



State of Washington
DEPARTMENT OF FISH AND WILDLIFE

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January 20, 2005

Mr. Geoff Tallent
Washington Department of Ecology
Northwest Regional Office
3190 – 160th Avenue SE
Bellevue, WA 98008-5452

Dear Mr. Tallent:

The Department of Fish and Wildlife and its predecessor agencies, Fisheries, Game, and Wildlife, have reviewed water right applications under RCW 77.55.050 (formerly RCW 75.20.050) since the late 1940s. Some of those applications were from Skagit River tributaries. In some cases Fish and Wildlife or its predecessor agencies recommended denial of the water rights and recommended closure to further appropriation. Ecology and its predecessor agencies kept track of closure recommendations in the Surface Water Source Limitation (SWSL) file.

As Fish and Wildlife biologists and others have studied the relationship among stream flow, fish habitat, and fish production, our understanding has increased. As a result of our increased understanding, we are more likely to recommend denial of a water right application now than we were years ago. Specifically, we have found a number of cases where fish production and/or fish habitat increase at higher flows, particularly in smaller streams. Consequently, we stand behind and reaffirm old recommendations for denial and/or closure by our agency or its predecessors. This recognition of the sensitivity of small streams has led the department to adopt policy 5204 (6) (attached), which states that diversion from small streams is to be avoided. A list of streams where we have requested closure according to SWSL, is attached.

Sincerely,

Hal A. Beecher
Instream Flow Biologist

Attachment: Closures according to SWSL
WDFW Policy 5204

Exh. 4

RA014135

Surface Water Source Name	Location Section-Township-Range	WDFW Recommended SWSL	SWSL Date 1	SWSL Date 2	Comment or Description
Carpenter Creek		Low Flow	04/11/1975		
Cool Creek		Low Flow	05/09/1956		
Jones Creek	09-36-06E	Low Flow	11/20/1950		5 cfs
Nookachamps Creek	04-34-04E	Denial	11/13/1944	04/15/1992	
Diosbud Creek	32-16-11E	Denial	09/28/1961		
Grandy Creek	15-35-07E	Low Flow	12/06/1949		6 cfs
Unnamed Stream tributary to Sauk River (#0563)	02-34-09E	Low Flow	0/29/54		1 cfs