



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

April 14, 2014

Methow Valley Irrigation District
Attn: Bunny Morgan
PO Box 860
Twisp, WA 98856-0890

RE: Water Right Application S4-33112 – Short Term Surface Diversion on the Methow River to be used for a Seepage Test on an Irrigation Canal

THIS AUTHORIZATION SHALL IN NO MANNER BE CONSTRUED TO GUARANTEE OR IMPLY THAT A PERMANENT WATER RIGHT WILL ISSUE FOR THE WATER USE HEREIN AUTHORIZED.

Background

On March 25, 2014, the Methow Valley Irrigation District (MVID) of Twisp, Washington, filed a surface water application to temporarily divert water from the Methow River to conduct a seepage test on MVID's East Canal to determine the canal loss prior to the start of the 2014 irrigation season.

The applicant proposes to temporarily divert a maximum of 20 cubic feet per second (cfs) from April 7 through April 25, 2014, as applied for in Water Right Application No. S4-33112. The water will be diverted from MVID's existing East Canal headgate on the Methow River, located within the SW $\frac{1}{4}$, NW $\frac{1}{4}$ of Section 30, T. 34 N., R. 22E.W.M. The water will flow down the MVID East Canal and returned back to the Methow River at one of the East Canal Spill locations.

The water will be used to conduct a seepage test to determine the canal loss between the East Canal headgate and the Mill Hill Spill, approximately 4 miles of canal length. This section of the East Canal is currently the only section of the canal that is not proposed to be piped as part of the MVID Instream Flow Improvement Project. The purpose of the seepage test is to quantify the amount of water that is lost in this section of the canal for project design purposes and post project canal operations.

Impairment

The Methow River is a tributary to the Columbia River. The requested period of use is for April 2014 ONLY, which is largely before most irrigation in the Methow River Valley commences. The probability of impairing senior water rights by diverting water only during the month of April is minimal. Typically the flows in the Methow River during April are at a level that would allow a 20 (cfs) diversion to take place without being detrimental to aquatic species or the minimum instream flow values set in WAC 173-548.



Comments Received

The Department of Ecology (Ecology) sought consultation with the U.S. Bureau of Reclamation (Reclamation) who controls all unappropriated waters of the Columbia River above Priest Rapids Dam – including all tributaries. Reclamation subsequently granted a release of water for the subject application via email dated April 11, 2014.

Public Interest

The purpose of the MVID Instream Flow Improvement Project is to develop an improved, reliable and low-maintenance irrigation delivery system for MVID with resulting benefits to instream flows in the Twisp River, Methow River and Alder Creek. Enhanced instream flows will improve fish habitat quantity and quality for ESA-listed fish species. Assessing seepage loss on the upper portion of MVID's East Canal is needed for project implementation. The goal of enhancing instream flows on multiple water bodies and preserving agriculture in the Methow Valley 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 the public interest.

Provisions

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

1. The priority date of this water right is March 25, 2014.
2. The point of diversion will be the existing MVID East Canal headgate, located within the SW $\frac{1}{4}$, NW $\frac{1}{4}$ of Section 30, T. 34 N., R. 22E.W.M.
3. The period of use will be April 14, 2014 through April 25, 2014.
4. This authorization will expire on April 26, 2014, unless sooner revoked for cause.
5. The place of use will be the MVID East Canal.
6. The diversion shall not exceed 20 (cfs) and 200 acre-feet per year.
7. The purpose of use is for conducting a seepage test on MVID's East Canal.
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. Diversion of water under this Short Term Authorization may be limited or otherwise regulated in favor of senior water rights.

10. The operator of the system under this authorization shall:
 - Be aware of the parameters and provision and operate accordingly.
 - Have a copy of this Short Term Authorization.
 - Provide said copy of this authorization upon request of Ecology staff.
11. Under RCW 90.03.360, measuring is required for all surface water diversions 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 person conducting the measurements. Copies of these records shall be submitted to Ecology by May 31, 2014.
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 (cfs).
13. 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 within 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 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 Short Term Authorization.

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 decision:

- File your appeal and a copy of this decision 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 decision on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.

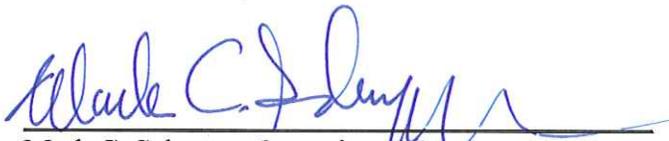
You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

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

Signed at Yakima, Washington, this 14th day of April 2014.



Mark C. Schuppe, Operations Manager
Office of Columbia River

MD:MCS:AH (140414)

Enclosure: *Your Right to be Heard*

Cc: Susan Burgdorff-Beery, Ecology
Lois Trevino, Colville Confederated Tribes
Philip Rigdon, Yakama Nation