



State of Washington  
DRAFT  
REPORT OF EXAMINATION  
FOR WATER RIGHT APPLICATION

File No.: S4-35256  
WR Doc ID: 4645358

<b>PRIORITY DATE</b> 7/13/2013	<b>WATER RIGHT NUMBER</b> S4-35256
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<b>MAILING ADDRESS</b> CONFEDERATED TRIBES OF THE COLVILLE RESERVATION P.O. BOX 150 NESPELEM, WA 99155	<b>SITE ADDRESS (IF DIFFERENT)</b> 819 OMAK-RIVERSIDE EASTSIDE ROAD RIVERSIDE, WA 98841
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**Quantity Authorized for Withdrawal or Diversion**

<b>DIVERSION RATE</b> 22.6	<b>UNITS</b> cubic-feet per second (cfs)	<b>ANNUAL QUANTITY (AF/YR)</b> 6,498.5
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**Purpose**

PURPOSE	DIVERSION RATE		UNITS	ANNUAL QUANTITY (AF/YR)		PERIOD OF USE (mm/dd)
	ADDITIVE	NON-ADDITIVE		ADDITIVE	NON-ADDITIVE	
Fish propagation	15.3		cfs	6,480		10/01 - 04/30
Pump Maintenance	7.3		cfs	18.5		05/01 - 09/30

**Source Location**

<b>COUNTY</b> OKANOGAN	<b>WATERBODY</b> OKANOGAN RIVER	<b>TRIBUTARY TO</b> COLUMBIA RIVER	<b>WATER RESOURCE INVENTORY AREA</b> 49-OKANOGAN
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<b>SOURCE FACILITY/DEVICE</b> OKANOGAN RIVER	<b>PARCEL</b> 3527320003	<b>WELL TAG</b>	<b>TWP</b> 35 N.	<b>RNG</b> 27 E.W.M.	<b>SEC</b> 32	<b>QQ Q</b> NWNW	<b>LATITUDE</b> 48.49457	<b>LONGITUDE</b> -119.49165
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Datum: NAD83/WGS84

**Place of Use (See Attached Map)**

**PARCELS (NOT LISTED FOR SERVICE AREAS)**  
3527320003

**LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE**  
NE¼NW¼, Section 32, T. 35 N., R. 27 E.W.M., Okanogan County, Washington.

**Proposed Works**

The proposed use is to divert water from the Okanogan River for the purpose of fish rearing and acclimation at Riverside Acclimation pond.

## Development Schedule

BEGIN PROJECT	COMPLETE PROJECT	PUT WATER TO FULL USE
Begun	September 1, 2017	September 1, 2018

## Measurement of Water Use

How often must water use be measured?	Monthly
How often must water use data be reported to Ecology?	Annually (Jan 31)
What volume should be reported?	Total Annual Volume
What rate should be reported?	Annual Peak Rate of Withdrawal (cfs)

## Provisions

### Measurements, Monitoring, Metering, and Reporting

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

Recorded water use data shall be submitted via the Internet. To set up an Internet reporting account, contact the Central Regional Office. If you do not have Internet access, you can still submit hard copies by contacting the Central Regional Office for forms to submit your water use data.

WAC 173-173 describes the requirements for data accuracy, device installation and operation, and information reporting. It also allows a water user to petition the Department of Ecology (Ecology) for modifications to some of the requirements.

### Instream Flow Limitations

This authorization is subject to the following minimum flows taken from chapter 173-549 WAC adopted in Olympia, Washington, August 14, 1976, and revised effective July 19, 1984.

The filling of the pond once per year is considered a consumptive use and is subject to the adopted instream flows.

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

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: 12447200

River Mile: 17.0

Minimum Instream Flows in the Okanogan/Similkameen Rivers  
(instantaneous rate measured in cfs)

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	Lower Okanogan (Malott)	Middle Okanogan (Tonasket)	Upper Okanogan (Oroville)	Similkameen (Nighthawk)
STATION:	<b>124472.00</b> Section 9 T. 32 N. R. 25 E.W.M.	124450.00 Section 8 T. 36 N. R. 27 E.W.M.	124395.00 Section 27 T. 40 N. R. 27 E.W.M.	124425.00 Section 7 T. 40 N. R. 26 E.W.M.
RIVER MILE:	<b>(17.0)</b>	(50.8)	(77.3)	(15.8)

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Jan 1	860	800	320	400
Jan 15	830	800	320	400
Feb 1	820	800	320	400
Feb 15	850	800	320	400
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
Nov 15	950	900	320	500
Dec 1	930	900	320	500
Dec 15	900	850	320	450

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

### **Department of Fish and Wildlife Requirement(s)**

The intake(s) shall be screened in accordance with the Department of Fish and Wildlife (WDFW) screening criteria (pursuant to RCW 77.57.010, RCW 77.57.070, and RCW 77.57.040). Contact WDFW, 600 Capitol Way North, Olympia, WA 98501-1091. Attention: Habitat Program, Phone: (360) 902-2534 if you have questions about screening criteria. Internet: <http://wdfw.wa.gov/about/contact/>. A permit from WDFW may be needed to raise fish in any state waters.

No dam or weir shall be constructed in connection with this diversion.

### **Easement and Right-of-Way**

The water source and/or water transmission facilities are not wholly located upon land owned by the applicant. Issuance of a water right authorization by this department does not convey a right of access to, or other right to use, land which the applicant does not legally possess. Obtaining such a right is a private matter between applicant and owner of that land.

### **Proof of Appropriation**

The water right holder shall file the notice of Proof of Appropriation of water (under which the Certificate of Water Right is issued) when the permanent distribution system has been constructed and the quantity of water required by the project has been put to full beneficial use. The certificate will reflect the extent of the project perfected within the limitations of the permit. Elements of a proof inspection may include, as appropriate, the source(s), system instantaneous capacity, beneficial use(s), annual quantity, place of use, and satisfaction of provisions.

### **Schedule and Inspections**

Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the project location, and to inspect at reasonable times, records of water use, wells, diversions, measuring devices, and associated distribution systems for compliance with water law.

### **Water Use Efficiency**

The water right holder is required to maintain efficient water delivery systems and use of up-to-date water conservation practices consistent with RCW 90.03.005.

## **Finding of Facts**

Upon reviewing the investigator's report, I find all facts, relevant and material to the subject application, have been thoroughly investigated. Furthermore, I concur with the investigator that water is available from the source in question; that there will be no impairment of existing rights; that the purpose(s) of use are beneficial; and that there will be no detriment to the public interest.

Therefore, I ORDER approval of Application No. S4-35256, subject to existing rights and the provisions specified above.

**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 on 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
<b>Department of Ecology</b> Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	<b>Department of Ecology</b> Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
<b>Pollution Control Hearings Board</b> 1111 Israel RD SW Ste 301 Tumwater, WA 98501	<b>Pollution Control Hearings Board</b> PO Box 40903 Olympia, WA 98504-0903

Signed at Yakima, Washington, this \_\_\_\_\_ day of \_\_\_\_\_ 2014.

\_\_\_\_\_  
Robert F. Barwin, P.E, Acting Section Manager  
Water Resources Program/Central Regional Office

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://www1.leg.wa.gov/CodeReviser>.

## INVESTIGATOR'S REPORT

Application for Water Right -- Confederated Tribes of the Colville Reservation

Water Right Control Number S4-35256

Praveena Allena, Department of Ecology

## BACKGROUND

On July 9, 2009, the Confederated Tribes of the Colville Reservation filed Application No. S4-35256 with the Washington State Department of Ecology (Ecology) to appropriate public surface waters. The applicant proposed to divert water from the Okanogan River at a rate of 15.3 cubic-feet per second (cfs) and an annual volume of 6,480 acre-feet per year (ac-ft/yr), October through April for fish propagation purposes.

### *Priority Processing*

This application is being priority processed since it meets the criteria under which an application may be processed prior to competing applications (WAC 173-152-050(2)(c)). This rule allows Ecology to prioritize the processing of new water right applications that are non-consumptive and include qualifying measures that substantially enhance or protect the quality of the environment.

**Table 1 Summary of Requested Water Right**

<b>Applicant Name:</b>	Confederated Tribes of the Colville Reservation
<b>Date of Application:</b>	7/13/2013
<b>Place of Use</b>	NENW, Section 32, T. 35 N., R. 27 E.W.M.

County	Waterbody	Tributary To	WRIA
Okanogan	Okanogan River	Columbia River	49-Okanogan

Purpose	Rate	Unit	Ac-ft/yr	Begin Season	End Season
Fish propagation	15.3	cfs	6,480.0	10/01	04/30

Source Name	Parcel	Twp	Rng	Sec	QQ Q	Latitude	Longitude
Okanogan River	3527320003	35 N.	27 E.W.M.	32	NW NW	48.49457	-119.49165

On July 31, 2013, the author of this report received an email confirmation from the applicant's representative Charles "Chuck" Brushwood to add pump maintenance use to the original application. This additional quantity prompted change in priority date from July 9, 2013 to July 13, 2013. The amended parameters are as follows:

Purpose	Rate	Unit	Ac-ft/yr	Begin Season	End Season
Fish propagation	15.3	cfs	6,480	10/01	04/30
Pump Maintenance	7.3	cfs	18.5	05/01	09/30

cfs = cubic-feet per second; Ac-ft/yr = Acre-feet per year; Sec. = Section; QQ Q = Quarter-quarter of a section; WRIA = Water Resource Inventory Area; E.W.M. = East of the Willamette Meridian; Datum: NAD83.

## Legal Requirements for Approval of Appropriation of Water

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Chapters 90.03 and 90.44 RCW authorize the appropriation of public water for beneficial use and describe the process for obtaining water rights. Laws that govern the water right permitting process are contained in RCW 90.03.250 through 90.03.340 and RCW 90.44.050.

In accordance with RCW 90.03.290, determinations must be based on the following four criteria in order for an application for a water right to be approved:

- Water must be available.
- There must be no impairment of existing rights.
- The water use must be beneficial.
- The water use must not be detrimental to the public interest.

### *Public Notice*

RCW 90.03.280 requires that notice of a water right application be published once a week, for two consecutive weeks, in a newspaper of general circulation in the county or counties where the water is to be stored, diverted and used. Notice of this application was published in the *Omak-Okanogan County Chronicle* on August 21 and 28 of 2013. No comments were received during a 30-day protest period that ended on September 27, 2013.

### *Consultation with the Department of Fish and Wildlife*

Ecology must notify the Washington Department of Fish and Wildlife (WDFW) of applications to divert, withdraw or store water (RCW 77.57.020). On August 22, 2013, Ecology submitted a summary of the proposed project to WDFW for their review. WDFW responded on August 28, 2013, indicating they do not have objections to the proposed beneficial use.

### *United States Bureau of Reclamation Priest Rapids Reservation*

Ecology also sought consultation with the United States Bureau of Reclamation (Reclamation). Reclamation has reserved all unappropriated waters of the Columbia River above Priest Rapids Dam – including all tributaries and groundwater that are in continuity. Reclamation granted a release of water for the subject application via an email dated November 12, 2013.

### *State Environmental Policy Act (SEPA)*

A water right application is subject to a SEPA threshold determination (i.e., an evaluation whether there are likely to be significant adverse environmental impacts) if any one of the following conditions are met.

- It is a surface water right application for more than 1 cfs. If the project is for agricultural irrigation, the threshold is increased to 50 cfs, so long as the project will not receive public subsidies;
- It is a groundwater right application for more than 2,250 gallons per minute (gpm);
- It is an application combined with other water right applications for the same project and exceeds the amounts above;
- It is a part of a larger proposal that is subject to SEPA for other reasons (e.g., the need to obtain other permits that are not exempt from SEPA);
- It is part of a series of exempt actions that, considered together, trigger the need to do a threshold determination, as defined under WAC 197-11-305.

This proposed project (Riverside acclimation facility) is one of the components of Chief Joseph Hatchery Program (CJHP). Bonneville Power Administration (BPA) is to fund the construction, operation, and maintenance of CJHP and associated facilities in Okanogan County. BPA is the NEPA (National Environmental Policy Act) lead agency and issued a Final Environmental Impact Statement (FEIS) in November 2009, and Record of Decision (ROD) with mitigation plan on March 18, 2010.

Okanogan County is the lead agency for SEPA on this proposed project and reviewed BPA's FEIS document. After the review, Okanogan County issued a Determination of Significance (DS) / Adoption Notice (BPA's FEIS/ROD document) on June 17, 2010.

## **INVESTIGATION**

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### *Site Visit*

Praveena Allena and Thomas Perkow from Ecology conducted a site visit on August 24, 2013. Mr. Chuck Brushwood, representative of the applicant, was also present at the time of the site visit. The site visit included inspection of the proposed point of diversion (POD), place of use (POU), and an interview with the applicant representative.

Construction of the fish-rearing pond and pump station has been completed. Pipes are connected to the pond from both inlet and outlet structures and flow meter is installed to measure water use (Figure 1). The facility is set to begin operations in October 2014. Ecology reviewed available documents relating to the application's site conditions, projected water usage and demand, and the potential effect on existing water right holders and instream flows. This includes the information obtained from Ecology records, aerial photos, maps, and support documentation including SEPA and a water quality report.

### *Site Description*

The proposed site is situated approximately 9.5 miles north of the city of Omak in the Okanogan Valley on the bank of the Okanogan River (Figure 2). The proposed facility is located on the left bank of the Okanogan River, in the northeast quarter of the northwest quarter in Section 32, T. 35 N., R. 27 E.W.M. The proposed POD is approximately located at river mile (RM) 39.8, in the northwest quarter of the northwest quarter in Section 32, T. 35 N., R.27 E.W.M.

Construction of the project facility relies on an agreement between the Colville Tribes and federal action agencies (BPA, Reclamation, and the US Army Corps of Engineers). Federal action agencies provide funding and implementation of several fish and wildlife projects (including Riverside Acclimation pond) to support the protection and recovery of salmon and steelhead listed under the Endangered Species Act. In addition, this agreement also resolves projects funded under Federal Columbia River Power Systems.

### *Non-Consumptive Use and instream flow*

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Ecology's Water Resources Program Policy 1020 describes use of water at a fish hatchery when the water is returned back to the same source at point of diversion, in the same quantity as diverted, and where water quality is not degraded as non-consumptive. When the use of water does not result in diminishment of the source, it is defined as non-consumptive use. Exception 2.B "water uses can be classified as nonconsumptive when the water is returned to the same pool from which it is diverted and the pool's water elevation is not changed by the initial start up and stopping of the diversion". Except for the annual filling of the acclimation pond, the operation meets the definition of a non-consumptive use.

The WRIA 49 Instream Resource Protection Program (IRPP) specifically addresses projects that would reduce flow in a portion of a stream's length creating a bypass reach. Under WAC 175-549-020(5), the use of water is expressly defined as consumptive with respect to the bypass reach and is subject to the instream flow values defined in WAC 175-549-020(2).

### Proposed Use and Basis of Water Demand

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The proposed application involves a non-consumptive use, requesting to withdraw 15.3 cfs and 6,480 ac-ft/yr from the Okanogan River for rearing and acclimation of Chinook salmon from October to April each year. In addition, the applicant is requesting 7.3 cfs and 18.5 ac-ft/yr for pump maintenance from May to September each year. This amount of water will allow each pump to be tested for several hours during the time of the year the acclimation facility is not in use. The proposed plan is to rear and acclimate up to 400,000 Chinook salmon every year.

Riverside Acclimation Pond facility is part of the CJHP. The facility consists of a five-foot deep fish-rearing pond, which holds 55,000 cubic-feet (cu-ft) (411,400 gallons or 1.26 acre-feet (ac-ft)) of water during operation. The river intake structure consists of two 66-inch diameter screened intakes, including a trash rack. The pump station is connected to five 12-inch diameter pipes from the intake structure containing three 60 horsepower (HP) submersible pumps capable of diverting up to eight cfs. When in operation, this system continuously supplies water to the pond with an exchange rate of one hour. Water is discharged to the Okanogan River by gravity at a low velocity on a flat concrete pad to prevent erosion of the river bed located 262 ft downstream from the intake diversion.

#### *Water Quality*

This project requires National Pollution Discharge Elimination System (NPDES) permit and Ecology's Water Quality Program issued the NPDES Permit No. WAG 137022 on May 29, 2013. Under this permit, the applicant is to require monitor different parameters (temperature, pH, and dissolved oxygen) and submit quarterly Discharge Monitoring Report (DMR) to Ecology.

The Okanogan River is designated by the state (chapter 173-201A WAC) as Class A and by the Colville Tribe as Class II; this means the waters generally exceed the requirements for all designated uses. The Okanogan River is on Ecology's Clean Water Act 303(d) list of impaired and threatened bodies requiring additional pollution controls for failure to meet standards for temperature (18°C), dissolved oxygen (8mg/l), and pH range (6.5 and 8.5). Water temperatures in the Okanogan River are not expected to be affected by operation of the acclimation pond. The water use would be in winter. This effect is not expected to increase the temperature of the river.

## Other Rights Appurtenant to the Place of Use

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Table 2 describes the water rights (certificate/claims/permits) in the vicinity located downstream of the proposed Riverside fish acclimation facility.

**Table 2 Other Water Rights in the Vicinity**

File Number	Applicant	Document	Type	Priority Date	Purpose	Qi/Units	Qa(Ac-ft/yr) / ac
GWC 07197	Carpenter, M R	Certificate	Ground	12/06/1968	Domestic/ Irrigation	420 gpm	2.0/170.0
SWC 01195	Carpenter, B F	Certificate	Surface	04/12/1920	Irrigation	0.95 cfs	47.40
G4-31139	Parkin, Robert	Permit	Ground	01/22/1992	Domestic/ Irrigation	250 gpm	1.0/68.40
G4-093412	Christopherson, Robert R	Claim	Ground	01/01/1913	General Domestic	10 gpm	2.0
S4-093411	Christopherson, Robert R	Claim	Surface	01/01/1913	Irrigation	0.32 cfs	64.0
G4-123463	Crofoot, Bain	Claim	Ground	04/01/1930	General Domestic	10 gpm	2.0
G4-30000	Chevalier, Roberta & Kevin	Permit	Ground	05/25/1989	Irrigation	410 gpm	122.50
G4-300151	Richardson, Glenn	Claim	Ground	12/01/1912	Stock Water	450 gpm	145.0
G4-066271	Hubbard, John	Claim	Ground	10/01/1971	Domestic G./ irrigation	50 gpm	24.0
GWC05856A	Mundinger, J C	Certificate	Ground	05/21/1965	Irrigation/ Stock Water	180 gpm	80.0/5.0

Qi = instantaneous withdrawal rate; Qa = annual withdrawal; Ac-ft/yr = acre-feet per year; ac =acre

### Beneficial Use

In accordance with RCW 90.54.020(1), the proposed use of water for fish and wildlife maintenance and enhancement represents a beneficial use of water.

Fish propagation is considered a beneficial use for the following reasons:

- Increase and improve the fishery in the Okanogan and Columbia Rivers.
- Helps growth in the economy. Provides recreational opportunities to the public.

### Impairment Considerations

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Impairment is an adverse impact on the physical availability of water for a beneficial use that is entitled to protection. A water right application may not be approved if it would:

- Interrupt or interfere with the availability of water to an adequately constructed groundwater withdrawal facility of an existing right. An adequately constructed groundwater withdrawal facility is one that (a) is constructed in compliance with well construction requirements and (b) fully penetrates the saturated zone of an aquifer or withdraws water from a reasonable and feasible pumping lift.

- Interrupt or interfere with the availability of water at the authorized POD of a surface water right. A surface water right conditioned with instream flows may be impaired if a proposed use or change would cause the flow of the stream to fall to or below the instream flow more frequently or for a longer duration than was previously the case.
- Interrupt or interfere with the flow of water allocated by rule, water rights, or court decree to instream flows.
- Degrade the water quality of the source to the point that the water is unsuitable for beneficial use by existing users (e.g., via seawater intrusion).

Water will be diverted directly from the Okanogan River, conveyed a short distance, circulated through an acclimation pond, and then returned back to the Okanogan River. The relative location of the point of diversion and point of return will create a 262-ft bypass reach.

The diverted water is pumped to a pond which holds approximately 55,000 cu-ft of water. Filling a pond at a rate of 15.3 cfs will take approximately one hour. When filling the pond each year at the beginning of the season, the project will use approximately 1.26 ac-ft of water to charge the system. During this time, the water is unavailable for any other use including instream uses. Therefore, it would be a consumptive use. Following release of the fish each spring, the facility will be drained and water returned to river. This project does not permanently remove water from the river and no other diversions exist within the bypass reach. Water would be withdrawn from the Okanogan River between October and April (outside the irrigation use season) for spring Chinook acclimation.

This surface water application seeks water to improve fish habitat and provides environmental benefits. This proposed project can be approved consistent with WAC 173-549-070(3) which states that; "Non-consumptive uses which are compatible with the intent of the chapter may be approved". According to RCW 90.54.020(1), beneficial use of water includes the use of water for fish. Since the proposed water use, aside from the initial fill, is non-consumptive, and since the initial fill will be subject to minimum instream flows, it will not impair. In addition, WDFW supports the project as proposed.

## Water Availability

For water to be available for appropriation, it must be both physically and legally available.

### *Physical Availability*

For water to be physically available for appropriation there must be ground or surface water present in quantities and quality and on a sufficiently frequent basis to provide a reasonably reliable source for the requested beneficial use or uses. In addition, the following factors are considered:

- Volume of water represented by senior water rights, including federal or tribal reserved rights or claims.
- Water right claims registered under chapter 90.14 RCW.
- Groundwater uses established in accordance with chapter 90.44 RCW, including those that are exempt from the requirement to obtain a permit.
- Potential riparian water rights, including non-diversionary stock water.
- Lack of data indicating water usage can also be a consideration in determining water availability, if the Department cannot ascertain the extent to which existing rights are consistently utilized and cannot affirmatively find that water is available for further appropriation.

### *Legal Availability*

In order to determine whether water is legally available for appropriation, the following factors are considered:

- Regional water management plans – which may specifically close certain water bodies to further appropriation.
- Existing rights – which may already appropriate physically available water.
- Fisheries and other instream uses (e.g., recreation and navigation). Instream needs, including instream and base flows set by regulation. Water is not available for out of stream uses where further reducing the flow level of surface water would be detrimental to existing fishery resources.
- The Department may deny an application for a new appropriation in drainage where adjudicated rights exceed the average low flow supply, even if the prior rights are not presently being exercised. Water would not become available for appropriation until existing rights are relinquished for non-use by state proceedings.

### *Hydrology*

The Okanogan River originates in British Columbia, Canada, and flows into the United States before discharging to the Columbia River. The Okanogan River flows 79 miles from the Canadian border to the Columbia River (Lake Pateros) near Brewster, WA. The proposed POD is located between the Tonasket gauge (RM 50.8) and Malott gauge (RM 17.0).

The physical availability of the water is based on natural flows in the river. The peak spring runoff measured at Tonasket (Gauging Station Number 1244500) averages 10,000 cfs. Low flows in late summer and winter flows typically average between 1000 and 1500 cfs. Minimum instream flows for the Okanogan River were set by Ecology in 1976. The monthly minimum instream flow set at Malott gauge station ranges from 600 to 3,800 cfs. The project would divert 15.3 cfs from Okanogan River during October through April and water will discharge back to the river located close to the diversion point.

### Public Interest Considerations

Analysis of whether this application meets the requirements of RCW 90.03.290, that the proposed use of water will not be detrimental to the public welfare. Ecology must consider how the proposal will affect an array of factors such as wildlife habitat, recreation, water quality, temperature, and human health.

If the subject application is approved, the public welfare may be affected in several ways:

- This project will likely increase recreation activities such as fishing and learning opportunities for public visiting hatchery site.
- The temperature of the river water is not expected to exceed the state standard limit during pond in operation. Quarterly DMR report will provide the information on exceedances of all the required parameters, if any.
- Economic activity is likely to result from hatchery operations.

### *Consideration of Protests and Comments*

No protests were filed against this application.

## Conclusions

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### In Conclusion:

- Water is physically and legally available to meet the project demand for non-consumptive use.
- RCW 90.54.020 recognizes fish and wildlife maintenance and enhancement as beneficial uses of water.
- Granting of this proposed appropriation is not contrary to the public welfare (or interest).
- Issuance of this permit is not expected to impair existing water rights.
- No detectable effect to groundwater quality is expected near the project site.
- No adverse effects are expected to wildlife, fish and aquatic life at or near project site.

## RECOMMENDATIONS

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Based on the above investigation and conclusions, I recommend that this request for a water right be approved in the amounts and within the limitations listed below.

### Purpose of Use and Authorized Quantities

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The amount of water recommended is a maximum limit and the water user may only use that amount of water within the specified limit that is reasonable and beneficial:

#### **Authorized Quantities, Season of Use, and Purpose of Use**

15.3 cfs and 6,480 ac-ft/yr

10/01 to 04/30

Fish propagation purposes

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7.3 cfs and 18.5 ac-ft/yr

5/01 to 09/30

Pump maintenance purposes

#### *Point of Diversion*

NW¼NW¼, Section 32, T. 35 N., R. 27 E.W.M.

#### *Place of Use*

NE¼NW¼, Section 32, T. 35 N., R. 27 E.W.M.

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*Report Writer*

*Date*

*If you need this document in a format for the visually impaired, call the Water Resources Program at (509) 575-2490. Persons with hearing loss can call 711 for Washington Relay Service. Persons with a speech disability can call (877)-833-6341.*

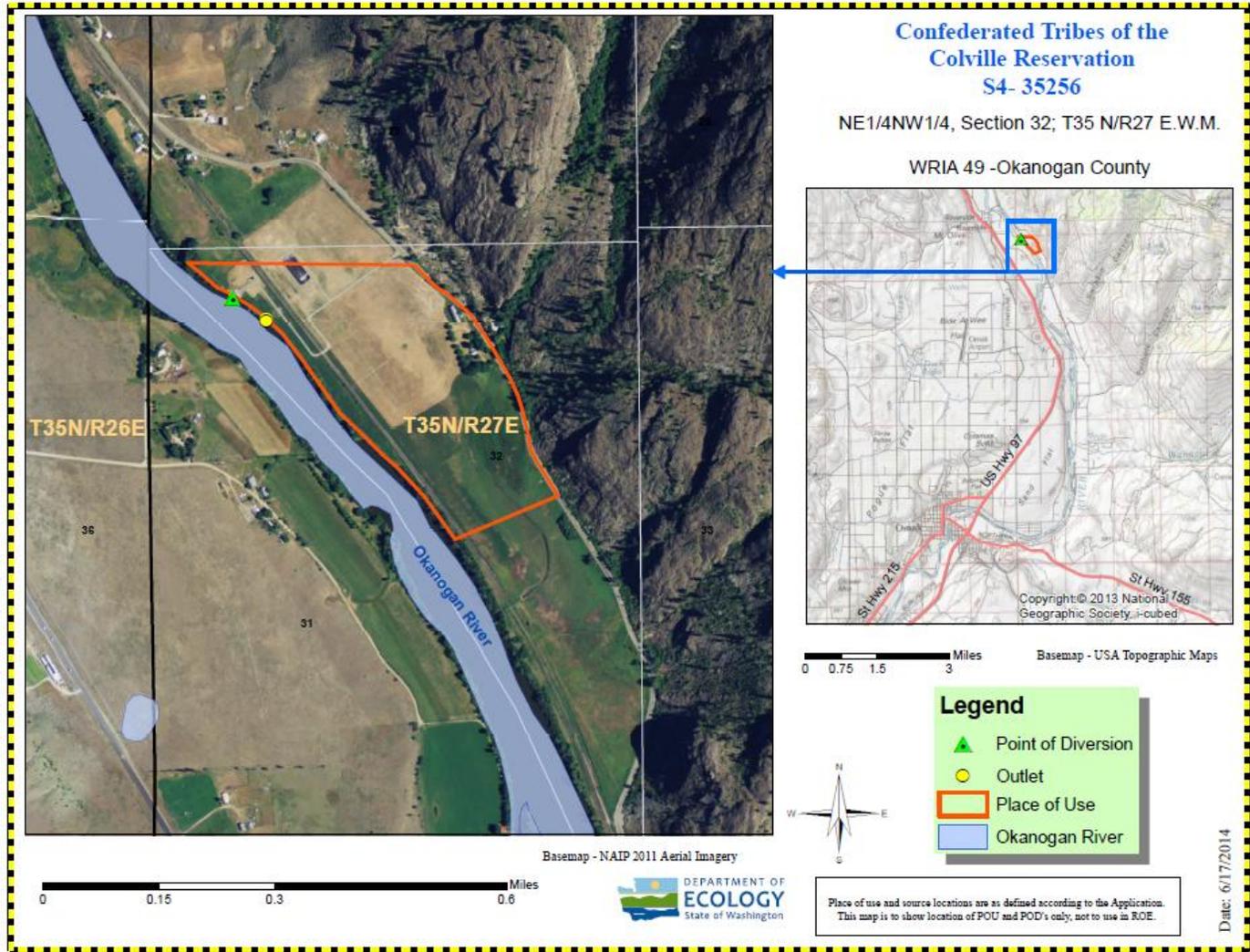


Figure 1: Riverside Fish Acclimation Facility

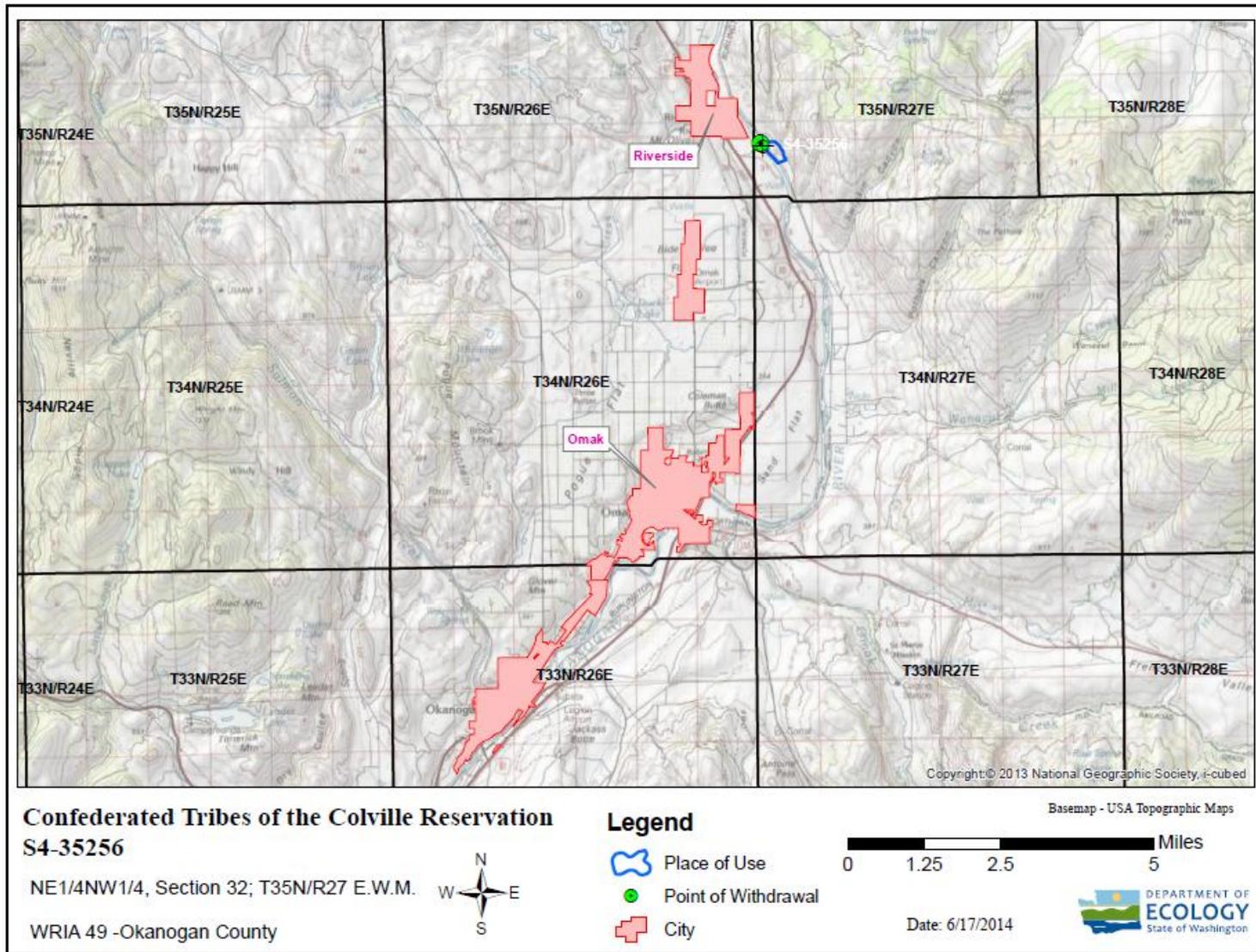


Figure 2: Project Location