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

July 24, 2008
CERTIFIED MAIL
7007 2560 0001 7674 5791

Don Geck
392 Sole Road
Selah WA 98942-9235

RE: Application No. S4-35149 – Temporary Authorization for a diversion for the use of mining

Dear Mr. Geck:

On August 8, 2007, Don Geck of Selah, Washington, filed a temporary application to divert 1500 gallons of water a year for mining purposes.

This application seeks approval for a temporary, non-consumptive use for three mining claims located in Section 31, T. 21 N., R. 18 E.W.M. Buckets will be used to carry water a short distance from an unnamed stream in the Williams Creek drainage to be used in panning tubs. Water from the panning tubs will drain to the ground.

It is anticipated that the proposed small intermittent non-consumptive diversion will not impair existing water rights during 2008, provided the use conforms to the following.

This Temporary Authorization has the following parameters and provisions:

1. The priority date is August 8, 2007.

2. Diversion may take place from July 24, 2008 through October 31, 2008.

3. The diversion will be from a small unnamed stream, tributary to Williams Creek in the NW¼, Section 31, T. 21 N., R. 18 E.W.M.

4. The water will be used non-consumptively for panning operations and returned back to the system approximately at the same location and the same quality as it was originally diverted.

5. Diversion shall not exceed 1500 gallons a year.

6. The operator of the system under this Temporary Authorization shall:

   - have a copy of this Temporary Authorization,
   - be aware of the parameters and provisions and operate accordingly,

- provide said copy as evidence of this Temporary Authorization upon request by Department of Ecology or Department of Fish and Wildlife staff,
- a sign bearing the Permit No. S4-35149 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 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:

   G. Thomas Tebb, L.E.G.
   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,

G. Thomas Tebb, WR Section Mgr, by Mark C. Adams

G. Thomas Tebb, L.E.G.
Section Manager
Water Resources Program

GTT:BZ:gh
080765

Enclosure: Gold & Fish Pamphlet
Your Right to Be Heard

Cc: Yakama Nation