STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

REPORT OF EXAMINATION

TO APPROPRIATE PUBLIC WATERS OF THE STATE OF WASHINGTON

☒ Surface Water (Issued in accordance with the provisions of Chapter 117, Laws of Washington for 1917, and amendments thereto, and the rules and regulations of the Department of Ecology.)

☐ Ground Water (Issued in accordance with the provisions of Chapter 263, Laws of Washington for 1945, and amendments thereto, and the rules and regulations of the Department of Ecology.)

PRIORITY DATE	APPLICATION NUMBER	PERMIT NUMBER	WATER RIGHT CERTIFICATE NUMBER
November 16, 1987	S1-25129		

NAME
Public Utility District No. 1 of Skagit County

ADDRESS	(CITY)	(STATE)	(ZIP CODE)
P.O. Box 1436	Mount Vernon	Washington	98273

PUBLIC WATERS TO BE APPROPRIATED

SOURCE
Gilligan Creek and the Skagit River

TRIBUTARY OF (IF SURFACE WATERS)

MAXIMUM CUBIC FEET PER SECOND (CFS)	MAXIMUM GALLONS PER MINUTE	MAXIMUM ACRE FEET PER YEAR
13.15*		3700**

QUANTITY, TYPE OF USE, PERIOD OF USE

Municipal supply – Year round diversion conditioned to the following:
Diversion from Gilligan Creek is subject to the Cultus Mountain Instream Flows as established in chapter 173-503 WAC
Diversion from the Skagit River is subject to the Skagit River Instream Flows as established in chapter 173-503 WAC

*Maximum 55.39 cfs (35.80 mgd) diverted from the Cultus Mountain streams or from the Skagit River into Judy Reservoir

**Maximum Acre-Feet per Year diverted from Gilligan Creek and/or the Skagit River under Surface Water Certificate 411 and S1-00724, and S1-25129 shall not exceed 3700 acre feet per year.

LOCATION OF DIVERSION/WITHDRAWAL

APPROXIMATE LOCATION OF DIVERSION–WITHDRAWAL

Gilligan Creek diversion: NW 1/4 NE 1/4 of Section 2, Township 34N, Range 5E, W.M.
Skagit River diversion: SW 1/4 SW 1/4, Section 29, Township 35N, Range 5E, W.M.

LOCATED WITHIN (SMALLEST LEGAL SUBDIVISION)	SECTION	TOWNSHIP N.	RANGE, (E. OR W.) W.M.	W.R.I.A.	COUNTY
The Gilligan Creek diversion is located approximately 875 feet south and 420 feet east from the N 1/4 corner.	2	34	5E	3	Skagit
The Skagit River diversion is located approximately 1,100 feet north and 1000 feet east from the SW corner.	29	35	5E		

RECORDED PLATTED PROPERTY

LOT	BLOCK	OF (GIVE NAME OF PLAT OR ADDITION)

LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED

Areas served by the Public Utility District No. 1 of Skagit County and the City of Anacortes, as indicated in the Skagit County Coordinated Water System Plan Designated Water Service Areas, approved by the Washington State Department of Health.

DESCRIPTION OF PROPOSED WORKS

Gilligan Creek:
Water is diverted by way of a small dam, or diversion structure in Gilligan Creek through pipelines, to Judy Reservoir.

Skagit River:
Water is pumped from the Skagit River up to Judy Reservoir.

DEVELOPMENT SCHEDULE

BEGIN PROJECT BY THIS DATE:	COMPLETE PROJECT BY THIS DATE:	WATER PUT TO FULL USE BY THIS DATE:
Begun	Completed	December 23, 2046

INTRODUCTION

The Public Utility District No. 1 of Skagit County (PUD) currently diverts water from Salmon Creek, Gilligan Creek, Turner Creek, and Mundt Creek, also known as the Cultus Mountain streams to fill Judy Reservoir.

The applicant requests additional water to be diverted from Gilligan Creek or from the Skagit River when instream flows are being met at the points of diversion. If flows are not being met at either point of diversion, the water diversions shall cease.

Application for Permit to Appropriate Public Waters of the State of Washington

Applicant:	Public Utility District No 1. of Skagit County
Application Number:	S1-25129
Filing Date:	November 16, 1987
Instantaneous Quantity:	13.15 cubic feet per second
Annual Quantity:	Not identified
Sources:	Gilligan Creek and the Skagit River
Points of Diversion:	Gilligan Creek: NW¼ NE¼ of Section 2, Township 34 North, Range 5 East W.M. Skagit River: SW¼ SW¼ of Section 29, Township 35 North, Range 5 East W.M. Attachment 1 shows the locations of the points of diversion
Period of Use:	Year round
Purpose of Use:	Municipal water supply
Place of Use:	Areas served by the Public Utility District No. 1 of Skagit County and the City of Anacortes, as indicated in the Skagit County Coordinated Water System Plan Designated Water Service Areas, approved by the Washington State Department of Health
Legal Notice:	Published in the *Skagit Valley Herald* on November 22, 2000 and November 29, 2000
Protests:	None received during the statutory 30-day protest period

Skagit River Watershed

The Skagit River originates in the mountains of Manning Provincial Park in British Columbia, Canada. Gorge Dam, Diablo Dam, and Ross Dam impound the Skagit River on the United States side of the border. The river flows through an eagle nesting area and past the towns of Sedro-Woolley, Burlington and Mount Vernon before forming a delta and entering into Skagit Bay. The Skagit is the largest watershed in the Puget Sound Basin. Present management of the Skagit River salmon runs is under the jurisdiction of the State of Washington and the Skagit Tribes. The Skagit Tribes include the Swinomish, Upper Skagit, and Sauk/Suiattle.

Gilligan Creek

Gilligan Creek is within the Skagit watershed and originates on the eastern side of Cultus Mountain. The headwaters start at an elevation of about 3,500 feet and flows easterly before turning to the north. The water continues to flow northerly between Cultus and Haystack Mountains to the confluence of the Skagit River near RM 28.5 in the SW quarter of Section 26. The total drainage area is 6.31 square miles.

BACKGROUND

Public Utility District No. of Skagit County

Public Utility District No. 1 of Skagit County (PUD) is a municipal corporation of the State of Washington, established as a result of the general election of November 3, 1936, for the purpose of conserving the water and power resources of the State of Washington. The PUD is authorized to acquire, construct and operate water systems within and without the county boundaries and to furnish water service to the inhabitants of the district and other persons. Pursuant to such authority, the PUD acquired and now operates water utility properties serving the cities of Mount Vernon, Burlington, Sedro-Woolley, the communities of Cedargrove, Clear Lake, Conway, Dewey, Rockport and Similk Beach and the rural and suburban areas adjacent to those areas. The PUD presently serves more than 22,000 water services and requests for waterline extensions and additional services are being received regularly.

Of the 150 public water systems in Skagit County, the PUD's Judy Reservoir system ranks as the most important by virtue of the large number of customers served and its role as the Countywide Satellite System Management Agency. Only the City of Anacortes' system produces more water, wholesaling much of it to local industries and municipalities. The balance of the public water systems obtain supplies from individual sources and/or by purchasing from one of these two major systems.

In 1939, the PUD bought three water systems serving Burlington, Mount Vernon and Sedro-Woolley from the Peoples' Water And Gas Company, forming the basis for the PUD's present system. The sources for the original system were the southern Cultus Mountain streams and the Skagit River. The system included over 50 miles of water mains, four million gallons of storage and over 3,000 water services. The Cultus Mountain streams are the PUD's principle source of supply and the system has grown through other acquisitions, improvements and outside development to over 450 miles of pipeline and over 22 million gallons of storage. The PUD also owns and operates one water system on Fidalgo Island, one water system just east of Mount Vernon, and two water systems farther east along the Skagit River.

The population of Skagit County was 102,979 as of the 2000 U. S. Census. At that time, the PUD served approximately 58,017 people (56 percent of the County population) through 19,339 services. As of the 2010 U.S. Census, the population of Skagit County was 116,901. According to the PUD's 2007 Water System Plan, they reported that they were serving approximately 22,462 water services, and that requests for waterline extensions and additional services were being received regularly. Population projections show Skagit County could grow to a total of 120,624 by the year 2015, 125,216 by the year 2020 and 137,974 by the year 2030. PUD services are projected to number over 23,748 by the year 2015, 24,962 by the year 2020, and 27,580 by the year 2030.

History of Development of the PUD Water Systems

Although organized early in 1937, the PUD did not actually engage in the utility business until November 4, 1939, when it purchased by friendly condemnation, the water systems in the cities of Mount Vernon, Burlington and Sedro-Woolley from the Peoples Water and Gas

Company. The water systems totaled 3,134 water services, 51.5 miles of pipeline, 3,940,000 gallons of distribution storage, 1.75 million gallons per day in treatment facilities, and diversions on the Skagit River, local springs, and five creeks in the Cultus Mountains (East Fork Nookachamps, Rock Springs, Pigeon, Mundt and Turner Creeks). On March 7, 1940, the PUD purchased the Clear Lake Water Corporation comprised of 180 water services, 11.5 miles of pipeline, 500,000 gallons of distribution storage, and diversions on three Cultus Mountain streams (Gilligan, Salmon and Turner Creeks). On July 1, 1940, the PUD purchased 1.8 miles of water line from the Avon Mutual Water System. In 1940, the PUD commenced to integrate the entire system by laying a wood stave transmission line from Sedro-Woolley to Burlington and Mount Vernon, this line was completed that same year through support of the Works Progress Administration. The further development of the PUD's Judy Reservoir, Fidalgo Island and remote systems is chronicled as follows:

1947 Completed construction of impoundment dams in Janicki Basin, forming Judy Reservoir, capacity 450 million gallons, spillway at 435' AMSL.
1954 Completed construction of a new Ranney well next to the Skagit River in northwest Mount Vernon.
1956 Acquired/constructed the PUD's Fidalgo Island water system at Similk Beach through Local Utility District (LUD) No. 2.
1958 Completed new overhead Skagit River pipeline crossing south of Sedro-Woolley, replacing failed 1951 submarine crossing.
1958 Replaced Gilligan and Salmon Creek diversions/pipeline to increase supply to Judy Reservoir.
1960 Extended Judy Reservoir system to Bayview through LUD No. 4.
1961 Expanded Fidalgo Island system to the Gibralter and Dewey Beach areas through LUD No. 5.
1961 Installed concrete cylinder pipe transmission line connecting Judy Reservoir to Mount Vernon.
1962 Acquired the Conway Water Company and connected it to the Judy Reservoir System.
1963 Submitted application for water diversion from Salmon Creek to Judy Reservoir (S1-*18219).
1965 Raised Judy Reservoir from elevation 435' above mean sea level (AMSL) to 451' AMSL, increasing its impoundment capacity from 450 million gallons to 1,010 million gallons.
1967 Completed the transmission line loop with the installation of concrete cylinder pipe between Burlington and Mount Vernon.
1970 Replaced the wood stave transmission line between Judy Reservoir and the Sedro-Woolley river crossing with concrete cylinder pipe.
1977 Installed a concrete cylinder pipe transmission line parallel to the wood stave distribution line between Sedro-Woolley and Burlington.
1984 Transferred service from the wood stave line to the transmission line between Burlington and Sedro-Woolley.
1987 Submitted application for water diversion from Gilligan Creek to Judy Reservoir (S1-25129).
1990 Completed and put on line the PUD's multi-media direct filtration water treatment plant at Judy Reservoir to serve the Judy Reservoir system.
1991 Acquired the remote public water system at Rockport through LUD No. 11.
1991 Extended the Judy Reservoir system toward Big Lake along Gunderson Road through LUD No. 12.
1992 Acquired the remote public water system at Cedargrove on the Skagit through LUD No. 10.
1993 Extended the Judy Reservoir system around Big Lake through LUD No. 16 and to Lake 16 through LUD No. 17.
1997 Submitted application for water diversion from Mundt Creek to Judy Reservoir (S1-27861).
1997 Submitted application for water diversion from Turner Creek to Judy Reservoir (S1-27862).
1999 Began expansion of Judy Reservoir to elevation 465' AMSL, increasing impoundment capacity to 1,460 million gallons.
2006 Began construction of the Skagit River diversion pump station.
2010 Construction of the Skagit River diversion pump station was completed.

INVESTIGATION

In considering this application, my investigation included, but was not limited to, research and/or review of:

(1) File notes and documents
(2) Memorandum of Agreement, 1996
(3) The State Water Code
(4) PUD water right documents
(5) Other water rights in the vicinity
(6) Site investigation on April 2, 2008
(7) Topographic and local area maps
(8) State Environmental Policy Act (SEPA) compliance
(9) The PUD #1 Water System Plans for 1994, 2001, & 2007
(10) The 1983 PUD Environmental Checklist and Determination of Non-Significance for the Gilligan Creek Diversion
(11) The 2001 PUD Environmental Checklist and Determination of Non-Significance for the Skagit River Pump Station
(12) The 2000 "Skagit County Coordinated Water System Plan Regional Supplement" (EES),
(13) Hydraulic Analysis of the Cultus Mountain Water Supply System by Kennedy/Jenks Consultants, 1996

File Notes and Documents

The Washington Department of Fish & Wildlife notified the Department of Ecology that they were concerned with low flows and water quality issues in the Cultus Mountain streams and recommended that new water rights not be issued until instream flows had been established. Pending water right applications and new incoming applications were placed on hold. On April 14, 2001, Chapter 173-503 WAC – Instream Resources Protection Program – Lower and Upper Skagit Water Resources Inventory Area was adopted, and was amended on May 15, 2006.

Memorandum of Agreement

In 1996, representatives from the PUD, the City of Anacortes, Skagit County, the Upper Skagit Indian Tribe, the Swinomish Indian Tribal Community, the Sauk-Suiattle Indian Tribe, the Department of Ecology and the Department of Fish and Wildlife signed the *"Memorandum of Agreement (MOA) Regarding Utilization of Skagit River Basin Water Resources for Instream and Out Of Stream Purposes."* By signing the MOA (a fifty-year commitment) each party agreed to the following:

- To develop a comprehensive watershed management plan for the Skagit River Basin designed to meet both instream and out of stream objectives,
- To reach agreement prior to expanding service areas beyond those identified in the Coordinated Water System Plan, and
- To participate in establishing minimum instream flow levels for the Skagit River and the Cultus Mountain tributaries.

The Department of Ecology specifically agreed to the following:

- To process the PUD and City of Anacortes applications for change identified in the MOA. The changes may or may not be subject to the Skagit instream flows and/or the Cultus Mountain instream flows (as identified in the MOA),
- Ecology will promulgate an administrative rule (chapter 173-503 WAC) establishing minimum instream flows, and
- Ecology agreed to hold water right applications until the final adoption of the rule.

These items of agreement have all been accomplished. As agreed in the *MOA,* water right application S1-25129 will be subject to the flows established for Gilligan Creek and the flows established for the Skagit River.

State Water Code

Legal Authorization
Chapter 90.03 RCW authorizes the appropriation of public water for beneficial use and describes the process for obtaining water rights. Laws specifically governing the water right permitting process are RCW 90.03.250 through 90.03.340.

Chapter 173-503 WAC
The Instream Resources Protection Program (IRPP) for the Lower and Upper Skagit Water Resources Inventory Area was adopted April 14, 2001 and amended May 15, 2006. The purpose of this chapter is to retain perennial rivers, streams, and lakes in the lower and upper Skagit basins. These rules established minimum instream flows and future water rights shall be conditioned on the instream flows. It also states that existing water rights, including perfected riparian rights, federal Indian, and non-Indian reserved rights shall not be affected by the adoption of the instream flows.

Water Rights on Record for the PUD:

Water right records for the Cultus Mountain areas include seven water right claims, five surface water certificates (SWC), two ground water certificates (GWC), and two reservoir certificates. These rights are summarized as follows:

Document Number	Priority Date	Source of Appropriation	Instantaneous Rate "Qi" (cfs or gpm)	Annual Rate "Qa" (acre-feet per year)	Comments
Claim 009332	Prior to 1917	Salmon Creek	1.8 cfs	307	
Claim 009333	Prior to 1917	Turner Creek	4.3 cfs	2,300	
SWC 26	September 28, 1917	Mundt Creek	2.5 cfs	1,810	
Claim 009334	Prior to 1917	Rock Springs Creek	-	-	Currently not used
Claim 009335	Prior to 1917	Pigeon Creek	-	-	Currently not used
Claim 009336	Prior to 1917	Unnamed Creek	-	-	Currently not used
Claim 009337	Prior to 1917	Cold Springs Creek	-	-	Currently not used
Claim 009339	Prior to 1917	East Fork Nookachamps	-	-	Currently not used
SWC 411	October 10, 1929	Gilligan	1.5 cfs	1,086	
Reservoir Certificate 8738	January 16, 1946	Cultus Streams	Not Applicable	1,500	Judy Reservoir Storage
GWC 1904	March 26, 1953	Sedro-Woolley well	900 gpm (2 cfs)	1,440	
GWC 2107	May 12, 1954	Ranney well	4,000 gpm (8.91 cfs)	6,400	
Reservoir Certificate 673	April 24, 1963	Cultus Streams	Not Applicable	4,250	Judy Reservoir Storage
S1-00724C	October 30, 1963	Gilligan	7.39 cfs additive, up to a total of 8.89 cfs*	2,614 afy additive, up to a total of 3,700 afy**	*SWC 411 & S1-00724C cannot exceed 8.89 cfs **SWC 411 & S1-00724C cannot exceed 3,700 afy
S1-00737C	October 30, 1963	Mundt Creek	5.5 cfs additive, up to a total of 8.0 cfs*	2,076 afy additive, up to a total of 3,886 afy**	*SWC 26 & S1-00737 cannot exceed 8 cfs **SWC 26 & S1-00737 cannot exceed 3,886 afy
S1-00739C	October 30, 1963	Turner Creek	6.2 cfs additive, up to a total of 10.5 cfs*	722 afy additive, up to a total of 3,022 afy**	*Claim 009333 & S1-00739 cannot exceed 10.5 cfs **Claim 009333 & S1-00739 cannot exceed 3,022 afy

On November 14, 1997, the PUD filed applications for change on the following water rights: Claim 009332, Claim 009333, SWC 26, SWC 411, S1-00724C, S1-00737C, S1-00739C, GWC 1904, and GWC 2107 to add an alternate point of diversion from the Skagit River. The changes were approved for non-additive instantaneous and non-additive annual quantities.

In addition to the Cultus Mountain water rights, the PUD holds several other water rights and manages several satellite systems. Those water rights were not reviewed at this time.

Other Water Rights in the Area

Gilligan Creek – Other than the IRPP and water rights held by the PUD, there are a couple of surface water and ground water right claims in the area of the lower reach of Gilligan Creek. In reviewing the claims, none are directly from Gilligan Creek. These claims are within one mile of the confluence with Skagit River and appear to be in tributaries of Gilligan Creek or of the Skagit River.

The IRPP established minimum instream flows and future water rights shall be conditioned on these instream flows. The PUD has applied to divert water from Gilligan Creek when the instream flows are met. The total diversion from Gilligan creek under water right certificates 411, S1-00724, and this authorization (S1-25129) shall not exceed 3,700 acre feet per year.

Gilligan Creek - Instream Flows - RM 3.2 (Instantaneous rate in cubic feet per second)

Jan. 1- Mar. 15	Mar. 16-Mar. 31	Apr. 1-June 30	July 1-Sept. 30	Oct. 1-Oct. 31	Nov. 1-Dec. 31
19.8	27.7	31.7	39.6	23.8	27.7

The following table lists the synthesized monthly mean instantaneous flows for Gilligan Creek at the diversion structure.

Synthesized monthly mean instantaneous flow (cfs) for Gilligan Creek calculated for the watershed above the diversion using East Fork Nookachamps near Big Lake gage record, 1961-1972[1]											
Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept
29.81	44.20	45.50	50.20	45.78	37.75	47.06	62.26	34.50	14.48	8.26	17.13

When Gilligan Creek is not flowing above minimum flow levels set in chapter 173-503 WAC, the PUD will divert water from the Skagit River, if the Skagit River is flowing above the minimum flows.

Skagit River – In addition to the IRPP, there are numerous water rights in the Skagit River Basin downstream from the applicant's point of diversion.

The PUD has applied to divert water from the Skagit River when flows are being met. The Skagit River has a greater capacity to support this diversion quantity when Gilligan Creek fails to meet instream flows.

Instream Flows for the Skagit River USGS Sta. #12-2005-00 (Instantaneous rate in cubic feet per second)

Jan. 1- Mar. 31	Apr.1 – June 30	Jul. 1 – Sept. 30	Oct. 1-Nov. 15	Nov.16 – Dec. 15	Dec. 16 – Dec. 31
10,000	12,000	10,000	13,000	11,000	10,000

The following table lists the average flows for the Skagit River at USGS station 12-2005-00.

Average flows (cfs) for Skagit River calculated for USGS Sta. #12-2005-00, 1941 - 2005[2]					
Jan. 1- Mar. 31	Apr.1 – June 30	Jul. 1 – Sept. 30	Oct. 1-Nov. 15	Nov.16 – Dec. 15	Dec. 16 – Dec. 31
16,455	16,505	16,227	18,059	18,412	17,979

The Skagit River diversion is located on the south shoreline of the Skagit River, downstream of the PUD's existing pipeline. This new point of diversion is downstream of the reach of the Skagit River designated as Wild and Scenic. Water is pumped through a new pipeline to Judy Reservoir for storage and eventual transfer through the existing distribution system.

The new diversion structure and pumping plant has a capacity of 55.39 cfs; however, the 13.15 cfs as requested by this application, can only be diverted from the Skagit River if instream flows are being met. When the Skagit River is not flowing above minimum flow levels set in chapter 173-503 WAC, the PUD cannot divert the quantity of water identified under S1-25129.

The Public Utility District of Skagit County Water System Plan

Information on the extent of current usage, capacity and future trends were obtained from the Comprehensive Water System Plan (1996) and the Water System Plan Updates (2001 & 2007).

The District has been active in the development of certain elements of the County's Comprehensive Plan, especially in relation to water resources planning and protection. It is imperative that land use take water resources management into account, prohibiting activities in critical watershed and aquifer recharge areas that could cause degradation of surface and groundwater quality or limitation of fish and wildlife habitat. A cooperative process by the federal and state agencies, tribes, and local governments is crucial to the effective and efficient management of water resources in Skagit County.

The PUD has identified its largest water consumers to be commercial and agricultural customers with large demands for process water, stockwater and irrigation water. Many of the agricultural irrigation customers are already using drip irrigation systems to optimize water use; several of these irrigators have interruptible flow contracts with the PUD, requiring them to stop consumption if their high demands are adversely impacting domestic use in their area of the distribution system. The PUD requires new large irrigation customers to submit Blaney-Criddle Water Balance calculations to the PUD for review before the new irrigation service is approved and installed.

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[1] Final Scoping Report:Skagit County Water Supply IFIM Study, by Cascades Environmental Services Inc. June 27, 1995
[2] USGS National Water Information System: Web Interface, http://nwis.waterdata.usgs.gov/wa/nwis/

Projected growth is expected to be predominantly from new home construction. Single family residential consumption averaged 200 gallons per service per day in 1990. By 2000, the single family residential consumption was reduced to 182 gallons per service day. Due to current building code efficiency standards (requiring low flow plumbing fixtures), the PUD expects new homes to average approximately 150 gallons per service per day.

The PUD's water conservation goal is to "provide all PUD customers with the knowledge and incentive(s) to use water wisely and eliminate wasteful water use practices." The PUD has a public education program and a technical assistance program developed to promote conservation.

The PUD meters its stream diversions, its production from Judy Reservoir and its wells, and mainline flow within the system. All source meters and mainline meters are read on the first working day of each month. The PUD also has an aggressive water accountability program. By implementing an aggressive in-house leak detection program, the district was able to reduce the amount of unaccounted-for water. The District produced less water in 2000 than in 1990 while providing service to almost 4,000 additional customers.

Site Visit

A site visit was conducted on April 2, 2008. Scott Spahr and Greg Peterka from the PUD were present.

Topographic and Local Maps

The Haystack Mountain Quadrangle Washington, 7.5 minute series topographic map shows the point of diversion for Gilligan Creek is located approximately 700 feet above sea level. The Skagit River diversion is approximately 40 feet above sea level.

State Environmental Policy Act

State Environmental Policy Act (SEPA) requirements have been satisfied. An Environmental Checklist and a Final Determination of Non-Significance was filed for the Gilligan Creek diversion in July 1983. To address the additional point of diversion for the Skagit River Pump Station, an Environmental Checklist and a Determination of Non-Significance were filed on October 20, 1997.

FINDINGS

In accordance with state law, the following criteria must be addressed during the evaluation process for this water right request:

- Water must be available for appropriation
- The water use must be for a beneficial purpose
- The appropriation of water must not impair existing rights
- The appropriation of water must not be detrimental to the public welfare

Water Availability

There are no administrative closures on Gilligan Creek or the Skagit River, therefore water is legally available at the requested points of diversion. Water will be physically available when flows are in excess of the minimum instream flows.

Beneficial Use

According to RCW 90.54.020, municipal water use (for domestic, stock, industrial, commercial, irrigation, etc.) is considered a beneficial use of water.

No Impairment of Existing Rights

There will be no impairment of existing water rights as a result of approving this request. When flows are not being met in Gilligan Creek, the PUD may utilize the requested secondary diversion from the Skagit River, when instream flows are being met. When flows are not being met on the Skagit River, diversions under this water right shall cease. No other appropriative rights will be impaired.

Public Interest

No detriment to the public interest could be identified during the investigation of this application.

RECOMMENDATIONS

I recommend the application for additional diversions from Gilligan Creek and/or the Skagit River be approved, subject to the provisions listed below.

Memorandum of Agreement

This approval is conditioned upon the fulfillment of the terms of the Skagit Memorandum of Agreement (MOA), as agreed to by the signatory parties (the City of Anacortes, the PUD No. 1 of Skagit County, the Skagit System Cooperative, the Department of Fish and Wildlife, Skagit County Commissioners, and the Department of Ecology), signed December 23, 1996.

In accordance with the 1996 Memorandum of Agreement, and chapter 173-503 WAC INSTREAM RESOURCES PROTECTION PROGRAM AND WATERSHED MANAGEMENT PLAN - Lower and Upper Skagit Water Resources Inventory Areas (WRIA 3 and 4), diversion from Gilligan Creek and the Skagit River shall be subject to the following minimum instream flows, as measured at the Control Station specified in WAC 173-503-040:

No diversion of water from Gilligan Creek shall take place when the creek falls below minimum instream flow levels at river mile 3.2.

January 1 – March 15	19.8 cfs
March 16 – March 31	27.7 cfs
April 1 – June 30	31.7 cfs
July 1 – Sept. 30	39.6 cfs
Oct. 1 – Oct. 31	23.8 cfs
Nov. 1 – Dec. 31	27.7 cfs

No diversion of water from the Skagit River shall take place when the river falls below minimum instream flow levels at USGS station 12-2005-00.

January 1 – March 31	10,000 cfs
April 1 – June 30	12,000 cfs
July 1 – September 30	10,000 cfs
October 1 – November 15	13,000 cfs
November 16 – December 15	11,000 cfs
December 16 – December 31	10,000 cfs

Stream Gage

A stream gage shall be installed and maintained at river mile 3.2 on Gilligan Creek as specified in WAC 173-503-040. Stream flow measurements shall be recorded daily and this data shall be maintained and be made available to the Department of Ecology and interested local tribes upon request.

Metering

An approved measuring device shall be installed and maintained for each diversion of the sources identified by this water right in accordance with the rule "Requirements for Measuring and Reporting Water Use", Chapter 173-173 WAC.

Water use data shall be recorded daily with the source of water noted (Gilligan Creek or Skagit River). The maximum daily instantaneous rate of diversion and the monthly total volume shall be submitted to Ecology by January 31st of the following year. Ecology is requiring submittal of meter readings to collect information for water resource planning, management and compliance.

The following information shall be included with each submittal of water use data: owner, contact name if different, mailing address, daytime phone number, Permit/Certificate/Claim No., source name, volume including units, Department of Health WFI water system number and source number(s) (for public drinking water systems), and well tag number (for ground water withdrawals). In the future, Ecology may require additional parameters to be reported or more frequent reporting. Ecology prefers web based data entry, but does accept hard copies. Ecology will provide forms and electronic data entry information.

Chapter 173-173 WAC describes the requirements for data accuracy, device installation and operation, and information reporting. It also allows a water user to petition Ecology for modifications to some of the requirements. Installation, operation and maintenance requirements are enclosed as a document entitled "Water Measurement Device Installation and Operation Requirements".

Department of Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the records of water use that are kept to meet the above conditions, and to inspect at reasonable times any measuring device used to meet the above conditions.

Other

The intake shall be screened at all times in accordance with Department of Fish and Wildlife screening criteria. This water right is issued subject to Washington Department of Fish and Wildlife Hydraulic Project Approval.

If it can be shown that this approval has a detrimental effect on existing rights, it shall be the responsibility of the operator to mitigate for this impact and/or alter or cease diversion of water.

Nothing in this application for water right approval shall be construed as excusing the PUD from compliance with any applicable federal, state or local statutes, ordinances, or regulations. Specifically the Department of Health has regulations that may require permitting for the proposed activity.

The applicant is advised that a Certificate of Water Right will issue for only that quantity of water that has been diverted and applied to actual beneficial use. Such quantity applied to actual beneficial use under this authorization shall not exceed the quantity specified in this report of exam and will be calculated on the basis of the best information available to Ecology.

A Certificate of Water Right will not be issued until a final investigation is made.

CONCLUSIONS

In accordance with chapter 90.03 RCW, I have determined that water is available at the proposed points of diversion, the purpose of use is beneficial, there will be no impairment of existing rights, and there will be no detriment to the public interest.

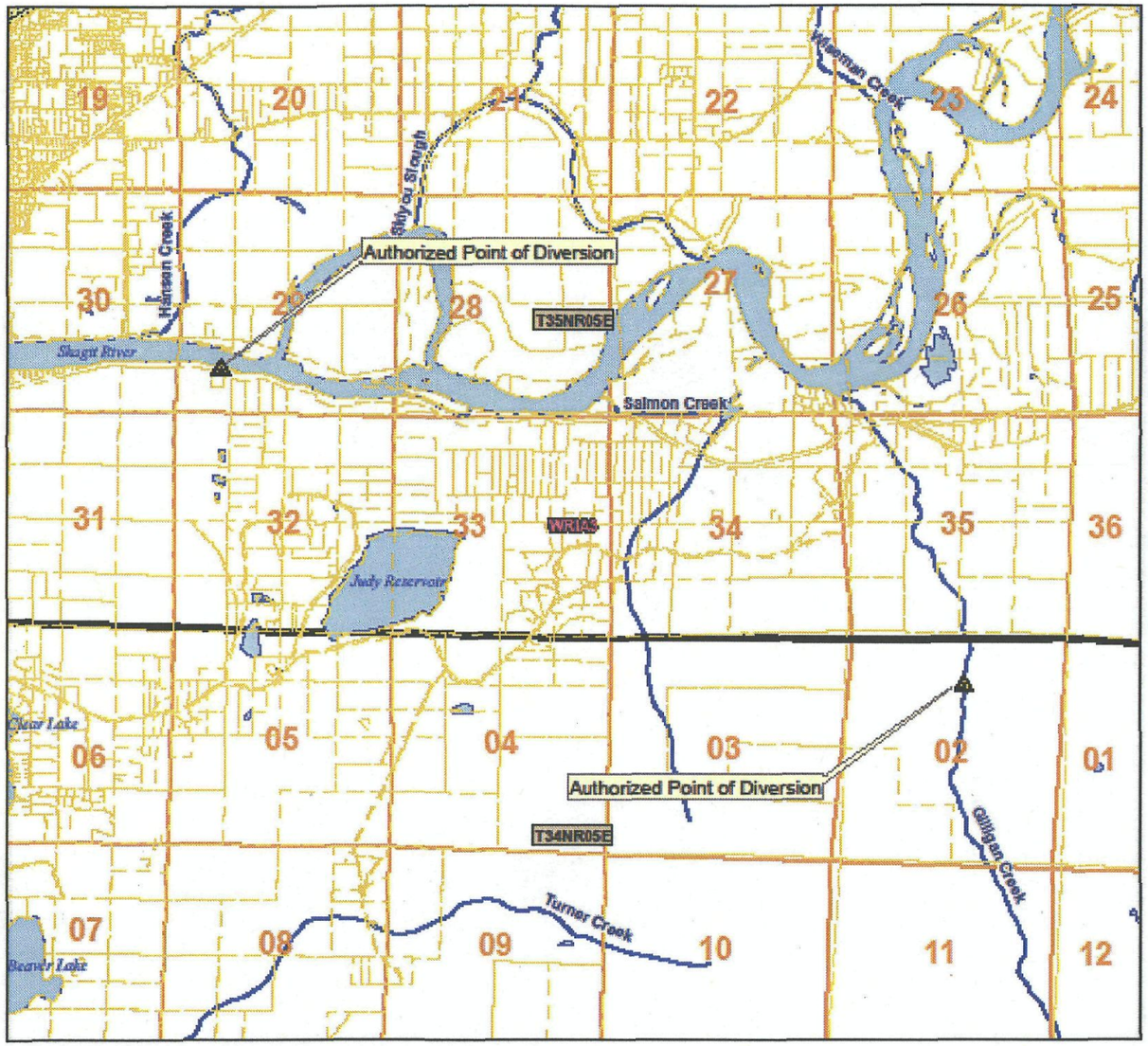
Based on these conclusions, this request for water should be approved subject to existing rights and the above-indicated provisions.

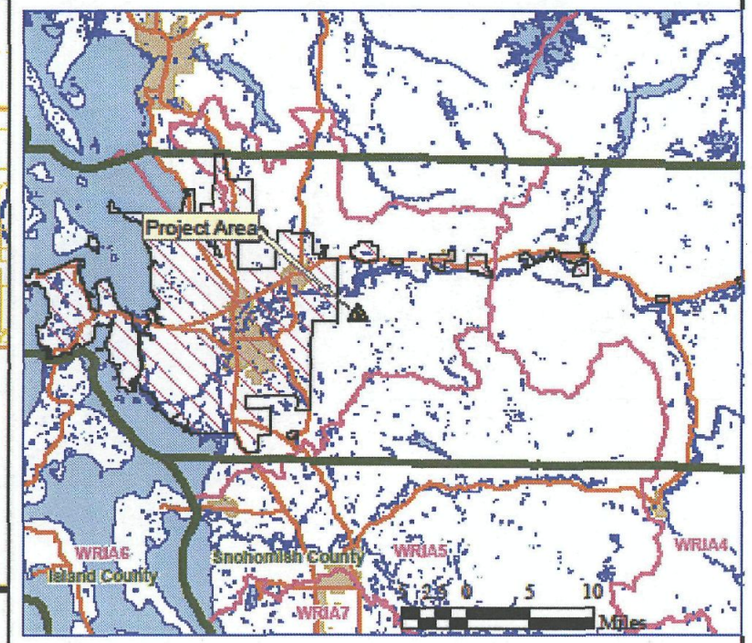
REPORT BY Buck Smith DATED 7/3/2013

Buck Smith, LG, LHG

Skagit County PUD 1
Water Right Number S1-25129
WRIA 3 - Skagit County

DEPARTMENT OF ECOLOGY
State of Washington

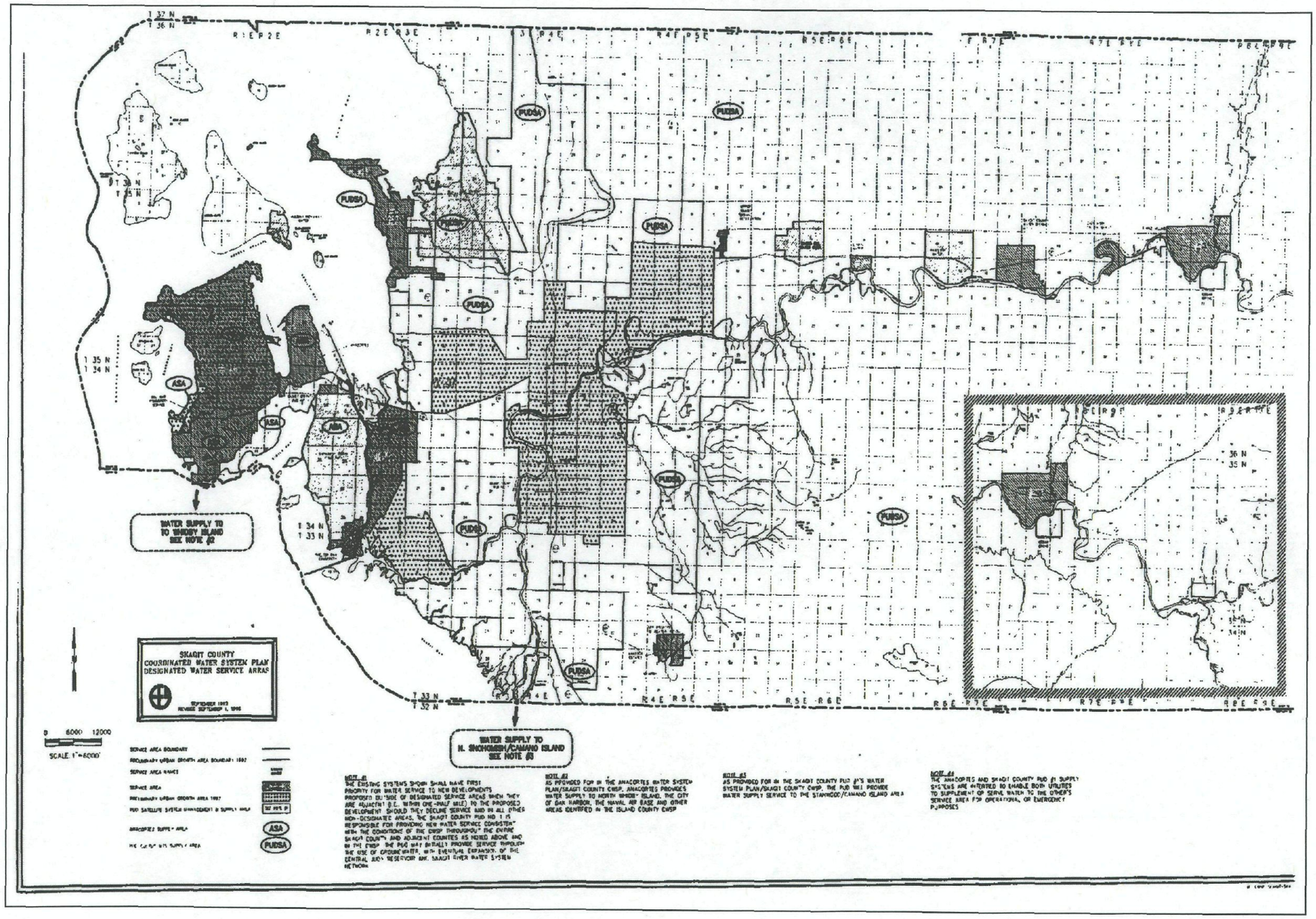




Legend

- County
- WRIA
- cities
- Highways
- Local Roads
- Townships
- Sections
- Authorized Point of Diversion
- Authorized Place of Use

Place of use and point(s) of diversion/withdrawal are as defined on the cover sheet under the headings, 'LOCATION OF DIVERSION/WITHDRAWAL' and 'LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED.'

Attachment 1

WATER SYSTEM DESIGNATED WATER SERVICE AREAS MAP