

June 11, 2009

CERTIFIED MAIL
7007 0220 0004 6658 8313

Roger C. Eberhart, P.E.
Olympic View Water and Sewer District
23725 Edmonds Way
Edmonds, WA 98026-8977

Re: Water Right No. G1-26021P

Dear Mr. Eberhart:

In response to your request, you are hereby granted an extension to complete construction for the reason(s) below:

- Water quality of the deep aquifer at the 228th Street Well cannot be adequately or economically treated.
- Other (shallower) aquifers encountered at the 228th Street Well site may not be utilized due to their hydraulic connection with and contribution to the surface water flows of the Lake Washington sub-basin of the Cedar Sammamish Watershed, also known as Water Resource Inventory Area (WRIA) 8.
- Site selection, testing and permitting for a replacement to the 228th Street Well are expected to significantly exceed the currently approved development period.

The new deadline to submit your *Construction Notice* is **May 28, 2022**.

When issuing an extension to a water right permit Ecology may amend existing or add new conditions (Ecology Policy 1050). Amended and new conditions included with a permit extension attach to the water right in the same manner as conditions applied to the original permit, and remain attached to the right when certificated unless otherwise stated.

In order to protect the public interest as expressed in RCW 90.54 and WAC 173-508, the following additional provisions are added to Groundwater Permit G1-26021P:

- All points of withdrawal associated with G1-26021P and any subsequently issued related certificate shall be completed in an aquifer that drains into Puget Sound or other body of water not currently closed to further appropriation by rule or order.

- Adding new or replacement wells under RCW 90.44.100(2) or RCW 90.44.100(3) for withdrawals associated with G1-26021P and any subsequently issued related certificate shall not result in an increase to impacts to surface waters of Deer Creek or Lake Washington sub-basin of WRIA 8 greater than the impacts that are associated with the original point of withdrawal completed in the deep aquifer at the 228th Street Well site.
- If it is determined that new or additional wells need to be placed outside of the location of the existing 228th Street well as originally published, a preliminary permit for drilling and testing may be issued prior to filing an application for change under RCW 90.44.100(2). A change application will however be required before water from such locations may be beneficially used under groundwater permit G1-26021P.

The original provisions of permit G1-26021P are amended to read as follows:

- 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 be recorded weekly. The maximum monthly instantaneous rate of diversion/withdrawal and the monthly total volume shall be submitted to Ecology by January 31st of the following year. Ecology is requiring submittal of monthly meter readings to collect seasonal information for water resource planning, management and compliance.

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.

- In order to monitor the resource, static water level (SWL) shall be measured at least once per month. Measurements shall be taken after the pump has been shut

off and the water level has been stabilized. The data shall be maintained and submitted to Ecology by January 31st of the following year (the same schedule established for meter readings).

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

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

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

Be sure to do the following:

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

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

Mail appeal to:

The Pollution Control Hearings Board
PO Box 40903
Olympia WA 98504-0903

OR

Deliver your appeal in person to:

The Pollution Control Hearings Board
4224 – 6th Ave SE Rowe Six, Bldg 2
Lacey WA 98503

2. To serve your appeal on the Department of Ecology

Mail appeal to:

The Department of Ecology
Appeals & Relief Coordinator
PO Box 47608
Olympia WA 98504-7608

OR Deliver your appeal in person to:

The Department of Ecology
Appeals & Relief Coordinator
300 Desmond Dr SE
Lacey WA 98503

3. And send a copy of your appeal to:

Andrew B. Dunn
Department of Ecology
Northwest Regional Office
3190 160th Ave SE
Bellevue WA 98008

*For additional information visit the Environmental Hearings Office Website:
<http://www.eho.wa.gov> . To find laws and agency rules visit the Washington State
Legislature Website: <http://www1.leg.wa.gov/CodeReviser> .*

If you have any questions, please contact Arlene Harris at 425-649-7020.

Sincerely,

Jerry Lyszak for

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

AD:dw:ah

Enclosures: *Construction Notice*
Your Right to Be Heard