



STATE OF WASHINGTON
REPORT OF EXAMINATION FOR WATER RIGHT CHANGE
Water Right Control Number CG1-21526C

Purpose Place of Use Point of Diversion/Withdrawal Season Consolidation

PRIORITY DATE April 11, 1974	CLAIM NO.	PERMIT NO.	CERTIFICATE NO. G1-21526C
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NAME
Seven Lakes Water Association

ADDRESS/STREET P.O. Box 100	CITY/STATE Lakewood, WA	ZIP CODE 98259
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PUBLIC WATERS TO BE APPROPRIATED

SOURCE Wells	WRIA 7	COUNTY SNOHOMISH
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TRIBUTARY OF (IF SURFACE WATERS)

MAXIMUM CUBIC FEET PER SECOND	MAXIMUM GALLONS PER MINUTE	MAXIMUM ACRE FEET PER YEAR
	50	5.60

QUANTITY, PURPOSE OF USE, PERIOD OF USE
5.60 acre-feet, Community Domestic Supply, Year round as needed

LOCATION OF DIVERSION/WITHDRAWAL

APPROXIMATE LOCATION OF DIVERSION--WITHDRAWAL
 Well 7 is located approximately 1750 feet west and 80 feet south of the NE corner of Section 34, T31N, R4E
 Well 10 is located approximately 1560 feet west and 110 feet south of the NE corner of Section 34, T31N, R4E

SOURCE	PARCEL	LATITUDE	LONGITUDE	QTR/QTR	SECTION	TOWNSHIP	RANGE
Well 7	31043400100900	48.137 N	122.277 W	NW/NE	34	31	04E
Well 10	31043400100900	48.137 N	122.278 W	NW/NE	34	31	04E

Latitude and Longitude derived from DOH well location GIS data (NAD83 HARN projection). Parcel number from Snohomish County Assessor's 2009 on-line database.

LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED

[Attachment 1 shows location of the authorized place of use and point(s) of diversion or withdrawal]

The place of use (POU) of this water right is the service area described in the most recent Water System Plan/Small Water System Management Program approved by the Washington State Department of Health, so long as Seven Lakes Water Association is and remains in compliance with the criteria in RCW 90.03.386(2). RCW 90.03.386 may have the effect of revising the place of use of this water right.

DESCRIPTION OF PROPOSED WORKS

Wells 7 and 10 as constructed.

DEVELOPMENT SCHEDULE

BEGIN PROJECT BY THIS DATE	COMPLETE PROJECT BY THIS DATE	WATER PUT TO FULL USE BY THIS DATE
Completed	Completed	Completed

STANDARD PROVISIONS

1. Wells, Well logs and Well Construction Standards

- 1.1. All wells constructed in the state shall meet the construction requirements of WAC 173-160 titled “Minimum Standards for the Construction and Maintenance of Wells” and RCW 18.104 titled “Water Well Construction”. Any well which is unusable, abandoned, or whose use has been permanently discontinued, or which is in such disrepair that its continued use is impractical or is an environmental, safety or public health hazard shall be decommissioned.
- 1.2. All wells shall be tagged with a Department of Ecology unique well identification number. If you have an existing well and it does not have a tag, please contact the well-drilling coordinator at the regional Department of Ecology office issuing this decision. This tag shall remain attached to the well. If you are required to submit water measuring reports, reference this tag number.
- 1.3. Installation and maintenance of an access port as described in WAC 173-160- 291(3) is required.
- 1.4. In addition to the required access port, the applicant shall install and maintain, in operating condition, an airline and pressure gage. The pressure gage shall be equipped with a standard tire valve and placed in a location accessible to Department of Ecology personnel. The airline shall extend from land surface to the top of the pump bowls and the total airline length shall be reported to the Department of Ecology upon completion of the pump system.

2. Measurements, Monitoring, Metering and Reporting

- 2.1. An approved measuring device shall be installed and maintained for each of the sources identified by this water right in accordance with the rule "Requirements for Measuring and Reporting Water Use", WAC 173-173.
- 2.2. Water use data shall be recorded daily for each well utilized. The maximum monthly rate of withdrawal and the monthly total volume shall be submitted to the Department of Ecology by January 31st of each calendar year. The Department of Ecology is requiring submittal of daily meter readings to collect seasonal information for water resource planning, management and compliance.
- 2.3. Instantaneous (Qi) and annual (Qa) quantities associated with G1-21526C shall be reported independently of quantities associated with other water rights utilized from the same well or wells.
- 2.4. Department of Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the records of water use that are kept to meet the above conditions, and to inspect at reasonable times any measuring device used to meet the above conditions.
- 2.5. Reported water use data shall be submitted via the Internet. To set up an Internet reporting account, access <https://fortress.wa.gov/ecy/wrx/wrx/Meteringx/>. If you do not have Internet access, contact the Northwest Region Office for forms to submit your data.
- 2.6. WAC 173-173 describes the requirements for data accuracy, device installation and operation, and information reporting. It also allows a water user to petition the Department of Ecology for modifications to some of the requirements. Installation, operation and maintenance requirements are enclosed as a document entitled “Water Measurement Device Installation and Operation Requirements”. <http://www.ecy.wa.gov/programs/wr/measuring/measuringhome.html>
- 2.7. In order to maintain a sustainable supply of water, pumping must be managed so that static water levels do not progressively decline from year to year. Water levels shall be measured and recorded monthly, using a consistent methodology. The length of the pumping period or recovery period prior to each measurement shall be as constant as is practical, and shall be included in the record. Data for the previous year shall be submitted by January 31 to the Department of Ecology.

Static water levels data shall be submitted in digital format and shall include the following elements:

- 1. Unique Well ID Number
- 2. Measurement date and time
- 3. Measurement method (air line, electric tape, pressure transducer, etc.)
- 4. Well status (pumping, recently pumped, etc.)
- 5. Water level accuracy (to nearest foot, tenth of foot, etc.)
- 6. Description of the measuring point (top of casing, sounding tube, etc.)
- 7. Measuring point elevation above or below land surface to the nearest 0.1 foot

8. Land surface elevation at the well head to the nearest foot.
9. Static water level below measuring point to the nearest 0.1 foot.

3. Department of Health Requirements

Prior to any new construction or alterations of a public water supply system, the State Board of Health rules require public water supply owners to obtain written approval from the Office of Drinking Water of the Washington State Department of Health. Please contact the Office of Drinking Water at Northwest Drinking Water Operations, 20435 72nd Avenue S, Suite 200, K17-12, Kent, WA 98032-2358, (253) 396-6750, prior to beginning (or modifying) your project.

4. Place of Use

If the criteria in RCW 90.03.386(2) are not met and a Water System Plan/Small Water System Management Program was approved after September 9, 2003, the place of use of this water right reverts to the service area described in that document. If the criteria in RCW 90.03.386(2) are not met and no Water System Plan/Small Water System Management Program has been approved after September 9, 2003, the place of use reverts to the last place of use described by The Department of Ecology in a water right authorization

5. Water Use Efficiency

Use of water under this authorization shall be contingent upon the water right holder's maintenance of efficient water delivery systems and use of up-to-date water conservation practices consistent with established regulation requirements and facility capabilities.

6. Project Completion

A superseding Certificate shall issue upon a written showing that the installed pumps at wells 7 and 10 are capable of providing the quantities transferred through this change to certificate G1-21526C in addition to those quantities assigned under G1-24066C. In addition the applicant shall file a showing of compliance with RCW 90.44.100(3) regarding the addition of Well 10 under G1-24066C.

7. Schedule and Inspections

Department of Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the project location, and to inspect at reasonable times, records of water use, wells, diversions, measuring devices and associated distribution systems for compliance with water law.

FINDINGS OF FACT AND ORDER

Upon reviewing the investigator's report, I find all facts, relevant and material to the subject application, have been thoroughly investigated. Furthermore, I find the change of water right as recommended will not be detrimental to existing rights or the public welfare.

Therefore, I ORDER approval of the requested changes in place of use and point of withdrawal under Groundwater Change Application CG1-21526C, subject to existing rights and the provisions specified above. I likewise deny without prejudice approval of the requested change in purpose of use due to on-going litigation as outlined in the attached Report of Examination.

You have a right to appeal this decision. To appeal this you must:

- File your appeal with the Pollution Control Hearings Board within 30 days of the "date of receipt" of this document. Filing means actual receipt by the Board during regular office hours.
- Serve your appeal on the Department of Ecology within 30 days of the "date of receipt" of this document. Service may be accomplished by any of the procedures identified in WAC 371-08-305(10). "Date of receipt" is defined at RCW 43.21B.001(2).

Be sure to do the following:

- Include a copy of this document that you are appealing with your *Notice of Appeal*.
- Serve and file your appeal in paper form; electronic copies are not accepted.

1. To file your appeal with the Pollution Control Hearings Board

Mail appeal to:	OR	Deliver your appeal in person to:
The Pollution Control Hearings Board PO Box 40903 Olympia WA 98504-0903		The Pollution Control Hearings Board 4224 – 6th Ave SE Rowe Six, Bldg 2 Lacey WA 98503

2. To serve your appeal on the Department of Ecology

Mail appeal to:	OR	Deliver your appeal in person to:
The Department of Ecology Appeals Coordinator P.O. Box 47608 Olympia WA 98504-7608		The Department of Ecology Appeals Coordinator 300 Desmond Dr SE Lacey WA 98503

3. And send a copy of your appeal to:

Andrew B. Dunn, LG, LHG
Section Manager
Water Resources Program -- Department of Ecology
3190 160th Avenue SE
Bellevue, WA 98008-5452

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> .

If you have any questions, please contact Doug Wood of Ecology at (425) 649-7077.

Signed at Bellevue, Washington, this _____ day of _____, 2009.

Andrew B. Dunn, LG, LHG
Section Manager
Water Resources Program
Northwest Region Office

INVESTIGATOR'S REPORT

BACKGROUND

Change application CG1-21526C was filed on March 27, 2008, to affect a transfer of ownership that was accomplished in 1999 with the agreement between Seven Lakes Water Association (SLWA) and the Snohomish County Council of Campfire USA (Campfire USA), the successor to the Pilchuck Council of Campfire Girls, the recorded holder of Certificate G1-21526C. In addition to the transfer the applicant wishes to change the place of use, point of withdrawal, and purpose of use.

Description and Purpose of Proposed Change

The Pilchuck Council of Campfire Girls applied for a groundwater right on April 11, 1974, to serve the needs of Camp Killoqua on Crabapple Lake, which had been established in 1941. Prior to application for groundwater right G1-21526, the camp had been served by a vested groundwater right, for which the council filed claim G1-079451CL in 1974.

While not referenced in the present application the claim (G1-079451CL) is mentioned in the 1974 groundwater application G1-21526A. Certificate G1-21526C and the claim to vested groundwater right dating to 1941 appear therefore to represent the same water right since they serve the same purpose and place of use from the same well.

Attributes of the Certificate and Proposed Change

Table 1: Summary of Proposed Changes to Water Right Certificate No. G1-21526C		
<i>Attributes</i>	<i>Existing</i>	<i>Proposed</i>
Name	Pilchuck Council of Camp Fire Girls	Seven Lakes Water Association
Priority Date	April 11, 1974	
Date of Application for Change		March 27, 2008
Instantaneous Quantity	50.00 gallons per minute	50.00 gallons per minute
Annual Quantity	15.20 acre-feet per year	5.60 acre-feet per year
Source	Well	2 Wells (7&10)
Point of Withdrawal	SW/NE T31N/R04E-Sec34 (Gov't Lot 2)	NW/NE T31N/R04E-Sec34
Purpose of Use	Community Domestic Supply	Municipal Supply
Period of Use	Continuously	Year-round
Place of Use	Those portions of Sec. 34, T31N, R4E, W.M., described as follows: NW1/4NE1/4, Gov't Lot 2, NW1/4SE1/4, NE1/4SW1/4. Also portion of Gov't Lots 3 and 4 lying Easterly of the County Road. ALL LESS rights-of-way.	Area Served by Seven Lakes Water Association within Sections 17-23, 26-28, 33-36, T31N, R4E, W.M..

In January 2001 the Campfire USA well was decommissioned and from that time until the present the water right has been supplied via Wells 7 and 10 owned by SLWA which are located within the NE 1/4 section of Section 34, approximately 700 yards north-northeast of the original well (Attachment I and Figures 2, 3, and 4).

The purpose of the present application is to formalize the transfer, change the place and purpose of use, and to formalize change in point of withdrawal that took place in 1999.

Legal Requirements for Proposed Change

The following is a list of requirements that must be met prior to authorizing the proposed transfer and change in point of withdrawal and place of use.

Public Notice

Notice of this application was published on April 26 and May 3, 2008, in the *THE HERALD*, a newspaper of general circulation published in Everett, WA.

State Environmental Policy Act (SEPA)

A water right application is subject to a SEPA threshold determination (i.e., an evaluation whether there are likely to be significant adverse environmental impacts) if any one of the following conditions are met.

- It is a surface water right application for more than 1 cubic feet per second, unless that project is for agricultural irrigation, in which case the threshold is increased to 50 cubic feet per second, so long as that irrigation project will not receive public subsidies;
- It is a groundwater right application for more than 2,250 gallons per minute;
- It is an application that, in combination with other water right applications for the same project, collectively exceed the amounts above;
- It is a part of a larger proposal that is subject to SEPA for other reasons (e.g., the need to obtain other permits that are not exempt from SEPA);
- It is part of a series of exempt actions that, together, trigger the need to do a threshold determination, as defined under WAC 197-11-305.

This application does not meet any of these conditions. It is therefore categorically exempt from SEPA and a threshold determination is not required.

Water Resources Statutes and Case Law

The following tests are relevant in an investigation for a change to a groundwater right:

- The change must not result in impairment of an existing water right (RCW 90.03.380; RCW 90.44.100)
- The water right must have been perfected through beneficial use (RCW 90.03.380).
- The water right must not have been relinquished through non-use for a period exceeding five years, unless that non-use was excused or the right was exempt from relinquishment (RCW 90.14).
- Water must be available at the new point(s) of withdrawal.
- When a groundwater change involves the addition of new wells, the quantities associated with the right must not be enlarged.
- Groundwater changes involving the addition of new wells must tap the same body of groundwater.

INVESTIGATION

History of Water Use

The Pilchuck Council of Campfire Girls (now the Snohomish Council of Campfire USA) opened Camp Killoqua in 1941. A well was drilled at that time to provide water for the camp water supply. Groundwater certificate G1-21526C was issued in 1974 for this same well and for the same purpose that the original well had been providing since 1941.

A claim to a vested groundwater right was also filed with Ecology in 1974 (G1-079451CL). Since the certificate and claim are for the same use, Ecology considers both documents as referring to the same water right. Please note however that such matters are under the jurisdiction of the courts through the water right adjudication process as provided in RCW 90.03.

Like all wells, the Camp Killoqua well had deteriorated since it was constructed in 1941. In the early 1980's SLWA, which had been seeking a new water right in the area, entered into an agreement with Campfire USA to lease an area near the northern boundary of the Campfire USA property.

In 1999 the Campfire USA and SLWA signed a 100 year lease agreement that, in addition to providing long term security for the placement of the association's wells and tanks that are located on the Camp Killoqua property, transferred ownership of all Campfire USA water rights associated with Camp Killoqua.

Provision 15 of the lease agreement, signed by SLWA and the Snohomish Council of Campfire USA on the 22nd (Campfire) and 27th (SLWA) of September, 1999 respectively, states as follows:

15. Transfer of Water Rights. Landlord agrees upon the execution of this Lease to sign all necessary documents to transfer to Tenant its existing water rights of any and all kind, including those water rights provided by, recognized by, or incident to the Washington State Department of Ecology. Such transfer is irrevocable to the term of this Agreement.

In exchange for the use of up to 2 million gallons per year (6.14 afy) from SLWA wells and payment of rent in the amount of \$1,000 for the use of land, the water right was transferred to the SLWA upon signing of the lease agreement. Usage over and above 2 million gallons per year is credited against rental fees.

The lease also stipulates the construction of infrastructure for delivery of the water to the camp and the decommissioning of the Camp Killoqua well. A Water Well Report filed by SLWA indicates the well was decommissioned on January 30 and 31, 2001.

Water use records were supplied by the applicant for the years 1992 to 1999 and 2001 to 2006. In both periods the records apply to water supplied to the camp from SLWA Wells 7 and 10. A reasonable estimate of production from the Camp Killoqua well during the 1990's can be made by using the difference in amounts.

Year	Gallons	Acre-Feet
1992	83,240	0.26
1993	66,050	0.20
1994	90,620	0.28
1995	52,990	0.16
1996	9,680	0.03
1997	22,000	0.07
1998	39,460	0.12
1999	59,770	0.18
2001	1,273,200	3.91
2002	1,529,600	4.69
2003	1,676,400	5.14
2004	1,997,500	6.13
2005	1,389,400	4.26
2006	1,311,100	4.02
Avg 92-99	52,976	0.16
Avg 2001-06	1,529,533	4.69

During the period 1992 to 1999 SLWA supplied an average of 52, 976 gallons per year (0.16 afy) and maximum of 0.28 afy. From 2001 to 2006 an average of 1,529,533 gallons per year (4.69 afy) and a maximum of 6.13 afy were supplied.

A site visit by the author on March 12, 2009, confirmed the location of the original well and of the SLWA wells. It was also noted that camp facilities had been in place for some length of time – long enough to indicate that usage between 2001 and 2006 was consistent with usage dating back at least to the early 1990's. Snohomish County records available through the County Auditor's office indicate that the majority of current facilities on the property date from the early 1960's and that several buildings were upgraded or replaced in the early 2000's. Recent construction appears to have been primarily concerned with non-residential facilities such as classrooms and offices.

The Report of Examination for application G1-21526, written in 1975, indicates that the camp was occupied for 12 months per year, but that most facilities were in use for between 3 and 6 months of the year. Accordingly, water duties calculated for issuance of the permit separated uses for a caretaker's home (1.0 afy), the lodge, laundry room, and 8 cabins for 6 months per year (3.0 afy), and 200 people (summer camp attendees and staff) per week for 3 months per year (11.2 afy).

Materials supplied by the applicant in 2008 indicate that the camp continues to serve about the same number of people during the summer months, but has extended its schedule to serve about 100 people between March and June and during September/October, thus extending use for other than the caretaker to a period of 8 months per year from 6 months per year. The change in usage appears to have occurred gradually over time rather than in a sudden manner and has remained less than the 15.2 afy allocated under the right.

The application for change (CG1-21526C) seeks to transfer 50 gpm and 5.6 afy to the two wells that currently serve both the needs of Camp Killoqua and other customers of the SLWA in the Lake Goodwin area. The 5.6 afy figure was derived by the applicant based on usage between 2001 and 2006 and the amount supplied by SLWA

during the 1990's (see Table 2) and is less than the 6.13 afy shown to be the maximum use during the period between 2001 and 2006. The difference is comparable to the changes in camp use between when the right was issued and as it is today (6 to 8 months of non-summer camp activities).

A reasonable interpretation of the facts supports a conclusion that the water right has been in continuous use since 1941. Since at least the early 1990's a portion of the right, and since 2001, the full right has been served from wells located on that portion of the Campfire USA property leased by SLWA rather than the well originally authorized under certificate G1-21526C.

Proposed Use

The application requests a change in purpose of use from Group Domestic Supply to Municipal Supply. Litigation currently before the courts affects the ability of Ecology to act on this request. Given the uncertainty represented by the on-going litigation, Ecology cannot approve the requested change in purpose of use.

On June 11, 2007, a King County Superior Court Judge overturned three sections of the 2003 Municipal Water Law. Among these was a definition of a "Municipal Water Supplier" contained in RCW 90.03.015 that included any public water system serving more than 14 domestic connections. SLWA, which supplies water to more than 1,000 homes, easily fit under this definition.

As a private non-government purveyor, SLWA is not defined elsewhere in the state code as being a municipal entity, as are cities, towns, water districts and public utility districts.

The documented purpose of use on other SLWA water rights is Community Domestic Supply, which is equivalent to the purpose also listed on certificate G1-21526C (Group Domestic Supply).

Other proposed changes to certificate G1-21526C are not dependent upon the disposition of the requested change in purpose of use.

Other Rights Appurtenant to the Place of Use

According to records on file with Ecology SLWA has title to 8 water rights - the details of which are listed in Table 3.

File #	Cert #	Priority Dt	Qi	Qa _A	Qa _N	TRS of Source	QQ/Q	Source
G1-*09058C	6997	11/17/1967	75	62		T30N-R04E-S26	SW/NE	Well 1
G1-*09679C	7226	08/22/1968	100	83		T31N-R04E-S22	NE/NW	Well
G1-23373C		05/02/1979	150	240		T30N-R04E-S35		Well 4
G1-23417C		06/25/1979	200		320	T30N-R04E-S21	SW/SE	Well 5
G1-23805C		03/24/1981	250		400	T30N-R04E-S22	NW/SE	Well 6
G1-24066C		04/12/1982	250			T30N-R04E-S34	NW/NE	Wells 7 & 10
G1-25311C		09/14/1988	300		336	T30N-R04E-S26	NE/SW	Well 9
G1-21526C		04/11/1974	50	15.2		T30N-R04E-S34	NW/NE	Well

Qi : Amount in gallons per minute authorized for the source(s).

Qa_A: Amount in acre-feet which is additive to system total annual quantities.

Qa_N: Amount in acre-feet which is non-additive to system total annual quantities.

Hydrologic/Hydrogeologic Evaluation

The SLWA service area is situated within an upland area underlain by glacial drift deposited during the Quaternary period. The Quaternary represented an approximately 2.5 million year period of earth's history during which the climate oscillated between ice ages and intervals where the climate was much like that now present in the area.

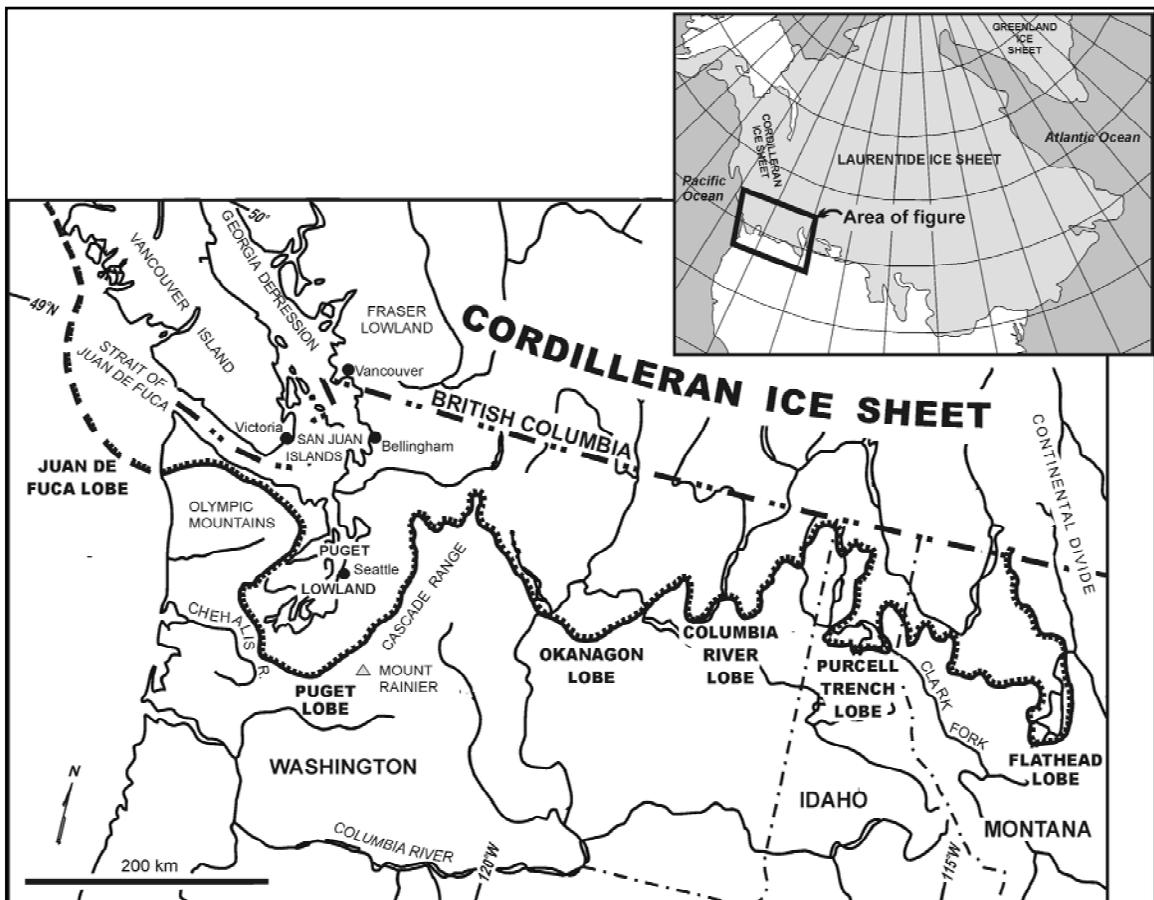


Figure 1: The Southern margin of the Cordilleran Ice Sheet showing the position of the Puget Lobe (from Booth, et al., 2003).

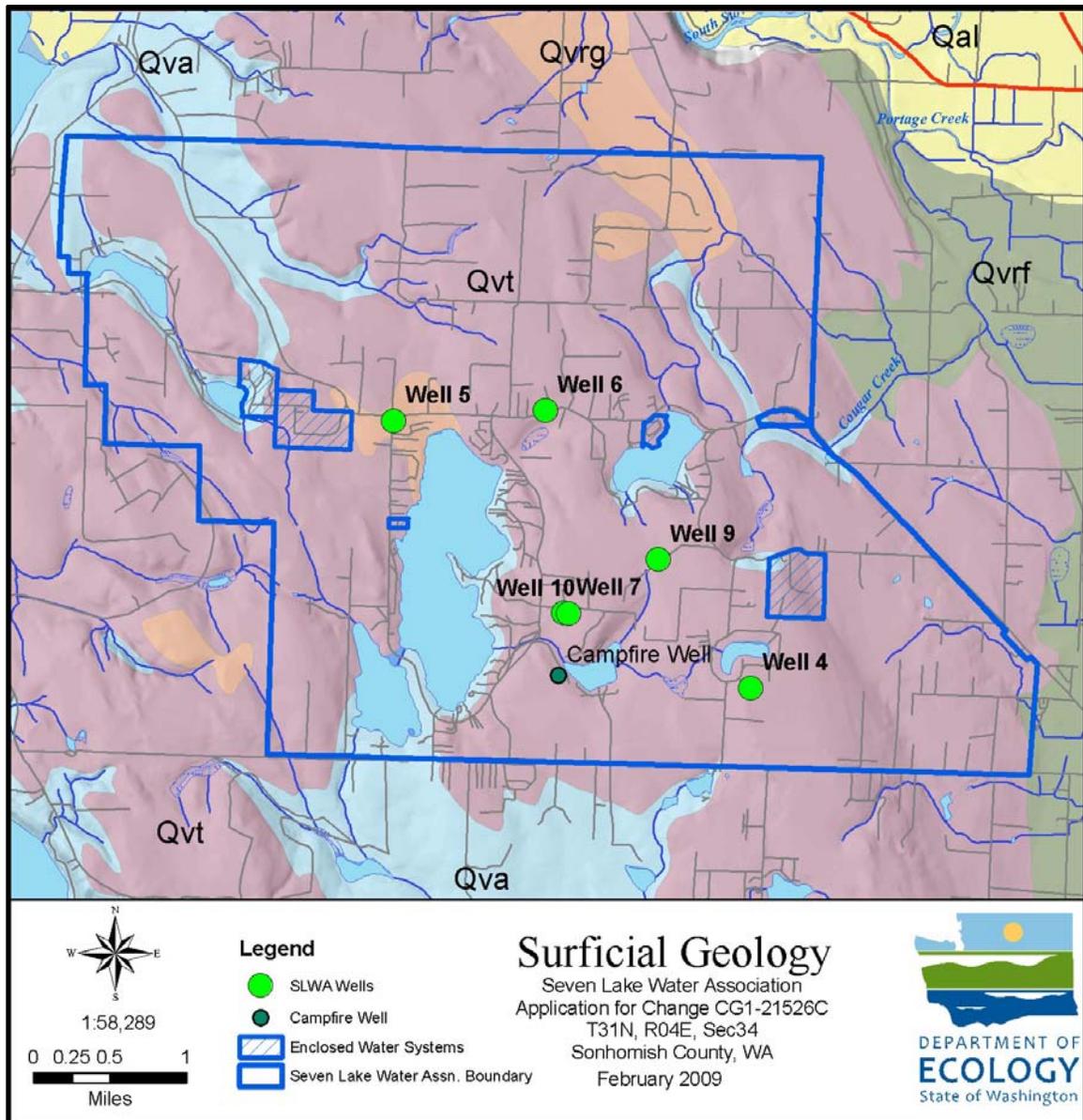


Figure 2: Surficial Geology map of the Lake Goodwin Area showing locations of SLWA wells (after DNR, 2006)

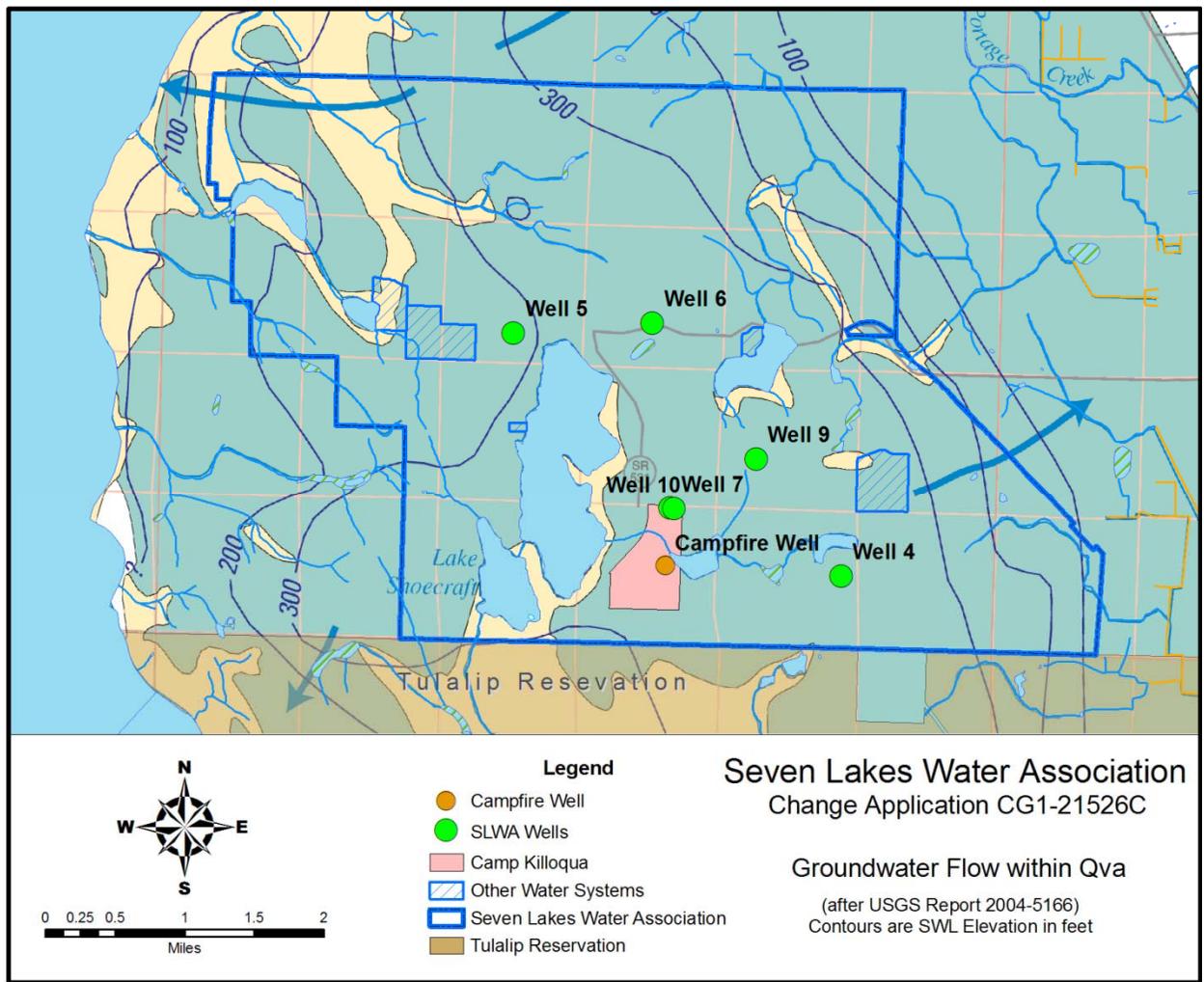


Figure 3: Map showing contoured Static Water Level (SWL) of the Qva hosted aquifer underlying the Seven Lakes Area.

Each ice age produced a series of deposits that represent the advance, overriding, and finally the retreat of the Puget Lobe, a piedmont glacier that originated from the Cordilleran Ice Sheet (Figure 1).

The aquifer utilized under certificate G1-21526C is associated with sediments deposited during the most recent advance of the Puget Lobe. The same aquifer is the source for water rights allocated under certificate G1-24066C, the proposed new source for this application for change (Wells 7 and 10).

The sand and gravel sediments of the Vashon Advance Outwash (Qva) are moderately compacted and the aquifer is typically confined where covered by till (Qvt), but is likely partially confined in the area of Wells 7 and 10. Based on USGS surficial geological mapping (Figure 2), the lakes in the vicinity of Camp Killoqua are supported by groundwater originating from the Qva aquifer.

Groundwater flow roughly follows the surface topography of the area. The flow direction in the area of the original and proposed new wells flows to the west and southwest (Figure 3).

Impairment Considerations

In order for Ecology to approve a change in point of withdrawal, exercise of the right at the new well must not impair existing water right, including surface water rights, groundwater rights, and established minimum instream flows.

Groundwater and surface water in the Seven Lakes area contributes to the flows of Tulalip Creek, which is closed to new appropriations under WAC 173-507-030 when flows are below 2.5 cfs. Under WAC 173-507-050 rights in existence at the time the rule was adopted (September 6, 1979) are exempt from the rule.

The nearest potentially impact groundwater rights are wells (Figure 4) used under the Groundwater Exemption (RCW 90.44.050). Owners of exempt wells in the vicinity that might be affected have not reported impacts due to existing pumping from Wells 7 and 10, nor are any anticipated for the transfer quantities under consideration.

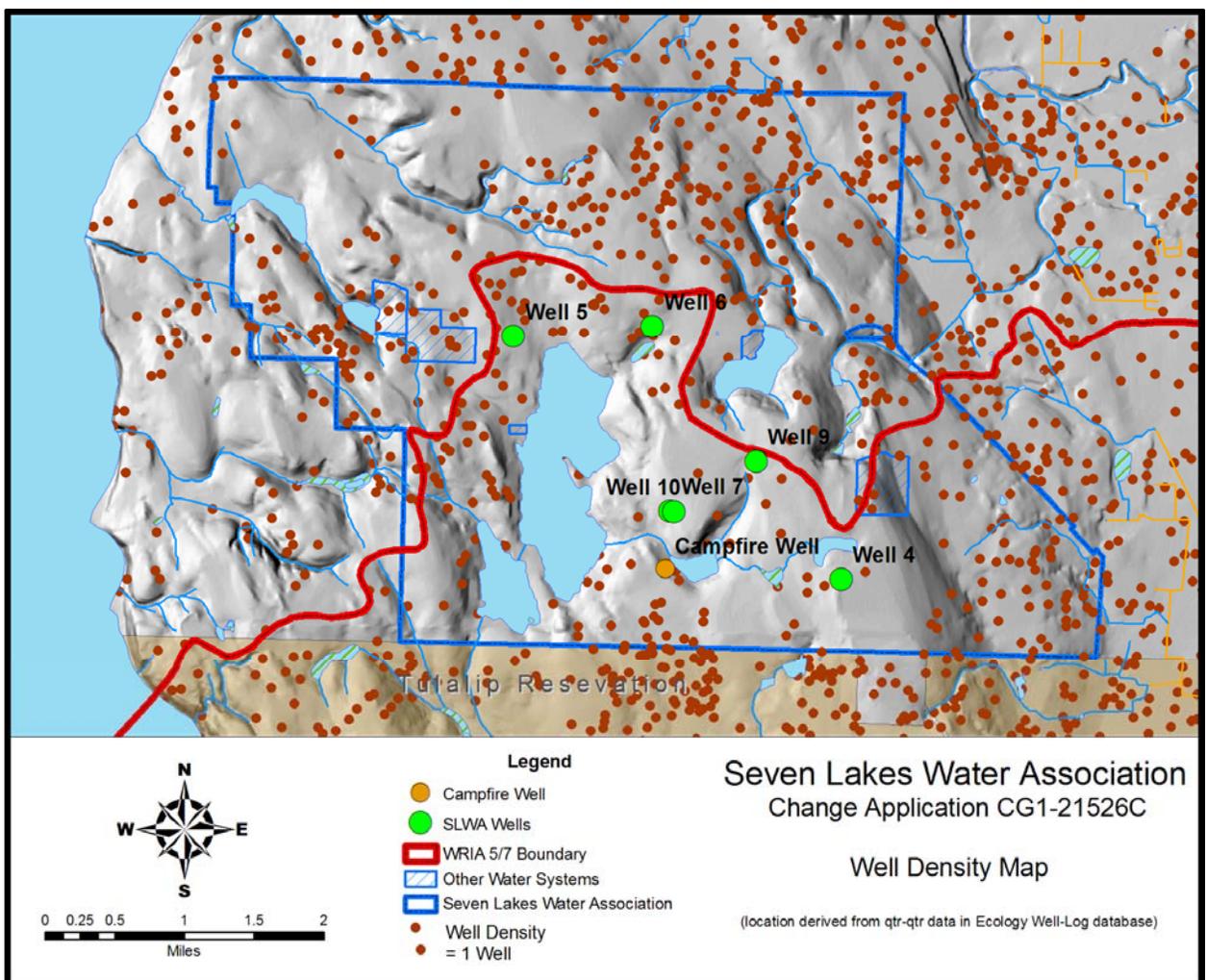


Figure 4: Map of the Seven Lakes area showing the density of wells recorded in Ecology's well log database.

Public Interest Considerations

No additional allocation is proposed through the present application. It is likely however that the proposed change will allow SLWA to perfect quantities associated with certificate G1-24066C through Wells 7 and 10.

Although SLWA is not currently recognized as a Municipal Water Supplier, it is a Group A public water system that has a responsibility to provide safe water supplies to the homes and businesses within its service area. As such it needs to be able to effectively plan for growth within the Seven Lakes community. The present application for change and SLWA's construction of Well 10 are evidence that it has been diligent in its efforts to serve the public and continues to develop into its unperfected rights under G1-24066C.

As can be inferred from Figure 4, the density of wells, a majority of which are private wells serving individual lots, appears to be dependent on the presence or absence of public water system wells. Areas near the SLWA wells have a lower density of wells than areas further from the wells.

Consideration of Protests and Comments

No protests were filed when Public Notice of this application was published.

The Tulalip Tribe, which was contacted by both SLWA representatives and Ecology staff, has related concerns about the possibility of relinquishment and of the potential for additional impacts to Tulalip Creek, which support coho and chum salmon populations.

This investigation supports a conclusion that the right was not relinquished during the period between 2001 and 2009 while the water serving Campfire USA purposes was supplied by a well owned by SLWA, as the SLWA well continues to utilize the same aquifer to serve the same beneficial uses.

The potential for greater impacts on salmon habitat within the Tulalip Creek watershed is not disputed. However, the water right under consideration for change (G1-21526C) is senior to the minimum instream flow adopted for Tulalip Creek. The existing right associated with the proposed new points of withdrawal (G1-24066C), while appearing to retain unperfected quantities, also appears to have been diligently developed since the certificate was issued. Additionally, since it is not the subject of the present application, certificate G1-24066C cannot be modified through this change decision.

CONCLUSIONS

The proposed transfer and change in place of use for water rights represented by certificate G1-21526C has been investigated and the facts support approval of the proposed transfer, change in place of use, and change in point of withdrawal. The proposal to change the purpose of use cannot at present be approved.

The proposed changes will not impair existing rights nor prove detrimental to the public interest. The quantities available for transfer (50 gpm and 5.60 afy) represent a best estimate of actual use under a water right that was vested beginning in 1941 and has been in continuous use to the present.

The proposed new points of withdrawal utilize the same body of public groundwater as the original well and the proposed change will not enlarge the right as exercised.

RECOMMENDATIONS

Based on the above investigation and conclusions, I recommend that the request for change to G1-21526C be approved in the amounts and within the limitations listed below and subject to the provisions beginning on Page 2, et seq.

Purpose of Use and Authorized Quantities

The amount of water recommended is a maximum limit and the water user may only use that amount of water within the specified limit that is reasonable and beneficial:

- 50 gpm
- 5.60 acre-feet per year
- Community Domestic Supply

Points of Withdrawal

Two in the NW $\frac{1}{4}$, NE $\frac{1}{4}$, Section 34, Township 31 North, Range 04 East, W.M.

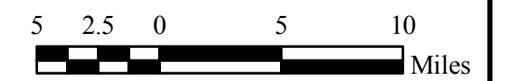
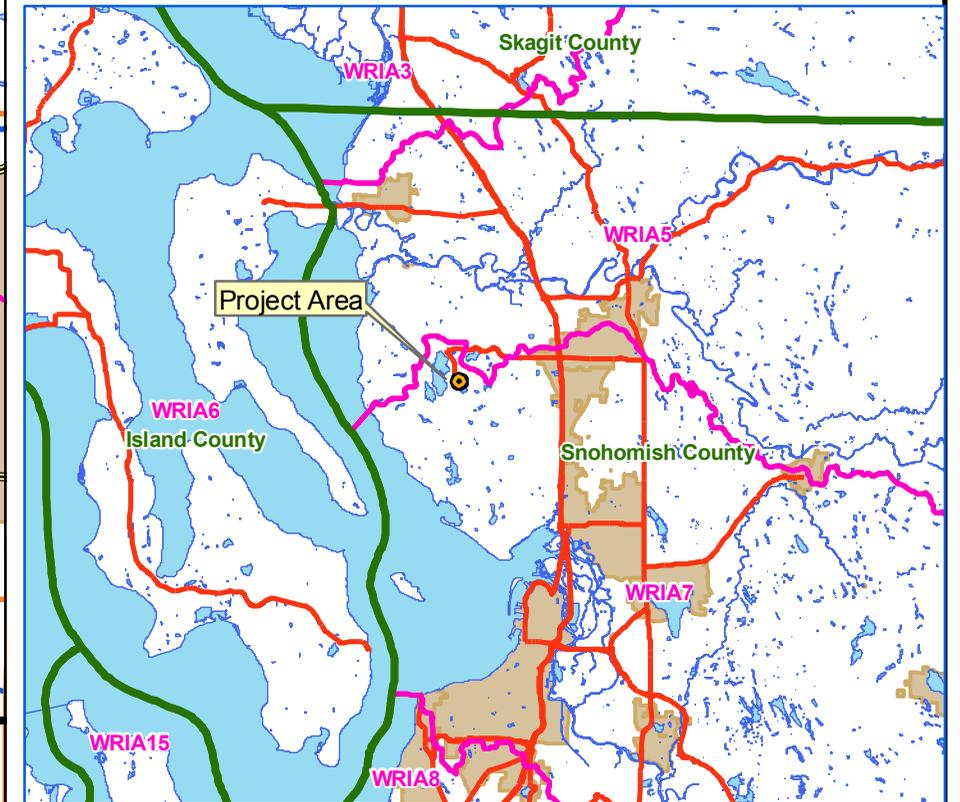
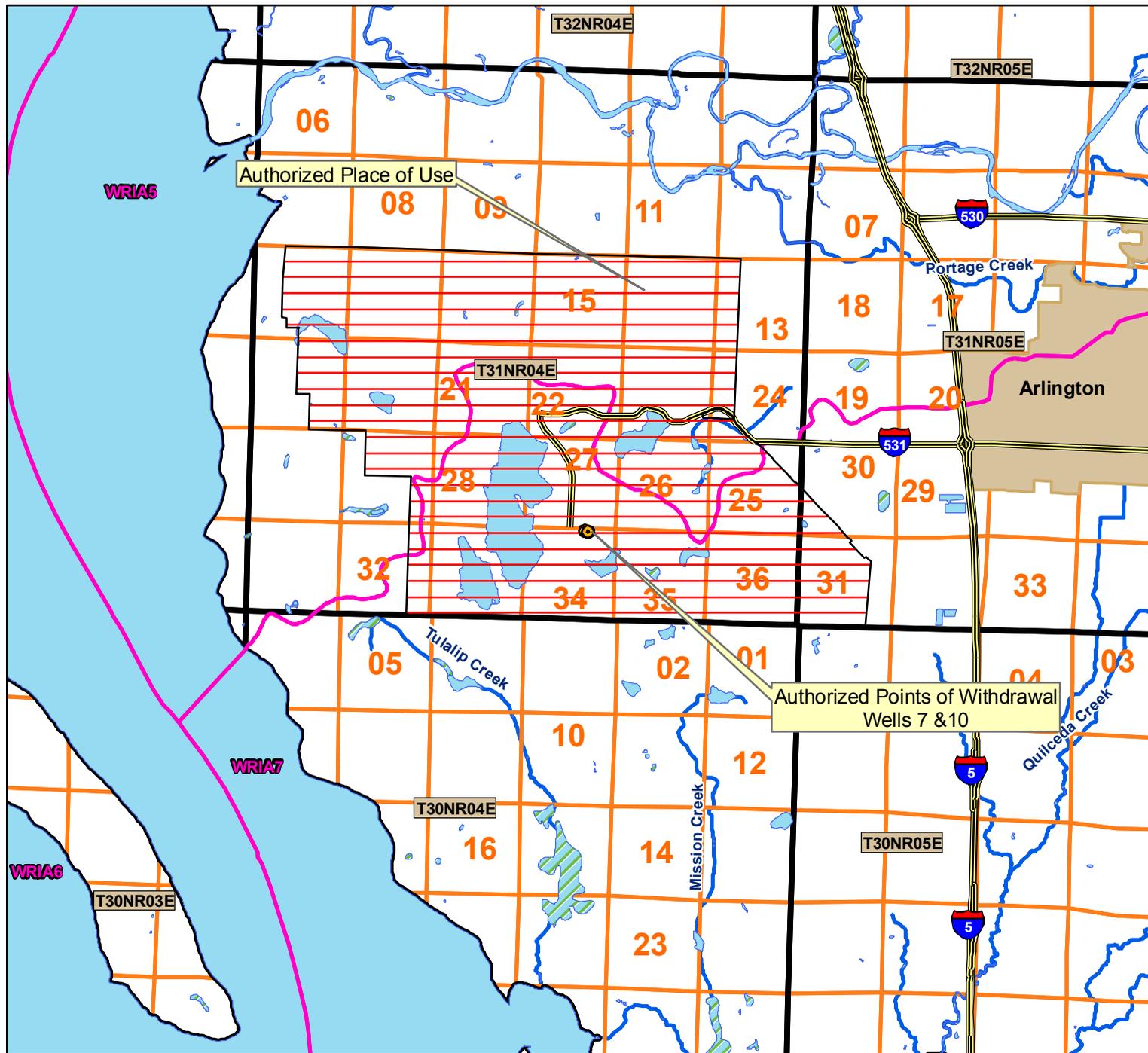
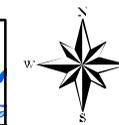
Place of Use

As described on Page 1 of this Report of Examination.

Report by: _____
Douglas H. Wood
Water Resources Program

_____ Date

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Legend

- County
- WRIA
- Highways
- Townships
- cities
- Sections
- Authorized Point of Withdrawal
- Authorized Place of Use

Place of use and point(s) of diversion/withdrawal are as defined on the cover sheet under the headings, 'LOCATION OF DIVERSION/WITHDRAWAL' and 'LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED.'

