



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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FEB 05 2019

Dave Warner
Area General Manager, Aggregates
Cadman, Inc.
PO Box 97038
Redmond, WA 98073-9738

**RE: Your temporary trust water right donation of a portion of CG1-*00671C@2 –
Snohomish County (WRIA 7)**

Dear Mr. Warner:

The purpose of this letter is to acknowledge the Department of Ecology (Ecology) has accepted your request to donate a portion of Groundwater Certificate 330B (Control No. CG1-*00671C@2) into the Washington State Temporary Trust Water Right Program. The subject trust water right donation has been assigned control number CG1-*00671C@4. Please refer to this number when corresponding with us about this trust water right.

Current Attributes of CG1-*00671C@2

Right Holder:	Washington State Department of Corrections (leased to Cadman, Inc.)
Priority Date:	November 22, 1947
Points of Withdrawal:	Two wells within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 15, Township 27 North, Range 9 East, W.M. (Snohomish County Parcel #270915-001-001-00)
Instantaneous Rate:	600 gallons per minute (gpm)
Annual Volume:	232.4 acre-feet per year (afy)
Purposes of Use:	108 afy for consumptive industrial purposes & 124.4 afy for non-consumptive mitigation purposes
Period of Use:	Year-round



Place of Use: NE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, and E $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 15, Township 27 North, Range 9 East, W.M., lying south of State Route 2, and SW $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 14, Township 27 North, Range 9 East, W.M.

Donation Information

In a letter dated December 3, 2018 (received on December 6, 2018), to Buck Smith of my staff, you wrote:

*The purpose of this letter is to request a temporary donation of a portion of water right No. CG1-*00671C@2 to the Washington State Trust Water Right Program (TWRP), pursuant to RCW90.42.080(1)(b). The Washington State Department of Corrections (DOC) has leased to Cadman, Inc. an instantaneous quantity (Qi) of 676 gallons per minute (gpm) and a cumulative annual volume (Qa) of 232.4 acre-feet per year (afy). On April 7, 2011, Ecology approved a temporary change (No. CG1-*00671C@2) transferring 600 gpm and 232.4 afy (108 afy for industrial use; 124.4 afy for mitigation) from the TWRP to Cadman's Gold Bar mine.*

The mitigation portion is put to beneficial use by releasing water from storage to an infiltration pond to mitigate impacts to streamflow on days when the flow in the Skykomish River decreases below the established Minimum Instream Flows. The quantity allocated for mitigation was determined based on extremely dry years and it may not be necessary to use the full quantity for mitigation in each year. Similarly, through efficient water use and management, industrial demands have been lower than anticipated.

Cadman intends to periodically donate a portion of the water right to the TWRP to benefit instream flows and formally document that the full quantity is put to beneficial use. Previous donations were accepted by Ecology in 2012 and 2017.

For the 2018 calendar year, Cadman, Inc. will have put 300 gpm and 19.7 acre-feet to beneficial use for industrial purposes. We request a temporary donation of 300 gpm and the remaining 212.7 acre-feet to the TWRP for the period ending December 31, 2018.

Ecology's Acceptance

The Department of Ecology, pursuant to RCW 90.42.080(1)(b), hereby accepts your 2018 donation in the amounts of **300 gallons per minute and 212.7 acre-feet for instream flow and groundwater preservation**. This temporary donation is being accepted under the terms specified by you. **Your donation was in effect for the 2018 calendar year.**

Ecology's acceptance of the donated water right into the trust water right program is not evidence of the extent, validity, or quantities of the water right.

In accordance with RCW 90.42.040(6), RCW 90.14.140(h), and RCW 90.14.215, a water right is not subject to relinquishment while it is managed within the Trust Water Right Program.

If you have any questions or concerns, please call Buck Smith at (425) 649-7147 or email him at buck.smith@ecy.wa.gov.

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

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>.

Signed at Bellevue, Washington, this 5th day of February, 2019.



Ria Berns
Section Manager
Water Resources Program

By Certified Mail: 9171 9690 0935 0216 7442 21

ecc: Christy McDonough, Leigh Hansen
Owen Reese, Aspect Consulting, LLC
Jack Olson, Washington State Department of Corrections