubic feet per second).
13. Department of Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the records of water use that are kept to meet the above conditions, and to inspect at reasonable times any measuring device used to meet the above conditions.
14. This Short-term authorization shall in no way excuse the applicant from compliance with any applicable federal, state, or local statutes, ordinances, or regulations including those administered by other programs of the Department of Ecology.
15. The water source and place of use may not be located entirely upon land owned by the applicant. Therefore, the applicant is advised that issuance of a permit by the Department of Ecology for appropriation of the waters in question does not convey a right of access to, or other right to use, land which the applicant does not legally possess.
16. No water right in perpetuity shall result from this temporary authorization.

This decision may be appealed pursuant to RCW 34.05.514(3), RCW 90.03.210(2), and Pretrial Order No. 12 entered in *State of Washington, Department of Ecology v. James Acquavella, et al.*, Yakima County Superior Court No. 77-2-01484-5 (the general adjudication of surface water rights in the Yakima River Basin). The person to whom this decision is issued, if he or she wishes to file an appeal, must file the Notice of Appeal with the Yakima County Superior Court **within thirty (30) days of receipt of this decision**. Appeals must be filed with the Superior Court Clerk's Office, Yakima County Superior Court, 128 North 2nd Street, Yakima, WA 98901, RE: Yakima River Adjudication. Appeals must be served in accordance with Pretrial Order No. 12, Section III ("Appeals Procedures"). The content of the Notice of Appeal must conform to RCW 34.05.546. Specifically, the Notice of Appeal must include:

- The name and mailing address of the appellant;
- Name and address of the appellant's attorney, if any;
- The name and address of the Department of Ecology;
- The specific application number of the decision being appealed;
- A copy of the decision;
- A brief explanation of Ecology's decision;
- Identification of persons who were parties in any adjudicative proceedings that led to Ecology's decision;
- Facts that demonstrate the appellant is entitled to obtain judicial review;
- The appellant's reasons for believing that relief should be granted; and
- A request for relief, specifying the type and extent of relief requested.

Cascade Land Conservancy

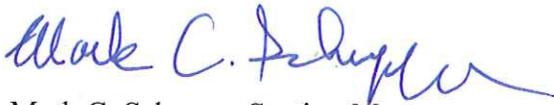
May 25, 2010

Page 4

The "parties of record" who must be served with copies of the Notice of Appeal under RCW 34.05.542(3) are limited to the applicant of the decision subject to appeal, Ecology and the Office of the Attorney General.

All others receiving notice of this decision, who wish to file an appeal, must file the appeal with the Yakima County Superior Court within **thirty (30) days of the date the Order was mailed**. The appeal must be filed in the same manner as described above.

Sincerely,



Mark C. Schuppe, Section Manager
Water Resources Program

MCS:EH:gh
100556

Enclosures: Water Measuring Requirements

cc: Rebecca Wassell, Mid-Columbia Fisheries Enhancement Group
Jim Harris, Washington State Parks and Recreation Commission
Philip Rigdon, Yakama Nation

By certified mail: 7007 2560 0001 9535 2499