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

June 14, 2010

Samuel M Logan
Clayton S Logan
35717 N Spotted Road #2
Clayton WA 99110

RE: Application No. S4-34939 – Short-Term Authorization for a diversion for the use of mining

This application seeks approval for short-term non-consumptive diversion of water for mining. The applicants are developing a mining claim through the Lake Wenatchee Ranger District. They will use buckets to carry water a short distance from an unnamed stream in the Tronson Creek drainage to a rocker box and the sediment laden water will flow through a short sediment separation loop back to the stream.

It is anticipated that the proposed small intermittent non-consumptive diversion will not impair existing water rights during 2010, including those rights embodied in instream flows adopted in WAC 173-545, provided the use conforms to the following.

This Short-Term Authorization has the following parameters and provisions:

1. The priority date is March 2, 2010.

2. Diversion may take place from June 30, 2010 through October 31, 2010.

3. The diversion will be from a small unnamed stream, tributary to Tronson Creek in the SW¼, Section 22, T. 22 N., R. 18 E.W.M.

4. The water will be used non-consumptively to operate a rocker box and returned back to the stream in the same location and the same quality as it was originally diverted.

5. Diversion shall not exceed 0.01 cubic foot per second (approximately 4.5 gallons per minute).

6. The operator of the system under this Short-Term Authorization shall:

   - have a copy of this Short-Term Authorization,
   - be aware of the parameters and provisions and operate accordingly,
   - provide said copy as evidence of this Short-Term Authorization upon request by Department of Ecology or Department of Fish and Wildlife staff,
   - a sign bearing the authorization No. S4-34939 shall be displayed near the site.

7. Precautions shall be taken to prevent the dipping of fish. One option may be choosing a screen box large enough so a bucket could dip water from inside it. Screening criteria are described in the Gold and Fish pamphlet (see enclosure).

8. This 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.

9. The water sources and/or water transmission facilities, and place of use (land application site) may not be located entirely upon the land owned by the applicant. Therefore, the applicant is advised that issuance of a permit by this Department for appropriation and disposal 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.

You have a right to appeal this decision. 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<br>PO Box 40903<br>Olympia WA 98504-0903 | | Pollution Control Hearings Board<br>4224 – 6th Ave SE Rowe Six, Bldg 2<br>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<br>Appeals and Application for Relief Coordinator<br>PO Box 47608<br>Olympia WA 98504-7608 | | Department of Ecology<br>Appeals and Application for Relief Coordinator<br>300 Desmond Dr SE<br>Lacey WA 98503 |

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

   Mark C. Schuppe
   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://www1.leg.wa.gov/CodeReviser*

Sincerely,

Mark C. Schuppe
Section Manager
Water Resources Program

MCS:BZ:gh
100638

Enclosures: *Your Right To Be Heard*
*Fish Screening Criteria*
*Gold & Fish Pamphlet*

By certified mail: 7007 2560 0001 9535 9528

cc: Philip Rigdon, Deputy Director, Natural Resources Division, Yakama Nation
Lois Trevino, Water Administrator, Office of Environmental Trust, Colville Confederated Tribes
Mark Peterschmidt, Water Quality Program, Department of Ecology, CRO