File NR CG1-23870
WR Doc ID 2271884

DEPARTMENT OF ECOLOGY
State of Washington

State of Washington
REPORT OF EXAMINATION FOR WATER RIGHT CHANGE

Added or Changed Point of Withdrawal/Diversion

PRIORITY DATE	WATER RIGHT NUMBER
May 29, 1981	CG1-23870

MAILING ADDRESS	SITE ADDRESS (IF DIFFERENT)
H-TWO LLP P.O. BOX 331 MAPLE VALLEY, WA 98038	18102 234TH AVE SE MAPLE VALLEY, WA 98038

Total Quantity Authorized for Withdrawal or Diversion

WITHDRAWAL OR DIVERSION RATE	UNITS	ANNUAL QUANTITY (AF/YR)
330	GPM	40

Total withdrawals or diversions from all sources must not exceed the total quantity authorized for withdrawal or diversion listed above.

Purpose

PURPOSE	WITHDRAWAL OR DIVERSION RATE ADDITIVE	WITHDRAWAL OR DIVERSION RATE NON-ADDITIVE	WITHDRAWAL OR DIVERSION RATE UNITS	ANNUAL QUANTITY (AF/YR) ADDITIVE	ANNUAL QUANTITY (AF/YR) NON-ADDITIVE	PERIOD OF USE (mm/dd)
Domestic multiple	330 GPM			40		01/01 - 12/31

IRRIGATED ACRES ADDITIVE	IRRIGATED ACRES NON-ADDITIVE	PUBLIC WATER SYSTEM INFORMATION WATER SYSTEM ID	PUBLIC WATER SYSTEM INFORMATION CONNECTIONS
		048009	12 (current) 120 (proposed)

Source Location

COUNTY	WATERBODY	TRIBUTARY TO	WATER RESOURCE INVENTORY AREA
KING	GROUNDWATER		8-CEDAR-SAMMAMISH

SOURCE FACILITY/DEVICE	PARCEL	WELL TAG	TWP	RNG	SEC	QQ Q	LATITUDE	LONGITUDE
WELL 1	2723069156	---	23N	06E	27	NE SW	47.4503	-122.0280
WELL 2	3423069098	---	23N	06E	34	NE NW	47.4425	-122.0277
WELL 3	3423069096	---	23N	06E	34	NW	47.4397	-122.0281

Datum: NAD83/WGS84

Place of Use (See Attached Map)

PARCELS (NOT LISTED FOR SERVICE AREAS)

3423069096, 3423069098, 2723069156, 2723069157

LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE

The NE¼SW¼ and that portion of the NW¼SW¼ lying easterly of County Road as now located and the S½SW¼ and the S½SE¼; all in Sec. 27, T. 23N., R. 6E. W.M., in King County, Washington; EXCEPT roads. The NW¼ NW¼, the NE¼ NW¼, SE¼ NW¼, the E½SW¼ NW¼ and the NE¼, all in Sec. 34, T. 23N., R. 6E. W.M., in King County, Washington, EXCEPT roads. Situate in the County of King.

Proposed Works

H-TWO LLP is the owner/developer of Cedar Grove Estates permitted under water right permit G1-23870P. The permit only authorizes wells in the NW¼ of Section 34. The development covers a large geographic area which is split into separate clusters. It will require additional wells in Section 34 and adjacent Section 27 to accommodate these cluster developments. Development plans anticipate a minimum total of forty-eight and up to a maximum of one hundred-twenty homes. Three wells have been installed. A 500 gallon pressure storage tank with a 4-inch main line for connection to ¾ inch individual service connections has been installed for the first phase of the system.

Development Schedule

BEGIN PROJECT	COMPLETE PROJECT	PUT WATER TO FULL USE
Begun	December 31, 2022	December 31, 2027

Measurement of Water Use

How often must water use be measured?	Monthly
How often must water use data be reported to Ecology?	Annually (Jan 31)
What volume should be reported?	Total Annual Volume
What rate should be reported?	Annual Peak Rate of Withdrawal (gpm)

Provisions

Wells, Well Logs and Well Construction Standards

All wells constructed in the state must 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 must be decommissioned.

All wells must 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 must remain attached to the well. If you are

required to submit water measuring reports, reference this tag number.

Installation and maintenance of an access port as described in WAC 173-160- 291(3) is required.

Measurements, Monitoring, Metering and Reporting
An approved measuring device must 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 , which 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.

Recorded water use data shall be submitted via the Internet. To set up an Internet reporting account, contact the Northwest Regional Office. If you do not have Internet access, you can still submit hard copies by contacting the Northwest Regional Office for forms to submit your water use data.

Water Level Measurements
In order to maintain a sustainable supply of water and ensure that your water source is not impaired by future withdrawals, static water levels should be measured and recorded monthly using a consistent methodology. Static water level is defined as the water level in a well when no pumping is occurring and the water level has fully recovered from previous pumping. Static water level data should include the following elements:

Unique Well ID Number
Measurement date and time
Measurement method (air line, electric tape, pressure transducer, etc.)
Measurement accuracy (to nearest foot, tenth of foot, etc.)
Description of the measuring point (top of casing, sounding tube, etc.)
Measuring point elevation above or below land surface to the nearest 0.1 foot
Land surface elevation at the well head to the nearest foot.
Static water level below measuring point to the nearest 0.1 foot.

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.

Water Use Efficiency
The water right holder is required to maintain efficient water delivery systems and use of up-to-date water conservation practices consistent with RCW 90.03.005.

Proof of Appropriation
The water right holder must file the notice of Proof of Appropriation of water (under which the certificate of water right is issued) when the permanent distribution system has been constructed and

the quantity of water required by the project has been put to full beneficial use. The certificate will reflect the extent of the project perfected within the limitations of the water right. Elements of a proof inspection may include, as appropriate, the source(s), system instantaneous capacity, beneficial use(s), annual quantity, place of use, and satisfaction of provisions.

Schedule and Inspections
Department of Ecology personnel, upon presentation of proper credentials, will 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 Facts
Upon reviewing the investigator's report, I find all facts, relevant and material to the subject application, have been thoroughly investigated. Furthermore, I concur with the investigator that water is available from the source in question; that there will be no impairment of existing rights; that the purpose(s) of use are beneficial; and that there will be no detriment to the public interest.

Therefore, I ORDER approval of Application No. CG1-23870P, subject to existing rights and the provisions specified above.

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 on 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

Signed at Bellevue, Washington, this 4th day of December 2012.

Jacqueline Klug, Section Manager
Water Resources Program

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.

ATTACHMENT 1—MAP SHOWING POINTS OF WITHDRAWAL AND PLACE OF USE

INVESTIGATOR'S REPORT
Department of Ecology
Water Right Control Number CG1-23870
Jerry Liszak
Senior Hydrogeologist

BACKGROUND

The original permit for groundwater right G1-23870P was issued April 15, 1982, to First City Developments Corporation for group domestic supply for 515 homes to be located on about 500 acres in portions of the NW¼ of Section 34, SW¼ and SE¼ of Section 27, Township 23 N., Range 6 E. The permit authorized withdrawals of 400 gpm and 130 acre-feet per year from one or more wells located in the NW¼ of Section 34. The permit was assigned to James Huston on June 29, 1988, and then assigned to H-TWO LLP (the current owner) on May 23, 1996.

On July 5, 1996, H-TWO LLP submitted the subject application for change, CG1-23870P, to add additional points of withdrawal in the NE¼ of SW¼ of Section 27, Township 23 N., Range 6 E. At the time the Water Resource Program suffered significant reductions in staff and resources, therefore the application was not processed and remained in backlog.

On September 13, 2001, Cedar Grove Water & Sanitation LLC submitted an application for change, CG1-23870P@1 to purchase a portion of the H-TWO LLP water right to supply water to the Cedar Grove Mobile Home Park from a well located in the NE¼ of NW¼, Section 32, Township 23 N., Range 6 E. This change application was to supply an existing mobile home park's 53 connections located in the NE¼ and NW¼ of Section 32, Township 23 N., Range 6 E. Previously Ecology denied water right application G1-27680 to Cedar Grove Water & Sanitation LLC due to likely impairment of instream flows in the Cedar River since instream flows in the Cedar River were not met an average of 81 days per year between 1981 and 1993.

The State of Washington Department of Ecology (Ecology) received a letter from the State of Washington Department of Health requesting priority processing for the Cedar Grove Water & Sanitation LLC application due to a Public Health Emergency of the Cedar Grove Mobile Home Park's unsanitary water system which Cedar Grove Water & Sanitation LLC purchased.

Ecology processed the change for Cedar Grove Water & Sanitation LLC under priority processing authority and issued CG1-23870P@1 for 70 gpm and 30 acre-feet per year. As a result H-TWO LLP's permit was reduced accordingly and re-issued as Superseding Permit G1-23870P for 330 gpm and 100 acre-feet per year. Both were issued on November 8, 2002.

Meanwhile, the subject H-TWO LLP application for change to add additional points of withdrawal was not processed since it did not qualify for priority processing.

Description and Purpose of Proposed Change

The existing permit only authorized points of withdrawal in the NW¼ of Section 34, Township 23 N., Range 6 E. Since the development property encompasses a large area of approximately 500 acres, and the development has been down-zoned to result in several disconnected mini-developments, multiple well locations will be needed to accommodate the different areas.

As a result of down-zoning the project, the maximum potential number of lots King County will allow is 120. Typical water allocation per connection for rural developments in the Puget Sound region is 300 gallons per day, which is equivalent to 1/3 acre-foot annually per household. At full build out 120 lots annual allocation will require 40 acre feet per year (af/yr). Thus the existing permitted annual quantity shall be reduced to 40 af/yr.

Attributes of the Existing Water Right and Proposed Change

Attributes	Existing	Proposed
Name	H-TWO LLP	H-TWO LLP
Priority Date	05/29/1981	
Change Application Date		07/05/1996
Instantaneous Quantity	330 gpm	330 gpm
Annual Quantity	100 af/yr	40 af/yr
Purpose of Use	DM	DM
Period of Use	Continuously year round	Continuously year round
Place of Use	See Attachment 1	See Attachment 1

Proposed Sources of Withdrawal

Source Name	Parcel	WellTag	Twn	Rng	Sec	QQ Q	Latitude	Longitude
WELL 1	2723069156	---	23N	06E	27	NE SW	47.4503	-122.0280
WELL 2	3423069098	---	23N	06E	34	NE NW	47.4425	-122.0277
WELL 3	3423069096	---	23N	06E	34	NW	47.4397	-122.0281

Existing Sources of Withdrawal

Source Name	Parcel	WellTag	Twn	Rng	Sec	QQ Q	Latitude	Longitude
WELL 3	3423069096	---	23N	06 E	34	NW	47.4397	-122.0281

Legal Requirements for Proposed Change

The following is a list of requirements that must be met prior to authorizing the proposed change to add points of withdrawal

Public Notice

Public notice of the application was published in *The Issaquah* Press on November 13 and November 20, 1996. There were no written protests during the statutory 30-day protest period.

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.

(a) 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;
(b) It is a groundwater right application for more than 2,250 gallons per minute;
(c) It is an application that, in combination with other water right applications for the same project, collectively exceed the amounts above;
(d) 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);
(e) 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.

Because this application does not meet any of these conditions, it is categorically exempt from SEPA and a threshold determination is not required.

Water Resources Statutes and Case Law

RCW 90.03.380(1) states that a water right that has been put to beneficial use may be changed. The point of diversion, place of use, and purpose of use may be changed if it would not result in harm or injury to other water rights.

The Washington Supreme Court has held that Ecology, when processing an application for change to a water right, is required to make a tentative determination of extent and validity of the claim or right. This is necessary to establish whether the claim or right is eligible for change. *R.D. Merrill v. PCHB* and *Okanogan Wilderness League v. Town of Twisp.*

RCW 90.44.100 allows Ecology to amend a ground water permit to (1) allow the user to construct a replacement or additional well at a new location outside of the location of the original well, or to (2) change the manner or place of use of the water, if:

(a) The additional or replacement well taps the same body of public ground water as the original well. RCW 90.44.100(2)(a),

(b) Where a replacement well is approved, the user must discontinue use of the original well and properly decommission the original well. RCW 90.44.100(2)(b),
(c) Where an additional well is constructed, the user may continue to use the original well, but the combined total withdrawal from all wells shall not enlarge the right conveyed by the original permit or certificate. RCW 90.44.100(2)(c),
(d) Other existing rights shall not be impaired. RCW 90.44.100(2)(d).

When changing or adding points of withdrawal to groundwater rights (RCW 90.44.100), or when consolidating exempt wells with an existing permit or certificate (RCW 90.44.105), the wells must draw from the *same body of public groundwater*. Indicators that wells tap the *same body of public groundwater* include:

(a) Hydraulic connectivity.
(b) Common recharge (catchment) area.
(c) Common flow regime.
(d) Geologic materials that allow for storage and flow, with recognizable boundaries or effective barriers to flow.

INVESTIGATION

In considering this application, my investigation included, but was not limited to, research and/or review of:

- The State Water Code, administrative rules, and policies
- Water well reports for the area
- Notes and GPS data from my site visit on June 22, 2011
- Records of existing water rights in the vicinity
- The Maple Valley, Washington, U.S. Geological Survey 7.5 Minute Series Topographic map
- 1995, Washington Department of Ecology Open-File Technical Report 95-07: The Initial Watershed Assessment Water Resources Inventory Area 8 Cedar-Sammamish Watershed
- 1995, U.S. Geological Survey Water Resources Investigations Report 92-4098: Occurrence and Quality of Ground Water in Southwestern King County, Washington.
- 1996, U.S. Geological Survey Open-File Report 95-470: Numerical Model Analysis of the Effects of Ground-Water Withdrawals on Discharge to Streams and Springs in Small Basins Typical of the Puget Sound Lowland, Washington

- 1994, GeoEngineers, Inc., Report of Hydrogeologic Services Production Well Testing Webster Lake Estates Maple Valley, Washington

- 1969, U.S. Geological Survey Water-Supply Bulletin No. 28: Geology and Ground-Water Resources of Southwestern King County, Washington.

On June 22, 2011, John Rose and I, both of Washington State Department of Ecology, met with Jim Huston and Robert Hancheroff, who gave us a tour of the system. We observed the wells, water meter, plumbing, water treatment system, and homes on the system.

There are currently three wells separated in different areas since the development will be split into separate smaller clusters over a large geographic area. The first well we looked at, Well 1, is located in a small building in a development called Cedar Groves Estates. It has a 7½ H.P. pump with a Precision (brand name) 2-inch meter (serial number 93541801) (meter reading 37,316,900 gallons) with 2–inch diameter line to a 500 gallon pressure storage tank. From the tank a 4-inch PVC main line delivers to ¾ inch lines with meters to each home on the system. Well 1 currently pumps 60 gallons per minute and serves nine homes. Six or seven other homes in the development currently have exempt wells since the water right change was not processed in a timely manner.

The second well we looked at, Well 2, is not currently in use. It is located in a wooded area near Webster Lake and does not have electrical or plumbing connections.

Finally, we looked at the original well, Well 3, which was completed in the NW¼ of Section 34. The well produces 65 gpm and currently serves three homes including Mr. Huston's home.

History of Water Use

Water Resources Inventory Area 8 (WRIA 8, the Cedar-Sammamish Watershed) is located primarily in King County. This 692-square mile watershed is comprised of two major subbasins (the Cedar River and the Sammamish River systems) which converge into Lake Washington. The watershed is typified by a large number of small lakes, ponds, and wetlands and receives average precipitation ranging from 38 inches per year in the lowlands to 102 inches per year in the higher elevations of the Cascade Range (Ecology, 1995).

The area encompassing the change lies about three miles north of Maple Valley near the topographic and ground water divides between the Cedar sub-basin and Sammamish sub-basin of the Cedar-Sammamish Watershed. See Attachment 1 which shows the well locations and area of use.

Subsequent to issuance of the permit, the service area was down-zoned so the system will be developing at a lower density. As previously mentioned, a portion of the permit was sold and changed to Cedar Grove Water & Sanitation LLC. The current change will allow the development to proceed as phases in different areas of the project. Unfortunately, because of the poor economy and delay with Ecology in processing this change, the development has been stalled a number of years. Only twelve homes are currently connected to the water system and a number of others have drilled exempt wells while waiting for this change to be processed.

A permit is an undeveloped or not fully perfected right, which is an incomplete appropriative right in good standing, which remains in good standing so long as the requirements of law are being fulfilled. In this case, the subject permit is up to date, and is therefore in good standing.

Proposed Use

There is no change in the proposed use which is multiple domestic. The existing right will not be enlarged nor will the proposed change be detrimental to the public welfare since the original project has been down-zoned. Due to the slow economy, the project will likely take another ten years to complete.

Other Rights Appurtenant to the Place of Use

There are no other water rights appurtenant to the same place of use other than a number of exempt wells.

Hydrologic/Hydrogeologic Evaluation

Regional Geologic Setting

Puget Sound basin has been in existence since Tertiary times (about 66 to 2.2 million years before present) when sedimentary and volcanic basement rocks were folded downward between the Olympic and Cascade ranges. The resulting basin provided an avenue for several episodes of piedmont or ice sheet-type glacial flow from southwestern Canada, with concurrent sedimentary deposition during the Pleistocene (2 million to 10,000 years before present). Recent post-glacial topographic modifications by erosion and deposition have been minor, occurring primarily along river floodplains.

The Cedar-Sammamish Watershed is comprised of two major physiographic areas. The eastern half of the watershed lies in the Cascade Range while the western half occupies the Puget Sound Lowland. The Cascade Range is composed of sedimentary and volcanic Tertiary rocks rising more than 5,000 feet above the glacial drift plain. The Tertiary bedrock, which underlies the Cedar-Sammamish Watershed, is comprised primarily of sandstone, siltstone, and volcanic deposits typically of great thickness (thousands of feet). The mantle of debris overlying the bedrock units in the Puget Sound Lowland and reaching

thicknesses in excess of 1,000 feet typically is composed of Pleistocene-aged, glacially derived sediments. These sediments were deposited during four (possibly 5) periods of glaciation during which the Puget Lowland was overridden by continental glaciers advancing from the north. The most recent glacial event and the primary source of the glacial sediments in the area was the Vashon Stade of the Fraser Glaciation, which receded from the area approximately 13,000 years ago.

Vashon-aged glacial sediments found within the Puget Sound Lowland consist of: advance outwash (Qva) – typically compact and composed primarily of gravels with discontinuous sand lenses and local lenses of silt and clay all deposited by meltwater streams; glacial till (Qvt) – very compact, also known as hardpan, composed of clay, silt, and gravel deposited at the base of the advancing glacier; and recessional outwash (Qvr) – not compact, deposits composed primarily of well-sorted gravels, sand, silt and clay deposited by meltwater streams as the glacier retreated.

Subsequent to the deposition of the glacial sediments, alluvial sediments of the Holocene age (10,000 years ago to the present) were deposited. These are predominantly fluvial deposits of sand and gravel in stream and river valleys. Concurrently, still-water bog and marsh deposits were formed in low-lying areas.

Local Geology

During this investigation, driller's logs from the subject wells and wells in their vicinity were examined along with publications of geologic research performed in the area.

The subject wells are situated in the western foothills of the Cascade Range in the southeastern portion of the Puget Sound Lowland where mountain foothills and glacial drift plain merge. Although located near the Cascades and exposed bedrock, the applicant's wells and other wells located in sections 27 and 34, are relatively shallow and did not encounter bedrock. The Department of Natural Resources Geology map shows the surface geology consists predominantly of Vashon advance outwash with pockets of post-glacial fluvial deposits. Shallow aquifers are either post-glacial fluvial deposits or Vashon recessional outwash and the deeper aquifer is Vashon advance outwash. Based on review of the well logs and general geologic knowledge of the area, the applicant's wells likely tap Vashon advance outwash.

Local Hydrogeology and points of withdrawal

One of the proposed additional points of withdrawal, Well 1, is in section 27 which is located approximately ¾ mile to the north of the original point of withdrawal, Well 3, in section 34. (See Attachment 1 for well locations.) Well 1 was completed to a depth of 200 feet into gray clay sand and gravel. Well 2 (located 1,000 feet north of well 3) was completed to a depth of 87 feet into gray sand and gravel, and Well 3 was completed to a depth of 75 feet into gray clay sand and gravel.

The original well (Well 3) produces 65 gpm and currently supplies three homes. Well 1, appurtenant to this change, currently serves Cedar Grove Estates and produces 60 gpm. The pumping rate for Well 2 is unknown as it has no pump installed. Once development proceeds a

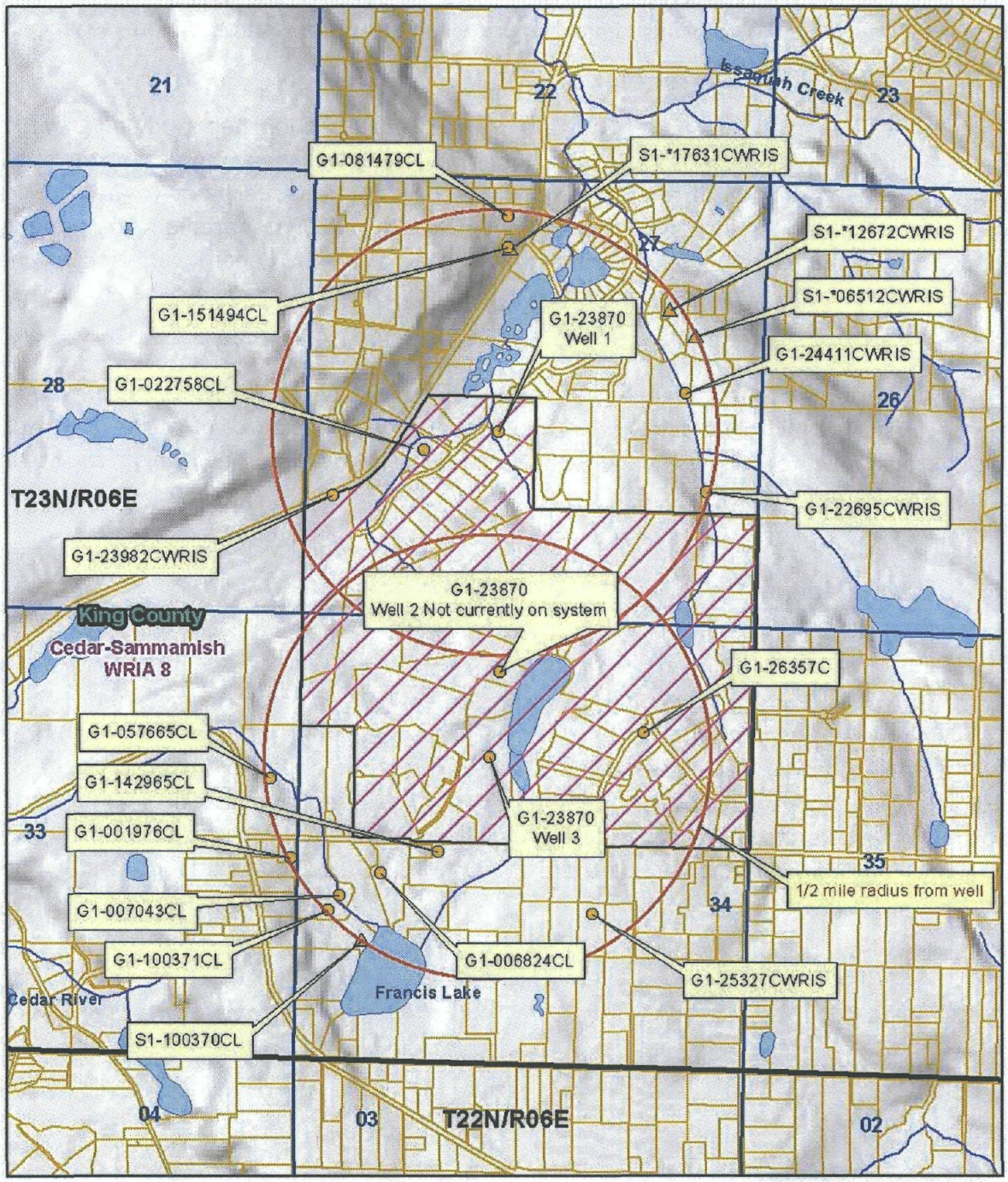
fourth well is planned. It is anticipated the permitted 330 gpm may be needed to accommodate pumping all four wells. The permitted pumping rate can be adjusted at certificate issuance if the full amount is not needed.

The applicant's wells and the majority of wells drilled in these sections tap sand and gravel aquifers within Vashon recessional outwash. Some very deep wells may tap Vashon advance outwash and pre-Vashon undifferentiated unconsolidated deposits. Recharge to the aquifers is from local precipitation infiltration. There is a downward ground water gradient component from the source aquifer to underlying zones that discharge into the Cedar River. Well log and topographic data indicate the general ground water gradient flows in a general westerly direction toward the Cedar River.

The wells appurtenant to this change tap the same body of public groundwater as the original permitted well. The hydrogeological conditions indicate the same source of water will continue to be utilized and water will be equally available from the new wells as it was from the original point of withdrawal.

Impairment Considerations

The Department of Ecology Water Right Tracking System (WRTS) database was queried to determine the number of existing water rights within one-half mile of the points of withdrawal (Figure 1). An arbitrarily, yet conservatively chosen area of one-half mile is used to define "close proximity". This value is justified experimentally based on current and historical pump test data that show negligible drawdown, and therefore unlikely impairment to wells or surface water diversions, induced by groundwater withdrawal from wells at a distance of 1000 feet in most cases.



0 1,000 2,000 3,000
Feet

7/11/2011

Figure 1

DEPARTMENT OF ECOLOGY
State of Washington

Water rights in the vicinity of Application G1-23870
King County, Washington

Figure 1 shows all water rights, including claims, within one half-mile of the applicant's wells. Claims are designated with a CL at the end of the claim number. There are ten ground water claims and one surface water claim within the vicinity of the applicant's wells. A water right claim may be a statement of the beneficial use of water that occurred prior to the adoption of the water right codes and is not authorized by a state-issued permit or certificate. The Department of Ecology cannot verify the validity of these claims, as water right claims can only be confirmed in an adjudication by the Washington State Superior Court. Many of the claims represent use under the ground water exemption (RCW 90.44.050).

Three surface water right certificates and five groundwater right certificates were found to be located within the vicinity. The water rights are summarized in Table 1 below:

Table 1 Existing Water Rights in the vicinity of Water Right Change Application G1-23870

Water Right	Priority Date	Name	Qi	Qa (afy)	Purpose of Use
G1-22695CWRIS	05/17/1976	Manzama Woods Wtr Syst	50 gpm	20	DM
S1-*12672CWRIS	11/30/1953	HORROCKS D J JR	0.01 cfs		DS
S1-*17631CWRIS	11/26/1962	DOPPENBERG J	0.01 cfs		DS
G1-23982CWRIS	11/02/1981	CONNER JOHN E	40 gpm	37	DM
G1-24411CWRIS	11/10/1983	SCHAEFER ROBERT E	15 gpm	4.5	DM
G1-26357C	09/25/1991	Cedar River Water & Sewer	60 gpm	17	DM
S1-*06512CWRIS	07/03/1945	HORROCKS D J	0.25 cfs		DS FS PO
G1-25327CWRIS	10/03/1988	STILLMAKER R R	12 gpm	4	DM

DS=Single Domestic, DM=Multiple domestic, FS=Fish Propagation, PO=Power Generation

Ecology's well log database shows forty-two water wells within half-mile of the applicant's wells. Some of the wells belong to the claimed water rights mentioned above. The remainders fall under the ground water exemption.

Due to the small pumping capacities of these wells as well as the applicant's wells there should be no interference or impairment between the applicant's wells and the other wells or water rights in the area.

Impairment of Minimum Instream Flow Water Rights

Washington Administrative Code (WAC) 173-508-060 established minimum instream flows for the Cedar River on September 6, 1979. This is equivalent to issuing a water right for the instream flows on the Cedar River with the 1979 priority date. In *Postema v. Pollution Control Hearings Board,* the Washington Supreme Court held that a minimum instream flow is an appropriation entitled to the same protection from impairment by subsequent appropriators as other water rights. WAC 173-508-050 states that in future permitting actions relating to ground water withdrawals, the natural interrelationship of surface and ground waters shall be fully considered. *Postema v. Pollution Control Hearings Board* also held that Ecology may deny a ground water application if necessary to protect minimum instream flows in surface water with which that ground water is in hydraulic continuity.

The subject application for change to add additional points of withdrawal will have no impairment on instream flows since the hydrogeological conditions indicate that the same source of water will continue to be utilized and that water will be equally available from the new wells as it was from the original point of withdrawal.

Public Interest Considerations

No detriment to the public interest will occur as a result of adding points of withdrawal to the subject permit.

Consideration of Protests and Comments

No protests were filed against this application.

Conclusions

The hydrogeological conditions indicate the same source of water will continue to be utilized and water will be equally available from the new wells as it was from the original point of withdrawal. Due to the small pumping capacities of the applicant's wells there likely will be no interference or impairment between the applicant's wells and the other wells or water rights in the area.

RECOMMENDATIONS

Based on the above investigation and conclusions, I recommend the request for change to add new points of withdrawal 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:

330 gpm
40 acre-feet per year
Multiple domestic supply for a maximum total of one-hundred-twenty connections

Points of Withdrawal

WELL 1: NE¼ SW¼, Section 27, Township 23 North, Range 6 E., W.M.
WELL 2: NE¼ NW¼, Section 34, Township 23 North, Range 6 E., W.M.
WELL 3: NW¼, Section 34, Township 23 North, Range 6 E., W.M.

Place of Use

As shown on Attachment 1 and described in Legal Description of Authorized Place of Use on page 2 of this Report of Examination.

Report by: _____ 12/4/2012
2012

Jerry L. Liszak, LG, LHG
Water Resources Program

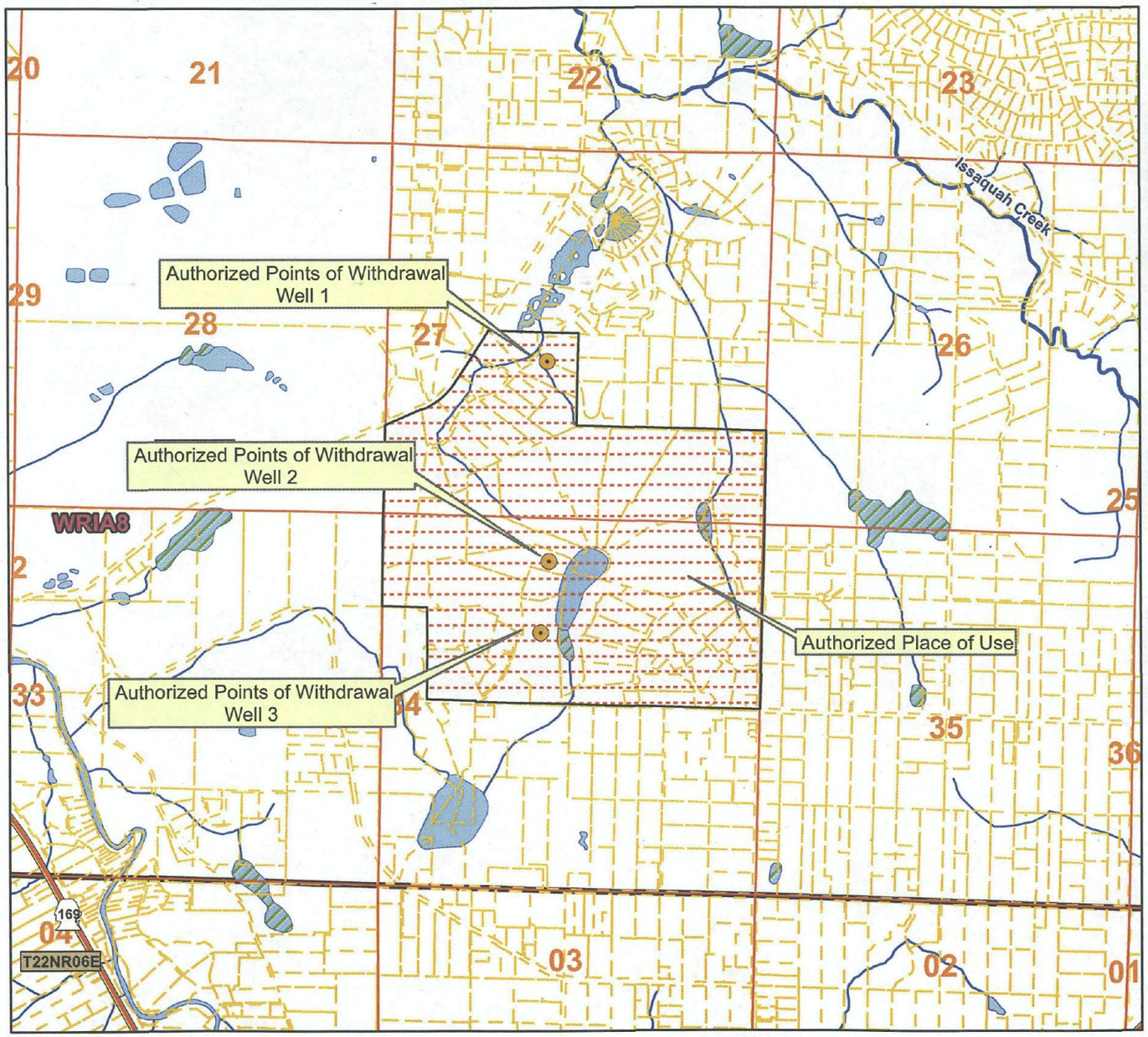
Date

_____
Licensed Geologist/Hydrogeologist No. 834

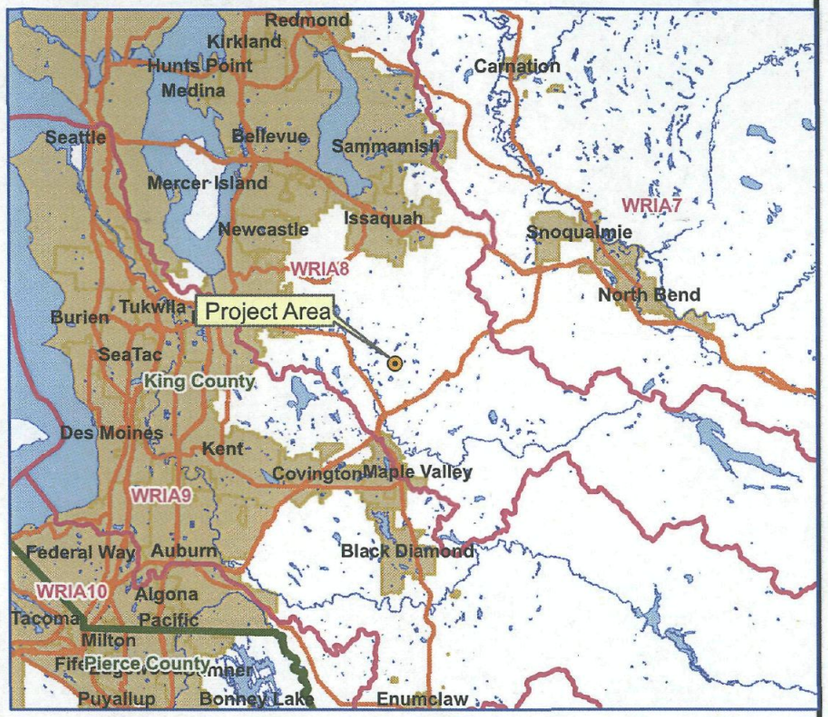
If you need this publication in an alternate format, please call Water Resources Program at (360) 407-6600. Persons with hearing loss can call 711 for Washington Relay Service. Persons with a speech disability can call 877-833-6341.

H-TWO LLP
Water Right Number G1-23870
Sec.27 & 34, T23N, R 06E W.M.
WRIA 8 - King County

DEPARTMENT OF ECOLOGY
State of Washington



1,500 750 0 1,500 3,000 4,500 Feet



5 2.5 0 5 10 Miles

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.'

Attachment 1