File NR CG1-23937C@2
WR Doc ID 5770430

DEPARTMENT OF ECOLOGY
State of Washington

State of Washington
REPORT OF EXAMINATION FOR WATER RIGHT CHANGE

Changed Place of Use
Exempt Wells Consolidated

PRIORITY DATE	WATER RIGHT NUMBER
September 4, 1981	G1-23937C

MAILING ADDRESS	SITE ADDRESS (IF DIFFERENT)
CEDAR RIVER WATER & SEWER DISTRICT POST OFFICE BOX 1040 MAPLE VALLEY 98038	22700 Block 262nd Ave SE Maple Valley, WA 98038

Total Quantity Authorized for Withdrawal or Diversion

WITHDRAWAL OR DIVERSION RATE	UNITS	ANNUAL QUANTITY (AF/YR)
170 (160 + 10*)	GPM	34.9 (34.0 + 0.9*)

*Added through this change using Exempt Well Consolidation (RCW 90.44.105)

Purpose

PURPOSE	WITHDRAWAL OR DIVERSION RATE ADDITIVE	WITHDRAWAL OR DIVERSION RATE NON-ADDITIVE	UNITS	ANNUAL QUANTITY (AF/YR) ADDITIVE	ANNUAL QUANTITY (AF/YR) NON-ADDITIVE	PERIOD OF USE (mm/dd)
Municipal	170		GPM	34.9		01/01 - 12/31

IRRIGATED ACRES ADDITIVE	IRRIGATED ACRES NON-ADDITIVE	PUBLIC WATER SYSTEM INFORMATION WATER SYSTEM ID	PUBLIC WATER SYSTEM INFORMATION CONNECTIONS
		#41800	9,813

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 No. 3	1322069071	BHX 069	22N	06E	13	NWNW	47.3976N	121.9904W

Datum: NAD83/WGS84

Place of Use (See Attached Map)

LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE

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 the water system 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.

Proposed Works

The applicant seeks to consolidate 800 gallons per day of exempt well water right, in the amounts of 10 gpm and 0.9 af/yr at Well #3, an existing groundwater source used by CRWSD. Well #3 has a diameter of 8 inches, was drilled a depth of 700 feet below ground surface, and is completed at 550 feet with screens placed between 530 to 550 feet.

Development Schedule

BEGIN PROJECT	COMPLETE PROJECT	PUT WATER TO FULL USE
N/A	N/A	April 15, 2015

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 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.

Well Consolidation

Exempt wells associated with properties involved in exempt right consolidations under this ground water right must be decommissioned in accordance with RCW 18.104 and WAC 173-160-381 upon hooking up to a public water system. Legally enforceable agreements prohibiting the construction of future exempt wells to serve the properties involved in exempt well consolidations must be submitted to the Region. Appropriate binding limitations must be placed on the titles to these properties to ensure applicability to subsequent land owners.

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 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.

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.

Real Estate Excise Tax
This decision may indicate a Real Estate Excise Tax liability for the seller of water rights. The Department of Revenue has requested notification of potentially taxable water right related actions, and therefore will be given notice of this decision, including document copies. Please contact the state Department of Revenue to obtain specific requirements for your project. Phone: (360) 570-3265. The mailing address is: Department of Revenue, Real Estate Excise Tax, PO Box 47477, Olympia WA 98504-7477 Internet: http://dor.wa.gov/. E-mail: REETSP@DOR.WA.GOV.

Issuance of Superseding Certificate
A Superseding Certificate shall issue only upon a showing by Cedar River Water and Sewer District that the previous owners of the exempt well used for consolidation has filed with the King County recorder a document which places a binding covenant upon the current and future property owners to insure that no future water well will be constructed on the property. This showing may consist of a completed Proof of Appropriation form accompanied by letter attesting to the facts and copies of the King County filing of the covenant.

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. CG1-23937C@2, 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 **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

Signed at Bellevue, Washington, this 1 day of April, 2014.

Jacqueline Klug, 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.

INVESTIGATOR'S REPORT
Doug Wood, Department of Ecology
Water Right Control Number CG1-23937C@2
Cedar River Water & Sewer District

BACKGROUND

This report serves as the written findings of fact concerning Water Right Application Number CG1-23937C@2.

EXISTING Water Right Attributes

Water Right Owner:	**Cedar River Water & Sewer Dist**
Priority Date:	9/4/1981
Place of Use	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 the water system 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.

County	Waterbody	Tributary To	WRIA
King	Groundwater		8-Cedar-Sammamish

Purpose	Rate	Unit	Ac-ft/yr	Begin Season	End Season
Domestic multiple	160	GPM	34		

Source Name	Parcel	Well Tag	Twp	Rng	Sec	QQ Q	Latitude	Longitude
Well No. 3	1322069071	BHX 069	22N	06E	13	NW NW	47.3976N	121.9904W

GPM = Gallons per Minute; Ac-ft/yr = Acre-feet per year; Sec. = Section; QQ Q = Quarter-quarter of a section; WRIA = Water Resource Inventory Area; E.W.M. = East of the Willamette Meridian; Datum in NAD83/WGS84.

REQUESTED Water Right Attributes

Applicant Name:	**Cedar River Water & Sewer District**
Date of Application:	6/12/2013
Place of Use	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 the water system 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.

County	Waterbody	Tributary To	WRIA
King	Groundwater		8-Cedar-Sammamish

Purpose	Rate	Unit	Acre-feet/yr	Begin Season	End Season
Municipal	170	GPM	34.9	01/01	12/31

Source Name	Parcel	Well Tag	Twp	Rng	Sec	QQ Q	Latitude	Longitude
Well No. 3	1322069071	BHX 069	22N	06E	13	NW NW	47.3976N	121.9904W

GPM = Gallons per Minute; Ac-ft/yr = Acre-feet per year; Sec. = Section; QQ Q = Quarter-quarter of a section; WRIA = Water Resource Inventory Area; E.W.M. = East of the Willamette Meridian; Datum in NAD83/WGS84.

Legal Requirements for Requested Change

The following is a list of requirements that must be met prior to authorizing the proposed exempt well consolidation:

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 Covington/Maple Valley Reporter, a weekly newspaper of general circulation, on November 22, 2013 and November 29, 2013, thus satisfying the public notice requirements.

State Environmental Policy Act (SEPA)

The quantities of water proposed for consolidation herein (10 gpm and 0.9 af/yr) are below 2,250 gpm, the threshold for determining if a water right action (or combination of actions) requires SEPA analysis (WAC 197-11-800).

Water Resources Statutes and Case Law

RCW 90.44.105 provides that permit-exempt groundwater quantities (RCW 90.44.050) may be consolidated with an existing valid groundwater right to withdraw ground water only if all the following conditions are met:

(a) The exempt well taps the same body of public ground water.
(b) The use of the exempt well is discontinued upon approval of the consolidation.
(c) Construction of another exempt well is prohibited by legally enforceable agreements.
(d) The exempt wells will be legally decommissioned.
(e) Other existing water rights, including both ground water and surface water rights, and instream flows will not be impaired.

INVESTIGATION

The investigation of this application was made in the office and in the field. The office investigation consisted of reviewing Ecology records of the exempt well, of the CRWSD Well 3 site and surrounding

area, and of site specific technical reports pertinent to the investigation. A site visit was made on January 30, 2014. Mr. Larry Krall, field supervisor for CRWSD accompanied the investigator on the site visit.

Body of Public Groundwater

The subject exempt well was completed at a depth of 160 feet in sand and gravel underlying glacial till. CRWSD Well 3 is completed in similar material at a depth of 550 feet. Both wells are completed in what are likely to be glacial outwash deposits, but associated with different glacial events. There are however no effective barriers to groundwater flow separating the younger glacial sand and gravel beds of the exempt well and the older glacial sand and gravel of the deeper district well. Based on this it is therefore determined that both wells share water of the same body of public groundwater.

Exempt Well Decommissioning

During the site visit It was observed that the subject exempt well was removed and that a house now sits atop the original exempt well location. The applicant supplied photographs showing the decommissioning of the well by a driller hired by current lot owner on May 15, 2013. Ecology records corroborate that the well was decommissioned on that date by JKA Well Drilling of Monroe, WA.

Exempt Well Use is Discontinued and Future Use is Prohibited

During the site visit the investigator discussed with the property owner the requirements for exempt well consolidation, including the barring of future exempt well use by the current and future owners of the property. The owner acknowledged these requirements.

Well Tags

WAC 173-160 contains requirements for well drillers, system operators and/or owners to tag new and existing wells with identification tags supplied by Ecology. The well identification program creates a standard system to identify all newly constructed or existing wells, so that property owners and various agencies can readily share well data. In addition, Ecology field staff use the well tag to identify the well. Accordingly, this decision contains provisions requiring each well to be tagged with a unique identification number.

Other Rights Appurtenant to the Place of Use

The number of water rights within the boundaries of the CRWSD is large, however the quantities associated with those rights is relatively small since CRWSD is the sole large purveyor within that area.

Most of the area water rights are associated with RCW 90.44.050 permit exempt wells that serve single homes and small hobby farms located in the semi-rural areas of Maple Valley and surrounding communities served by CRWSD.

CRWSD currently utilizes Well 3 to provide water allocated through six separate water rights issued to CRWSSD or purchased and transferred to the district under the provisions of RCW 90.44.100 or 90.03.380 (See Table 1). These rights primarily serve the semi-rural areas north of the Cedar River, east of Maple Valley to Hobart, and south of the low mountain ridges separating Issaquah from Maple Valley (known informally as the Issaquah Alps).

Table 1: Water Rights Held by CRWSD					
Water Right	**Priority Date**	**Qi (gpm)**	**Qa (af/yr)**	**Source**	**Location**
G1-00387C	1/4/1971	100	46	Well 3	NW1/4NW1/4 Sec13-T22N-R6E
G1-23937C	9/4/1981	160	34	Well 3	NW1/4NW1/4 Sec13-T22N-R6E
G1-26357C	9/25/1991	60	17	Well 3	NW1/4NW1/4 Sec13-T22N-R6E
GWC 3908(B)	10/17/1961	6	8.8	Well 3	NW1/4NW1/4 Sec13-T22N-R6E
G1-20497C	3/20/1973	127	4.1	Well 3	NW1/4NW1/4 Sec13-T22N-R6E
S1-20446C	2/9/1973	197	28.52	Well 3	NW1/4NW1/4 Sec13-T22N-R6E
	Total	**650**	**138.42**		

The total quantities of water utilized through Well 3 currently amounts to 650 gpm and 138.42 af/yr. Approval of the proposed exempt well consolidation will bring that total up to 660 gpm and 139.32 af/yr

Impairment Considerations

The majority of the private (exempt) wells in the vicinity of Well 3, are completed in shallow water bearing beds within either the Qvr or Qva (recessional or advance glacial outwash from the Vashon glacial deposits varying in age from approximately 17,000 to 12,000 years old). Well 3 is completed in deeper, older material associated with either a pre-Vashon glaciation or with pre-Vashon fluvial deposits of the Cedar River.

Pumping of the deeper well will have a dispersed hydrological impact on shallow wells in the vicinity, thus reducing the probability of noticeable additional hydrological impacts to area wells.

Exempt well consolidation statutorily assumes that exempt well use was 800 gallons per day; therefore while water use may in truth have been less that this amount, this is the standard of prior use that applies for impairment analysis under RCW 90.44.105. Since the comparison then becomes 800 gallons per day both before and after the consolidation, there can be no impairment unless the new point of withdrawal is closer to the well or body of water be investigated for impairment. In the present case the new well is both deeper and further from the surface channel of the Cedar River.

It is determined that approval of proposed consolidation will not impair existing water rights, or regulated instream flows of the Cedar River.

Consideration of Protests and Comments

No protests were filed against this application.

Conclusions

This investigation finds that all but one requirement for RCW 90.44.105 exempt well consolidation has been satisfied. The exempt well taps the same body of public ground water, the use of the exempt well is discontinued, the exempt well has been legally decommissioned, and other existing water rights, including both ground water and surface water rights, and instream flows will not be impaired through approval of the proposed consolidation.

RECOMMENDATIONS

Based on the above investigation and conclusions, I recommend that this request for exempt well consolidation with groundwater right G1-23937C be approved in the amounts and within the limitations listed below and subject to the provisions listed on pages 2 and 3.

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:

- 10 gallons per minute (gpm) added to the existing 160 gpm, thus giving new limit to instantaneous quantity (Qi) of 170 gpm.
- 0.9 acre-feet per year (af/yr) added to the existing 34.0 af/yr, thus giving a new limit to annual quantity (Qa) of 34.9 af/yr

- Purpose: Municipal Supply

- Point of Withdrawal: NW¼, NW¼, Section 13, Township 22N, Range 6E, W.M.

- Place of Use

  As described on Page 1 of this Report of Examination.

Douglas H. Wood — March 26, 2014

D.H. Wood, P.Geo., LHG, Water Rights Investigator *Date*

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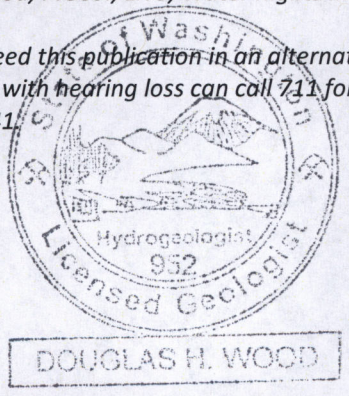
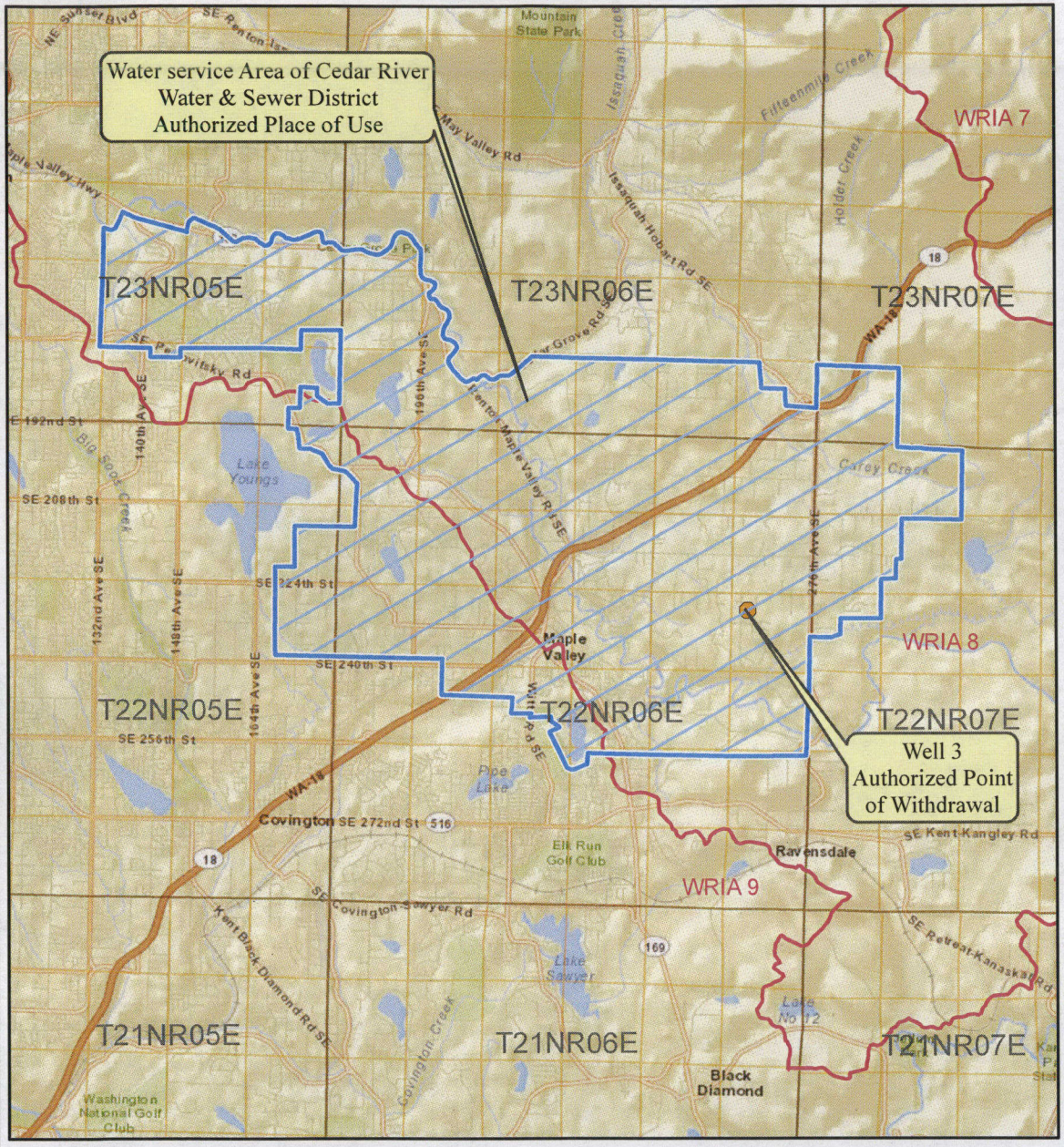
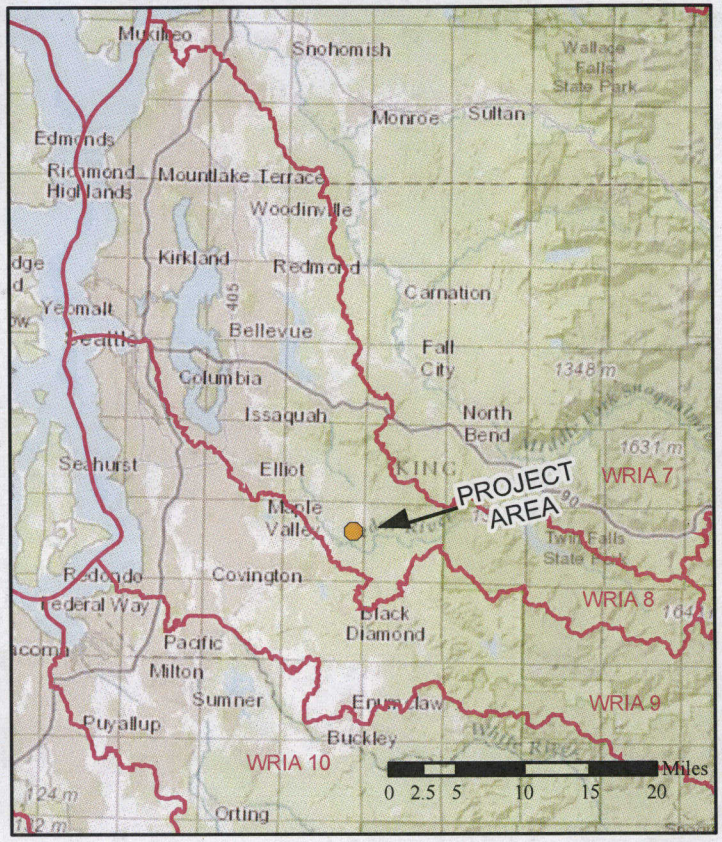


Cedar River Water and Sewer District
Water Right CG1-23937C@2
Section 13 T22N R06E W.M.
WRIA 8 - King County





Legend

- Authorized Place of Use
- Authorized Point of Withdrawal
- WRIA Boundary
- Water Body
- Sections
- Townships

DEPARTMENT OF ECOLOGY
State of Washington

Map Date: 1/30/2014

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