



STATE OF WASHINGTON  
**DEPARTMENT OF ECOLOGY**

Northwest Region Office

PO Box 330316, Shoreline, WA 98133-9716 • 206-594-0000

Sent via Email

June 24, 2022

Cody Toal  
King County Department of Natural Resources and Parks  
Water and Land Resources Division  
201 South Jackson Street, Suite 5600  
Seattle WA 98104-3855  
Cody.Toal@kingcounty.gov

RE: 2022 Riparian Planting - Short Term Water Use Authorization No. S1-29429

Dear Cody Toal:

Washington State Department of Ecology (Ecology) received your application requesting temporary withdrawal of surface water for watering native plants at habitat restoration sites from May 1, 2022 to September 30, 2022. Please review this document carefully as there have been a number of changes and provisions added since last year's permit authorization.

- Ecology is committed to support projects that have a direct positive impact on stream habitat. According to RCW 90.54.020(3), the quality of the natural environment shall be protected, and where possible, enhanced.
- Diversions of water from surface water bodies regulated through minimum instream flows for the Snohomish Basin (WRIA 7), Cedar-Sammamish Basin (WRIA 8), Green-Duwamish Basin (WRIA 9), and Puyallup River Basin (WRIA 10) are interruptible when minimum flows are not met (see regulatory matrix below and attached spreadsheet). It is the responsibility of the permit holder to assess flows in regulated streams before irrigation occurs to meet this requirement.
- Diversion of water from streams that are closed by regulation are authorized based on evidence that overriding considerations of the public interest will be served (see regulatory matrix below). In streams that are closed to new diversions, water use is authorized so long as a bypass flow 1 cubic-foot per second (cfs) is maintained. It is the responsibility of the permit holder to assess flows in closed streams to meet this requirement.
- Maximum cumulative instantaneous rate of diversion from all surface waters approved under this authorization must not exceed 0.29 cubic-feet/second (132 gallons per minute) at any one time. A minimum bypass flow of 1 cfs applies at all times on all closed surface water sources.

- This permit for irrigation diversions may require compliance with the state Hydraulic Code (chapter 77.55 RCW) and is required to meet fish screening statutes (RCW 77.57.010, RCW 77.57.040, and RCW 77.57.070). Please see [WDFW permitting page](#) and consult with the appropriate Habitat Biologist according to the [contact map](#). Supporting information on screening and fish passage may be found on the [WDFW Regulations, guidelines, and determining compliance](#) page.

<b>Source Regulatory Matrix</b>			
<b>Basin</b>	<b>Sources</b>	<b>Restriction</b>	<b>Regulation</b>
<b>WRIA 7</b>	<b>10</b>		
Snoqualmie River	7	Minimum Flow	WAC 173-507-020
SF Skykomish River	1	Minimum Flow	WAC 173-507-020
SF Snoqualmie River	1	Minimum Flow	WAC 173-507-020
Raging River	1	Closure	WAC 173-507-030
<b>WRIA 8</b>	<b>6</b>		
Cedar River	3	Minimum Flow	WAC 173-508-060
Sammamish River	3	Closure	WAC 173-508-040
<b>WRIA 9</b>	<b>15</b>		
Green River	11	Minimum Flow	WAC 173-509-030
Miller Creek	1	Closure	WAC 173-509-040
Newaukum Creek	3	Closure	WAC 173-509-040
<b>WRIA 10</b>	<b>2</b>		
White River	2	Closure	WAC 173-510-040
<b>Total</b>	<b>33</b>		

It is the responsibility of King County to obtain any legal agreements that may be necessary to access and use the parcels described in the application for the purposes of this project.

Ecology appreciates the past cooperation King County has shown in seeking alternative methods to watering project plants by using reclaimed water and municipal water where available, and recommends these alternatives when flows are not met at project sites.

Nothing in the short term water use authorization allows for its holder to impair existing water rights.

Water use authorizations are subject to provisions as listed by project, and continue through September 30, 2022. The Water and Land Resources Division shall record how much water is used at each site and will submit these data no later than January 31, 2023. The data shall include the flow rates in closed streams at the times when diversion occurs, and will include a detailed description of how such flows were determined. Furthermore, the Water and Land Resources Division will notify Ecology if any of these projects have ended prematurely, been delayed, or completed. Each project site should use procedures to eliminate any waste of water.

### **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 to Ecology in paper form - by mail or in person (see addresses below). E-mail is not accepted.

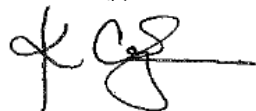
You must also comply with other applicable requirements in chapter 43.21B RCW and chapter 371-08 WAC.

<b>Street Addresses</b>	<b>Mailing Addresses</b>
<b>Department of Ecology</b> Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	<b>Department of Ecology</b> Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
<b>Pollution Control Hearings Board</b> 1111 Israel RD SW, Ste 301 Tumwater, WA 98501	<b>Pollution Control Hearings Board</b> 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 contact John Rose at (206) 594-0204 or by email at [john.rose@ecy.wa.gov](mailto:john.rose@ecy.wa.gov).

Sincerely,



Kasey Cykler  
Section Manager  
Water Resources Program

Enclosure: *Your Right to Be Heard*  
Project Spreadsheet

Watershed/ Tributary To:	Waterbody	WRIA	Project Name (**continued from previous year)	S/T/R	# of Plants	Amount of Water Needed (15 gallons per plant) ***	WAC Reference	Ecology's Determination
Snoqualmie River	Snoqualmie River	7	Sinnema Quaale Upper Revetment**	31/26N/07E	13,475	Approximately 202,125 gallons per month*	Instream flows set by WAC 173-507-020 for the Snoqualmie River.	Use of water granted when flows are met at gauge <b>12.1508.00</b> in accordance with Chapter 173-507 WAC.
Snoqualmie River	South Fork Snoqualmie River	7	Si View Levee Repairs **	16/23N8E	100	Approximately 1,500 gallons per month*	Instream flows set by WAC 173-507-020 for the Snoqualmie River.	Use of water granted when flows are met at gauge <b>12.1445.00</b> ( in lieu of 12.1330.00)in accordance with Chapter 173- 507 WAC.
Snoqualmie River	South Fork Skykomish River	7	Timberlane Revetment Planting	30/26N/12E	604	Approximately 9,060 gallons per month*	Instream flows set by WAC 173-507-020 for the Snoqualmie River.	Use of water granted when flows are met at gauge <b>12.1315.00</b> in accordance with Chapter 173-507 WAC.
Snoqualmie River	Snoqualmie River	7	Three Forks NA Riparian Corridor Enhancement**	34/24N/8E	4,000	Approximately 60,000 gallons per month*	Instream flows set by WAC 173-507-020 for the Snoqualmie River.	Use of water granted when flows are met at gauge <b>12.1445.00</b> in accordance with Chapter 173-507 WAC.
Snoqualmie River	Snoqualmie River	7	Tanner Landing Riparian Corridor Enhancement**	14/23N/08E, 10/23N/08E, 15/23/08E	2,500	Approximately 37,500 gallons per month*	Instream flows set by WAC 173-507-020 for the Snoqualmie River.	Use of water granted when flows are met at gauge <b>12.1445.00</b> in accordance with Chapter 173-507 WAC.
Snoqualmie River	Snoqualmie River	7	Stossel Bridge Right Bank Revetment**	9/25N/7E	268	Approximately 4,020 gallons per month*	Instream flows set by WAC 173-507-020 for the Snoqualmie River.	Use of water granted when flows are met at gauge <b>12.1490.00</b> in accordance with Chapter 173-507 WAC.
Snoqualmie River	Snoqualmie River	7	Shake Mill Left Bank Revetment Setback**	34/24N/8E	4,400	Approximately 66,000 gallons per month*	Instream flows set by WAC 173-507-020 for the Snoqualmie River.	Use of water granted when flows are met at gauge <b>12.1445.00</b> in accordance with Chapter 173-507 WAC.
Snoqualmie River	Snoqualmie River	7	Shake Mill Right Bank Revetment Setback	34/24N/8E	6,314	Approximately 9,4710 gallons per month*	Instream flows set by WAC 173-507-020 for the Snoqualmie River.	Use of water granted when flows are met at gauge <b>12.1445.00</b> in accordance with Chapter 173-507 WAC.
Snoqualmie River	Snoqualmie River	7	Reinig Road Revetment Planting	33/24N/08E	7,506	Approximately 112,590 gallons per month*	Instream flows set by WAC 173-507-020 for the Snoqualmie River.	Use of water granted when flows are met at gauge <b>12.1445.00</b> in accordance with Chapter 173-507 WAC.
Snoqualmie River	Raging River	7	Mouth to Bridge Left Bank SMP**	14/24N/7E	300	Approximately 4,500 gallons per month*	Raging River is closed by WAC 173-507- 030(2)	RCW 90.54.020(3)(A) Overriding consideration of the public interest allows for the use of water. Use of water granted when flows are above 1 cfs.
Cedar Sammamish	Sammamish River	8	Redmond Reach SMP@ Sammamish TZ Mitigation Site 1	35/26N/5E	2,030	Approximately 30,450 gallons per month*	This tributary is closed all year in accordance with WAC 173-508-030	RCW 90.54.020(3)(A) Overriding consideration of the public interest allows for the use of water. Use of water granted when flows are above 1 cfs.
Cedar Sammamish	Sammamish River	8	Sammamish Bank Repairs**	9/26N/5E	2,516	Approximately 37,740 gallons per month*	This tributary is closed all year in accordance with WAC 173-508-030	RCW 90.54.020(3)(A) Overriding consideration of the public interest allows for the use of water. Use of water granted when flows are above 1 cfs.
Cedar Sammamish	Cedar River	8	SR 169 Culvert Replacement	32/23N/06E	550	Approximately 8,250 gallons per month*	Cedar River and all its tributaries are subject to instream flows by WAC 173- 508-060.	Use of water granted when flows are met at USGS gauge <b>12.1190.00</b> in accordance with Chapter 173-508 WAC.
Cedar Sammamish	Sammamish River	8	Sammamish Transition Zone Mitigation Area 3**	11/25N/5E	657	Approximately 9,855 gallons per month*	This tributary is closed all year in accordance with WAC 173-508-030	RCW 90.54.020(3)(A) Overriding consideration of the public interest allows for the use of water. Use of water granted when flows are above 1 cfs.
Cedar Sammamish	Cedar River	8	Cedar Rapids RB and Brassfield SMP @Brassfield**	24/23N/05E	66	Approximately 990 gallons per month*	Cedar River and all its tributaries are subject to instream flows by WAC 173- 508-060.	Use of water granted when flows are met at USGS gauge <b>12.1190.00</b> in accordance with Chapter 173-508 WAC
Cedar Sammamish	Cedar River	8	Byers Curve SMP @ Blankenship and Gamet Properties	33/23N/06E	3,000	Approximately 45,000 gallons per month*	Cedar River and all its tributaries are subject to instream flows by WAC 173- 508-060.	Use of water granted when flows are met at USGS gauge <b>12.1190.00</b> in accordance with Chapter 173-508 WAC
Green Duwamish	Miller Creek	9	Miller Creek Trail**	20/23N/04E	250	Approximately 3,750 gallons per month*	This tributary is closed all year in accordance with WAC 173-509-040	RCW 90.54.020(3)(A) Overriding consideration of the public interest allows for the use of water. Use of water granted when flows are above 1 cfs.

Watershed/ Tributary To:	Waterbody	WRIA	Project Name (**continued from previous year)	S/T/R	# of Plants	Amount of Water Needed (15 gallons per plant) ***	WAC Reference	Ecology's Determination
Green Duwamish	Newaukum	9	Harris-Browne Buffer Enhancement	14/20N/6E	2,600	Approximately 39,000 gallons per month*	This tributary is closed all year in accordance with WAC 173-509-040	RCW 90.54.020(3)(A) Overriding consideration of the public interest allows for the use of water. Use of water granted when flows are above 1 cfs.
Green Duwamish	Green River	9	Briscoe-Desimone SMP @Kent Site 1 Flood Wall	36/23N/4E	230	Approximately 3,450 gallons per month*	The Green River is subject to instream flows by WAC 173-509-030(2).	Use of water granted when flows are met at USGS guage <b>12.1130.00</b> in accordance with Chapter 173-509 WAC
Green Duwamish	Green River	9	Tukwila 205 SMP @Stander	25/23N/4E	20	Approximately 300 gallons per month*	The Green River is subject to instream flows by WAC 173-509-030(2).	Use of water granted when flows are met at USGS guage <b>12.1130.00</b> in accordance with Chapter 173-509 WAC
Green Duwamish	Green River	9	Gunter Levee Repair**	02/22N/04E	644	Approximately 9,660 gallons per month*	The Green River is subject to instream flows by WAC 173-509-030(2).	Use of water granted when flows are met at USGS guage <b>12.1130.00</b> in accordance with Chapter 173-509 WAC
Green Duwamish	Green River	9	Mullen Slough	23/22N/4E	2,315	Approximately 34,725 gallons per month*	The Green River is subject to instream flows by WAC 173-509-030(2).	Use of water granted when flows are met at USGS guage <b>12.1130.00</b> in accordance with Chapter 173-509 WAC
Green Duwamish	Green River	9	North Green River Park	35/22N/05E	2,900	Approximately 43,500 gallons per month*	The Green River is subject to instream flows by WAC 173-509-030(2).	Use of water granted when flows are met at USGS guage <b>12.1130.00</b> in accordance with Chapter 173-509 WAC
Green Duwamish	Green River	9	Midway Creek**	15/22N/04E	2,895	Approximately 43,425 gallons per month*	The Green River is subject to instream flows by WAC 173-509-030(2).	Use of water granted when flows are met at USGS guage <b>12.1130.00</b> in accordance with Chapter 173-509 WAC
Green Duwamish	Green River	9	Desimone Levee**	35/23N/04E	1,572	Approximately 23,580 gallons per month*	The Green River is subject to instream flows by WAC 173-509-030(2).	Use of water granted when flows are met at USGS guage <b>12.1130.00</b> in accordance with Chapter 173-509 WAC
Green Duwamish	Green River	9	West Valley Highway**	36/23N/04E	700	Approximately 10,500 gallons per month*	The Green River is subject to instream flows by WAC 173-509-030(2).	Use of water granted when flows are met at USGS guage <b>12.1130.00</b> in accordance with Chapter 173-509 WAC
Green/Duwamish	Green River	9	Flaming Geyser Left Bank Couty Parks Planting	27/21N/06E	500	Approximately 7,500 gallons per month*	The Green River is subject to instream flows by WAC 173-509-030(2).	Use of water granted when flows are met at USGS guage <b>12.1130.00</b> in accordance with Chapter 173-509 WAC
Green/Duwamish	Green River	9	Flaming Geyser Right Bank State Park	27/21N/06E	200	Approximately 3,000 gallons per month*	The Green River is subject to instream flows by WAC 173-509-030(2).	Use of water granted when flows are met at USGS guage <b>12.1130.00</b> in accordance with Chapter 173-509 WAC
Green/Duwamish	Newaukum Creek	9	Bremmeyer Newaukum Buffer Enhancement	10/20N/06E	900	Approximately 13,500 gallons per month*	This tributary is closed all year in accordance with WAC 173-509-040	RCW 90.54.020(3)(A) Overriding consideration of the public interest allows for the use of water. Use of water granted when flows are above 1 cfs.
Green/Duwamish	Newaukum Creek	9	Josie Newaukum Creek Buffer Enhancement**	15/20N/06E	900	Approximately 13,500 gallons per month*	This tributary is closed all year in accordance with WAC 173-509-040	RCW 90.54.020(3)(A) Overriding consideration of the public interest allows for the use of water. Use of water granted when flows are above 1 cfs.
Green/Duwamish	Green River	9	O'Grady Pasture**	30/21N/06E	8,500	Approximately 127,500 gallons per month*	The Green River is subject to instream flows by WAC 173-509-030(2).	Use of water granted when flows are met at USGS guage <b>12.1130.00</b> in accordance with Chapter 173-509 WAC
White River	White River	10	TransCanada Levee Planting	28/21N/05E	493	Approximately 7,395 gallons per month*	White River is are closed by WAC 173-510-040(3)	RCW 90.54.020(3)(A) Overriding consideration of the public interest allows for the use of water. Use of water granted when flows are above 1 cfs.
White River	White River	10	Stuck River Revetment Repair	29/21N/5E	189	Approximately 2,835 gallons per month*	White River is are closed by WAC 173-510-040(3)	RCW 90.54.020(3)(A) Overriding consideration of the public interest allows for the use of water. Use of water granted when flows are above 1 cfs.

\*Assuming all plantings supplied by surface water.

\*\*Continuing project from previous year.

\*\*\*Note that King County intends to use alternative water supplies such as reclaimed or municipal water as available on many of these sites, therefore water use may be significantly less than projected.