



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

DRAFT REPORT OF EXAMINATION
PUBLIC HEALTH & SAFETY EMERGENCY APPLICATION
Change approval: Add Points of Withdrawal
WRTS File #CG1-25341C
To be split into Records A & B

King County Superior Court Judge Jim Rogers provided an oral ruling on June 11, 2008, in Lummi Indian Nation, et al. v. State, the facial challenge to the constitutionality of the 2003 Municipal Water Law (MWL). The Court ruled that three MWL provisions violate separation of powers under the state Constitution: RCW 90.03.015(3) and (4), (definitions) and RCW 90.03.330(3) ("good standing"). Because this decision is under appeal, there is uncertainty as to the ultimate status of these statutory provisions.

In light of this decision, and given that a portion of certificate G1-25341C is inchoate (unperfected) at this time, and that Whatcom County Water District 18 has demonstrated diligence in fully developing this right, the inchoate portion shall be rescinded and reinstated as superseding permit G1-25341P (Record B). The perfected portion shall be recorded as superseding certificate G1-25341C (Record A). Upon final perfection of the right, Record A and Record B will be combined into one certificate. The priority date of this right will not be affected by this action.

PRIORITY DATE	PERMIT NO.	CERTIFICATE NO.
December 12, 1988	G1-25341P (Record B)	G1-25341C (Record A)

NAME		
Whatcom County Water District #18 (Acme)		
MAILING ADDRESS	CITY/STATE	ZIP CODE
P.O. Box 13	Acme, WA	98220

PUBLIC WATERS TO BE APPROPRIATED

SOURCE	
3 Wells	
MAXIMUM GALLONS PER MINUTE (gpm)	MAXIMUM ACRE FEET PER YEAR (ac-ft/yr)
100	106

TYPE OF USE, PERIOD OF USE, & QUANTITY ALLOCATIONS

Municipal supply, year-round
42 acre-feet per year in certificate stage (Record A)
64 acre-feet per year in permit stage (Record B)
The total annual volume allocated under Records A & B shall be 106 acre-feet per year (additive)
The total instantaneous rate under Records A & B shall not exceed 100 gallons per minute (non-additive)

LOCATIONS OF POINTS OF WITHDRAWAL

APPROXIMATE LOCATIONS OF POINTS OF WITHDRAWAL

Well 1: 730 feet west and 295 feet north of the southeast corner of Section 6
Well 2: 730 feet west and 280 feet north of the southeast corner of Section 6
Well 3: 288 feet east and 796 feet south of the northwest corner of Section 8

SOURCE NAME	PARCEL #	LATITUDE	LONGITUDE	QTR/QTR	SECTION	TOWNSHIP	RANGE
Well 1	370506488032	48.71914	-122.20649	SE ¹ / ₄ SE ¹ / ₄	6	37N	5E
Well 2	370506488032	48.71909	-122.20647	SE ¹ / ₄ SE ¹ / ₄	6	37N	5E
Well 3	370508090398	48.71612	-122.20226	NW ¹ / ₄ NW ¹ / ₄	8	37N	5E

LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED
[Attachment 1 shows location of the authorized place of use and points of withdrawal]

Land served by Whatcom County Water District #18 in the following areas: Sections 5, 6, 7, and 8, Township 37 North, Range 5 East, W.M., all in Whatcom County, Washington

DESCRIPTION OF WATER WORKS

Upon approval of this report of examination, Whatcom County Water District #18 (the District) will be served by its three existing wells, 150,000 gallons of storage, and a distribution system consisting of 8 inch to 2 inch diameter pipes.

The District is an approved Washington Department of Health (DOH) Group A Community System. Its system ID number is 00250J. It currently holds a DOH green operating permit. Systems in this category are considered adequate for existing uses and adding new service connections up to the number of approved service connections. The District is currently approved by DOH for 231 connections.

RECORD B DEVELOPMENT SCHEDULE

BEGIN PROJECT BY THIS DATE	COMPLETE PROJECT BY THIS DATE	WATER PUT TO FULL USE BY THIS DATE
Begun	December 31, 2014	December 31, 2029

PROVISIONS

1. Meter Installation

An approved measuring device shall be installed and maintained for each source authorized by this water right in accordance with the rule "Requirements for Measuring and Reporting Water Use", WAC 173-173. See <http://www.ecy.wa.gov/programs/wr/measuring/measuringhome.html>

2. Metering Rule Description And Petition Info

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. Installation, operation and maintenance requirements are enclosed as a document titled "Water Measurement Device Installation and Operation Requirements".

See <http://www.ecy.wa.gov/programs/wr/measuring/measuringhome.html>

3. Record Water Use Weekly, Report Annually

Water use data shall be recorded weekly. The maximum monthly rate of withdrawal and the monthly total volume shall be submitted to the Department of Ecology by January 31st of each calendar year. Water use data shall be submitted via the Internet. To set up an Internet reporting account, access:

<https://fortress.wa.gov/ecy/wrx/wrx/Meteringx/>.

4. Authority To Access Project

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, points of withdrawal, measuring devices, and associated distribution systems for compliance with water law.

5. No Impairment of Existing Rights

This authorization to make use of public waters of the state is subject to existing rights, including any existing rights held by the United States for the benefit of Tribes under treaty or settlement. If impairment does occur, the District will be required to diminish or cease pumping, or mitigate for this impairment.

6. Well Tag

The District's wells shall be tagged with a Department of Ecology unique well identification number. The tags shall remain attached to each well. When submitting water measuring reports, please reference these tag numbers.

7. Proof of Appropriation

The District shall file the notice of Proof of Appropriation of water for Record B 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 final certificate will reflect the extent of the project perfected within the limitations of this report. Elements of a proof inspection may include, as appropriate, the sources, system instantaneous capacity, beneficial use, annual quantity, place of use, and satisfaction of provisions.

8. Health Approval Required

Prior to any new construction or alterations of a public water supply system, the State Board of Health rules require public water supply operators 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.

FINDINGS OF FACT AND ORDER

Upon reviewing the investigator's report, I find all facts relevant and material to the subject application have been thoroughly investigated. Furthermore, I find the change of water right as recommended will not be detrimental to existing rights, the additional wells tap the same body of public groundwater as the original well, and the combined total withdrawal from the original and additional wells does not enlarge the right conveyed by the original water right.

Therefore, I ORDER approval of the recommended change under Change Application No. CG1-25341, subject to existing rights and the provisions listed above. And, I ORDER approval of the administrative action to divide the water right into split records. Upon completion of the 30 day appeal period, or if necessary, upon final resolution of any and all appeals: Record A shall issue as a superseding certificate and Record B shall issue as a superseding permit.

You have a right to appeal this ORDER. 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:

The Department of Ecology
Appeals and Application for Relief
Coordinator
PO Box 47608
Olympia, WA 98504-7608

OR

Deliver your appeal in person to:

The Department of Ecology
Appeals and Application for Relief
Coordinator
300 Desmond Dr SE
Lacey, WA 98503

3. And send a copy of your appeal to:

Andrew B. Dunn
Department of Ecology
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>.

Signed at Bellevue, Washington, this _____ day of _____, 2009.

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

INVESTIGATOR'S REPORT
by Buck Smith, LG, LHG - Senior Hydrogeologist
Water Right Control No. CG1-25341C

BACKGROUND

Description and purpose of the proposed change

The purpose of this report is to address an application for change filed by Whatcom County Water District #18 on August 24, 2009. The District is located within the South Fork Nooksack River Valley. It is the sole water purveyor for the community of Acme. It currently supplies water to 98 services from a single well (well 3). The District serves 86 homes, a primary school, church, post office, and a small business area.

Originally, the community of Acme was served by the Acme Co-operative Water Association, which utilized two wells (wells 1 & 2) drilled in 1959. *(There are no water rights on record for the original two wells.)* In 1988, the two wells became unusable due to gasoline contamination. Soon thereafter the District was formed to replace the Co-operative, well 3 was drilled and put on-line, and the subject water right was obtained. Well 3 has been the sole source of supply for the District ever since. Unfortunately, recent water quality testing has shown well 3 to have arsenic levels that exceed the primary maximum contaminant level (MCL) of 0.01 mg/L. After considering several alternatives and attempting to drill several new wells (all unsuccessful), the District determined that reactivating their original wells (wells 1 & 2) and blending water from all three wells (wells 1, 2, & 3) is their best course of action. *(The Department of Ecology has determined the gasoline contamination has cleared from wells 1 & 2 and they can therefore be used again.)* Approval of the subject change application will allow the District to have all three wells as authorized points of withdrawal.

Attributes of the existing water right and proposed change

<i>Attributes</i>	<i>Existing</i>	<i>Proposed</i>
Name	Acme Water District #18	Updated name - Whatcom County Water District #18
Priority Date	December 12, 1988	Same
Instantaneous Rate	100 gallons per minute	A total of 100 gallons per minute from Records A & B
Annual Volume	106 acre-feet per year	42 acre-feet per year (Record A) 64 acre-feet per year (Record B) for a total of 106 acre-feet per year
Source(s)	Well 3	Wells 1, 2, & 3
Point(s) of Withdrawal	NW ¹ / ₄ NW ¹ / ₄ of Section 8, Township 37N, Range 5E	Wells 1 & 2: SE ¹ / ₄ SE ¹ / ₄ of Section 6, Township 37N, Range 5E Well 3: NW ¹ / ₄ NW ¹ / ₄ of Section 8, Township 37N, Range 5E
Purpose of Use	Municipal supply	Same
Period of Use	Year-round	Same
Place of Use	Land served by Acme Water Co-op Association in the following areas: Sections 5, 6, 7, and 8, Township 37 North, Range 5 East, W.M., all in Whatcom County, Washington	Land served by Whatcom County Water District #18 in the following areas: Sections 5, 6, 7, and 8, Township 37 North, Range 5 East, W.M., all in Whatcom County, Washington

Priority processing

On August 24, 2009, this office received a letter from Robert E. James, Manager, Washington State Department of Health, Northwest Drinking Water Operations. Mr. James requested priority processing of the District's change application as per WAC 173-152-050(1)(c) due to the elevated arsenic concentrations in well 3. This request was approved by Andrew B. Dunn, Section Manager, Water Resources Program, Northwest Regional Office.

Public notice of the application (RCW 90.03.280)

The District's public notice was published in the *Bellingham Herald* on September 4 and 11, 2009. One protest was received during the statutory 30 day protest period. In a letter dated September 29, 2009, the Lummi Indian Business Council filed a protest based on their concerns over impacts on instream flows.

State Environmental Policy Act (RCW 43.21C & WAC 197-11)

In accordance with RCW 43.21C, WAC 197-11-305, and WAC 197-11-800(4), it was determined the subject water right change application is exempt from the State Environmental Policy Act (SEPA) because the instantaneous withdrawal rate is less than 2250 gallons per minute.

Legal determinations

RCW 90.44.100 gives Ecology the statutory authority to change a ground water right to allow the right holder to add additional wells at a new location outside of the location of the original well. This authority requires Ecology to conduct an investigation and make positive determinations on the following three criteria in order for the application for change to be approved:

- The additional wells must tap the same body of public groundwater as the original well.
- The combined total withdrawal from the original and additional wells must not enlarge the right conveyed by the original water right.
- Other existing rights must not be impaired.

In addition, all protests must be evaluated and addressed.

INVESTIGATION

In considering this application, my investigation included, but was not limited to, research and/or review of:

- Information supplied with the application
- Information from my site visit on October 28, 2009, with Steve Rossing, System Manager
- USGS Acme Quadrangle 7.5 minute topographic map
- Washington Department of Natural Resources, Division of Geology & Earth Resources, Open File Report 2000-5 (December 2000)
- A database search of existing water rights in the area

Current physical facilities

The District is currently served exclusively from well 3. This well is located within Acme, just east of State Route 9. Well 3 was completed on March 15, 1989, by Hayes Well Drilling of Bow, WA. It was drilled by rotary method to a depth of 100.5 feet below ground surface. It has a 12 inch diameter welded steel casing installed from +1 to 79 feet below ground surface. Within the 12 inch casing, an 8 inch diameter steel liner and screen assembly was installed to a depth of 98.5 feet. The screened interval is from 88.5 to 98.5 feet below ground surface. The water-bearing formation at this depth was described in the well driller's report as being gray gravel and sand. This well is equipped with a Myers 3-phase 2 horsepower (hp) pump. At the time of completion this well was test pumped at 133 gallons per minute with zero drawdown after 144 hours.

The well pump delivers water to the District's booster pumps located within the well 3 pumphouse. A 10.5 hp booster pump is the main distribution pump. A second booster pump (7.5 hp) is used as a manual back-up. These two pumps work on AC power. The only time the pumps operate simultaneously is during an emergency, such as a broken water line or for additional fire flow. A third booster pump (7.5 hp) is connected to an emergency generator that is enabled during power outages.

The booster pumps distribute water to the storage tanks and customers. The District has a 60,000 gallon concrete storage tank located next to the well 3 pumphouse and a 90,000 gallon tank located on a hillside approximately $\frac{3}{4}$ mile west of State Route 9.

Proposed additional facilities

The District has requested the ability to use wells 1 & 2 (the Hudson Street wells). As mentioned above, these wells were the sources of supply for the community of Acme for approximately thirty years before they became contaminated in 1988 with gasoline from a leaking underground storage tank.

In 2002, Whatcom County Health and Human Services completed a site hazard assessment (SHA) of the Acme Leaking Underground Storage Tank (LUST) site, as required by the Model Toxics Control Act. A determination of No Further Action (NFA) was made by Ecology's Toxic Cleanup Program based on this SHA. This determination (along with agreement from the Washington State Department of Health Drinking Water Operations) will again allow the use of wells 1 & 2 for drinking water supply. Water from wells 1 & 2 will be blended with water from well 3 in order to supply drinking water that does not exceed the maximum contamination level for arsenic.

Wells 1 & 2 are in close proximity to each other within the pumphouse located just west of Hudson Street. This pumphouse is approximately $\frac{1}{3}$ mile northwest of the well 3 pumphouse. The piping and controls within the pumphouses will be upgraded in such a way to ensure that all water entering the distribution system meets current drinking water standards.

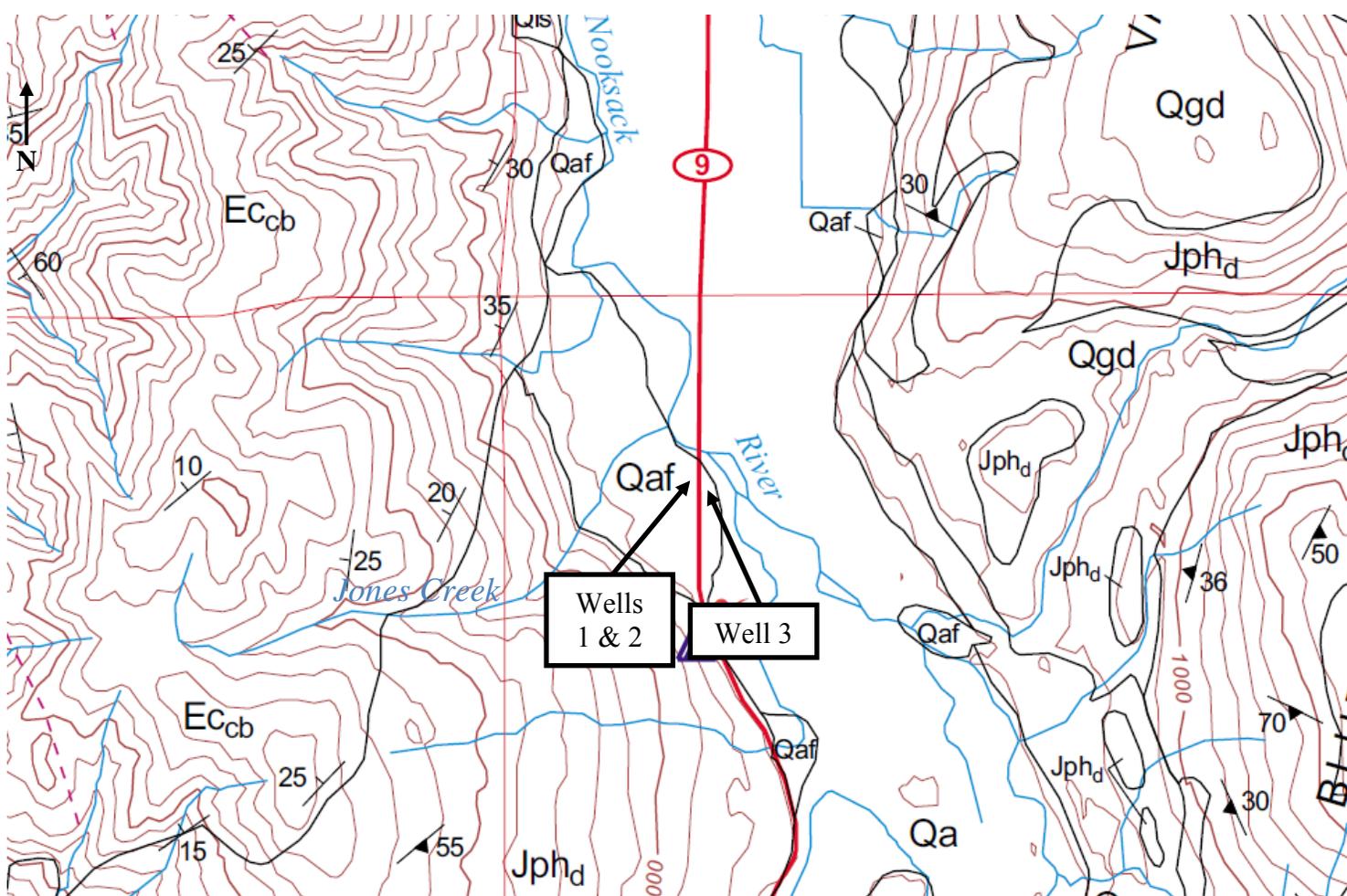
Wells 1 & 2 were drilled in 1959 to a depth of 31 feet below ground surface. Both wells are 8 inches in diameter and are completed in a water-bearing gravel formation. Well 1 is equipped with a 7½ hp submersible pump. Well 2 is equipped with a 5 hp submersible pump. At the time of completion, well 1 was tested at 70 gallons per minute, with 8 inches of drawdown. The duration of testing was not recorded.

General geography of the area

The District is located within the South Fork Nooksack River Valley, approximately 9 miles upstream from the confluence with the North Fork Nooksack. This area is bounded on the east by Van Zandt Dike and Blue Mountain and to the west by Stewart Mountain. This area can be categorized as a rural residential and agricultural region. The District's wells are located on the valley floor at approximately 250 feet above sea level.

Geology/hydrogeology of the area

The District's wells are completed in Quaternary post-glacial deposits. These clay, silt, sand, and gravel deposits are alluvial fan (Qaf) materials interfingering with river alluvium (Qa). The fan materials were deposited by outwash from Jones Creek. The river alluvium was deposited by the South Fork Nooksack. The surrounding highlands (and likely valley basement) are composed mostly of Eocene and Jurassic bedrock, with some glacial drift deposits.



Excerpted from the WA Department of Natural Resources Geologic Map of the Bellingham 1:100,000 Quadrangle

The Washington Department of Natural Resources, Division of Geology & Earth Resources, Open File Report 2000-5 (December 2000) describes the subject alluvial deposits as follows:

- Qaf – Alluvial fan deposits (Holocene to latest Pleistocene): poorly sorted, massive to poorly stratified diamicton consisting of clayey silty sandy gravel and gravelly sandy silt. Clasts are generally angular to rounded and consist of detritus derived from local sources and reworked glacial deposits. Deposits generally coarsen upslope along the fan surface. Color is dependent on lithology and oxidation state but is generally some combination of gray, brown, and olive green. Thickness is variable but deposits generally thicken toward the head of the fan. Alluvial fans occur at the mouths of streams and disconformably overlie glacial deposits, but conformably overlie and interfinger with alluvium (Qa). Most alluvial fans are of debris-flow or debris-torrent origin and are locally modified by stream processes.
- Qa – Alluvium (Holocene): Well-sorted and stratified cobbly gravel, gravel, sandy gravel, gravelly sand, sand, silty sand, silt, clay, and peat. Clasts are rounded to subrounded and consist of metamorphic, sedimentary, and igneous rocks derived from sources in the drainage basin of a particular river or stream and foreign material derived from reworked glacial deposits. Color is dependent on lithology and oxidation state but is generally some combination of gray and brown. Thicknesses range from a few meters to locally over 85 meters. Deposits generally occur in stream and river channels, modern deltas, and modern flood plains. Qa may locally include alluvial fans (Qaf).

Other rights in the vicinity

A search of Ecology's Water Rights Tracking System indicates there are no state-issued or claimed water rights within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 6 (the location of wells 1 & 2). A search of Ecology's well log database showed no well logs (other than the District's) within this quarter/quarter section, but it was reported to me by Mr. Rossing that Frank Harkness (of 2125 Hudson Road) has a permit-exempt well on his property. The Harkness property is located just to the west of wells 1 & 2. Ecology's well log database contains a well log for Mr. Harkness, but according to the well driller's report this well is within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 6. This location is likely incorrect. Nonetheless, this well is in the vicinity (though it is used only for very small withdrawals to serve the washroom in Mr. Harkness' shop building).

The Harkness well was rotary drilled by B & C Well Drilling (in 1997) to a depth of 40 feet. It is 6 inches in diameter and was screened and cased to 33 feet. It is screened in water-bearing silt, sand, and gravel. It was air tested at 25 gpm. The unique well ID number is ACW 731.

In addition, the District has application G1-26965A on file with Ecology for an additional 200 gallons per minute from well 3.

Extent and validity

The subject right has been in continuous use without any breaks in service since it was approved. To date, the highest annual water use occurred in 2002 when 13,808,600 gallons (approximately 42 acre-feet) was pumped from well 3. As such, 42 acre-feet per year has been perfected through beneficial use. The instantaneous rate of 100 gallons per minute has already been fully perfected.

DETERMINATIONS

Same body of public groundwater

The geography and geology in the vicinity of wells 1, 2, and 3 indicate:

- All three wells are located in close proximity within the South Fork Nooksack River drainage.
- All three wells are completed within the same alluvial deposits.
- Aquifer recharge is from infiltration of precipitation that has fallen within the South Fork Nooksack drainage basin.

Based on the above, I have determined that wells 1, 2, and 3 tap the same body of public groundwater.

The right conveyed by the original water right will not be enlarged

The original water right certificate allows for the withdrawal of up to 100 gallons per minute and 106 acre-feet per year. The 1989 report of examination for this right only allowed for a six month period from the date of permit issuance until the date of submittal of the proof of appropriation (PA) form. As such, the PA form was submitted prematurely and the subject water right certificate was issued before the entire annual quantity of water had been put to beneficial use. (The instantaneous rate had been perfected.) Prior to the 1990s it was common practice for the state to issue these "pumps & pipes" certificates. Subsequently, the extent and validity of these types of rights

came into question during several court cases during the 1990s. In 2003, the state legislature passed the Municipal Water Law (MWL) to rectify this situation.

Prior to a June 11, 2008, King County Superior Court decision, water right certificates issued before September 9, 2003, for municipal water supply purposes based on system capacity (so-called “pumps and pipes” certificates) were in “good standing” under the MWL. Subsequent to the Superior Court decision, the “good standing” status of water rights held by both public municipal water suppliers and private water suppliers is in question and is currently pending before the state Supreme Court.

The Superior Court ruled as unconstitutional the “in good standing” provision found in RCW 90.03.330(3) and the definitions for “municipal water supplier” and “municipal water supply purposes” (RCW 90.03.015 (3) and (4)). Under RCW 90.03.330(2) Ecology is prevented from revoking or diminishing water rights for municipal water supply purposes, as defined in RCW 90.03.015, except for when it processes water right change or transfer applications and in the context of general water rights adjudications, or if the certificate was issued with ministerial errors or obtained through misrepresentation.

Although RCW 90.03.330(2) was not declared unconstitutional, its functionality is questionable and its viability currently suspect because it refers back to the definitions that were deemed unconstitutional. Until the appeal is resolved by the Supreme Court, Ecology will take no action relating to the status of inchoate quantities associated with “pumps and pipes” certificates unless pursuant to processing a water right change or transfer application (as described below), a general adjudication, correction of misrepresentation or ministerial errors.

In accordance with Ecology Guidance 2030, when a change to an existing municipal supply (as is this case), multiple domestic, community domestic, or group domestic water right that is not completely put to beneficial use (documented by a so-called “pumps and pipes” certificate), is requested by either a public or private entity, Ecology will provide the following options:

1. The applicant can withdraw the application and then reapply if they so choose when the law is finally clarified.
or
2. The entity can request that its certificate be rescinded. The certificate would be replaced with a superseding permit provided the entity has been perfecting the water right with reasonable diligence consistent with the original intent. The superseding permit would include a new development schedule.
or
3. The entity can request that Ecology divide the certificate. The portion of water that has been put to beneficial use would be certificated, and a superseding permit would be issued for the inchoate portion. A new permit development schedule would be included.
or
4. The applicant could request that Ecology skip the application. The applicant would step aside for a period of time or in a specific circumstance (or other specified condition) and let “juniors” pass them in the processing line. Although, the date of application would be preserved. This could enable the applicant to wait to see if RCW 90.03.330(3) is restored before their application is processed, while retaining their existing application.

The District has opted for option 3. This will allow for continued development only within the confines of the annual volume (106 acre-feet per year) of the original water right.

Based on the above, I have determined the right conveyed by the original water right will not be enlarged.

Impairment considerations

As referenced in the Investigation section of this report, the Harkness well is located on the property adjoining the well 1 & 2 property. However, wells 1 & 2 experience very little drawdown (\approx 8 inches) when in use, therefore impairment of the Harkness well is not anticipated. Nevertheless, this change authorization shall be provisioned as being subject to existing rights.

Protest

This application was protested by the Lummi Indian Business Council. Their letter of protest expressed concern about impacts on instream flows. This concern is understandable, but the subject water right is an existing right that is legally eligible for change. No additional withdrawals over and above the currently authorized quantities will be allowed.

In addition, the following will be included in the provisions section of this report and any subsequent documents issued under this water right:

This authorization to make use of public waters of the state is subject to existing rights, including any existing rights held by the United States for the benefit of Tribes under treaty or settlement. If impairment does occur, the District will be required to diminish or cease pumping, or mitigate for this impairment.

CONCLUSIONS

In accordance with chapter 90.44 RCW, I conclude water right G1-25341 is eligible for change. The additional two points of withdrawal are within the same body of public groundwater as the original point of withdrawal, the original right will not be enlarged, and there will be no impairment of existing rights.

RECOMMENDATIONS

Based on the above investigation, determinations, and conclusions, I recommend the request for change be approved in the amounts and within the limitations listed below and subject to the provisions on page 2.

Authorized quantities and purpose of use

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:

- 100 gallons per minute total under Records A & B
- 106 acre-feet per year (42 under Record A and 64 under Record B)
- Municipal supply - continuously

Points of Withdrawal

NW¹/₄ NW¹/₄, Section 8, Township 37 North, Range 5 East, W.M.
SE¹/₄ SE¹/₄, Section 6, Township 37 North, Range 5 East, W.M.

Place of Use

Land served by Whatcom County Water District #18 in the following areas: Sections 5, 6, 7, and 8, Township 37 North, Range 5 East, W.M., all in Whatcom County, Washington.

Report by: _____
Buck Smith, LG, LHG

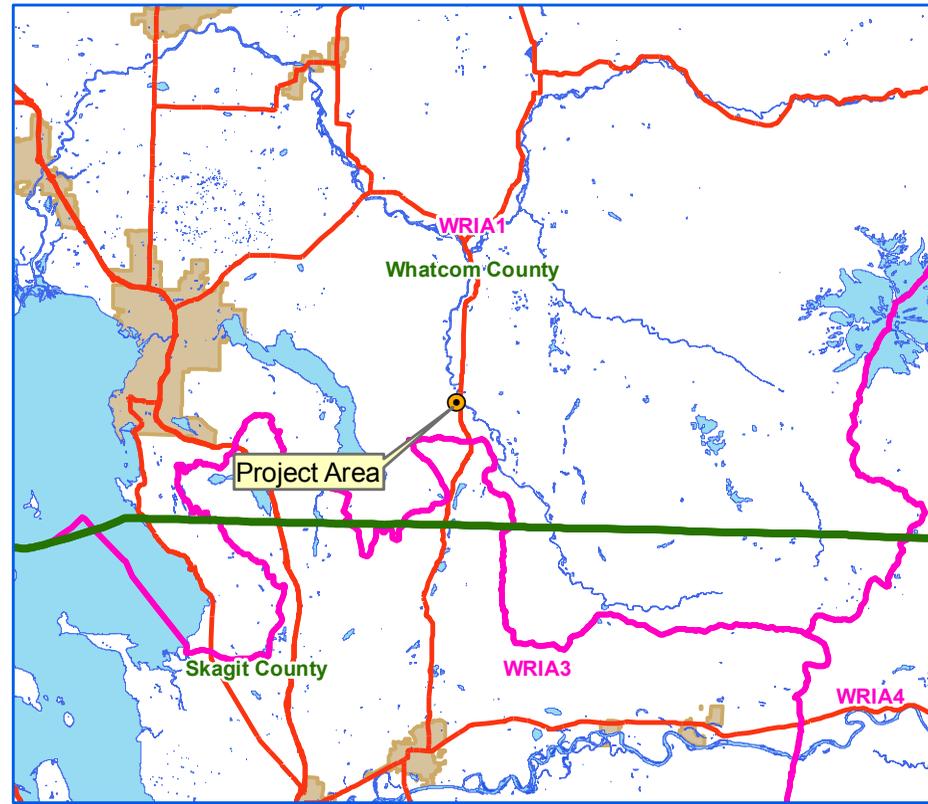
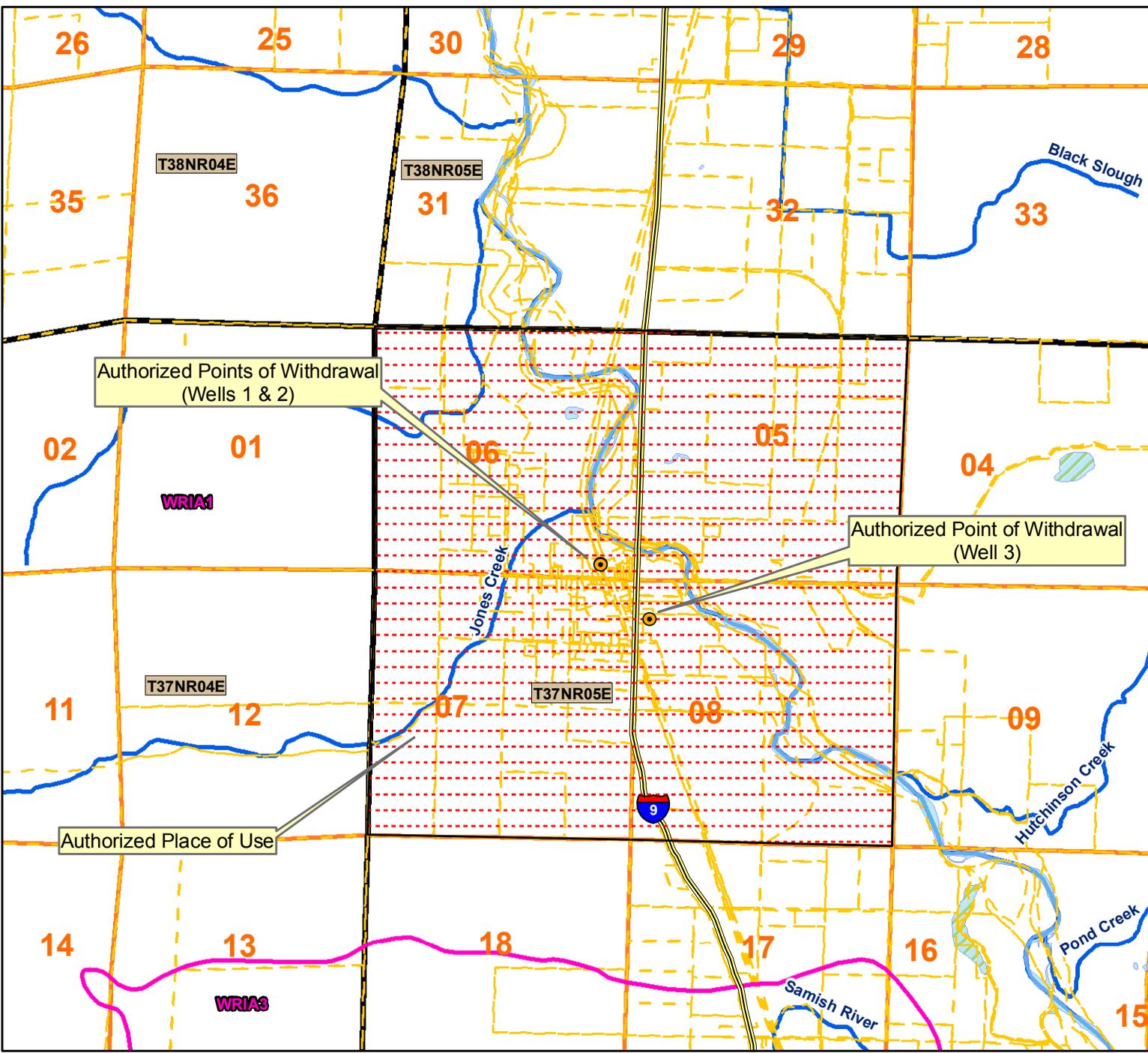
Date

Licensed Geologist/Hydrogeologist No. 1479

If you need this publication in an alternate format, please call the Water Resources Program at 425- 649-7000. Persons with hearing loss can call 711 for Washington Relay Service. Persons with a speech disability can call 877-833-6341.

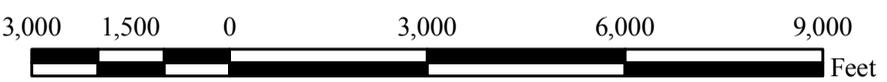


Whatcom Cnty Water Dist 18
 Permit Number CG1-25341CWRIS
 Sec.5-8, T 37N, R 05E W.M.
 WRIA 1 - Whatcom County



- Legend**
- County
 - WRIA
 - Highways
 - Townships
 - cities
 - Sections
 - Authorized Point of Withdrawal
 - Authorized Place of Use

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