



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

**APPROVED**  
**PROTESTED REPORT OF EXAMINATION**  
**PUBLIC HEALTH & SAFETY EMERGENCY APPLICATION**  
Change approval: *Aid point of withdrawal change purpose of use, & change place of use*  
WRTS File #CG1-26398C

PRIORITY DATE October 24, 1991	PERMIT NO. G1-26398C	CERTIFICATE NO. G1-26398C
NAME City of Sumas		
MAILING ADDRESS 433 Cherry Street		ZIP CODE 98245
CITY/STATE Sumas, WA		

**PUBLIC WATERS TO BE APPROPRIATED**

SOURCES May Road and Kneunan Road Wellfields	
MAXIMUM GALLONS PER MINUTE (gpm) 860*	MAXIMUM ACRE FEET PER YEAR (ac-ft/yr) 1376.0*
*PERIOD OF USE, PERIOD OF USE, & QUANTITY ALLOCATIONS	

Municipal supply and mitigation continuously

\*Quantities withdrawn under G1-23698 and G1-26398 shall not exceed 1660 gallons per minute and 825.0 acre-feet per year. Due to hydraulic continuity, the adjacent unnamed spring-fed tributary to Johnson Creek shall be augmented at a rate of 18 gpm for every 100 gpm withdrawn under G1-23698 and G1-26398. Stream augmentation is to occur simultaneously as the water is withdrawn.

SOURCE NAME	LOCATIONS OF POINTS OF WITHDRAWAL				
	PARCEL #	QTR/QTR	SECTION	TOWNSHIP	RANGE
May Road Wellfield	410433106108	SW1/4 SW1/4	33	41N	4E
Kneunan Road Wellfield	410433441293	Government Lot 1	33	41N	4E

**LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED**  
(Attachment 1 shows location of the authorized place of use and locations of wellfields)

The place of use of this water right is the service area described in the latest Water System Plan approved by the Washington State Department of Health. RCW 90.03.336 may have the effect of revising the place of use of this water right if the criteria in RCW 90.03.386(2) are met.

**DESCRIPTION OF WATER WORKS**

The City of Sumas currently operates the May Road Wellfield (see Attachment 2) consisting of three production wells and the Kneunan Road Wellfield (see Attachment 3) consisting of 5 production wells. Storage is provided by a 500,000 gallon reservoir.

The City of Sumas water system is an approved Washington Department of Health (DOH) Group A Community System. Its system ID number is 84870B. 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.

DEVELOPMENT SCHEDULE		
BEGIN PROJECT BY THIS DATE	COMPLETE PROJECT BY THIS DATE	SUBMIT WRITTEN NOTIFICATION OF USE BY
Begun	January 1, 2020	January 1, 2030

---

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/measurihome.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: Daily, Report Annually**

Water use data shall be recorded daily. 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 reported via the Internet. To set up an Internet reporting account, access: <http://fortress.wa.gov/ecy/wrx/wrx/MeterIndex/>

**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. Streamflow Augmentation**

The adjacent unnamed spring-fed tributary to Johnson Creek shall be augmented at a rate of 18 gpm for every 100 gpm withdrawn under G1-23698 and G1-26198. Stream augmentation is to occur simultaneously as the water is withdrawn.

**6. 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 City will be required to diminish or cease pumping, or mitigate for this impairment.

**7. Well Tag**

The City'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.

**8. Waiver of Superseding Certificate**

The City shall submit written notification to Ecology's Northwest Regional Office when it has effectuated the approved changes (as needed) and is ready to obtain a superseding certificate. This notification shall include a description of work accomplished to "perfect" each attribute of change (point of withdrawal, and/or place of use, and/or purpose of use) to be included in the superseding certificate. No "re-perfection" of water use is necessary (unless this change approval) in order for the City to obtain a superseding certificate.

**9. 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 water right G1-26398C is valid and is eligible for change. And, the additional point of withdrawal is within the same body of public groundwater as the original point of withdrawal, the original right will not be enlarged, there will be no impairment of existing rights, the proposed purpose of use will be beneficial, water is physically and legally available, and there will be no detriment to the public interest.

Therefore, I ORDER approval of the recommended change under Change Application No. CG1-26398C, subject to existing rights and the provisions listed above.

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 43.213.001(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 Rove 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

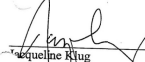
Deliver your appeal in person to:  
The Department of Ecology  
Appeals and Application for Relief  
Coordinator  
100 Desmond Dr SE  
Lacey, WA 98503

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

Jacqueline King  
Department of Ecology  
3130 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.lg.wa.gov/CodeRevisor>.

Signed at Bellevue, Washington, this 12<sup>th</sup> day of February, 2010.

  
Jacqueline King  
Appeals Section Manager  
Water Resources Program  
Northwest Regional Office

**INVESTIGATOR'S REPORT**  
 by Buck Smith, L.G. L.B.G. - Senior Hydrogeologist  
 Water Right Control No. CG1-26398C

**BACKGROUND**

The purpose of this report is to address an application for change filed by the City of Sumas on October 20, 2009. The application is a request to add the Kneuman Road Wellfield as an additional point of withdrawal, change the primary purpose of use to municipal, and to change the place of use to the "municipal" place of use description.

Approval of these requests will allow Sumas to have the operational flexibility needed to provide water in its municipal service area and to an area where the groundwater has been contaminated with high concentrations of nitrate. The nitrate concentration in the impacted area exceeds the primary Maximum Contaminant Level (MCL) of 10 mg/L. The water to be "wheeled" to this area is previously perfected industrial water which is available for redistribution due to conservation and reuse.

**Attributes of the existing water right and proposed changes**

<i>Attributes</i>	<i>Existing</i>	<i>Proposed</i>
Name	City of Sumas	Same
Water Right Priority Date	October 24, 1991	Same
Instantaneous Rate	866 gallons per minute	Same
Annual Volume	1375.0 acre-feet per year	Same
Period of Use	Continuously	Same
Source(s)	May Road Wellfield	May Road Wellfield & Kneuman Road Wellfield
Point(s) of Withdrawal	SW¼ SW¼ of Section 33, Township 41N, Range 4E	SW¼ SW¼ and Government Lot 1 of Sec. 33, Township 41N, Range 4E
Purpose of Use	Industrial supply & mitigation quantities	Municipal supply & mitigation quantities
Place of Use	Industrial zone within the City of Sumas' 1993 Service Area Boundaries	The place of use of this water right is the service area described in the latest Water System Plan approved by the Washington State Department of Health.

**Priority processing**

On October 16, 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 Sumas change application as per WAC 173-152-050(1)(c) to allow Sumas to provide water to the Northwood Water Association, the Northwood Park System, and potentially several other water associations within the neighboring nitrate contaminated area. This request was approved by Andrew B. Dunn, (former) Section Manager, Water Resources Program, Northwest Regional Office.

**Public notice of the application (RCW 90.03.280)**

was had a public notice of their application published in the *Lynden Tribune* on November 18 and 25, 2009. One protest was received during the statutory 30 day protest period. In a letter dated December 1, 2009, the Lummi Indian Business Council filed a protest based on their concerns over adverse impacts on the rights of the Lummi Nation.

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

In accordance with RCW 43.21C, WAC 157-11-305, and WAC 197-11-800(c), 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.

**Reference materials used**

The following reference materials were used during the course of processing the subject change application:

- Information supplied with the application
- City of Sumas Water System Comprehensive Plan (2000 and draft 2010 revision)
- Information from my site visit on October 28, 2009, with Rod Fadden, Sumas Utilities Superintendent
- Information supplied by Dave Olson, Water System Services, Inc., Cornerstone Management, Inc.
- USGS Sumas Quadrangle 7.5 minute topographic map
- USGS Hydrogeology, Ground-Water Quality, and Sources of Nitrate in Lowland Glacial Aquifers of Whatcom County, Washington, and British Columbia, Canada (Water-Resources Investigations Report 98-4-95)
- A database search of existing water rights and water well reports in the area

**Legal determinations**

RCW 90.03.380 and 90.44.100 give Ecology the statutory authority to change a ground water right to allow the right holder to add additional wells, change the purpose of use, and the place of use. This authority requires Ecology to conduct an investigation and make positive determinations on the following criteria in order for the application for change to be approved:

- The right must be valid
- The additional wells must tap the same body of public groundwater as the original wells
- 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
- The new purpose of use must be beneficial
- Water must be available at the new point of withdrawal
- The change must not result in detriment to the public interest

In addition, all protests must be evaluated and addressed.

**INVESTIGATION**

The following topics were investigated in order to make determinations on the above criteria.

**History of the water system**

Original settlement in Sumas occurred in the late 1800s. It was supported by the presence of springs at the toe of the glacial upland immediately northwest of town, near the site of the current Kneuman Road Wellfield. A diversion box was used to collect spring water and guide it into a ditch heading east along Kneuman Road to town. Eventually a small reservoir was built atop Moe's Hill, and a pump station was used to pump water from the ditch to the reservoir. Over time, a larger 15,000 gallon reservoir was installed and the ditch was replaced by an asbestos-concrete (AC) pipeline.

The early growth of Sumas was dependent upon timber and mining booms in the immediate area. By the early 1900s the population of Sumas swelled to about 2500. Historical turn-of-the-century plats extended over a much wider area than the existing developed town. By the 1920s the mining and timber booms had concluded and the population shrank to a size of less than 700 people. Throughout the mid-1900s, Sumas maintained a stable population and thrived upon border-related commerce and agricultural-related services.