



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300

May 9, 2012

ICON Materials
Attn Laurie Pinard
PO Box 88028
Tukwila WA 98138

Re: Water Right Application No. G1-27575

Dear Ms. Pinard:

Enclosed is a copy of the Department of Ecology's *Report of Examination*. This report contains our decision regarding your application.

Your application has been approved.

A Permit will be issued consistent with the enclosed *Report of Examination* after the appeal period has expired, if no appeals have been filed.

YOUR RIGHT TO APPEAL

You have a right to appeal this Order to the Pollution Control Hearing 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 this Order:

File your appeal and a copy of this decision 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.



ADDRESS AND LOCATION INFORMATION

Street Addresses	Mailing Addresses
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503 Pollution Control Hearings Board 1111 Israel RD SW STE 301 Tumwater, WA 98501	Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608 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>.

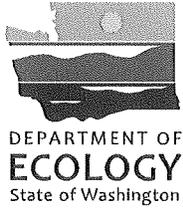
If you have any questions, please call (360) 407-6300.

Sincerely,


Michael J. Gallagher
Section Manager
Water Resources Program

Enclosures: Report of Examination
Your Right To Be Heard

By Certified Mail: 7010 1670 0002 4158 1838



State of Washington
**REPORT OF EXAMINATION
FOR WATER RIGHT APPLICATION**

PRIORITY DATE
12/30/1994

WATER RIGHT NUMBER
G1-27575

MAILING ADDRESS
ICON Materials
PO BOX 88028
TUKWILA WA 98138

SITE ADDRESS (IF DIFFERENT)
4040 Kersey Way
Auburn, WA 98092

Quantity Authorized for Withdrawal or Diversion

WITHDRAWAL OR DIVERSION RATE	UNITS	ANNUAL QUANTITY (AF/YR)
400	GPM	128

Purpose

PURPOSE	WITHDRAWAL OR DIVERSION RATE			ANNUAL QUANTITY (AF/YR)		PERIOD OF USE (mm/dd)
	ADDITIVE	NON-ADDITIVE	UNITS	ADDITIVE	NON-ADDITIVE	
Mining	400		GPM	128		01/01 - 12/31

REMARKS

This ground water right will be used in conjunction with surface water right S2-30172 and reservoir water right R2-30218. Total annual quantity of all three water rights is not to exceed 128 acre-feet per year.

ADDITIVE	IRRIGATED ACRES		PUBLIC WATER SYSTEM INFORMATION	
	NON-ADDITIVE		WATER SYSTEM ID	CONNECTIONS
0	0			

Source Location

COUNTY	WATERBODY	TRIBUTARY TO				WATER RESOURCE INVENTORY AREA		
KING	GROUNDWATER					10-PUYALLUP-WHITE		
SOURCE FACILITY/DEVICE	PARCEL	WELL TAG	TWP	RNG	SEC	QQ Q	LATITUDE	LONGITUDE
WELL			21N	05E	32	NW NW		

Place of Use (See Attached Map)

PARCELS (NOT LISTED FOR SERVICE AREAS)

282105-9010, 282105-9026, 282105-9028

292105-9019, 292105-9020, 292105-9021, 292105-9022, 292105-9025, 292105-9044, 292105-9046, 292105-9053

322105-9001, 322105-9002, 322105-9003, 322105-9004, 322105-9005, 322105-9006, 322105-9008, 322105-9024, 322105-9026, 322105-9031, and

332105-9050

LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE

ICON Materials Gravel Mine

That portion of Sections 29, 32 and 33, and that portion of the Southwest ¼ of Section 28, Township 21 North, Range 5 East WM, lying Southerly of the Stuck River Road, Easterly of the Easterly margin of Kersey Way and Northwesterly of the Southeasterly line of the Covington-Chehalis transmission line, together with that portion of the Northeast ¼ of Section 32, Township 21 North, Range 5 East WM, lying Southeasterly of the Covington-Chehalis transmission line, excepting there from the Southeast ¼ of the Southwest ¼ of Section 28, Township 21 North, Range 5 East WM, all in King County, Washington.

Proposed Works

ICON Materials proposes to secure a groundwater right to withdraw water from the confined Q(A)c aquifer using an existing well. The well was drilled on the ICON Materials property on January 25, 1993 to a total depth of 239 feet from a site elevation of approximately 180 feet above mean sea level (MSL). The 10-inch diameter well is screened from 219 to 239 feet below ground surface (bgs) into the water bearing Q(A)c zone.

A groundwater right was requested to withdraw groundwater at a maximum instantaneous rate (Qi) of up to 400 gallons per minute (gpm) for mining purposes, including washing sand and gravel extracted from the ICON Materials aggregate mine and for dust control. The applicant has proposed to provide 69-73 acre-feet per year of return flow to the shallow aquifer system via on site percolation from various gravel washing and equipment washing activities and eventual infiltration.

Additional Mitigation:

In addition, ICON Materials has purchased Water Right Certificate 2926, owned by Sumner Business Park. Certificate 2926 was an irrigation water right, located in the SW ¼ NE ¼ Section 12, Township 20N, Range 4E WM. This water right had a Qi of 0.80 cfs to be diverted from the White River during April 15th to October 1st for irrigation purposes.

The transferable quantity for ICON's purposes for the Sumner Business Park water right is 52 acre-

feet/year. Water Right Certificate 2926 has been placed into trust.

A second form of mitigation for this water right application is the commitment to fund \$100,000 towards the Clearwater Restoration Project, which is a restoration project located in the upper reaches of the White River. The funding will be dedicated towards the construction of several large woody debris structures in the upper parts of the White River drainage, in the Clearwater River drainage vicinity.

A final condition of this water right is that this water right will stay in permit status throughout the operation of the mine until the mine ceases operation by December 31, 2028. At that point this permit will be cancelled.

Development Schedule

BEGIN PROJECT	COMPLETE PROJECT	PUT WATER TO FULL USE
Project has begun	April 30, 2014	April 30, 2016

Additional Actions and Due Dates

ACTION	DATE DUE
Mitigation Status Report Due	December 31, 2012

[A combined mitigation report for Permits G1-27575, S2-30172 and R2-30218 is shall be submitted to Ecology by April 30, 2016.]

Measurement of Water Use

How often must water use be measured?	Weekly
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 or cfs)

Provisions

Wells, Well Logs and Well Construction Standards

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.

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.

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 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.

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.

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.

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 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. G1-27575 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).

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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 Olympia, Washington, this 9th day of May 2012.

Michael J. Gallagher
 Michael J. Gallagher, Section Manager

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>.

BACKGROUND

This report serves as the written findings of fact concerning Water Right Application Number G1-27575.

Table 1 Summary of Requested Water Right

Applicant Name:	ICON Materials and CPM Development Corporation
Date of Application:	12/30/1994
Place of Use	ICON Materials gravel mine

County	Waterbody	Tributary To	WRIA
King	Groundwater	Bowman Creek	10-Puyallup-White

Purpose	Rate	Unit	Acre-feet/yr	Begin Season	End Season
Mining	400	GPM	128	01/01	12/31

Source Name	Parcel	Well Tag	Twp	Rng	Sec	QQ Q	Latitude	Longitude
Well			21N	05E	32	NW NW		

Legal Requirements for Approval of Appropriation of Water

RCWs 90.03 and 90.44 authorize the appropriation of public water for beneficial use and describes the process for obtaining water rights. Laws governing the water right permitting process are contained in RCW 90.03.250 through 90.03.340 and RCW 90.44.050. In accordance with RCW 90.03.290, determinations must be made on the following four criteria in order for an application for water rights to be approved:

- Water must be available
- There must be no impairment of existing rights
- The water use must be beneficial
- The water use must not be detrimental to the public interest

This report serves as the written findings of fact concerning all things investigated regarding Water Right Application Number G1-27575.

Public Notice

RCW 90.03.280 requires that notice of a water right application be published once a week, for two consecutive weeks, in a newspaper of general circulation in the county or counties where the water is to be stored, diverted and used. **Notice of this application was published in the South County Journal on September 4, 2001 and September 11, 2001.**

Two Protests were received, one from the Muckleshoot Tribe and one from the City of Auburn.

Consultation with the Department of Fish and Wildlife

The Department must give notice to the Department of Fish and Wildlife of applications to divert, withdraw or store water. Ecology has consulted with the Washington State Department of Fish and Wildlife on this application.

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 foot 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.

INVESTIGATION

Description and Purpose of Proposed Application

On December 30, 1994, M. A. Segale filed an application (G1-27575) for a permit to appropriate public groundwater from a 239 foot deep ten-inch diameter well for mining purposes. The application was subsequently assigned to LaPianta, LLC, and then subsequently to ICON Materials. The applicant requested authorization to withdraw 400 gallons per minute (gpm) for gravel mining related activities including gravel washing and processing and dust control, and for irrigation of 863 acres.

On August 2, 2001, the Washington State Department of Ecology (Ecology) issued a letter to the applicant requesting:

- 1) additional information that would be beneficial to the review of this application,
- 2) clarification of the legal land ownership and the legal water right applicant.

The applicant filed documentation with Ecology to verify the legal land ownership and water right applicant; however, no additional information regarding the water right application was received.

Notice of the proposed application was published and formal protests were received from the Muckleshoot Indian Tribe and from the City of Auburn. The Tribe contended that the groundwater from this well could reduce the yield of Coal Creek Springs. Additionally, the Tribe commented that withdrawal of groundwater in hydraulic continuity with the White River and Bowman Creek would result in depletion of instream flows for fish migration. The City of Auburn expressed concern that the proposed water right would directly impact their main source of water supply (Coal Creek Spring) and potentially other senior water rights held by the city in the surrounding area.

This application was originally processed under Ecology Cost Reimbursement Project No. 9E52, under agreement between Ecology and Puget Sound Energy. This agreement tasked Hart-Crowser with preparing a draft Report of Examination (ROE). Upon review of documents available at that time pertaining to site conditions, historical water use, projected water demand, existing water right holders, seniority of pending applications potentially affected by the application and comments provided by the Muckleshoot Tribe and the City of Auburn, this application was denied in March 2003.

Subsequent efforts by ICON Materials Inc., include working closely with the Muckleshoot Tribe and the Puyallup Tribe with regards to this application and proposed mitigation. ICON secured an existing water right to place in to trust to mitigate or offset the impacts of this application and is committed to fund \$100,000 towards the Clearwater Restoration Project, which is a restoration project located in the upper reaches of the White River. The funding will be dedicated towards the construction of several large woody debris structures in the upper parts of the White River drainage, in the Clearwater River drainage vicinity.

Site Description

The point of withdrawal is located in the Northwest Quarter of the Northwest Quarter of Section 32 in Township 21 North, Range 5 East (of the) Willamette Meridian in King County. The well is located near the northwest corner of the gravel mine property, about 1500 feet south of the White River and approximately 600 feet due east of Bowman Creek, which is a tributary of the White River.

Both the well site and the gravel mine are situated within the Puyallup-White Watershed (WRIA10).

Hydrogeologic/Hydrologic Assessment

Regional Hydrology

The gravel mine is located at the mouth of the Bowman Creek drainage. Bowman Creek originates from Bowman Lake, which is located on the northern end of the Lake Tapps uplands. The well site is approximately 600 feet east of Bowman Creek and approximately 1500 feet south of the White River.

This area receives approximately 45 inches of precipitation per year. The recharge occurring in this area ultimately migrates to the Auburn-Kent aquifer system and /or to the White River as either runoff collected by the Bowman Creek drainage or as shallow groundwater flow.

The inflow and outflow characteristics of the White River in this area are very dynamic. Prior to entering the Auburn-Kent valley, approximately 1 mile NE of the gravel mine, the reach of the White River is characterized as both a gaining and losing river, depending on the time of the year. As the river enters the Auburn-Kent valley (due north of the gravel mine), losing conditions prevail throughout the year. About 1.5 miles downstream, the river is a gaining stream year round.

Hydrogeology

The surficial geology in the vicinity of the site is composed of sediments from the Vashon Stade of the Fraser Glaciation and younger sediments from more recent alluvial deposits. Surface expressions of the Vashon glacial units in the surrounding area include till (Qvt) and recessional outwash (Qvr). Younger alluvial sediments (Qalc) are also present at the surface and occupy the majority of the White River and Auburn-Kent Valleys (PGG, 1999).

Groundwater in the area surrounding the well site occurs in two distinct aquifer systems – the alluvial aquifer, which primarily is located in the White River and Auburn-Kent valleys and the upland aquifer system, which is located mainly in the upland areas above the White River and Auburn-Kent valleys. The alluvial aquifer system in the White River valley is composed of the surficial coarse alluvium (Qalc). However, upon entering the Auburn-Kent valley, the alluvial aquifer of the White River valley comes in contact with deeper deltaic recessional outwash deposits (Qvrd). The area where the Qalc and Qvrd units are in direct contact is small and restricted to the eastern edge of the Auburn-Kent valley. In the remainder of the valley, the Qalc and the Qvrd units are separated by an aquitard system comprised of the Qalf and Qom units (PGG, 1999).

The upland aquifer system in this area consists of the unconfined Qva aquifer and the confined Q(A)c and Q(B)c aquifer units which underlie the Lake Tapps uplands and the Federal way uplands on the western side of the Auburn-Kent valley. These coarse-grained units are separated by fine-grained units and are thought to be sequential glacial drift units beneath the Vashon drift. Coal Creek Springs is a major supply source for the City of Auburn. These springs are located on the northeast side of the Lake Tapps uplands. Although poorly understood, the generalized groundwater flow path is from the upland Q(A)c aquifer to the upper 15 to 20 feet of the alluvial aquifer (Qalc) where groundwater continues northward until it discharges to the White river (PGG, 1999).

Extractable quantities of groundwater in the vicinity of the well site occur in the Qalc aquifer and the deeper Q(A)c and Q(B)c aquifers. Recharge to these aquifers is primarily from infiltration of precipitation occurring on the Lake Tapps uplands and leakage from Lake Tapps. The Q(A)c aquifer underlying the Lake Tapps uplands indirectly discharges to the alluvial valley aquifer. (Qalc) via springs along the valley wall and as groundwater where the two aquifers are in contact. The Q(B)c aquifer also discharges to the alluvial valley aquifer, but at a greater depth where it contacts with the Qvrpd aquifer (PGG, 1999).

Hydrogeological Conclusions

This application proposes to pump groundwater from the confined Q(A)c aquifer. A conceptual analysis of the hydrogeology indicates that the Q(A)c aquifer in this area is connected with the Qal/Qvrd unit of the Auburn-Kent valley aquifer system, and pumping of groundwater from the Q(A)c unit would reduce the quantity of groundwater discharging to the Auburn-Kent valley aquifer system. The White river reach is characterized as both a gaining and losing river in the area of expected hydraulic effect, depending on the time of year. Leading either to decreases in groundwater discharge during gaining periods, or increases in White river losses to the groundwater system during losing periods.

Fisheries Concerns

The salmonid habitat of the Puyallup-White River Watershed has been significantly affected by human activities. Within the watershed the major limiting factors for fish production include low summer flows, seasonal flooding, unstable streambeds, physical barriers such as dams and diversion structures, poor water quality, and extensive industrial use of the Puyallup River delta area (Tideflats) at Commencement Bay. Chinook, coho, pink, and chum salmon populate the watershed. Their principal use of the White River in this area is for transportation and rearing. Coho and chum use Bowman Creek for spawning and rearing.

Effect of the Proposed Groundwater Withdrawal on the Puyallup-White River

Under the provisions of Chapter 173-510 WAC, *Instream Resources Protection Program – Puyallup River Basin, Water Resources Inventory Area 10*, minimum flows were established for the Puyallup River, and the White River is closed to further consumptive withdrawals. This restriction also applies to groundwater withdrawals that affect the surface water system. Any water rights issued in the Puyallup-White Watershed are subject the regulation to maintain Puyallup River minimum flows and this application cannot be approved if it would lead to decreased flows in the White River or other closed tributaries of the Puyallup River, including Bowman Creek.

At stream gage 12101500 (Puyallup River at Puyallup), the minimum instream flow ranges from 1,000 to 2,000 cubic feet per second (cfs) for various calendar periods. At stream gage 12096500 (Puyallup River at Alderton), the minimum instream flows range from 500 to 1,050 cfs.

In conclusion, any consumptive use of groundwater at this site would lower heads in the shallow aquifer system and potentially increase leakage out of the losing reach of the White River.

Predicted Impacts to Instream Flows and Closures

Hydrogeologic impacts associated with this application were evaluated through a conceptual water budget analyses conducted by Golder Associates (David Banton - 2/29/2006) and Robinson-Noble-Saltbush (Krautkramer and Becker 8/9/2005). Both analyses concluded that between 55-59 acre-feet of water (of the total 128 acre-feet annual quantity to be withdrawn for this application) would be used consumptively and the remaining 69-73 acre-feet per year would be returned to the shallow aquifer system via on site percolation from various gravel and equipment washing activities.

Therefore, a maximum consumptive impairment to the White River of 59 acre-feet annually will need to be mitigated for in order to meet the instream flow and other provisions in Chapter 173-510 WAC.

Mitigation

ICON Materials has purchased Water Right Certificate 2926, owned by Sumner Business Park. Certificate 2926 was an irrigation water right, located in the SW ¼ NE ¼ Section 12, Township 20N, Range 4E WM. This water right had a Qi of 0.80 cfs to be diverted from the White River during April 15th to October 1st for irrigation of 80 acres.

A beneficial use analysis conducted by Westwater Research (Westwater, 2009) determined the following:

Water was diverted at a maximum rate of 0.55 cfs (2003 and 2004 season) and 60.90 acre-feet was estimated to be diverted between April 15 and October 1. Ecology has indicated that only the "average consumptive quantity"(ACQ) will be available for mitigation. Therefore, the transferable quantity for ICON's purposes for the Sumner Business Park water right is 52 acre-feet/year.

A second form of mitigation for this water right application is the commitment to fund \$100,000 towards the Clearwater Restoration Project, which is a restoration project located in the upper reaches of the White River. The funding will be dedicated towards the construction of several large woody debris structures in the upper parts of the White River drainage, in the Clearwater River drainage vicinity.

Proposed Use and Basis of Water Demand

The proposed use of water is for mining purposes. The ICON materials gravel mine needs to use water for gravel washing, dust control, equipment washing and other gravel mining related purposes.

The use of water for mining purposes is defined in statute as a beneficial use (RCW 90.54.020(1)).

Other Rights Appurtenant to the Place of Use

The ICON Materials gravel mine has one surface water permit (S2-30172) and one reservoir permit (R2-30218), being issued concurrently with this permit. The period of use for all three permits is until December 31, 2028.

S2-30172 and R2-30218 allows ICON Materials to store stormwater collected onsite in Pond #4 in Basin E2 and to be used as make-up water when needed for processing of sand and gravel. To the extent possible, re-circulated and recycled water (including water from Pond #4) is utilized for facility operations (dust control, wash plant water). Water from Pond 4 can be pumped into or out of Pond #4 to the Recycle Water Treatment Plant and/or pumped to infiltration areas within the facility. Pond #4 is used as a settlement area to allow fine material to settle out of water that has been used for sand and gravel processing operations and other mine related activities.

Impairment Considerations

Impairment is an adverse impact on the physical availability of water for a beneficial use that is entitled to protection. A water right application may not be approved if it would:

- Interrupt or interfere with the availability of water to an adequately constructed groundwater withdrawal facility of an existing right. An adequately constructed groundwater withdrawal facility is one that (a) is constructed in compliance with well construction requirements and (b) fully penetrates the saturated zone of an aquifer or withdraws water from a reasonable and feasible pumping lift.
- Interrupt or interfere with the availability of water at the authorized point of diversion of a surface water right. A surface water right conditioned with instream flows may be impaired if a proposed use or change would cause the flow of the stream to fall to or below the instream flow more frequently or for a longer duration than was previously the case.
- Interrupt or interfere with the flow of water allocated by rule, water rights, or court decree to instream flows.
- Degrade the water quality of the source to the point that the water is unsuitable for beneficial use by existing users (e.g., via sea water intrusion).

Water right changes and new water right permits have the greatest potential to affect wells completed in the same aquifer near the new point of withdrawal

WAC 173-150-060 specifies impacts to “qualifying withdrawal facilities” fit the legal definition of impairment. This allows wells to be affected but impacts are not considered impairment. Qualifying withdrawal facilities are wells completed in the same aquifer as a new point of withdrawal. The well must span the aquifer’s entire saturated thickness and the pump elevation must allow variation in seasonal water levels.

There are nine Water Right Claims and three active water right applications within an Section 32, T 21N, R5E WM. In addition, there are approximately 16 total water wells within Section 32. In Section 31, which is located west of Section 32, there are five Water Right Certificates and three Water Right Claims. Only two of the Water Right Certificates in Section 31 withdraw groundwater. The remaining three Certificates divert surface water. In addition, there are 10 total water wells in Section 31.

Just to the north of Section 32, in Section 29, there is one Water Right Certificate and four Water Right Claims. In addition, there are four total water wells in Section 29. In Section 30, which is situated to the northwest of Section 32, there are a total of six Water Right Certificates and 36 Water Right Claims.

Selected References

Golder Associates, Inc. February 19, 2006. ICON Materials Water Right Application – Assessment of Technical Issues and Water Budget Evaluation.

Pacific Groundwater Group. October 1999. 1999 Hydrogeologic Characterization Report – City of Auburn.

Robinson, Noble and Saltbush. October 17, 2003. Hydrogeological Characterization of ICON Materials Auburn Pit, PCHB Appeal Nos. 03-070 and 03-071.

Robinson, Noble and Saltbush. October 30, 2003. Preliminary Evaluation of Recharge Enhancement at ICON Materials Mine Site (Task 2), PCHB Appeal Nos. 03-070 and 03-071. Letter to Thomas Pors dated October 30, 2003

Robinson, Noble and Saltbush. August 9, 2005. Response to the 11 Issues Raised by Ecology and Golder Associates in the January 9, 2005 Meeting Regarding the ICON Materials Water Right Application and Settlement Negotiation.

Robinson, Noble and Saltbush. May 29, 2009. Summary of Hydrogeologic Setting of the ICON Auburn Mine and Document Reference Guide to Facilitate Review of Mitigation Issues by Michael Gallagher and John Pearch.

United State Geological Survey (USGS) 1995. Occurrence and Quality of Groundwater in Southwestern King County, Washington. Water Resources Investigation Report 92-4098.

WestWater Research, LLC. December 1, 2009. Water Right Summary and Proof of Beneficial Use for Sumner Business Park Associates, LLC.