



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Ave SE • Bellevue, WA 98008-5452 • 425-649-7000
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June 30, 2015

The Honorable Laurie Gere, Mayor
City of Anacortes
904 Sixth Street
Anacortes, WA 98221

RE: Revised Temporary Drought Change Authorization for Water Right CG1-*03767C

Dear Mayor Gere:

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 (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 **REVISED TEMPORARY DROUGHT CHANGE AUTHORIZATION** for Water Right CG1-*03767C (aka GWC 3959-A). This revised Authorization replaces the Authorization issued on June 26, 2015. 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 City of Anacortes (Anacortes) is requesting to temporarily transfer up to 15 cubic feet per second (cfs) and 1381 acre-feet from water right CG1-*03767C to existing approved 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. This request is for the period from June 30 through September 30, 2015. Anacortes is not requesting a change in place of use, purpose of use, or season of use.

Water Right CG1-*03767C authorizes 32.3 cfs and 23,200 ac-ft/yr to be diverted from the Skagit River for municipal supply purposes, year-round. Of these quantities, 15 cfs and 10,860 ac-ft/yr are not subject to minimum instream flows at USGS Control Station #12-2005-00 as established in WAC 173-503. The remaining 17.3 cfs and 12,340 ac-ft/yr are subject to minimum instream flows at USGS Control Station #12-2005-00 as established in WAC 173-503. Anacortes is requesting to change only the portion of this right not subject to instream flows. The remaining portion (subject to instream flows) will not be utilized by Anacortes unless minimum instream flows are being met.



Anacortes also holds water right S1-00709C to divert water from the Skagit River. This right is not included in this Authorization.

The authorized point of diversion (POD) of this right is within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 13, Township 34N, Range 3E, W. M.

The authorized place of use of this water right is: *Areas served by the City of Anacortes and Public Utility District No. 1 of Skagit County, as indicated in the Skagit County Coordinated Water System Plan Designated Water Service Areas map dated September 1992, revised September 1, 1996.* DID #15 and CDID #22 are within the described area; therefore a change in place of use is not necessary.

Anacortes has traditionally provided agricultural irrigation services to customers. The City code specifically addresses Agricultural Irrigation in Section 13.32.035. The Anacortes Water System provides a separate rate for customers seeking agricultural irrigation and the City has traditionally had a significant number of agricultural irrigation customers. Therefore, a change in purpose of use is not necessary. Irrigation is considered a beneficial use of water.

The subject water right issued for year-round use, therefore a change in season of use is not necessary.

According to the 2011 Anacortes Water System Plan, more than 20,837 acre-feet of water was produced by Anacortes in 2007 from their Skagit River diversion facility. Therefore, the quantity of water requested for downstream transfer, under the subject senior right, has been fully perfected through beneficial use.

The ownership of this right shall remain entirely with the City of Anacortes.

No impairment of existing rights shall occur as a result of this downstream addition of points of diversion.

DEPARTMENT OF ECOLOGY DECISION - INCLUDING TERMS & CONDITIONS

Under the authorities of RCW 43.83B.405, RCW 90.03.380, RCW 90.03.397, and WAC 173-166-080, your request for a **temporary change** in point of diversion is hereby **APPROVED** under the terms and conditions listed below.

- **This Revised Temporary Drought Change Authorization shall be in effect immediately and shall expire on September 30, 2015.**
- This Authorization is for a downstream addition of the existing approved PODs operated by DID #15 and CDID #22 as follows:
 - DID #15 point of diversion - NE $\frac{1}{4}$ NE $\frac{1}{4}$ 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
- To be protective of the environment and fishery resources, water use under this Revised Temporary Drought Authorization shall only occur for a maximum of 3 hours prior to each high tide event and a maximum of 3 hours following each high tide event. This equates to approximately 12 hours per day based on two high tide cycles per calendar day. **Written records for each point of diversion shall be kept to ensure compliance with this condition. At minimum, records shall include the diversion station number (see attachment), date, time of high tide, diversion start time, diversion end time, instantaneous pumping rate, and name of record keeper. These records shall be neatly compiled and submitted to the Department of Ecology, Northwest Regional Office, by October 31, 2015.**
- For the purposes of this Authorization, National Oceanic and Atmospheric Administration (NOAA) tide station #9448682, located at the entrance to Swinomish Channel, shall be used for the timing of diversions based on the above condition.
- The total instantaneous rate to be diverted under this Authorization is limited to 15 cfs. DID #15 and CDID #22 are required to coordinate pumping to ensure this condition is not violated.
- A total of 1381 acre-feet of water is allowed for diversion under this Authorization. This was calculated at 15 cfs for 12 hours per day (2 high tide pumping cycles) over the period of June 30 through September 30, 2015 (a total of 93 days). Anacortes shall include the total number of 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.
- DID #15 and CDID #22 shall utilize markers (red cones, red flags, a red light, etc.) while each diversion is operating in order to assist Ecology staff and interested parties in monitoring compliance with the terms and conditions of this Authorization.
- Ecology personnel shall be allowed on-site 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 terms and 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 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

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*To find laws and agency rules visit the Washington State Legislature Website:
<http://www1.leg.wa.gov/CodeReviser>*

Signed at Bellevue, Washington, this 30th 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

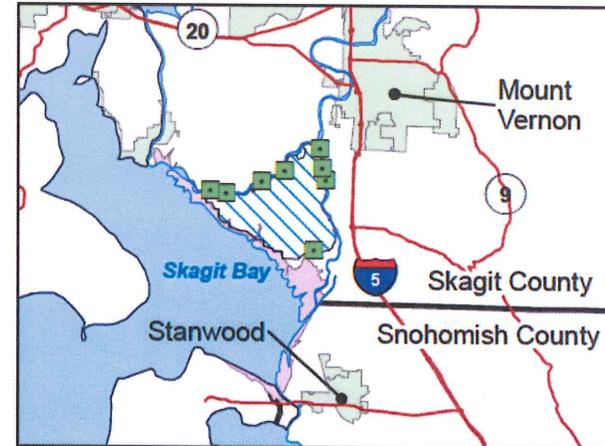
Attachment: Added Points of Diversion map

Enclosure: Your right to be heard

By Certified Mail: 9171 9690 0935 0088 4616 22



Skagit County Consolidated
 Diking Improvement District No. 22
 Water Right Number
 WRIA 3 - Skagit C



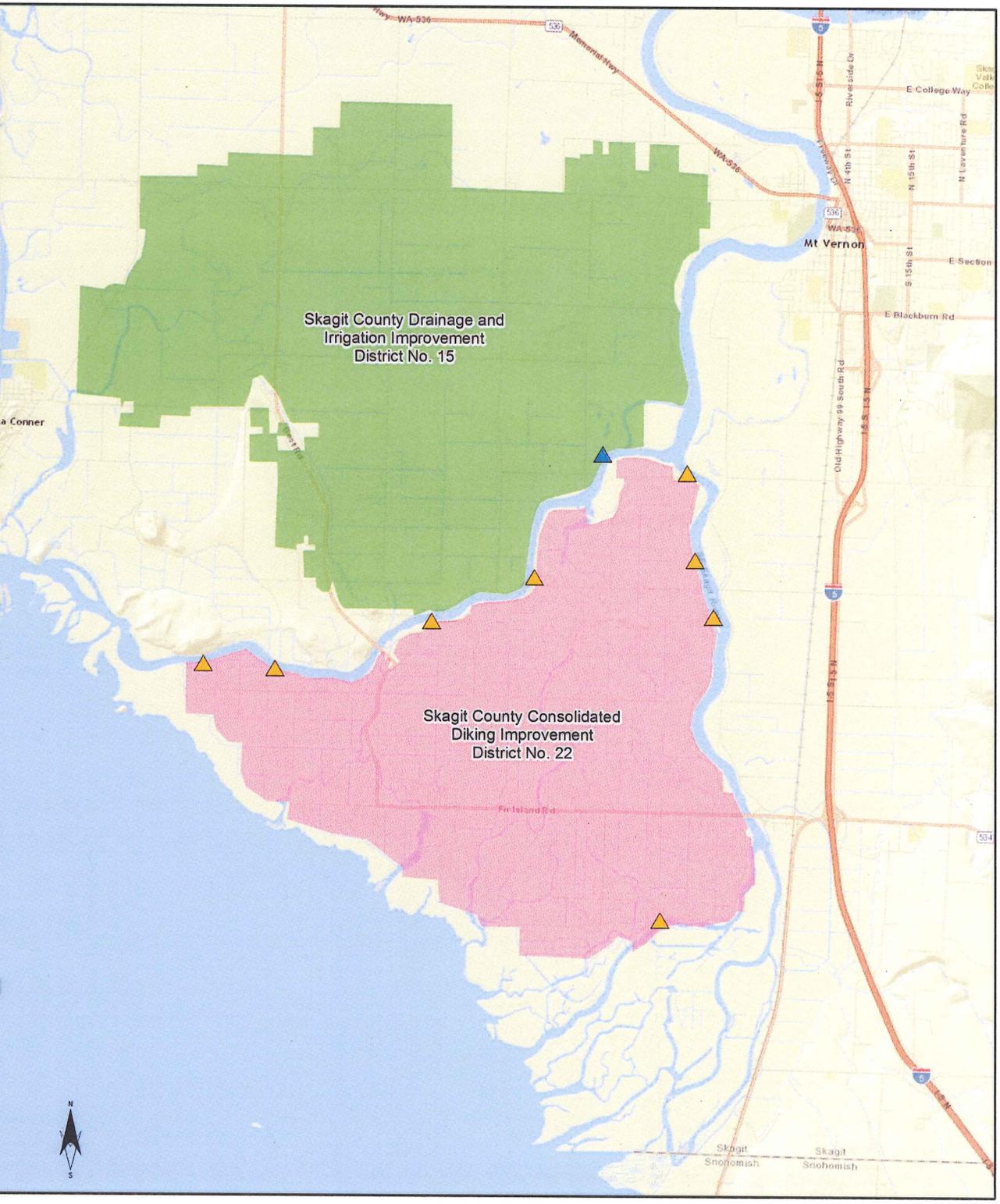
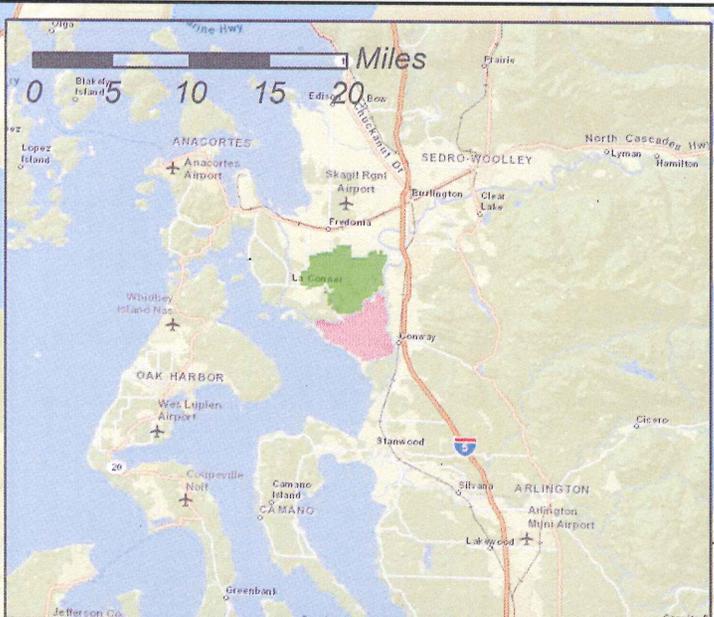
Site Map

Legend

- Point of Diversion
- Road
- Place of Use
- Sections
- Parcels
- County
- Streams and Ditches



Place of use and point(s) of diversion/withdrawal are as defined on the cover sheet under the headings, 'SOURCE LOCATION' and 'PLACE OF USE.'



- Skagit County Drainage and Irrigation Improvement District No. 15
- Skagit County Consolidated Diking Improvement District No. 22
- Diversion Point for Skagit County Drainage and Irrigation Improvement District No. 15
- Diversion Points for Skagit County Consolidated Diking Improvement District No. 22


DEPARTMENT OF ECOLOGY
 State of Washington
 Map Date: June 18, 2015
 Basemaps: ESRI

