STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
15 W Yakima Ave, Ste 200 • Yakima, WA 98902-3452 • (509) 575-2490

May 15, 2013

Mary K. Bailey
62 Bailey Way
Brewster, WA 98812-9622

Re: Seasonal Change Authorization No. CS4-29264C@2 (for 2013 and 2014 seasons only).

Dear Ms. Bailey:

DECISION: This SEASONAL CHANGE AUTHORIZATION to change the points of diversion to Government Lot 3 of Section 36, of T. 30 N., R. 23 E.W.M., and the place of use to the NE¼NE¼ Section 1, T. 29 N., R. 23 E.W.M., the N½NW¼, the W½NW¼NE¼, and the NE¼NW¼NE¼ all in Section 6, T. 29 N., R. 24 E.W.M., and the SW¼ and the W½SE¼ Section 31, T. 30 N., R. 24 E.W.M., all in Douglas County, for 3 acres of irrigation and frost control as needed, during the period April 1 to October 31, at a maximum instantaneous diversion rate of 0.49 cfs and a maximum quantity of 15.9 ac-ft – which includes 3.9 ac-ft for frost protection – for the 2013 and 2014 irrigation seasons is GRANTED subject to the following provisions and conditions:

Department of Fish and Wildlife

1. No dam or weir shall be constructed in connection with this diversion.

2. The intake(s) shall be screened in accordance with Department of Fish and Wildlife screening criteria. http://www.wdfw.wa.gov/reg/regions.htm

Quantity Limits, Flow and Regulation

3. This change does not authorize an enlargement of those quantities in cubic feet per second or acre-feet per year as described in No. S4-29264C.

4. The original place of use of No. S4-29264C shall be fallowed for the duration of the 2013 and 2014 irrigation seasons. Irrigation occuring during the 2013 or 2014 irrigation seasons (April 1 to October 31) in the original place of use of No. S4-29264C shall

constitute a violation of the terms of this authorization, and will result in its immediate termination. Other enforcement actions, including but not limited to fines and/or penalties, may also follow as a result of a violation.

5. This authorization is subject to the following minimum flows as specified in WAC 173-563-040 and WAC 173-563-050 and the following table. It is subject to regulation by the Department of Ecology for protection of instream resources whenever the March 1 forecast of April-September runoff at The Dalles is 60 MAF or less, and when gaged flows are predicted by the BPA 30-Day Power Operation Plan to violate the following minimum flow provisions at:

Primary Control Station(s): Wells
River Mile(s): 515.6

Minimum Average Weekly Flows
Columbia River Projects
(1,000 cubic feet/second)

PRIMARY CONTROL STATION: RIVER MILE:	Chief Joseph* (545.1)	Wells/ Rocky Reach* (515.6) (473.7)	Rock Island & Wanapum* (453.4) (415.8)	Priest Rapids (397.1)	McNary (292.0)	John Day (215.6)	The Dalles (191.5)
Jan	30	30	30	70	60	60	60
Feb	30	30	30	70	60	60	60
Mar	30	30	30	70	60	60	60
Apr 1-15	50	50	60	70	100	100	120
Apr 16-25	60	60	60	70	150	150	160
Apr 26-30	90	100	110	110	200	200	200
May	100	115	130	130	220	220	220
Jun 1-15	80	110	110	110	200	200	200
Jun 16-30	60	80	80	80	120	120	120
Jul 1-15	60	80	80	80	120	120	120
Jul 16-31	90	100	110	110	140	140	140
Aug	85	90	95	95	120	120	120
Sep	40	40	40	40	60	85	90
Oct 1-15	30	35	40	40	60	85	90
Oct 16-31	30	35	40	70	60	85	90
Nov	30	30	30	70	60	60	60
Dec	30	30	30	70	60	60	60

* For the reach from Grand Coulee through Wanapum, minimum average weekly flows shall be as shown above, or as necessary to maintain minimum flows (subject to low runoff and adjustment) at Priest Rapids, whichever is higher. As provided in WAC 173-563-050(1), the minimum average weekly flows set forth in this subsection are subject to a reduction of up to 25 percent during low flow years, except that in no case shall the outflow from Priest Rapids Dam be less than 36,000 cfs.

Schedule and Inspections

6. This Seasonal Change Authorization shall expire at the end of the 2014 irrigation season, being October 31, 2014, at which time the place of use and points of diversion shall revert back to that described under No. S4-29264C.

7. Department of Ecology (Ecology) personnel may field-verify this seasonal change at any time for compliance with the terms and/or conditions of this authorization.

8. Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the project location, and to inspect at reasonable times, records of water use, wells, diversions, measuring devices and associated distribution systems for compliance with water law.

General Conditions

9. You are advised that the issuance of this Seasonal Change Authorization by Ecology does not convey a right of access to, or other right to use land, which you do not legally possess. Obtainment of such a right is a private matter between the applicant and the owner of the land.

10. The water right holder is required to maintain efficient water delivery systems and use of up-to-date water conservation practices consistent with RCW 90.03.005.

11. Nothing in this authorization shall be construed as satisfying other applicable federal, state, or local statutes, ordinances or regulations.

12. Ecology assumes no liability for the purchase and/or construction of any permanent facilities in conjunction with this seasonal change authorization. Applicants for seasonal change should not construe that a seasonal change will result in the granting of a permanent change of water right.

YOUR RIGHT TO APPEAL

You have a right to appeal this decision to the Pollution Control Hearings Board (PCHB) within 30 days of the date of receipt of this decision. 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.) E-mail is not accepted.

- Serve a copy of your appeal and this decision in paper form – by mail or in person. (See address below.) E-mail is not accepted.

You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

ADDRESS AND LOCATION INFORMATION

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

DATED this 15th day of May, 2013.

Mark C. Schuppe
Operations Manager
Office of Columbia River

TP:MCS:RAZ (130510)

Enclosure: *Your Right to Be Heard*

By certified mail: 7009 2250 0004 4950 7709

Cc: Lois Trevino, Colville Confederated Tribes
Mark Miller, The Land Company
Ralph Dobson