



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)@16. Please refer to this number when corresponding with us about this Seasonal Change Authorization.

The subject application was filed to supersede (take the place of) Temporary Change Authorization CS1-*01933C(A)@6, issued on May 24, 2018. All previously approved attributes and conditions of CS1-*01933C(A)@6 will remain the same in this authorization, except for the place of use description, which will be expanded, and will now include parcel 0924079020.

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 NE¹/₄ NW¹/₄ 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 Trust Water Right Program (TRWP) as mitigation for the issuance of Groundwater Permit G1-25449. The Department of 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 TWRP 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 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) (under control number CS1-*01933(A)@1) 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 and have been using small quantities of it to operate a water bank for downstream irrigation purposes.

As a representative of the SVWID, you filed an application to have the 0.13 cfs and 4 ac-ft/yr previously authorized, from the water bank, under Temporary Change CS1-*01933(A)@6, instead be authorized for use under the subject seasonal change request. No additional water will be removed from the bank. The requested water is to be used on three parcels owned by Shirley Richmond. These parcels are farmed under the name of Steel Wheel Farm.

Water will be pumped directly from the Snoqualmie River with a 6 horsepower pump. The requested 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. The diversion will be screened and metered.

YOUR SEASONAL CHANGE REQUEST

- An instantaneous rate not to exceed 0.13 cfs (58 gallons per minute).
- An annual volume not to exceed 4 acre-feet.
- A seasonal purpose of use change to irrigation of the above quantities of CS1-*01933(A)@1.
- A seasonal (additional) POD from the Snoqualmie River. It is located within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 9, Township 24 North, Range 7 East (parcel 0924079002).
- A seasonal (additional) POU of 26 acres located within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, and NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 9, Township 24 North, Range 7 East (parcels 0924079002, 0924079007, and 0924079020). See included map.

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 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 0.13 cfs.
- The total volume used under this seasonal change shall not exceed 4 acre-feet, for the purpose of irrigation.
- A seasonal (additional) POD from the Snoqualmie River, located within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 9, Township 24 North, Range 7 East (parcel 0924079002).
- A seasonal (additional) POU of 26 acres located within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, and NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 9, Township 24 North, Range 7 East (parcels 0924079002, 0924079007, and 0924079020). See included map.
- 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.
- 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.

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- 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.

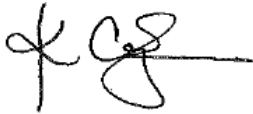
Street Addresses	Mailing Addresses
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
Pollution Control Hearings Board 1111 Israel RD SW, Ste 301 Tumwater, WA 98501	Pollution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

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

Attachment 1: Place of Use Map

