



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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

## Order Amending Groundwater Permit or Certificate To Consolidate Exempt Water Right

On March 8, 2010, the City of Yelm applied to the Department of Ecology to amend Water Right Certificate No. 597 to enable for the consolidation of an exempt well(s) and to transfer the quantity of water use associated with the exempt withdrawal(s) to the water right. Notice of the proposed consolidation was published in Nisqually Valley News newspaper on May 14, 2010 and May 21, 2010 dates.

RCW 90.44.105 allows permit-exempt uses (RCW 90.44.050) to be consolidated with a valid right to withdraw ground water only if all the following conditions are met:

1. The exempt well taps the same body of public ground water.
2. The use of the exempt well is discontinued upon approval of the consolidation.
3. Construction of another exempt well is prohibited by legally enforceable agreements.
4. The exempt wells will be legally decommissioned.
5. Other existing water rights, including both ground water and surface water rights and in-stream flows will not be impaired.

<b>Applicant:</b> City of Yelm	<b>Water Right No:</b> Cert. No. 597-A	<b>Application Date:</b> March 8, 2010
<b>Water System Name:</b> City of Yelm	<b>Water System ID:</b> 99350	

The following table lists 23 exempt wells located within the City of Yelm's water system service area that have been decommissioned within five years of the original application date of March 8, 2010. Also included in the table is the use of each former well and the annual quantity approved for consolidation. This quantity is based on the original number of equivalent residential units (ERUs) served by each well and quantified at 800 gallons per day for each residential connection (0.9 acre-feet per connection).

**Exempt Withdrawals Approved for Consolidation**

Well ID OR	Well Owner	TRS	Parcel	Uses (e.g., irrigation, etc.)	Annual Quantity Approved for Consolidation	Decommission Date
AE03823	Cascade Utilities	NW ¼, NE ¼, S 24, T17N, R1E	21724110100	Domestic	0.9 AFY	08/15/08
A121993	Randy Paigen	SW ¼, NE ¼, S 30, T17N, R2E	64303200700	Multiple Domestic	2.7 AFY	05/21/08
AE03161	WA DOT	NE ¼, NW ¼, S 29, T17N, R2E	64303100501	Domestic	0.9 AFY	05/01/08
A121974	McCammont Homes	NW ¼, NW ¼, S 19, T17N, R2E	33020000100	Domestic	0.9 AFY	01/09/08
AE02719	WA DOT	SW ¼, NE ¼, S 18, T17N, R2E	22718310100	Domestic	0.9 AFY	11/21/07
A121894	AJ Development	SE ¼, NE ¼, S 30, T17N, R2E	1208 Yelm Ave SE	Multiple Domestic	2.7 AFY	01/23/07
AE01978	Mustang Development	SW ¼, SW ¼, S 18, T17N, R2E	22718330102	Domestic	0.9 AFY	11/02/06
AE01986	Rainier General Development Inc.	SW ¼, SE ¼, S 25, T17N, R1E	21725130200	Domestic	1.8 AFY	11/10/06
A121881	Wood and Sons	NW ¼, NE ¼, S 29, T17N, R2E	17122 SE HWY 507	Multiple Domestic	3.6 AFY	11/22/06
AE01868	Crest Builders	SE ¼, NW ¼, S 24, T17N, R1E	21724420501	Domestic	0.9 AFY	08/09/06
A121876	Wood and Sons	NW ¼, NE ¼, S 29, T17N, R2E	17124 SE HWY 507	Domestic	1.8 AFY	07/05/06
A121879	Wood and Sons	NW ¼, NE ¼, S 29, T17N, R2E	17122 SE HWY 507	Domestic	1.8 AFY	08/02/06
A121870	Landscapes Inc.	SW ¼, SE ¼, S 24, T17N, R1E	15132 Longmire St. SE	Domestic	0.9 AFY	05/19/06
A121863	DGR Capitol	NE ¼, NW ¼, S 19, T17N, R2E	916 Crystal Springs Rd.	Domestic	0.9 AFY	03/20/06
AE01613	Mountain Shadow Investments LLC	SE ¼, SE ¼, S 18, T17N, R2E	22718440100	Domestic	0.9 AFY	03/13/06
AE01611	Mountain Shadow Investments LLC	SE ¼, SE ¼, S 18, T17N, R2E	22718440600	Domestic	0.9 AFY	03/14/06
AE01612	Mountain Shadow Investments LLC	SE ¼, SE ¼, S 18, T17N, R2E	22718440100	Domestic	2.7 AFY	03/15/06
A063492	Rick Christianson	SW ¼, NW ¼, S 29, T17N, R2E	16628 HWY 507	Domestic	0.9 AFY	02/18/06

Well ID OR NOI No.	Rainier General Development Inc.	NW ¼, SE ¼, S 24, T17N, R1E	21724420700	Domestic	0.9 AFY	10/12/05
A071186	Twin County Credit Union	NW ¼, NE ¼, S 24, T17N, R1E	21724120300	Irrigation	0.66 AFY	12/30/05
A073713	Freestone Inc.	NE ¼, SE ¼, S 19, T17N, R2E	64303600600	Domestic	0.9 AFY	07/11/05
A071174	Rainier General Development Inc.	NE ¼, SW ¼, S 13, T17N, R1E	21713310000	Domestic	0.9 AFY	08/22/05
A063499	Lubbesmoyer Construction	NE ¼, SE ¼, S 30, T17N, R2E	10831 Vanich Rd.	Domestic	0.9 AFY	04/07/05
<b>Total Quantity Approved for Consolidation</b>					<b>31.26 AFY</b>	

**Findings, as required by 90.44.105**

1. The exempt wells tap the same body of public groundwater as the well to which the water right of the exempt well is to be consolidated.
  - **Basis of finding:** Twenty-three individual wells were decommissioned in accordance with WAC 173-160-381 between April 7, 2005 and August 15, 2008. These wells ranged in depth from 14 feet to 139 feet below ground surface. This is the general range of the depth of the Vashon Advance Outwash Aquifer in the Yelm area that the City of Yelm's Wells 1A and 2 withdraws water from.
  
2. Use of the exempt well shall be discontinued upon approval of the consolidation amendment to the permit or certificate.
  - **Basis of finding:** The City of Yelm adopted Ordinance No. 920 on April 27, 2010. This Ordinance adds a new section to Chapter 13.04 of the Yelm Municipal Code which states:
    - C. "The City shall have the right to consolidate water rights for exempt wells abandoned pursuant to subsection B of the Section according to Section 90.44.105 RCW."
  
3. Legally enforceable agreements have been entered to prohibit the construction of another exempt well to serve the area previously served by the exempt well to be discontinued, and such agreements are binding upon subsequent owners of the land through appropriate binding limitations on the title to the land.
  - **Basis of finding:** The City of Yelm adopted Ordinance No. 920 on April 27, 2010. This Ordinance adds a new section to Chapter 13.04 of the Yelm Municipal Code which states:
    - D. "It shall be unlawful for any person to construct a new well on any property which contained a well previously decommissioned pursuant to subsection B of this Section."
  
4. The exempt well or wells the use of which is to be discontinued will be properly decommissioned in accordance with chapter 18.104 RCW and the rules of the department.
  - **Basis of finding:** The City of Yelm adopted Ordinance No. 920 on April 27, 2010. This Ordinance adds a new section to Chapter 13.04 of the Yelm Municipal Code which states:
    - B. "Upon connection to the City of Yelm Water System, all existing wells serving the property connecting to the water system shall be abandoned pursuant to Chapter 18.104 RCW."
  
5. Other existing rights, including ground and surface water rights and minimum stream flows adopted by rule, shall not be impaired.

- Basis of finding: This order effectively removes the withdrawal of 23 exempt wells from continuous ground water withdrawal from the Vashon Advance Outwash Aquifer in the Yelm area and replaces this with 31.26 acre-feet per year of additional withdrawal from Yelm's Wells 1A and 2. Since these 23 wells are decommissioned and credit for their withdrawal are consolidated in this Order, there is no increased impact on existing water rights or instream flows in the Yelm area.
6. The consolidation is consistent with Yelm's proposal to include this in their final updated Water System Plan (WSP). Yelm's current WSP update is in the final draft stage and is expected to be completed in the summer of 2010. Since this well consolidation order meets all of the criteria listed above, it is expected that this well consolidation will be consistent with Yelm's updated WSP.

**Conclusion**

Since the above listed conditions are met as required by Chapter 90.44.105 RCW, an additional annual quantity (Qa) of 31.26 acre feet/year is added to Certificate No. 597 and the total certificated Qa is increased from 145 acre-feet/year to 176.26 acre-feet/year.

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 this document that you are appealing with your *Notice of Appeal*.
- 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:

OR Deliver your appeal in person to:

The Department of Ecology  
Appeals Coordinator  
P.O. Box 47608  
Olympia WA 98504-7608

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

**3. And send a copy of your appeal to:**

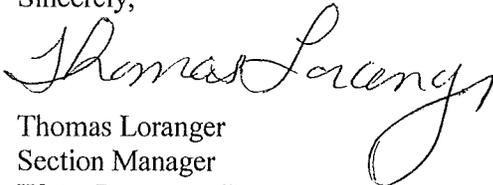
Thomas Loranger  
Department of Ecology  
Southwest Regional Office  
PO Box 47775  
Olympia WA 98504-7775

*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 Ecology at (360) 407-6300.

Signed at Lacey, Washington, this 25<sup>th</sup> day of July 2010.

Sincerely,



Thomas Loranger  
Section Manager  
Water Resources Program  
Southwest Region

TL:MG:th