

**From:** [REDACTED]  
**Sent:** Tuesday, May 09, 2006 2:59 PM  
**To:** [REDACTED] (ATG); [REDACTED] (ECY)  
**Subject:** FW: North Bend meeting

Question 1 below relates to the voice-mail that I just sent on North Bend and the [REDACTED] request to allow for an interruptible water right as part of the North Bend solution. The reason that they are requesting this is because they can't come up with a firm mitigation package that meets their needs. We have different opinions in our office on the wisdom of allowing North Bend to have an interruptible water right as a part of their water right portfolio. You see [REDACTED]'s thoughts in the blue font below. Andy is leaning towards granting an interruptible right. I'm in the skeptical camp because I fear North Bend growing past a level that can managed on interruptible and conjunctive basis when we end up with extended periods of low flows. As we experience climate change the periods of summer and even winter low flow are likely to increase. I know that the [REDACTED] tribe would vehemently object to such approach. My since is that this question is coming up more often in the Program and we probably need to discuss it at a PMT meeting.

**From:** [REDACTED] (ECY)  
**Sent:** Friday, April 28, 2006 6:51 AM  
**To:** [REDACTED] (ECY); [REDACTED]  
**Subject:** RE: North Bend meeting

**From:** [REDACTED] (ECY)  
**Sent:** Thu 4/27/2006 5:19 PM  
**To:** [REDACTED] (ECY)  
**Subject:** North Bend meeting

From the North Bend technical meeting of 4/27/2006 the following questions came up:

1. Would Ecology have any problems with North Bend altering their Mount Si springs water right to only divert on days when instream flows are not met, or pumping more in the winter and less in the summer than they are currently? Do you mean when flows are not being met North Bend will turn off any new interruptible rights and rely only on the Mt. Si water right? Lynden provided us with a similar proposal a few years ago. They wanted to use their old (non-interruptible) rights only on days when flows were not being met and then use new (interruptible) rights on days when flows were being met. Jim and I said no to their proposal because in essence it would just be a paper shuffle to allow more water to be pulled from an already impaired river. If we were to agree with their proposal, population growth would cause Lynden to divert additional water each day. That means their non-interruptible rights would be exercised (pumps turned on) more often during low flow periods than they are currently exercised. This would exacerbate the low flow problem (at no pain to Lynden) and (I believe) create an enlargement of Lynden's old water rights on low flow days.

2. What % of confidence does Ecology need to see for the mitigation sources? This relates to Monte Carlo simulation. With this simulation you get things like 999 out of 1000 times the mitigation quantity and sources will be adequate. There is no way to get to 100 % using this statistical method. I can live with 999 out of 1000.

3. If North Bend hooks up folks who are currently getting water from North Bend to the sewer system from their own septic system, do they get additional WWTP return flow credit? Can/should this be accounted for or addressed in the ROE? If we have made the policy decision to give them credit for their return flows, then we should give them credit for all connections, including any new connections. Of course, we will have to make the same return flow offer to Lynden. Lynden claims they already return more to the Nooksack than they divert because of the Darigold cow water.

12/31/2007

ATTACHMENT 3