

STATE OF WASHINGTON

APPLICATION FOR ORDER OF APPROVAL
BY
INTERNATIONAL JOINT COMMISSION

We have the honor to inform you that the State of Washington is hereby applying to the International Joint Commission for an Order of Approval pursuant to Article IV of the Boundary Waters Treaty of January 11, 1909. The application is a request to the commission for construction of new control works for regulating the levels of Osoyoos Lake in the Province of British Columbia and the State of Washington.

The application complies with Rule 12(2) of the Rules of Procedure by containing the facts upon which the request is based and the nature of the order of approval desired.

On September 12, 1946, the International Joint Commission responded to the application of the State of Washington by issuing an order of approval for the alteration of Zosel Dam on the Okanogan River near Oroville, Washington. The order related the discharge capacity of the works to a given water level above the dam; however, it did not prescribe either a maximum or a minimum level for Osoyoos Lake. The dam which has received temporary repairs from time to time, including work done in 1974, 1976, and 1979, is ineffective in conserving water during drought periods because of apparent seepage losses and is totally ineffective during major floods when it is completely submerged.

A June 1978 report to the Osoyoos Lake Board of Control by the United States Army Corps of Engineers concluded: "The dam is overstressed at elevation 911 feet, and the above repairs should be made in order to operate the pool at elevation 911 feet. In no event should the pool be raised above elevation 911 feet unless extensive detailed studies have been completed and redesign or construction of the dam has been accomplished." The repairs referred to have been made by the State of Washington, but are considered to be an interim measure.

In May of 1979, the United States Corps of Engineers, Seattle District, completed a concept plan for a new control structure to replace Zosel Dam. The plan was requested by the International Osoyoos Lake Board of Control of the International Joint Commission during the hearings held on September 13 and 14, 1978.

Subsequent to the public hearings in 1978, the governments of British Columbia and Washington State have developed a Cooperation Plan, dated October 1980, regarding regulation of Osoyoos Lake levels. This plan also contains provisions regarding trans-border flows. The cooperation plan would become effective only after construction of a new control works for Osoyoos Lake.

Therefore, the State of Washington submits this application and respectfully requests that the International Joint Commission review and approve the plan for new control works as submitted by the United States Army

Corps of Engineers, with revisions as provided below. The proposed control works would have the capacity to pass 2500 cubic feet per second with Osoyoos Lake level not greater than elevation 913 feet. This elevation is equivalent to or lower than the 911 feet elevation at Zosel Millpond required in the 1946 Order of Approval. All elevations herein are referred to United States Coast and Geodetic Survey Datum. The new control works would facilitate the Washington State-British Columbia Cooperation Plan by providing efficient means to maintain the level of Osoyoos Lake at elevation 911.0 feet (± 0.3 feet) except in times of serious drought when the water may be impounded up to a maximum elevation of 913.0 feet. If required during the drought period, the lake level may be drawn down to 910.5 feet, thus providing a storage of 2.5 feet to be utilized for instream resource protection and supplemental irrigation and domestic water on both sides of the international border. This new control works would include features desirable for control of milfoil.

Some criteria for the new control structure as contained in the Concept Plan submitted by the Corps of Engineers have been revised by Washington State and British Columbia as follows:

1. The criterion requiring design of the lake control structure to permit drawing Osoyoos Lake down to elevation 906 feet has been changed to 909 feet.
2. The lake control structure will be equipped with gates that furnish minimum head loss and adequate capability for breaking and passing ice.
3. Channel improvement upstream and downstream of the new control structure, with the exception of the relocation of Tonasket Creek, is not included as part of this proposal for a new control structure.

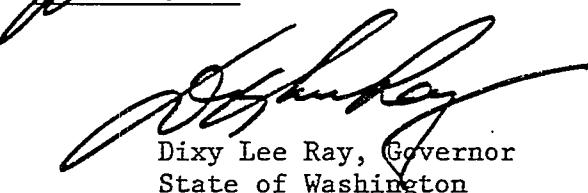
Further revisions to the Corps of Engineers Concept Plan may be proposed as details of design are developed.

By letter dated December 8, 1980 the Province of British Columbia has recorded its endorsement of this application and its contents.

The State of Washington and the Province of British Columbia are agreeable to providing expertise and professional services to assist the commission in its responsibilities associated with consideration of this application.

In recognition of the age and condition of Zosel Dam and the importance of maintaining adequate water levels in Osoyoos Lake, the commission is requested to respond to this application as soon as practicable.

Signed on the 24th day of December 1980.



Dixy Lee Ray, Governor
State of Washington