



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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MAY 29 2013

F. Alan Kerley
Lake Forest Park Water District
4029 NE 178th Street
Lake Forest Park, WA 98155



Your address
is in the
Cedar-Sammamish
watershed

Dear Mr. Kerley:

Re: TEMPORARY PERMIT for pendency of change applications CS1-*01894C, CG1-*00835S, CG1-*05680C, & CG1-*08167C

BACKGROUND INFORMATION

On May 23, 2012, the Department of Ecology (Ecology) received applications for change CS1-*01894C, CG1-*00835S, CG1-*05680C, & CG1-*08167C. The purpose of the changes is to change the points of withdrawal and diversion of the four water rights in order to reduce the risk to public health posed by the construction of the Brightwater sewage tunnel, which passes through the area where the wells and springs associated with the rights is located.

A review by Ecology found that change applications to water right certificates listed in Ecology databases as being active documents, thus eligible for consideration of the changes (Table 1).

Table 1 summarizes the attributes of the water rights held by Lake Forest Park Water District.

Table 1: Water Rights held by Lake Forest Park Water District								
File #	Cert #	Source	Priority Dt	Purpose	Qi (cfs)	Qi (gpm)	Qa _A	Qa _N
S1-*01894C	498-A	Springs	10/1/1926	MU	1.00	448		
G1-*00835S	767-D	Well #1	4/1/1940	MU		100	162	
G1-*05680C	4019-A	Well #2	7/26/1960	MU		440	704	
G1-*08167C	5839-A	Well #3	6/27/1966	MU		225		360
						1,213	866	360

Qa_A = Additive; Qa_N = Non-Additive

Lake Forest Park Water District wrote to Ecology in May and again in November 2012 seeking information and clarification on their water rights and on how they might best resolve public



health issues surrounding the location of Brightwater tunnel within the vicinity of the district's water supply. Ecology informed the district that due to staffing levels and funding they would need to have their application processed using the Cost Reimbursement process (RCW 90.03.265).

A representative of the district contacted Ecology in April 2013 informing the department that funding for processing of the application through the cost reimbursement process was currently not available and that they were interested in finding an alternative to Cost Reimbursement. The district was informed that there was not at present an alternative, but that Ecology would consider issuance of a temporary permit (RCW 90.03.250) for a limited period of time if the facts of the case supported such a course of action.

PRELIMINARY EVALUATION OF APPLICATIONS

As part of Ecology's response to district's queries, a tentative evaluation of the extent and validity of the District's surface and groundwater rights was made. This evaluation determined that as much as 208 gallons per minute (gpm) and 336 acre-feet per year (af/yr) of the surface water right S1-*01894C has been perfected and is thus available for change based on the restrictions placed on inchoate surface water changes under RCW 90.03.570.

The remainders of the district's rights are for groundwater, for which the restrictions of RCW 90.03.570 are not applicable. The quantities available for change under G1-*00835C, G1-*05680C, and G1-*08137C are as listed in Table 2. The combined total groundwater available for change is 760 gpm and 866 af/yr for groundwater rights, and for all rights 973 gpm and 1,202 af/yr.

Table 2: Quantities Available for Change

File #	Cert #	Qi (gpm)	Qa _A	Qa _N
S1-*01894C	498-A	208	336	
G1-*00835S	767-D	100	162	
G1-*05680C	4019-A	440	704	
G1-*08167C	5839-A	225		360
Total Available		973	1,202	360

The change applications propose assigning all district water groundwater rights to a wellfield consisting of the three existing production wells, one existing backup well, and two new wells located at the Seattle Public Utilities (Table 3). The change proposed for surface water right SWC 489-A would include all the wells in Table 3 in addition to the eight siphons utilized at the district's springs (Table 4).

Both the original and proposed points of withdrawal are located within the Lake Washington

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Sub-Basin of the Cedar River-Sammamish Watershed (WRIA 8), an area closed to future consumptive appropriation under Chapter 173-508 WAC, the Instream Flow Rule for WRIA 8.

The transfer of production from one location to another within the same groundwater source is not considered to be a new consumptive appropriation, therefore the proposed change would not contradict the purpose or intent of Chapter 173-508 WAC and water would be legally available.

Source	Certificate	Twp	Rng	Sec	QQ	Tag
Well #1	767-D	26N	4E	3	SW-SE	AFJ001
Well #2	4019-A	26N	4E	3	SW-SE	AFJ002
Well #3	5839-A	26N	4E	3	SW-SE	AFJ003
Well #4	(backup)	26N	4E	3	SW-SE	AFJ004
Well #5	New	26N	4E	3	SW-NE	BAM416
Well #6	New	26N	4E	3	SW-NE	BAM417

Source	Certificate	Twp	Rng	Sec	QQ	Tag
Siphon #1	498-A	26N	4E	3	SW-SE	AFJ005
Siphon #2	“	26N	4E	3	SW-SE	AFJ006
Siphon #3	“	26N	4E	3	SW-SE	AFJ007
Siphon #4	“	26N	4E	3	SW-SE	AFJ008
Siphon #5	“	26N	4E	3	SW-SE	AFJ009
Siphon #6	“	26N	4E	3	SW-SE	AFJ010
Siphon #7	“	26N	4E	3	SW-SE	AFJ011
Siphon #8	“	26N	4E	3	SW-SE	AFJ012

Lake Forest Park Water District performed aquifer testing on the two new wells in 2009. Table 2 provides a summary of the information provided by the aquifer tests. These tests indicate that the two wells are capable of sustainably pumping 350 gpm if operated together as a wellfield (200 gpm Well #5 and 150 gpm for Well #6), or Well #5 can be operated individually at a rate of 300 gpm, with Well #6 used as a backup well operated at 250 gpm.

Table 5: New Well Summary								
Well	SWL (ft BGS)	depth (ft BGS)	Diameter (Inches)	Screen Size (inches)	Screens (Interval)	T (gpd/ft)	S (gpm/ft)	Capacity (gpm)
Well #5	284.7	468	12	0.40 in	349.5-354.5 375.5-396.5 440.5-465	10,000	5.2	200 - 300
Well #6	291.6	468	12	0.40 in	345-350 377-402.5 440-450.5	10,000	4.9	150 - 250

The total system Qi of 968 gpm is about three times the capacity of the proposed new wells. It is therefore apparent that these two wells would not be able to provide the full replacement capacity if the district's existing wellfield was compromised by a spill in the Brightwater tunnel. An alternative exists through emergency intertie arrangements with Seattle Public Utilities at the site of Wells #5 and #6, which are located on SPU property adjacent to SPU's open storage facility.

ECOLOGY ADMINISTRATIVE ORDER

RCW 90.03.250 provides authority for Ecology to issue a temporary authorization for beneficial use before a report of examination is completed for a water right application if it can be shown that the project would likely be approved.

In the present case, water is available, there does not appear to be a likelihood of impairment, the purpose of use (municipal supply) is deemed to be beneficial, and the public interest is not likely to be ill served. It is therefore likely that the applications for change to S1-*01894C, G1-*00835S, G1-*05680C, & G1-*08167C will be approved.

Ecology hereby issues this TEMPORARY PERMIT, which authorizes the beneficial use of up to 350 gpm of pumping capacity and 480 af/yr of consumptive use through Well #5 and Well #6 (Unique Well Tag Numbers BAM 416 and BAM 417) located in the SW1/4 of the NE1/4 of Section 3 Township 26N, Range 4E, W.M. In addition, the district may use siphon wells #1 through #8 (see Table 4) under S1-*01894C (SWC 498-A).

The remaining instantaneous and annual quantities (Qi and Qa, respectively) associated with S1-*01894C, G1-*00835S, G1-*05680C, & G1-*08167C that is not produced from Wells #1 and #2 as defined above, shall continue to be produced from their original sources so long as the individual and cumulative water right limitations on Qi and Qa are not exceeded (Table 1).

Lake Forest park Water District shall continue to diligently pursue completion of the investigation of applications CS1-*01894C, CG1-*00835S, CG1-*05680C, & CG1-*08167C through the Cost Reimbursement process. The Cost Reimbursement process must be initiated no

later than July 1, 2014.

An approved measuring device shall be installed and maintained for each diversion/withdrawal of the sources identified by this water right in accordance with the rule "Requirements for Measuring and Reporting Water Use", Chapter 173-173 WAC.

Water use data shall, at a minimum, be recorded weekly. The maximum annual instantaneous rate of diversion/withdrawal and the annual total volume shall be submitted to Ecology by January 31st of the following year.

The following information shall be included with each submittal of water use data: owner, contact name if different, mailing address, daytime phone number, Permit/Certificate/Claim No., source name, volume including units, Department of Health WFI water system number and source number(s) (for public drinking water systems), and well tag number (for ground water withdrawals). In the future, Ecology may require additional parameters to be reported or more frequent reporting. Ecology prefers web based data entry, but does accept hard copies. Ecology will provide forms and electronic data entry information.

Chapter 173-173 WAC describes the requirements for data accuracy, device installation and operation, and information reporting. It also allows a water user to petition 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".

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.

This TEMPORARY PERMIT shall remain in effect for the pendency of applications CS1-*01894C, CG1-*00835S, CG1-*05680C, & CG1-*08167C or until June 30, 2015, unless cancelled earlier by Ecology.

You have a right to appeal this action to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this document. 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 this document:

- File your appeal and a copy of this document with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.

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- Serve a copy of your appeal and this document on Ecology in paper form - by mail or in person. (See addresses below.) Email is not accepted.

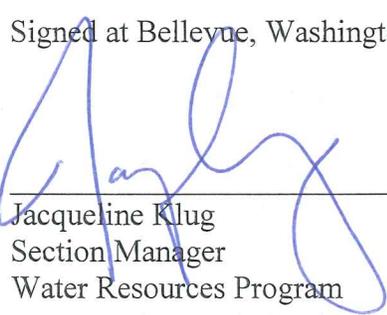
You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

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 P.O. Box 47608 Olympia, WA 98504-7608
Pollution Control Hearings Board Environmental Hearings Office 1111 Israel Road SW, Suite 301 Tumwater, WA 98501	Pollution Control Hearings Board P.O. 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 29 day of May, 2013.



Jacqueline Klug
Section Manager
Water Resources Program

jk/dw/mc

Enclosure: Your Right to be Heard

By certified mail: 7012 3460 0000 2586 7605