



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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

May 19, 2009  
CERTIFIED MAIL  
[7007 2560 0001 9534 5613]

Aston Irrigation Assn  
PO Box 3233  
Omak WA 98841

**RE: CS4-01245C@3 –Temporary Change Authorization to add a point of diversion and change a portion of the place of use.**

On March 2, 2009, Aston Irrigation Association submitted an application seeking a Temporary Change Authorization to add a point of diversion and change a portion of the place of use for Surface Water Certificate No. S4-01245C. This water right, having a priority date of September 19, 1968, is authorized to divert 3.2 cubic feet per second (cfs) and up to 641 acre-feet per year (ac-ft/yr) from April 1 through November 1 for the irrigation of 163 acres.

The point of diversion authorized under Surface Water Certificate No. S4-01245C is located approximately 100 feet south and 500 feet east from the west quarter corner of Section 20, situated within Government Lot 3 in Section 20, T. 34 N., R. 27 E.W.M. Aston Irrigation Association has requested a temporary change to add a point of diversion located in the NW¼ of Section 31, T. 34 N., R. 27 E.W.M. to divert 0.33 cfs up to 66.4 ac-ft/yr.

The place of use for Surface Water Certificate No. S4-01245C is located on 145 acres within the SE¼ of Section 19, T. 24 N., R. 27 E.W.M. and 18 acres within the NE¼NE¼ of Section 30, T. 34 N., R. 27 E.W.M. The applicant has requested a temporary change of a portion of the place of use to a place located in the W½ of Section 30 and Aston Estates being within Government lots 2 and 3 of Section 31 all located in T. 34 N., R. 27 E.W.M.

Aston Irrigation has proposed to transfer 16.6 acres of Surface Water Right No. S4-01245C. The water will be diverted from the Okanogan River and will be used to irrigate approximately 16.6 acres of lawn, shrubs, trees, and pasture. The proposed place of use will be located on properties owned by several different property owners within Aston Estates.



**Lands which will be fallowed and transferred within the place of use for Surface Water Certificate No. S4-01245C:**

<b>Parcel No.</b>	<b>Land Owner</b>	<b>Proposed Acres to be Fallowed</b>
3427190041	George E. Dunkel, Jr.	0.5
8874300020	Allen & Cindy Rose	4.5
8858200100	Ora & Norma Harvill	4.3
3427190042	Preston Todd	2.1
8807900010	Edward Lind	1
8872700012 & 8872700011	Dean Harrison	4
8872700020	Micheal & Joanie Stenberg	0.2
<b>Total Acreage</b>		<b>16.6</b>

The existing and proposed point of diversions and places of use are all located within Water Resource Inventory Area (WRIA) No. 49, in Okanogan County, Washington.

Other water rights appurtenant to the proposed place of use include the following water rights:

- **Ground Water Permit No. G4-26301P**  
**Name:** Sandflat Water Users Assn  
**Use:** domestic multiple  
**Period of Use:** year round  
**Quantity:** 250 gallons per minute (gpm) up to 220 acre-feet per year (ac-ft/yr)  
**Priority Date:** July 20, 1978
  
- **Surface Water Certificate No. S4-24234C**  
**Claimant Name:** Aston Irrigation Assn Inc  
**Use:** The irrigation of 106.71 acres  
**Period of Use:** April 1 through October 15, subject to Instream Flows adopted by WAC 173-549  
**Quantity:** 2.35 cfs up to 426.84 ac-ft/yr  
**Priority Date:** March 25, 1976

This Temporary Change Authorization has been requested for two reasons:

- 1) To provide water for customers within the boundaries of Aston Estates that are not covered by the above water right currently held by Aston Irrigation Association Inc.
- 2) To provide water for customers within the boundaries of Aston Estates that will not have water when the above water right, currently held by Aston Irrigation Association Inc., is shut off due to times of low stream flow.

In addition to this Application (No. CS4-01245C@3) Aston Irrigation Association will be filing an additional Temporary Change Authorization for Water Right Nos. CS4-ADJO1VOL1P2 and S4-01339(A)C. If approved, the Temporary Change Authorizations, in combination, will allow Aston Irrigation Association to use up to 377.9 ac-ft/yr for the irrigation of 88.6 acres and resolve the two issues listed above.

This TEMPORARY CHANGE AUTHORIZATION is subject to the following conditions:

- 1) Violation of any of the terms and/or conditions of this authorization will result in immediate termination, issuance of Administrative Orders to Cease and Desist, and may also subject the violator to civil penalties.
- 2) A diversion of 0.33 cfs up to 66.4 ac-ft/yr from May 18, 2009 through October 15, 2009. This Temporary Change Authorization will expire on October 15, 2009. The current water right holder, Vista Vu Water Users Association, shall reduce their diversion by the above quantities.
- 3) The additional point of diversion will be located in the NW $\frac{1}{4}$  of Section 31, T. 34 N., R. 27 E.W.M.
- 4) The temporary place of use under this authorization will be used to irrigate 16.6 acres within the W $\frac{1}{2}$  of Section 30 and Aston Estates being within Government lots 2 and 3 of Section 31, all located in T. 34 N., R. 27 E.W.M.
- 5) The priority date for this water right is September 19, 1968.
- 6) Aston Irrigation Association is limited to 16.6 acres of irrigation under this Temporary Change Authorization for the 2009 irrigation season.
- 7) The Department of Ecology assumes no liability for the purchase and/or construction of any permanent facilities in conjunction with this Temporary Change Authorization. Applicants for temporary change should not construe that a temporary change will result in the granting of a permanent change of water right.
- 8) The water source and/or water transmission facilities are not wholly located upon land owned by the applicant. Issuance of this Temporary Change Authorization by Ecology does not convey a right of access to, or other right to use, land which the applicant does not legally possess. Obtaining such a right is a private matter between applicant and owner of that land.
- 9) The applicant and operator of the system under this Temporary Change Authorization shall:
  - Have a copy of this Temporary Change Authorization available on-site.
  - Be aware of the parameters and provisions and operate accordingly.
  - Provide said copy as evidence of this authorization upon request by Department of Ecology staff.

- 11) Withdrawal of water under other rights appurtenant to the place of use may be, or will continue to be, limited or otherwise regulated in favor of senior rights.
- 12) An approved measuring device shall be installed and maintained for the source(s) identified herein in accordance with the rule "Requirements for Measuring and Reporting Water Use", Chapter 173-173 WAC. Water use data for each Water Right on the place of use shall be recorded weekly and shall be submitted to Ecology by January 31, 2010.
- 13) The rule above 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 or available from Ecology as a document entitled "Water Measurement Device Installation and Operation Requirements".
- 14) At a minimum, 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 or Certificate No., source name, annual quantity used including units, maximum rate of diversion including units, period of use, monthly meter readings including units, and peak flow including units for each month. In the future, Ecology may require additional parameters to be reported or more frequent reporting.
- 15) Ecology prefers web based data entry, but does accept hard copies. Ecology will provide forms and electronic data entry information.
- 16) 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, but only to the extent otherwise allowed by law.
- 17) This Temporary Change Authorization is subject to Washington Department of Fish and Wildlife fish screening criteria (pursuant to RCW 77.57.010, RCW 77.57.070, and RCW 77.57.040). Fish screening criteria are attached to this Report of Examination. 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://wdfw.wa.gov/hab/engineer/habeng.htm>
- 18) The intake shall be screened at all times in accordance with Department of Fish and Wildlife screening criteria. <http://wdfw.wa.gov/hab/engineer/habeng.htm>.
- 19) This Temporary Change Authorization shall in no way excuse the permittee from compliance with any applicable federal, state, or local statutes, ordinances, or regulations including those administered by other programs of the Department of Ecology.

You have a right to appeal this order. To appeal this you must:

- File your appeal with the Pollution Control Hearing Board within 30 days of the "date of receipt" of this document. Filing means actual receipt by the Board during regular office hours.

- Serve your appeal on the Department of Ecology within 30 days of the “date of receipt” of this document. Service may be accomplished by any of the procedures identified in WAC 371-08-305(10). “Date of receipt” is defined at RCW 43.21B.001(2).

Be sure to do the following:

- Include a copy of this document that you are appealing with your Notice of Appeal.
- Serve and file your appeal in paper form; electronic copies are not accepted.

1. To file your appeal with the Pollution Control Hearings Board:

Mail appeal to:	OR	Deliver your appeal in person to:
Pollution Control Hearings Board PO Box 40903 Olympia WA 98504-0903		Pollution Control Hearings Board 4224 – 6th Ave SE Rowe Six, Bldg 2 Lacey WA 98503

2. To serve your appeal on the Department of Ecology:

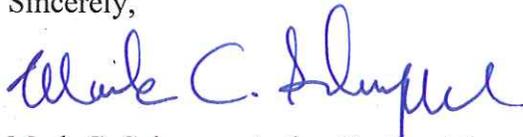
Mail appeal to:	OR	Deliver your appeal in person to:
Department of Ecology Appeals Coordinator PO Box 47608 Olympia WA 98504-7608		Department of Ecology Appeals Coordinator 300 Desmond Dr SE Lacey WA 98503

3. And send a copy of your appeal packet to:

Mark C. Schuppe, Acting Section Manager  
Department of Ecology  
15 W Yakima Ave Ste 200  
Yakima WA 98902-3452

*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://www.leg.wa.gov/CodeReviser>*

Sincerely,



Mark C. Schuppe, Acting Section Manager  
Water Resources Program

MCS:BZ:gg/090510

Enclosures: Your Right To Be Heard  
Water Measuring Requirements  
Fish Screening Requirements

cc: Vista Vu Water Users Association  
Susan Burgdorff-Beery, Watermaster, Department of Ecology  
Lois Trevino, Administrator, Environmental Trust, Colville Confederated Tribes