



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Region Office
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Sent via Email

June 23, 2022

Snoqualmie Valley Watershed Improvement District (SVWID)
c/o Steven Sweet
PO Box 1148
Carnation, WA 98014
steven@svwid.com

Re: APPROVED 2022 Seasonal Change of CS1-*01933C(A)@1, King County, Water
Resources Inventory Area 7

Dear Steven Sweet:

The Department of Ecology (Ecology) received your application for a seasonal change of Surface Water Certificate 180(A), held under control number CS1-*01933(A)@1, on April 19, 2022. Your application has been assigned control number CS1-SWC180(A)@15. Please refer to this number when corresponding with us about this Seasonal Change Authorization.

You requested to transfer a portion of Surface Water Certificate 180 (CS1-*01933C(A)@1), currently in the temporary Trust Water Right Program (TRWP), to a downstream parcel owned by Richard Green. Your request is for a change in place of use, purpose of use, and to add a point of diversion for the 2022 irrigation season.

BACKGROUND INFORMATION

Surface Water Certificate (SWC) 180 was issued to the Snoqualmie Falls Lumber Company (a predecessor of the Weyerhaeuser Company) with a priority date of November 27, 1926. It authorized the surface water diversion of 15 cubic feet per second (an annual quantity was not specified) from Tokul Creek for domestic and industrial water supply. The authorized point of diversion (POD) and place of use (POU) was listed as being within the NE¼ NW¼ of Section 20, Township 24 North, Range 8 East, W. M., in King County.

On July 27, 1995, the Weyerhaeuser Company submitted an application to change SWC 180. This application for change was a request to permanently donate 0.122 cubic feet per second (cfs) and 88.3 acre-feet per year (ac-ft/yr) to the TRWP as mitigation for the issuance of Groundwater Permit G1-25449. The Department of Ecology (Ecology) accepted this donation and subsequently split SWC 180 into two records (A & B). SWC 180(A) continued to be held by the Weyerhaeuser Company. All the attributes remained the same as the original certificate except for the instantaneous diversion rate, which was reduced by 0.122 cfs, to 14.878 cfs. SWC 180(B) issued to the TRWP for 0.122 cfs and 88.3 ac-ft/yr for instream flow purposes in Tokul Creek and the Snoqualmie River. Record A retained priority (seniority) over Record B.

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On January 3, 2011, the Weyerhaeuser Company submitted a request (under control number CS1-*01933(A)@1) to temporarily donate SWC 180(A) into the TWRP for instream flow purposes. Weyerhaeuser specified its donation terms as follows:

- The donation is temporary, until further notice, so the water right will revert to the donor at the end of the temporary donation period.
- The term of the temporary donation will begin on the date that Ecology accepts the water right into the TWRP and will continue until 30 days after Weyerhaeuser notifies Ecology that the temporary donation will end.
- During the term of the temporary donation, the donor reserves the right to convert the donation to a permanent donation.

Along with their temporary donation request, Weyerhaeuser submitted a report (AESI project # KH070569A) that provided documentation of the extent to which SWC 180(A) had been exercised during the five years prior to the donation (pursuant to RCW 90.42.080(4)). Information in the report demonstrated that within the preceding five years, SWC 180(A) was beneficially used at an instantaneous rate of 2.08 cfs and an annual volume of 863.8 ac-ft/yr (in 2006), of which 56.71 ac-ft/yr was consumptively used.

In accordance with RCW 90.42.080(1)(b), Ecology accepted the full temporary donation of SWC 180(A) in the amounts of 2.08 cfs and 863.8 ac-ft/yr (56.71 ac-ft/yr consumptive) to benefit instream flow in Tokul Creek and the Snoqualmie River.

The Snoqualmie Valley Watershed Improvement District (SVWID) acquired SWC 180(A) in June 2016. The SVWID has kept the subject right in the TWRP, with the exception of some seasonal and temporary removals (i.e., water banking) for downstream agricultural irrigation purposes.¹

Per the subject seasonal change request, surface water will be used to irrigate a ¼ acre blueberry patch, two 150' rows of mixed orchard, one 150' row of mixed berries, and ¼ acre of vegetables, using drip tape and/or sprinklers, on parcel 2025079041, during the 2022 irrigation season. Water will be pumped directly from the Snoqualmie River. The requested additional POD is located downstream of the certificated POD on Tokul Creek, so there will be no impairment of existing water users. SWC 180(A) pre-dates WAC 173-507, so minimum instream flows will not be impaired.

YOUR SEASONAL CHANGE REQUEST

Under the subject seasonal change application, you are requesting to change a portion of SWC 180(A) (held under CS1-*01933C(A)@1) as follows:

- A transfer not to exceed 0.0334 cfs (15 gallons per minute).
- An annual volume not to exceed 1 acre-foot.
- For the irrigation of approximately 1 acre.

¹ A reduction in the annual volume of Temporary Change [CS1-SWC180\(A\)@14](#) from 2.0 ac-ft/yr to 0.5 ac-ft/yr was processed just prior to the subject request. The difference (1.5 ac-ft/yr) was returned to temporary Trust Water Right [CS1-*01993C\(A\)@1](#). Therefore, including the subject request, the subsequent (remaining) quantities now in the TWRP are 1.3726 cfs and 853.3 ac-ft/yr (46.21 ac-ft/yr consumptive).

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- To add a point of diversion within the NE¼ SE¼ of Section 20, Township 25 North, Range 7 East (parcel #2025079041).
- To add a place of use located within the NE¼ SE¼ of Section 20, Township 25 North, Range 7 East (parcel #2025079041). See included maps.
- For the 2022 irrigation season.

DEPARTMENT OF ECOLOGY DECISION - INCLUDING TERMS & CONDITIONS

Your request for a Seasonal Change in the place of use, purpose of use, and for an additional point of diversion for the 2022 irrigation season is hereby **APPROVED, effective immediately**, under the terms and conditions listed below.

- This seasonal change authorization does not authorize an enlargement of water use as recognized under CS1-*01933(A)@1.
- The instantaneous rate under this seasonal change shall not exceed 0.0334 cfs (15 gpm). This rate will be temporarily deducted from the temporary TWRP.
- The annual volume used under this seasonal change shall not exceed 1 acre-foot, for the purpose of irrigation. This volume will be temporarily deducted from the temporary TWRP.
- A seasonal (additional) POD from the Snoqualmie River, located within the NE¼ SE¼ of Section 20, Township 25 North, Range 7 East (parcel #2025079041).
- A seasonal (additional) POU of approximately 1 acre of irrigation located within the NE¼ SE¼ of Section 20, Township 25 North, Range 7 East (parcel #2025079041).
- An approved measuring device shall be installed and maintained on the authorized additional POD in accordance with the rule "Requirements for Measuring and Reporting Water Use", WAC 173-173. In order to ensure compliance with the terms of this authorization, water use data shall be recorded weekly and shall be promptly submitted to Ecology upon request.
- WAC 173-173 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 titled "Water Measurement Device Installation and Operation Requirements". See <http://www.ecy.wa.gov/programs/wr/measuring/measuringhome.html>
- This seasonal change is subject to existing rights, including any rights held by the United States for the benefit of tribes under treaty or settlement. By ensuring no enlargement of the water right, this seasonal change authorization should have no greater impact on tribal rights than the original authorization.
- If it can be shown that water use authorized by this seasonal change is causing impairment of existing rights or is being used illegally, then this authorization will be immediately canceled.
- This seasonal change does not convey a right of access to, or other right to use land, which you do not legally possess. Obtainment of such a right is a private matter between you and the owner of the land.
- Violation of any of the terms and conditions of this seasonal change will result in this authorization being immediately canceled, issuance of administrative orders to cease and desist, and may also subject the violator to civil penalties.

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- 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, point of diversion, measuring device, and associated distribution systems for compliance with water law.
- The diversion intake shall be screened in accordance with Washington Department of Fish and Wildlife screening criteria. See: <http://wdfw.wa.gov/about/contact/>
- **THIS AUTHORIZATION SHALL IN NO MANNER BE CONSTRUED TO GUARANTEE OR IMPLY THAT A FINAL (REGULAR) CHANGE AUTHORIZATION WILL ISSUE FOR THE FUTURE USE OF THE WATER HEREIN AUTHORIZED.**
- **This seasonal change shall be in effect through October 31, 2022** (unless canceled sooner); at which time the subject water allocation will revert back to the TWRP under CS1-*01933C(A)@1.

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.

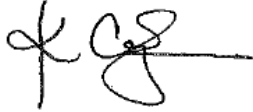
Street Addresses	Mailing Addresses
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
Pollution Control Hearings Board 1111 Israel RD SW, Ste 301 Tumwater, WA 98501	Pollution Control Hearings Board 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>.

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If you have any questions or concerns regarding this decision, please contact Buck Smith at buck.smith@ecy.wa.gov or (425) 681-8597.

Signed at Shoreline, Washington, this 23rd day of June, 2022.



Kasey Cykler
Section Manager
Water Resources Program
Northwest Region Office

Enclosures: *Your Right to be Heard*
Place of Use Maps

ecc: Anne Savery, Tulalip Tribes (asavery@tulaliptribes-nsn.gov)
Matt Baerwalde, Snoqualmie Indian Tribe (Mattb@snoqualmietribe.us)
Buck Smith, Department of Ecology
Andrea Lauden, Department of Ecology



SNOQUALMIE VALLEY Watershed Improvement District



