

## Chapter 10 : Miscellaneous Documents

- Service Area Declaration for Whatcom County CWSP
- SEPA Determination of Nonsignificance
- SEPA Checklist
- Water Right Certificate G1-25171C (Sumas Wellfield)
- Water Right Certificate G1-26398C
- Change of Point of Withdrawal WRTS File # CG1-26398C
- Water Supply Agreement with NVWA and City of Nooksack
- Water Supply Agreement with SRWA
- Emergency Intertie Agreement Between Cities of Everson and Nooksack
- Susceptibility Rating and Area Waiver Documents



Whatcom County Health Department

509 Girard Street  
Bellingham, WA 98225  
Telephone: 360-676-6724  
Fax: 360-676-6771

**DECLARATION OF WATER UTILITY SERVICE AREA**  
**For**  
**WHATCOM COUNTY COORDINATED WATER SYSTEM PLAN**

This Declaration, submitted by the SUMAS WATER DEPARTMENT water utility, confirms that the attached map accurately identifies the service area **that the water utility is willing and able to serve unless regulatory constraints do not enable the utility to do so.**

The intent of this declaration is to define service areas in a manner, which assures that time, effort and money are best used by avoiding any unnecessary duplication of service. **In the absence of overlapping boundaries**, the Whatcom County Health Department along with the Washington State Department of Health (DOH) will recognize these boundaries as the exclusive service area of the undersigned utility, giving the utility **right of first refusal** for serving future customers.

As a condition of being granted this designated service area, the utility will be required to ensure that the same boundary is utilized for preparation of its individual water system plan. **The utility will also need to provide service in a manner consistent with its own individual water system plan and service policies. The utility also fully recognizes that this declaration is developed in fulfillment of the Whatcom County Coordinated Water System Plan.**

The person signing below assures that he or she has been authorized to sign the Declaration on behalf of the utility.

Do you have plans to expand your water system?    Yes     No

02/09/2012  
Date

ROD FADDEN  
Print Name

SUMAS WATER DEPARTMENT  
Water Utility

*Rod Fadden*  
Signature of Authorized Representative

UTILITY SUPERINTENDENT  
Title



# CITY OF SUMAS

P. O. Box 9  
Sumas, Washington 98295  
Phone (360)988-5711  
FAX (360)988-8855

MAYOR-Robert Bromley  
CLERK-TREASURER-Geri Lewis  
glewis@cityofsumas.com

COUNCIL MEETINGS  
SECOND AND FOURTH  
MONDAYS OF EACH MONTH

## Determination of Nonsignificance

Description of proposal: Adoption of Water System Comprehensive Plan.

Proponent: City of Sumas

Location of proposal: The plan would directly apply to the City of Sumas water system service area, and would indirectly apply to the service areas of the neighboring associations that purchase wholesale water from Sumas. The plan indicates that water from Sumas's wells is currently used or has the potential to be used in the future in the following Sections: 3, 10, 11, 12, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27 and 28 in T40N, R3E; 4 and 5 in T39N, R4E; 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30, 31, 32 and 33 in T40N, R4E; 5, 6 and 7 in T40N, R5E; 33, 34, 35 and 36 in T41N, R4E; and 31, 32 and 33 in T41N, R5E. All sections are in Whatcom County, Washington.

Lead agency: City of Sumas, WA

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

This DNS is issued under WAC 197-11-340(2); the lead agency will not act on this proposal for at least 14 days from the date below. Comments must be submitted by November 22, 2011.

There is no local agency appeal of this determination.

Responsible official: Robert Bromley

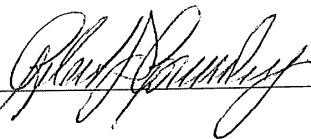
Position/title: Mayor

Address: 433 Cherry Street, PO Box 9, Sumas, WA 98295

Phone: (360) 988-5711

Date of issue: November 8, 2011

Signature



## WAC 197-11-960 Environmental checklist.

### ENVIRONMENTAL CHECKLIST

#### *Purpose of checklist:*

The State Environmental Policy Act (SEPA), chapter 43.21C RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the agency identify impacts from your proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the agency decide whether an EIS is required.

#### *Instructions for applicants:*

This environmental checklist asks you to describe some basic information about your proposal. Governmental agencies use this checklist to determine whether the environmental impacts of your proposal are significant, requiring preparation of an EIS. Answer the questions briefly, with the most precise information known, or give the best description you can.

You must answer each question accurately and carefully, to the best of your knowledge. In most cases, you should be able to answer the questions from your own observations or project plans without the need to hire experts. If you really do not know the answer, or if a question does not apply to your proposal, write "do not know" or "does not apply." Complete answers to the questions now may avoid unnecessary delays later.

Some questions ask about governmental regulations, such as zoning, shoreline, and landmark designations. Answer these questions if you can. If you have problems, the governmental agencies can assist you.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

#### *Use of checklist for nonproject proposals:*

Complete this checklist for nonproject proposals, even though questions may be answered "does not apply." IN ADDITION, complete the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (part D).

For nonproject actions, the references in the checklist to the words "project," "applicant," and "property or site" should be read as "proposal," "proposer," and "affected geographic area," respectively.

#### A. BACKGROUND

1. Name of proposed project, if applicable: Comprehensive Water System Plan.

2. Name of applicant: City of Sumas

3. Address and phone number of applicant and contact person:

City of Sumas 360-988-5711

PO Box 9

Sumas Wa. 98295

4. Date checklist prepared: October 11 2011

5. Agency requesting checklist: City of Sumas

6. Proposed timing or schedule (including phasing, if applicable):

Adoption of plan scheduled for spring of 2012. Plan covers years 2012 2018

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

This plan will be revised and updated periodically.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

None

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

None

10. List any government approvals or permits that will be needed for your proposal, if known.

Approval of plan by Washington State Department of Health.

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

Sumas intends to adopt and implement a long range plan for water system improvements which will assure continued ability to provide water to the Sumas service area.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

The proposal applies to land in and around the city of Sumas, Washington. Water from Sumas wells is used in sections: 3,10,11,12,13,14,15,16,21,22,23,24,25,26,27, and 28 in T40N, R3E; 4 and 5 in T39N, R4E; 1, 2, 3, 4, 5,6,7,8, 9, 10, 11, 12, 14, 15, 16, 17, 18,19, 20, 21, 22, 27, 28, 29, 30, 31, 32 and 33 in T40N, R4E; 5, 6, 7 and in T40N, R5E; 33, 34, 35 and 36 in T41N, R4E; 31, 32 and 33 in T41N, R5E. and T40N, R4E sections 6,7,and 18.

TO BE COMPLETED BY APPLICANT

EVALUATION FOR  
AGENCY USE ONLY

B. ENVIRONMENTAL ELEMENTS

1. Earth

a. General description of the site (circle one): Flat, rolling, hilly, steep slopes, mountainous, other . . . . .

b. What is the steepest slope on the site (approximate percent slope)?

About 30 percent

- c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland.

Predominantly silt loams in the floodplains of Johnson Creek and Sumas River, but also hills composed of gravelly and sandy glacial outwash soils.

- d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

Some peat and muck soils are found in the service area.

- e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.

N/A

- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

N/A

- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

N/A

- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

None

## 2. Air

- a. What types of emissions to the air would result from the proposal (i.e., dust, automobile, odors, industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known.

N/A

- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

N/A

- c. Proposed measures to reduce or control emissions or other impacts to air, if any:

N/A

3. Water

a. Surface:

- 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

The plan is applicable generally within the Sumas River and Johnson Creek watersheds.

- 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

Some of the proposed pipe replacement or upgrade projects will occur within 200 feet of Sumas River or Johnson Creek.

- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

N/A

- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

No.

- 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

Much of the Sumas Service area is within the 100-year and 500-year floodplain

- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

No.

b. Ground:

- 1) Will ground water be withdrawn, or will water be discharged to ground water? Give general description, purpose, and approximate quantities if known.

The plan contemplates that groundwater will be withdrawn at the City wells to support system customers with applicable water rights. Ultimate withdrawals may total as much as 3744 acre-feet, which would be used for municipal, industrial, dairy, and stream mitigation purposes.

- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . : agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve. N/A



c. Water runoff (including stormwater):

1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe. N/A

2) Could waste materials enter ground or surface waters? If so, generally describe. N/A

d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:

The plan includes a conservation component per the new Groundwater Rule (GWR) to promote efficient use of water.

4. Plants

a. Check or circle types of vegetation found on the site:

- X \_\_\_\_\_ deciduous tree: alder, maple, aspen, other
- X \_\_\_\_\_ evergreen tree: fir, cedar, pine, other
- X \_\_\_\_\_ shrubs
- X \_\_\_\_\_ grass
- X \_\_\_\_\_ pasture
- X \_\_\_\_\_ crop or grain
- X \_\_\_\_\_ wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
- X \_\_\_\_\_ water plants: water lily, eelgrass, milfoil, other
- X \_\_\_\_\_ other types of vegetation

b. What kind and amount of vegetation will be removed or altered?

N/A

c. List threatened or endangered species known to be on or near the site.

N/A

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

N/A

5. Animals

a. Circle any birds and animals which have been observed on or near the site or are known to be on or near the site:

- birds: hawk, heron, eagle, songbirds, other:
- mammals: deer, bear, elk, beaver, other:
- fish: bass, salmon, trout, herring, shellfish, other:

b. List any threatened or endangered species known to be on or near the site.

None. The Puget Sound Chinook listing does not apply within the Sumas River basin.

TO BE COMPLETED BY APPLICANT

EVALUATION FOR  
AGENCY USE ONLY

- c. Is the site part of a migration route? If so, explain.

N/A

- d. Proposed measures to preserve or enhance wildlife, if any: None

**6. Energy and natural resources**

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

N/A

- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

N/A

- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:

None

**7. Environmental health**

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.

None.

- 1) Describe special emergency services that might be required.

No.

- 2) Proposed measures to reduce or control environmental health hazards, if any:

None.

**b. Noise**

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

N/A

- 2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

N/A

TO BE COMPLETED BY APPLICANT

EVALUATION FOR  
AGENCY USE ONLY

3) Proposed measures to reduce or control noise impacts, if any:

N/A

**8. Land and shoreline use**

a. What is the current use of the site and adjacent properties?

Agriculture, forestry, various urban uses (commercial, industrial, residential), roads.

b. Has the site been used for agriculture? If so, describe.

Some of the service area is in agricultural use.

c. Describe any structures on the site.

Varied.

d. Will any structures be demolished? If so, what?

No.

e. What is the current zoning classification of the site?

Within Sumas, Everson, and Nooksack there is a mix of zoning designations including residential, commercial, industrial, and public use. Lands outside the cities are zoned agricultural and rural by Whatcom County.

f. What is the current comprehensive plan designation of the site?

Varied, including commercial, residential, industrial, rural, agricultural, forestry, and public use.

g. If applicable, what is the current shoreline master program designation of the site?

N/A

h. Has any part of the site been classified as an "environmentally sensitive" area? If so, specify.

N/A

i. Approximately how many people would reside or work in the completed project?

N/A

j. Approximately how many people would the completed project displace?

N/A

k. Proposed measures to avoid or reduce displacement impacts, if any:

None

TO BE COMPLETED BY APPLICANT

EVALUATION FOR  
AGENCY USE ONLY

- I. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

The water plan has been developed to be compatible with land use plans adopted by Whatcom County, Nooksack, and Sumas and within the Whatcom County Coordinated Water System Plan.

**9. Housing**

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

N/A

- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

N/A

- c. Proposed measures to reduce or control housing impacts, if any:

None

**10. Aesthetics**

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

N/A

- b. What views in the immediate vicinity would be altered or obstructed?

N/A

- c. Proposed measures to reduce or control aesthetic impacts, if any:

None.

**11. Light and glare**

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

N/A

- b. Could light or glare from the finished project be a safety hazard or interfere with views?

N/A

- c. What existing off-site sources of light or glare may affect your proposal?

N/A

- d. Proposed measures to reduce or control light and glare impacts, if any:

N/A

TO BE COMPLETED BY APPLICANT

**12. Recreation**

a. What designated and informal recreational opportunities are in the immediate vicinity?  
N/A

b. Would the proposed project displace any existing recreational uses? If so, describe.  
No.

c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:  
None.

**13. Historic and cultural preservation**

a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe.  
N/A

b. Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site.  
N/A

c. Proposed measures to reduce or control impacts, if any:  
None.

**14. Transportation**

a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any.  
N/A

b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?  
N/A

c. How many parking spaces would the completed project have? How many would the project eliminate?  
N/A

d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private).  
No

TO BE COMPLETED BY APPLICANT

EVALUATION FOR  
AGENCY USE ONLY

e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

N/A

f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur.

N/A

g. Proposed measures to reduce or control transportation impacts, if any:

None.

**15. Public services**

a. Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)? If so, generally describe.

No.

b. Proposed measures to reduce or control direct impacts on public services, if any.

None.

**16. Utilities**

a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other.

b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

A variety of water system improvements are proposed within the plan.

**C. SIGNATURE**

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: .....

Date Submitted: October 12 2011 .....

TO BE COMPLETED BY APPLICANT

EVALUATION FOR  
AGENCY USE ONLY

D. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS

(do not use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

Proposal is not likely to affect these impacts

Proposed measures to avoid or reduce such increases are:

None.

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

Proposal is not likely to affect plant or animal life.

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

None.

3. How would the proposal be likely to deplete energy or natural resources?

The plan contemplates increased withdrawal of groundwater to benefit growing number of customers.

Proposed measures to protect or conserve energy and natural resources are:

Plan includes conservation element to conserve water

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

Proposal is not likely to affect these areas.

Proposed measures to protect such resources or to avoid or reduce impacts are:

None.

TO BE COMPLETED BY APPLICANT

EVALUATION FOR  
AGENCY USE ONLY

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

The proposal would support land use compatible with existing County and City comprehensive plans.

Proposed measures to avoid or reduce shoreline and land use impacts are:

None

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

Proposal is not likely to cause these impacts

Proposed measures to reduce or respond to such demand(s) are:

None

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

No conflicts have been identified



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

CERTIFICATE OF WATER RIGHT

- Surface Water (Issued in accordance with the provisions of Chapter 117, Laws of Washington for 1917, and amendments thereto, and the rules and regulations of the Department of Ecology.)
- Ground Water (Issued in accordance with the provisions of Chapter 263, Laws of Washington for 1945, and amendments thereto, and the rules and regulations of the Department of Ecology.)

PRIORITY DATE	APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
January 20, 1988	G1-25171	G1-25171P	G1-25171C

NAME City of Sumas			
ADDRESS (STREET) P.O. Box 5	(CITY) Sumas	(STATE) Washington	(ZIP CODE) 98295

*This is to certify that the herein named applicant has made proof to the satisfaction of the Department of Ecology of a right to the use of the public waters of the State of Washington as herein defined, and under and specifically subject to the provisions contained in the Permit issued by the Department of Ecology, and that said right to the use of said waters has been perfected in accordance with the laws of the State of Washington, and is hereby confirmed by the Department of Ecology and entered of record as shown, but is limited to an amount actually beneficially used.*

PUBLIC WATER TO BE APPROPRIATED

SOURCE 4 Wells
TRIBUTARY OF (IF SURFACE WATERS)

MAXIMUM CUBIC FEET PER SECOND ---	MAXIMUM GALLONS PER MINUTE 2250	MAXIMUM ACRE-FOOT PER YEAR *1919.0
--------------------------------------	------------------------------------	---------------------------------------

QUANTITY, TYPE OF USE, PERIOD OF USE  
Municipal supply/dairy farming - continuously

\*Issued supplemental to the grants of GWC Nos. 3-85C, G1-00063C and G1-24025C.  
The total quantity from all sources shall not exceed 1919.0 acre-feet per year.

LOCATION OF DIVERSION/WITHDRAWAL

APPROXIMATE LOCATION OF DIVERSION-WITHDRAWAL  
#1 well 345' north and 845' west; #2 well 415' north and 920' west;  
#3 well 315' north and 930' west; #4 well 410' north and 820' west;  
all from the E<sub>4</sub> corner of Section 33.

LOCATED WITHIN (SMALLEST LEGAL SUBDIVISION) Government Lot 1	SECTION 33	TOWNSHIP N. 41	RANGE, 1E, OR W.1 W.M. 4E	W.R.I.A. 1	COUNTY Whatcom
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RECORDED PLATTED PROPERTY

LOT	BLOCK	OF (GIVE NAME OF PLAT OR ADJUTION)
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LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED

City of Sumas service area.

PROVISIONS

*The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, except as provided in RCW 90.03.380, 90.03.390, and 90.44.020.*

This certificate of water right is specifically subject to relinquishment for nonuse of water as provided in RCW 90.14.180.

Given under my hand and the seal of this office at Redmond Washington, this 16th day  
of April 19 90

Department of Ecology

ENGINEERING DATA

OK *[Signature]*

by *Herman H. Huggins*  
Herman H. Huggins, Section Supervisor Water Resources

FOR COUNTY USE ONLY

# DEPARTMENT OF ECOLOGY

## MEMORANDUM

To: File G1-26398P

From: Buck Smith

Date: November 17, 2009

Re: City of Sumas Water Rights – Proof of Appropriation

On October 28, 2009, I conducted a proof examination on permit G1-26398P held by the City of Sumas. I met with Rod Fadden (City of Sumas Utility Superintendent) and Dave Olson (Cornerstone Management) at the Sumas city hall. Mr. Fadden showed me pumping records to confirm the permit has been fully perfected. We later visited the well field to confirm the existence of the permitted wells.

The certificate should issue for the full permitted (and perfected) instantaneous rate of 860 gpm and annual volume of 1376 acre-feet per year.



2091201273  
 Page: 1 of 2  
 12/10/2009 2:47 PM  
 M/R \$63.00  
 Whatcom County, WA

Request of: CITY OF SUMAS

City of Sumas  
 c/o Rod Fadden  
 433 Cherry Street  
 Sumas WA 98295



STATE OF WASHINGTON  
 CERTIFICATE OF WATER RIGHT

Document Title: Certificate of Water Right

Agency: Department of Ecology  
 Northwest Regional Office  
 3190 160<sup>th</sup> Avenue SE  
 Bellevue, WA 98008

Applicant: City of Sumas  
 c/o Rod Fadden  
 433 Cherry Street  
 Sumas WA 98295

Reference Number:

PRIORITY DATE	APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
October 24, 1991	G1-26398	G1-26398P	G1-26398C

*This is to certify that the herein named applicant has made proof to the satisfaction of the Department of Ecology of a right to the use of the public waters of the State of Washington as herein defined, and under and specifically subject to the provisions contained in the Permit issued by the Department of Ecology, and that said right to the use of said waters has been perfected in accordance with the laws of the State of Washington, and is hereby confirmed by the Department of Ecology and entered of record as shown, but is limited to an amount actually beneficially used.*

PUBLIC WATERS TO BE APPROPRIATED

SOURCE	TRIBUTARY OF (IF SURFACE WATERS)		
May Road Wells Nos. 1, 2, & 3			
MAX. CUBIC FEET PER SECOND	MAX. GALLONS PER MINUTE	MAX. ACRE-FEET PER YEAR	
	860	1376.0	

QUANTITY/TYPE OF USE/PERIOD OF USE

Industrial supply and mitigation quantities, continuously. Quantities withdrawn under G1-23698 and G1-26398 shall not exceed 1660 gallons per minute and 1825.0 acre-feet per year. Due to hydraulic continuity the unnamed spring-fed tributary to Johnson Creek shall be augmented at a rate of 18 gpm for every 100 gpm withdrawn from the May Road Well field.

LOCATION OF DIVERSION/WITHDRAWAL

- May Road Well #1: 1,218 feet east and 592 feet north of the southwest corner of Section 33.
- May Road Well #2: 1,212 feet east and 1,090 feet north of the southwest corner of Section 33.
- May Road Well #3: 1,202 feet east and 1,040 feet north of the southwest corner of Section 33.

LEGAL DESCRIPTION OF LOCATION OF DIVERSION/WITHDRAWAL

1/4 1/4	SECTION	TOWNSHIP N.	RANGE (E. OR W.) W.M.	W.R.I.A.	COUNTY
SW1/4 SW1/4	33	41	4E	1	Whatcom

PARCEL# 410433 106108 0000

PARCEL A

Beginning at the Southeast corner of the Southwest quarter of the Southwest quarter of said Section 33; thence Northerly along the East line of the said Southwest quarter (said line also being the center line of the May Road, County Road No. 719) for a distance of 892.63 feet to the true point of beginning; thence Westerly parallel with the South line of said Southwest quarter for a distance of 620 feet; thence Northerly parallel to said East line of the Southwest quarter of the Southwest quarter for a distance of 422.86 feet more or less to a point on the North line of said Southwest quarter of the Southwest quarter; thence Easterly parallel with the South line of said Southwest quarter for a distance of 620 feet to a point on said East line of said Southwest quarter of Southwest quarter (i.e. center line of May Road) which point is 422.86 feet Northerly of the true point of beginning; thence

ADDITIONAL LEGAL IS ON PAGE 2

CERTIFICATE OF WATER RIGHT

**CONTINUED LEGAL DESCRIPTION FOR LOCATION OF DIVERSION/WITHDRAWAL**

Southerly along said East line to the true point of beginning; LESS ROADS, all in Section 33, Township 41 North, Range 4 E.W.M., in Whatcom County, Washington.

**LEGAL DESCRIPTION FOR PROPERTY ON WHICH WATER IS TO BE USED**

Industrial zone within the City of Sumas' 1993 Service Area Boundaries.

**PROVISIONS**

The unnamed spring-fed tributary to Johnson Creek shall be augmented at a rate of 18 gpm for every 100 gpm withdrawn from the May Road Well field. Augmentation shall occur in the stream at a point west of May Road. Augmentation shall occur simultaneously as the water is withdrawn. This requires augmentation whenever pumping occurs for the use on a year-round basis.

In order to monitor the resource, static water level (SWL) shall be measured at least once each month. Measurements shall be taken after the pump has been shut off and the water level in the well has been stabilized. The data shall be maintained and made available to Ecology upon request. However, Ecology's Water Resources Section (NWRO) shall be notified if the SWL is determined to be below the level normally recorded at that time of year.

Installation and maintenance of an access port as described in Ground Water Bulletin No. 1 is required. An air line and gauge may be installed in addition to the access port.

All water wells constructed within the state shall meet the minimum standards for construction and maintenance as provided under chapter 18.104 RCW (Washington Water Well Construction Act of 1971) and chapter 173-160 WAC (Minimum Standards for Construction and Maintenance of Water Wells).

An approved measuring device shall be installed and maintained for each diversion/withdrawal of the sources identified by this water right in accordance with the rule "Requirements for Measuring and Reporting Water Use", Chapter 173-173 WAC.

Water use data shall be recorded weekly. The maximum monthly instantaneous rate of diversion/withdrawal and the monthly total volume shall be submitted to Ecology by January 31st of the following year. Ecology is requiring submittal of monthly meter readings to collect seasonal information for water resource planning, management and compliance.

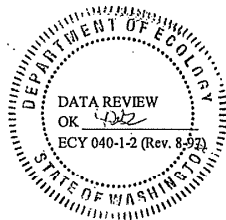
The following information shall be included with each submittal of water use data: owner, contact name if different, mailing address, daytime phone number, Permit/Certificate/Claim No., source name, volume including units, Department of Health WFI water system number and source number(s) (for public drinking water systems), and well tag number (for ground water withdrawals). In the future, Ecology may require additional parameters to be reported or more frequent reporting. Ecology prefers web based data entry, but does accept hard copies. Ecology will provide forms and electronic data entry information.

Chapter 173-173 WAC 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 entitled "Water Measurement Device Installation and Operation Requirements".

Department of Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the records of water use that are kept to meet the above conditions, and to inspect at reasonable times any measuring device used to meet the above conditions.

*The right to use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, except as provided in RCW 90.03.380, 90.03.390, and 90.44.020.*

Given under my hand and the seal of this office at Bellevue, Washington,  
this 7 day of December, 2009.



Ted Sturdevant, Director  
Department of Ecology

By Andrew B. Dunn  
Andrew B. Dunn, LG, LHG, Section Supervisor

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:

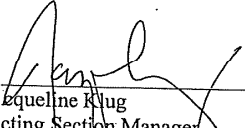
The Department of Ecology  
Appeals and Application for Relief  
Coordinator  
300 Desmond Dr SE  
Lacey, WA 98503

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

Maqueline Klug  
Department of Ecology  
3190 160<sup>th</sup> 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 12<sup>th</sup> day of February, 2010.

  
Maqueline Klug  
Acting Section Manager  
Water Resources Program  
Northwest Regional Office

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

**GROUND**

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	860 gallons per minute	Same
Annual Volume	1376.0 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, Northwest Regional Office.



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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

PRIORITY DATE	PERMIT NO.	CERTIFICATE NO.
October 24, 1991		G1-26398C

NAME		
City of Sumas		
MAILING ADDRESS	CITY/STATE	ZIP CODE
133 Cherry Street	Sumas, WA	98295

**PUBLIC WATERS TO BE APPROPRIATED**

SOURCES	
May Road and Kneuman Road Wellfields	
MAXIMUM GALLONS PER MINUTE (gpm)	MAXIMUM ACRE FEET PER YEAR (ac-ft/yr)
180*	1376.0*

TYPE 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 1825.0 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.

**LOCATIONS OF POINTS OF WITHDRAWAL**

WELL	NAME	PARCEL #	QTR/QTR	SECTION	TOWNSHIP	RANGE
1	May Road Wellfield	410433106108	SW1/4 SW1/4	33	41N	4E
2	Kneuman 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 90.03.386 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 Kneuman 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 Water 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
8/1/91	January 1, 2020	January 1, 2030



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PROVISIONS

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**1. Meter Installation**

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 [www.ecy.wa.gov/programs/wr/measuring/measuringhome.html](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 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 submitted via the Internet. To set up an Internet reporting account, access: <http://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. 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 G1-26398. 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 applicant 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. Issuance 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 (under 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.

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FINDINGS OF FACT AND ORDER

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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.