



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

July 7, 2008
CERTIFIED MAIL
[7007 2560 0001 7674 5609]

Okanogan County Dept. of Public Works
1234A 2nd Ave S
Okanogan WA 98840-9723

RE: Water Right Change Application No. CS4-28099(A)C (OKAN-07-06)

In accordance with RCW 90.80.080 the Department of Ecology (Ecology) has reviewed the Record of Decision (ROD), Report of Examination (ROE), and all comments, protests, objections and other relevant information submitted by the Okanogan County Water Conservancy Board for the above referenced application for change.

Ecology has **modified** the decision of the Board and the proposed change/transfer of water right is **approved** under the following conditions:

See page 2 for Summary of Ecology's Final Order.



FILE COPY



Summary of Ecology's Final Order

MAXIMUM CUB FT/ SECOND		MAXIMUM GAL/MINUTE		MAXIMUM ACRE-FT/YR		TYPE OF USE, PERIOD OF USE	
.31				12.07		Municipal use for Okanogan County road maintenance and construction including dust abatement, soil compaction, and occasional roadway landscape irrigation from March 1 to October 31.	
SOURCE						TRIBUTARY OF (IF SURFACE WATER)	
Similkameen River, Okanogan River, Columbia River						Okanogan River, Columbia River	
¼	¼	SECTION	TOWNSHIP N.	RANGE	WRIA	COUNTY	
1) SW	NW	13	40	25 E.W.M.	49	Okanogan	
2) NW	SE	25	35	26	49	Okanogan	
3) NW	SE	34	31	25	49	Okanogan	
4) SW	NE	36	30	23	49	Okanogan	
AT A POINT LOCATED:							
1) Parcel No. 0990010700 – Similkameen River: on the Loomis-Oroville Road at the east end of the bridge and approximately 1000 feet downstream from the original point of diversion.							
2) Parcel No. 3526250007 – Okanogan River: at the Riverside Boat Launch in Riverside, Washington.							
3) County Right of Way – Okanogan River: on the Monse River Road at the west end of the Monse Bridge.							
4) Parcel No. 2180010000 – Columbia River: at the east end of the Lakeshore Drive in Pateros, Washington.							
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED AS APPROVED BY THE BOARD							
Water will be used throughout Okanogan County Public Works roadway system. Water will be used during road construction and roadway maintenance activities including dust abatement, soil compaction, and subgrade compaction, and roadway landscape irrigation.							
PARCEL NO	¼	¼	SECTION	TOWNSHIP N.	RANGE		

Ecology has **MODIFIED** the decision of the Board as follows:

- 1) The project completion date within the Development Schedule is changed to December 31, 2013.
- 2) The date for the full use of water within the Development schedule is changed to December 31, 2013.
- 3) Within the Provisions section of the Boards ROE, the Provision language that is located under the heading "For Diversions 1, 2 and 3:" is replaced with the following language and table:

This authorization is subject to the provisions of Chapter 173-549 WAC as adopted in Olympia, Washington, August 14, 1976, and revised effective July 19, 1984, and the general rules of the Department of Ecology as specified under Chapter 173-500 WAC.

Instream flows as established at United States Geological Survey monitoring station 12.4425.00 presented in the table below shall be maintained by regulation of diversions as set forth in said WAC 173-549.

Instream flow hydrographs, as represented in WAC 173-549-900, shall be used for definition of instream flows on those days not specifically identified in WAC 173-549-020(2).

Primary Control Station: Similkameen Nighthawk
 River Mile: 15.8

Minimum Instream Flows in the Okanogan/Similkameen Rivers
 (instantaneous rate in cubic feet per second)

	Lower Okanogan (Malott)	Middle Okanogan (Tonasket)	Upper Okanogan (Oroville)	Similkameen (Nighthawk)
STATION:	12.4472.00 Section 9 T. 32 N. R. 25 E.	12.4450.00 Section 8 T. 36 N. R. 27 E.	12.4395.00 Section 27 T. 40 N. R. 27 E.	12.4425.00 Section 7 T. 40 N. R. 26 E.
RIVER MILE:	(17.0)	(50.8)	(77.3)	(15.8)
Mar 1	880	800	320	425
Mar 15	900	800	320	450
Apr 1	925	910	330	510
Apr 15	1100	1070	340	640
May 1	1750	1200	350	1100
May 15	3800	3800	500	3400
Jun 1	3800	3800	500	3400
Jun 15	3800	3800	500	3400
Jul 1	2100	2150	420	1900
Jul 15	1200	1200	350	1070
Aug 1	800	840	320	690
Aug 15	600	600	300	440
Sep 1	620	600	300	400
Sep 15	700	600	300	400
Oct 1	750	730	330	450
Oct 15	960	900	370	500
Nov 1	950	900	370	500

No diversion of water under this authorization shall take place when the stream flow at this station is below the above flows.

Water available under this authorization will not provide a firm supply throughout authorized season of use.

4) Within the Provisions section of the Boards ROE, the Provision language and associated table that are located under the heading "For Diversion 4:" are stricken, and replaced with the following language and table:

This authorization is subject to the following minimum flow provisions as specified in WAC 173-563-040 and WAC 173-563-050 and the following table. It is subject to regulation by the Department of Ecology for protection of instream resources whenever the March 1 forecast of April-September runoff at The Dalles is 60 MAF or less, and when gaged flows are predicted by the BPA 30-Day Power Operation Plan to violate the following minimum flow provisions at:

Primary Control Station(s): Priest Rapids Dam
 River Mile(s): 397.1- 745.0

Minimum Average Weekly Flows
 Columbia River Projects
 (1,000 cubic feet/second)

PRIMARY CONTROL STATION:	Chief Joseph*	Wells/Rocky Reach*	Rock Island & Wanapum *	Priest Rapids	McNary	John Day	The Dalles
RIVER MILE:	(545.1)	(515.6) (473.7)	(453.4) (415.8)	(397.1)	(292.0)	(215.6)	(191.5)
Mar	30	30	30	70	60	60	60
Apr 1-15	50	50	60	70	100	100	120
Apr 16-25	60	60	60	70	150	150	160
Apr 26-30	90	100	110	110	200	200	200
May	100	115	130	130	220	220	220
Jun 1-15	80	110	110	110	200	200	200
Jun 16-30	60	80	80	80	120	120	120
Jul 1-15	60	80	80	80	120	120	120
Jul 16-31	90	100	110	110	140	140	140
Aug	85	90	95	95	120	120	120
Sep	40	40	40	40	60	85	90
Oct 1-15	30	35	40	40	60	85	90
Oct 16-31	30	35	40	70	60	85	90

* For the reach from Grand Coulee through Wanapum, minimum average weekly flows shall be as shown above, or as necessary to maintain minimum flows (subject to low runoff and adjustment) at Priest Rapids, whichever is higher. As provided in WAC 173-563-050(1), the minimum average weekly flows set forth in this subsection are subject to a reduction of up to 25 percent during low flow years, except that in no case shall the outflow from Priest Rapids Dam be less than 36,000 cfs.

Use of water under this authorization can be expected to be curtailed at least once in every 20 years.

Water available under this authorization will not provide a firm supply throughout the authorized season of use.

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:

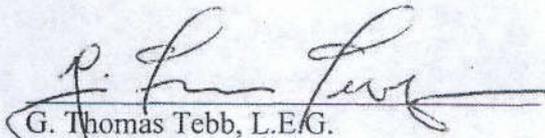
Department of Ecology
Appeals Coordinator
PO Box 47608
Olympia WA 98504-7608

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>*


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

GTT:JTK:gh
080715

cc: Janet Rajala, Department of Ecology, ERO
Okanogan County Water Conservancy Board