



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Region Office

PO Box 330316, Shoreline, WA 98133-9716 • 206-594-0000

Sent via Email

June 27, 2022

Erik Rigaux
Mid Sound Fisheries Enhancement Group
7400 Sand Point Way NE, Suite #202N
Seattle WA 98115
erik@midsoundfisheries.org

RE: 2022 Riparian Planting – Short-Term Water Use Authorization No. S1-29443

Dear Erik Rigaux:

Washington State Department of Ecology (Ecology) received your application requesting short-term diversion of surface water for watering native plants at habitat restoration sites on June 14, 2022. This short-term authorization is for the period July 1, 2022 to September 30, 2022.

- Ecology is committed to support projects that have a direct positive impact on stream habitat. According to RCW 90.54.020(3), the quality of the natural environment shall be protected, and where possible, enhanced.
- Diversions of water from surface water bodies regulated through minimum instream flows for the Green-Duwamish River (WRIA 9) are interruptible when minimum flows are not met (see [WAC 173-509-030](#)). It is the responsibility of the permit holder to assess flows in regulated streams before irrigation occurs to meet this requirement.
- Maximum instantaneous rate of diversion from surface waters must not exceed 0.17 cubic-feet/second (75 gallons per minute) at any one time.
- This permit for irrigation diversions may require compliance with state Hydraulic Code (chapter 77.55 RCW) and is required to meet fish screening statutes (RCW 77.57.010, RCW 77.57.040, and RCW 77.57.070). Please see [WDFW permitting page](#) and consult with the appropriate Habitat Biologist according to the [contact map](#). Supporting information on screening and fish passage may be found on the [WDFW Regulations, guidelines, and determining compliance](#) page.
- It is the responsibility of Mid Sound Fisheries Enhancement Group to obtain any legal agreements that may be necessary to access and use the parcels described in the application for the purposes of this project.
- Ecology recommends seeking alternative methods to watering project plants by using reclaimed water and municipal water where available, and recommends these alternatives when possible.

- Nothing in the short-term water use authorization allows for its holder to impair existing water rights.
- The diversion of up to 0.17 cubic feet per second (cfs) or 75 gallons per minute (gpm) from the Green River is approved for use between July 1 and September 30, 2022.
- The pump shall be placed in close proximity to where the irrigation occurs and irrigation shall be applied to plantings over 5 acres within the boundaries of Fenster Nature Park and Isaac Evans Park in Auburn, Washington as described below in Table 1.

Table 1: Places of Use

Location	TWP	RNG	SEC	Qtr-Qtr	Acres	County	Parcel
Fenster Nature Park	21N	5	17	SW	3	King	172105-9045
Isaac Evans Park	21N	5	7	NE	2	King	072105-9032

- Mid Sound Fisheries Enhancement Group shall record how much water is used at each site and will submit these data to Ecology no later than January 31, 2023. The data shall include the flow rates in instream flow regulated streams at the times when diversion occurs, and will include a detailed description of how such flows were determined. Furthermore, Mid Sound Fisheries Enhancement Group will notify Ecology if the project has ended prematurely, been delayed, or completed. The project site should use procedures to eliminate any waste of water.

Your Right To Appeal

You have a right to appeal this Order to the Pollution Control Hearings Board (PCHB) within 30 days of the date of receipt of this Order. 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 the Order:

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

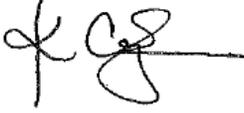
You must also comply with other applicable requirements in chapter 43.21B RCW and chapter 371-08 WAC.

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

Erik Rigaux
Mid Sound Fisheries Enhancement Group
Short-Term Water Use Authorization No. S1-29443

If you have any questions, please contact Doug Wood at (206) 594-0196 or by email at doug.wood@ecy.wa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'K Cykler', with a horizontal line extending to the right.

Kasey Cykler
Section Manager
Water Resources Program

Enclosures: *Your Right to be Heard*