



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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September 21, 2011

Mr. Gary Stoyka, LHG
Water Resources Section Manager
Skagit County Public Works Department
1800 Continental Place
Mount Vernon, WA 98273

Ms. Corinne Story
Environmental Public Health Manager
Skagit County Public Health
700 South Second
Suite #301
Mount Vernon, WA 98237

Re: Implementation of Skagit Instream Flow Rule Reservation Provisions: Possible Closure of the Nookachamps-Mainstem Sub-basin Management Unit

Dear Mr. Stoyka:

The purpose of this letter is to inform you that the Nookachamps-Mainstem Sub-basin groundwater reservation, established in the 2006 Skagit Instream Flow Rule amendments, appears to be almost fully allocated. The Department of Ecology (Ecology) is completing a review of recent data, and closure of the sub-basin may be necessary in the near future.

The Department of Ecology adopted the Skagit Instream Flow Rule (the Rule) on April 14, 2001, and it is codified at Chapter 173-503 WAC. Minimum instream flow levels for the Skagit River were established under the Rule for the purpose of preserving fish habitat and protecting instream resources. Under the Rule, water rights (including permit-exempt withdrawals) that are junior to the Skagit Instream Flow Rule¹ are required to curtail their use when stream flows in the Skagit River fall below established minimum levels.

In 2006, Ecology amended the Rule creating water reservations that are an exception to the Rule's closures and instream flow minimum limits. Specifically, water reservations or "budgets" were established for each Skagit River tributary and mainstem segment, designated by Ecology as sub-basin

¹ Those withdrawals established after April 14, 2001, the effective date of the Skagit Instream Flow Rule.



management units (hereinafter, "sub-basins"). Under the reservation system, new withdrawals using the water reservation are debited from the sub-basin water budget.

The Nookachamps-Mainstem sub-basin has an area of approximately 28 square miles and is located in the southwest part of the Skagit County, southeast of the City of Mount Vernon and east of Interstate-5 (map enclosed). The basin is located entirely in Skagit County. The reservation established for the Nookachamps-Mainstem sub-basin is 12,279 gallons per day, which is enough water for approximately 70 new homes (utilizing septic systems) using the initial residential use and septic return flow rates provided in the Rule, dating from April 14, 2001 adoption of the Rule.

Current information indicates that the reservation established for the Nookachamps-Mainstem sub-basin is quite close to full allocation. The Rule requires that fully allocated sub-basins must be closed to new unmitigated water uses.

Ecology strongly recommends that you use caution in making any decisions as to whether water is available under the Nookachamps-Mainstem sub-basin reservation for purposes of issuing a building permit or land subdivision until Ecology completes its updated estimate of the quantity of water remaining under the Nookachamps-Mainstem reservation. Following this recommendation will ensure that property owners do not proceed with costly plans or expenditures, only to find that they cannot access new water.

This letter does not represent an official closure notice. A formal closure notification, if warranted, will be issued following a final accounting of reservation water uses for 2011 or a subsequent reservation accounting period. Closure announcement will include written notification to the impacted county and a public notice published in local newspapers.

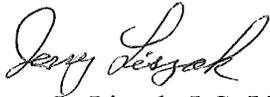
Going forward, Ecology will continue to work with the county to obtain information on debits from the reservation through the end of 2011 and will share a draft of the 2011 Skagit Reservation Accounting Report with the Skagit River Basin Water Resources Advisory Committee and Skagit River Flow Management Committee when it has been prepared. After determining the amount of the reservation remaining as of the end of 2011, Ecology will work with the county to obtain information on the number of additional debits from the reservation that have occurred in 2011 for the Nookachamps-Mainstem sub-basin. Ecology also plans on sharing this information with the Washington State Department of Health and the well drilling community to make them aware of the situation. Additionally, updated information can be accessed on Ecology's Skagit River Management Rule website:
<http://www.ecy.wa.gov/programs/wr/instream-flows/skagitbasin.html>.

If Ecology determines that the Nookachamps-Mainstem water reservation is fully allocated, Ecology will close the Nookachamps-Mainstem sub-basin to new un-mitigated appropriations, including permit exempt wells. Once closed, water may be available only under the provisions of WAC 173-503-060, 173-503-081, 173-503-100, and 173-503-110.

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We appreciate your cooperation in implementing the Skagit Instream Flow Rule. If you have any questions or need assistance, please contact Jerry Liszak at (425) 649-7013 or Jerry.Liszak@ecy.wa.gov.

Sincerely,

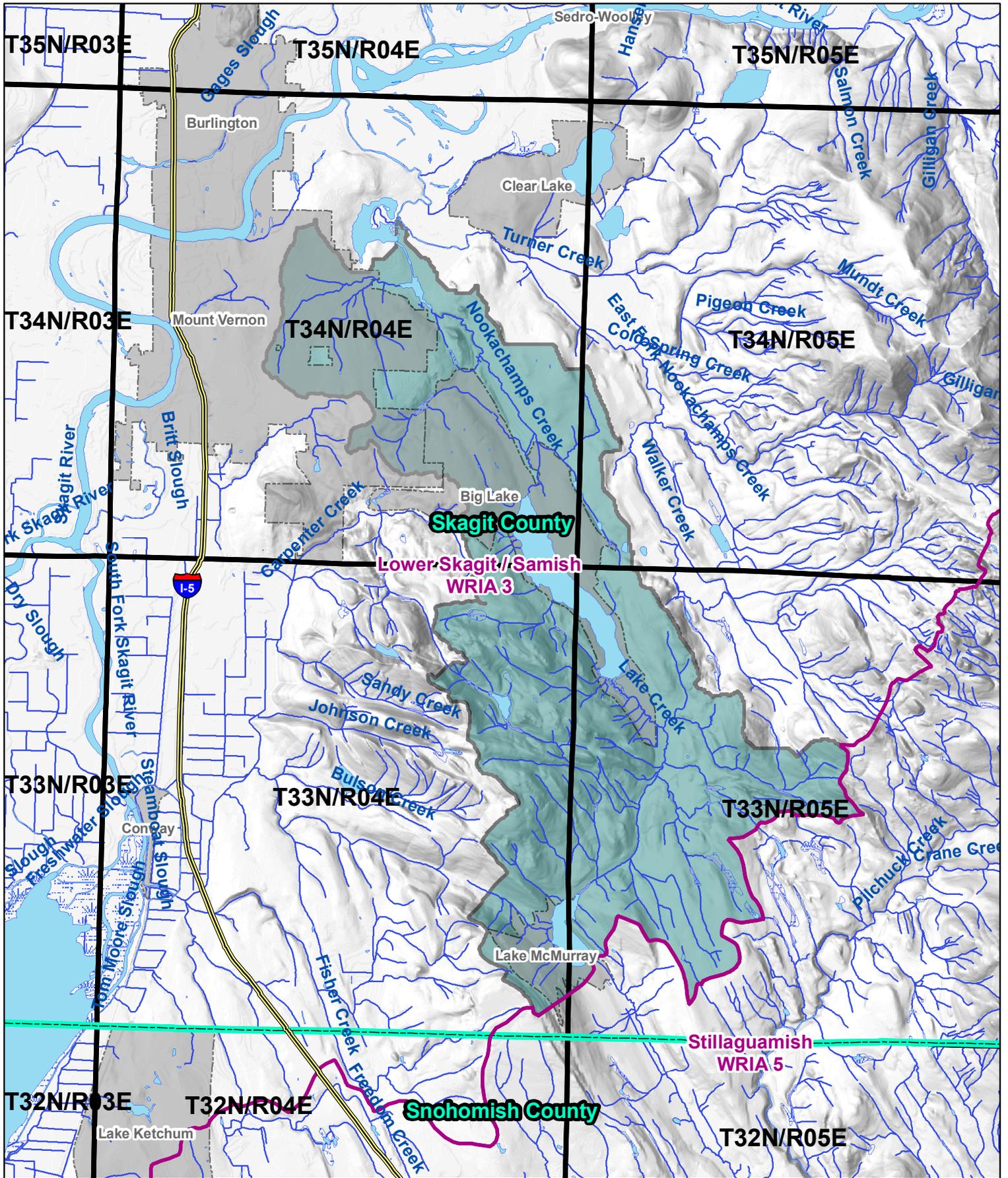


Jerry L. Liszak, LG, LHG
Acting Section Manager
Water Resources Program

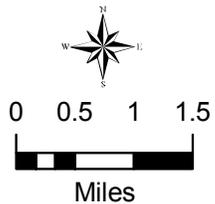
Enclosures: Map showing extent of Nookachamps-Mainstem sub-basin

jl/mc

cc: Maia Bellon, Program Manager, Water Resources, Department of Ecology
Tom Loranger, Deputy Program Manager, Water Resources, Department of Ecology
Jeannie Summerhays, Regional Director, Department of Ecology
Alan Reichman, Assistant Attorney General, Office of the Attorney General



9/20/2011



 Main Stem Nookachamps


 DEPARTMENT OF
ECOLOGY
 State of Washington
**Location of Main Stem
 Nookachamps sub basin**
 Skagit County, Washington