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STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

15 West Yakima Avenue, Suite 200 • Yakima, Washington 98902-3452 • (509) 575-2490

April 29, 2002

CERTIFIED MAIL

Mr. Vaughn Jolley
Methow Valley Irrigation District
PO Box 860
Twisp WA 98856

Dear Mr. Jolley:

RE: Order No. DE 02WRCCR-3950

On December 27, 2001, the Department of Ecology (Department) issued Notice of Violation No. DE 01WQCR-3425 to Methow Valley Irrigation District (MVID). On March 4, 2002, the Department received MVID's response to the Notice of Violation. I have considered the response provided by MVID in the formulation of Order No. DE 02WRCCR-3950, which you will find enclosed.

All correspondence relating to this document should be directed to Robert Barwin at Department of Ecology, Central Region Office, 15 West Yakima Avenue, Suite 200, Yakima, Washington 98902. If you have any questions concerning the content of the document, please call me at (509) 574-3989.

Sincerely,

Robert F. Barwin, Section Manager
Water Resources Program

GTT:RFB:gg
020439

Enclosure: Order No. DE 02WRCCR-3950

cc: Leann Ryser, Department of Ecology, HQ
Joye Redfield, Department of Ecology, CRO



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

IN THE MATTER OF AN)
ADMINISTRATIVE ORDER AGAINST)
METHOW VALLEY IRRIGATION DISTRICT)

ORDER NO.
DE 02WRCR-3950

To: Methow Valley Irrigation District
PO Box 860
Twisp WA 98856

For the sites located at: Methow Valley Irrigation District (MVID) points of diversion on the Methow River at River Mile (RM) 44.8 and on the Twisp River at RM 4.3.

This is an Administrative Order requiring MVID to comply with RCW 90.03 and 90.48 by taking certain actions that are described below. RCW 90.03 and 90.48 authorize the Department of Ecology (Department) to issue Administrative Orders requiring compliance whenever it determines that a person has violated any provision of RCW 90.03 or 90.48.

The Department's determination that a violation has occurred is based on the following facts:

- (1) MVID's management and use of water has resulted in a combined historic diversion of more than 90 cfs and 24,500 acre-feet from the Twisp and Methow rivers;
- (2) Maintenance and replacement of water delivery infrastructure by the district was not effectively accomplished over a long period of time, allowing the water distribution system to fall into disrepair and become very inefficient;
- (3) Management of the distribution of water among water users within the district was not effectively accomplished;
- (4) The Twisp River and Methow River are listed on the 303(d) impaired waterbodies list for inadequate instream flow;
- (5) The Conservation Commission's limiting factors analysis report identifies the lower 15 miles of the Twisp River as one of the highest priorities in the Methow basin for effecting recovery of listed salmonid species; and
- (6) MVID's wasteful diversion and use of water during low water years, when the minimum or base flows adopted in WAC 173-548 are not achieved, negatively affects aquatic resources of significant importance to the State of Washington.

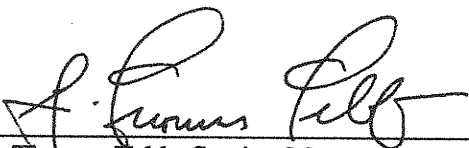
For these reasons, and in accordance with RCW 90.03 and 90.48, it is ordered that the Methow Valley Irrigation District take the following actions:

- (1) Limit the instantaneous and annual diversion of water from the Twisp River at River Mile (RM) 4.3 under Water Right Claim No. 003935 to not more than a maximum rate of 29 cfs and 7367 acre-feet of water annually.
- (2) Limit the instantaneous and annual diversion of water from the Methow River at River Mile (RM) 44.8 under Surface Water Certificate No. 945 and Water Right Claim No's. 129740 and 129741 (filed by the Barkley Irrigation Company) to not more than a maximum rate of 24 cfs and 5829 acre-feet annually.

Failure to comply with this Order may result in the issuance of civil penalties or other actions, whether administrative or judicial, to enforce the terms of this Order.

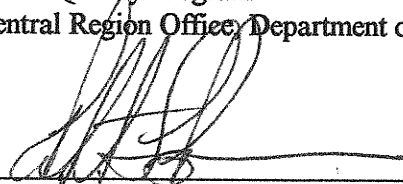
This Order may be appealed pursuant to RCW Chapter 43.21B. The person to whom this Order is issued, if he or she wishes to file an appeal, must file the appeal with the Pollution Control Hearings Board within thirty (30) days of receipt of this Order. Send the appeal to: Pollution Control Hearings Board, 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, who wish to file an appeal, must file the appeal with the Pollution Control Hearings Board within thirty (30) days of the date the Order was mailed. The appeal must be filed, with both the Pollution Control Hearings Board and the Department of Ecology, in the same manner as described above.

DATED this 29th day of April 2002, at Yakima, Washington.



G. Thomas Tebb, Section Manager
Water Quality Program
Central Region Office, Department of Ecology

4-29-02
Date



Robert F. Barwin, Section Manager
Water Resources Program
Central Region Office, Department of Ecology

4/29/2002
Date