



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

July 27, 2011

PacifiCorp
c/o Robin Moore
825 NE Mulnomah St Ste 1700
Portland OR 97232

**RE: Short-Term Authorization No. S2-30576
For Decommissioning Of Condit Hydroelectric Project**

On May 27, 2011, PacifiCorp of Portland, Oregon, filed a Short Term Application to divert 0.22 cubic feet per second (cfs) [100 gallons per minute] and up to 91 acre-feet of water for the decommissioning of Condit Hydroelectric project. The project is located on the White Salmon River on the boundary of Klickitat and Skamania Counties, within the state of Washington.

Water will be diverted using a portable 100 gallons per minute (gpm) pump. The water will be used for pre-breach tunnel boring and for dust control during the Condit Dam post-breach activities at various locations within parcels described in paragraph 2 below.

Public Notice

Public notice of the application was published in the White Salmon Enterprise on June 16, and June 23, 2011. No letters of protest or comments were received during the 30-day protest period.

Impairment

The requested period of use for this Short-Term Authorization is August 1 through December 31, 2012.

The monthly mean flows in the White Salmon River at the USGS, Underwood, Washington, stream gauging site #14123500 are:

Flow monthly mean cfs (Calculation Period: 1915-10-01 -> 2010-09-30)

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov
1,340	1,510	1,500	1,500	1,510	1,260	884	695	625	626	804

The diversion of 0.22 cfs will neither harm aquatic species nor impair existing water rights.

Public Interest

Washington State Department of Fish and Wildlife considers this project beneficial to the ecology of this area. The goal of re-establishing natural habitat is in the public interest.



SEPA

Ecology published a Supplemental Environmental Impact Statement (SEIS) on September 30, 2005. The SIES (Ecology Publication #05-06-022) is available by contacting the Department of Ecology, 15 West Yakima Avenue, Suite. 200, Yakima, Washington 98902.

Conclusions and Decision

Water is available for the proposed short term project and the diversions can take place on a short term basis without impairment to existing water rights; and it is not contrary to public interest.

Provisions

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

1. The priority date of this water right is December 31, 2012.
2. The place of use and points of diversions will be located within:

Klickitat County Parcel Nos.:

- 03101000001600 located within Section 10,
- 03100300000100 in Section 3,
- 03100200100000 in Section 2,

Skamania County Parcel Nos.;

- 03100300030000 and 03100300030100 both located within Section 3,
- 03100200040000 and 03100200010000 both in Section 2,
- 03101000010000 in Section 10,

All parcels being within T. 3 N., R. 10 E.W.M.

3. The period of use will be from August 1, 2011 through December 31, 2012
4. The diversion shall not exceed 0.22 cubic feet per second (100 gallons per minute) up to a total 91 acre-feet, for the project duration.
5. The purpose of use is for:
 - Pre-breach drilling of the bore tunnel into Condit Dam and dust control.
 - Post-breach sediment removal and dust control.
6. 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.
7. The operator of the system under this authorization shall:
 - Be aware of the parameters and provisions and operate accordingly.
 - Have a copy of this Short-Term Authorization.
 - Provide said copy of this Short-Term Authorization upon request of Department of Ecology staff.

8. Diversion of water under this Short-Term Authorization may be limited or otherwise regulated in favor of senior rights.
9. Under RCW 90.03.360, measuring is required for all surface water diversions, and all withdrawals of ground water 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 the person conducting the measurements. Copies of these records shall be submitted to the Department of Ecology by January 31 of each year.
10. 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 (cubic feet per second).
11. Department of 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.
12. 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 of the Department of Ecology.
13. 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 the Department of 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.
14. 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 Hearing 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 Rd SW Ste 301 Tumwater WA 98501	Pollution Control Hearings Board PO Box 40903 Olympia WA 98504-0903

Please send a copy of your appeal to:

Robert F. Barwin, Acting Section Manager
Department of Ecology
Central Region Office
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,

Robert F. Barwin, Acting Section Mgr by,


Robert F. Barwin, Acting Section Manager
Water Resources Program/CRO

Enclosures: Your Right To Be Heard
Water Measuring Requirements and Form 1
Fish Screening Criteria

Sent Certified Mail: 7007 2560 0001 9535 5568

cc: Philip Rigdon, Director, Natural Resources Division, Yakama Nation