



TELEPHONE RECORD

Date 1/16/07

Time 9:00 a.m. p.m.

CALLED BY
 CALLED

Mr./Ms. Tom Skjervold Telephone _____

Address _____

Representing Department of Corrections /

Project Eden Creek and Butterworth Reservoirs /
McNeil Island Corrections Center

Discussed _____

NEW ADDRESS:

Department of Corrections
Attn: Tom Skjervold
PO Box 41112
Olympia, WA 98504-1112

Signed *Algal B*



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300

March 9, 2007

Washington State Department of Corrections
Attn Tom Skjervold
PO Box 41112
Olympia, WA 98504-1112

Re: Water Right No. **S2-29875** (Eden Creek and Butterworth Reservoirs – McNeil Island)

Dear Mr. Skjervold:

We are pleased to let you know that your extension request for this water right permit has been granted. Your new deadline to put the water to **full beneficial use** and send a completed Proof of Appropriation form is **January 1, 2012.**

Reasons for granting extension:

- Financial problems encountered by permit holder associated with the expansion of the McNeil Island Corrections Center.
- Nature and scope of the reactivation of farming activities on McNeil Island.

By statute (RCW 90.03.320), projects under permit must be pursued with due diligence and completed in a reasonable period. Extension of a permit can only be considered when we receive a written request and extension fee. Any future requests should address the following:

- The reason(s) for needing the extension.
- A description of efforts made since the permit was issued or the last extension was granted.
- A proposed schedule for completing the development.
- An extension fee of \$50.00.

When you return the completed Proof of Appropriation form to us, be sure that:

- It is **notarized.**
- You have written in the **parcel number** for the point of diversion/withdrawal for where your project is located (and the place of use, if different). Parcel numbers can be found on property tax statements or obtained through the assessor's office.

Upon receipt of your Proof of Appropriation form, we will review the information and may come out to inspect your project. Once we are confident that all of the terms and provisions of your permit have been met, we will notify you by mail to request the certificate recording fees for the state and county.



Your right to appeal

You have the right to appeal this decision to the Pollution Control Hearings Board. Pursuant to Chapter 43.21B RCW, your appeal must be filed with the Pollution Control Hearings Board, and served on the Department of Ecology, within 30 days of the date of your receipt of this document. To appeal this decision, your notice of appeal must contain a copy of the Ecology decision you are appealing.

Mail your appeal to:

Pollution Control Hearings Board
PO Box 40903
Olympia WA 98504-0903

OR

Hand Deliver your appeal to:

Pollution Control Hearings Board
4224 – 6th Ave SE Rowe Six, Bldg 2
Lacey WA 98503

AND MAIL TO BOTH ADDRESSES BELOW

Mail your appeal to:

Department of Ecology
Appeals Coordinator
PO Box 47608
Olympia WA 98504-7608

AND

Mail your appeal to:

Tom Loranger
Department of Ecology
PO Box 47775
Olympia WA 98504-7775

If we can provide further assistance, please contact us at (360) 407-6300.

Sincerely,



Thomas Loranger
Water Resources Section Manager



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE SERVICES DIVISION
CAPITAL PROGRAMS
PO Box 41112, Olympia, Washington 98504-1112
Tel (360) 725-8352 • FAX (360) 586-8723

RECEIVED
FEB 07 2007
Washington State
Department of Ecology

January 30, 2007

Ms. Abby Brown
Department of Ecology
Southwest Regional Office
Water Resources
PO Box 47775
Olympia, WA 98504-7775

Dear Ms. Brown:

RE: Request for extension of time to provide proof of appropriation
Water Right No. S2-29875

We are in receipt of your letter of January 18, 2007, indicating the Department of Corrections is overdue in providing a Proof of Appropriation for the water right for Eden Creek and Butterworth Reservoirs on McNeil Island in Pierce County, Washington. At this time, the Department of Corrections has not put the water to full beneficial use, so is not able to provide the requested Proof of Appropriation. We are therefore writing this letter to request more time to put the water to beneficial use, and are also submitting the required extension fee.

McNeil Island, and the associated Water Right S2-29875, was transferred to the state of Washington from the federal government in the 1980's. Deed restrictions were put in place then that made most of the 4,400 acre island a wildlife reserve. This deed also allowed construction and operation of correctional facilities on two parcels, and made approximately 1,000 acres available for use as an "honor farm", where offenders might be employed in the operation of agricultural industry. Historically, that farmland was used to support vegetable gardens and beef cattle production, though at this time neither of those activities are occurring there. However, there are two major state run facilities on McNeil now, one is the McNeil Island Corrections Center (MICC), and the other the Department of Social and Health Services (DSHS), Special Commitment Center (SCC). There are also approximately 50 single family dwellings on McNeil used to house essential personnel for the operation of MICC.

Both the Departments have put forward proposals in the current legislative session requesting funding to expand their existing facilities. In the case of MICC, we requested funding to add 300 minimum security beds to that facility. There have also been discussions between the state agencies involved in McNeil Island administration about the potential for reactivating the farming activities on the island to provide MICC offenders and SCC residents job opportunities

3/8/07

This PA extension is approved until

1/1/2010

Alison

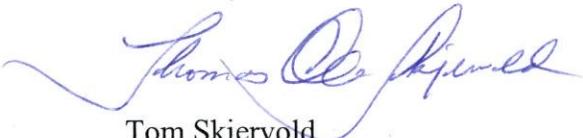
Ms. Abby Brown
January 30, 2007
Page 2

Because any expansion of the institutional housing on McNeil, and/or any resumption of agricultural activities will require the use of more water, our agency is compelled to request additional time to provide proof of appropriation.

Any increase in the amount of activity on McNeil Island is contingent on action by the Legislature, and is therefore not entirely controlled by the involved agencies. It is therefore, essentially impossible for us to provide any more detail on a project timeline. However, in a report to the Legislature, we demonstrated that Washington's prison population has increased from some 7,500 offenders in 1991, to over 17,000 offenders today. Projections suggest the number of incarcerated individuals in state facilities could increase by another 5,400 individuals by 2015. DSHS has likewise projected a need for more housing in the SCC facility over the coming years. Clearly there will be a need to grow both these McNeil Island facilities, and we have determined that McNeil Island already has much of the needed infrastructure, and the available land area, to accommodate some portion of the needed growth. Therefore, it is reasonable to project an increase in the amount of water required to operate both the SCC and MICC facilities.

Please accept this letter as justification for the need for a timeline extension, and as evidence we have been pursuing expansion projects diligently on McNeil Island. While our timeline is uncertain, the pressure for growth in activities there is clear. We therefore request an additional five years to provide proof of appropriation, and we are including an extension fee check of \$50.00 along with this request. If you have further questions related to this request, please contact me at (360) 725-8397.

Sincerely,



Tom Skjervold
Environmental Services
Capital Programs

TS:rb

cc: Garin Schrieve, Capital Programs
John Kessler, MICC
file

VERIFICATION OF RECEIPT

Brown, Abby (ECY)

From: Porter, Ali (ECY)
Sent: Thursday, March 08, 2007 9:30 AM
To: Brown, Abby (ECY)
Subject: RE: water rights payments inquiry

- 1) Dept of Corrections check # 925575E for \$50.00 was received and processed on 2/08/07.
- 2) Fish & Wildlife check # 898935E for \$67.10 was received and processed on 02/09/07.

Ali Porter
Fiscal Analyst II
Department of Ecology
PO Box 47615
Lacey WA 98504-7615
360-407-7095 Phone
apor461@ecy.wa.gov

From: Brown, Abby (ECY)
Sent: Thursday, March 08, 2007 9:22 AM
To: Porter, Ali (ECY)
Subject: RE: water rights payments inquiry

Ali,

Thank you so much for your help with this. I have a few here that need to be checked for receipts.

1. State of Washington - Department of Corrections
Tom Skjervold
Ecology received this on February 7, 2007.
2. Washington Department of Fish and Wildlife
Mark Johnson
Vancouver Trout Hatchery

Okay, those are all for now.

Thanks,
Abby

Abby Brown

Water Resources Program
Southwest Regional Office
Department of Ecology
P.O. Box 47775
Olympia, WA. 98504-7775
360-407-6918
abro461@ecy.wa.gov

From: Porter, Ali (ECY)
Sent: Thursday, March 08, 2007 8:48 AM
To: Brown, Abby (ECY)
Subject: water rights payments inquiry

I need the name of the person or company on the check sent in for payment and/or the check number.

Ali Porter
Fiscal Analyst II
Department of Ecology
PO Box 47615
Lacey WA 98504-7615
360-407-7095 Phone
apor461@ecy.wa.gov



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300

January 18, 2007

Department of Corrections
Attn Tom Skjervold
PO Box 41112
Olympia, WA 98504-1112

RE: Water Right No. **S2-29875** (Eden Creek and Butterworth Reservoirs/ McNeil Island) –
OVERDUE NOTICE

Dear Mr. Skjervold:

In reviewing your file, I noticed we have not received your Proof of Appropriation form. This letter is to remind you that the development schedule of your water right permit required that water at full beneficial use and the Proof of Appropriation form submitted by **January 1, 2007**.

There are a number of possible steps you may need to take in order to bring your permit back into good standing, depending on the status of your project. Please refer to the following chart:

If this is the case:	You need to do this within thirty (30) days of the date of this letter:
You have put the water to full beneficial use .	Complete and submit the Proof of Appropriation form. The form must be <u>notarized</u> , and include the parcel number for the point of withdrawal/diversion. Please include evidence that shows you have installed an approved measuring device, as well as any metering data that you have collected on the above-referenced water.
You need more time to put the water to beneficial use.	1. Submit a written request for an extension (refer to enclosed fact sheet for instructions). 2. Submit extension fee (\$50.00).
You no longer intend to develop your project.	Notify Ecology's Southwest Regional office in writing.
You need more information.	Contact our office at (360) 407-6300.

Failure to respond to this letter within 30 days may result in the cancellation of your permit.



If you have questions, please contact me at (360) 407-6918 or at abro461@ecy.wa.gov. Thank you for your attention to this matter.

Sincerely,



Abby Brown
Water Resources
Southwest Regional Office

Enclosures (2)

Proof of Appropriation of Water Form

Focus on Extensions for Water Right Permits Fact Sheet



STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

P.O. Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300

August 2, 2004

Dept of Corrections
Attn Nancy Winters
PO Box 41112
Olympia WA 98504-1112

Dear Ms. Winters:

Re: Water Right Permit No. S2-29875

In compliance with your request, you are hereby granted an extension of time until **January 1, 2007**, to put the water to full beneficial use and file a notice of such action under the above mentioned permit.

Please submit the following when the actual water has been put to full beneficial use:

- Proof of Appropriation form filled out and notarized
- **\$21.00** check payable to the **Pierce** County Auditor's Office
- \$5.00 check payable to the Department of Ecology

Please send both checks to the Department of Ecology and we will forward the Auditor check along with your Certificate to the County Auditor's Office for recording. **Also, the County Auditor is requiring that we have the parcel number for your property added to your Certificate. Please provide the parcel number for the point of withdrawal/diversion and the place of use.**

If you do not expect to have the water put to full beneficial use by **January 1, 2007**, you should request further extensions, as needed. To request additional extensions, you will need to submit a letter explaining why an extension is needed, including how many more connections are proposed on this water system. You may extend for more than one year at a time at a rate of \$5.00 per year.

This Order may be appealed pursuant to RCW Chapter 43.21B. The person to whom this Order is issued must file an appeal with the Pollution Control Hearings Board **within thirty (30) days of receipt of this Order**. Send the appeal to: Pollution Control Hearings Board, P.O. Box 40903, Olympia, Washington 98504-0903. At the same time, a copy of the appeal **must** be sent to: Department of Ecology, Water Resources Appeals Coordinator, P.O. Box 47600, Olympia, Washington 98504-7600. All others receiving notice of this Order must file an appeal with the Pollution Control Hearings Board **within thirty (30) days of the date the Order was received** in the same manner described above.

If you have any questions or concerns about any of this information, please call Sheri Carroll at (360) 407-0240 or Teresa Hanson at (360) 407-0270.

Sincerely,

A handwritten signature in cursive script that reads "Thomas Loranger".

Thomas Loranger
Water Resources Section Manager

TL:th (paextension.doc)





RECEIVED
DEPT. OF ECOLOGY/SWR

STATE OF WASHINGTON

'04 JUL 12 11:43

**DEPARTMENT OF CORRECTIONS
OFFICE OF ADMINISTRATIVE SERVICES
CAPITAL PLANNING AND DEVELOPMENT**

P.O. Box 41112 • Olympia, Washington 98504-1112 • (360) 586-6131
FAX (360) 586-8723

July 9, 2004

Tom Loranger
Department of Ecology
Water Resources Program, Southwest Regional Office
PO Box 47775
Olympia, Washington 98504-7775

Re: Request for 2-Year Water Right Permit Extension for Permit #S2-29875

Dear Mr. ^{Tom}Loranger:

Thank you for your letter dated February 18, 2004, concerning the Water Right Permit #S2-29875 for McNeil Island Corrections Center (MICC). The purpose of this letter is to request a 2-year permit extension for the water right.

LCC is currently houses approximately 1,500 medium and close security inmates and associated staff. The Department of Corrections (DOC) will be required to provide housing for 5,100 additional inmates over the next 10 years. MICC is one of the facilities that need to expand to accommodate this growth. The June 30, 2004, Draft Master Plan recommendations for expansion (including at MICC) will become part of the DOC's 10 Year Plan submitted to the legislature with our capital budget requests. Although a major expansion at MICC will not be part of the 2005-2007 budget request, MICC will ultimately require expansion within the next 10 years. As the facility expands, water not yet put to beneficial use will be required to supply the expanded facility. Therefore, because we are not at full buildout, we request that an extension for water right number #S2-29875.

Enclosed is a check to cover the cost of a two-year extension for the MICC water right (\$10.00), plus the cost of a 2-year extension at Larch Corrections Center (\$10.00) (see enclosed letter). A single check has been prepared to cover the combined costs.

Thank you for your consideration. If you have any questions concerning this request for the extensions, please call me at (360) 753-6547.

Sincerely,

Nancy L. Winters
Assistant Director, Environmental Services

NLW:rb

Enclosures

cc: Willie Dixon, MICC
Tom Skjervold, MICC
Mike Dexel, Ecology SWRO

7/20/04
OK to extend the
P.A. date to 1/1/07
Jwabl

Sustainable
"Working Together for SAFE[^] Communities"



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300

February 18, 2004

State of Washington Department of Corrections
PO Box 41112
Olympia WA 98504-1112

Dear Sir or Madame:

RE: Permit No. **S2-29875**

Thank you for sending in your permit fee. Enclosed is your permit No. **S2-29875**, which includes your Development Schedule.

Proof of Appropriation form

Our information indicates that your water project is completed. The next step toward securing a water right certificate is to put the water to full beneficial use on or before **January 1, 2005**. Once this is done, complete the enclosed "Proof of Appropriation of Water" form. This form must be **notarized** and returned to the Water Resources Program at Ecology's Southwest Regional Office.

Be sure to write in the **parcel number** for the point of diversion/withdrawal for where your project is located (and the place of use, if different). Parcel numbers can be found on property tax statements.

If we do not receive the completed "Proof of Appropriation of Water" form by **January 1, 2005**, and do not hear from you otherwise, your permit may be cancelled. We understand that occasionally there are extenuating circumstances that may delay putting the water to full use. In this case, you **must** contact us, **in writing**, to request an **extension**.

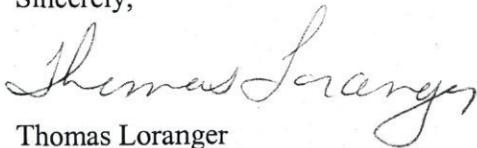
Upon receipt of your completed "Proof of Appropriation of Water" form, we will review the information and may come out to inspect your project. Once we are confident that all of terms and provisions of your permit have been met, we will notify by you mail to request the certificate recording fees for the state and county.

Read your permit

Please read through your entire permit, along with the enclosed water right information sheet, to be sure you fully understand the terms and responsibilities associated with your permit. It is important to remember that this permit is not a *final* water right, it is permission by the state to *develop* a water right. *You must meet the provisions on your permit before we issue your final water right certificate.*

If we can provide any further assistance, please contact our office at (360) 407-6300.

Sincerely,



Thomas Loranger
Water Resources Section Manager
Southwest Regional Office

TL:tlh

Enclosures: **Permit # S2-29875**
 "Proof of Appropriation of Water" form
 "Important Information Regarding Your Water Right"

permit-PA.doc