APPENDIX J

WATER RIGHTS

Gilligan Creek
Mundt Creek
Turner Creek
Salmon Creek
Skagit
Storage
Other
Satellite Systems
GILLIGAN CREEK WATER RIGHTS
STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY  

REPORT OF EXAMINATION FOR CHANGE OF WATER RIGHT CERTIFICATE  
TO APPROPRIATE PUBLIC WATERS OF THE STATE OF WASHINGTON  

☑ Surface Water  
☐ Ground Water  

PROPERTY DATE  
October 10, 1929  

APPLICATION NUMBER  
2728  

PERMIT NUMBER  
1431  

WATER RIGHT CERTIFICATE NUMBER  
411  

PUBLIC UTILITY District No. 1 of Skagit County  

ADDRESS (STREET)  
P.O. Box 1436  

(CITY)  
Mount Vernon  

STATE  
Washington  

ZIP CODE  
98273  

PUBLIC WATERS TO BE APPROPRIATED  

SOURCE  
Gilligan Creek or the Skagit River  

TERMINAL POINT OF SURFACE WATER  

MAXIMUM CUBIC FEET PER SECOND  
1.5  

MAXIMUM GALLONS PER MINUTE  
1080  

MAXIMUM ACRE FEET PER YEAR  

QUANTITY, TYPE OF USE, METHOD OF USE  
Municipal supply – Year round  

Diversion from Gilligan Creek is subject to the Culms Mountain Instream Flows as established in chapter 173-503 WAC  

LOCATION OF DIVERSION/WITHDRAWAL  

Gilligan Creek diversion:  
Within the NW¼ NE¼ of Section 2, Township 34N, Range SE, W.M. (875 feet south and 420 feet east of the NW corner of Section 2)  

Skagit River diversion:  
Within the SW¼ of Section 29 and/or the SE¼ of Section 30, Township 35N, Range SE, W.M.  

RECORDED PLATTED PROPERTY  

LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED  

Areas served by the Public Utility District No. 1 of Skagit County and the City of Anacortes, as indicated in the Skagit County Coordinated Water System Plan Designated Water Service Areas map dated September 1992, revised September 1, 1996 (A service area map is on the last page of this report).  

REPORT OF EXAMINATION FOR CHANGE OF WATER RIGHT CERTIFICATE NO. SW 411
DESCRIPTION OF PROPOSED WORKS

Gilligan Creek intake and pipeline collection system, a Skagit River intake and pumping plant, storage in Judy Reservoir and an area-wide distribution system

DEVELOPMENT SCHEDULE

<table>
<thead>
<tr>
<th>DESCRIPTIVE PROJECT BY THIS DATE</th>
<th>COMPLETE PROJECT BY THIS DATE</th>
<th>WATER PUT TO FULL USE BY THIS DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>June 30, 2002</td>
<td>June 30, 2004</td>
<td>December 23, 2046</td>
</tr>
</tbody>
</table>

REPORT

INTRODUCTION

Skagit River Watershed:

The Skagit River originates in the mountains of Manning Provincial Park in British Columbia, Canada. George Dam, Diablo Dam and Ross Dam impound the Skagit River on the United States side of the border. The river flows through an eagle nesting area and past the towns of Sedro-Woolley, Burlington and Mount Vernon before forming a delta and entering into Skagit Bay. The Skagit is the largest watershed in the Puget Sound Basin. The Skagit River Watershed has numerous runs of Pacific Ocean salmon. Present management of salmon is under the jurisdiction of the state of Washington and the consolidated Skagit Tribes. The three Skagit Tribes include the Swinomish, Upper Skagit and Sauk/Suitlaute.

Public Utility District No. 1 of Skagit County:

Public Utility District (PUD) No. 1 of Skagit County is a municipal corporation of the State of Washington, established as a result of the general election of November 3, 1936, for the purpose of conserving the water and power resources of the State of Washington. The PUD is authorized to acquire, construct and operate water systems within and without the county boundaries and to furnish water service to the inhabitants of the district and other persons. Pursuant to such authority, the PUD acquired and now operates water utility properties serving the cites of Mount Vernon, Burlington, Sedro-Woolley, the communities of Cedarove, Cleary Lake, Conway, Dewey, Rockport and Similk Beach and the rural and suburban areas adjacent to those areas. The PUD presently serves more than 17,000 water service addresses and requests for waterline extensions and additional services are being received regularly.

Of the 150 public water systems in Skagit County, the PUD’s Judy Reservoir system ranks as the most important by virtue of the large number of customers served and its role as the Countywide Satellite System Management Agency. Only the City of Anacortes’ system produces more water, wholesaling much of it to local Industries and municipalities. The balance of the public water systems obtain supplies from individual sources and/or by purchasing from one of these two major systems.

In 1939, the PUD bought three water systems serving Burlington, Mount Vernon and Sedro-Woolley from the Peoples’ Water And Gas Company, forming the basis for the PUD’s present system. The sources for the original system were the southern Cultus Mountain streams and the Skagit River. The system included over 50 miles of water mains, four million gallons of storage and over 3,000 water services. The Cultus Mountain streams are the PUD’s principle source of supply and the system has grown through other acquisitions, improvements and outside development to over 450 miles of pipeline and over 22 million gallons of storage. The PUD also owns and operates one water system on Fidalgo Island, one water system just east of Mount Vernon, and two water systems further east along the Skagit River.

The population of Skagit County was 79,555 as of the 1990 U.S. Census. The PUD then served approximately 45,590 people (57 percent of the County population) through 15,044 services. Population projections used for the Coordinated Water System Plan and County/City Comprehensive Plans indicate Skagit County will grow to a total of 187,597 by 2014. PUD services are projected to number over 25,100 by 2014.

History of Development of the PUD Water Systems:

Although organized early in 1937, the PUD did not actually engage in the utility business until November 4, 1939, when it purchased by friendly condemnation, the water systems in the Cities of Mount Vernon, Burlington and Sedro-Woolley from the Peoples Water and Gas Company. The water systems totaled 3,134 water services, 51.5 miles of pipeline, 3,940,000 gallons of distribution storage, 1,75 million gallons per day in treatment facilities, and diversions on the Skagit River, local springs, and five creeks in the Cultus Mountains (East Fork Nooksack, Rock Springs, Pigeon, Muditi and Turner Creeks). On March 7, 1940, the PUD purchased the Clear Lake Water Corporation comprised of 180 water services, 11.5 miles of pipeline, 500,000 gallons of distribution storage, and diversions on three Cultus Mountain streams (Gilligan, Salmon and Turner Creeks). On July 1, 1940, the PUD purchased 1.5 miles of water line from the Awan Municipal Water System. In 1946, the PUD commenced to integrate the entire system by laying a wood stave transmission line from Sedro-Woolley to Burlington and Mount Vernon, this line was completed that same year through support of the Works Progress Administration. The further development of the PUD’s Judy Reservoir, Fidalgo Island and remote systems is chronicled as follows:

1947 Completed construction of impoundment dams in Janicki Basin, forming Judy Reservoir, capacity 450 million gallons, spillway at 451’ AMSL
1954 Completed construction of a new Ranney well next to the Skagit River in northwest Mount Vernon.
1956 Acquired/constructed the PUD’s Fidalgo Island water system at Similk Beach through Local Utility District (LUD) No. 2.
1958 Completed new overhead Skagit River pipeline crossing south of Sedro-Woolley, replacing failed 1951 submarine crossing.
1958 Replaced Gilligan and Salmon Creek diversions/pipeline to increase supply to Judy Reservoir.
1960 Extended Judy Reservoir system to Bayview through LUD No. 4.
1961 Expanded Fidalgo Island system to the Gibraltar and Dewey Beach areas through LUD No. 5.
1961 Installed concrete cylinder pipe transmission line connecting Judy Reservoir to Mount Vernon.
1962 Acquired the Conway Water Company and connected it to the Judy Reservoir System.
1965 Raised Judy Reservoir from elevation 425’ above mean sea level (AMSL) to 451’ AMSL, increasing its impoundment capacity from 450 million gallons to 1,010 million gallons.
1967 Completed the transmission line loop with the installation of concrete cylinder pipe between Burlington and Mount Vernon.
1979 Replaced the wood stave transmission line between Judy Reservoir and the Sedro-Woolley river crossing with concrete cylinder pipe.
1977 Installed a concrete cylinder pipe transmission line parallel to the wood stave distribution line between Sedro-Woolley and Burlington.

REPORT OF EXAMINATION FOR CHANGE

CERTIFICATE NO. SW 411
Report Continued

1984 Transferred service from the wood stave line to the transmission line between Burlington and Sedro-Woolley.
1990 Completed and put on line the PUB's multi-media direct filtration water treatment plant at Judy Reservoir to serve the Judy Reservoir system.
1991 Acquired the remote public water system at Rockport through LUD No. 11.
1991 Extended the Judy Reservoir system toward Big Lake along Gunderson Road through LUD No. 12.
1992 Acquired the remote public water system at Cedargrove On The Skagit through LUD No. 10.
1993 Extended the Judy Reservoir system around Big Lake through LUD No. 16 and to Lake 16 through LUD No. 17.
1999 Began expansion of Judy Reservoir to elevation 465' AMSL, increasing impoundment capacity to 1,460 million gallons.

Water Rights on Record for the PUB:

Not including water rights held for satellite management systems, the PUB has seven water right claims, five surface water certificates (SWC), two ground water permits (GWP), a reservoir permit and a reservoir certificate. These rights are summarized as follows:

<table>
<thead>
<tr>
<th>Document Number</th>
<th>Priority Date</th>
<th>Source of Appropriation</th>
<th>Instantaneous Rate “Q” (cfs or gpm)</th>
<th>Annual Rate “Qa” (acre-feet per year)</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Claim 000932</td>
<td>Prior to 1917</td>
<td>Salmon Creek</td>
<td>1.8 cfs</td>
<td>307</td>
<td>Change application</td>
</tr>
<tr>
<td>Claim 000933</td>
<td>Prior to 1917</td>
<td>Turner Creek</td>
<td>4.3 cfs</td>
<td>2,300</td>
<td>Change application</td>
</tr>
<tr>
<td>Claim 000934</td>
<td>Prior to 1917</td>
<td>Rock Springs Creek</td>
<td>0.2 cfs</td>
<td>407</td>
<td>Inactive</td>
</tr>
<tr>
<td>Claim 000935</td>
<td>Prior to 1917</td>
<td>Pigeon Creek</td>
<td>0.2 cfs</td>
<td>407</td>
<td>Inactive</td>
</tr>
<tr>
<td>Claim 000936</td>
<td>Prior to 1917</td>
<td>Unnamed creek</td>
<td>0.1 cfs</td>
<td>207</td>
<td>Inactive</td>
</tr>
<tr>
<td>Claim 000937</td>
<td>Prior to 1917</td>
<td>Cold Spring</td>
<td>0.2 cfs</td>
<td>407</td>
<td>Inactive</td>
</tr>
<tr>
<td>Claim 000938</td>
<td>Prior to 1917</td>
<td>East Nooksacks</td>
<td>1.1 cfs</td>
<td>1107</td>
<td>Inactive</td>
</tr>
<tr>
<td>GWC 2590</td>
<td>March 26, 1953</td>
<td>Sedro-Woolley well</td>
<td>900 gpm</td>
<td>1440</td>
<td>Change application</td>
</tr>
<tr>
<td>GWC 2590</td>
<td>May 12, 1954</td>
<td>Rainey Well</td>
<td>4.000 gpm</td>
<td>6400</td>
<td>Change application</td>
</tr>
<tr>
<td>Reservoir 8738</td>
<td>January 16, 1946</td>
<td>Cultus Stream</td>
<td>Not Applicable</td>
<td>1550</td>
<td>Judy Reservoir</td>
</tr>
<tr>
<td>R-293 (permit)</td>
<td>April 24, 1963</td>
<td>Cultus Stream</td>
<td>Not Applicable</td>
<td>4250</td>
<td>Judy Reservoir</td>
</tr>
</tbody>
</table>

Memorandum of Agreement:

In 1996, representatives from the PUB, the City of Anacortes, Skagit County, the Upper Skagit Indian Tribe, the Swinomish Indian Tribal Community, the Sauk-Suiattle Indian Tribe, the Department of Ecology and the Department of Fish and Wildlife signed the "Memorandum of Agreement (MOA) Regarding Utilization of Skagit River Basin Water Resources for Instream and Out Of Stream Purposes." By signing the MOA (a fifty-year commitment) each party agreed to the following:

- To develop a comprehensive watershed management plan for the Skagit River Basin designed to meet both instream and out of stream objectives
- To reach agreement prior to expediting service areas beyond those identified in the Coordinated Water System Plan, and
- To participate in establishing minimum instream flow levels for the Skagit River and the Cultus Mountain tributaries.

The Department of Ecology specifically agreed to the following:

- To process the PUB and City of Anacortes applications for change identified in the MOA. The changes may or may not be subject to the Skagit instream flows and/or the Cultus Mountain instream flows (as identified in the MOA),
- Ecology will promulgate an administrative rule (chapter 173-503 WAC) establishing minimum instream flows, and
- Ecology agreed to hold water right applications until the final adoption of the rule.

BACKGROUND

This report of examination addresses one of seven applications for change submitted to modify the PUB’s Cultus Mountain water rights. These seven applications for change were submitted to add a Skagit River point of diversion and to change the place of use description to reflect the PUB’s current service area.

The Cultus Mountain streams currently utilized by the PUB are Salmon Creek, Gilligan Creek, Turner Creek and Mundt Creek. Approval of this application for change will reduce or eliminate the impact on fish caused by the diversion of water from Gilligan Creek. This will be accomplished by adding an alternative point of diversion on the Skagit River and by changing the PUB's Gilligan Creek diversions to minimum instream flows (not a previous requirement). When Gilligan Creek is not flowing above minimum flow levels, the PUB will instead divert water from the Skagit River and pump it up to Judy Reservoir.

The additional point of diversion is to be located on the south shoreline of the Skagit River, downstream of the PUB’s existing pipeline. This new point of diversion will be downstream of the reach of the Skagit River designated as Wild and Scenic. A new diversion structure and pumping plant proposed for this location will have a capacity of 55.39 cfs. Water will be pumped through a new pipeline of this capacity to Judy Reservoir for storage and eventual transfer through the existing distribution system.

Attributes of the Certificate:

| Name on Certificate | Puget Sound Port & Timber Company (acquired by the Clear Lake Water Company) |
| Priority Date       | October 10, 1929 |
| Instantaneous Quantity | 1.5 cubic feet per second |
| Annual Quantity     | Not listed |
| Source              | Gilligan Creek |
| Point of Diversion  | NW1/4 NS1/4 of Section 2, Township 34 North, Range 5 East |
| Period of Use       | At all times |
| Purpose of Use      | Domestic supply and Manufacturing (Municipal) |
| Place of Use        | Town of Clear Lake |

REPORT OF EXAMINATION FOR CHANGE

3 CERTIFICATE NO. SW 411
Change Request:

Name: Change to: Public Utility District No. 1 of Skagit County
Filed on: November 4, 1997
Point of Diversion: To add a point of diversion on the Skagit River within the SW¼ of Section 29 and/or the SE¼ of Section 30, Township 35N, Range 5E, W.M., in Skagit County
Place of Use: Areas served by the Public Utility District No. 1 of Skagit County and the City of Anacortes, as indicated in the Skagit County Coordinated Water System Plan Designated Water Service Areas map dated September 1992, revised September 1, 1996
Legal Notice: Published in the Skagit Valley Herald on June 24th & July 1st, 1998
Protests: None received during the statutory 30-day protest period

INVESTIGATION

In considering this application, my investigation included, but was not limited to, research and/or review of:

(1) The State Water Code,
(2) Existing water right documents for the PUD and predecessors,
(3) Records on other water rights in the vicinity,
(4) Topographic and local area maps,
(5) Records of site visits,
(6) Meeting notes and correspondence with Bradley Spangler and Robert Powell (PUD employees),
(7) Meeting notes and correspondence with Jerry Louthain (Economic and Engineering Services (EES), Inc.),
(8) An "Affidavit of Beneficial Use" signed by Robert Powell attesting to the use and perfection of the subject certificate,
(9) The 1995 report titled "Water Right Analysis for Public Utility District No.1 of Skagit County" (EES),
(10) The 1994 PUD Water System Plan,
(11) The 2000 "Skagit County Coordinated Water System Plan Regional Supplement" (EES),
(12) The 1997 PUD Environmental Checklist and Determination of Non-Significance, and
(13) Numerous file notes and records.

State Water Code:

WAC 173-152-050 lists criteria for priority processing of competing applications. This change request satisfies subsection (3) - "An application for change or transfer to an existing water right may be processed prior to competing applications provided: (b) The change or transfer, if approved would result in providing public water supplies to meet general needs of the public for regional areas."

Chapter 90.03 RCW authorizes the appropriation of public water for beneficial use and describes the process for obtaining water rights including the process to amend or change existing rights. Changes or amendments to existing rights are specifically addressed in RCW 90.03.380.

In accordance with state law, the following criteria must be addressed during the process of evaluating this change request:

- Water must be available from the new point of diversion,
- The change must not cause detriment or injury to existing rights,
- The water use must be for a beneficial purpose,
- The change shall not allow an enhancement of the original right,
- The additional point of diversion must be from the same source of water, and
- The public interest must not be impaired.

Water Availability:

Water is available from the Skagit River for the requested additional point of diversion. Upon approval of this change request, the PUD will not be able to divert water from their original point of diversion unless Gilligan Creek is flowing at a rate higher than the minimum instream flows established by chapter 173-343 WAC. Approval of the requested additional point of diversion will allow the PUD to instead utilize water from the Skagit River, which has a greater capacity to support this diversion.

No Detriment to Existing Rights:

There will be no detriment to existing water rights as a result of adding the additional point of diversion or by changing the place of use.

Beneficial Use:

According to RCW 90.54.020, municipal water use (for domestic, stock, industrial, commercial, irrigation, etc.) is considered a beneficial use of water.

No Enhancement of the Original Right:

The Puget Sound Pulp and Timber Company initiated development of the diversion structure and pipeline for Gilligan Creek in 1930. The Gilligan Creek diversion consists of two water rights, the subject right (SWC 411) for 1.5 cfs and certificate S1-007254 for 8.89 cfs. SWC 411 was issued for 1.5 cfs, with no limitation or indication of the annual use in acre-feet per year. Continuous year-round diversion at the rate of 1.5 cfs is equivalent to 106.5 acre-feet per year.

The initial pipeline was a 12-inch wood pipe. The current diversion structure was constructed in 1958, with slight modification in 1987. The hydraulic capacity of the Gilligan Creek system is greater than the 1.5 cfs authorized by SWC 411, therefore it is safe to assume SWC 411 has been perfected on an instantaneous basis.

The PUD has maintained records of the annual stream diversions for all of the Cutilt Mountain Water Supply System since 1954. These records show that water has been diverted from an annual basis from the Gilligan/Salmon Creek system. Although separate records are not maintained on the amount of diversion from each creek, the majority of the diversion for this collector system has been from Gilligan Creek over the years. These records from recent years show that as much as 2,488 million gallons per year has been diverted through the
Gilligan/Salmon Creek system. This is equivalent to 7,635 acre-feet per year, which exceeds the maximum of 1,086 acre-feet per year associated with this right.

Based on the above information, it appears that SWC 411 has been fully perfected on an instantaneous and annual basis. Because SWC 411 appears to be a perfected right, adding an additional point of diversion and changing the place of use description will not enhance the original right. Approval of this change request will not result in an increase of the instantaneous or annual quantity of water perfected under the original right.

Official confirmation of the true extent and perfection of the right can only occur as result of a general water rights adjudication through Superior Court.

Source of Water:

Gilligan Creek is tributary to the Skagit River, therefore it is considered the same source of water.

Public Interest:

No detriment to the public interest could be identified during the investigation of this application for change. The public interest will most likely be enhanced because the PUD will no longer be able to divert water from Gilligan Creek during low flow periods.

OTHER RELEVANT FINDINGS

State Environmental Policy Act:

State Environmental Policy Act (SEPA) requirements have been satisfied. To address this application for change, both an Environmental Checklist and a Determination of Non-Significance were filed on October 20, 1997.

Conservation:

The PUD's water conservation goal is to "provide all PUD customers with the knowledge and incentive(s) to use water wisely and eliminate wasteful water use practices." The PUD has a public education program and a technical assistance program developed to promote conservation. The PUD meets its stream diversions, its production from Judy Reservoir and its wells, and mainline flow within the system. All source meters and mainline meters are read on the first working day of each month. The PUD also has an aggressive water accountability program.

Single family residential consumption averaged 200 gallons per service per day in 1990. Projected growth is expected to be predominantly from new home construction. Due to current building code efficiency standards (requiring low flow plumbing fixtures), the PUD expects new homes to average approximately 150 gallons per service per day.

The PUD has identified its largest water consumers to be commercial and agricultural customers with large demands for process water, stock water and irrigation water. Many of the agricultural irrigation customers are already using drip irrigation systems to optimize water use; several of these irrigators have interruptible flow contracts with the PUD, requiring them to stop consumption if their high demands are adversely impacting domestic use in their area of the distribution system. The PUD requires new large irrigation customers to submit Blaney-Criddle Water Balance calculations to the PUD for review before the new irrigation service is approved and installed.

RECOMMENDATIONS

I recommend the request for change to Surface Water Certificate 411 be approved, subject to the provisions listed below.

Provisions:

This change is conditioned upon the fulfillment of the terms of the Skagit Memorandum of Agreement (MOA), as agreed to by the signatory parties (the City of Anacortes, the PUD No. 1 of Skagit County, the Skagit System Cooperative, the Department of Fish and Wildlife, Skagit County Commissioners, and the Department of Ecology), signed December 23, 1996.

A stream gage shall be maintained on Gilligan Creek at the location specified in WAC 173-503-040. Stream flow measurements shall be recorded daily and this data shall be maintained and be made available to the Department of Ecology and the Skagit Cooperative upon request.

In accordance with the signed 1996 Memorandum of Agreement, and chapter 173-503 WAC INSTREAM RESOURCES PROTECTION PROGRAM AND WATERSHED MANAGEMENT PLAN - Lower and Upper Skagit Water Resources Inventory Areas (WRIA 3 and 4), diversion from Gilligan Creek shall be subject to the following minimum instream flows, as measured at the Control Station specified in WAC 173-503-040:

<table>
<thead>
<tr>
<th>Month</th>
<th>Day</th>
<th>Gilligan Creek</th>
</tr>
</thead>
<tbody>
<tr>
<td>January</td>
<td>1-31</td>
<td>19.8 cfs</td>
</tr>
<tr>
<td>February</td>
<td>1-29</td>
<td>19.8</td>
</tr>
<tr>
<td>March</td>
<td>1-15</td>
<td>19.8</td>
</tr>
<tr>
<td>March</td>
<td>1-31</td>
<td>27.7</td>
</tr>
<tr>
<td>April</td>
<td>1-30</td>
<td>31.7</td>
</tr>
<tr>
<td>May</td>
<td>1-31</td>
<td>31.7</td>
</tr>
<tr>
<td>June</td>
<td>1-30</td>
<td>31.7</td>
</tr>
<tr>
<td>July</td>
<td>1-31</td>
<td>39.6</td>
</tr>
<tr>
<td>August</td>
<td>1-31</td>
<td>39.6</td>
</tr>
<tr>
<td>September</td>
<td>1-30</td>
<td>39.6</td>
</tr>
<tr>
<td>October</td>
<td>1-31</td>
<td>23.8</td>
</tr>
<tr>
<td>November</td>
<td>1-30</td>
<td>27.7</td>
</tr>
<tr>
<td>December</td>
<td>1-31</td>
<td>27.7</td>
</tr>
</tbody>
</table>

No diversion of water from Gilligan Creek shall take place when the creek falls below minimum instream flow levels.
An approved measuring device shall be installed on each point of diversion and maintained in accordance with RCW 90.03.360 and chapter 508-64 WAC. Meter readings shall be recorded daily and this data shall be maintained and be made available to the Department of Ecology and the Skagit Cooperative upon request.

The intake shall be screened at all times in accordance with Department of Fish and Wildlife screening criteria. This water right is issued subject to Washington Department of Fish and Wildlife Hydraulic Project Approval.

If it can be shown that this change approval has a detrimental effect on existing rights, it shall be the responsibility of the operator to mitigate for this impact and/or alter or cease diversion of water.

Issuance of this water right may be subject to implementation of the minimum requirements established in the Conservation Planning Requirements, Guidelines and Requirements for Public Water Systems Regarding Water Use Reporting, Demand Forecasting Methodology, and Conservation Programs, July 1994, and as revised.

Nothing in this change approval shall be construed as excusing the PUD from compliance with any applicable federal, state or local statutes, ordinances, or regulations. Specifically, the Department of Health has regulations that may require permitting for the proposed activity.

Nothing in this approval shall be construed as an official confirmation of the perfection of SWC 411. Official confirmation of the true extent of the right can only occur as result of a general water rights adjudication through Superior Court. The findings presented in this report shall be considered a “tentative determination.”

The applicant is advised that a Superseding Certificate will issue for only that quantity of water that has been diverted and applied to actual beneficial use. Such quantity applied to actual beneficial use under this authorization shall not exceed the quantity specified in this report of exam and will be calculated on the basis of the best information available to Ecology.

A Superseding Certificate will not be issued until a final investigation is made.

CONCLUSIONS

In accordance with chapter 90.03 RCW, I conclude that Surface Water Certificate 411 is in good standing and is eligible for change. I have determined that water is available at the additional point of diversion and will be diverted from the same source of public water as at the original point of diversion. The additional point of diversion and the change in place of use will not enlarge the existing right and the water use will be beneficial. Approval of the change request will not cause impairment of existing rights or be detrimental to the public interest. Based on these conclusions, this change request should be approved subject to existing rights and the above-indicated provisions.

REPORT BY Buck Sipes

DATED March 12, 2001
STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

REPORT OF EXAMINATION FOR CHANGE OF WATER RIGHT CERTIFICATE
TO APPROPRIATE PUBLIC WATERS OF THE STATE OF WASHINGTON

☒ Surface Water
☐ Ground Water

(Prior to the provisions of Chapter 90, Laws of Washington, 1967, and
amendments thereto, and all rules and regulations of the Department of Ecology)

(Prior to the provisions of Chapter 90, Laws of Washington, 1963, and
amendments thereto, and the rules and regulations of the Department of Ecology)

<table>
<thead>
<tr>
<th>Priority Date</th>
<th>Application Number</th>
<th>Permit Number</th>
<th>Water Right Certificate Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>October 30, 1963</td>
<td>27018</td>
<td>SI-00724P</td>
<td>SI-00724C</td>
</tr>
</tbody>
</table>

NAME
Public Utility District No. 1 of Skagit County

ADDRESS (Street) P.O. Box 1436
CITYMount Vernon
STATEWashington
ZIP58273

PUBLIC WATERS TO BE APPROPRIATED

SOURCES
Gilligan Creek or the Skagit River

TAP/UNIT OF (SURFACE WATER)
MCMQ
739

MAXIMUM GALLONS PER MINUTE 4500
MAXIMUM GALLONS PER YEAR 3700*

QUANTITY, TYPE OF USE, METHOD OF USE
Municipal supply - Year round

Diversion from Gilligan Creek is subject to the Calusa Mountain Instream Flows as established in chapter 173-503 WAC

* Annual quantity is supplemental to existing rights

LOCATION OF DIVERSION/WITHDRAWAL

Gilligan Creek diversion: Within the NW 1/4 NE 1/4 of Section 2, Township 34N, Range 5E, W.M. (875 feet south and 420 feet east of the N1/4 corner of Section 2)

Skagit River diversion: Within the SW 1/4 of Section 29 and/or the SE 1/4 of Section 30, Township 35N, Range 5E, W.M.

RECORDED PLATTED PROPERTY

LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED

Areas served by the Public Utility District No. 1 of Skagit County and the City of Anacortes, as indicated in the Skagit County Coordinated Water System Plan Designated Water Service Areas map dated September 1992, revised September 1, 1996 (A service area map is on the last page of this report).
DESCRIPTION OF PROPOSED WORKS

Gilligan Creek intake and pipeline collection system, a Skagit River intake and pumping plant, storage in Judy Reservoir and an area-wide distribution system

DEVELOPMENT SCHEDULE

<table>
<thead>
<tr>
<th>BEGIN PROJECT BY THIS DATE</th>
<th>COMPLETE PROJECT BY THIS DATE</th>
<th>WATER PUT TO FULL USE BY THIS DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>June 30, 2002</td>
<td>June 30, 2004</td>
<td>December 23, 2046</td>
</tr>
</tbody>
</table>

REPORT

INTRODUCTION

Skagit River Watershed:

The Skagit River originates in the mountains of Manning Provincial Park in British Columbia, Canada. Gorge Dam, Diablo Dam and Ross Dam impound the Skagit River on the United States side of the border. The river flows through an eagle nesting area and past the towns of Sedro-Woolley, Burlington and Mount Vernon before forming a delta and entering into Skagit Bay. The Skagit is the largest watershed in the Puget Sound Basin. The Skagit River Watershed has numerous runs of Pacific Ocean salmon. Present management of salmon is under the jurisdiction of the state of Washington and the consolidated Skagit Tribes. The three Skagit Tribes include the Swinomish, Upper Skagit and Saniak/ Salish.

Public Utility District No. of Skagit County:

Public Utility District (PUD) No. 1 of Skagit County is a municipal corporation of the State of Washington, established as a result of the general election of November 3, 1936, for the purpose of conserving the water and power resources of the State of Washington. The PUD is authorized to acquire, construct and operate water systems within and without the county boundaries and to furnish water service to the inhabitants of the district and other persons. Pursuant to such authority, the PUD acquired and now operates water utility properties serving the cities of Mount Vernon, Burlington, Sedro-Woolley, the communities of Cedargrove, Clear Lake, Conway, Dewey, Rockport and Similk Beach and the rural and suburban areas adjacent to those areas. The PUD presently serves more than 17,000 water services and requests for waterline extensions and additional services are being received regularly.

Of the 150 public water systems in Skagit County, the PUD’s Judy Reservoir system ranks as the most important by virtue of the large number of customers served and its role as the Countywide Satellite System Management Agency. Only the City of Anacortes’ system produces more water, wholesale much of it to local industries and municipalities. The balance of the public water systems obtain supplies from individual sources and/or by purchasing from one of these two major systems.

In 1939, the PUD bought three water systems serving Burlington, Mount Vernon and Sedro-Woolley from the Peoples’ Water And Gas Company, forming the basis for the PUD’s present system. The sources for the original system were the southern Culus Mountain streams and the Skagit River. The system included over 50 miles of water mains, four million gallons of storage and over 3,000 water services. The Culus Mountain streams are the PUD’s principle source of supply and the system has grown through other acquisitions, improvements and outside development to over 450 miles of pipeline and over 22 million gallons of storage. The PUD also owns and operates one water system on Fidalgo Island, one water system just east of Mount Vernon, and two water systems further east along the Skagit River.

The population of Skagit County was 79,555 as of the 1990 U. S. Census. The PUD then served approximately 45,390 people (57 percent of the County population) through 15,044 services. Population projections used for the Coordinated Water System Plan and County/City Comprehensive Plans indicate Skagit County will grow to a total of 137,397 by 2014. PUD services are projected to number over 29,100 by 2014.

History of Development of the PUD Water Systems:

Although organized early in 1937, the PUD did not actually engage in the utility business until November 4, 1939, when it purchased by friendly condemnation, the water systems in the Cities of Mount Vernon, Burlington and Sedro-Woolley from the Peoples Water and Gas Company. The water systems totaled 3,154 water services, 51.5 miles of pipeline, 3,940,000 gallons of distribution storage, 1.75 million gallons per day in treatment facilities, and diversions on the Skagit River, local springs, and five creeks in the Culus Mountains (East Fork Nooksa, Rock Springs, Pigeon, Muad and Turner Creeks). On March 7, 1940, the PUD purchased the Clear Lake Water Corporation comprised of 180 water services, 11.5 miles of pipeline, 500,000 gallons of distribution storage, and diversions on three Culus Mountain streams (Gilligan, Salmon and Turner Creeks). On July 1, 1940, the PUD purchased 1.8 miles of water line from the Aven Mutual Water System. In 1949, the PUD commenced to integrate the entire system by laying a wood stave transmission line from Sedro-Woolley to Burlington and Mount Vernon, this line was completed that same year through support of the Works Progress Administration. The further development of the PUD’s Judy Reservoir, Fidalgo Island and remote systems is chronologized as follows:

1947 Completed construction of impoundment dams in Janicki Basin, forming Judy Reservoir, capacity 450 million gallons, supply/way at 433’ AMSL.
1954 Completed construction of a new Ranney well near to the Skagit River in northwest Mount Vernon.
1956 Acquired/constructed the PUD’s Fidalgo Island water system at Similk Beach through Local Utility District (LUD) No. 2.
1958 Completed new overhead Skagit River pipeline crossing south of Sedro-Woolley, replacing failed 1951 submarine crossing.
1958 Replaced Gilligan and Salmon Creek diversions/pipelines to increase supply to Judy Reservoir.
1960 Extended Judy Reservoir system to Bayview through LUD No. 4.
1961 Expanded Fidalgo Island system to the Gibraltar and Dewey Beach areas through LUD No. 5.
1961 Installed concrete cylinder pipe transmission line connecting Judy Reservoir to Mount Vernon.
1962 Acquired the Conway Water Company and connected it to the Judy Reservoir System.
1965 Raised Judy Reservoir from elevation 433’ above mean sea level (AMSL) to 451’ AMSL, increasing its impoundment capacity from 450 million gallons to 1,010 million gallons.
1967 Completed the transmission line loop with the installation of concrete cylinder pipe between Burlington and Mount Vernon.
1970 Replaced the wood stave transmission line between Judy Reservoir and the Sedro-Woolley river crossing with concrete cylinder pipe.
1977 Installed a concrete cylinder pipe transmission line parallel to the wood stave distribution line between Sedro-Woolley and Burlington.

Certificate No. S1-06724C
Report Continued

1994 Transferred service from the wodswale line to the transmission line between Burlington and Sedro-Woolley.
1995 Completed and put on line the PUD’s multi-media direct filtration water treatment plant at Judy Reservoir to serve the Judy Reservoir system.
1991 Acquired the remote public water system at Rockport through LUD No. 11.
1991 Extended the Judy Reservoir system toward Big Lake along Gunderson Road through LUD No. 12.
1992 Acquired the remote public water system at Cedar Grove On The Slagit through LUD No. 10.
1991 Extended the Judy Reservoir system around Big Lake through LUD No. 15 and to Lake 16 through LUD No. 17.
1999 Began expansion of Judy Reservoir to elevation 465' AMSL, increasing impoundment capacity to 1,460 million gallons.

Water Rights on Record for the PUD:

Not including water rights held for satellite management systems, the PUD has seven water right claims, five surface water certificates (SWC), and two ground water permits (GWP), a reservoir permit and a reservoir certificate. These rights are summarized as follows:

<table>
<thead>
<tr>
<th>Document Number</th>
<th>Priority Date</th>
<th>Source of Appropriation</th>
<th>instantaneous Rate “Q” (cfs or gpm)</th>
<th>Annual Rate “Q” (acre-feet per year)</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Claim 029332</td>
<td>Prior to 1917</td>
<td>Salmon Creek</td>
<td>1.8 cfs</td>
<td>367</td>
<td>Change application</td>
</tr>
<tr>
<td>Claim 029333</td>
<td>Prior to 1917</td>
<td>Turner Creek</td>
<td>4.3 cfs</td>
<td>2,500</td>
<td>Change application</td>
</tr>
<tr>
<td>Claim 029334</td>
<td>Prior to 1917</td>
<td>Rock Springs Creek</td>
<td>0.2 cfs</td>
<td>407</td>
<td>Inactive</td>
</tr>
<tr>
<td>Claim 029335</td>
<td>Prior to 1917</td>
<td>Pigeon Creek</td>
<td>0.2 cfs</td>
<td>407</td>
<td>Inactive</td>
</tr>
<tr>
<td>Claim 029336</td>
<td>Prior to 1917</td>
<td>Unnamed Creek</td>
<td>0.1 cfs</td>
<td>207</td>
<td>Inactive</td>
</tr>
<tr>
<td>Claim 029337</td>
<td>Prior to 1917</td>
<td>Cold Springs</td>
<td>0.2 cfs</td>
<td>407</td>
<td>Inactive</td>
</tr>
<tr>
<td>Claim 029338</td>
<td>Prior to 1917</td>
<td>East Mookachamps</td>
<td>1.1 cfs</td>
<td>1107</td>
<td>Inactive</td>
</tr>
<tr>
<td>SWC 25</td>
<td>September 28, 1917</td>
<td>Mound Creek</td>
<td>2.5 cfs</td>
<td>Not listed</td>
<td>Change application</td>
</tr>
<tr>
<td>SWC 411</td>
<td>October 10, 1929</td>
<td>Gilligan Creek</td>
<td>1.5 cfs</td>
<td>Not listed</td>
<td>Change application</td>
</tr>
<tr>
<td>SI-00724C</td>
<td>October 30, 1963</td>
<td>Gilligan Creek</td>
<td>8.89 cfs</td>
<td>Supplemental Qa</td>
<td>Subject of this report</td>
</tr>
<tr>
<td>SI-00737C</td>
<td>October 30, 1963</td>
<td>Mound Creek</td>
<td>8.0 cfs</td>
<td>Supplemental Qa</td>
<td>Change application</td>
</tr>
<tr>
<td>SI-00739C</td>
<td>October 30, 1963</td>
<td>Turner Creek</td>
<td>6.2 cfs</td>
<td>Supplemental Qa</td>
<td>Change application</td>
</tr>
<tr>
<td>GWP 2911</td>
<td>March 25, 1953</td>
<td>Sedro-Woolley well</td>
<td>900 gpm</td>
<td>1440</td>
<td>Change application</td>
</tr>
<tr>
<td>GWP 3350</td>
<td>May 12, 1954</td>
<td>Ramney Well</td>
<td>6,400 gpm</td>
<td>6400</td>
<td>Change application</td>
</tr>
<tr>
<td>Reservoir 8738</td>
<td>January 16, 1946</td>
<td>Cullum Streams</td>
<td>Not Applicable</td>
<td>1506</td>
<td>Judy Reservoir</td>
</tr>
<tr>
<td>R-293 (permit)</td>
<td>April 24, 1963</td>
<td>Cullum Streams</td>
<td>Not Applicable</td>
<td>4250</td>
<td>Judy Reservoir</td>
</tr>
</tbody>
</table>

Memorandum of Agreement:

In 1996, representatives from the PUD, the City of Anacortes, Skagit County, the Upper Skagit Indian Tribe, the Swinomish Indian Tribal Community, the Sauk-Suittle Indian Tribe, the Department of Ecology and the Department of Fish and Wildlife signed the “Memorandum of Agreement (MOA) Regarding Utilization of Skagit River Basin Water Resources for Instream and Out Of Stream Uses.” By signing the MOA (a fifty-year commitment) each party agreed to the following:

- To develop a comprehensive watershed management plan for the Skagit River Basin designed to meet both in-stream and out-of-stream objectives.
- To reach agreements prior to expanding service areas beyond those identified in the Coordinated Water System Plan, and
- To participate in establishing minimum instream flow levels for the Skagit River and the Cullum Mountain tributaries.

The Department of Ecology specifically agreed to the following:

- To process the PUD and City of Anacortes applications for changes identified in the MOA. The changes may or may not be subject to the Skagit in-stream flows and/or the Cullum Mountain in-stream flows (as identified in the MOA),
- Ecology will promulgate administrative rule (chapter 173-503 WAC) establishing minimum in-stream flows, and
- Ecology agreed to hold water right applications until the final adoption of the rule.

BACKGROUND

This report of examination addresses one new application for change submitted to modify the PUD’s Cullum Mountain water rights. These seven applications for change were submitted to add a Skagit River point of diversion and to change the place of use description to reflect the PUD’s current service area.

The Cullum Mountain streams currently utilized by the PUD are Salmon Creek, Gilligan Creek, Turner Creek and Mound Creek. Approval of this application for change will reduce or eliminate the impact on fish caused by the diversion of water from Gilligan Creek. This will be accomplished by adding an alternate point of diversion on the Skagit River and by subjecting the PUD’s Gilligan Creek diversion to minimum in-stream flows (not a previous requirement). When Gilligan Creek is not flowing above minimum flow levels, the PUD will instead divert water from the Skagit River and pump it up to Judy Reservoir.

The additional point of diversion is to be located on the south shoreline of the Skagit River, downstream of the PUD’s existing pipeline. This new point of diversion will be downstream of the reach of the Skagit River designated as Wild and Scenic. A new diversion structure and pumping plant proposed for this location will have a capacity of 55.39 cfs. Water will be pumped through a new pipeline of this capacity to Judy Reservoir for storage and eventual transfer through the existing distribution system.

Attributes of the Certificate:

Name on Certificate: PUD No. 1 of Skagit County
Priority Date: October 30, 1963
Instantaneous Quantity: 8.89 cubic feet per second
Annual Quantity: 3700 acre-feet per year (supplemental to existing rights)
Source: Gilligan Creek
Point of Diversion: NW 4th NSW of Section 2, Township 34 North, Range 5 East
Period of Use: Continuously
Purpose of Use: Municipal supply
Place of Use: Area served by PUD No. 1 of Skagit County

REPORT OF EXAMINATION FOR CHANGE 3 Certificate No. SI-00724C
INVESTIGATION

In considering his application, any investigation included, but was not limited to, research and/or review of:

(1) The State Water Code,
(2) Existing water right documents for the PUD and predecessors,
(3) Records on other water rights in the vicinity,
(4) Topographic and local area maps,
(5) Records of site visits,
(6) Meeting notes and correspondence with Bradley Spangler and Robert Powell (PUD employees),
(7) Meeting notes and correspondence with Jerry Louthain (Economic and Engineering Services (EES), Inc.),
(8) The 1996 report titled “Water Right Analysis for Public Utility District No. 1 of Skagit County” (EES),
(9) The 1994 PUD Water System Plan,
(10) The 2000 “Skagit County Coordinated Water System Plan Regional Supplement” (EES),
(11) The 1997 PUD Environmental Checklist and Determination of Non-Significance, and
(12) Numerous file notes and records.

State Water Code:

WAC 173-152-030 lists criteria for priority processing of competing applications. This change request satisfies subsection (3) - "An application for change or transfer to an existing water right may be processed prior to competing applications provided . . . (6) The change or transfer if approved would result in providing public water supplies to meet general needs of the public for regional areas."

Chapter 90.03 RCW authorizes the appropriation of public water for beneficial use and describes the process for obtaining water rights including the process to amend or change existing rights. Changes or amendments to existing rights are specifically addressed in RCW 90.03.380.

In accordance with state law, the following criteria must be addressed during the process of evaluating this change request:

- Water must be available from the new point of diversion,
- The change must not cause detriment or injury to existing rights,
- The water use must be for a beneficial purpose,
- The change shall not allow an enhancement of the original right,
- The additional point of diversion must be from the same source of water, and
- The public interest must not be impaired.

Water Availability:

Water is available from the Skagit River for the requested additional point of diversion. Upon approval of this change request, the PUD will not be able to divert water from their original point of diversion unless Gilligan Creek is flowing at a rate higher than the minimum increase flows established by chapter 173-505 WAC. Approval of the requested additional point of diversion will allow the PUD to instead utilize water from the Skagit River, which has a greater capacity to support this diversion.

No Detriment to Existing Rights:

There will be no detriment to existing water rights as a result of adding the additional point of diversion or by changing the place of use.

Beneficial Use:

According to RCW 90.54.020, municipal water use (for domestic, stock, industrial, commercial, irrigation, etc.) is considered a beneficial use of water.

No Enhancement of the Original Right:

The Puget Sound Pulp and Timber Company initiated development of the Gilligan Creek diversion structure and pipeline in 1929 (prior to the formation of the PUD in 1937). The initial pipeline was a 12-inch wood pipe. The Gilligan Creek diversion currently consists of two water rights; Surface Water Certificate 411 (priority date of October 10, 1929) and the subject water right (S1-00724C). SWC 411 was issued for 1.5 cfs, with no limitation or indication of a maximum annual quantity. Continuous year-round diversion at the rate of 1.5 cfs is equivalent to 1080 acre-feet per year.

The application that led to the issuance of S1-00724C was submitted for 27 cfs. The report of examination and subsequent permit issued in 1984 for 15 cfs and 6840 acre-feet per year (supplemental to existing rights). The hydraulic capacity of the diversion works and pipeline was evaluated in 1987, prior to the issuance of the final certificate, and was determined to be 8.89 cfs. The certificate issued for 8.89 cfs, with the annual quantity reduced in 3700 a.y. (supplemental to existing rights). Because SWC 411 had already been issued for 1.5 cfs, the certified instantaneous quantity for S1-00724C should have been 7.39 cfs (8.89 minus 1.5). Therefore, upon approval of this change authorization, the instantaneous rate of this water right shall be reduced from 8.89 cfs to 7.39 cfs.

REPORT OF EXAMINATION FOR CHANGE

Certificate No. S1-00724C
The PUD has maintained records of the annual stream diversions for all of the Cultus Mountain Water Supply System since 1954. These records show that water has been diverted on an annual basis from the Gilligan/Salmon Creek system. Although separate records are not maintained on the amount of diversion from each creek, the majority of the diversion for this collector system has been from Gilligan Creek over the years. These records from recent years show that as much as 2,485 million gallons per year has been diverted (under all rights) through this system. This is equivalent to 7,635 acre-feet per year, which exceeds the maximum of 3,700 acre-feet per year associated with this right.

In accordance with the above information, S1-00724C has been perfected and approval of this change request will not create an enhancement of the original right.

**Same Source of Water:**

Gilligan Creek is tributary to the Skagit River, therefore it is considered the same source of water.

**Public Interest:**

No detriment to the public interest could be identified during the investigation of this application for change. The public interest will most likely be enhanced because the PUD will no longer be able to divert water from Gilligan Creek during low flow periods.

**OTHER RELEVANT FINDINGS**

**State Environmental Policy Act:**

State Environmental Policy Act (SEPA) requirements have been satisfied. To address this application for change, both an Environmental Checklist and a Determination of Non-Significance were filed on October 20, 1997.

**Conservation:**

The PUD's water conservation goal is to provide all PUD customers with the knowledge and incentives to use water wisely and eliminate wasteful water use practices. The PUD has a public education program and a technical assistance program developed to promote conservation. The PUD meters its stream diversions, its production from Judy Reservoir and its wells, and mainline flow within the system. All source meters and mainline meters are read on the first working day of each month. The PUD also has an aggressive water accountability program.

Single family residential consumption averaged 200 gallons per service per day in 1990. Projected growth is expected to be predominantly from new home construction. Due to current building code efficiency standards (requiring low flow plumbing fixtures), the PUD expects new homes to average approximately 130 gallons per service per day.

The PUD has identified its largest water consumers to be commercial and agricultural customers with large demands for process water, stockwater and irrigation water. Many of the agricultural irrigation customers are already using drip irrigation systems to optimize water use; several of these irrigators have interruptible flow contracts with the PUD, requiring them to stop consumption if their high demands are adversely impacting domestic use in their area of the distribution system. The PUD requires new large irrigation customers to submit Blaney-Criddle Water Balance calculations to the PUD for review before the new irrigation service is approved and installed.

**RECOMMENDATIONS**

I recommend the request for change to Surface Water Certificate S1-00724C be approved, subject to the provisions listed below.

**Provisions:**

This change is conditioned upon the fulfillment of the terms of the Skagit Memorandum of Agreement (MOA), as agreed to by the signatory parties (the City of Azzano, the PUD No. 1 of Skagit County, the Skagit System Cooperative, the Department of Fish and Wildlife, Skagit County Commissioners, and the Department of Ecology), signed December 23, 1996.

A stream gauge shall be maintained on Gilligan Creek at the location specified in WAC 173-503-040. Stream flow measurements shall be recorded daily and this data shall be maintained and made available to the Department of Ecology and the Skagit Cooperative upon request.

In accordance with the signed 1996 Memorandum of Agreement, and chapter 173-503 WAC INSTREAM RESOURCES PROTECTION PROGRAM AND WATERSHED MANAGEMENT PLAN - Lower and Upper Skagit Water Resources Inventory Areas (WRIA 3 and 4), diversion from Gilligan Creek shall be subject to the following minimum instream flow rates, as measured at the Control Station specified in WAC 173-501-040:

<table>
<thead>
<tr>
<th>Month</th>
<th>Day</th>
<th>Gilligan Creek</th>
</tr>
</thead>
<tbody>
<tr>
<td>January</td>
<td>1-31</td>
<td>19.8 cfs</td>
</tr>
<tr>
<td>February</td>
<td>1-29</td>
<td>19.8</td>
</tr>
<tr>
<td>March</td>
<td>1-15</td>
<td>19.8</td>
</tr>
<tr>
<td>March</td>
<td>16-31</td>
<td>27.7</td>
</tr>
<tr>
<td>April</td>
<td>1-30</td>
<td>31.7</td>
</tr>
<tr>
<td>May</td>
<td>1-31</td>
<td>31.7</td>
</tr>
<tr>
<td>June</td>
<td>1-30</td>
<td>31.7</td>
</tr>
<tr>
<td>July</td>
<td>1-31</td>
<td>39.6</td>
</tr>
<tr>
<td>August</td>
<td>1-31</td>
<td>39.6</td>
</tr>
<tr>
<td>September</td>
<td>1-30</td>
<td>39.6</td>
</tr>
<tr>
<td>October</td>
<td>1-31</td>
<td>23.8</td>
</tr>
<tr>
<td>November</td>
<td>1-30</td>
<td>27.7</td>
</tr>
<tr>
<td>December</td>
<td>1-31</td>
<td>27.7</td>
</tr>
</tbody>
</table>

No diversion of water from Gilligan Creek shall take place when the creek falls below minimum instream flow levels.

REPORT OF EXAMINATION FOR CHANGE

Certificate No. S1-00724C
An approved measuring device shall be installed on each point of diversion and maintained in accordance with RCW 90.03.360 and chapter 368-64 WAC. Meter readings shall be recorded daily and this data shall be maintained and be made available to the Department of Ecology and the Slagit Cooperative upon request.

The intake shall be screened at all times in accordance with Department of Fish and Wildlife screening criteria. This water right is issued subject to Washington Department of Fish and Wildlife Hydraulic Project Approval.

If it can be shown that this change approval has a detrimental effect on existing rights, it shall be the responsibility of the operator to mitigate for this impact and/or alter or cease diversion of water.

Issuance of this water right may be subject to implementation of the minimum requirements established in the Conservation Planning Requirements, Guidelines and Requirements for Public Water Systems Regarding Water Use Reporting, Demand Forecasting Methodology, and Conservation Programs, July 1994, and as revised.

Nothing in this change approval shall be construed as excusing the PUD from compliance with any applicable federal, state or local statutes, ordinances, or regulations. Specifically the Department of Health has regulations that may require permitting for the proposed activity.

Nothing in this approval shall be construed as an official confirmation of the perfection of S1-00724C. Official confirmation of the true extent of the right can only occur as result of a general water rights adjudication through Superior Court. The findings presented in this report shall be considered a "tentative determination."

The applicant is advised that a Superseding Certificate will issue for only that quantity of water that has been diverted and applied to actual beneficial use. Such quantity applied to actual beneficial use under this authorization shall not exceed the quantity specified in this report of exam and will be calculated on the basis of the best information available to Ecology.

A Superseding Certificate will not be issued until a final investigation is made.

CONCLUSIONS

In accordance with chapter 90.03 RCW, I conclude that Surface Water Certificate S1-00724C is in good standing and is eligible for change. I have determined that water is available at the additional point of diversion and will be diverted from the same source of public water as at the original point of diversion. The additional point of diversion and the change in place of use will not enlarge the existing right and the water use will be beneficial. Approval of the change request will not cause impairment of existing rights or be detrimental to the public interest. Based on these conclusions, this change request should be approved subject to existing rights and the above-indicated provisions.

REPORT BY  Buske Snitzi  DATED  March 12, 2001
STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PERMIT

TO APPROPRIATE PUBLIC WATERS OF THE STATE OF WASHINGTON

☐ Surface Water
☐ Ground Water

Based in accordance with the provisions of Chapter 173-65.100, Code of Washington.

PRIORITY DATE: November 16, 1987
APPLICATION NUMBER: SI-25129
PARISH NUMBER: S1-25129
CERTIFICATE NUMBER:

NAME:
Public Utility District No. 1 of Skagit County

ADDRESS (PO BOX):
P.O. Box 1436

COUNTY: Skagit

STATE: WA

ZIP CODE: 98273

The applicant hereby granted a permit to appropriate the following public waters of the State of Washington, subject to existing rights and to the limitations and provisions set forth.

PUBLIC WATERS TO BE APPROPRIATED

Gilligan Creek and the Skagit River

MAXIMUM FLOWS PER SECOND:
13.15*

MAXIMUM GALLONS PER MINUTE:
3700**

MAXIMUM ACRE FEET PER YEAR:
3700**

QUALITY, TIME OF THE PERIOD OF USE:
Municipal supply – Year round diversion conditioned to the following:
- Diversion from Gilligan Creek is subject to the Cullus Mountain Instream Flows as established in chapter 173-503 WAC.
- Diversion from the Skagit River is subject to the Skagit River Instream Flows as established in chapter 173-503 WAC.

*Maximum 55.39 cfs (35.80 mgd) diverted from the Cullus Mountain stream or from the Skagit River into Judy Reservoir

**Maximum Acre-Feet per Year diverted from Gilligan Creek and/or the Skagit River under Surface Water Certificate 411 and S1-25129 shall not exceed 3700 acre feet per year.

LOCATION OF DIVERSION/WITHDRAWAL

Gilligan Creek diversion: NW 1/4 NE 1/4 of Section 2, Township 34N, Range 5E, W.M.
Skagit River diversion: SW 1/4 SW 1/4, Section 29, Township 35N, Range 5E, W.M.

LOCATED WITHIN EMERGENCY LEGAL SUBDIVISION:
The Gilligan Creek diversion is located approximately 875 feet south and 420 feet east from the N 1/4 corner.
The Skagit River diversion is located approximately 1,100 feet north and 1,000 feet east from the SW corner.

RECORDED PLATTED PROPERTY

LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED

Areas served by the Public Utility District No. 1 of Skagit County and the City of Anacortes, as indicated in the Skagit County Coordinated Water System Plan Designated Water Service Areas, approved by the Washington State Department of Health.

DESCRIPTION OF PROPOSED WORKS

Gilligan Creek:
Water is diverted by way of a small dam, or diversion structure in Gilligan Creek through pipelines, to Judy Reservoir.

Skagit River:
Water is pumped from the Skagit River up to Judy Reservoir.

DEVELOPMENT SCHEDULE

BEGIN DATE: December 23, 2014

COMPLETE DATE: December 23, 2014

PERMIT
Memorandum of Agreement

This approval is conditioned upon the fulfillment of the terms of the Skagit Memorandum of Agreement (MOA), as agreed to by the signatory parties (the City of Anacortes, the PUD No. 1 of Skagit County, the Skagit-System Cooperative, the Department of Fish and Wildlife, Skagit County Commissioners, and the Department of Ecology), signed December 23, 1996.

In accordance with the 1996 Memorandum of Agreement, and chapter 173-503 WAC INSTREAM RESOURCES PROTECTION PROGRAM AND WATERSHED MANAGEMENT PLAN - Lower and Upper Skagit River Watershed Inventory Areas (WRIA 3 and 4), diversion from Gilligan Creek and the Skagit River shall be subject to the following minimum instream flow rates, as measured at the Control Station specified in WAC 173-503-040:

No diversion of water from Gilligan Creek shall take place when the creek falls below minimum instream flow levels at river mile 3.2.

<table>
<thead>
<tr>
<th>Month</th>
<th>Flow Rate (cfs)</th>
</tr>
</thead>
<tbody>
<tr>
<td>January 1 – March 15</td>
<td>19.8 cfs</td>
</tr>
<tr>
<td>March 16 – March 31</td>
<td>27.7 cfs</td>
</tr>
<tr>
<td>April 1 – June 30</td>
<td>31.7 cfs</td>
</tr>
<tr>
<td>July 1 – Sept. 30</td>
<td>39.6 cfs</td>
</tr>
<tr>
<td>Oct. 1 – Oct. 31</td>
<td>23.8 cfs</td>
</tr>
<tr>
<td>Nov. 1 – Dec. 31</td>
<td>27.7 cfs</td>
</tr>
</tbody>
</table>

No diversion of water from the Skagit River shall take place when the river falls below minimum instream flow levels at USGS station 12-2005-00.

<table>
<thead>
<tr>
<th>Month</th>
<th>Flow Rate (cfs)</th>
</tr>
</thead>
<tbody>
<tr>
<td>January 1 – March 31</td>
<td>10,000 cfs</td>
</tr>
<tr>
<td>April 1 – June 30</td>
<td>12,000 cfs</td>
</tr>
<tr>
<td>July 1 – September 30</td>
<td>10,000 cfs</td>
</tr>
<tr>
<td>October 1 – November 15</td>
<td>13,000 cfs</td>
</tr>
<tr>
<td>November 16 – December 15</td>
<td>11,000 cfs</td>
</tr>
<tr>
<td>December 16 – December 31</td>
<td>10,000 cfs</td>
</tr>
</tbody>
</table>

Stream Gage

A stream gage shall be installed and maintained at river mile 3.2 on Gilligan Creek as specified in WAC 173-503-040. Stream flow measurements shall be recorded daily and this data shall be maintained and be made available to the Department of Ecology and interested local tribes upon request.

Metering

An approved measuring device shall be installed and maintained for each diversion 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 daily with the source of water noted (Gilligan Creek or Skagit River). The maximum daily instantaneous rate of diversion and the monthly total volume shall be submitted to Ecology by January 31st of the following year. Ecology is requiring submittal of meter readings for water resource planning, management, and compliance.

The following information shall be included with each submittal of water use data: source, contact name, mailing address, daytime phone number, Permit/Construction Claim No., source name, volume (including units), Department of Health WSC water system number and source number (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, 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 to 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.

Other

The intake shall be screened at all times in accordance with Department of Fish and Wildlife screening criteria. This water right is issued subject to Washington Department of Fish and Wildlife Hydraulic Project Approval.

If it can be shown that this approval has a detrimental effect on existing rights, it shall be the responsibility of the operator to mitigate for this impact and/or alter or cease diversion of water.

Nothing in this application for water right approval shall be construed as excusing the PUD from compliance with any applicable federal, state or local statutes, ordinances, or regulations. Specifically the Department of Health has regulations that may require permitting for the proposed activity.

The applicant is advised that a Certificate of Water Right will issue for only that quantity of water that has been diverted and applied to actual beneficial use. Such quantity applied to actual beneficial use under this authorization shall not exceed the quantity specified in this report of exam and will be calculated on the basis of the best information available to Ecology.

A Certificate of Water Right will not be issued until a final investigation is made.
This permit shall be subject to cancellation should the permittee fail to comply with the above development schedule and/or fail to give notice to the Department of Ecology on forms provided by that Department documenting such compliance.

Given under my hand and the seal of this office at Bellevue, Washington, this 22 day of August, 2013.

Department of Ecology

By

Jacqueline Klug, Section Manager, Water Resources
MUNDT CREEK WATER RIGHTS
STATE OF WASHINGTON
DEPARTMENT OF ECeLOGY

REPORT OF EXAMINATION FOR CHANGE OF WATER RIGHT
TO APPROPRIATE PUBLIC WATERS OF THE STATE OF WASHINGTON

☒ Surface Water
☐ Ground Water

(Issued in accordance with the provisions of Chapter 77, Laws of Washington for 1977, and
amendatory statutes, and the rules and regulations of the Department of Ecology.)

PROPERTY DATE: September 28, 1917
APPLICATION NUMBER: 42
PROJECT NUMBER: 8
WATER RIGHT CERTIFICATE NUMBER: 26

SOURCE:
Public Utility District No. 1 of Skagit County
ADDRESS (EXCL. CITY): P.O. Box 1436
CITY: Mount Vernon
STATE: Washington
ZIP CODE: 98273

PUBLIC WATERS TO BE APPROPRIATED

MOUNT CREEK OR THE SKAGIT RIVER

MAXIMUM DAILY USE PER SECOND
2.5

MAXIMUM DAILY USE PER MONTH
1810 **

Municipal supply – Year round

Diversion from Mount Creek is subject to the Cullis Mountain Instream Flows as established in chapter 171-503 WAC

* Total instantaneous diversion under this right and SI-60737/C shall not exceed 8.0 cfs

** Total annual diversion under this right and SI-60737/C shall not exceed 1886.0 afy

LOCATION OF DIVERSION/WITHDRAWAL

Mount Creek diversion:
NWW NW¼ of Section 16, Township 34N, Range 5E, W.M. (1000 feet south and 850 feet east from the NW corner of Section 16)

Skagit River diversion
Within the SW¼ of Section 29 and/or the SE¼ of Section 30, Township 35N, Range 5E, W.M.

RECORDED FLATTED PROPERTY

LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED

Areas served by the Public Utility District No. 1 of Skagit County and the City of Anacortes, as indicated in the Skagit County Coordinated Water System Plan: Designated Water Service Areas map dated September 1992, revised September 1, 1996 (A service area map is on the last page of this report).
DESCRIPTION OF PROPOSED WORKS

Mundy Creek intake and pipeline collection system, a Skagit River intake and pumping plant, storage in Judy Reservoir and an area-wide distribution system.

DEVELOPMENT SCHEDULE

<table>
<thead>
<tr>
<th>UNDERWAY AS OF THIS DATE</th>
<th>COMPLETED PROJECT BY THIS DATE</th>
<th>WATER TO FILL JUDY RESERVOIR BY THIS DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>June 30, 2002</td>
<td>June 30, 2004</td>
<td>December 23, 2046</td>
</tr>
</tbody>
</table>

REPORT

INTRODUCTION

Skagit River Watershed:

The Skagit River originates in the mountains of Manning Provincial Park in British Columbia, Canada. -George Dam, Diablo Dam and Ross Dam -improve the Skagit River on the United States side of the border. The river flows through an eagle nesting area and past the towns of Sedro-Woolley, Burlington and Mount Vernon before forming a delta and entering into Skagit Bay. The Skagit is the largest watershed in the Puget Sound Basin. The Skagit River Watershed has numerous runs of Pacific Ocean salmon. Present management of salmon is under the jurisdiction of the state of Washington and the consolidated Skagit Tribes. The three Skagit Tribes include the Swinomish, Upper Skagit and Sauk/Salish.

Public Utility District No. of Skagit County:

Public Utility District (PUD) No. 1 of Skagit County is a municipal corporation of the State of Washington, established as a result of the general election of November 3, 1936, for the purpose of conserving the water and power resources of the State of Washington. The PUD is authorized to acquire, construct and operate water systems within and without the county boundaries and to furnish water service to the inhabitants of the district and other persons. Pursuant to such authority, the PUD acquired and now operates water utility properties serving the cities of Mount Vernon, Burlington, Sedro-Woolley, the communities of Cadygrove, Clear Lake, Conway, Dewey, Rockport and Smilll Beach and the rural and suburban areas adjacent to those areas. The PUD presently serves more than 17,000 water service customers and requests for waterline extensions and additional services are being received regularly.

Of the 150 public water systems in Skagit County, the PUD's Judy Reservoir system ranks as the most important by virtue of the large number of customers served and its role as the Countywide Satellite System Management Agency. Only the City of Anacortes' system produces more water, serving much of it to local industries and municipalities. The balance of the public water systems obtain supplies from individual sources and/or by purchasing from one of these two major systems.

In 1939, the PUD bought three water systems serving Burlington, Mount Vernon and Sedro-Woolley from the Peoples' Water and Gas Company, forming the basis for the PUD's present system. The sources for the original system were the southern Culus Mountains and the Skagit River. The system included over 50 miles of water mains, four million gallons of storage and over 3,000 water services. The Culus Mountain streams are the PUD's principle source of supply and the system has grown through other acquisitions, improvements and outside development to over 450 miles of pipeline and over 22 million gallons of storage. The PUD also owns and operates one water system on Fidalgo Island, one water system just east of Mount Vernon, and two water systems further east along the Skagit River.

The population of Skagit County was 79,555 as of the 1990 U.S. Census. The PUD then served approximately 45,990 people (57 percent of the County population) through 15,044 services. Population projections used for the Coordinated Water System Plan and County/City Comprehensive Plans indicate Skagit County will grow to a total of 137,997 by 2014. PUD services are projected to number over 29,100 by 2014.

History of Development of the PUD Water Systems:

Although organized early in 1937, the PUD did not actually engage in the utility business until November 4, 1939, when it purchased by friendly condemnation, the water systems in the Cities of Mount Vernon, Burlington and Sedro-Woolley from the Peoples Water and Gas Company. The water systems totaled 3,124 water services, 31.5 miles of pipeline, 3,940,000 gallons of distribution storage, 1.75 million gallons per day in treatment facilities, and diversions on the Skagit River, local springs, and five creeks in the Culus Mountains (East Fork, Nooksack, Rock Springs, Pigeon, Mundy and Turner Creeks). On March 7, 1940, the PUD purchased the Clear Lake Water Corporation comprised of 180 water services, 11.5 miles of pipeline, 500,000 gallons of distribution storage, and diversions on three Culus Mountain streams (Gilligan, Salmon and Turner Creeks). On July 1, 1940, the PUD purchased 1.8 miles of water line from the Aven Mutual Water System. In 1940, the PUD commenced to integrate the entire system by laying a wood stave transmission line from Sedro-Woolley to Burlington and Mount Vernon, this line was completed that same year through support of the Works Progress Administration. The further development of the PUD's Judy Reservoir, Fidalgo Island and remote systems is chronicle as follows:

1947 Completed construction of impoundment dams in Janicki Basin, forming Judy Reservoir, capacity 450 million gallons, spillway at 455' AMSL.
1954 Completed construction of a new Raceway well next to the Skagit River in northwest Mount Vernon.
1956 Acquired/constructed the PUD's Fidalgo Island water system at Smilll Beach through Local Utility District (LUD) No. 2.
1958 Completed new overhead Skagit River pipeline crossing south of Sedro-Woolley, replacing failed 1912 submain crossing.
1959 Replaced Gilligan and Salmon Creek diversions/pipelines to increase supply to Judy Reservoir.
1960 Extended Judy Reservoir system to Bayview through LUD No. 4.
1961 Expanded Fidalgo Island system to the Gibraltar and Dewey Beach areas through LUD No. 5.
1961 Installed concrete cylinder pipe transmission line connecting Judy Reservoir to Mount Vernon.
1962 Acquired the Conway Water Company and connected it to the Judy Reservoir System.
1965 Raised Judy Reservoir from elevation 435' above mean sea level (AMSL) to 451' AMSL, increasing its impoundment capacity from 450 million gallons to 1,040 million gallons.
1967 Completed the transmission line loop with the installation of concrete cylinder pipe between Burlington and Mount Vernon.
1970 Replaced the wood stave transmission line between Judy Reservoir and the Sedro-Woolley river crossing with concrete cylinder pipe.
1977 Installed a concrete cylinder pipe transmission line parallel to the wood stave distribution line between Sedro-Woolley and Burlington.
Report Continued

1984 Transferred service from the wood smoke line to the transmission line between Burlington and Sedro-Woolley.
1990 Completed and put on line the PUD's multi-media direct filtration water treatment plant at Judy Reservoir to serve the Judy Reservoir system.
1991 Acquired the remote public water system at Rockport through LUD No. 11.
1991 Extended the Judy Reservoir system toward Big Lake along Gunderson Road through LUD No. 12.
1992 Acquired the remote public water system at Cadargrove On The Skagit through LUD No. 10.
1993 Extended the Judy Reservoir system around Big Lake through LUD No. 16 and to Lake 16 through LUD No. 17.
1999 Began expansion of Judy Reservoir to elevation 465' AMSL, increasing impoundment capacity to 1,460 million gallons.

Water Rights on Record for the PUD:

Not including water rights held for satellite management systems, the PUD has seven water right claims, five surface water certificates (SWC), and two ground water permits (GWP), a reservoir permit and reservoir certificates. These rights are summarized as follows:

<table>
<thead>
<tr>
<th>Document Number</th>
<th>Priority Date</th>
<th>Source of Appropriation</th>
<th>Instantaneous Rate &quot;Q&quot; (cfs or gpm)</th>
<th>Annual Rate &quot;Q&quot; (acre-feet per year)</th>
<th>Conclusion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Claim 009332</td>
<td>Prior to 1917</td>
<td>Salmon Creek</td>
<td>1.8 cfs</td>
<td>307</td>
<td>Change application</td>
</tr>
<tr>
<td>Claim 009323</td>
<td>Prior to 1917</td>
<td>Turner Creek</td>
<td>4.3 cfs</td>
<td>2,300</td>
<td>Change application</td>
</tr>
<tr>
<td>Claim 009314</td>
<td>Prior to 1917</td>
<td>Rock Springs Creek</td>
<td>0.2 cfs</td>
<td>407</td>
<td>Inactive</td>
</tr>
<tr>
<td>Claim 009315</td>
<td>Prior to 1917</td>
<td>Pipers Creek</td>
<td>0.2 cfs</td>
<td>407</td>
<td>Inactive</td>
</tr>
<tr>
<td>Claim 009316</td>
<td>Prior to 1917</td>
<td>Unnamed creek</td>
<td>0.1 cfs</td>
<td>207</td>
<td>Inactive</td>
</tr>
<tr>
<td>Claim 009337</td>
<td>Prior to 1917</td>
<td>Cold Springs</td>
<td>0.2 cfs</td>
<td>407</td>
<td>Inactive</td>
</tr>
<tr>
<td>Claim 009338</td>
<td>Prior to 1917</td>
<td>East Nookachamps</td>
<td>1.1 cfs</td>
<td>107</td>
<td>Inactive</td>
</tr>
<tr>
<td>SWC 29</td>
<td>September 28, 1917</td>
<td>Mundt Creek</td>
<td>2.5 cfs</td>
<td>Not listed</td>
<td>Subject of this report</td>
</tr>
<tr>
<td>SWC 411</td>
<td>October 10, 1929</td>
<td>Gilligan Creek</td>
<td>1.5 cfs</td>
<td>Not listed</td>
<td>Change application</td>
</tr>
<tr>
<td>SI-00717C</td>
<td>October 29, 1963</td>
<td>Gilligan Creek</td>
<td>8.89 cfs</td>
<td>Supplemental Qa</td>
<td>Change application</td>
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<tr>
<td>SI-00717C</td>
<td>October 30, 1963</td>
<td>Mundt Creek</td>
<td>8.0 cfs</td>
<td>Supplemental Qa</td>
<td>Change application</td>
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<td>SI-00717C</td>
<td>October 30, 1963</td>
<td>Turner Creek</td>
<td>6.2 cfs</td>
<td>Supplemental Qa</td>
<td>Change application</td>
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<tr>
<td>GWP 2911</td>
<td>March 26, 1953</td>
<td>Sedro-Woolley well</td>
<td>900 gpm</td>
<td>1340</td>
<td>Change application</td>
</tr>
<tr>
<td>GWP 3350</td>
<td>May 12, 1954</td>
<td>Runney Wall</td>
<td>4,000 gpm</td>
<td>6400</td>
<td>Change application</td>
</tr>
<tr>
<td>Reservoir 3235</td>
<td>January 16, 1946</td>
<td>Cultus Streams</td>
<td>Not Applicable</td>
<td>1500</td>
<td>Judy Reservoir</td>
</tr>
<tr>
<td>R-293 (permit)</td>
<td>April 24, 1953</td>
<td>Cultus Streams</td>
<td>Not Applicable</td>
<td>4250</td>
<td>Judy Reservoir</td>
</tr>
</tbody>
</table>

Memorandum of Agreement:

In 1996, representatives from the PUD, the City of Anacortes, Skagit County, the Upper Skagit Indian Tribe, the Swinomish Indian Tribal Community, the Stu:K-Suitlake Indian Tribe, the Department of Ecology and the Department of Fish and Wildlife signed the "Memorandum of Agreement (MOA) Regarding Utilization of Skagit River Basin Water Resources for Instream and Out Of Stream Purposes." By signing the MOA (a fifty-year commitment) each party agreed to the following:

- To develop a comprehensive watershed management plan for the Skagit River Basin designed to meet both instream and out of stream objectives,
- To realign agreement prior to expanding service areas beyond those identified in the Coordinated Water System Plan, and
- To participate in establishing minimum instream flow levels for the Skagit River and the Cultus Mountain tributaries.

The Department of Ecology specifically agreed to the following:

- To process the PUD and City of Anacortes applications for change identified in the MOA. The changes may or may not be subject to the Skagit instream flows and/or the Cultus Mountain instream flows (as identified in the MOA),
- Ecology will promulgate an administrative rule (chapter 173-503 WAC) establishing minimum instream flows, and
- Ecology agreed to hold water right applications until the final adoption of the rule.

BACKGROUND

This report of examination addresses one of seven applications for change submitted to modify the PUD's Cultus Mountain water rights. These seven applications for change were submitted to add a Skagit River point of diversion and to change the place of use description to reflect the PUD's current service area.

The Cultus Mountain streams currently utilized by the PUD are Salmon Creek, Gilligan Creek, Turner Creek and Mundt Creek. Approval of this application for change will reduce or eliminate the impact on fish caused by the diversion of water from Mundt Creek. This will be accomplished by adding an alternate point of diversion on the Skagit River and by subjecting the PUD's Mundt Creek diversions to minimum instream flows (not a previous requirement). When Mundt Creek is not flowing above minimum flow levels, the PUD will instead divert water from the Skagit River and pump it up to the Judy Reservoir.

The additional point of diversion is to be located on the south shoreline of the Skagit River, downstream of the PUD's existing pipeline. This new point of diversion will be downstream of the reach of the Skagit River designated as Wild and Scenic. A new diversion structure and pumping plant proposed for this location will have a capacity of 35.39 cfs. Water will be pumped through a new pipeline of this capacity to Judy Reservoir for storage and eventual transfer through the existing distribution system.

Attributes of the Certificate:

| Name on Certificate: | The Skagit Improvement Company (acquired by Peoples Water and Gas Company) |
| Priority Date:       | September 28, 1917 |
| Instantaneous Quantity: | 2.5 cubic feet per second |
| Annual Quantity:     | Not listed |
| Source:              | Mundt Creek |
| Point of Diversion:  | Section 16, Township 34 North, Range 2 East |
| Period of Use:       | Year round (according to Proof of Appropriation from) |
| Purpose of Use:      | Domestic supply for Sedro-Woolley and Burlington (Municipal) |
| Place of Use:        | Cities of Sedro-Woolley and Burlington |
Change Request:

Name: Change to: Public Utility District No. 1 of Skagit County
Filed on: November 4, 1997
Point of Diversion: To add a point of diversion on the Skagit River within the SW1/4 of Section 29 and/or the SE1/4 of Section 30, Township 33N, Range 5E, W.M., in Skagit County.
Place of Use: Areas served by the Public Utility District No. 1 of Skagit County and the City of Anacortes, as indicated in the Skagit County Coordinated Water System Plan Designated Water Service Areas map dated September 1992, revised September 1, 1996
Legal Notice: Published in the Skagit Valley Herald on June 26th and July 1st, 1998
Protests: None received during the statutory 30-day protest period

INVESTIGATION

In considering this application, my investigation included, but was not limited to, research and/or review of:

1. The State Water Code,
2. Existing water right documents for the PUD and predecessors,
3. Records on other water rights in the vicinity,
4. Topographic and local area maps,
5. Records of site visits,
6. Meeting notes and correspondence with Bradley Spangler and Robert Powell (PUD employees),
7. Meeting notes and correspondence with Jerry Slavich (Economic and Engineering Services, Inc.),
8. An "Affidavit of Beneficial Use" signed by Robert Powell attesting to the use and perfection of the subject certificate,
9. The 1996 report titled "Water Right Analysis for Public Utility District No. 1 of Skagit County" (EES),
10. The 1995 PUD Water System Plan,
11. The 2000 "Skagit County Coordinated Water System Plan Regional Supplement" (EES),
12. The 1997 PUD Environmental Checklist and Determination of Non-Significance, and
13. Numerous file notes and records.

State Water Code:

WAC 173-152-050 lists criteria for priority processing of competing applications. This change request satisfies subsection (5) - "An application for change or transfer to an existing water right may be processed prior to competing applications provided . . . (6) The change or transfer if approved would result in providing public water supplies to meet general needs of the public for regional areas."

Chapter 90.03 RCW authorizes the appropriation of public water for beneficial use and describes the process for obtaining water rights including the process to amend or change existing rights. Changes or amendments to existing rights are specifically addressed in RCW 90.03.380.

In accordance with state law, the following criteria must be addressed during the process of evaluating this change request:

- Water must be available from the new point of diversion,
- The change must not cause detriment or injury to existing rights,
- The water use must be for a beneficial purpose,
- The change shall not allow an enhancement of the original right,
- The additional point of diversion must be from the same source of water, and
- The public interest must not be impaired.

Water Availability:

Water is available from the Skagit River for the requested additional point of diversion. Upon approval of this change request, the PUD will not be able to divert water from their original point of diversion unless Mukilteo Creek is flowing at a rate higher than the minimum instream flows established by chapter 173-508 WAC. Approval of the requested additional point of diversion will allow the PUD to instead utilize water from the Skagit River, which has a greater capacity to support this diversion.

No Detriment to Existing Rights:

There will be no detriment to existing water rights as a result of adding the additional point of diversion or by changing the place of use.

Beneficial Use:

According to RCW 90.54.020, municipal water use (for domestic, stock, industrial, commercial, irrigation, etc.) is considered a beneficial use of water.

No Enhancement of the Original Right:

Surface Water Certificate 26 was issued to The Skagit Improvement Company (Peoples Water and Gas Company) in 1920. The PUD obtained this right when it purchased the water system in 1939. This certificate allows for a maximum instantaneous diversion of 2.5 cfs from Mukilteo Creek. No annual quantity is specified on the certificate, but at a continuous diversion rate of 2.5 cfs, the maximum annual diversion rate would be 1,810 acre-feet per year.

Surface Water Certificate S1-00737C (priority date October 30, 1963) issued for 8.0 cfs as a supplemental supply (5.5 cfs new supply) from the same diversion point on Mukilteo Creek. This certificate limits the total annual diversion under both certificates to 3,386 afd and the total annual quantity diverted from all sources (including groundwater) to 25,417.4 afd.

Information obtained from the PUD's "Affidavit of Beneficial Use" and their 1994 Water System Plan indicate SWC 26 has been fully perfected on an instantaneous and annual basis. Because SWC 25 appears to be a perfected right, adding an additional point of diversion and changing the place of use description will not enhance the original right. Approval of the change request will not result in an increase of the instantaneous or annual quantity of water perfected under the original right.

REPORT OF EXAMINATION FOR CHANGE

CERTIFICATE NO. SW 26
Official confirmation of the true extent and perfection of the right can only occur as result of a general water rights adjudication through Superior Court.

**Same Source of Water:**

Munut Creek is tributary to the Skagit River, therefore it is considered the same source of water.

**Public Interest:**

No detriment to the public interest could be identified during the investigation of this application for change. The public interest will most likely be enhanced because the PUD will no longer be able to divert water from Munut Creek during low flow periods.

**OTHER RELEVANT FINDINGS**

**State Environmental Policy Act:**

State Environmental Policy Act (SEPA) requirements have been satisfied. To address this application for change, both an Environmental Checklist and a Determination of Non-Significance were filed on October 26, 1997.

**Conservation:**

The PUD’s water conservation goal is to “provide all PUD customers with the knowledge and incentive(s) to use water wisely and eliminate wasteful water use practices.” The PUD has a public education program and a technical assistance program developed to promote conservation. The PUD meters its stream diversions, its production from Judy Reservoir and its wells, and mainline flow within the system. All source meters and mainline meters are read on the first working day of each month. The PUD also has an aggressive water accountability program.

Single family residential consumption averaged 200 gallons per service per day in 1990. Projected growth is expected to be predominantly from new home construction. Due to current building code efficiency standards (requiring low flow plumbing fixtures), the PUD expects new homes to average approximately 150 gallons per service per day.

The PUD has identified its largest water consumers to be commercial and agricultural customers with large demands for process water, stockwater and irrigation water. Many of the agricultural irrigation customers are already using drip irrigation systems to optimize water use; several of these irrigators have irricontrollable flow contracts with the PUD, requiring them to stop consumption if their high demands are adversely impacting domestic use in their area of the distribution system. The PUD requires all irrigation customers to submit Blaney-Criddle Water Balance calculations to the PUD for review before the new irrigation service is approved and installed.

**RECOMMENDATIONS**

I recommend the request for change to Surface Water Certificate 26 be approved, subject to the provisions listed below.

**Provisions:**

This change is conditioned upon the fulfillment of the terms of the Skagit Memorandum of Agreement (MOA), as agreed to by the signatory parties (the City of Anacortes, the PUD No. 1 of Skagit County, the Skagit System Cooperative, the Department of Fish and Wildlife, Skagit County Commissioners, and the Department of Ecology), signed December 23, 1996.

A stream gage shall be maintained on Munut Creek at the location specified in WAC 173-503-040. Stream flow measurements shall be recorded daily and this data shall be maintained and be made available to the Department of Ecology and the Skagit Cooperative upon request.

In accordance with the signed 1996 Memorandum of Agreement, and chapter 173-503 WAC INSTREAM RESOURCES PROTECTION PROGRAM AND WATERSHED MANAGEMENT PLAN - Lower and Upper Skagit Water Resources Inventory Area (WRIA 3 and 4), diversion from Munut Creek shall be subject to the following minimum instream flows, as measured at the Control Station specified in WAC 173-503-040:

<table>
<thead>
<tr>
<th>Month</th>
<th>Day</th>
<th>Munut Creek</th>
</tr>
</thead>
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<tr>
<td>January</td>
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<td>6.4 cfs</td>
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<td>July</td>
<td>1-21</td>
<td>7.6</td>
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<td>August</td>
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<tr>
<td>December</td>
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<td>9.4</td>
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</tbody>
</table>

No diversion of water from Munut Creek shall take place when the creek falls below minimum instream flow levels.

An approved measuring device shall be installed on each point of diversion and maintained in accordance with RCW 90.03.360 and chapter 508-64 WAC. Meter readings shall be recorded daily and this data shall be maintained and be made available to the Department of Ecology and the Skagit Cooperative upon request.

The intake shall be screened at all times in accordance with Department of Fish and Wildlife screening criteria. This water right is issued subject to Washington Department of Fish and Wildlife Hydraulic Project Approval.
If it can be shown that this change approval has a detrimental effect on existing rights, it shall be the responsibility of the operator to mitigate for this impact and/or alter or cease diversion of water.

Issuance of this water right may be subject to implementation of the minimum requirements established in the Conservation Planning Requirements, Guidelines and Requirements for Public Water Systems Regarding Water Use Reporting, Demand Forecasting Methodology, and Conservation Programs, July 1994, and as revised.

Nothing in this change approval shall be construed as excusing the PUD from compliance with any applicable federal, state or local statutes, ordinances, or regulations. Specifically the Department of Health has regulations that may require permitting for the proposed activity.

Nothing in this approval shall be construed as an official confirmation of the perfection of SWC 26. Official confirmation of the true extent of the right can only occur as result of a general water rights adjudication through Superior Court. The findings presented in this report shall be considered a "tentative determination."

The applicant is advised that a Superceding Certificate will issue for only that quantity of water that has been diverted and applied to actual beneficial use. Such quantity applied to actual beneficial use under this authorization shall not exceed the quantity specified in this report of exam and will be calculated on the basis of the best information available to Ecology.

A Superceding Certificate will not be issued until a final investigation is made.

CONCLUSIONS

In accordance with chapter 90.03 RCW, I conclude that Surface Water Certificate 26 is in good standing and is eligible for change. I have determined that water is available at the additional point of diversion and will be diverted from the same source of public water as at the original point of diversion. The additional point of diversion and the change in place of use will not adversely the existing right and the water use will be beneficial. Approval of the change request will not cause impairment of existing rights or be detrimental to the public interest. Based on these conclusions, this change request should be approved subject to existing rights and the above-indicated provisions.

REPORT BY  Buck Smith  DATED  March 12, 2001
STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

REPORT OF EXAMINATION FOR CHANGE OF WATER RIGHT CERTIFICATE
TO APPROPRIATE PUBLIC WATERS OF THE STATE OF WASHINGTON

☐ Surface Water
☐ Ground Water

(Pursuant to provisions of Chapter 90, Laws of Washington, 1941, and amendments thereto, and the rules and regulations of the Department of Ecology)

PURPOSE DATE
October 30, 1963

APPLICATION NUMBER
S*18221

PROROGUARY NUMBER
S1-90737P

WATER RIGHT CERTIFICATE NUMBER
S1-00737C

NAME
Public Utility District No. 1 of Skagit County

P.O. Box 1436
Mount Vernon
Washington

ZIP CODE 98273

PUBLIC WATERS TO BE APPROPRIATED

Mundt Creek or the Skagit River

TERTIARY OF (OF SURFACE WATER)

MAXIMUM CUBIC FEET PER SECOND 8.0

MAXIMUM GALLONS PER MINUTE 3,996

MAXIMUM ACRE-FOOT PER YEAR 3,886.0*

QUANTITY, TYPE OF USE, PERIOD OF USE

Municipal supply – When available

Diversion from Mundt Creek is subject to the Cimnus Mountain Instream Flows as established in chapter 173-503 WAC

* Issued supplemental to existing rights under certificate 26, 8738 and Reservoir Permit R-203. The total instantaneous quantity diverted from Mundt Creek shall not exceed 8.0 cfs, nor shall the total annual quantity appropriated or withdrawn from all sources, to include ground water sources, exceed 23,417.4 acre-feet of water per year.

LOCATION OF DIVERSION/WITHDRAWAL

APPROXIMATE LOCATION OF DIVERSION/ WITHDRAWAL

Mundt Creek diversion:
NW ¼ NW ¼ Section 16, Township 34N, Range 5E, W.M. (1000 feet south and 850 feet east from the NW corner of Section 16)

Skagit River diversion:
Within the SW ¼ of Section 29 and/or the SE ¼ of Section 30, Township 35N, Range 5E, W.M.

LOCATED WITHIN (SMALLEST LOCAL SUBDIVISION)

SEC
34 & 35

TOWNSHIP N.
S

RANGE, E. OR W. W.M.
5E

MET.
3

COUNTY
Skagit

RECORDED PLATTED PROPERTY

LOT

BLOCK

OF (OWN NAME OF PLAT OR ADDITION)

LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED

Areas served by the Public Utility District No. 1 of Skagit County and the City of Anacortes, as indicated in the Skagit County Coordinated Water System Plan Designated Water Service Areas map dated September 1992, revised September 1, 1996 (A service area map is on the last page of this report).
DESCRIPTION OF PROPOSED WORKS

Munds Creek intake and pipeline collection system, a Skagit River intake and pumping plant, storage in Judy Reservoir and an area-wide distribution system.

DEVELOPMENT SCHEDULE

BEGIN PROJECT BY THIS DATE: June 30, 2002
COMPLETION BY THIS DATE: June 30, 2004
WATER PUT TO FULL USE BY THIS DATE: December 31, 2004

REPORT

INTRODUCTION

Skagit River Watershed:
The Skagit River originates in the mountains of Manning Provincial Park in British Columbia, Canada. George Dam, Diablo Dam and Ross Dam impound the Skagit River on the United States side of the border. The river flows through an eagle nesting area and past the towns of Sedro-Woolley, Burlington and Mount Vernon before forming a delta and entering into Skagit Bay. The Skagit is the largest watershed in the Puget Sound Basin. The Skagit River Watershed has numerous runs of Pacific Ocean salmon. Present management of salmon is under the jurisdiction of the state of Washington and the consolidated Skagit Tribes. The three Skagit Tribes include the Swinomish, Upper Skagit and Sáxwéthlel.

Public Utility District No. of Skagit County:
Public Utility District (PUD) No. 1 of Skagit County is a municipal corporation of the State of Washington, established as a result of the general election of November 3, 1936, for the purpose of conserving the water and power resources of the State of Washington. The PUD is authorized to acquire, construct and operate water systems within and without the county boundaries and to furnish water service to the inhabitants of the district and other persons. Pursuant to such authority, the PUD acquired and now operates water utility properties serving the cities of Mount Vernon, Burlington, Sedro-Woolley, the communities of Cadero, Cleary Lake, Conway, Dewey, Rockport and Smillie Beach and the rural and suburban areas adjacent to those areas. The PUD presently serves more than 17,000 water service and requests for waterline extensions and additional services are being received regularly.

Of the 150 public water systems in Skagit County, the PUD's Judy Reservoir system ranks as the most important by virtue of the large number of customers served and its role as the Countywide Satellite System Management Agency. Only the City of Anacortes' system produces more water, wholesaling much of it to local industries and municipalities. The balance of the public water systems obtain supplies from individual sources and/or by purchasing from one of these two major systems.

In 1939, the PUD bought three water systems serving Burlington, Mount Vernon and Sedro-Woolley from the Peoples' Water and Gas Company, forming the basis for the PUD's present system. The sources for the original system were the southern Cultus Mountain streams and the Skagit River. The systems included over 50 miles of water mains, four million gallons of storage and over 3,000 water service. The Cultus Mountain streams are the PUD's principle source of supply and the system has grown through other acquisitions, improvements and outside development to over 450 miles of pipeline and over 22 million gallons of storage. The PUD also owns and operates one water system on Fidalgo Island, one water system just east of Mount Vernon, and two water systems further east along the Skagit River.

The population of Skagit County was 70,555 as of the 1990 U. S. Census. The PUD then served approximately 45,300 people (57 percent of the County population) through 15,044 services. Population projections used for the Coordinated Water System Plan and County/City Comprehensive Plans indicate Skagit County will grow to a total of 137,597 by 2014. PUD services are projected to number over 29,100 by 2014.

History of Development of the PUD Water Systems:
Although organized early in 1937, the PUD did not actually engage in the utility business until November 4, 1939, when it purchased by friendly condemnation, the water systems in the Cities of Mount Vernon, Burlington and Sedro-Woolley from the Peoples' Water and Gas Company. The water systems totaled 3,134 water services, 51.5 miles of pipeline, 3,940,000 gallons of distribution storage, 1,750 million gallons per day in treatment facilities, and diversions on the Skagit River, local springs and creeks in the Cultus Mountains (East Fork Nooksak Creek, Rock Springs, Pigeon, Mundt and Turner Creeks). On March 7, 1940, the PUD purchased the Clear Lake Water Corporation comprising of 180 water services, 11.5 miles of pipeline, 500,000 gallons of distribution storage, and diversions on three Cultus Mountain streams (Gilligan, Salmon and Turner Creeks). On July 1, 1940, the PUD purchased 1.8 miles of water line from the Aven Mutual Water System. In 1940, the PUD commenced to integrate the entire system by laying a wood stave transmission line from Sedro-Woolley to Burlington and Mount Vernon, this line was completed that same year through support of the Works Progress Administration. The further development of the PUD's Judy Reservoir, Fidalgo Island and remote systems is chronicled as follows:

1947 Completed construction of impoundment dams in Janicki Basin, forming Judy Reservoir, capacity 450 million gallons, spillway at 435' AMSL.
1954 Completed construction of a new Runney well next to the Skagit River in northwest Mount Vernon.
1956 Acquired/constructed the PUD's Fidalgo Island water system at Smillie Beach through Local Utility District (LUD) No. 2.
1958 Completed new overhead Skagit River pipeline crossing south of Sedro-Woolley, replacing failed 1921 submarine crossing.
1958 Replaced Gilligan and Salmon Creek diversions/pipelines to increase supply to Judy Reservoir.
1960 Extended Judy Reservoir system to Bayview through LUD No. 4.
1961 Expanded Fidalgo Island system to the Gilhault and Dewey Beach areas through LUD No. 5.
1961 Installed concrete cylinder pipeline transmission line connecting Judy Reservoir to Mount Vernon.
1962 Acquired the Conway Water Company and connected it to the Judy Reservoir System.
1965 Raised Judy Reservoir from elevation 435' above mean sea level (AMSL) to 451' AMSL, increasing its impoundment capacity from 450 million gallons to 1,010 million gallons.
1967 Completed the transmission line loop with the installation of concrete cylinder pipe between Burlington and Mount Vernon.
1970 Replaced the wood stave transmission line between Judy Reservoir and the Sedro-Woolley river crossing with concrete cylinder pipe.
1977 Installed a concrete cylinder pipe transmission line parallel to the wood stave distribution line between Sedro-Woolley and Burlington.
1984  Transferred service from the wood sawmill to the transmission line between Burlington and Sedro-Woolley.
1990  Completed and put on line the PUD's multi-media direct filtration water treatment plant at Judy Reservoir to serve the Judy Reservoir system.
1991  Acquired the remote public water system at Rockport through LUD No. 11.
1991  Extended the Judy Reservoir system toward Big Lake along Gunderson Road through LUD No. 12.
1992  Acquired the remote public water system at Cedar Grove On The Skagit through LUD No. 10.
1993  Extended the Judy Reservoir system around Big Lake through LUD No. 16 and to Lake 16 through LUD No. 17.
1999  Began expansion of Judy Reservoir to elevation 465' AML, increasing impoundment capacity to 1,460 million gallons.

Water Rights on Record for the PUD:

Not including water rights held for satellite management systems, the PUD has seven water right claims, five surface water certificates (SWC), two ground water permits (GWP), a reservoir permit and a reservoir certificate. These rights are summarized as follows:

<table>
<thead>
<tr>
<th>Document Number</th>
<th>Priority Date</th>
<th>Source of Appropriation</th>
<th>Instantaneous Rate &quot;Q&quot; (cfs or gpm)</th>
<th>Annual Rate &quot;Qa&quot; (acre-feet per year)</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Claim 009532</td>
<td>Prior to 1917</td>
<td>Salmon Creek</td>
<td>1.8 cfs</td>
<td>36 t 307</td>
<td>Change application</td>
</tr>
<tr>
<td>Claim 009533</td>
<td>Prior to 1917</td>
<td>Turner Creek</td>
<td>4.3 cfs</td>
<td>37 t 336</td>
<td>Change application</td>
</tr>
<tr>
<td>Claim 009534</td>
<td>Prior to 1917</td>
<td>Rock Spring Creek</td>
<td>0.2 cfs</td>
<td>0 t 407</td>
<td>Inactive</td>
</tr>
<tr>
<td>Claim 009535</td>
<td>Prior to 1917</td>
<td>Pigeon Creek</td>
<td>0.2 cfs</td>
<td>0 t 407</td>
<td>Inactive</td>
</tr>
<tr>
<td>Claim 009536</td>
<td>Prior to 1917</td>
<td>Unnamed creek</td>
<td>0.1 cfs</td>
<td>0 t 207</td>
<td>Inactive</td>
</tr>
<tr>
<td>Claim 009537</td>
<td>Prior to 1917</td>
<td>Cold Springs</td>
<td>0.2 cfs</td>
<td>0 t 407</td>
<td>Inactive</td>
</tr>
<tr>
<td>Claim 009538</td>
<td>Prior to 1917</td>
<td>East Nooksachanga</td>
<td>1.1 cfs</td>
<td>110 t 1107</td>
<td>Inactive</td>
</tr>
<tr>
<td>SWC 81</td>
<td>September 25, 1917</td>
<td>Mundt Creek</td>
<td>2.5 cfs</td>
<td>Not listed</td>
<td>Change application</td>
</tr>
<tr>
<td>SWC 411</td>
<td>October 10, 1929</td>
<td>Gilligan Creek</td>
<td>1.5 cfs</td>
<td>Not listed</td>
<td>Change application</td>
</tr>
<tr>
<td>S1-00724C</td>
<td>October 30, 1953</td>
<td>Gilligan Creek</td>
<td>8.89 cfs</td>
<td>Supplemental Qa</td>
<td>Change application</td>
</tr>
<tr>
<td>S1-00737C</td>
<td>October 30, 1953</td>
<td>Mundt Creek</td>
<td>8.0 cfs</td>
<td>Supplemental Qa</td>
<td>Subject of this report</td>
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<tr>
<td>S1-00739C</td>
<td>October 30, 1953</td>
<td>Turner Creek</td>
<td>6.2 cfs</td>
<td>Supplemental Qa</td>
<td>Change application</td>
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<tr>
<td>GWP 2911</td>
<td>March 26, 1953</td>
<td>Sedro-Woolley Well</td>
<td>500 qpm</td>
<td>1440 t 1440</td>
<td>Change application</td>
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<tr>
<td>GWP 3550</td>
<td>May 27, 1954</td>
<td>Rowley Well</td>
<td>4,000 qpm</td>
<td>6400 t 6400</td>
<td>Change application</td>
</tr>
<tr>
<td>Reservoir 8738</td>
<td>January 12, 1955</td>
<td>Colus Stream</td>
<td>Not Applicable</td>
<td>1500 t 1500</td>
<td>Judy Reservoir</td>
</tr>
<tr>
<td>R-292 (permit)</td>
<td>April 24, 1965</td>
<td>Calus Stream</td>
<td>Not Applicable</td>
<td>4250 t 4250</td>
<td>Judy Reservoir</td>
</tr>
</tbody>
</table>

Memorandum of Agreement:

In 1986, representatives from the PUD, the City of Anacortes, Skagit County, the Upper Skagit Indian Tribe, the Swinomish Indian Tribal Community, the State-Skagit Indian Tribe, the Department of Ecology and the Department of Fish and Wildlife signed the "Memorandum of Agreement (MOA) Regarding Utilization of Skagit River Basin Water Resources for Instream and Out Of Stream Purposes." By signing the MOA (a fifty-year commitment) each party agreed to the following:

- To develop a comprehensive watershed management plan for the Skagit River Basin designed to meet both instream and out of stream objectives,
- To reach agreement prior to expending service areas beyond those identified in the Coordinated Water System Plan, and
- To participate in establishing minimum instream flow levels for the Skagit River and the Culust Mountain tributaries.

The Department of Ecology specifically agreed to the following:

- To process the PUD and City of Anacortes applications for change identified in the MOA. The changes may or may not be subject to the Skagit instream flows and/or the Culust Mountain instream flows (as identified in the MOA),
- Ecology will promulgate an administrative rule (chapter 173-503 WAC) establishing minimum instream flows, and
- Ecology agreed to hold water right applications until the final adoption of the rule.

BACKGROUND

This report of examination addresses one of seven applications for change submitted to modify the PUD's Culust Mountain water rights. These seven applications for change were submitted to add a Skagit River point of diversion and to change the place of use description to reflect the PUD's current service area.

The Culust Mountain streams currently utilized by the PUD are Salmon Creek, Gilligan Creek, Turner Creek and Mundt Creek. Approval of this application for change will reduce or eliminate the impact on fish caused by the diversion of water from Mundt Creek. This will be accomplished by adding an alternate point of diversion on the Skagit River and by subjecting the PUD's Mundt Creek diversions to minimum instream flows (not a previous requirement). When Mundt Creek is not flowing above minimum flow levels, the PUD will instead divert water from the Skagit River and pump it up to Judy Reservoir.

The additional point of diversion is to be located on the south shoreline of the Skagit River, downstream of the PUD's existing pipeline. This new point of diversion will be downstream of the reach of the Skagit River designated as Wild and Scenic. A new diversion structure and pumping plant proposed for this location will have a capacity of 55.39 cfs. Water will be pumped through a new pipeline of this capacity to Judy Reservoir for storage and eventual transfer through the existing distribution system.

Attributes of the Certificate:

Name on Certificate: P.U.D. No. 1 of Skagit County
Priority Date: October 30, 1963
Instantaneous Quantity: 8.0 cubic feet per second (Total diversion from Mundt Creek)
Annual Quantity: 3,886.0 acre-feet per year (Supplemental)
Source: Mundt Creek
Point of Diversion: NW1/4 NW1/4 of Section 16, Township 34 North, Range 5 East
Purpose of Use: Municipal supply
Place of Use: The area served by Skagit County P.U.D. No. 1

REPORT OF EXAMINATION FOR CHANGE 3 CERTIFICATE S1-00737C
INVESTIGATION

In considering this application, my investigation included, but was not limited to, research and/or review of:

(1) The State Water Code,
(2) Existing water right documents for the PUD and predecessors,
(3) Records on other water rights in the vicinity,
(4) Topographic and local area maps,
(5) Records of site visits,
(6) Meeting notes and correspondence with Bradley Spangler and Robert Powell (PUD employees),
(7) Meeting notes and correspondence with Jerry Louhans (Economic and Engineering Services (EES), Inc.),
(8) The 1996 report titled “Water Right Analysis for Public Utility District No 1 of Skagit County” (EES),
(9) The 1994 PUD Water System Plan,
(10) The 2000 “Skagit County Coordinated Water System Plan Regional Supplement” (EES),
(11) The 1997 PUD Environmental Checklist and Determination of Non-Significance, and
(12) Numerous file notes and records.

State Water Code:

WAC 173-152-450 lists criteria for priority processing of competing applications. This change request satisfies subsection (3) - "An application for change or transfer to an existing water right may be processed prior to competing applications provided . . . (6) The change or transfer approved would result in providing public water supplies to meet general needs of the public for regional areas."

Chapter: 90.03 RCW authorizes the appropriation of public water for beneficial use and describes the process for obtaining water rights including the process to amend or change existing rights. Changes or amendments to existing rights are specifically addressed in RCW 90.03.380.

in accordance with state law, the following criteria must be addressed during the process of evaluating this change request:

- Water must be available from the new point of diversion,
- The change must not cause detriment or injury to existing rights,
- The water use must be for a beneficial purpose,
- The change shall not allow an enhancement of the original right,
- The additional point of diversion must be from the same source of water, and
- The public interest must not be impaired.

Water Availability:

Water is available from the Skagit River for the requested additional point of diversion. Upon approval of this change request, the PUD will not be able to divert water from their original point of diversion unless Munthe Creek is flowing at a rate higher than the minimum instream flows established by chapter 173-503 WAC. Approval of the requested additional point of diversion will allow the PUD to instead utilize water from the Skagit River, which has a greater capacity to support this diversion.

No Detriment to Existing Rights:

There will be no detriment to existing water rights as a result of adding the additional point of diversion or by changing the place of use.

Beneficial Use:

According to RCW 90.54.0020, municipal water use (for domestic, stock, industrial, commercial, irrigation, etc.) is considered a beneficial use of water.

No Enhancement of the Original Right:

This water right was issued as a supplemental supply for 8.0 cfs and 3,886 acre-feet per year. A hydraulic analysis of all the diversions for the Cultus Mountain Water Supply System was performed in 1996. The results of the hydraulic analysis indicate that the Munthe Creek Division System is capable of conveying the full certified instantaneous quantity of 8.0 cfs.

The PUD has maintained records of the annual stream diversions for all of the Cultus Mountain Water Supply System since 1954. These records show that water has been diverted on an annual basis from Munthe Creek. Certificate S1-00737C was issued for a maximum annual quantity of 3,886 acre-feet per year based on an estimation of water available from this source. This annual quantity was also shown on the certificate as being supplemental to existing water rights, which means that this annual quantity is not in addition to the PUD’s other existing water rights. Because this right is supplemental to existing rights, and all previously existing rights have been perfected, the logical conclusion shall be that this right has also been perfected.

In accordance with the above information, S1-00737C has been perfected and approval of this change request will not create an enhancement of the original right.
Sage Source of Water:

Mundt Creek is tributary to the Skagit River, therefore it is considered the same source of water.

Public Interest:

No detriment to the public interest could be identified during the investigation of this application for change. The public interest will most likely be enhanced because the PUD will no longer be able to divert water from Mundt Creek during low flow periods.

OTHER RELEVANT FINDINGS

State Environmental Policy Act:

State Environmental Policy Act (SEPA) requirements have been satisfied. To address this application for change, both an Environmental Checklist and a Determination of Non-Significance were filed on October 20, 1997.

Conservation:

The PUD’s water conservation goal is to “provide all PUD customers with the knowledge and incentive(s) to use water wisely and eliminate wasteful water use practices.” The PUD has a public education program and a technical assistance program developed to promote conservation. The PUD meters its stream diversions, its production from Jody Reservoir and its wells, and mainline flow within the system. All source testers and mainline meters are read on the first working day of each month. The PUD also has an aggressive water accountability program.

Single family residential consumption averaged 200 gallons per service per day in 1990. Projected growth is expected to be predominantly from new home construction. Due to current building code efficiency standards (requiring low flow plumbing fixtures), the PUD expects new homes to average approximately 150 gallons per service per day.

The PUD has identified its largest water consumers to be commercial and agricultural customers with large demands for process water, stockwater and irrigation water. Many of the agricultural irrigation customers are already using drip irrigation systems to optimize water use; several of these irrigators have implemented flow contracts with the PUD, requiring them to stay consumption if their high demands are adversely impacting domestic use in their areas of the distribution system. The PUD requires new large irrigation customers to submit Blaney-Criddle Water Balance calculations to the PUD for review before the new irrigation service is approved and installed.

RECOMMENDATIONS

I recommend the request for change to Surface Water Certificate S1-00737C be approved, subject to the provisions listed below:

Provisions:

This change is conditioned upon the fulfillment of the terms of the Skagit Memorandum of Agreement (MOA), as agreed to by the signatory parties (the City of Anacortes, the PUD No. 1 of Skagit County, the Skagit System Cooperative, the Department of Fish and Wildlife, Skagit County Commissioners, and the Department of Ecology), signed December 20, 1996.

A stream gage shall be maintained on Mundt Creek at the location specified in WAC 173-503-040. Stream flow measurements shall be recorded daily and the data shall be maintained and be made available to the Department of Ecology and the Skagit Cooperative upon request.

In accordance with the signed 1996 Memorandum of Agreement, chapter 173-503 WAC INSTREAM RESOURCES PROTECTION PROGRAM AND WATERSHED MANAGEMENT PLAN - Lower and Upper Skagit Water Resources Inventory Areas (WRIA 3 and 4), diversions from Mundt Creek shall be subject to the following minimum instream flows, as measured at the Control Station specified in WAC 173-503-040:

<table>
<thead>
<tr>
<th>Month</th>
<th>Day</th>
<th>Flow</th>
</tr>
</thead>
<tbody>
<tr>
<td>January</td>
<td>1-31</td>
<td>6.4 cfs</td>
</tr>
<tr>
<td>February</td>
<td>1-29</td>
<td>6.4</td>
</tr>
<tr>
<td>March</td>
<td>1-15</td>
<td>5.4</td>
</tr>
<tr>
<td>March</td>
<td>16-31</td>
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<tr>
<td>April</td>
<td>1-30</td>
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<tr>
<td>May</td>
<td>1-31</td>
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<tr>
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<tr>
<td>July</td>
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</tr>
<tr>
<td>August</td>
<td>1-31</td>
<td>7.5</td>
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<td>September</td>
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<td>7.5</td>
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<tr>
<td>October</td>
<td>1-31</td>
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<tr>
<td>November</td>
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</tr>
<tr>
<td>December</td>
<td>1-31</td>
<td>9.4</td>
</tr>
</tbody>
</table>

No diversion of water from Mundt Creek shall take place when the creek falls below minimum instream flow levels.

An approved measuring device shall be installed on each point of diversion and maintained in accordance with RCW 90.03.369 and chapter 508-64 WAC. Water readings shall be recorded daily and the data shall be maintained and be made available to the Department of Ecology and the Skagit Cooperative upon request.

The intake shall be screened at all times in accordance with Department of Fish and Wildlife screening criteria. This water right is issued subject to Washington Department of Fish and Wildlife Hydraulic Project Approval.

If it can be shown that this change approval has a detrimental effect on existing rights, it shall be the responsibility of the operator to mitigate for this impact and/or alter or cease diversion of water.
Issuance of this water right may be subject to implementation of the minimum requirements established by the Conservation Planning Requirements, Guidelines and Requirements for Public Water Systems Regarding Water Use Reporting, Demand Forecasting Methodology, and Conservation Programs, July 1994, and as revised.

Nothing in this change approval shall be construed as excusing the PUD from compliance with any applicable federal, state or local statutes, ordinances, or regulations. Specifically the Department of Health has regulations that may require permitting for the proposed activity.

Nothing in this approval shall be construed as an official confirmation of the perfection of S1-00737C. Official confirmation of the true extent of the right can only occur as result of a general water rights adjudication through Superior Court. The findings presented in this report shall be considered a "tentative determination."

The applicant is advised that a Superseding Certificate will issue for only that quantity of water that has been diverted and applied to actual beneficial use. Such quantity applied to actual beneficial use under this authorization shall not exceed the quantity specified in this report of exam and will be calculated on the basis of the best information available to Ecology.

A Superseding Certificate will not be issued until a final investigation is made.

CONCLUSIONS

In accordance with chapter 90.03 RCW, I conclude that Surface Water Certificate S1-00737C is in good standing and is eligible for change. I have determined that water is available at the additional point of diversion and will be diverted from the same source of public water as at the original point of diversion. The additional point of diversion and the change in place of use will not enlarge the existing right and the water use will be beneficial. Approval of the change request will not cause impairment of existing rights or be detrimental to the public interest. Based on these conclusions, this change request should be approved subject to existing rights and the above-indicated provisions.

REPORT BY       DATED March 12, 2001
State of Washington
Application for a Water Right
Please follow the attached instructions to avoid unnecessary delays.

Section 1. APPLICANT - PERSON, ORGANIZATION, OR WATER SYSTEM

Name: Public Utility District No. 1 of Skagit County
Home Tel: ( )
Mailing Address: P.O. Box 1436
Work Tel: (360) 424-7104
City: Mount Vernon
Home Tel: ( )
State: WA Zip+4: 98273 – 1436 Fax: (360) 424-8764

Section 2. CONTACT - PERSON TO CALL ABOUT THE APPLICATION
Same as above, except

Name: Greg Paterka or Brad Spangler
Home Tel: ( )
Mailing Address:
Work Tel: ( )
City: State: Zip+4: Fax: (360) 416-0352

Relationship to applicant: Staff

Section 3. STATEMENT OF INTENT

The applicant requests a permit to use not more than 16.06 gallons per minute or 0 cubic feet per second) from a surface water source or ground water source (check only one) for the purpose(s) of municipal supply. ATTACH A "LEGAL" DESCRIPTION OF THE PLACE OF USE. (See instructions) NOTE: A tax parcel number or a plat number is not sufficient.

Estimate a maximum annual quantity to be used in acre-feet per year. See comments on last page.

☐ Check if the water use is proposed for a short-term project. Indicate the period of time that the water will be needed:

From ___/___/___ to ___/___/___

Section 4. WATER SOURCE

<table>
<thead>
<tr>
<th>If SURFACE WATER</th>
<th>If GROUNDWATER</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name the water source and indicate if stream, spring,</td>
<td>A permit is desired for _______ well(s).</td>
</tr>
<tr>
<td>lake, etc. If unnamed, write &quot;unnamed spring,&quot; &quot;unnamed</td>
<td></td>
</tr>
<tr>
<td>stream,&quot; etc.: Mundt Creek</td>
<td></td>
</tr>
<tr>
<td>Number of diversions:</td>
<td></td>
</tr>
</tbody>
</table>
| Source flows into (name of body of water): | Size & depth of well(s):
| East Fork Nooksack-Cham's Creek |

LOCATION

Enter the north-south and east-west distances in feet from the point of diversion or withdrawal to the nearest section corner:

1000 feet south and 850 feet east from the NW corner of Sec. 16

<table>
<thead>
<tr>
<th>% of Lot</th>
<th>% of Block</th>
<th>Township</th>
<th>Range(EW)</th>
<th>County</th>
</tr>
</thead>
<tbody>
<tr>
<td>NW</td>
<td>NW</td>
<td>16</td>
<td>34N</td>
<td>5E</td>
</tr>
<tr>
<td>29</td>
<td>20</td>
<td>35N</td>
<td>5E</td>
<td>Skagit</td>
</tr>
</tbody>
</table>

For Ecology Use: Date Received: 10-22-97 Priority Date: 10-22-97
SEPA: Exempt/Not Exempt: FERC License #: Dept. Of Health #: Date Accepted As Complete: 11-4-97 By __________ Date Returned: By __________

ECY 040-1-14
Rev. 9/95 F

APPLICATION

Appl. No.: 51-27861
Section 5. GENERAL WATER SYSTEM INFORMATION

A. Name of system, if named: _Mundt Collector_

B. Briefly describe your proposed water system. (See instructions.)
_Mundt Collector (cap. 26.56 cfs) pipeline provides water to Auld's South Collector and thence to Judy Reservoir._

SEE ATTACHED WATER SYSTEM PLAN.

C. Do you already have any water rights or claims associated with this property or system? ☒ YES ☐ NO PROVIDE DOCUMENTATION. Surface Water Certificate No. 26 and 51-007 376

Section 6. DOMESTIC / PUBLIC WATER SUPPLY SYSTEM INFORMATION
(Completed for all domestic/public supply uses.)

A. Number of "connections" requested: __________ Type of connection (Homes, Apartment, Recreational, etc.)

B. Are you within the area of an approved water system? ☒ YES ☐ NO
   If yes, explain why you are unable to connect to the system. Note: Regional water systems are identified by your County Health Department.

Complete C. and D. only if the proposed water system will have fifteen or more connections.

C. Do you have a current water system plan approved by the Washington State Department of Health? ☒ YES ☐ NO
   If yes, when was it approved? 10-5-95 Please attach the current approved version of your plan.

D. Do you have an approved conservation plan? ☒ YES ☐ NO
   If yes, when was it approved? 10-5-95 Please attach the current approved version of your plan.

Section 7. IRRIGATION/AGRICULTURAL/FARM INFORMATION
(Complete for all irrigation and agriculture uses.)

A. Total number of acres to be irrigated: __________

B. List total number of acres for other specified agricultural uses:

   Use: ___________________ Acres _____________________
   Use: ___________________ Acres _____________________
   Use: ___________________ Acres _____________________

C. Total number of acres to be covered by this application: __________

D. Family Farm Act (Initiative Measure Number 59, November 3, 1977)
   Add up the acreage in which you have a controlling interest, including only:
   2 Acreage irrigated under water rights acquired after December 8, 1977;
   2 Acreage proposed to be irrigated under this application;
   2 Acreage proposed to be irrigated under other pending application(s).

   1. Is the combined acreage greater than 2000 acres? ☐ YES ☒ NO

   2. Do you have a controlling interest in a Family Farm Development Permit? ☐ YES ☒ NO
      If yes, enter permit no: ________

E. Farm uses:
   Stockwater - Total # of animals __________ Animal type __________ (If dairy cattle, see below)
   Dairy - # Milking __________ # Non-milking __________
Section 8. WATER STORAGE

Will you be using a dam, dike, or other structure to retain or store water? ☒ YES ☐ NO

NOTE: If you will be storing 10 acre-feet or more of water and/or if the water depth will be 10 feet or more at the deepest point, and some portion of the storage will be above grade, you must also apply for a reservoir permit. You can get a reservoir permit application from the Department of Ecology.

Section 9. DRIVING DIRECTIONS

Provide detailed driving instructions to the project site.
SE 9 south of Sauvie’s Island to Clear Lake. East on Old Day Creek Road, north (left) at SECOND Morford Rd, past water storage tanks (on right) to Judy Reservoir Water Treatment Plant (on left). WTP staff can direct you further.

Section 10. REQUIRED MAP

A. Attach a map of the project. (See instructions.)

Please see map identified as Figure 1.

Section 11. PROPERTY OWNERSHIP

A. Does the applicant own the land on which the water will be used? ☒ YES ☐ NO
   If no, explain the applicant's interest in the place of use and provide the name(s) and address(es) of the owner(s):

   Public Water Supplier

B. Does the applicant own the land on which the water source is located? ☒ YES ☐ NO
   If no, submit a copy of agreement:

I certify that the information above is true and accurate to the best of my knowledge. I understand that in order to process my application, I grant staff from the Department of Ecology access to the site for inspection and monitoring purposes. Even though I may have been assisted in the preparation of the above application by the employees of the Department of Ecology, all responsibility for the accuracy of the information rests with me.

[Signature]
Applicant (or authorized representative)  PE  20 OCT 97

[Signature]
Landowner for place of use (if same as applicant, write “same”)  Date

APPLICATION
Use this page to continue your answers to any questions on the application. Please indicate section number before answer.

3. In compliance with the Memorandum of Agreement Regarding Utilization of Skagit River Basin Water Resources, rights issued under this application will be subject to both Cultus Mountain and lower Skagit River Instream Flows (which have not yet been established). Therefore, a realistic estimate of annual use cannot be made - whenever available, the water will normally be used.

<table>
<thead>
<tr>
<th>We are returning your application for the following reason(s):</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Examination fee was not enclosed</td>
<td>APPLICANT PLEASE RETURN TO CASHIER, PO BOX 3128, LACEY, WA 98509-3128</td>
</tr>
<tr>
<td>Section number(s) is/are incomplete</td>
<td>APPLICANT PLEASE RETURN TO THE APPROPRIATE REGIONAL OFFICE</td>
</tr>
</tbody>
</table>

Explanation:

Please provide the additional information requested above and return your application by _______ (date).

Ecology staff ___________________________ Date ____________

To receive this document in alternative format, contact Lisa Newman at (360) 407-6604 (Voice) or (360) 407-6006 (TDD).
Place of Use

Areas served by the Public Utility District No. 1 of Skagit County and the City of Anacortes as indicated in the Skagit County Coordinated Water System Plan Designated Water Service Areas map dated September 1992, revised September 1, 1996.
Skagit River Pumping Plant location has not been specifically identified yet, but will be on reach within W 1/2, 3 3/4 of Sec 29 and E 1/2 3 1/2 of Sec 30 T35N, R5E.
TURNER CREEK WATER RIGHTS
STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

REPORT OF EXAMINATION FOR CHANGE OF WATER RIGHT CLAIM
TO APPROPRIATE PUBLIC WATERS OF THE STATE OF WASHINGTON

- Surface Water (Issued in accordance with the provisions of Chapter 377, 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 90, Laws of Washington for 1943, and amendments thereto, and the rules and regulations of the Department of Ecology)

<table>
<thead>
<tr>
<th>PROPERTY DATE</th>
<th>WATER RIGHT CLAIM NUMBER</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prior to 1917</td>
<td>009333</td>
</tr>
</tbody>
</table>

NAME
Public Utility District No. 1 of Skagit County

ADDRESS (STREET) | CITY | STATE | ZIP CODE |
------------------|------|-------|----------|
P.O. Box 1436    | Mount Vernon | Washington | 98273 |

PUBLIC WATERS TO BE APPROPRIATED
Turner Creek or the Skagit River

<table>
<thead>
<tr>
<th>QUANTITY, TYPE OF USE, TENOR OF USE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Municipal supply — Year round</td>
</tr>
</tbody>
</table>

Diversion from Turner Creek is subject to the Cultus Mountain Instream Flows as established in chapter 173-503 WAC.

LOCATION OF DIVERSION/Withdrawal

- Turner Creek diversion:
  SW¼ NW¼ of Section 5, Township 34N, Range 5E, W.M. (460 feet north and 63 feet east of the NE¼ corner of Section 9)

- Skagit River diversion:
  Within the SW¼ of Section 29 and/or the SE¼ of Section 30, Township 35N, Range 5E, W.M.

RECORDED PLATTED PROPERTY

LEGEND

Areas served by the Public Utility District No. 1 of Skagit County and the City of Anacortes, as indicated in the Skagit County Coordinated Water System Plan Designated Waters Service Areas map dated September 1992, revised September 1, 1996 (A service area map is on the last page of this report).
DESCRIPTION OF PROPOSED WORKS

Turner Creek intake and pipeline collection system, a Skagit River intake and pumping plant, storage in Judy Reservoir and an area-wide distribution system

DEVELOPMENT SCHEDULE

BEGIN PROJECT BY THIS DATE: June 30, 2002
COMPLETE PROJECT BY THIS DATE: June 30, 2004
WATER PUT TO FULL USE BY THIS DATE: December 23, 2046

REPORT

INTRODUCTION

Skagit River Watershed:

The Skagit River originates in the mountains of Manning Provincial Park in British Columbia, Canada. Gorge Dam, Diablo Dam and Ross Dam impound the Skagit River on the United States side of the border. The river flows through an eagle nesting area and past the towns of Sedro-Woolley, Burlington and Mount Vernon before forming a delta and entering Skaggy Bay. The Skagit is the largest watershed in the Puget Sound Basin. The Skagit River Watershed has numerous runs of Pacific Ocean salmon. Present management of salmon is under the jurisdiction of the state of Washington and the consolidated Skagit Tribes. The three Skagit Tribes include the Swinomish, Upper Skagit and San Juan.

Public Utility District No. 1 of Skagit County:

Public Utility District (PUD) No. 1 of Skagit County is a municipal corporation of the State of Washington, established as a result of the general election of November 3, 1936, for the purpose of conserving the water and power resources of the State of Washington. The PUD is authorized to acquire, construct and operate water systems within and without the county boundaries and to furnish water service to the inhabitants of the district and other persons. Pursuant to such authority, the PUD acquired and now operates water utility properties serving the cities of Mount Vernon, Burlington, Sedro-Woolley, the communities of Cedar Grove, Clear Lake, Conway, Dewey, Rockport and Similk Beach and the rural and suburban areas adjacent to those areas. The PUD presently serves more than 17,000 water services and requests for waterline extensions and additional services are being received regularly.

Of the 150 public water systems in Skagit County, the PUD’s Judy Reservoir system ranks as the most important by virtue of the large number of customers served and its role as the Countywide Satellite System Management Agency. Only the City of Anacortes’ system produces more water, wholesaling much of it to local industries and municipalities. The balance of the public water systems obtain supplies from individual sources and/or by purchasing from one of these two major systems.

In 1939, the PUD bought three water systems serving Burlington, Mount Vernon and Sedro-Woolley from the Peoples’ Water & Gas Company, forming the basis for the PUD’s present system. The sources for the original system were the southern Cultus Mountain streams and the Skagit River. The system included over 50 miles of water mains, four million gallons of storage and over 3,000 water service connections. The Cultus Mountain streams are the PUD’s principle source of supply and the system has grown through other acquisitions, improvements and outside development to over 450 miles of pipeline and over 22 million gallons of storage. The PUD also owns and operates one water system on Fidalgo Island, one water system just east of Mount Vernon, and two water systems farther east along the Skagit River.

The population of Skagit County was 79,555 as of the 1990 U.S. Census. The PUD then served approximately 45,390 people (57 percent of the County population) through 15,944 services. Population projections used for the Coordinated Water System Plan and County City Comprehensive Plans indicate Skagit County will grow to a total of 137,597 by 2014. PUD services are projected to number over 29,100 by 2014.

History of Development of the PUD Water Systems:

Although organized early in 1937, the PUD did not actually engage in the utility business until November 4, 1939, when it purchased by friendly condemnation, the water systems in the Cities of Mount Vernon, Burlington and Sedro-Woolley from the Peoples’ Water and Gas Company. The water systems totaled 3,134 water services, 51.5 miles of pipelines, 3,940,000 gallons of distribution storage, 1.75 million gallons per day in treatment facilities, and diversions on the Skagit River, local springs, and five creeks in the Cultus Mountains (East Fork Hoakaduma, Rock Springs, Figeon, Munait and Turner Creeks). On March 7, 1940, the PUD purchased the Clear Lake Water Corporation comprised of 180 water services, 11.5 miles of pipeline, 500,000 gallons of distribution storage, and diversions on three Cultus Mountain streams (Gilligan, Salmon and Turner Creeks). On July 1, 1940, the PUD purchased 1.8 miles of water line from the Avon Mutual Water System. In 1940, the PUD commenced to integrate the entire system by laying a wood stave transmission line from Sedro-Woolley to Burlington and Mount Vernon, this line was completed that same year through support of the Works Progress Administration. The further development of the PUD’s Judy Reservoir, Fidalgo Island and remote systems is chronicles as follows:

- 1947: Completed construction of impoundment dams in Janicki Basin, forming Judy Reservoir, capacity 450 million gallons, spillway at 435’ AMSL.
- 1954: Completed construction of a new Ranney well next to the Skagit River in northwest Mount Vernon.
- 1956: Acquired/constructed the PUD’s Fidalgo Island water system at Similk Beach through Local Utility District (LUD) No. 2.
- 1958: Replaced Gilligan and Salmon Creek diversions/pipelines to increase supply to Judy Reservoir.
- 1960: Expanded Judy Reservoir system to Bayview through LUD No. 4.
- 1961: Expanded Fidalgo Island system to the Gibraltar and Dewey Beach areas through LUD No. 5.
- 1962: Acquired the Conway Water Company and connected it to the Judy Reservoir System.
- 1965: Raised Judy Reservoir from elevation 435’ above mean sea level (AMSL) to 451’ AMSL, increasing its impoundment capacity from 450 million gallons to 1,010 million gallons.
- 1967: Completed the transmission line loop with the installation of concrete cylinder pipe between Burlington and Mount Vernon.
- 1970: Replaced the wood stave transmission line between Judy Reservoir and the Sedro-Woolley river crossing with concrete cylinder pipe.
- 1977: Installed a concrete cylinder pipe transmission line parallel to the wood stave distribution line between Sedro-Woolley and Burlington.

REPORT OF EXAMINATION FOR CHANGE

WATER RIGHT CLAIM NO. 809333
Report Continued

1984 Transferred service from the wood stove line to the transmission line between Burlington and SETRO-Woolley.
1990 Completed and put on line the PUD's multi-media direct filtration water treatment plant at Judy Reservoir to serve the Judy Reservoir system.
1991 Acquired the remote public water system at Rockport through LUD No. 11.
1991 Extended the Judy Reservoir system toward Big Lake along Gunderson Road through LUD No. 12.
1992 Acquired the remote public water system at Cedarcove On The Slagkit through LUD No. 10.
1993 Extended the Judy Reservoir system around Big Lake through LUD No. 16 and to Lake 16 through LUD No. 17.
1993 Began expansion of Judy Reservoir to elevation 465' AMSL, increasing impoundment capacity to 1,460 million gallons.

Water Rights on Record for the PUD:

Not including water rights held for satellite management systems, the PUD has seven water right claims, five surface water certificates (SWC), two ground water permits (GWP), a reservoir permit and a reservoir certificate. These rights are summarized as follows:

<table>
<thead>
<tr>
<th>Claim Number</th>
<th>Priority Date</th>
<th>Source of Appropriation</th>
<th>Instantaneous Rate &quot;Qf&quot; (cfs or gpm)</th>
<th>Annual Rate &quot;Qa&quot; (acre-feet per year)</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>009332</td>
<td>Prior to 1917</td>
<td>Salmon Creek</td>
<td>1.8 cfs</td>
<td>307</td>
<td>Change application</td>
</tr>
<tr>
<td>009333</td>
<td>Prior to 1917</td>
<td>Turner Creek</td>
<td>4.3 cfs</td>
<td>2,300</td>
<td>Subject of this report</td>
</tr>
<tr>
<td>009334</td>
<td>Prior to 1917</td>
<td>Rock Springs Creek</td>
<td>0.2 cfs</td>
<td>407</td>
<td>Inactive</td>
</tr>
<tr>
<td>009335</td>
<td>Prior to 1917</td>
<td>Pigeon Creek</td>
<td>0.2 cfs</td>
<td>407</td>
<td>Inactive</td>
</tr>
<tr>
<td>009336</td>
<td>Prior to 1917</td>
<td>Unnamed creek</td>
<td>0.1 cfs</td>
<td>201</td>
<td>Inactive</td>
</tr>
<tr>
<td>009337</td>
<td>Prior to 1917</td>
<td>Cold Springs</td>
<td>0.2 cfs</td>
<td>407</td>
<td>Inactive</td>
</tr>
<tr>
<td>009338</td>
<td>Prior to 1917</td>
<td>East Nooachamps</td>
<td>1.1 cfs</td>
<td>1,107</td>
<td>Inactive</td>
</tr>
<tr>
<td>SWC 26</td>
<td>September 28, 1917</td>
<td>Mound Creek</td>
<td>2.5 cfs</td>
<td>Not listed</td>
<td>Change application</td>
</tr>
<tr>
<td>SWC 41</td>
<td>October 10, 1929</td>
<td>Gilligan Creek</td>
<td>1.5 cfs</td>
<td>Not listed</td>
<td>Change application</td>
</tr>
<tr>
<td>SI-00724C</td>
<td>October 30, 1963</td>
<td>Gilligan Creek</td>
<td>8.89 cfs</td>
<td>Supplemental Qa</td>
<td>Change application</td>
</tr>
<tr>
<td>SI-00737C</td>
<td>October 30, 1963</td>
<td>Mound Creek</td>
<td>8.0 cfs</td>
<td>Supplemental Qa</td>
<td>Change application</td>
</tr>
<tr>
<td>SI-00739C</td>
<td>October 30, 1963</td>
<td>Turner Creek</td>
<td>5.2 cfs</td>
<td>Supplemental Qa</td>
<td>Change application</td>
</tr>
<tr>
<td>GWP 291</td>
<td>March 26, 1953</td>
<td>SETRO-Woolley well</td>
<td>906 gpm</td>
<td>1,440</td>
<td>Change application</td>
</tr>
<tr>
<td>GWP 3350</td>
<td>May 12, 1954</td>
<td>Ramsey Well</td>
<td>4,000 gpm</td>
<td>6,000</td>
<td>Change application</td>
</tr>
<tr>
<td>Reservoir 8738</td>
<td>January 16, 1946</td>
<td>Culus Streams</td>
<td>Not Applicable</td>
<td>1,500</td>
<td>Judy Reservoir</td>
</tr>
<tr>
<td>R 293 (permit)</td>
<td>April 24, 1963</td>
<td>Culus Streams</td>
<td>Not Applicable</td>
<td>4,250</td>
<td>Judy Reservoir</td>
</tr>
</tbody>
</table>

Memorandum of Agreement:

In 1996, representatives from the PUD, the City of Anacortes, Skagit County, the Upper Skagit Indian Tribe, the Swinomish Indian Tribal Community, the Sauk-Salish Indian Tribe, the Department of Ecology and the Department of Fish and Wildlife signed the "Memorandum of Agreement (MOA) Regarding Utilization of Skagit River Basin Water Resources for Instream and Out Of Stream Purposes." By signing the MOA (a fifty-year commitment) each party agreed to the following:

- To develop a comprehensive watershed management plan for the Skagit River Basin designed to meet both instream and out of stream objectives,
- To reach agreement prior to expanding service areas beyond those identified in the Coordinated Water System Plan, and
- To participate in establishing minimum instream flow levels for the Skagit River and the Culus Mountain tributaries.

The Department of Ecology specifically agreed to the following:

- To process the PUD and City of Anacortes applications for change identified in the MOA. The changes may or may not be subject to the Skagit instream and/or the Culus Mountain instream and out of stream flows (as identified in the MOA).
- Ecology will promulgate an administrative rule (chapter 173-503 WAC) establishing minimum instream flows, and
- Ecology agreed to hold water right applications until the final adoption of the rule.

BACKGROUND

This report of examination addresses one of seven applications for change submitted to modify the PUD's Culus Mountain water rights. These seven applications for change were submitted to add a Skagit River point of diversion and to change the place of use description to reflect the PUD's current service area.

The Culus Mountain streams currently utilized by the PUD are Salmon Creek, Gilligan Creek, Turner Creek and Mound Creek. Approval of this application for change will reduce or eliminate the impact on fish caused by the diversion of water from Turner Creek. This will be accomplished by adding an alternate point of diversion on the Skagit River and by subjecting the PUD's Turner Creek diversions to minimum instream flows (not a previous requirement). When Turner Creek is flowing above minimum flow levels, the PUD will instead divert water from the Skagit River and pump it up to Judy Reservoir.

The additional point of diversion is to be located on the south shoreline of the Skagit River, downstream of the PUD's existing pipelines. The new point of diversion will be downstream of the reach of the Skagit River designated as Wild and Scenic. A new diversion structure and pumping plant proposed for this location will have a capacity of 5.59 cfs. Water will be pumped through a new pipeline of this capacity to Judy Reservoir for storage and eventual transfer through the existing distribution system.

Attributes of the Claim:

Claimant: Public Utility District No. 1 of Skagit County
Claim Number: 009333
Filing Date: March 17, 1972
Date of First Water Use: Prior to 1917
Claimed Instantaneous Quantity: 4.3 cubic feet per second
Claimed Annual Quantity: 2,300 acre-feet per year
Source: Turner Creek
In considering this application, my investigation included, but was not limited to, research and/or review of:

(1) The State Water Code,
(2) Existing water right documents for the PUD and predecessors,
(3) Records on other water rights in the vicinity,
(4) Topographic and local area maps,
(5) Records of site visits,
(6) Meeting notes and correspondence with Bradley Spangler and Robert Powell (PUD employees),
(7) Meeting notes and correspondence with Jerry Louthaim (Economic and Engineering Services, Inc.),
(8) An “Affidavit of Beneficial Use” signed by Robert Powell attesting to the use and perfection of the subject claim,
(9) The 1996 report titled “Water Right Analysis for Public Utility District No. 1 of Skagit County” (EES),
(10) The 1994 PUD Water System Plan,
(11) The 2000 “Skagit County Coordinated Water System Plan Regional Supplement” (EES),
(12) The 1997 PUD Environmental Checklist and Determination of Non-Significance, and
(13) Numerous file notes and records.

State Water Code:

WAC 173-152-050 lists criteria for priority processing of competing applications. This change request satisfies subsection (1) - “An application for change or transfer to an existing water right may be processed prior to competing applications provided . . . (6) The change or transfer if approved would result in providing public water supplies to meet general needs of the public for regional areas.”

Chapter 90.14 RCW establishes the process for registering claims to pre-water code (vested) rights. Chapter 90.03 RCW authorizes the appropriation of public water for beneficial use and describes the process for obtaining water rights including the process to amend or change existing rights. Changes or amendments to existing rights are specifically addressed in RCW 90.03.380.

In accordance with state law, the following criteria must be addressed during the process of evaluating this change request:

- Water must be available from the new point of diversion,
- The change must not cause detriment or injury to existing rights,
- The water use must be for a beneficial purpose,
- The change shall not allow an enhancement of the right perfected under the original claim,
- The additional point of diversion must be from the same source of water, and
- The public interest must not be impaired.

Water Availability:

Water is available from the Skagit River for the requested additional point of diversion. Upon approval of this change request, the PUD will not be able to divert water from their original point of diversion unless Turner Creek is flowing at a rate higher than the minimum instream flows established by chapter 173-503 WAC. Approval of the requested additional point of diversion will allow the PUD to instead utilize water from the Skagit River, which has a greater capacity to support this diversion.

No Detriment to Existing Rights:

There will be no detriment to existing water rights as a result of adding the additional point of diversion or by changing the place of use.

Beneficial Use:

According to RCW 90.54.020, municipal water use (for domestic, stock, industrial, commercial, irrigation, etc.) is considered a beneficial use of water.

No Enhancement of the Original Right:

The PUD registered Water Right Claim 009333 for 4.3 cubic feet per second and 2,300 acre-feet per year. The Clear Lake Water Company and the Peoples Water and Gas Company (the PUD’s predecessors) began using water from Turner Creek prior to 1917 (possibly as early as 1906). Upon takeover of the system the PUD has used the water, when available, ever since. The hydraulic capacity of this original diversion was 4.3 cfs. When the diversion works and the collector pipelines were rebuilt in 1967, the hydraulic capacity increased. The PUD then obtained Surface Water Right 31-60793C for an additional 6.2 cfs. The claim and certificate combined indicate the current instantaneous rights on Turner Creek are 10.5 cfs (4.3 + 6.2). Stream diversion records indicate the claimed annual quantity of 2,300 afy has been diverted on numerous occasions.
In consideration of the available data, Ecology has tentatively determined Claim 009333 to be a valid and perfected vested right. Official confirmation of the true extent and perfection of the claim to vested rights can only occur as result of a general water rights adjudication through Superior Court.

Claim 009333 appears to be a perfected right, therefore adding an additional point of diversion and changing the place of use description will not enhance the original right. Approval of the change request will not result in an increase of the instantaneous or annual quantity of water perfected under the original claim.

**Same Source of Water:**

Turner Creek is tributary to the Skagit River, therefore it is considered the same source of water.

**Public Interest:**

No detriment to the public interest could be identified during the investigation of this application for change. The public interest will most likely be enhanced because the PUD will no longer be able to divert water from Turner Creek during low flow periods.

**OTHER RELEVANT FINDINGS**

**State Environmental Policy Act:**

State Environmental Policy Act (SEPA) requirements have been satisfied. To address this application for change, both an Environmental Checklist and a Determination of Non-Significance were filed on October 20, 1997.

**Conservation:**

The PUD’s water conservation goal is to “provide all PUD customers with the knowledge and incentive(s) to use water wisely and eliminate wasteful water use practices.” The PUD has a public education program and a technical assistance program developed to promote conservation. The PUD monitors stream diversions, its production from Judy Reservoir and its wells, and mainline flow within the system. All source meters and mainline meters are read on the first working day of each month. The PUD also has an aggressive water accountability program.

Single family residential consumption averaged 260 gallons per service per day in 1990. Projected growth is expected to be predominantly from new home construction. Due to current building code efficiency standards (requiring low flow plumbing fixtures), the PUD expects new homes to average approximately 150 gallons per service per day.

The PUD has identified its largest water consumers to be commercial and agricultural customers with large demands for process water, stockwater and irrigation water. Many of the agricultural irrigation customers are already using drip irrigation systems to optimize water use; several of these irrigators have interratable flow contracts with the PUD, requiring them to stop consumption if their high demands are adversely impacting domestic use in their area of the distribution system. The PUD requires new large irrigation customers to submit Blaney-Criddle Water Balance calculations to the PUD for review before the new irrigation service is approved and installed.

**RECOMMENDATIONS**

I recommend the request for change to Water Right Claim 009333 be approved, subject to the provisions listed below.

**Provisions:**

- This change is conditioned upon the fulfillment of the terms of the Skagit Memorandum of Agreement (MOA), as agreed to by the signatory parties (the City of Anacortes, the PUD No. 1 of Skagit County, the Skagit System Cooperative, the Department of Fish and Wildlife, Skagit County Commissioners, and the Department of Ecology), signed December 23, 1996.

- A streamgage shall be maintained on Turner Creek at the location specified in WAC 173-503-040. Streamflow measurements shall be recorded daily and this data shall be maintained and be made available to the Department of Ecology and the Skagit Cooperative upon request.

- In accordance with the signed 1996 Memorandum of Agreement, and chapter 173-503 WAC INSTREAM RESOURCES PROTECTION PROGRAM AND WATERSHED MANAGEMENT PLAN - Lower and Upper Skagit Water Resources Inventory Areas (WRIA 1 and 4), diversion from Turner Creek shall be subject to the following minimum instream flows, as measured at the Control Station specified in WAC 173-503-040:

<table>
<thead>
<tr>
<th>Month</th>
<th>Day</th>
<th>Turner Creek</th>
</tr>
</thead>
<tbody>
<tr>
<td>January</td>
<td>1-31</td>
<td>7.9 cfs</td>
</tr>
<tr>
<td>February</td>
<td>1-29</td>
<td>5.4</td>
</tr>
<tr>
<td>March</td>
<td>1-15</td>
<td>5.4</td>
</tr>
<tr>
<td>March</td>
<td>16-31</td>
<td>5.4</td>
</tr>
<tr>
<td>April</td>
<td>1-30</td>
<td>7.9</td>
</tr>
<tr>
<td>May</td>
<td>1-31</td>
<td>7.9</td>
</tr>
<tr>
<td>June</td>
<td>1-30</td>
<td>4.9</td>
</tr>
<tr>
<td>July</td>
<td>1-31</td>
<td>4.9</td>
</tr>
<tr>
<td>August</td>
<td>1-31</td>
<td>4.9</td>
</tr>
<tr>
<td>September</td>
<td>1-30</td>
<td>4.9</td>
</tr>
<tr>
<td>October</td>
<td>1-31</td>
<td>7.9</td>
</tr>
<tr>
<td>November</td>
<td>1-30</td>
<td>7.9</td>
</tr>
<tr>
<td>December</td>
<td>1-31</td>
<td>7.9</td>
</tr>
</tbody>
</table>

No diversion of water from Turner Creek shall take place when the creek falls below minimum instream flow levels.
An approved measuring device shall be installed on each point of diversion and maintained in accordance with RCW 90.03.369 and chapter 508-64 WAC. Meter readings shall be recorded daily and the data shall be maintained and be made available to the Department of Ecology and the Skagit Cooperative upon request.

The intake shall be screened at all times in accordance with Department of Fish and Wildlife screening criteria. This water right is issued subject to Washington Department of Fish and Wildlife Hydraulic Project Approval.

If it can be shown that this change approval has a detrimental effect on existing rights, it shall be the responsibility of the operator to mitigate for this impact and/or alter or cease diversion of water.

Issuance of this water right may be subject to implementation of the minimum requirements established in the Conservation Planning Requirements, Guidelines and Requirements for Public Water Systems Regarding Water Use Reporting, Demand Forecasting Methodology, and Conservation Programs, July 1994, and as revised.

Nothing in this change approval shall be construed as excusing the PUD from compliance with any applicable federal, state or local statutes, ordinances, or regulations. Specifically the Department of Health has regulations that may require permitting for the proposed activity.

Nothing in this approval shall be construed as an official confirmation of any vested water rights represented by Water Right Claim 069333. Official confirmation of the true extent of the claim to vested rights can only occur as result of a general water rights adjudication through Superior Court. The findings presented in this report shall be considered a "tentative determination" of the existence of a vested right.

The applicant is advised that a Certificate of Change will issue for only that quantity of water that has been diverted and applied to actual beneficial use. Such quantity applied to actual beneficial use under this authorization shall not exceed the quantity specified in this report of exam and will be calculated on the basis of the best information available to Ecology.

A Certificate of Change will not be issued until a final investigation is made.

CONCLUSIONS

In accordance with chapters 90.03 and 90.14 RCW, I conclude that Water Right Claim 069333 is in good standing and is eligible for change. I have determined that water is available at the additional point of diversion and will be diverted from the same source of public water as at the original point of diversion. The additional point of diversion and the change in place of use will not enlarge the existing claim and the water use will be beneficial. Approval of the change request will not cause impairment of existing rights or be detrimental to the public interest. Based on these conclusions, this change request should be approved subject to existing rights and the above-indicated provisions.

REPORT BY Buck Smith  DATED March 12, 2001
STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

REPORT OF EXAMINATION FOR CHANGE OF WATER RIGHT CERTIFICATE
TO APPROPRIATE PUBLIC WATERS OF THE STATE OF WASHINGTON

☒ Surface Water
☐ Ground Water

PROPRIETY DATE
October 30, 1963

APPLICATION NUMBER
S-12251

PERMIT NUMBER
SI-00739P

WATER RIGHT CERTIFICATE NUMBER
SI-00739C

NAME
Public Utility District No. 1 of Skagit County

ADDRESS (STREET)
P.O. Box 1436

City
Mount Vernon

State
Washington

ZIP CODE
98273

PUBLIC WATERS TO BE APPROPRIATED

Source
Tanner Creek or the Slagit River

Type of appropriation
Municipal supply

Maximum cubic feet per second
6.2

Maximum gallons per minute
232,056

Maximum acre-feet per year
3,022*

* Issued supplemental to existing rights under certificate 8738 and reservoir permit R-293, the total instantaneous quantity diverted shall not exceed 6.2 cubic feet per second nor a maximum annual appropriation of 23,417 acre-feet per year.

LOCATION OF DIVERSION/WITHDRAWAL

Tanner Creek diversion:
SW1/4 NW1/4 of Section 1, Township 34N, Range 5E, W.M. (460 feet north and 63 feet east from the W1/4 corner of Section 9)

Slagit River diversion:
Within the SW1/4 of Section 29 and/or the SE1/4 of Section 30, Township 35N, Range 5E, W.M.

RECORDED PLATTED PROPERTY

LOT

LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED

Areas served by the Public Utility District No. 1 of Skagit County and the City of Anacortes, as indicated in the Skagit County Coordinated Water System Plan Designated Water Service Areas map dated September 1992, revised September 1, 1996 (A service area map is on the last page of this report).
DESCRIPTION OF PROPOSED WORKS

Turner Creek intake and pipeline collection system, a Skagit River intake and pumping plant, storage in Judy Reservoir and an area-wide distribution system.

DEVELOPMENT SCHEDULE

BEGIN PROJECT BY THIS DATE: June 30, 2002
COMPLETE PROJECT BY THIS DATE: June 30, 2004
WATER PUT TO FULL USE BY THIS DATE: December 23, 2046

REPORT

INTRODUCTION

Skagit River Watershed:

The Skagit River originates in the mountains of Manning Provincial Park in British Columbia, Canada. George Dam, Diablo Dam and Ross Dam impound the Skagit River on the United States side of the border. The river flows through an eagle nesting area and past the towers of Sedro-Woolley, Burlington and Mount Vernon before forming a delta and entering into Skagit Bay. The Skagit is the largest watershed in the Puget Sound Basin. The Skagit River Watershed has numerous runs of Pacific Ocean salmon. Present management of salmon is under the jurisdiction of the state of Washington and the consolidated Skagit Tribes. The three Skagit Tribes include the Swinomish, Upper Skagit and Stink/Sauk.

Public Utility District No. of Skagit County:

Public Utility District (PUD) No. 1 of Skagit County is a municipal corporation of the State of Washington, established as a result of the general election of November 3, 1936, for the purpose of conserving the water and power resources of the State of Washington. The PUD is authorized to acquire, construct and operate water systems within and without the county boundaries and to furnish water service to the inhabitants of the district and other persons. Pursuant to such authority, the PUD acquired and now operates water utility properties serving the cities of Mount Vernon, Burlington, Sedro-Woolley, the communities of Cedar Grove, Clear Lake, Conway, Dewey, Rockport and Smillik Beach and the rural and suburban areas adjacent to those areas. The PUD presently serves more than 17,000 water service requests and requests for waterline extensions and additional services are being received regularly.

Of the 150 public water systems in Skagit County, the PUD’s Judy Reservoir system ranks as the most important by virtue of the large number of customers served and its role as the Countywide Satellite System Management Agency. Only the City of Anacortes’ system produces more water, wheeling much of it to local industries and municipalities. The balance of the public water systems obtain supplies from individual sources and/or by purchasing from one of these two major systems.

In 1936, the PUD bought three water systems serving Burlington, Mount Vernon and Sedro-Woolley from the Peoples’ Water and Gas Company, forming the basis for the PUD’s present system. The sources for the original system were the southern Cultus Mountain streams and the Skagit River. The system included over 50 miles of water mains, four million gallons of storage and over 5,000 water service connections. The Cultus Mountain streams are the PUD’s principle source of supply and the system has grown through other acquisitions, improvements and outside development to over 450 miles of pipeline and over 22 million gallons of storage. The PUD also owns and operates one water system on Fidalgo Island, one water system just east of Mount Vernon, and two water systems further east along the Skagit River.

The population of Skagit County was 79,555 as of the 1990 U. S. Census. The PUD then served approximately 45,390 people (57 percent of the County population) through 15,044 services. Population projections used for the Coordinated Water System Plan and County/City Comprehensive Plans indicate Skagit County will grow to a total of 137,597 by 2014. PUD services are projected to number over 29,100 by 2014.

History of Development of the PUD Water Systems:

Although organized early in 1937, the PUD did not actually engage in the utility business until November 4, 1939, when it purchased by friendly condemnation, the water systems in the Cities of Mount Vernon, Burlington and Sedro-Woolley from the Peoples Water and Gas Company. The water systems totaled 3,134 water services, 51.5 miles of pipeline, 3,940,000 gallons of distribution storage, 1.75 million gallons per day in treatment facilities, and diversions on the Skagit River, local springs, and five creeks in the Cultus Mountains (East Fork Northrup, Rock Springs, Pigeon, Mound and Turner Creeks). On March 7, 1940, the PUD purchased the Clear Lake Water Corporation comprised of 180 water services, 11.5 miles of pipeline, 300,000 gallons of distribution storage, and diversions on three Cultus Mountain streams (Gilligan, Salmon and Turner Creeks). On July 1, 1940, the PUD purchased 1.3 miles of water line from the Aver Mutual Water System. In 1949, the PUD commenced to integrate the entire system by laying a wood stave transmission line from Sedro-Woolley to Burlington and Mount Vernon, this line was completed that same year through support of the Works Progress Administration. The further development of the PUD’s Judy Reservoir, Fidalgo Island and remote systems is chronicled as follows:

1947 Completed construction of impoundment dams in Janicki Basin, forming Judy Reservoir, capacity 450 million gallons, spillway at 435’ A.M.S.L.
1954 Completed construction of a new Ranney well next to the Skagit River in northwest Mount Vernon.
1956 Acquired/constructed the PUD’s Fidalgo Island water system at Smillik Beach through Local Utility District (LUD) No. 2.
1958 Completed new overhead Skagit River pipeline crossing south of Sedro-Woolley, replacing failed 1951 submarine crossing.
1958 Replaced Gilligan and Salmon Creek diversions/pipeline to increase supply to Judy Reservoir.
1960 Expanded Judy Reservoir system to Bayview through LUD No. 4.
1961 Expanded Fidalgo Island system to the Gibraltar and Dewey Beach areas through LUD No. 5.
1961 Installed concrete cylinder pipeline transmission line connecting Judy Reservoir to Mount Vernon.
1962 Acquired the Conway Water Company and connected it to the Judy Reservoir System.
1965 Raised Judy Reservoir from elevation 433’ above mean sea level (A.M.S.L) to 451’ A.M.S.L., increasing its impoundment capacity from 450 million gallons to 1,010 million gallons.
1967 Completed the transmission line loop with the installation of concrete cylinder pipe between Burlington and Mount Vernon.
1970 Replaced the wood stave transmission line between Judy Reservoir and the Sedro-Woolley river crossing with concrete cylinder pipe.
1977 Installed a concrete cylinder pipe transmission line parallel to the wood stave distribution line between Sedro-Woolley and Burlington.
Report Continued

1964 Transferred service from the wood Slave line to the transmission line between Burlington and Sedro-Woolley.
1990 Completed and put on line the PUD's multi-media direct filtration water treatment plant at Judy Reservoir to serve the Judy Reservoir system.
1991 Acquired the remote public water system at Rockport through LUD No. 11.
1991 Extended the Judy Reservoir system toward Big Lake along Gunderson Road through LUD No. 12.
1992 Acquired the remote public water system at Cedarsgrove On The Slagit through LUD No. 16.
1993 Extended the Judy Reservoir system around Big Lake through LUD No. 16 and to Lake 16 through LUD No. 17.
1999 Begun expansion of Judy Reservoir to elevation 465' AMSL, increasing impoundment capacity to 1.460 million gallons.

Water Rights on Record for the PUD:

Not including water rights held for satellite management systems, the PUD has seven water right claims, five surface water certificates (SWC), two ground water permits (GWP), a reservoir permit and a reservoir certificate. These rights are summarized as follows:

<table>
<thead>
<tr>
<th>Document Number</th>
<th>Priority Date</th>
<th>Source of Appropriation</th>
<th>Instantaneous Rate “Q” (cfs or gpm)</th>
<th>Annual Rate “Q” (acre-feet per year)</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Claim 009332</td>
<td>Prior to 1917</td>
<td>Salmon Creek</td>
<td>1.8 cfs</td>
<td>307</td>
<td>Change application</td>
</tr>
<tr>
<td>Claim 009333</td>
<td>Prior to 1917</td>
<td>Tucker Creek</td>
<td>4.3 cfs</td>
<td>2300</td>
<td>Change application</td>
</tr>
<tr>
<td>Claim 009334</td>
<td>Prior to 1917</td>
<td>Rock Springs Creek</td>
<td>0.2 cfs</td>
<td>407</td>
<td>Inactive</td>
</tr>
<tr>
<td>Claim 009335</td>
<td>Prior to 1917</td>
<td>Pigeon Creek</td>
<td>0.2 cfs</td>
<td>407</td>
<td>Inactive</td>
</tr>
<tr>
<td>Claim 009336</td>
<td>Prior to 1917</td>
<td>Unnamed creek</td>
<td>0.1 cfs</td>
<td>207</td>
<td>Inactive</td>
</tr>
<tr>
<td>Claim 009337</td>
<td>Prior to 1917</td>
<td>Cold Springs</td>
<td>0.2 cfs</td>
<td>407</td>
<td>Inactive</td>
</tr>
<tr>
<td>Claim 009338</td>
<td>Prior to 1917</td>
<td>East Nookachamps</td>
<td>1.1 cfs</td>
<td>110</td>
<td>Inactive</td>
</tr>
<tr>
<td>SWC-26</td>
<td>September 28, 1917</td>
<td>Mundie Creek</td>
<td>2.5 cfs</td>
<td>Not listed</td>
<td>Change application</td>
</tr>
<tr>
<td>SWC-411</td>
<td>October 10, 1929</td>
<td>Gilligan Creek</td>
<td>1.5 cfs</td>
<td>Not listed</td>
<td>Change application</td>
</tr>
<tr>
<td>S1-00724C</td>
<td>October 30, 1963</td>
<td>Gilligan Creek</td>
<td>0.89 cfs</td>
<td>Supplemental Qa</td>
<td>Change application</td>
</tr>
<tr>
<td>S1-00734C</td>
<td>October 30, 1963</td>
<td>Mundie Creek</td>
<td>0.8 cfs</td>
<td>Supplemental Qa</td>
<td>Change application</td>
</tr>
<tr>
<td>S1-00719C</td>
<td>October 30, 1963</td>
<td>Turner Creek</td>
<td>0.2 cfs</td>
<td>Supplemental Qa</td>
<td>Subject of this report</td>
</tr>
<tr>
<td>GWP-2911</td>
<td>March 26, 1953</td>
<td>Sedro-Woolley well</td>
<td>906 gpm</td>
<td>1440</td>
<td>Change application</td>
</tr>
<tr>
<td>GWP-3350</td>
<td>May 12, 1954</td>
<td>Ramsey Well</td>
<td>4,000 gpm</td>
<td>6,400</td>
<td>Change application</td>
</tr>
<tr>
<td>Reservoir 8738</td>
<td>January 16, 1966</td>
<td>Culbus Streams</td>
<td>Not Applicable</td>
<td>1500</td>
<td>Judy Reservoir</td>
</tr>
<tr>
<td>R-293 (permit)</td>
<td>April 24, 1963</td>
<td>Culbus Streams</td>
<td>Not Applicable</td>
<td>4250</td>
<td>Judy Reservoir</td>
</tr>
</tbody>
</table>

Memorandum of Agreement:

In 1996, representatives from the PUD, the City of Anacortes, Skagit County, the Upper Skagit Indian Tribe, the Swinomish Indian Tribal Community, the Bank-Suitable Indian Tribe, the Department of Ecology and the Department of Fish and Wildlife signed the "Memorandum of Agreement (MOA) Regarding Utilization of Skagit River Basin Water Resources for Instream and Out Of Stream Purposes." By signing the MOA (a fifty-year commitment) each party agreed to the following:

- To develop a comprehensive watershed management plan for the Skagit River Basin designed to meet both instream and out of stream objectives.
- To reach agreement prior to expanding service areas beyond those identified in the Coordinated Water System Plan, and
- To participate in establishing minimum instream flow levels for the Skagit River and the Culbus Mountain tributaries.

The Department of Ecology specifically agreed to the following:

- To process the PUD and City of Anacortes applications for change identified in the MOA. The changes may or may not be subject to the Skagit instream flows and/or the Culbus Mountain instream flows (as identified in the MOA).
- Ecology will promulgate an administrative rule (chapter 171-503 WAC) establishing minimum instream flows, and
- Ecology agreed to hold water right applications until the final adoption of the rule.

BACKGROUND

This report of examination addresses one of seven applications for change submitted to modify the PUD's Culbus Mountain water rights. These seven applications for change were submitted to add a Skagit River point of diversion and to change the place of use description to reflect the PUD's current service area.

The Culbus Mountain streams currently utilized by the PUD are Salmon Creek, Gilligan Creek, Turner Creek and Mundie Creek. Approval of this application for change will reduce or eliminate the impact on fish caused by the diversion of water from Turner Creek. This will be accomplished by adding an alternate point of diversion on the Skagit River and by subjecting the PUD's Turner Creek divertions to minimum instream flows (not a previous requirement). When Turner Creek is not flowing above minimum flow levels, the PUD will instead divert water from the Skagit River and pump it up to Judy Reservoir.

The additional point of diversion is to be located on the south shoreline of the Skagit River, downstream of the PUD’s existing pipeline. This new point of diversion will be downstream of the reach of the Skagit River designated as Wild and Scenic. A new diversion structure and pumping plant proposed for this location will have a capacity of 55.39 cfs. Water will be pumped through a new pipeline of this capacity to Judy Reservoir for storage and eventual transfer through the existing distribution system.

Attributes of the Certificate:

Name on Certificate: Public Utility District No. 1 of Skagit County
Priority Date: October 30, 1963
Instantaneous Quantity: 6.2 cubic feet per second
Annual Quantity: 3,022 acre-feet per year (supplemental)
Source: Turner Creek
Point of Diversion: SW1/4 NW1/4 of Section 9, Township 34 North, Range 5 East
Period of Use: When available
Purpose of Use: Municipal supply
Place of Use: Area served by P.U.D. No. 1 of Skagit County
REPORT OF EXAMINATION FOR CHANGE 3 CERTIFICATE NO. S1-00739C
INVESTIGATION

In considering this application, my investigation included, but was not limited to, research and/or review of:

1. The State Water Code;
2. Existing water right documents for the PUD and predecessors;
3. Records on other water rights in the vicinity;
4. Topographic and local area maps;
5. Records of site visits;
6. Meeting notes and correspondence with Bradley Spangler and Robert Powell (PUD employees);
7. Meeting notes and correspondence with Jerry Louhiah (Economic and Engineering Services, Inc.);
8. An “Affidavit of Beneficial Use” signed by Robert Powell attesting to the use and perfection of the subject certificate;
9. The 1996 report titled “Water Right Analysis for Public Utility District No. 1 of Skagit County” (EES);
10. The 1994 PUD Water System Plan;
11. The 2000 “Skagit County Coordinated Water System Plan Regional Supplement” (EES);
12. The 1997 PUD Environmental Checklist and Determination of Non-Significance, and
13. Numerous file notes and records.

State Water Code:

WAC 173-182-160 lists criteria for priority processing of competing applications. This change request satisfies subchapter (3) - “An application for change or transfer to an existing water right may be processed prior to competing applications provided . . . (3) The change or transfer if approved would result in providing public water supplies to meet general needs of the public for regional areas.”

Chapter 90.03 RCW authorizes the appropriation of public water for beneficial use and describes the process for obtaining water rights including the process to amend or change existing rights. Changes or amendments to existing rights are specifically addressed in RCW 90.03.380.

In accordance with state law, the following criteria must be addressed during the process of evaluating this change request:

- Water must be available from the new point of diversion;
- The change must not cause detriment or injury to existing rights;
- The water use must be for a beneficial purpose;
- The change shall not allow an enhancement of the original right;
- The additional point of diversion must be from the same source of water, and
- The public interest must not be impaired.

Water Availability:

Water is available from the Skagit River for the requested additional point of diversion. Upon approval of this change request, the PUD will no longer divert water from their original point of diversion unless Turner Creek is flowing at a rate higher than the minimum instream flows established by chapter 173-503 WAC. Approval of the requested additional point of diversion will allow the PUD to instead utilize water from the Skagit River, which has a greater capacity to support this diversion.

No Detriment to Existing Rights:

There will be no detriment to existing water rights as a result of adding the additional point of diversion or by changing the place of use.

Beneficial Use:

According to RCW 90.54.020, municipal water use (for domestic, stock, industrial, commercial, irrigation, etc.) is considered a beneficial use of water.

No Enhancement of the Original Right:

This water right issued for 6.2 cubic feet per second (cfs) and a supplemental annual quantity of 3,022 acre-feet per year.

A hydraulic analysis of all the diversions for the Cultus Mountain Water Supply System was performed in 1996. The results of the hydraulic analysis indicate that the Turner Creek Diversion System is capable of conveying the full certified instantaneous quantity of 6.2 cfs, plus the 4.3 cfs diverted under Water Right Claim 005333.

The PUD has maintained records of the annual stream diversions for all of the Cultus Mountain Water Supply System since 1954. These records show that water has been diverted on an annual basis from Turner Creek and that the 3,022 acre-feet per year authorized under this water right has been perfected.

In accordance with the above information, S1-00739C has been perfected and approval of this change request will not create an enhancement of the original right.
Report Continued

Safe Source of Water:

Turner Creek is tributary to the Skagit River, therefore it is considered the same source of water.

Public Interest:

No detrence to the public interest could be identified during the investigation of this application for change. The public interest will most likely be enhanced because the PUD will no longer be able to divert water from Turner Creek during low flow periods.

OTHER RELEVANT FINDINGS

State Environmental Policy Act:

State Environmental Policy Act (SEPA) requirements have been satisfied. To address this application for change, both an Environmental Checklist and a Determination of Non-Significance were filed on October 28, 1997.

Conservation:

The PUD's water conservation goal is to "provide all PUD customers with the knowledge and incentive(s) to use water wisely and eliminate wasteful water use practices." The PUD has a public education program and a technical assistance program developed to promote conservation. The PUD meters its stream diversions, its production from Judy Reservoir and its wells, and maintains flow within the system. All source meter and real-time meter rates are read on the first working day of each month. The PUD also has an aggressive water accountability program.

Single family residential consumption averaged 200 gallons per service per day in 1990. Projected growth is expected to be predominately from new home construction. Due to current building code efficiency standards (requiring low flow plumbing fixtures), the PUD expects new homes to average approximately 150 gallons per service per day.

The PUD has identified its largest water consumers to be commercial and agricultural customers with large demands for process water, stockwater and irrigation water. Many of the agricultural irrigation customers are already using drip irrigation systems to optimize water use; several of these irrigators have intertieable flow contracts with the PUD, requiring them to stop consumption if their demand are adversely impacting domestic use in other areas of the distribution system. The PUD requires new large irrigation customers to submit Basin-Critical Water Balance calculations to the PUD for review before the new irrigation service is approved and installed.

RECOMMENDATIONS

I recommend the request for change to S1-00739C be approved, subject to the provisions listed below.

Provisions:

This change is conditioned upon the fulfillment of the terms of the Skagit Memorandum of Agreement (MOA), as agreed to by the signatory parties (the City of Anacortes, the PUD No. 1 of Skagit County, the Skagit System Cooperative, the Department of Fish and Wildlife, Skagit County Commissioners, and the Department of Ecology), signed December 23, 1996.

A stream gage shall be maintained on Turner Creek at the location specified in WAC 173-503-040. Stream flow measurements shall be recorded daily and this data shall be maintained and made available to the Department of Ecology and the Skagit Cooperative upon request.

In accordance with the signed 1996 Memorandum of Agreement, and chapter 173-503 WAC INSTREAM RESOURCES PROTECTION PROGRAM AND WATERSHED MANAGEMENT PLAN - Lower and Upper Skagit Water Resources Inventory Areas (WRIA 3 and 4), diversion from Turner Creek shall be subject to the following minimum instream flows, as measured at the Control Station specified in WAC 173-503-040:

<table>
<thead>
<tr>
<th>Month</th>
<th>Day</th>
<th>Turner Creek</th>
</tr>
</thead>
<tbody>
<tr>
<td>January</td>
<td>1-31</td>
<td>7.9 cfs</td>
</tr>
<tr>
<td>February</td>
<td>1-29</td>
<td>5.4</td>
</tr>
<tr>
<td>March</td>
<td>1-15</td>
<td>5.4</td>
</tr>
<tr>
<td>March</td>
<td>16-31</td>
<td>5.4</td>
</tr>
<tr>
<td>April</td>
<td>1-30</td>
<td>7.9</td>
</tr>
<tr>
<td>May</td>
<td>1-31</td>
<td>7.9</td>
</tr>
<tr>
<td>June</td>
<td>1-30</td>
<td>4.9</td>
</tr>
<tr>
<td>July</td>
<td>1-31</td>
<td>4.9</td>
</tr>
<tr>
<td>August</td>
<td>1-31</td>
<td>4.9</td>
</tr>
<tr>
<td>September</td>
<td>1-30</td>
<td>4.9</td>
</tr>
<tr>
<td>October</td>
<td>1-31</td>
<td>7.9</td>
</tr>
<tr>
<td>November</td>
<td>1-30</td>
<td>7.9</td>
</tr>
<tr>
<td>December</td>
<td>1-31</td>
<td>7.9</td>
</tr>
</tbody>
</table>

No diversion of water from Turner Creek shall take place when the creek falls below minimum instream flow levels.

An approved measuring device shall be installed on each point of diversion and maintained in accordance with RCW 90.03.360 and chapter 508-64 WAC. Meter readings shall be recorded daily and this data shall be maintained and be made available to the Department of Ecology and the Skagit Cooperative upon request.

The intake shall be screened at all times in accordance with Department of Fish and Wildlife screening criteria. This water right is issued subject to Washington Department of Fish and Wildlife Hydraulic Project Approval.

If it can be shown that this change approval has a detrimental effect on existing rights, it shall be the responsibility of the operator to mitigate for this impact and/or after or cease diversion of water.
Issuance of this water right may be subject to implementation of the minimum requirements established in the Conservation Planning Requirements, Guidelines and Requirements for Public Water Systems Regarding Water Use Reporting, Demand Forecasting Methodology, and Conservation Programs, July 1994, and as revised.

Nothing in this change approval shall be construed as excusing the PUD from compliance with any applicable federal, state or local statutes, ordinances, or regulations. Specifically the Department of Health has regulations that may require permitting for the proposed activity.

Nothing in this approval shall be construed as an official confirmation of the perfection of S1-00739C. Official confirmation of the true extent of the right can only occur as result of a general water rights adjudication through Superior Court. The findings presented in this report shall be considered a "tentative determination."

The applicant is advised that a Superceding Certificate will issue for only that quantity of water that has been diverted and applied to actual beneficial use. Such quantity applied to actual beneficial use under this authorization shall not exceed the quantity specified in this report of exam and will be calculated on the basis of the best information available to Ecology.

A Superceding Certificate will not be issued until a final investigation is made.

CONCLUSIONS

In accordance with chapter 90.03 RCW, I conclude that Surface Water Certificate S1-00739C is in good standing and is eligible for change. I have determined that water is available at the additional point of diversion and will be diverted from the same source of public water as at the original point of diversion. The additional point of diversion and the change in place of use will not enlarge the existing right and the water use will be beneficial. Approval of this change request will not cause impairment of existing rights or be detrimental to the public interest. Based on these conclusions, this change request should be approved subject to existing rights and the above-indicated provisions.

REPORT BY: Buik Snow

DATED: March 17, 2001
STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PERMIT
TO APPROPRIATE PUBLIC WATERS OF THE STATE OF WASHINGTON

☒ Surface Water
☐ Ground Water

[No further information provided regarding the check boxes and the information that needs to be filled in as per the permit guidelines.]

PERMIT DATE
October 22, 1997
APPLICATION NUMBER
S1-27862
WATER NUMBER
S1-27862*
CERTIFICATE NUMBER

Name:
Public Utility District No. 1 of Skagit County

Address: PO Box 1438
Mount Vernon WA 98273

The applicant is hereby granted a permit to appropriate the following public waters of the State of Washington, subject to existing rights and to the limitations and provisions set forth below:

PUBLIC WATERS TO BE APPROPRIATED

Source:
Turner Creek and the Skagit River

Time of Year (of Surface Water):
June 6th

Maximum Acre-Feet Per Year:
6.66
Maximum Gallons Per Minute:
3,022
Maximum Acre-Feet Per Year:

Municipal supply - Year round diversion conditioned to the following:

* Maximum 55.39 cfs (55.80 mgd) diverted from the Culm Mountain Instream Flows as established in chapter 173-503 WAC. Diversion from the Skagit River is subject to the Skagit River Instream Flows as established in chapter 173-503 WAC.

** Maximum Acre-Feet per Year diverted from Turner Creek and the Skagit River under Surface Water Claims 009333, Certificate S1-00739, and S1-27862 shall not exceed 3,022 acre feet per year.

LOCATION OF DIVERSION/WITHDRAWAL

Appropriate Location of Diversion/Withdrawal:

Turner Creek diversion: SW 1/4 NW 1/4, Section 9, Township 24N, Range 5E, W.M.
Skagit River diversion: SW 1/4 SW 1/4, Section 29, Township 35N, Range 5E, W.M.

LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED

Areas served by the Public Utility District No. 1 of Skagit County and the City of Anacortes, as indicated in the Skagit County Coordinated Water System Plan Designated Water Service Areas, approved by the Washington State Department of Health.

DESCRIPTION OF PROPOSED WORKS

Turner Creek:
Water is diverted by way of a small dam, or diversion structure in Turner Creek, through pipelines, to Judy Reservoir

Skagit River:
Water is pumped from the Skagit River up to Judy Reservoir.

DEVELOPMENT SCHEDULE

[No further information provided regarding the development schedule.]
Memorandum of Agreement

This approval is conditioned upon the fulfillment of the terms of the Skagit Memorandum of Agreement (MOA), as agreed to by the signatory parties (the City of Anacortes, the PUD No. 1 of Skagit County, the Skagit System Cooperative, the Department of Fish and Wildlife, Skagit County Commissioners, and the Department of Ecology), signed December 23, 1996.

In accordance with the 1996 Memorandum of Agreement, and chapter 173-503 WAC INSTREAM RESOURCES PROTECTION PROGRAM AND WATERSHED MANAGEMENT PLAN - Lower and Upper Skagit Water Resources Inventory Areas (WRIA 3 and 4), diversions from Turner Creek and the Skagit River shall be subject to the following minimum instream flows, as measured at the Control Station specified in WAC 173-503-040:

No diversion of water from Turner Creek shall take place when the creek falls below minimum instream flow levels at river mile 4.2:

<table>
<thead>
<tr>
<th>Month</th>
<th>Flow Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>January 1 - March 31</td>
<td>7.9 cfs</td>
</tr>
<tr>
<td>April 1 - May 31</td>
<td>5.4 cfs</td>
</tr>
<tr>
<td>June 1 - September 30</td>
<td>7.9 cfs</td>
</tr>
<tr>
<td>October 1 - December 31</td>
<td>4.9 cfs</td>
</tr>
</tbody>
</table>

No diversion of water from the Skagit River shall take place when the river falls below minimum instream flow levels at USGS station 12-2005-00:

<table>
<thead>
<tr>
<th>Month</th>
<th>Flow Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>January 1 - March 31</td>
<td>10,000 cfs</td>
</tr>
<tr>
<td>April 1 - June 30</td>
<td>12,000 cfs</td>
</tr>
<tr>
<td>July 1 - September 30</td>
<td>10,000 cfs</td>
</tr>
<tr>
<td>October 1 - November 15</td>
<td>10,000 cfs</td>
</tr>
<tr>
<td>November 16 - December 15</td>
<td>13,000 cfs</td>
</tr>
<tr>
<td>December 16 - December 31</td>
<td>11,000 cfs</td>
</tr>
<tr>
<td></td>
<td>10,000 cfs</td>
</tr>
</tbody>
</table>

Stream Gage

A stream gage shall be installed and maintained at river mile 4.2 on Turner Creek as specified in WAC 173-503-040. Stream flow measurements shall be recorded daily and this data shall be maintained and be made available to the Department of Ecology and interested local tribes upon request.

Metering

An approved measuring device shall be installed and maintained for each diversion 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 daily with the source of water noted (Turner Creek or Skagit River). The maximum daily instantaneous rate of diversion and the monthly total volume shall be submitted to Ecology by January 31st of the following year. Ecology is requiring submission of meter readings to collect 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 WPT 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.

Other

The intake shall be screened at all times in accordance with Department of Fish and Wildlife screening criteria. This water right is issued subject to Washington Department of Fish and Wildlife Hydraulic Project Approval.

If it can be shown that this approval has a detrimental effect on existing rights, it shall be the responsibility of the operator to mitigate for this impact and/or alter or cease diversion of water.

Nothing in this application for water right approval shall be construed as excusing the PUD from compliance with any applicable federal, state or local statutes, ordinances, or regulations. Specifically the Department of Health has regulations that may require permitting for the proposed activity.

The applicant is advised that a Certificate of Water Right will issue for only that quantity of water that has been diverted and applied to actual beneficial use. Such quantity applied to actual beneficial use under this authorization shall not exceed the quantity specified in this report of exam and will be calculated on the basis of the best information available to Ecology.

A Certificate of Water Right will not be issued until a final investigation is made.
This permit shall be subject to cancellation should the permittee fail to comply with the above development schedule and/or fail to give notice to the Department of Ecology on forms provided by that Department documenting such compliance.

Given under my hand and the seal of this office at Bellevue, Washington, this 22 day of August, 2013.

REVIEWED BY

Department of Ecology

By

Jacqueline Klug, Section Manager, Water Resources

PERMIT

5

S1-27862
SALMON CREEK WATER RIGHTS
STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY  

REPORT OF EXAMINATION FOR CHANGE OF WATER RIGHT CLAIM  
TO APPROPRIATE PUBLIC WATERS OF THE STATE OF WASHINGTON  

☒ Surface Water  
☐ Ground Water  

(Prior to 1917)  

WATER RIGHT CLAIM NUMBER  
009332  

NAME  
Public Utility District No. 1 of Skagit County  

ADDRESS (STREET)  
P.O. Box 1436  

CITY  
Mount Vernon  

STATE  
Washington  

ZIP CODE  
98273  

PUBLIC WATERS TO BE APPROPRIATED  

Salmon Creek or the Skagit River  

TERIUTARY OF (IF SURFACE WATERS)  

MAXIMUM CUBIC FEET PER SECOND  
1.8  

MAXIMUM GALLONS PER MINUTE  
55,440  

MAXIMUM ACRE FEET PER YEAR  
307  

QUANTITY, TYPE OF USE, PERIOD OF USE  
Municipal supply – Year round  
Diversion from Salmon Creek is subject to the Cultus Mountain Instream Flows as established in chapter 173-503 WAC  

LOCATION OF DIVERSION/WITHDRAWAL  

Salmon Creek diversion:  
SW¼ of Section 34, Township 35N, Range 5E, W.M. (1200 feet N32°E of the Southwest corner of Section 34)  

Skagit River diversion:  
Within the SW¼ of Section 29 and/or the SE¼ of Section 30, Township 35N, Range 5E, W.M.  

RECORDED PLATTED PROPERTY  

LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED  

Areas served by the Public Utility District No. 1 of Skagit County and the City of Anacortes, as indicated in the Skagit County Coordinated Water System Plan Designated Water Service Areas map dated September 1992, revised September 1, 1996 (A service area map is on the last page of this report).
INTRODUCTION

Skagit River Watershed:

The Skagit River originates in the mountains of Manning Provincial Park in British Columbia, Canada. George Dam, Diablo Dam and Ross Dam impound the Skagit River on the United States side of the border. The river flows through an eagle nesting area and past the towns of Sedro-Woolley, Burlington and Mount Vernon before forming a delta and entering into Skagit Bay. The Skagit is the largest watershed in the Puget Sound Basin. The Skagit River Watershed has numerous runs of Pacific Ocean salmon. Present management of salmon is under the jurisdiction of the state of Washington and the consolidated Skagit Tribes. The three Skagit Tribes include the Swinomish, Upper Skagit and Sauk/Suiattle.

Public Utility District No. 1 of Skagit County:

Public Utility District (PUD) No. 1 of Skagit County is a municipal corporation of the State of Washington, established as a result of the general election of November 3, 1936, for the purpose of conserving the water and power resources of the State of Washington. The PUD is authorized to acquire, construct and operate water systems within and without the county boundaries and to furnish water service to the inhabitants of the district and other persons. Pursuant to such authority, the PUD acquired and now operates water utility properties serving the cities of Mount Vernon, Burlington, Sedro-Woolley, the communities of Cedar Grove, Cleary Lake, Conway, Dewey, Rockport and Similk Beach and the rural and suburban areas adjacent to those areas. The PUD presently serves more than 17,000 water services and requests for waterline extensions and additional services are being received regularly.

Of the 150 public water systems in Skagit County, the PUD's Judy Reservoir system ranks as the most important by virtue of the large number of customers served and its role as the Countywide Satellite System Management Agency. Only the City of Anacortes' system produces more water, wholesaling much of it to local industries and municipalities. The balance of the public water systems obtain supplies from individual sources and/or by purchasing from one of these two major systems.

In 1939, the PUD bought three water systems serving Burlington, Mount Vernon and Sedro-Woolley from the Peoples' Water And Gas Company, forming the basis for the PUD's present system. The sources for the original system were the southern Cultus Mountain streams and the Skagit River. The system included over 50 miles of water mains, four million gallons of storage and over 5,000 water services. The Cultus Mountain streams are the PUD's principal source of supply and the system has grown through other acquisitions, improvements and outside development to over 450 miles of pipeline and over 22 million gallons of storage. The PUD also owns and operates a water system on Fidalgo Island, one water system just east of Mount Vernon, and two water systems farther east along the Skagit River.

The population of Skagit County was 79,555 as of the 1990 U.S. Census. The PUD then served approximately 45,390 people (57 percent of the County population) through 15,044 services. Population projection used for the Coordinated Water System Plan and County Comprehensive Plans indicate Skagit County will grow to a total of 137,597 by 2014. PUD services are projected to number over 29,100 by 2014.

History of Development of the PUD Water Systems:

Although organized early in 1937, the PUD did not actually engage in the utility business until November 4, 1939, when it purchased by friendly condemnation, the water systems in the Cities of Mount Vernon, Burlington and Sedro-Woolley from the Peoples Water and Gas Company. The water systems totaled 3,114 water services, 51.5 miles of pipeline, 3,940,000 gallons of distribution storage, 1.75 million gallons per day in treatment facilities, and diversions on the Skagit River, local springs, and five creeks in the Cultus Mountains (East Fork Nooksac, Rock Springs, Pigeon, Mound and Turner Creeks). On March 7, 1940, the PUD purchased the Clear Lake Water Corporation comprised of 180 water services, 11.5 miles of pipeline, 500,000 gallons of distribution storage, and diversions on three Cultus Mountain streams (Gilligan, Salmon and Turner Creeks). On July 1, 1949, the PUD purchased 1.4 miles of water line from the Avon Mutual Water System. In 1940, the PUD commenced to integrate the entire system by laying a wood stave transmission line from Skagit-Woolley to Burlington and Mount Vernon. This line was completed that same year through support of the Works Progress Administration. The further development of the PUD's Judy Reservoir, Fidalgo Island and remote systems is chronicled as follows:

1947 Completed construction of impoundment dams in Janicki Basin, forming Judy Reservoir, capacity 450 million gallons, spillway at 435' AMSL.
1954 Completed construction of a new Ranney well next to the Skagit River in northwest Mount Vernon.
1955 Acquired/constructed the PUD's Fidalgo Island water system at Similk Beach through Local Utility District (LUD) No. 2.
1958 Completed new overhead Skagit River pipeline crossing south of Sedro-Woolley, replacing failed 1951 submarine crossing.
1958 Replaced Gilligan and Salmon Creek diversions/pipeline to increase supply to Judy Reservoir.
1960 Extended Judy Reservoir system to Bayview through LUD No. 4.
1961 Expanded Fidalgo Island system to the Gibraltar and Dewey Beach areas through LUD No. 5.
1961 Installed concrete cylinder pipe transmission line connecting Judy Reservoir to Mount Vernon.
1962 Acquired the Conway Water Company and connected it to the Judy Reservoir System.
1965 Raised Judy Reservoir from elevation 435' above mean sea level (AMSL) to 451' AMSL, increasing its impoundment capacity from 450 million gallons to 1,010 million gallons.
1967 Completed the transmission line with the installation of concrete cylinder pipe between Burlington and Mount Vernon.
1970 Replaced the wood stave transmission line between Judy Reservoir and the Sedro-Woolley river crossing with concrete cylinder pipe.
1977 Installed a concrete cylinder pipe transmission line parallel to the wood stave distribution line between Sedro-Woolley and Burlington.

WATER RIGHT CLAIM 009332
1984 Completed and put on line the PUD’s multi-media direct filtration water treatment plant at Judy Reservoir to serve the Judy Reservoir system.
1991 Acquired the remote public water system at Rockport through LUD No. 1.
1991 Extended the Judy Reservoir system toward Big Lake along Gunderson Road through LUD No. 12.
1993 Acquired the remote public water system at Cedar Grove On The Skagit through LUD No. 10.
1993 Extended the Judy Reservoir system around Big Lake through LUD No. 16 and to Lake 16 through LUD No. 17.
1999 Began expansion of Judy Reservoir to elevation 465’ AMSL, increasing impoundment capacity to 1,460 million gallons.

**Water Rights on Record for the PUD:**

Not including water rights held for satellite management systems, the PUD has seven water right claims, five surface water certificates (SWC), two ground water permits (GWP), a reservoir permit and a reservoir certificate. These rights are summarized as follows:

<table>
<thead>
<tr>
<th>Document Number</th>
<th>Priority Date</th>
<th>Source of Appropriation</th>
<th>Instantaneous Rate “Q” (cfs or gpm)</th>
<th>Annual Rate “Qa” (acre-feet per year)</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Claim 009332</td>
<td>Prior to 1917</td>
<td>Salmon Creek</td>
<td>1.8 cfs</td>
<td>307</td>
<td>Subject of this report</td>
</tr>
<tr>
<td>Claim 009333</td>
<td>Prior to 1917</td>
<td>Turner Creek</td>
<td>4.3 cfs</td>
<td>2,300</td>
<td>Change application</td>
</tr>
<tr>
<td>Claim 009334</td>
<td>Prior to 1917</td>
<td>Rock Springs Creek</td>
<td>0.2 cfs</td>
<td>40?</td>
<td>Inactive</td>
</tr>
<tr>
<td>Claim 009335</td>
<td>Prior to 1917</td>
<td>Pigeon Creek</td>
<td>0.2 cfs</td>
<td>40?</td>
<td>Inactive</td>
</tr>
<tr>
<td>Claim 009336</td>
<td>Prior to 1917</td>
<td>unamed creek</td>
<td>0.1 cfs</td>
<td>20?</td>
<td>Inactive</td>
</tr>
<tr>
<td>Claim 009337</td>
<td>Prior to 1917</td>
<td>Cold Springs</td>
<td>0.2 cfs</td>
<td>40?</td>
<td>Inactive</td>
</tr>
<tr>
<td>Claim 009338</td>
<td>Prior to 1917</td>
<td>East Nookachamps</td>
<td>1.1 cfs</td>
<td>110?</td>
<td>Inactive</td>
</tr>
<tr>
<td>SWC 26</td>
<td>September 28, 1917</td>
<td>Mundit Creek</td>
<td>2.5 cfs</td>
<td>Not listed</td>
<td>Change application</td>
</tr>
<tr>
<td>SWC 411</td>
<td>October 10, 1929</td>
<td>Gilligan Creek</td>
<td>1.5 cfs</td>
<td>Not listed</td>
<td>Change application</td>
</tr>
<tr>
<td>SI-00724C</td>
<td>October 30, 1963</td>
<td>Gilligan Creek</td>
<td>8.89 cfs</td>
<td>Change application</td>
<td></td>
</tr>
<tr>
<td>SI-0073C</td>
<td>October 30, 1963</td>
<td>Mundit Creek</td>
<td>8.0 cfs</td>
<td>Change application</td>
<td></td>
</tr>
<tr>
<td>SI-00739C</td>
<td>October 30, 1963</td>
<td>Turner Creek</td>
<td>6.2 cfs</td>
<td>Change application</td>
<td></td>
</tr>
<tr>
<td>GWP 2911</td>
<td>March 26, 1953</td>
<td>Sedro-Woolley well</td>
<td>900 gpm</td>
<td>1440</td>
<td>Change application</td>
</tr>
<tr>
<td>GWP 3350</td>
<td>May 12, 1954</td>
<td>Ranney Well</td>
<td>4,000 gpm</td>
<td>6400</td>
<td>Change application</td>
</tr>
<tr>
<td>Reservoir 8738</td>
<td>January 16, 1946</td>
<td>Cultus Streams</td>
<td>Not Applicable</td>
<td>1500</td>
<td>Judy Reservoir</td>
</tr>
<tr>
<td>R-293 (permit)</td>
<td>April 24, 1963</td>
<td>Cultus Streams</td>
<td>Not Applicable</td>
<td>4250</td>
<td>Judy Reservoir</td>
</tr>
</tbody>
</table>

**Memorandum of Agreement:**

In 1996, representatives from the PUD, the City of Anacortes, Skagit County, the Upper Skagit Indian Tribe, the Swinomish Indian Tribal Community, the Sauk-Suitlale Indian Tribe, the Department of Ecology and the Department of Fish and Wildlife signed the “Memorandum of Agreement (MOA) Regarding Utilization of Skagit River Basin Water Resources for Instream and Out Of Stream Purposes.” By signing the MOA (a fifty-year commitment) each party agreed to the following:

- To develop a comprehensive watershed management plan for the Skagit River Basin designed to meet both instream and out of stream objectives,
- To reach agreement prior to expanding service areas beyond those identified in the Coordinated Water System Plan, and
- To participate in establishing minimum instream flow levels for the Skagit River and the Cultus Mountain tributaries.

The Department of Ecology specifically agreed to the following:

- To process the PUD and City of Anacortes applications for change identified in the MOA. The changes may or may not be subject to the Skagit instream flows and/or the Cultus Mountain instream flows (as identified in the MOA),
- Ecology will promulgate an administrative rule (chapter 173-503 WAC) establishing minimum instream flows, and
- Ecology agreed to hold water right applications until the final adoption of the rule.

**BACKGROUND**

This report of examination addresses one of seven applications for change submitted to modify the PUD’s Cultus Mountain water rights. These seven applications for change were submitted to add a Skagit River point of diversion and to change the place of use description to reflect the PUD’s current service area.

The Cultus Mountain streams currently utilized by the PUD are Salmon Creek, Gilligan Creek, Turner Creek and Mundit Creek. Approval of this application for change will reduce or eliminate the impact on fish caused by the diversion of water from Salmon Creek. This will be accomplished by adding an alternate point of diversion on the Skagit River and by subjecting the PUD’s Salmon Creek diversions to minimum instream flows (not a previous requirement). When Salmon Creek is not flowing above minimum flow levels, the PUD will instead divert water from the Skagit River and pump it up to Judy Reservoir.

The additional point of diversion is to be located on the south shoreline of the Skagit River, downstream of the PUD’s existing pipeline. This new point of diversion will be downstream of the reach of the Skagit River designated as Wild and Scenic. A new diversion structure and pumping plant proposed for this location will have a capacity of 55.39 cfs. Water will be pumped through a new pipeline of this capacity to Judy Reservoir for storage and eventual transfer through the existing distribution system.

**Attributes of the Claim:**

Claimant: Public Utility District No 1. of Skagit County
Claim Number: 009332
Filing Date: March 17, 1972
Date of First Water Use: Prior to 1917
Claimed Instantaneous Quantity: 1.8 cubic feet per second
Claimed Annual Quantity: 307 acre-feet per year
Source: Salmon Creek
Point of Diversion: SW¼ of Section 34, Township 35 North, Range 5 East

REPORT OF EXAMINATION FOR CHANGE 3
WATER RIGHT CLAIM 009332
INVESTIGATION

In considering this application, my investigation included, but was not limited to, research and/or review of:

(1) The State Water Code,
(2) Existing water right documents for the PUD and predecessors,
(3) Records on other water rights in the vicinity,
(4) Topographic and local area maps,
(5) Records of site visits,
(6) Meeting notes and correspondence with Bradley Spangler and Robert Powell (PUD employees),
(7) Meeting notes and correspondence with Jerry Loutain (Economic and Engineering Services (EES), Inc.),
(8) An “Affidavit of Beneficial Use” signed by Robert Powell attesting to the use and perfection of the subject claim,
(9) The 1996 report titled “Water Right Analysis for Public Utility District No.1 of Skagit County” (EES),
(10) The 1994 PUD Water System Plan,
(11) The 2000 “Skagit County Coordinated Water System Plan Regional Supplement” (EES),
(12) The 1997 PUD Environmental Checklist and Determination of Non-Significance, and
(13) Numerous file notes and records.

State Water Code:

WAC 173-152-050 lists criteria for priority processing of competing applications. This change request satisfies subsection (3) - "An application for change or transfer to an existing water right may be processed prior to competing applications provided ... (b) The change or transfer if approved would result in providing public water supplies to meet general needs of the public for regional areas."

Chapter 50.14 RCW establishes the process for registering claims to pre-water code (vested) rights. Chapter 90.03 RCW authorizes the appropriation of public water for beneficial use and describes the process for obtaining water rights including the process to amend or change existing rights. Changes or amendments to existing rights are specifically addressed in RCW 90.03.380.

In accordance with state law, the following criteria must be addressed during the process of evaluating this change request:

- Water must be available from the new point of diversion,
- The change must not cause detriment or injury to existing rights,
- The water use must be for a beneficial purpose,
- The change shall not allow an enhancement of the right perfected under the original claim,
- The additional point of diversion must be from the same source of water, and
- The public interest must not be impaired.

Water Availability:

Water is available from the Skagit River for the requested additional point of diversion. Upon approval of this change request, the PUD will not be able to divert water from their original point of diversion unless Salmon Creek is flowing at a rate higher than the minimum instream flows established by chapter 173-503 WAC. Approval of the requested additional point of diversion will allow the PUD to instead utilize water from the Skagit River, which has a greater capacity to support this diversion.

No Detriment to Existing Rights:

There will be no detriment to existing water rights as a result of adding the additional point of diversion or by changing the place of use.

Beneficial Use:

According to RCW 90.54.020, municipal water use (for domestic, stock, industrial, commercial, irrigation, etc.) is considered a beneficial use of water.

No Enhancement of the Original Right:

The PUD registered Water Right Claim 009332 for 1.8 cubic feet per second and 307 acre-feet per year. The Clear Lake Water Company (one of the PUD’s predecessors) began using water from Salmon Creek prior to 1917. Upon takeover of the system, the PUD diverted water from Salmon Creek on a daily basis through 1967, and has used it intermittently since then. It is the PUD’s current practice to divert Salmon Creek to supplement supply to Judy Reservoir when Salmon Creek is running full (3+ cfs) and other streams are not being diverted for water quality concerns (high turbidity).
The diversions from Salmon Creek and Gilligan Creek are measured collectively, so there is no means of documenting the actual annual diversion quantities from Salmon Creek. Based on a diversion rate of 1.8 cfs, it is reasonable to assume that 307 ayc has been perfected by beneficial use. The following calculations show the PUD would need to divert water from Salmon Creek for only 86 days per year to reach their claimed annual quantity of 307 ayc.

1.98 acre-feet per day
1.8 cfs = 3.56 acre-feet per day (1.8 x 1.98)
307 acre-feet per year divided by 3.56 acre-feet per day = 86 days

In consideration of available data and the above calculation, Ecology has tentatively determined Claim 009332 to be a valid and perfected vested right. Official confirmation of the true extent and perfection of the claim to vested rights can only occur as a result of a general water rights adjudication through Superior Court.

Claim 009332 appears to be a perfected right, therefore adding an additional point of diversion and changing the place of use description will not enhance the original right. Approval of the change request will not result in an increase of the instantaneous or annual quantity of water perfected under the original claim.

**Same Source of Water:**

Salmon Creek is tributary to the Skagit River, therefore it is considered the same source of water.

**Public Interest:**

No detriment to the public interest could be identified during the investigation of this application for change. The public interest will most likely be enhanced because the PUD will no longer be able to divert water from Salmon Creek during low flow periods.

**OTHER RELEVANT FINDINGS**

**State Environmental Policy Act:**

State Environmental Policy Act (SEPA) requirements have been satisfied. To address this application for change, both an Environmental Checklist and a Determination of Non-Significance were filed on October 20, 1997.

**Conservation:**

The PUD's water conservation goal is to "provide all PUD customers with the knowledge and incentive(s) to use water wisely and eliminate wasteful water use practices." The PUD has a public education program and a technical assistance program developed to promote conservation. The PUD monitors its stream diversions, its production from Fady Reservoir and its wells, and maintains flow within the system. All source meters and mainline meters are read on the first working day of each month. The PUD also has an aggressive water accountability program.

Single family residential consumption averaged 200 gallons per service per day in 1990. Projected growth is expected to be predominantly from new home construction. Due to current building code efficiency standards (requiring low flow plumbing fixtures), the PUD expects new homes to average approximately 150 gallons per service per day.

The PUD has identified its largest water consumers to be commercial and agricultural customers with large demands for process water, stockwater and irrigation water. Many of the agricultural irrigation customers are already using drip irrigation systems to optimize water use; several of these irrigators have interruptible flow contracts with the PUD, requiring them to stop consumption if their high demands are adversely impacting domestic use in their area of the distribution system. The PUD requires new large irrigation customers to submit Blaney-Criddle Water Balance calculations to the PUD for review before the new irrigation service is approved and installed.

**RECOMMENDATIONS**

I recommend the request for change to Water Right Claim 009332 be approved, subject to the provisions listed below.

**Provisions:**

This change is conditioned upon the fulfillment of the terms of the Skagit Memorandum of Agreement (MOA), as agreed to by the signatory parties (the City of Anacortes, the PUD No. 1 of Skagit County, the Skagit System Cooperative, the Department of Fish and Wildlife, Skagit County Commissioners, and the Department of Ecology), signed December 23, 1996.

A streamgage shall be maintained on Salmon Creek at the location specified in WAC 173-503-040. Stream flow measurements shall be recorded daily and this data shall be maintained and be made available to the Department of Ecology and the Skagit Cooperative upon request.

In accordance with the signed 1996 Memorandum of Agreement, and chapter 173-503 WAC INSTREAM RESOURCES PROTECTION PROGRAM AND WATERSHED MANAGEMENT PLAN - Lower and Upper Skagit Water Resources Inventory Areas (WRIA 3 and 4), diversion from Salmon Creek shall be subject to the following minimum instream flows, as measured at the Control Station specified in WAC 173-503-040:

- January 1 – April 30: 4.0 cfs
- May 1 – August 31: 1.4 cfs
- September 1 – December 31: 4.0 cfs

No diversion of water from Salmon Creek shall take place when the creek falls below minimum instream flow levels.

An approved measuring device shall be installed on each point of diversion and maintained in accordance with RCW 90.03.360 and chapter 508-64 WAC. Meter readings shall be recorded daily and this data shall be maintained and be made available to the Department of Ecology and the Skagit Cooperative upon request.
Report Continued

The intake shall be screened at all times in accordance with Department of Fish and Wildlife screening criteria. This water right is issued subject to Washington Department of Fish and Wildlife Hydraulic Project Approval.

If it can be shown that this change approval has a detrimental effect on existing rights, it shall be the responsibility of the operator to mitigate for this impact and/or alter or cease diversion of water.

Issuance of this water right may be subject to implementation of the minimum requirements established in the Conservation Planning Requirements, Guidelines and Requirements for Public Water Systems Regarding Water Use Reporting, Demand Forecasting Methodology, and Conservation Programs, July 1994, and as revised.

Nothing in this change approval shall be construed as excusing the PUD from compliance with any applicable federal, state or local statutes, ordinances, or regulations. Specifically the Department of Health has regulations that may require permitting for the proposed activity.

Nothing in this approval shall be construed as an official confirmation of any vested water rights represented by Water Right Claim 009332. Official confirmation of the true extent of the claim to vested rights can only occur as result of a general water rights adjudication through Superior Court. The findings presented in this report shall be considered a "tentative determination" of the existence of a vested right.

The applicant is advised that a Certificate of Change will issue for only that quantity of water that has been diverted and applied to actual beneficial use. Such quantity applied to actual beneficial use under this authorization shall not exceed the quantity specified in this report of exam and will be calculated on the basis of the best information available to Ecology.

A Certificate of Change will not be issued until a final investigation is made.

CONCLUSIONS

In accordance with chapters 90.03 and 90.14 RCW, I conclude that Water Right Claim 009332 is in good standing and is eligible for change. I have determined that water is available at the additional point of diversion and will be diverted from the same source of public water as at the original point of diversion. The additional point of diversion and the change in place of use will not enlarge the existing claim and the water use will be beneficial. Approval of the change request will not cause impairment of existing rights or be detrimental to the public interest. Based on these conclusions, this change request should be approved subject to existing rights and the above-indicated provisions.

REPORT BY: 

DATED: March 12, 2001

REPORT OF EXAMINATION FOR CHANGE 6

WATER RIGHT CLAIM 009332
STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PERMIT
TO APPROPRIATE PUBLIC WATERS OF THE STATE OF WASHINGTON

☐ Surface Water
☐ Ground Water

Property Date:
October 30, 1983

Application Number:
S1-18219

Permit Number:
S1-18219P

Certificate Number:

Public Utility District No. 1 of Skagit County

Author's Name:

Address (Street):
PO Box 1436

City:
Mount Vernon

State:
WA

Zip Code:
98273

The Applicant hereby grants a permit to appropriate the following public waters of the State of Washington, subject to existing rights and to the limitations and provisions set forth.

PUBLIC WATERS TO BE APPROPRIATED

Source:
Salmon Creek and the Skagit River

Category of Water:
Surface Water

Maximum Uses:
Quantity, Type of Use, Period of Use
4.0
MAXIMUM CUBIC FEET PER SECOND
MAXIMUM GALLONS PER SECOND
MAXIMUM ACRE-FOOT PER YEAR
300

Municipal supply – Year round diversion conditioned to the following:

Diversion from Salmon Creek is subject to the Cullis Mountain Instream Flows as established in chapter 173-503 WAC.

Diversion from the Skagit River is subject to the Skagit River Instream Flows as established in chapter 173-503 WAC.

*A maximum of 55.39 cfs (35.80 mgd) may be diverted from the Cullis Mountain streams and/or from the Skagit River into Judy Reservoir.

**Maximum Acre-Foot per Year diverted from Salmon Creek and/or the Skagit River under Surface Water Claim 609332 and S1-18219 shall not exceed 307 acre feet per year.

LOCATION OF DIVERSION/WITHDRAWAL

Salmon Creek diversion: SW 1/4 SW 1/4, Section 34, Township 35N, Range 5E, W.M.

Skagit River diversion: SW 1/4 SW 1/4, Section 29, Township 35N, Range 5E, W.M.

RECORDED PLATTED PROPERTY

LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED

Areas served by the Public Utility District No. 1 of Skagit County and the City of Anacortes, as indicated in the Skagit County Coordinated Water System Plan Designated Water Service Areas, approved by the Washington State Department of Health.

DESCRIPTION OF PROPOSED WORKS

Salmon Creek:
Water is diverted by way of a small dam, or diversion structure in Salmon Creek through pipelines, to Judy Reservoir.

Skagit River:
Water is pumped from the Skagit River up to Judy Reservoir.

DEVELOPMENT SCHEDULE

Begun
Completed
December 23, 2046

PERMIT
PROVISIONS

Memorandum of Agreement

This approval is conditioned upon the fulfillment of the terms of the Skagit Memorandum of Agreement (MOA), as agreed to by the signatory parties (the City of Annacortes, the PUD No. 1 of Skagit County, the Skagit System Cooperative, the Department of Fish and Wildlife, Skagit County Commissioners, and the Department of Ecology), signed December 23, 1996.

In accordance with the 1996 Memorandum of Agreement, and chapter 173-503 WAC INSTREAM RESOURCES PROTECTION PROGRAM AND WATERSHED MANAGEMENT PLAN - Lower and Upper Skagit Water Resources Inventory Areas (WRIA 3 and 4), diversions from Salmon Creek and the Skagit River shall be subject to the following minimum instream flow levels, as measured at the Control Stations specified in WAC 173-503-040:

No diversion of water from Salmon Creek shall take place when the creek falls below minimum instream flow levels at river mile 4.3.

| January 1 – April 30 | 4.0 cfs |
| May 1 – August 31 | 3.4 cfs |
| September 1 – December 31 | 4.0 cfs |

No diversion of water shall take place from the Skagit River when the river falls below minimum instream flow levels at USGS station 12-2005-00.

| January 1 – March 31 | 10,000 cfs |
| April 1 – June 30 | 12,000 cfs |
| July 1 – September 30 | 10,000 cfs |
| October 1 – November 15 | 13,000 cfs |
| November 16 – December 15 | 11,000 cfs |
| December 16 – December 31 | 10,000 cfs |

Stream Gage

A stream gage shall be installed and maintained at river mile 4.3 on Salmon Creek as specified in WAC 173-503-040. Stream flow measurements shall be recorded daily and this data shall be maintained and be made available to the Department of Ecology and interested local tribes upon request.

Metering

An approved measuring device shall be installed and maintained for each diversion 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 daily with the source of water noted (Salmon Creek or Skagit River). The maximum daily instantaneous rate of diversion and the monthly total volume shall be submitted to Ecology by January 31st of the following year. Ecology is requiring submittal of meter readings to collect 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.

Other

The intake shall be screened at all times in accordance with Department of Fish and Wildlife screening criteria. This water right is issued subject to Washington Department of Fish and Wildlife Hydraulic Project Approval.

If it can be shown that this approval has a detrimental effect on existing rights, it shall be the responsibility of the operator to mitigate for this impact and/or alter or cease diversion of water.

Nothing in this application for water right approval shall be construed as excusing the PUD from compliance with any applicable federal, state or local statutes, ordinances, or regulations. Specifically the Department of Health has regulations that may require permitting for the proposed activity.

The applicant is advised that a Certificate of Water Right will issue for only that quantity of water that has been diverted and applied to actual beneficial use. Such quantity applied to actual beneficial use under this authorization shall not exceed the quantity specified in this report of exam and will be calculated on the basis of the best information available to Ecology.

A Certificate of Water Right will not be issued until a final investigation is made.
This permit shall be subject to cancellation should the permittee fail to comply with the above development schedule and/or fail to give notice to the Department of Ecology on forms provided by that Department documenting such compliance.

Given under my hand and the seal of this office at Bellevue, Washington, this 27th day of August, 2013.

Department of Ecology

By

Jacqueline King, Section Manager, Water Resources
SKAGIT RIVER WATER RIGHTS
STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

REPORT OF EXAMINATION FOR CHANGE OF WATER RIGHT PERMIT
FOR APPLICATION FOR CHANGE OF WATER RIGHT

☐ Surface Water
☒ Ground Water

(PRINTED IN ACCORDANCE WITH THE PROVISIONS OF RCW 90.72, AND AMENDMENTS THERETO, AND THE RULES AND REGULATIONS OF THIS DEPARTMENT)

(FORM NO. 20, DEPARTMENT OF ECOLOGY)

PROPERTY DENOM - APPLICATION NUMBER - PERMIT NUMBER - CERTIFICATE NUMBER
May 12, 1954 3612 GWP 3350

NAME
Public Utility District #1 of Skagit County

ADDRESS (STREET)
P.O. Box 1456

CITY
Mount Vernon

STATE
Washington

ZIP CODE
98273

PUBLIC WATERS TO BE APPROPRIATED

SOURCE
Skagit River

WATERS OF THE STATE (SURFACE WATERS)
Puget Sound

MAXIMUM CUBIC FEET PER HOUR
8,910 cfs

MAXIMUM GALLONS PER MINUTE
431,060

MAXIMUM ACRES FEET PER YEAR
6400

QUANTITY, TYPE OF USE, PERIOD OF USE
Municipal Supply - Year round

LOCATION OF DIVERSION/WITHDRAWAL

APPROXIMATE LOCATION OF DIVERSION/WITHDRAWAL
Within the SW1/4 of Section 29 and/or SE1/4 of Section 30, Township 32N, Range 5E, W.M. in Skagit County

RECORDED PLATTED PROPERTY

LOT

LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED

Areas served by the Public Utility District No. 1 (PUD No.1) of Skagit County and the City of Anacortes as indicated in the Skagit County Coordinated Water System Plan Designated Water Service Areas map, dated September 1992, revised September 1, 1996 (A service area map is on the last page of this report).
DESCRIPTION OF PROPOSED WORKS

A new point of diversion is proposed to be located on the south shoreline of the Skagit River, downstream of the existing PUD pipeline, to the proposed point of diversion will be downstream of the reach of the Skagit River designated as a WDF and Scalisi River. The proposed pumping plant will have a pumping capacity of 55.39 cfs, and water will be pumped through a new pipeline with this capacity to be constructed from the new pumping plant to Judy Reservoir for distribution through the existing distribution lines.

DEVELOPMENT SCHEDULE

<table>
<thead>
<tr>
<th>BEGIN PROGRESS BY THIS DATE</th>
<th>COMPLETE PROJECT BY THIS DATE</th>
<th>WATER PUT TO FULL USE BY THIS DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>June 30, 2002</td>
<td>June 30, 2004</td>
<td>December 23, 2046</td>
</tr>
</tbody>
</table>

REPORT

INTRODUCTION

Skagit River Watershed:

The Skagit River originates in the mountains of Manning Provincial Park in British Columbia, Canada. George Dam, Diablo Dam and Ross Dam impound the Skagit River on the United States side of the border. The river flows through a narrow, relatively high mountain range with the town of Sedro-Woolley, Burlington and Mount Vernon before forming a delta and entering Skagit Bay. The Skagit is the largest watershed in the Puget Sound Basin. The Skagit River Watershed encompasses numerous runs of Pacific salmon. Present management of salmon is under the jurisdiction of the state of Washington and the consolidated Skagit Tribes. The three Skagit Tribes include the Swinomish, Upper Skagit and Sauk/Suiattle.

Public Utility District No. 1 of Skagit County:

Public Utility District No. 1 of Skagit County (PUD) is a municipal corporation of the State of Washington, established as a result of the general election of November 3, 1936, for the purpose of conserving the water and power resources of the State of Washington. The PUD is authorized to acquire, construct and operate water systems within and without the county boundaries and to furnish water service to the inhabitants of the district and other persons. Pursuant to such authority, the PUD acquired and now operates water utility properties serving the cities of Mount Vernon, Burlington, Sedro-Woolley, the communities of Codarogue, Clear Lake, Conway, Dewey, Rockport and Similk Beach and the rural and suburban areas adjacent to those areas. The PUD presently serves more than 17,000 water services and requests for waterline extensions and additional services are being received regularly.

Of the 150 public water systems in Skagit County, the Judy Reservoir system of the PUD ranks as the most important by virtue of the large number of customers served and its role as the Countywide Satellite System Management Agency. Only the City of Anacortes' system produces more water, wholesaling much of it to local industries and municipalities. The balance of the public water systems obtain supplies from individual sources and/or by purchasing from one of these two major systems.

In 1939, the PUD bought three water systems serving Burlington, Mount Vernon and Sedro-Woolley from the Peoples' Water And Gas Company, forming the basis for the PUD's present system. The sources for the original system were the southern Culpus Mountain streams and the Skagit River. The system included over 30 miles of water mains, four million gallons of storage and over 3,000 water services. The Culpus Mountain streams are the PUD's principle source of supply, and the system has grown through other acquisitions, improvements and outside development to over 450 miles of pipelines and over 22 million gallons of storage. The PUD also owns and operates one water system on Fidalgo Island, one water system just east of Mount Vernon, and two water systems further east along the Skagit River.

The population of Skagit County was 79,555 as of the 1990 U.S. Census. The PUD thus served approximately 45,590 people (57 percent of the County population) through 15,044 services. Population projections used for the Coordinated Water System Plan and County/City Comprehensive Plans indicate Skagit County will grow to 137,597 by 2014. PUD services are projected to number over 29,100 by 2014.

History of Development of the PUD Water Systems:

Although organized early in 1937, the PUD did not actually engage in the utility business until November 4, 1939, when it purchased by friendly condemnation, the water systems in the Cities of Mount Vernon, Burlington and Sedro-Woolley from the Peoples' Water and Gas Company. The water systems totaled 3,134 water services, 51.5 miles of pipelines, 3,940,000 gallons of distribution storage, 1.75 million gallons per day in treatment facilities, and diversions on the Skagit River, local springs, and five creeks in the Culpus Mountains (East Fork Nooksack, Rock Springs, Pigeon, Maudt and Turner Creeks). On March 7, 1940, the PUD purchased the Clear Lake Water Corporation comprised of 180 water services, 11.5 miles of pipeline, 500,000 gallons of distribution storage, and diversions on three Culpus Mountain streams (Gilgill, Salmon and Turner Creeks). On July 1, 1940, the PUD purchased 1.8 miles of water line from the Avon Mutual Water System. In 1940, the PUD commenced to integrate the entire system by laying a wood stave transmission line from Sedro-Woolley to Burlington and Mount Vernon, this line was completed that same year with support of the Works Progress Administration. The further development of the Judy Reservoir, Fidalgo Island and remote systems of the PUD is chronologically as follows:

1947
- Completed construction of impoundment dams in Janicki Basin, forming Judy Reservoir, capacity 450 million gallons, spillway at 435' AMSL.

1954
- Completed construction of a new Ranney well next to the Skagit River in northwest Mount Vernon.

1956
- Acquired/constructed the PUD's Fidalgo Island water system at Similk Beach through Local Utility District (LUD) No. 2.

1958
- Completed new overhead Skagit River pipeline crossing south of Sedro-Woolley, replacing failed 1951 submarine crossing.

1958
- Replaced Gilligan and Salmon Creek diversions/pipelines to increase supply to Judy Reservoir.

1958
- Expanded Judy Reservoir system to Bayview through LUD No. 4.

1959
- Expanded Fidalgo Island system to the Gibraltar and Dewey Beach areas through LUD No. 5.

1961
- Installed concrete cylinder pipe transmission line connecting Judy Reservoir to Mount Vernon.

1962
- Acquired the Conway Water Company and connected it to the Judy Reservoir System.

1965
- Raised Judy Reservoir from elevation 435' above mean sea level (AMSL) to 451' AMSL, increasing its impoundment capacity from 450 million gallons to 1,610 million gallons.

1967
- Completed the transmission line loop with the installation of concrete cylinder pipe between Burlington and Mount Vernon.

1970
- Replaced the wood stave transmission line between Judy Reservoir and the Sedro-Woolley river crossing with concrete cylinder pipe.

1977
- Installed a concrete cylinder pipe transmission line parallel to the wood stave distribution line between Sedro-Woolley and Burlington.

1984
- Transferred service from the wood stave line to the transmission line between Burlington and Sedro-Woolley.
INVESTIGATION

In considering this application for change, the investigation included, but is not limited to, research and/or review of:

1. The State Water Code,
2. Existing water right documents for the PUD and predecessors,
3. Topographic and local area maps,
4. Records of the site visits,
5. Conversations, e-mail, and other correspondence with Brad Spangler and Robert Powell, employees of the PUD,
6. Conversation, e-mail, and other correspondence with Jerry Luhmann of Economic and Engineering Services (EES), Inc.,
7. The Washington State Supreme Court decision George Theodoratos v. Ecology,
8. The Skagit River Memorandum of Agreement,
9. An "Affidavit of Beneficial Use" signed by Robert Powell attesting to the use of the subject right,
10. The 1990 report titled "Water Right Analysis for Public Utility District No. 1 of Skagit County (PUD),
11. The 1994 PUD Water System Plan,
12. The 2000 "Skagit County Coordinated Water System Plan Regional Supplement" (EES), and

State Water Code:

WAC 173-152-050 lists criteria for priority processing of competing applications. This change request satisfied subsubsection (3) "An application for change or transfer to an existing water right may be processed prior to competing applications provided . . . . (b) The change or transfer if approved would result in providing public water supplies to meet general needs of the public for regional areas."

Chapter 90.03 RCW and Chapter 90.44 RCW authorize the appropriation of public water for beneficial use and describe the process for obtaining water rights including the process to amend or change existing rights. Changes or amendments to these rights are covered under RCW 90.03.380 and 70.44.100.

In accordance with state law the following criteria must be addressed during the process of evaluating this change request:

- Water must be available from the new point of diversion,
- The change must not cause detriment or injury to existing rights,
- The water use must be for a beneficial purpose,
- The change shall not allow an enhancement of the original right,
- The new point of diversion must be from the same source of water, and
- The water use must be in the public interest.

Water Availability:

Water is available from the Skagit River for the requested change in point of diversion.

No Detriment to Existing Rights:

The original point of diversion (a Ramsey well) is constructed on a riverbank of the Skagit River. Changing the point of withdrawal from the Ramsey well to a point of diversion on the Skagit River will not impair existing rights.

Beneficial Use:

According to RCW 90.54.020, municipal water use (for domestic, stock, industrial, commercial, irrigation, etc.) is considered a beneficial use of water.

No Enhancement to Ground Water Permit 3350:

The requested changes to Ground Water Permit 3350 will not increase the instantaneous or the annual quantities of water granted under the original permit.

Same Source of Water:

The original point of withdrawal is constructed on a bank of the Skagit River. The static water level in the Ramsey well is approximately the same elevation as the Skagit River. Therefore, the water in the Ramsey well and the water in the Skagit River are the same.

Public Interest:

No detriment to the public interest could be identified during the investigation of this application for change. The public interest will most likely benefit because the requested changes will enhance the PUD's ability to provide a regional water supply.

OTHER RELEVANT FINDINGS

State Environmental Policy Act:

State Environmental Policy Act (SEPA) requirements have been satisfied. To address this application for change, both an Environmental Checklist and a Determination of Non-Significance were filed on October 20, 1997.

Revision of Ground Water Certificate 2107-A:

Upon initial review of this application for change it was determined that Water Right Certificate GWC 2107-A contained include water (water not previously put to beneficial use). By separate administrative action, this certificate was rescinded back to permit status to allow the PUD to fulfill the original intent of the application. This change authorization is being made to the reinstated permit.
1990  Completed and put on line the PUD’s multi-media direct filtration water treatment plant at Judy Reservoir to serve the Judy Reservoir system.

1991  Acquired the remote public water system at Rockport through LUD No. 11.

1991  Extended the Judy Reservoir system toward Big Lake along Gunderson Road through LUD No. 12.

1992  Acquired the remote public water system at Odekirkgrove-Oskalaska through LUD No. 10.

1993  Extended the Judy Reservoir system toward Big Lake through LUD No. 16 and to Lake 16 through LUD No. 17.

1999  Began expansion of Judy Reservoir to elevation 465’ AMSL, increasing impoundment capacity to 1,460 million gallons.

Water Rights on Record for the PUD:

Not including water rights held for satellite management systems, the PUD has seven water right claimants, five surface water certificates (SWC), and two ground water permits (GWP), a reservoir permit and a reservoir certificate. These rights are summarized as follows:

<table>
<thead>
<tr>
<th>Document Number</th>
<th>Priority Date</th>
<th>Source of Appropriation</th>
<th>Instantaneous Rate “Q” (cfs or gpm)</th>
<th>Annual Rate “Qa” (acre-feet per year)</th>
<th>Comments</th>
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</thead>
<tbody>
<tr>
<td>Claim 009332</td>
<td>Prior to 1977</td>
<td>Salmon Creek</td>
<td>1.5 cfs</td>
<td>307</td>
<td>Change application</td>
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<td>Claim 009335</td>
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<td>Inactive</td>
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<td>Claim 009338</td>
<td>Prior to 1977</td>
<td>East Nookachamps</td>
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<td>Inactive</td>
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<td>SWC 411</td>
<td>October 23, 1975</td>
<td>Gilligan Creek</td>
<td>2.5 cfs</td>
<td>2,200</td>
<td>Not listed</td>
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<tr>
<td>SI-00734C</td>
<td>October 30, 1963</td>
<td>Gilligan creek</td>
<td>8.89 cfs</td>
<td>2,200</td>
<td>Change application</td>
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<td>SI-00737C</td>
<td>October 30, 1963</td>
<td>Mundie Creek</td>
<td>10.0 cfs</td>
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<td>Change application</td>
</tr>
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<td>SI-00738C</td>
<td>October 30, 1963</td>
<td>Turner Creek</td>
<td>6.2 cfs</td>
<td>2,200</td>
<td>Change application</td>
</tr>
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<td>GWP 7011</td>
<td>March 26, 1953</td>
<td>Sedro-Woolley well</td>
<td>900 gpm</td>
<td>1,440</td>
<td>Change application</td>
</tr>
<tr>
<td>GWP 3350</td>
<td>May 12, 1954</td>
<td>Ramsey Well</td>
<td>4,000 gpm</td>
<td>6,000</td>
<td>Subject of this report</td>
</tr>
<tr>
<td>Reservoir 8738</td>
<td>January 16, 1946</td>
<td>Colfax Creek</td>
<td>Not Applicable</td>
<td>1,500</td>
<td>Judy Reservoir</td>
</tr>
<tr>
<td>R-295 (permit)</td>
<td>April 16, 1963</td>
<td>Colfax Creek</td>
<td>Not Applicable</td>
<td>4,250</td>
<td>Judy Reservoir</td>
</tr>
</tbody>
</table>

Memorandum of Agreement:

In 1996, representatives from the PUD, the City of Anacortes, Skagit County, the Upper Skagit Indian Tribe, the Swinomish Indian Tribal Community, the Skagit-Skagit Indian Tribe, the Department of Ecology and the Department of Fish and Wildlife signed the “Memorandum of Agreement (MOA) Regarding Utilization of Skagit River Basin Water Resources for Instream and Out Of Stream Purposes.” By signing the MOA (a fifty-year commitment) each party agreed to the following:

- To develop a comprehensive watershed management plan for the Skagit River Basin designed to meet both instream and out of stream objectives,
- To reach agreement prior to expanding service areas beyond those identified in the Coordinated Water System Plan, and
- To participate in establishing minimum instream flow levels for the Skagit River and the Cultus Mountain tributaries.

The Department of Ecology specifically agreed to the following:

- To process the PUD and City of Anacortes applications for change identified in the MOA. The changes may or may not be subject to the Skagit instream flows and/or the Cultus Mountain instream flows (as identified in the MOA),
- Ecology will promulgate an administrative rule (chapter 173-503 WAC) establishing minimum instream flows, and
- Ecology agreed to hold water right applications until the final adoption of the rule.

BACKGROUND:

This report of examination addresses one of nine applications for change submitted to modify the PUD’s existing water rights. These nine applications were submitted to add or change to a Skagit River point of diversion and to change the place of use description to reflect the PUD’s current service area.

The following information pertains to the change to Ground Water Permit 3350.

Attributes of the Permit:

Applicant: Public Utility District No 1, Of Skagit County

Ground Water Permit Number: 3350 (Formerly known as Ground Water Certificate 2107-A)

Priority Date: May 12, 1954

Instantaneous Quantity: 4000 gallons per minute (6.81 cubic feet per second)

Annual Quantity: 6400 acre-feet per year

Source: Well (commonly called the Ramsey well)

Purpose of Use: Municipal Supply - Continuous use

Place of Use: Public Utility District No. 1 of Skagit County, Washington

Change Request:

Filed on: November 4, 1997

Point of Diversion: The Skagit River within the SW 1/4 of Section 29 and SW 1/4 of Section 30, Township 35 North, Range 5E, W.M. in Skagit County

Place of Use: Areas served by the Public Utility District No. 1 of Skagit County and the City of Anacortes as indicated in the Skagit County Coordinated Water System Plan Designated Water Service Areas map dated September 1992, revised September 1, 1996

Published: June 24 and July 1, 1998 in the Skagit Valley Herald

Protests: None

REPORT OF EXAMINATION FOR CHANGE 3 GROUND WATER PERMIT 3350
Report Continued

Conservation:

The PUD's water conservation goal is to "provide all PUD customers with the knowledge and incentive(s) to use water wisely and eliminate wasteful water use practices." The PUD has a public education program and a technical assistance program developed to promote conservation. The PUD meters its stream diversions, its production from Lake Reservoir and its wells, and mainline flow within the system. All source meters and mainline meters are read on the first working day of each month. The PUD also has an aggressive water accountability program.

Single family residential consumption averaged 200 gallons per service per day in 1990. Projected growth is expected to be predominantly from new home construction. Due to current building code efficiency standards (requiring low flow plumbing fixtures), the PUD expects new homes to average approximately 150 gallons per service per day.

The PUD has identified its largest water consumers to be commercial and agricultural customers with large demands for process water, stockwater and irrigation water. Many of the agricultural irrigation customers are already using drip irrigation systems to optimize water use; several of these irrigators have interruptible flow contracts with the PUD, requiring them to stop consumption if their high demands are adversely impacting domestic use in their area of the distribution system. The PUD requires new large irrigation customers to submit Stanley-Criddle Water Balance calculations to the PUD for review before the new irrigation service is approved and installed.

RECOMMENDATIONS

I recommend that the requested changes to Ground Water Permit 3350 be approved, subject to the provisions listed below.

Provisions:

This change is conditioned upon the fulfillment of the terms of the Skagit Memorandum of Agreement (MOA), as agreed to by the signatory parties (the City of Anacortes, the PUD No. 1 of Skagit County, the Skagit System Cooperative, the Department of Fish and Wildlife, Skagit County Commissioners, and the Department of Ecology), signed December 23, 1996.

An approved measuring device shall be installed at the point of diversion and maintained in accordance with RCW 90.03.260 and chapter 508-64 WAC. Meter readings shall be recorded daily and this data shall be maintained and be made available to the Department of Ecology and the Skagit Cooperative upon request.

The intake shall be screened at all times in accordance with Department of Fish and Wildlife screening criteria. This water right is issued subject to Washington Department of Fish and Wildlife Hydraulic Project Approval.

If it can be shown that this change approval has a detrimental effect on existing rights, it shall be the responsibility of the operator to mitigate for this impact and/or alter or cease diversion of water.

Issuance of this water right may be subject to implementation of the minimum requirements established in the Conservation Planning Requirements, Guidelines and Requirements for Public Water Systems for Water Use Reporting, Demand Forecasting Methodology, and Conservation Programs, July 1994, as revised.

The original point of withdrawal must be properly decommissioned within three years of approval of this authorization.

Nothing in this change approval shall be construed as excusing the PUD from compliance with any applicable federal, state or local statutes, ordinances, or regulations. Specifically the Department of Health has regulations that may require permitting for the proposed activity.

The applicant is advised that a Certificate of Water Right will issue for only that quantity of water that has been diverted and applied to actual beneficial use. Such quantity applied to actual beneficial use under this authorization shall not exceed the quantity specified in this report of exam and will be calculated based on the best information available to Ecology.

A Water Right Certificate will not be issued until a final investigation is made.

CONCLUSIONS

In accordance with chapters 90.03 and 90.44 RCW, I conclude that Water Right Permit 3350 is in good standing and is eligible for change. I have determined that water is available from the proposed point of diversion and will be diverted from the same source of public water as the original point of withdrawal. The proposed point of diversion and change in place of use will not enlarge the existing permit and the water use will be beneficial. Approval of this change request will not cause impairment of existing rights or be detrimental to the public interest. Based on these conclusions, this change request should be approved, subject to existing rights and the above-indicated provisions.

REPORT BY: 

DATE: March 13, 2001

REPORT OF EXAMINATION FOR CHANGE

GROUND WATER PERMIT 3350
STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

REPORT OF EXAMINATION FOR CHANGE OF WATER RIGHT PERMIT
TO APPROPRIATE PUBLIC WATERS OF THE STATE OF WASHINGTON

☐ Surface Water (Issued in accordance with the provisions of Chapter 391 Laws of Washington for 1977, and amendments thereto, and all rules and regulations of the Department of Ecology)
☒ Ground Water (Issued in accordance with the provisions of Chapter 388, Laws of Washington for 1941, and all rules and regulations of the Department of Ecology)

PROPERTY DATE
March 26, 1953

NAME
Public Utility District No. 1 of Skagit County

ADDRESS (STREET)
P.O. Box 1496

(CITY)
Mount Vernon

(STATE)
Washington

ZIP CODE
98273

LICENSE NUMBER
3121

PERMIT NUMBER
GWP 2911

CERTIFICATE NUMBER

PUBLIC WATERS TO BE APPROPRIATED

SOURCE
Skagit River

TERRITORY OF (IN SURFACE WATERS)

MAGNIFICENT GALLONS PER SECOND
2.0

MAXIMUM GALLONS PER MINUTE
1440

MAXIMUM ACRE FEET PER YEAR

QUANTITY, TYPE OF USE, PERIOD OF USE
Municipal Supply – Year round

LOCATION OF DIVERSION/WITHDRAWAL

APPROXIMATE LOCATION OF DIVERSION/WITHDRAWAL
Within the SW1/4 of Section 29 and/or SE1/4 of Section 30, Township 35 N., Range 5E, W.M. in Skagit County

LOCATED WITHIN (SMALLEST LEGAL SUBDIVISION)

SECTION
29 and/or 30

TOWNSHIP
35

RANGE, E. OR W. 1/2
5E

W.E.A.
3

COUNTY
Skagit

RECORDED PLATTED PROPERTY

LOT

BLOCK

OF COMMONS OF PLAN OR ADDITION

LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED

Areas served by the Public Utility District No. 1 of Skagit County and the City of Anacortes as indicated in the Skagit County Coordinated Water System Plan Designated Water Service Areas map, dated September 1992, revised September 1, 1996 (A service area map is on the last page of this report).
DESCRIPTION OF PROPOSED WORKS

A new point of diversion is proposed to be located on the south shoreline of the Skagit River, downstream of the existing PUD pipeline, so the proposed point of diversion will be downstream of the reach of the Skagit River designated as a Wild and Scenic River. The proposed pumping plant will have a pumping capacity of 33.39 cfs, and water will be pumped through a new pipeline with this capacity to be constructed from the new pumping plant to Judy Reservoir for distribution through the existing distribution lines.

DEVELOPMENT SCHEDULE

<table>
<thead>
<tr>
<th>PROJECT PERIOD</th>
<th>COMPLETED PROJECT BY DATE</th>
<th>WAIVER GIVEN TO行く.</th>
<th>PUD</th>
<th></th>
<th>DOCUMENT</th>
<th>DEPARTMENT</th>
</tr>
</thead>
</table>

REPORT

INTRODUCTION

Skagit River Watershed:

The Skagit River originates in the mountains of Manning Provincial Park in British Columbia, Canada. George Dean, Dibble Dam and Ross Dam impound the Skagit River on the United States side of the border. The river flows through an eagle nesting area and past the towns of Sedro-Woolley, Burlington and Mount Vernon before forming a delta and entering into Skagit Bay. The Skagit is the largest watershed in the Puget Sound Basin. The Skagit River Watershed has numerous runs of Pacific Ocean salmon. Present management of salmon is under the jurisdiction of the State of Washington and the consolidated Skagit Tribes. The three Skagit Tribes include the Swinomish, Upper Skagit and Sauk/Sol dale.

Public Utilities District No. 1 of Skagit County:

Public Utility District No. 1 of Skagit County (PUD) is a municipal corporation of the State of Washington, established as a result of the general election of November 3, 1936, for the purpose of conserving the water and power resources of the State of Washington. The PUD is authorized to acquire, construct and operate water systems within and without the county boundaries and to furnish water service to the inhabitants of the district and other persons. Pursuant to such authority, the PUD acquired and now operates water utility properties serving the cities of Mount Vernon, Burlington, Sedro-Woolley, the communities of Cedar Grove, Cle Elum, Conway, Dewey, Rockport and Smillik Beach and the rural and suburban areas adjacent to those areas. The PUD presently serves more than 7,000 water services and requests for waterline extensions and additional services are being received regularly.

Of the 130 public water systems in Skagit County, the Judy Reservoir system of the PUD ranks as the most important by virtue of the large number of customers served and its role as the Countywide Satellite System Management Agency. Only the City of Anacortes' system produces more water, wholesaling much of it to local industries and municipalities. The balance of the public water systems obtain supplies from individual sources and/or by purchasing from one or two major systems.

In 1939, the PUD bought three water systems serving Burlington, Mount Vernon and Sedro-Woolley from the Peoples' Water and Gas Company, forming the basis for the PUD's present system. The sources for the original system were the southern Culus Mountain streams and the Skagit River. The system included over 50 miles of water mains, four million gallons of storage and over 3,000 water services. The Culus Mountain streams are the PUD's principle source of supply and the system has grown through other acquisitions, improvements and outside development to over 450 miles of pipeline and over 22 million gallons of storage. The PUD also owns and operates one water system on Fidalgo Island, one water system just east of Mount Vernon, and two water systems further east along the Skagit River.

The population of Skagit County was 79,555 as of the 1990 U.S. Census. The PUD then served approximately 45,390 people (57 percent of the County population) through 15,044 services. Population projections used for the Coordinated Water System Plan and County/City Comprehensive Plans indicate Skagit County will grow to 137,597 by 2014. PUD services are projected to number over 29,100 by 2014.

History of Development of the PUD Water Systems:

Although organized early in 1937, the PUD did not actually engage in the utility business until November 4, 1939, when it purchased by friendly condemnation, the water systems in the Cities of Mount Vernon, Burlington and Sedro-Woolley from the Peoples' Water and Gas Company. The water systems totaled 3,134 water services, 51.5 miles of pipeline, 3,940,000 gallons of distribution storage, 1.75 million gallons per day in treatment facilities, and diversions on the Skagit River, local springs, and five creeks in the Culus Mountains (East Fork Nooksack, Rock Springs, Pigmen, Mum and Turner creeks). On March 7, 1940, the PUD purchased the Clear Lake Water Corporation comprised of 180 water services, 11.5 miles of pipeline, 500,000 gallons of distribution storage, and diversions on three Culus Mountain streams (Gilligan, Salmon and Turner Creeks). On July 1, 1940, the PUD purchased 1.8 miles of water line from the Avon Mutual Water System. In 1940, the PUD commenced to integrate the entire system by laying a wood stave transmission line from Sedro-Woolley to Burlington and Mount Vernon. This line was completed that same year through support of the Works Progress Administration. The further development of the Judy Reservoir, Fidalgo Island and remote systems of the PUD is chronicled as follows:

1947 Completed construction of impoundment dams in Jantek Basin, forming Judy Reservoir, capacity 450 million gallons, spillway at 45º AMSL.
1954 Completed construction of a new Ranney well next to the Skagit River in northwest Mount Vernon.
1956 Acquired/constructed new Fidalgo Island water system at Smillik Beach through Local Utility District (LUD) No. 2.
1958 Completed new overhead Skagit River pipeline crossing south of Sedro-Woolley, replacing failed 1951 submarine crossing.
1958 Replaced Gilligan and Salmon Creek diversions/pipelines to increase supply to Judy Reservoir.
1960 Extended Judy Reservoir system to Bayview through LUD No. 4.
1961 Expanded Fidalgo Island system to the Gibson and DEWY Beach areas through LUD No. 5.
1961 Installed concrete cylinder pipe transmission line connecting Judy Reservoir to Mount Vernon.
1962 Acquired the Conway Water Company and connected it to the Judy Reservoir System.
1965 Raised Judy Reservoir from elevation 435° above mean sea level (AMS) to 451° AMSL, increasing its impoundment capacity from 450 million gallons to 1,010 million gallons.
1967 Completed the transmission line loop with the installation of concrete cylinder pipe between Burlington and Mount Vernon.
1967 Replaced the wood stave transmission line between Judy Reservoir and the Sedro-Woolley river crossing with concrete cylinder pipe.
1977 Installed a concrete cylinder pipe transmission line parallel to the wood stave distribution line between Sedro-Woolley and Burlington.
1984 Transferred service from the wood stove line to the transmission line between Burlington and Sedro-Woolley.
1986 Completed and put on line the PUD's multi-media direct filtration water treatment plant at Judy Reservoir to serve the Judy Reservoir system.
1991 Acquired the remote public water system at Roodport through LUD No. 11.
1991 Extended the Judy Reservoir system toward Big Lake along Gunderson Road through LUD No. 12.
1992 Acquired the remote public water system at Cedargrove On The Skagit through LUD No. 10.
1993 Extended the Judy Reservoir system around Big Lake through LUD No. 16 and to Lake 16 through LUD No. 17.
1999 Began expansion of Judy Reservoir to elevation 465' AMSL, increasing impoundment capacity to 1,460 million gallons.

Water Rights on Record for the PUD:

Not including water rights held for satellite management systems, the PUD has seven water right claims, five surface water certificates (SWC), two ground water permits (GWP), a reservoir permit and a reservoir certificate. Those rights are summarized as follows:

<table>
<thead>
<tr>
<th>Document Number</th>
<th>Priority Date</th>
<th>Source of Appropriation</th>
<th>Instantaneous Rate &quot;Qb&quot; (cfs or gpm)</th>
<th>Annual Rate &quot;Qa&quot; (acre-feet per year)</th>
<th>Comments</th>
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<td>Claim 09032</td>
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<td>Salmon Creek</td>
<td>1.8 cfs</td>
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<td>Change application</td>
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<tr>
<td>Claim 09033</td>
<td>Prior to 1971</td>
<td>Turner Creek</td>
<td>4.3 cfs</td>
<td>2,500</td>
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<td>Claim 09034</td>
<td>Prior to 1971</td>
<td>Rock Springs Creek</td>
<td>0.2 cfs</td>
<td>407</td>
<td>Inactive</td>
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<tr>
<td>Claim 09035</td>
<td>Prior to 1971</td>
<td>Pigeon Creek</td>
<td>0.2 cfs</td>
<td>407</td>
<td>Inactive</td>
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<tr>
<td>Claim 09036</td>
<td>Prior to 1971</td>
<td>Unnamed creek</td>
<td>0.1 cfs</td>
<td>207</td>
<td>Inactive</td>
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<td>Claim 09037</td>
<td>Prior to 1971</td>
<td>Cold Springs</td>
<td>0.2 cfs</td>
<td>407</td>
<td>Inactive</td>
</tr>
<tr>
<td>Claim 09038</td>
<td>Prior to 1971</td>
<td>East Nooksacks</td>
<td>1.1 cfs</td>
<td>1107</td>
<td>Inactive</td>
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<td>SWC 26</td>
<td>September 28, 1917</td>
<td>Manch Creek</td>
<td>2.5 cfs</td>
<td>Not listed</td>
<td>Change application</td>
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<td>SWC 411</td>
<td>October 10, 1920</td>
<td>Gilligan Creek</td>
<td>1.5 cfs</td>
<td>Not listed</td>
<td>Change application</td>
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<td>SI-00724C</td>
<td>October 30, 1963</td>
<td>Gilligan Creek</td>
<td>8.8 cfs</td>
<td>Supplemental Qa</td>
<td>Change application</td>
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<td>SI-00777C</td>
<td>October 30, 1963</td>
<td>Manch Creek</td>
<td>8.0 cfs</td>
<td>Supplemental Qa</td>
<td>Change application</td>
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<td>SI-00778C</td>
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<td>Turner Creek</td>
<td>6.2 cfs</td>
<td>Supplemental Qa</td>
<td>Change application</td>
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<td>GWP 2911</td>
<td>March 29, 1953</td>
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<td>500 gpm</td>
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<td>Subject of this report</td>
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<tr>
<td>GWP 3350</td>
<td>May 12, 1954</td>
<td>Runyon Well</td>
<td>4,000 gpm</td>
<td>6,000</td>
<td>Change application</td>
</tr>
<tr>
<td>Reservoir 8738</td>
<td>January 16, 1946</td>
<td>Cuthus Stream</td>
<td>Not Applicable</td>
<td>1,500</td>
<td>Judy Reservoir</td>
</tr>
<tr>
<td>R-293 (permit)</td>
<td>April 25, 1963</td>
<td>Cuthus Stream</td>
<td>Not Applicable</td>
<td>4,250</td>
<td>Judy Reservoir</td>
</tr>
</tbody>
</table>

Memorandum of Agreement:

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- To reach agreement prior to expanding service areas beyond those identified in the Coordinated Water System Plan, and
- To participate in establishing minimum instream flow levels for the Skagit River and the Cuthus Mountain tributaries.

The Department of Ecology specifically agreed to the following:

- To process the PUD and City of Anacortes applications for change identified in the MOA. The changes may or may not be subject to the Skagit instream Tally and/or the Cuthus Mountain instream flows (as identified in the MOA),
- Ecology will promulgate an administrative rule (chapter 173-503 WAC) establishing minimum instream flows, and
- Ecology agreed to hold water right applications until the final adoption of the rule.

BACKGROUND

This report of examination addresses one of nine applications for change submitted to modify the PUD's existing water rights. These nine applications were submitted to add or change to a Skagit River point of diversion and to change the place of use description to reflect the PUD's current service area.

The following information pertains to the change to Ground Water Permit 2911.

Attributes of the Permit:

Applicant: Public Utility District No 1. Of Skagit County
Ground Water Permit Number: 2911 (Formerly known as Ground Water Certificate 1904-A)
Priority Date: March 26, 1963
Instantaneous Quantity: 900 gallons per minute (2.0 cubic feet per second)
Annual Quantity: 1440 acre-feet per year
Source: Well (commonly called the Sedro WOolley well)
Purpose of Use: Municipal Supply - Continuous use
Place of Use: Town of Sedro Woolley, Mount Vernon, Burlington, Clear Lake and adjacent rural areas in Skagit County, Washington

Change Request:

Filed on: November 4, 1997
Point of Diversion: The Skagit River within the SW1/4 of Section 29 and/or the SE1/4 of Section 30, Township 35 North, Range 28, W.M. in Skagit County

REPORT OF EXAMINATION FOR CHANGE OF WATER RIGHT PERMIT
GROUND WATER PERMIT 2911
INVESTIGATION

In considering this application for change, the investigation included, but is not limited to, research and/or review of:

1. The State Water Code,
2. Existing water right documents for the PUD and predecessors,
3. Topographic and local area maps,
4. Records of site visits,
5. Conversations, e-mail, and other correspondence with Brad Spangler and Robert Powell, employees of the PUD,
6. Conversations, e-mail, and other correspondence with Jerry Loutash of Economic and Engineering Services (EES), Inc.,
7. The Washington State Supreme Court decision George Theodoros v. Ecology,
8. The Skagit River Memorandum of Agreement,
9. An "Affidavit of Beneficial Use" signed by Robert Powell attesting to the use of the subject right,
10. The 1996 report titled "Water Right Analysis for Public Utility District No. 1 of Skagit County (EES),
11. The 1994 PUD Water System Plan,
12. The 2001 "Skagit County Coordinated Water System Plant Regional Supplement" (EES), and
13. Numerous files notes and records.

State Water Code:

WAC 173-120-050 lists criteria for priority processing of competing applications. This change request satisfied subsection (3) "An application for change or transfer to an existing water right may be processed prior to competing applications provided . . . (6) The change or transfer if approved would result in providing public water supplies to meet general needs of the public for regional areas."

Chapter 90.03 RCW and Chapter 90.44 RCW authorize the appropriation of public water for beneficial use and describe the process for obtaining water rights including the process to amend or change existing rights. Changes or amendments to those rights are covered under RCW 90.03.300 and 90.44.100.

In accordance with state law the following criteria must be addressed during the process of evaluating this change request:

- Water must be available from the new point of diversion,
- The change must not cause detriment or injury to existing rights,
- The water use must be for a beneficial purpose,
- The change shall not allow an enhancement of the original right,
- The new point of diversion must be from the same source of water, and
- The water use must be in the public interest.

Water Availability:

Water is available from the Skagit River for the requested change in point of diversion.

No Detriment to Existing Rights:

Changing the source of water from a shallow well approximately 1/4 mile north of the Skagit River, to a point of diversion on the Skagit River will not impair existing rights. There are no applications, permits or certificates between the well and the proposed point of diversion on the Skagit River.

Beneficial Use:

According to RCW 90.54.020, municipal water use (for domestic, stock, industrial, commercial, irrigation, etc.) is considered a beneficial use of water.

No Enhancement to Ground Water Permit 2911:

The requested changes to Ground Water Permit 2911 will not increase the instantaneous or annual quantities of water granted under the original permit.

Same Source of Water:

The original point of withdrawal is a 55-foot deep well. The static water level in the well is approximately six feet below ground surface, which is the same elevation as the nearby Skagit River. Therefore the water in the well and the water in the Skagit River are the same.

Public Interest:

No detriment to the public interest could be identified during the investigation of this application for change. The public interest will most likely benefit because the requested changes will enhance the PUD's ability to provide a regiona water supply.

OTHER RELEVANT FINDINGS

State Environmental Policy Act:

State Environmental Policy Act (SEPA) requirements have been satisfied. To address this application for change, both an Environmental Checklist and a Determination of Non-Significance were filed on October 29, 1997.
Rejection of Ground Water Certificate 1994-A:

Upon initial review of this application for change it was determined that Water Right Certificate GWC 1994-A contained inadequate water (water not previously put to beneficial use). By separate administrative action, this certificate was rescinded back to permit status to allow the PUD to fulfill the original intent of the application. This change authorization is being made to the reinstated permit.

Conservation:

The PUD’s water conservation goal is to “provide all PUD customers with the knowledge and incentive(s) to use water wisely and eliminate wasteful water use practices.” The PUD has a public education program and a technical assistance program developed to promote conservation. The PUD measures its stream diversions, its production from Judy Reservoir and its wells, and mainline flow within the system. All source meters and mainline meters are read on the first working day of each month. The PUD also has an aggressive water accountability program.

Single family residential consumption averaged 200 gallons per service per day in 1990. Projected growth is expected to be predominantly from new home construction. Due to current building code efficiency standards (requiring low flow plumbing fixtures), the PUD expects new homes to average approximately 150 gallons per service per day.

The PUD has identified its largest water consumers to be commercial and agricultural customers with large demands for process water, stock water, and irrigation water. Many of the agricultural irrigation customers are already using drip irrigation systems to optimize water use; several of these irrigators have irrevocable flow contracts with the PUD, requiring them to stop consumption if their high demands are adversely impacting domestic use in their area of the distribution system. The PUD requires new large irrigation customers to submit Disney-Criddle Water Balance calculations to the PUD for review before the new irrigation service is approved and installed.

RECOMMENDATIONS

I recommend that the requested changes to Ground Water Permit 2911 be approved, subject to the provisions listed below.

Provisions:

This change is conditioned upon the fulfillment of the terms of the Skagit Memorandum of Agreement (MOA), as agreed to by the signatory parties (the City of Anacortes, the PUD No. 1 of Skagit County, the Skagit System Cooperative, the Department of Fish and Wildlife, Skagit County Commissioners, and the Department of Ecology), signed December 23, 1996.

An approved measuring device shall be installed at the point of diversion and maintained in accordance with RCW 90.03.360 and chapter 508-64 WAC. Meters shall be read at least once daily and this data shall be maintained and be made available to the Department of Ecology and the Skagit Cooperative upon request.

The intake shall be screened at all times in accordance with Department of Fish and Wildlife screening criteria. This water right is issued subject to Washington Department of Fish and Wildlife Hydraulic Project Approval.

If it can be shown that this change approval has a detrimental effect on existing rights, it shall be the responsibility of the operator to mitigate for this impact and/or alter or cease diversion of water.

Issuance of this water right may be subject to implementation of the minimum requirements established in the Conservation Planning Requirements, Guidelines and Requirements for Public Water Systems Regarding Water Use Reporting, Demand Forecasting Methodology, and Conservation Programs, July 1994, as revised.

The original point of withdrawal must be properly decommissioned within three years of approval of this authorization.

Nothing in this change approval shall be construed as excusing the PUD from compliance with any applicable federal, state or local statutes, ordinances, or regulations. Specifically the Department of Health has regulations that may require permitting for the proposed activity.

The applicant is advised that a Certificate of Water Right will issue for only that quantity of water that has been diverted and applied to actual beneficial use. Such quantity applied to actual beneficial use under this authorization shall not exceed the quantity specified in this report of exam and will be calculated based on the best information available to Ecology.

A Water Right Certificate will not be issued until a final investigation is made.

CONCLUSIONS

In accordance with chapters 90.03 and 90.44 RCW, I conclude that Ground Water Permit 2911 is in good standing and is eligible for change. I have determined that water is available from the proposed new point of diversion and will be diverted from the same source of public water as the original point of withdrawal. The proposed point of diversion and change in place of use will not enlarge the existing permit and the water use will be beneficial. Approval of this change request will not cause impoundment of existing rights or be detrimental to the public interest. Based on these conclusions, this change request should be approved, subject to existing rights and the above-indicated provisions.

REPORT BY

DATE

March 7, 2001

REPORT OF EXAMINATION FOR CHANGE OF WATER RIGHT PERMIT

GROUND WATER PERMIT 2911
State of Washington
Application for a Water Right
Please follow the attached instructions to avoid unnecessary delays.

Section 1. APPLICANT - PERSON, ORGANIZATION, OR WATER SYSTEM

Name: Public Utility District No. 1 of Skagit County
Mailing Address: P.O. Box 1436
City: Mount Vernon
State: WA
Zip + 4: 98273
Home Tel: ( ) ____________
Work Tel: (360) 424 - 7104
Fax: (360) 424 - 5764

Section 2. CONTACT - PERSON TO CALL ABOUT THE APPLICATION
☐ Same as above, except
Name: Greg Peterson or Brad Spangler
Mailing Address: ________________
City: ________________
State: ________________
Zip + 4: ________________
Fax: (360) 416 - 0382
Relationship to applicant: Staff

Section 3. STATEMENT OF INTENT

The applicant requests a permit to use not more than 12.80 gallons per minute or 8 cubic feet per second (fbps) from a surface water source or ground water source (check only one) for the purpose(s) of: Municipal Supply. ATTACH A "LEGAL" DESCRIPTION OF THE PLACE OF USE. (See instructions.) NOTE: A tax parcel number or a plat number is not sufficient.

Estimate a maximum annual quantity to be used in acre-feet per year: See comments on last page.

☐ Check if the water use is proposed for a short-term project. Indicate the period of time that the water will be needed: From __/____/____ to __/____/____

Section 4. WATER SOURCE

IF SURFACE WATER

Name the water source and indicate if stream, spring, lake, etc. If unnamed, write "unnamed spring," "unnamed stream," etc.: Skagit River
Number of diversions: 1
Source flows into (name of body of water): Skagit Bay/Puget Sound

IF GROUNDWATER

A permit is desired for ______ well(s).
Size & depth of well(s):

LOCATION

Enter the north-south and east-west distances in feet from the point of diversion or withdrawal to the nearest section corner: Specific location on river not yet determined.

<table>
<thead>
<tr>
<th>% of</th>
<th>% of</th>
<th>Section</th>
<th>Township</th>
<th>Range(E/W)</th>
<th>County</th>
</tr>
</thead>
<tbody>
<tr>
<td>1/4</td>
<td>35N</td>
<td>29</td>
<td>35N</td>
<td>5E</td>
<td>Skagit</td>
</tr>
<tr>
<td>5/12</td>
<td>35N</td>
<td>30</td>
<td>35N</td>
<td>5E</td>
<td>Skagit</td>
</tr>
</tbody>
</table>

For Ecology Use: Date Received: 10-22-97 Priority Date: 10-22-97
SEPA: Exempt/Not Exempt FERC License #: Dept. Of Health #:
Date Acepted As Complete: 1-4-97 By: WRRA: 3

ECY 040-1-14
Rev. 8/95 F
APPLICATION
Appl No.: S1-27860
Section 5. GENERAL WATER SYSTEM INFORMATION

A. Name of system, if named: Judy Reservoir Water System

B. Briefly describe your proposed water system. (See instructions.)
   
   SEE ATTACHED WATER SYSTEM PLAN

C. Do you already have any water rights or claims associated with this property or system? ☒ YES ☐ NO PROVIDE DOCUMENTATION. SEE ATTACHED WATER SYSTEM PLAN / MDA.

Section 6. DOMESTIC / PUBLIC WATER SUPPLY SYSTEM INFORMATION
(Completed for all domestic/public supply uses.)

A. Number of "connections" requested: __________ Type of connection (Homes, Apartment, Recreational, etc.)

B. Are you within the area of an approved water system? ☒ YES ☐ NO
   If yes, explain why you are unable to connect to the system. Note: Regional water systems are identified by your County Health Department.

Complete C. and D. only if the proposed water system will have fifteen or more connections.

C. Do you have a current water system plan approved by the Washington State Department of Health? ☒ YES ☐ NO
   If yes, when was it approved? __10-5-95___ Please attach the current approved version of your plan.

D. Do you have an approved conservation plan? ☐ YES ☒ NO
   If yes, when was it approved? __10-5-95___ Please attach the current approved version of your plan.

Section 7. IRRIGATION/AGRICULTURAL/FARM INFORMATION
(Complete for all irrigation and agriculture uses.)

A. Total number of acres to be irrigated: __________

B. List total number of acres for other specified agricultural uses:
   
   Use: ___________________ Acres: __________
   Use: ___________________ Acres: __________
   Use: ___________________ Acres: __________

C. Total number of acres to be covered by this application: __________

D. Family Farm Act (Initiative Measure Number 59, November 3, 1977)
   Add up the acreage in which you have a controlling interest, including only:
   $ Acreage irrigated under water rights acquired after December 8, 1977;
   $ Acreage proposed to be irrigated under this application;
   $ Acreage proposed to be irrigated under other pending application(s).

   1. Is the combined acreage greater than 2000 acres? ☐ YES ☒ NO
   2. Do you have a controlling interest in a Family Farm Development Permit? ☒ YES ☐ NO
      If yes, enter permit no: ___________________

E. Farm uses:
   Stockwater - Total # of animals: __________ Animal type: __________ (If dairy cattle, see below)
   Dairy - # Milking: __________ # Non-milking: __________
Section 8. WATER STORAGE

Will you be using a dam, dike, or other structure to retain or store water? ☑ YES ☐ NO

NOTE: If you will be storing 10 acre-feet or more of water and/or if the water depth will be 10 feet or more at the deepest point, and some portion of the storage will be above grade, you must also apply for a reservoir permit. You can get a reservoir permit application from the Department of Ecology.

Section 9. DRIVING DIRECTIONS

Provide detailed driving instructions to the project site.

I-5 to Mount Vernon, WA. College Way offramp. Turn west onto College Way, then south at light onto Freeway Drive. PUD headquarters located @ 1415 Freeway Drive. Entrance at north end of property. Parking in the rear (lawn / 3 fountains in front). PUD staff can direct you further to site.

Section 10. REQUIRED MAP

A. Attach a map of the project. (See instructions.)

Please see map identified as Figure 1

Section 11. PROPERTY OWNERSHIP

A. Does the applicant own the land on which the water will be used? ☑ YES ☐ NO

If no, explain the applicant's interest in the place of use and provide the name(s) and address(es) of the owner(s):

Public Water Supplier

B. Does the applicant own the land on which the water source is located? ☑ YES ☐ NO

If no, submit a copy of agreement:

I certify that the information above is true and accurate to the best of my knowledge. I understand that in order to process my application, I grant staff from the Department of Ecology access to the site for inspection and monitoring purposes. Even though I may have been assisted in the preparation of the above application by the employees of the Department of Ecology, all responsibility for the accuracy of the information rests with me.

[Signature]

Applicant (or authorized representative)

[Date]

[Signature]

[Date]

Landowner for place of use (if same as applicant, write "same")

APPLICATION
Use this page to continue your answers to any questions on the application. Please indicate section number before answer.

3. In accordance with the MOA Regarding Utilization of Skagit River Basin Water Resources, rights issued under this application will be subject to Lower Skagit River Instream Flows (which have not yet been established). Therefore, a realistic estimate of annual use cannot be made at this time.

We are returning your application for the following reason(s):

<table>
<thead>
<tr>
<th>Examination fee was not enclosed</th>
<th>APPLICANT PLEASE RETURN TO CASHIER, PO BOX 5128, LACEY, WA 98509-5128</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section number(s) is/are</td>
<td>APPLICANT PLEASE RETURN TO THE APPROPRIATE REGIONAL OFFICE</td>
</tr>
<tr>
<td>incomplete</td>
<td></td>
</tr>
</tbody>
</table>

Explanation:

Please provide the additional information requested above and return your application by __________________________ (date).

Ecology staff __________________________ Date __________________________

To receive this document in alternative format, contact Lisa Newman at (360) 407-6604 (Voice) or (360) 407-6006 (TDD).
Place of Use

Areas served by the Public Utility District No. 1 of Skagit County and the City of Anacortes as indicated in the Skagit County Coordinated Water System Plan Designated Water Service Areas map dated September 1992, revised September 1, 1996.
Skagit River Pumping Plant location has not been specifically identified yet, but will be on reach within N1°15'36" of Sec 29 and E2°35'48" of Sec 30, T.35N, R.5E.
STORAGE WATER RIGHTS
CERTIFICATE OF SURFACE WATER RIGHT

This is to certify that

BELLAMY COURT P. O. BOX 67

of

BELLAMY COURT, State of Washington, as owner,

proof to the satisfaction of the State Supervisor of Water Resources of Washington, of a right to the use

of the waters of

BELLAMY COURT, consisting of

a septic system located

within the

31/2 of Secs. 31 and 32, T. 39 N., R. 5 E., W. 1/2, under and subject to provisions contained in

Sec. 33, T., R., S. E., W. 1/2, issued by the State Supervisor of Water Resources, and that said right to the use of said waters has been perfected in accordance with the laws of Washington, and is hereby confirmed by the State Supervisor of Water Resources of Washington and entered of record in Volume 10, at Page 6758, on the 1st day of

April 1969, that the priority date of the right hereby confirmed is

February 15, 1966, that the amount of water under the right hereby confirmed, for the following purposes is limited to an amount actually beneficially used and shall not exceed

1500 acre-feet to be stored annually for

domestic and industrial supply.

A description of the lands under such right to which the water right is appurtenant, and the place where such water is put to beneficial use, is as follows:

Central Skagit County, Washington, including cities of Sedro-Woolley, Burlington, Mount Vernon, Clear Lake and rural areas surrounding these centers.

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 Sections 6 and 7, Chapter 122, Laws of 1929.

WITNESS the seal and signature of the State Supervisor of Water Resources affirmed this

1st day of


State Supervisor of Water Resources.
STATE OF WASHINGTON
AMENDED SUPERSEDED RESERVOIR CERTIFICATE
TO CONSTRUCT A RESERVOIR AND STORE FOR
BENEFICIAL USE

Document Title: Certificate of Water Right

Agency: Department of Ecology
Northwest Regional Office
3190 - 160th Avenue Southeast
Bellevue, WA 98008-5452

Applicant: PUD #1 of Skagit County
P.O. Box 1436
1415 Freeway Drive
Mount Vernon, WA 98273

Reference Number: N/A

PRIORITY DATE APPLICATION NUMBER PERMIT NUMBER CERTIFICATE NUMBER
April 24, 1963 R1-17876 R-293 R1-00673C

The applicant is hereby granted a certificate to construct a reservoir and store waters of the State of Washington, subject to the following limitations and provisions. Permittee shall construct the impounding dam or dike in accordance with the approved detailed plans and specifications and shall maintain or make any repairs to said structure as may be considered necessary by the State of Washington to ensure safety to life and property. It is also provided that the permittee shall construct and maintain such fish protection devices as may be required by the Department of Fish and Wildlife.

NAME OF STREAM OR OTHER SOURCE FOR RESERVOIR SUPPLY
Gilligan, Salmon, Turner, Mundi, Rock Springs, Pigeon, unnamed tributary of Mundi Creek, Cold Springs, and East Fork Nookachamps Creeks

TRIBUTARY OF (IF SURFACE WATERS)
Skagit River

NUMBER OF ACRE- FEET STORED WHEN USES TO BE MADE OF IMPOUNDED WATER RESERVOIR IS FILLED TO NOFL (one acre-foot equal to 325,851 gal)
4,250 For community and municipal domestic supply

NOTE: NOFL MEANS: Normal Operating Pool Level

LOCATION OF IMPOUNDING STRUCTURE

LEGAL SUBDIVISION OF LANDS IN WHICH THE SUBMERGED AREA IS TO BE LOCATED
Center of Judy Reservoir is approximately 320 feet north of southeast corner of Section 52.

PARCEL # P0033, P0034, P0035, P0036, P0037, P0038, P0039, P0040 and P0041.

LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED

PARCEL #

AMENDED SUPERSEDED RESERVOIR CERTIFICATE
**LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED**

Area served by PUD No. 1 of Skagit County

**CONSTRUCTION OF IMPOUNDING STRUCTURE for DAM “A”**

<table>
<thead>
<tr>
<th>Height of Dam (Feet)</th>
<th>Length on Top (Feet)</th>
<th>Width on Top (Feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>57</td>
<td>687</td>
<td>25</td>
</tr>
</tbody>
</table>

Slope of Front or Water Side (Number of Feet Horizontal to One Foot Vertical) Slope of Back Side (Number of Feet Horizontal to One Foot Vertical)

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>2:1</td>
<td>2:1</td>
</tr>
</tbody>
</table>

Height of Dam Above Water Line at NOPL (Feet)

5

Type of Construction of Dam and Construction Materials

Earthfill embankment

Location and Approximate Dimensions of Spillway Including Crest Length

No spillway

Location, Size, and Type of Valve and Outlet Conduit Structure

<table>
<thead>
<tr>
<th>Location</th>
<th>Size</th>
<th>Type</th>
<th>Valve</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alternate Supply Line</td>
<td>North Dam A</td>
<td>36&quot;</td>
<td>Ductile Iron Pipe</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>36&quot; Manual Butterfly</td>
</tr>
<tr>
<td>Withdrawal Tower</td>
<td>Center of Dam A</td>
<td>2-24&quot;</td>
<td>Concrete Bell &amp; Spigot Pipes</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>1-24&quot; Slide Gate Valve on each of the 3 intakes on the Withdrawal Tower</td>
</tr>
</tbody>
</table>

Number of Acres Submerged When Reservoir is Filled to NOPL

145

Maximum Depth (Feet at NOPL)

49.2

**CONSTRUCTION OF IMPOUNDING STRUCTURE for DAM “B”**

<table>
<thead>
<tr>
<th>Height of Dam (Feet)</th>
<th>Length on Top (Feet)</th>
<th>Width on Top (Feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>East Dam B</td>
<td>60</td>
<td>775</td>
</tr>
<tr>
<td>West Dam B</td>
<td>47</td>
<td>600</td>
</tr>
</tbody>
</table>

Slope of Front or Water Side (Number of Feet Horizontal to One Foot Vertical) Slope of Back Side (Number of Feet Horizontal to One Foot Vertical)

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td>2:1</td>
<td>2:1</td>
</tr>
</tbody>
</table>

Height of Dam Above Water Line at NOPL (Feet)

East Dam B 5
West Dam B 6

Type of Construction of Dam and Construction Materials

East & West Dams B: Earthfill Embankment

Location and Approximate Dimensions of Spillway Including Crest Length

On East Dam B, there is a 36" diameter, concrete encased, corrugated metal pipe (CMP) spillway.

Location, Size, and Type of Valve and Outlet Conduit Structure

On East Dam B, the outlet structure is a concrete intake slab with galvanized steel truss truss on the inlet to the CMP.

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 90.03.390, 90.03.395, and 90.44.020.

Given under my hand and the seal of this office at Belleview, Washington, the 19th day of August, 2004.

Linda Hoffman
Department of Ecology


AMENDED SUPERSEDED RESERVOIR CERTIFICATE 2 R1-00673C
OTHER WATER RIGHTS
STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
WATER RIGHT CLAIMS REGISTRATION

WATER RIGHT CLAIM

1. NAME: Public Utility District No.1 of Skagit County, Washington
 ADDRESS: 1415 Freeway Drive
 Mount Vernon, Washington
 ZIP CODE: 98273

2. SOURCE FROM WHICH THE RIGHT TO TAKE AND MAKE USE OF WATER IS CLAIMED:
 Surface
 Rock Springs Creek

3. THE QUANTITIES OF WATER AND TIMES OF USE CLAIMED:
 A. QUANTITY OF WATER CLAIMED: 0.2 cfs
 PRESENTLY USED: 0
 B. ANNUAL QUANTITY CLAIMED: Unknown
 PRESENTLY USED: 0
 C. IF FOR IRRIGATION, ACRES CLAIMED:
 PRESENTLY IRRIGATED:
 D. TIME(S) DURING EACH YEAR WHEN WATER IS USED:
 Year Around

4. DATE OF FIRST PUTTING WATER TO USE: MONTH: Assume prior to YEAR: 1917

5. LOCATION OF THE POINT(S) OF DIVERSION/WITHDRAWAL:
 FEET: 2,900 FROM THE CORNER OF SECTION 16
 BEING WITHIN S W 1/4 OF SECTION 16, T 34 N., R. 5E (E.O.W.), W.M.

6. LEGAL DESCRIPTION OF LANDS ON WHICH THE WATER IS USED:
 Central Skagit County including cities of Mount Vernon, Burlington, Sedro Woolley, Clear Lake and surrounding rural areas.

7. PURPOSE(S) FOR WHICH WATER IS USED:
 Municipal Water Supply

8. THE LEGAL DOCTRINE(S) UPON WHICH THE RIGHT OF CLAIM IS BASED:
 Vested right transferred

DO NOT USE THIS SPACE

I HEREBY SWEAR THAT THE ABOVE INFORMATION IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF

Robert A. Yale
Senior Engineer

DATE: March 4, 1972

RETURN ALL THREE COPIES WITH CARBONS INTACT, ALONG WITH YOUR FEE TO DEPARTMENT OF ECOLOGY
WATER RIGHT CLAIMS REGISTRATION
P.O. BOX 924 OLYMPIA, WASHINGTON 98507

ORIGINAL DWR
WATER RIGHT CLAIM

1. NAME: Public Utility District No. 1 of Skagit County, Washington

ADDRESS: 1415 Freeway Drive
Mount Vernon, Washington 98273

2. SOURCE FROM WHICH THE RIGHT TO TAKE AND MAKE USE OF WATER IS CLAIMED:
   Pigeon Creek

   W.R.I.A. (SURFACE OR GROUND WATER) 03

   A. IF GROUND WATER, THE SOURCE IS ____________
   B. IF SURFACE WATER, THE SOURCE IS Pigeon Creek, Cultus Mountain

3. THE QUANTITIES OF WATER AND TIMES OF USE CLAIMED:
   A. QUANTITY OF WATER CLAIMED 0.2 cfs
   PRESENTLY USED 0
     (CUBIC FEET PER SECOND OR GALLONS PER MINUTE)
   B. ANNUAL QUANTITY CLAIMED Unknown
     PRESENTLY USED 0
     (ACRE FEET PER YEAR)
   C. IF FOR IRRIGATION, ACRES CLAIMED ____________
     PRESENTLY IRRIGATED ____________
   D. TIME(S) DURING EACH YEAR WHEN WATER IS USED: Year Around

4. DATE OF FIRST PUTTING WATER TO USE: MONTH Assume prior to
   YEAR 1917

5. LOCATION OF THE POINT(S) OF DIVERSION/Withdrawal: 1,900
   FEET N 64° E AND
   FROM THE 1/4 CORNER OF SECTION 16
   BEING WITHIN T 34 N, R. 5 E (E.G.R.W.) W.M.
   IF THIS IS WITHIN THE LIMITS OF A RECORDED PLATTED PROPERTY, LOT
   BLOCK OF

6. LEGAL DESCRIPTION OF LANDS ON WHICH THE WATER IS USED: Central Skagit County including
   cities of Mount Vernon, Burlington, Sedro Woolley, Clear Lake and surrounding rural areas

7. PURPOSE(S) FOR WHICH WATER IS USED: Municipal Water Supply

8. THE LEGAL DOCTRINE(S) UPON WHICH THE RIGHT OF CLAIM IS BASED: Vested right transferred
   from predecessor water purveyors.

DO NOT USE THIS SPACE

THE FILING OF A STATEMENT OF CLAIM DOES NOT CONSTITUTE AN ABDICATION OF
ANY CLAIM TO THE RIGHT TO USE OF WATERS AS BETWEEN THE WATER USE
CLAIMANT AND THE STATE OR AS BETWEEN ONE OR MORE WATER USE CLAIMANTS
AND ANOTHER OR OTHERS. THIS ACKNOWLEDGMENT CONSTITUTES RECEIPT FOR
THE FILING FEE.

DATE RETURNED: THIS HAS BEEN ASSIGNED
WATER RIGHT CLAIM REGISTRY NO.

MAR 17 72 009335

RETURN ALL THREE COPIES WITH CERTIFICATE INTACT ALONG WITH YOUR FEE TO
DEPARTMENT OF ECOLOGY
WATER RIGHT CLAMS REGISTRATION
P O BOX 924 OLYMPIA WASHINGTON 98508

ADDITIONAL INFORMATION RELATING TO WATER QUALITY
AND/OR WEL CONSTRUCTION IS AVAILABLE

PUBLIC UTILITY DIST. #1, SKAGIT CO.
1415 Freeway Drive
Mount Vernon, Washington 98273

Robert A. Yule, Senior Engineer
March 6, 1972

Robert A. Yule, Senior Engineer
WATER RIGHT CLAIM

1. NAME: Public Utility District No. 1 of Skagit County, Washington
   ADDRESS: 1415 Freeway Drive
   Mount Vernon, Washington 98273

2. SOURCE FROM WHICH THE RIGHT TO TAKE AND MAKE USE OF WATER IS CLAIMED:
   Surface
   Unnamed Creek

3. THE QUANTITIES OF WATER AND TIMES OF USE CLAIMED:
   A. QUANTITY OF WATER CLAIMED: 0.1 cfs
   B. ANNUAL QUANTITY CLAIMED: Unknown 20 A.F.F.
   C. IF FOR IRRIGATION, ACRES CLAIMED: Presently Irrigated

4. DATE OF FIRST PUTTING WATER TO USE: Month Assume prior to Year 1917

5. LOCATION OF THE POINT(S) OF DIVERSION/WithDRAWAL:
   FROM THE 2,000 FEET S 70°E AND
   CORNER OF SECTION 21
   BEING WITHIN N 1/4 OF SECTION 21 T. 34 N. R. 5E (E.0.) W.M.

6. LEGAL DESCRIPTION OF LANDS ON WHICH THE WATER IS USED:
   Central Skagit County including cities of Mount Vernon, Burlington, Sedro Woolley, Clear Lake and surrounding rural areas.

7. PURPOSE(S) FOR WHICH WATER IS USED: Municipal Water Supply

8. THE LEGAL DOCTRINE(S) UPON WHICH THE RIGHT OF CLAIM IS BASED: Vested right transferred from predecessor water purveyors.

DO NOT USE THIS SPACE

The filing of a statement of claim does not constitute an adjudication of any claim to the right to use of waters as between the water use claimant and the state or as between one or more water use claimants and another or others. This acknowledgment constitutes receipt for the filing fee.

DATE RETURNED: This has been assigned WATER RIGHT CLAIM REGISTRY NO.

MAR 1772009336

RETURN ALL THREE COPIES WITH CARBONS INTACT ALONG WITH YOUR FEE TO DEPARTMENT OF ECOLOGY WATER RIGHT CLAIMS REGISTRATION P.O. BOX 824 OLYMPIA WASHINGTON 98507
1. **NAME**: Public Utility District No.1 of Skagit County, Washington  
   **ADDRESS**: 1415 Freeway Drive  
   Mount Vernon, Washington  
   **ZIP CODE**: 98273

2. **SOURCE FROM WHICH THE RIGHT TO TAKE AND MAKE USE OF WATER IS CLAIMED**: Surface  
   **COLD SPRINGS CREEK**:  
   **W.R.I.A.**  
   **LEAVE BLANK**

3. **THE QUANTITIES OF WATER AND TIMES OF USE CLAIMED**:  
   **A. QUANTITY OF WATER CLAIMED**: 0.2 cfs  
   **PRESENTLY USED**: 0
   **B. ANNUAL QUANTITY CLAIMED**: Unknown  
   **PRESENTLY USED**: 0
   **C. IF FOR IRRIGATION, ACRES CLAIMED**: 0  
   **PRESENTLY IRRIGATED**: 0
   **D. TIME(S) DURING EACH YEAR WHEN WATER IS USED**: Year Around

4. **DATE OF FIRST PUTTING WATER TO USE; MONTH**: Assume prior to  
   **YEAR**: 1917

5. **LOCATION OF THE POINT(S) OF DIVERSION/WITHDRAWAL**:  
   **2,900 FEET S 51°W AND CORNER OF SECTION 21**
   **BEING WITHIN N E 1/4 OF SECTION 21 T 34 N R 6 E (E.R.W.) W.M.**
   **IF THIS IS WITHIN THE LIMITS OF A RECORDED PLATTED PROPERTY, LOT**:  
   **BLOCK**: 

6. **LEGAL DESCRIPTION OF LANDS ON WHICH THE WATER IS USED**: Central Skagit County including cities of Mount Vernon, Burlington, Sedro Woolley, Clear Lake and surrounding rural areas.

7. **PURPOSE(S) FOR WHICH WATER IS USED**: Municipal Water Supply

8. **THE LEGAL DOCTRINE(S) UPON WHICH THE RIGHT OF CLAIM IS BASED**: Wasted right transferred from predecessor water purveyors.

---

**DO NOT USE THIS SPACE**

**RETURN ALL THREE COPIES WITH CARBONS (MAKE ANOTHER COPIE)**

**DIRECTOR OF WATER RIGHTS REGISTRATION**

**WASHINGTON DEPARTMENT OF ECOLOGY**

**STATE OF WASHINGTON**

---

**Robert A. Yale, Senior Engineer**  
**March 6, 1972**

**PUBLIC UTILITY DIST. No. 1, SKAGIT CO.**  
**1415 Freeway Drive**  
**Mount Vernon, Washington 98273**

---

**1.772009337**

---

**ORIGINAL OWR**
STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
WATER RIGHT CLAIMS REGISTRATION

WATER RIGHT CLAIM

1. NAME: Public Utility District No.1 of Skagit County, Washington
   ADDRESS: 1415 Freeway Drive
   Mount Vernon, Washington
   ZIP CODE: 98273

2. SOURCE FROM WHICH THE RIGHT TO TAKE AND MAKE USE OF WATER IS CLAIMED:
   Surface
   East Fork Nookachamps Creek
   W.R.A.: 03
   (SURFACE OR GROUND WATER)
   LEAVE BLANK

   A. IF GROUND WATER, THE SOURCE IS:
   B. IF SURFACE WATER, THE SOURCE IS: East Fork Nookachamps Creek, Cultus Mountain

3. THE QUANTITIES OF WATER AND TIMES OF USE CLAIMED:
   A. QUANTITY OF WATER CLAIMED: 1.1 cfs
   PRESENTLY USED: 0
   (CUBIC FEET PER SECOND OR GALLONS PER MINUTE)
   B. ANNUAL QUANTITY CLAIMED: Unknown
   PRESENTLY USED: 0
   (CUBIC FEET PER YEAR)
   C. IF FOR IRRIGATION, ACRES CLAIMED:
   PRESENTLY IRRIGATED

   D. TIME(S) DURING EACH YEAR WHEN WATER IS USED:
   Year Around

4. DATE OF FIRST PUTTING WATER TO USE: MONTH: Assume prior to
   YEAR: 1977

5. LOCATION OF THE POINT(S) OF DIVERSION/WITHDRAWAL:
   1,600 FEET N65°E AND
   FROM THE CORNER OF SECTION 22
   BEING WITHIN 1/4 OF SECTION 22 T.34 N. R. S. W. (E.O.W.) W.M.
   IF THIS IS WITHIN THE LIMITS OF A RECORDED PLATTED PROPERTY, LOT
   BLOCK

   (GIVE NAME OF PLAT OR ADDITION)

6. LEGAL DESCRIPTION OF LANDS ON WHICH THE WATER IS USED: Central Skagit County including
   cities of Mount Vernon, Burlington, Sedro Woolley, Clear Lake and surrounding rural areas.
   COUNTY: Skagit
   T.34 N. R. S. W. (E.O.W.) W.M.
   BLOCK

7. PURPOSE(S) FOR WHICH WATER IS USED:
   Municipal Water Supply

8. THE LEGAL DOCTRINE(S) UPON WHICH THE RIGHT OF CLAIM IS BASED:
   Vested right transferred from predecessor water purveyors.

DO NOT USE THIS SPACE

THANK YOU FOR THE ABOVE INFORMATION IS TRUE AND ACCURATE.
I HEREBY SWEAR THAT THE ABOVE INFORMATION IS TRUE AND ACCURATE.

Robert A. Hale, Senior Engineer
March 6, 1977

RETURN ALL THREE COPIES OF CARBONS, POSTAL FORMS, AND FEE TO
DEPARTMENT OF ECOLOGY
WATER RIGHT CLAIMS REGISTRATION
P.O. BOX 828, OLYMPIA, WASHINGTON 98507
APPLICATION FOR PERMIT
TO APPROPRIATE PUBLIC WATERS OF THE STATE OF WASHINGTON
☐ SURFACE WATER  ☒ GROUND WATER

$10.00 MINIMUM STATUTORY EXAMINATION FEE REQUIRED WITH APPLICATION
GRAY BOXES FOR OFFICE USE ONLY

APPLICANT NO. 27-36742
APPLICANT'S NAME: Richard Bertelsen
W.R.A. 3
COUNTY: Skagit
PRIORITY DATE: 9-24-92
TIME: 1400
ACCEPTED

ADDRESS (STREET): 1833 Starbird Rd.
(CITY): Mt. Vernon
(STATE): WA
ZIP CODE: 98273

DATE & PLACE OF INCORPORATION IF APPLICANT IS A CORPORATION
N/A

1. SOURCE OF SUPPLY
IF SURFACE WATER
SOURCE (NAME OF STREAM, LAKE, SPRING, ETC.) (IF UNNAMED, SO STATE)
TRIBUTARY
IF GROUND WATER
SOURCE (WELL, TUNNEL, INFILTRATION TRENCH, ETC.)
SIZE AND DEPTH

Three (3) wells

See attached well reports

2. USE
USE TO WHICH WATER IS TO BE APPLIED (DOMESTIC SUPPLY, IRRIGATION, MINING, MANUFACTURING, ETC.)
Irrigation, golf course, domestic supply, restaurant

ENTER QUANTITY OF WATER REQUESTED USING UNITS OF: CUBIC FEET PER SECOND (CFS) 400 OR GALLONS PER MINUTE (GPM) 400 ACRE FEET PER YEAR 61

Community demand: Supply, water saved as needed
May through October - Irrigation
 golf course is kept during winter

All year - Domestic uses

If irrigation, number of acres: approximately 100
If domestic use, number of units by type: 1 home
If municipal use, estimated population: 20 years from today N/A

DATE PROJECT WAS OR WILL BE STARTED: wells drilled May, June 1994
DATE PROJECT WAS OR WILL BE COMPLETED: June 1996 (approx.)

3A. IF IN PLATTED PROPERTY
LOT
BLOCK
OR (GIVE NAME OF PLAT OR ADDITION)
N/A
SECTION TOWN RANGE

3B. IF NOT IN PLATTED PROPERTY
ON ACCOMPANYING SECTION MAPS, ACCURATELY MARK AND IDENTIFY EACH POINT OF DIVERSION. SHOW NORTH, SOUTH AND EAST, WEST DISTANCES FROM NEAREST SECTION CORNER OR PROPERTY CORNER

LOCATED WITHIN (SMALLEST LEGAL SUBDIVISION)
SECTION TOWNSHIP RANGE (E. OR W.) W.M.
28 33 33 N 4 E Skagit

4. DO YOU OWN THE LAND ON WHICH THIS SOURCE IS LOCATED? YES

5. LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED
ATTACH A COPY OF THE LEGAL DESCRIPTION OF THE PROPERTY ON WHICH THE WATER WILL BE USED, TAKEN FROM A REAL ESTATE CONTRACT, PROPERTY DEED OR TITLE INSURANCE POLICY OR, COPY CAREFULLY IN THE SPACE BELOW

See attached Exhibit "A" - Legal Description
APPLICATION FOR PERMIT

TO APPROPRIATE PUBLIC WATERS OF THE STATE OF WASHINGTON

$10.00 MINIMUM STATUTORY EXAMINATION FEE REQUIRED WITH APPLICATION

(Gray Boxes for Office Use Only)

APPLICANT'S NAME — PLEASE PRINT

Richard A Bertelsen

ADDRESS (STREET) 1855 Starbird Rd

CITY Mt. Vernon

STATE WA

ZIP CODE 98273

DATE & PLACE OF INCORPORATION IF APPLICANT IS A CORPORATION

N/A

1. SOURCE OF SUPPLY IF GROUND WATER

SOURCE: DESIGNATED B-1

TRIBUTARY N/A

SOURCE OF SUPPLY

IF SURFACE WATER

SOURCE (NAME OF STREAM, LAKE, SPRINGS, ETC.) (IF UNNAMED, GIVE STATE)

TRIBUTARY N/A

SIZE AND DEPTH

See Attached well reports from previous application G1-26742

2. USE

USE TO WHICH WATER IS TO BE APPLIED (DOMESTIC, INDUSTRIAL, MINING, MANUFACTURING, ETC.)

Irrigation, Golf Course, Domestic Supply, 130 Residential lots, Clubhouse, Restaurant

ENTER QUANTITY OF WATER REQUESTED USING UNITS OF:

CUBIC FEET PER SECOND (CFS)

GALLONS PER MINUTE (GPM)

ACRE FEET PER YEAR

Well B-1 350 GPM

Wells B-2 + B-3 500 GPM (Amended Application G1-26742)

TIME DURING WHICH WATER WILL BE REQUIRED

May through October - Irrigation

Complimentary to Domestic Use

IF IRRIGATION, NUMBER OF ACRES

Approx 100 Acres

IF DOMESTIC USE, NUMBER OF UNITS BY TYPE: E.G., 2 HOME, 1 MOBILE HOME, 2 CAMPSPITE, ETC.

130 homes

IF MUNICIPAL USE, ESTIMATED POPULATION 20 YEARS FROM TODAY

N/A

DATE PROJECT WAS OR WILL BE STARTED

January 1997 (Approx.)

DATE PROJECT WAS OR WILL BE COMPLETED

June 1997 (Approx.)

3A. IF IN PLATTED PROPERTY

LOT

N/A

BLOCK

GIVE NAME OF PLAT OR ADDITION

SECTION

TOWN

RANGE

Also, please enclose a copy of the plat and mark the points of diversion or withdrawal on diversion.

3B. IF NOT IN PLATTED PROPERTY

ON ACCOMPANYING SECTION MAP, ACCURATELY MARK AND IDENTIFY EACH POINT OF DIVERSION, SHOW NORTH-SOUTH AND EAST-WEST DISTANCES FROM NEAREST SECTION CORNER OR PROPERTY CORNER.

ALSO, ENTER BELOW THE DISTANCES FROM THE NEAREST SECTION OR PROPERTY CORNER TO THE DIVERSION OR WITHDRAWAL.

See Attached

LOCATED WITHIN (SMALLEST LEGAL SUBDIVISION)

SECTION

TOWNSHIP N.

RANGE E. OR W.) WM

COUNTY Skagit

4E 33 33

4. DO YOU OWN THE LAND ON WHICH THIS SOURCE IS LOCATED? IF NOT, INSERT NAME & ADDRESS OF OWNER

Yes

5. LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED

ATTACH A COPY OF THE LEGAL DESCRIPTION OF THE PROPERTY ON WHICH THE WATER WILL BE USED TAKEN FROM A REAL ESTATE CONTRACT, PROPERTY DEED OR TITLE INSURANCE POLICY OR, COPY CAREFULLY IN THE SPACE BELOW.

See Attached Exhibit "A" Legal Description from previous application G1-26742
6. **DESCRIPTION OF SYSTEM PROPOSED OR INSTALLED**

   For example: size of pump, capacity of pump, pump motor, horse power, pipe diameter, number of sprinklers, etc.

   The pump size and capacities will be related to the irrigation technology available when the golf course is completed. The design specifications have not been completed. Detailed information relating to this section will be provided in 1993.

7. **REMARKS**

8. **COMPLETE THIS SECTION ONLY IF THIS APPLICATION INCLUDES IRRIGATION AS A USE**

   In order to implement the provisions of Initiative Measure Number 59, the Family Farm Water Act which was passed by the voters on November 3, 1977, we must ask the following questions:

   Does the total number of acres in which you have controlling interest in the State of Washington exceed 2000 acres for the following three categories:

   1. Lands that are being irrigated under water rights acquired after December 8, 1977.
      - YES ☑️
      - NO ☑️

   2. Lands that may be irrigated under applications now on file with the Department of Ecology.
      - YES ☑️
      - NO ☑️

   3. Lands that may be irrigated under this application.
      - YES ☑️
      - NO ☑️

   If 10 acre-feet or more of water is to be stored and/or if the water depth will be 12 feet or more at the deepest point, a storage permit must be filed in addition to this permit. These forms can be secured together with instructions, from the Department of Ecology.

**SIGNATURES**

Richard A. Bertelsen

LEGAL LANDOWNER'S NAME
(PLEASE PRINT)

1833 Stanford Rd
Mt Vernon, WA 98273

LEGAL LANDOWNER'S ADDRESS

**FOR OFFICE USE ONLY**

STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

This is to certify that I have examined this application together with the accompanying maps and data, and am returning it for correction or completion as follows:

In order to retain its priority date, this application must be returned to the Department of Ecology, with corrections, on or before ______________, 19____________.

Witness my hand this ______________ day of ______________, 19____________.

[Signature]

Department of Ecology
PARCEL A:

The Southwest Quarter of the Southwest Quarter of Section 28, Township 33 North, Range 4 East of the Willamette Meridian, and the Northwest Quarter of the Northwest Quarter of Section 33, Township 33 North, Range 4 East of the Willamette Meridian, EXCEPT from said Northwest Quarter of the Northwest Quarter of Section 33 the following three described tracts:

1. The Skagit County Road right-of-way commonly known as the Starbird Road along the South line thereof;

2. That portion thereof taken by the State of Washington pursuant to Stipulated Judgment and Decree of Appropriation entered December 27, 1971, in Skagit County Superior Court Cause No. 32404.

3. The South 254 feet of the West 90 feet of the following described tract:

That portion of the East Half of the Northwest Quarter of the Northwest Quarter of Section 33, Township 33 North, Range 4 East of the Willamette Meridian, described as follows:

Commencing at a point on the centerline of the County road running along the Southerly boundary of the East Half of the Northwest Quarter of the Northwest Quarter of said section as it existed December 10, 1947, where the same is intersected by the East line of the East Half of the Northwest Quarter of the Northwest Quarter of said section, the true point of beginning; thence North on the East line of the East Half of the Northwest Quarter of the Northwest Quarter of said section, 642 feet; thence West 326.5 feet; thence South parallel with the said East line to the center of the said County road; thence East along the centerline of the county road to the point of beginning.

PARCEL B:

The Northeast Quarter of the Southeast Quarter of Section 29, Township 33 North, Range 4 East of the Willamette Meridian.

continued...
PARCEL C:  
Well # 2, 3

The Northwest Quarter of the Southwest Quarter of Section 28, Township 33 North, Range 4 East of the Willamette Meridian.

PARCEL D:

The Southeast Quarter of the Southwest Quarter of Section 28, Township 33 North, Range 4 East of the Willamette Meridian.

PARCEL E:

The North Half of the Southwest Quarter of the Southeast Quarter of Section 28, Township 33 North, Range 4 East of the Willamette Meridian.

PARCEL F:

The South Half of the Southwest Quarter of the Southeast Quarter of Section 28, Township 33 North, Range 4 East of the Willamette Meridian, EXCEPT the East 20 feet thereof reserved for public road by deed recorded in Volume 91 of Deeds, page 416, records of Skagit County, Washington.

PARCEL G:

That portion of the Northwest Quarter of the Northeast Quarter of Section 33, Township 33 North, Range 4 East of the Willamette Meridian, described as follows:

Beginning at the Southwest corner of said Northwest Quarter of the Northeast Quarter;
  thence East 221 feet;
  thence North 45°48' West 360 feet;
  thence West 37 feet;
  thence North 967 feet;
  thence West 33 feet;
  thence South 1,320 feet to the point of beginning;

  EXCEPT that portion conveyed to Skagit County for road purposes by deed recorded May 23, 1969, under Auditor's File No. 726870, records of Skagit County, Washington.

continued. . . .
EXHIBIT "A" - LEGAL DESCRIPTION

PARCEL H:  

The Northeast Quarter of the Northwest Quarter of Section 33, Township 33 North, Range 4 East of the Willamette Meridian, EXCEPT the West 66 feet thereof, AND ALSO EXCEPT that portion conveyed to Skagit County for road purposes by deed recorded June 11, 1969, under Auditor's File No. 727589, records of Skagit County, Washington.

PARCEL I:  

The West 66 feet of the Northeast Quarter of the Northwest Quarter of Section 33, Township 33 North, Range 4 East of the Willamette Meridian, EXCEPT that portion conveyed to Skagit County for road purposes by deed recorded May 22, 1969, under Auditor's File No. 726808, records of Skagit County, Washington.

PARCEL J:  

The Southwest Quarter of the Northwest Quarter of Section 33, Township 33 North, Range 4 East of the Willamette Meridian, EXCEPT the West 20 feet thereof as conveyed to Skagit County by deed recorded May 15, 1928, under Auditor's File No. 213246, records of Skagit County, Washington, EXCEPT that portion conveyed to the State of Washington by deed recorded June 6, 1934, under Auditor's File No. 262729, records of Skagit County, Washington, EXCEPT that portion condemned by the State of Washington by decree entered October 10, 1956, in Skagit County Superior Court Cause No. 23734, EXCEPT that portion thereof conveyed to Skagit County for road purposes by deed recorded May 13, 1969, under Auditor's File No. 726426, records of Skagit County, Washington, AND ALSO EXCEPT that portion condemned by the State of Washington by decree entered February 16, 1972, in Skagit County Superior Court Cause No. 32365.

PARCEL K:  

That portion of the North 165 feet of the Northwest Quarter of the Southwest Quarter of Section 33, Township 33 North, Range 4 East of the Willamette Meridian, lying East of Primary State Highway No. 1, as condemned by State of Washington by decree entered February 16, 1972, in Skagit County Superior Court Cause No. 32365.

continued. . . . .
PARCEL L:

Tract 1 of SHORT PLAT NO. 36-84 as approved October 18, 1984, and recorded October 18, 1984, in Volume 6 of Short Plats, page 181, under Auditor's File No. 8410180023, records of Skagit County, Washington; being a portion of the Northeast Quarter of the Northeast Quarter of Section 32, Township 33 North, Range 4 East of the Willamette Meridian

ALL Situated in Skagit County, Washington.

- END OF EXHIBIT "A" -
EXHIBIT "B"
See Section 3B on Application for Permit to Appropriate Public Waters

Well #1: 200' south of the north boundary of Section 33, and 800' east of the west boundary of Section 33 in the northeast quadrant of the northwest quadrant of Section 33, Twp 33N, R 4 E WM

Well #2: 300' south of the north boundary of the northwest quadrant of the southwest quadrant of Section 28, and 125' east of the west boundary of Section 28, Twp 33N, R 4 E WM.

Well #3: 300' south of the north boundary of the northwest quadrant of the southwest quadrant of Section 28, and 225' east of the west boundary of Section 28, Twp 33N, R 4 E WM.
6. DESCRIPTION OF SYSTEM PROPOSED OR INSTALLED

(for example, size of pump, capacity of pump, pump motor horse power, pipe diameter, number of sprinklers, etc.

The pump size and capacities will be related to the irrigation technology available when the golf course is completed. The design specifications have not been completed. Detailed information relating to this section will be provided in 1993.

REMARKS

7.

8. COMPLETE THIS SECTION ONLY IF THIS APPLICATION INCLUDES IRRIGATION AS A USE

IN ORDER TO IMPLEMENT THE PROVISIONS OF INITIATIVE MEASURE NUMBER 59, THE FAMILY FARM WATER ACT WHICH WAS PASSED BY THE VOTERS ON NOVEMBER 3, 1977, WE MUST ASK THE FOLLOWING QUESTIONS:

DOES THE TOTAL NUMBER OF ACRES IN WHICH YOU HAVE CONTROLLING INTEREST IN THE STATE OF WASHINGTON EXCEED 2000 ACRES FOR THE FOLLOWING THREE CATEGORIES:

1. LANDS THAT ARE BEING IRRIGATED UNDER WATER RIGHTS ACQUIRED AFTER DECEMBER 8, 1977.
2. LANDS THAT MAY BE IRRIGATED UNDER APPLICATIONS NOW ON FILE WITH THE DEPARTMENT OF ECOLOGY.
3. LANDS THAT MAY BE IRRIGATED UNDER THIS APPLICATION.

IF 10 ACRE- FEET OR MORE OF WATER IS TO BE STORED AND/OR IF THE WATER DEPTH WILL BE 10 FEET OR MORE AT THE DEEPEST POINT, A STORAGE PERMIT MUST BE FILED IN ADDITION TO THIS PERMIT. THESE FORMS CAN BE OBTAINED TOGETHER WITH INSTRUCTIONS, FROM THE DEPARTMENT OF ECOLOGY.

SIGNATURES

Richard Bertelsen
LEGAL LANDOWNER’S NAME

1833 Starbird Road
Mt. Vernon, WA 98273
LEGAL LANDOWNER’S ADDRESS

FOR OFFICE USE ONLY

DEPARTMENT OF ECOLOGY

This is to certify that I have examined this application together with the accompanying maps and data, and am returning it for correction or completion as follows:

____________________________________________________________________________________________________________________________________________________________________

In order to retain its priority date, this application must be returned to the Department of Ecology, with corrections, on or before 19.

Witness my hand this day of 19.

Department of Ecology
Public Utility District No. 1 of Skagit County
c/o Mike Benton
PO Box 1436
Mount Vernon WA 98273

STATE OF WASHINGTON
SUPERSEDING CERTIFICATE OF WATER RIGHT

Document Title: Certificate of Water Right

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

Applicant: Public Utility District No. 1 of Skagit County
c/o Mike Benton
PO Box 1436
Mount Vernon WA 98273

Reference Number: NA

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<th>PERMIT NUMBER</th>
<th>CERTIFICATE NUMBER</th>
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<td>July 26, 1971</td>
<td>12060</td>
<td>10727</td>
<td>G1-60128C</td>
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This is to certify that the herein named applicant has made proof in 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: Well

TRIBUTARY OF (IF SURFACE WATERS)

MAX. CUBIC FEET PER SECOND MAX. GALLONS PER MINUTE MAX. ACRE-FEET PER YEAR
150 30

QUANTITY/TYPE OF USE/PERIOD OF USE

Municipal use - continuously

LOCATION OF DIVERSION/WITHDRAWAL

Tract A of the plat of Samish River Park Division No. 1

LEGAL DESCRIPTION OF LOCATION OF DIVERSION/WITHDRAWAL

<table>
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<th>SECTION</th>
<th>TOWNSHIP N.</th>
<th>RANGE (E. OR W.)</th>
<th>W.R.I.A.</th>
<th>COUNTY</th>
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<td>4 E</td>
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PARCEL # P68789

LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED

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<th>1/4 1/4</th>
<th>SECTION</th>
<th>TOWNSHIP N.</th>
<th>RANGE (E. OR W.)</th>
<th>W.R.I.A.</th>
<th>COUNTY</th>
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PARCEL #

ADDITIONAL LEGAL IS ON PAGE 2

SUPERSEDING CERTIFICATE OF WATER RIGHT
CONTINUED LEGAL DESCRIPTION FOR LOCATION OF DIVERSION/WITHDRAWAL

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

The plat of Samish River Park, Division No. 1, in Section 6 and 7, T. 35 N., R. 4 E.W.M.

The right to use the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, except as provided in RCW 90.02.380, 90.02.390, and 90.44.020.

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

Given under my hand and the seal of this office at Bellevue, Washington, this 15th day of June, 2011.

Ted Sturdevant, Director
Department of Ecology

By
Jacqueline Klug, Section Manager
Water Resources Program
SATellite SYSTEM WATER Rights

Fidalgo (not applicable – supplied by City of Anacortes)

Alger

Cedargrove

Marblemount

Mountain View

Potlatch Beach (not applicable – withdrawal of salt water from a marine water body)

Rockport

Skagit View Village
Certificate of Ground Water Right

Issued in accordance with the provisions of Chapter 293, Laws of Washington for 1945, and amendments thereto, and the rules and regulations of the State Supervisor of Water Resources thereunder.

THIS IS TO CERTIFY THAT ALGER COMMUNITY CLUB, INC.
of Bellingham, Washington, has made proof to the satisfaction of the State Supervisor of Water Resources of Washington, of a right to the use of the ground waters of a well located within NW1/4
Sec. 8, Twp. 36 N., R. 4 E., W.M.,
for the purpose of community domestic supply,
under and subject to provisions contained in Ground Water Permit No. 5401 issued by the State Supervisor of Water Resources and that said right to the use of said ground waters has been perfected in accordance with the laws of Washington, and is hereby confirmed by the State Supervisor of Water Resources of Washington and entered of record in Volume 8 at page 3885-A; that the right hereby confirmed dates from September 21, 1960; that the quantity of ground water under the right hereby confirmed for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 100 gallons per minute; 100 acre-feet per year for community domestic supply.

Special provisions required by the Supervisor of Water Resources:

A description of the lands to which such ground water right is appurtenant:

Community of Alger, Skagit County, Washington.

The right to the use of the ground water aforesaid hereby confirmed is restricted to the lands or place of use herein described, except as provided in Sections 6 and 7, Chapter 122, Laws of 1929.

WITNESS the seal and signature of the State Supervisor of Water Resources affixed this 21st day of April, 1961.

State Superintendent of Water Resources.
STATE OF WASHINGTON
CERTIFICATE OF WATER RIGHT

Document Title: Certificate of Water Right

Agency: Department of Ecology
Northwest Regional Office
3190 160th Avenue Southeast
Bellevue, WA 98008-5452

Applicant: PUD No. 1 of Skagit County
1415 Freeway Drive
Mount Vernon, WA 98273

Reference Number: N/A

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<th>PERMIT NUMBER</th>
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<td>G1-25994 P</td>
<td>G1-25994 C</td>
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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 permits 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
Well (S' x 18') - (Cedargrove)

TRIBUTARY OF (IF SURFACE WATERS)
N/A

MAX. CUBIC FEET PER SECOND
N/A

MAX. GALLONS PER MINUTE
262

MAX. ACRE-FEET PER YEAR
53.8

QUANTITY/TYPE OF USE/PERIOD OF USE
Community domestic supply/continuously

LEGAL DESCRIPTION OF LOCATION OF DIVERSION/WITHDRAWAL

1/4 N/4
SW SE
SECTION 35
TOWNSHIP 8E
RANGE (E. OR W.) W.M.
4
W.R. & A.
COUNTY
Skagit

PARCEL # N/A

ADDITIONAL LEGAL IS ON PAGE 2

LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED

1/4 N/4
N/A
SECTION 35
TOWNSHIP 8E
RANGE (E. OR W.) W.M.
4
W.R. & A.
COUNTY
Skagit

PARCEL # N/A

ADDITIONAL LEGAL IS ON PAGE 2
CONTINUED LEGAL DESCRIPTION FOR LOCATION OF DIVERSION/WITHDRAWAL

1220 feet east and 1220 feet north from the South quarter corner of Section 15.

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

Cedar Grove LUD No. 10, within NE quarter of Section 15 and the NW quarter of Section 14, all in Township 35N, Range 8E, Skagit County.

PROVISIONS

All conditions and requirements contained in reports of examination or permits previously issued apply to this certificate unless specifically noted below.

The well access port shall be maintained at all times.

An approved metering device shall be installed and maintained in accordance with RCW 90.03.360, 90.44.450 and WAC 508-64-020 through –040, and WAC 508-12-030. Meter readings shall be recorded at least monthly.

This certificate is subject to the implementation of the minimum requirements established in the Interim Guidelines for Public Water Systems Regarding Water Use Reporting, Demand Forecasting Methodology and Conservation Programs, July 1990.

The right to use of the water described hereby is restricted to the lands or place of use herein described, except as provided in RCW 90.03.360, 90.03.250, and 90.44.450.

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

Given under my hand and the seal of this office at Bellevue, Washington, this 13th day of May, 1994.

[Signature]
Tom Fitzsimmons
Department of Ecology

[Signature]
Daniel Swenson, Section Supervisor
STATE OF WASHINGTON
DEPARTMENT OF ECOTOLOGY

PERMIT
TO APPROPRIATE PUBLIC WATERS OF THE STATE OF WASHINGTON

☐ Surface Water
☐ Ground Water

In accordance with the provisions of chapter 173, Laws of 1983, and rules adopted by the Department of Ecology, the applicant hereby requests a permit to appropriate the following public waters of the State of Washington, subject to the encumbrances and restrictions set forth.

PUBLIC WATERS TO BE APPROPRIATED

UNITS: Well

MAXIMUM GALLONS PER MINUTE: 150
MAXIMUM GALLONS PER DAY: 919,400

QUANTITY TYPE OF USE PERIOD OF USE

Municipal Water Supply—

ANNUAL QUANTITIES: INTERRUPTIBLE—9.4 acre-feet per year is subject to the instream flow set for the Skagit River, according to chapter 173-503 WAC Instream Resources Protection Program. Lower and Upper Skagit River Resources Inventory Area, measured at the Mount Vernon gage (12200650), however, CONTINUOUS USE of the 9.4 ari can be realized when mitigated under an Ecology approved mitigation plan. An additional 10.0 ari is made available for mitigation purposes only as needed for the growth of municipal water use.

LOCATION OF DIVERSION/Withdrawal

Approximately 780 feet north and 1,000 feet east of the SW corner of Section 12, Township 35 North, Range 10 East, W.M.

RECORDED PLATTED PROPERTY

LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED

Area served by the Public Utility District #1 (PUD) of Skagit County—Marblemount Water System local utility district (LUD #28), Portions of Sections 12 and 13, T35N, R10E, north of the Skagit River; and Section 7, T35N, R11E, west of the Skagit River; and Section 18, T35N, R11E, north and west of the Skagit River.

By

SKAGIT COUNTY WASHINGTON
REAL ESTATE EXCISE TAX

MAR 25 2004

Deputy

Applicant: PUD #1

Skagit Co. Treasurer
DESCRIPTION OF PROPOSED WORKS

The water system will consist of a well, a 57,600 gallon reservoir tank in the foothills, possible additional storage ponds, 12,600 linear feet of 8-inch water mains, fire hydrants, and water meters to serve the community. The water reservoir on high ground will provide a gravity flow system. The proposed location keeps the withdrawal and storage facilities outside a subject to flooding.

DEVELOPMENT SCHEDULE

<table>
<thead>
<tr>
<th>MONTH</th>
<th>DAY</th>
<th>USGS Station # 12200500</th>
<th>Skagit River</th>
</tr>
</thead>
<tbody>
<tr>
<td>January</td>
<td>1-31</td>
<td>10,000</td>
<td></td>
</tr>
<tr>
<td>February</td>
<td>1-29</td>
<td>10,000</td>
<td></td>
</tr>
<tr>
<td>March</td>
<td>1-31</td>
<td>10,000</td>
<td></td>
</tr>
<tr>
<td>April</td>
<td>1-30</td>
<td>12,000</td>
<td></td>
</tr>
<tr>
<td>May</td>
<td>1-30</td>
<td>12,000</td>
<td></td>
</tr>
<tr>
<td>June</td>
<td>1-30</td>
<td>12,000</td>
<td></td>
</tr>
<tr>
<td>July</td>
<td>1-31</td>
<td>10,000</td>
<td></td>
</tr>
<tr>
<td>August</td>
<td>1-31</td>
<td>10,000</td>
<td></td>
</tr>
<tr>
<td>September</td>
<td>1-30</td>
<td>10,000</td>
<td></td>
</tr>
<tr>
<td>October</td>
<td>1-31</td>
<td>13,000</td>
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<tr>
<td>November</td>
<td>1-15</td>
<td>13,000</td>
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<tr>
<td></td>
<td>16-30</td>
<td>11,000</td>
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<tr>
<td>December</td>
<td>1-15</td>
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<td></td>
</tr>
<tr>
<td></td>
<td>16-31</td>
<td>10,000</td>
<td></td>
</tr>
</tbody>
</table>

Skagit County PUD #1 Mitigation Plan for the Marsh Ranch Water System

An Ecology approved mitigation plan will be developed and adopted prior to withdrawals during low flows of the Skagit River. The mitigation plan will be in compliance with the flow restrictions under chapter 173-503 WAC. Unfortunately, the image is not clear enough to provide a detailed description of this plan.

PROVISIONS

Water is available for this proposed request when the Skagit River in-stream flows are met. The Skagit River in-stream flows established are as follows:

Water use data shall be recorded weekly. Data shall be maintained by the property owner and promptly submitted to Ecology upon request. Recording and retention of data by the water right holder are required to inform the water users about how much water is used, when the water is used and to assist others in efficient water management.

Chapter 173-172 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”.

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 Water system number and source number(s) (for public disposal systems), and well tag number (for groundwater withdrawals). In the future, Ecology may require additional parameters to be included or more frequent reporting. Ecology prefers web-based data entry, but does accept hard copies. Ecology will provide forms and electronic data entry information.

This permit shall be subject to cancellation should the permittee fail to comply with the above development schedule and/or fail to give notice to the Department of Ecology or forms provided by the Department documenting such compliance.

This permit shall be subject to cancellation should the permittee fail to comply with the above development schedule and/or fail to give notice to the Department of Ecology or forms provided by the Department documenting such compliance.

Department of Ecology

By [Signature]
Daniel L. Swenson, Section Supervisor, Water Resources
STATE OF WASHINGTON  
CERTIFICATE OF WATER RIGHT

Document Title: Certificate of Water Right

Agency: Department of Ecology  
Applicant: Public Utility District No. 1 of Skagit County

Reference Number:

<table>
<thead>
<tr>
<th>PRIORITY DATE</th>
<th>APPLICATION NUMBER</th>
<th>PERMIT NUMBER</th>
<th>CERTIFICATE NUMBER</th>
</tr>
</thead>
<tbody>
<tr>
<td>June 26, 1990</td>
<td>G1-25755</td>
<td>G1-25755P</td>
<td>G1-25755C</td>
</tr>
</tbody>
</table>

The Applicant, Public Utility District No. 1 of Skagit County, has made proof to the satisfaction of the Department of Ecology that it has a right to appropriate the waters of the State of Washington as herein defined, and under and subject to the provisions of 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

<table>
<thead>
<tr>
<th>SOURCE</th>
<th>TRIBUTARY OR (IF SURFACE WATERS)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Well</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>MAX. CUBIC FEET PER SECOND</th>
<th>MAX. GALLONS PER MINUTE</th>
<th>MAX. ACRE-FEET PER YEAR</th>
</tr>
</thead>
<tbody>
<tr>
<td>41</td>
<td>3.8</td>
<td></td>
</tr>
</tbody>
</table>

QUANTITY/TYPE OF USE/PERIOD OF USE:
Group domestic supply - continuously for 12 homes

LOCATION OF DIVERSION/WITHDRAWAL

800 feet east and 100 feet north of the west quarter corner of Section 26

LEGAL DESCRIPTION OF LOCATION OF DIVERSION/WITHDRAWAL

<table>
<thead>
<tr>
<th>PARCEL #</th>
</tr>
</thead>
</table>

LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED

<table>
<thead>
<tr>
<th>PARCEL #</th>
</tr>
</thead>
</table>

The west half of the northwest quarter of Section 26, Township 34 North, Range 4 East W.M. in Skagit County, Washington.

ADDITIONAL LEGAL IS ON PAGE 2

CERTIFICATE OF WATER RIGHT
CONTINUED LEGAL DESCRIPTION FOR LOCATION OF DIVERSION/WITHDRAWAL

N/A

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

N/A

PROVISIONS

An approved measuring device shall be installed and maintained in accordance with the rule "Requirements for Measuring and Reporting Water Use," Chapter 173-172 WAC. Water use data shall be recorded monthly and this data shall be maintained and made available to Ecology upon request.

The rule above 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.

At a minimum, the following information shall be included with each submission of water use data: Owner, Contact name if different, Mailing address, Daytime Phone Number, WRJA, Certificate Number, Source Name, Annual Quantity Used including Units, Maximum Rate of Diversion Including Units, Period of Use.

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.

The right to use of the water described herein is restricted to the land or place of use herein described, except as provided in RCW 90.65.180, 90.65.190, and 90.65.200.

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

Given under my hand and the seal of this office at Bellevue, Washington, this 5th day of JUNE, 2022.

Tom Fitzsimmons
Department of Ecology

By Daniel Swenson, Section Supervisor

DEPARTMENT OF ECOLOGY

STATE OF WASHINGTON

ENGINEERING DATA

RCY 0401-2 (Rev. 8-07)

CERTIFICATE OF WATER RIGHT

GI-25759C
STATE OF WASHINGTON
CERTIFICATE OF WATER RIGHT

Document Title: Certificate of Water Right

Agency: Department of Ecology
Northwest Regional Office
3190 160th Avenue Southeast
Bellevue, WA 98008-5452

Applicant: PUD No. 1 of Skagit County
1415 Freeway Drive
Mount Vernon, WA 98273

Reference Number: N/A

<table>
<thead>
<tr>
<th>PRIORITY DATE</th>
<th>APPLICATION NUMBER</th>
<th>PERMIT NUMBER</th>
<th>CERTIFICATE NUMBER</th>
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<tbody>
<tr>
<td>August 25, 1989</td>
<td>GI-25509</td>
<td>GI-25509 P</td>
<td>GI-25509 C</td>
</tr>
</tbody>
</table>

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. Issued limited to an amount actually beneficially used.

PUBLIC WATERS TO BE APPROPRIATED

<table>
<thead>
<tr>
<th>SOURCE</th>
<th>TRIBUTARY OF (IF SURFACE WATERS)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Well</td>
<td>N/A</td>
</tr>
</tbody>
</table>

MAX CUBIC FEET PER SECOND | MAX GALLONS PER MINUTE | MAX ACRE-FEET PER YEAR
N/A                       | 95*                   | 19.0*

QUANTITY/TYPE OF USE/PERIOD OF USE

Community domestic supply/continuously

*Total withdrawal under GI-25509 and GI-25623C shall not exceed 100 gpm and 38.6 acre-feet per year.

LEGAL DESCRIPTION OF LOCATION OF DIVERSION/WITHDRAWAL

<table>
<thead>
<tr>
<th>1/4 1/4</th>
<th>SECTION</th>
<th>TOWNSHIP N.</th>
<th>RANGE (E. OR W.) W.M.</th>
<th>W.R.L.A.</th>
<th>COUNTY</th>
</tr>
</thead>
<tbody>
<tr>
<td>NE SE</td>
<td>27</td>
<td>35</td>
<td>9E</td>
<td>4</td>
<td>Skagit</td>
</tr>
</tbody>
</table>

PARCEL # N/A

ADDITIONAL LEGAL IS ON PAGE 2

LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED

<table>
<thead>
<tr>
<th>1/4 1/4</th>
<th>SECTION</th>
<th>TOWNSHIP N.</th>
<th>RANGE (E. OR W.) W.M.</th>
<th>W.R.L.A.</th>
<th>COUNTY</th>
</tr>
</thead>
<tbody>
<tr>
<td>N/A</td>
<td>N/A</td>
<td>35</td>
<td>9E</td>
<td>4</td>
<td>Skagit</td>
</tr>
</tbody>
</table>

PARCEL # N/A

ADDITIONAL LEGAL IS ON PAGE 2
CONTINUED LEGAL DESCRIPTION FOR LOCATION OF DIVERSION/WITHDRAWAL

700 feet west and 650 feet south from the East quarter corner of Section 27.

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

Skagit County Local Utility District No. 11, Town of Rockport, within SE quarter Section 25, SW quarter Section 25 and North half NE quarter Section 35, all north of Skagit River, all in Township 35N, Range 9E, W.M., Skagit County.

PROVISIONS

All conditions and requirements contained in reports of examination or permits previously issued apply to this certificate unless specifically noted below.

Total annual withdrawal under GI-25509 and GI-22623C shall not exceed 100 gpm and 38.6 acre-foot per year.

An approved metering device shall be installed and maintained in accordance with RCW 90.03.360, WAC 508-64-020 through WAC 508-64-040. Meter readings shall be recorded monthly and this data shall be maintained and be made available to the Department of Ecology upon request.

This permit is subject to the implementation of the minimum requirements established in the Interim Guidelines for Public Water Systems Regarding Water Use Reporting, Demand Forecasting Methodology and Conservation Programs, July 1990.

The right to use of the water approved hereby is restricted to the lands or place of use herein described, except as provided in RCW 90.03.180, 90.03.390, and 90.44.030.

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

Given under my hand and the seal of this office at Bellevue, Washington.

[Signature]

Tom Fitzsimmons
Department of Ecology

By [Signature]

Daniel Swenson, Section Supervisor
STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

SUPERSEDING PERMIT
TO APPROPRIATE PUBLIC WATERS OF THE STATE OF WASHINGTON

☐ Surface Water  ☑ Ground Water

Based in accordance with the provisions of Chapter 77, Laws of Washington for 1917, and
amended therefrom, and the rules and regulations of the Department of Ecology.

PROPERTY DATE
July 24, 1973

APPLICATION NUMBER
G1-20763

PERMIT NUMBER
G1-20763P

CERTIFICATE NUMBER

NAME
PUD #1 of Skagit County

ADDRESS (STREET)
PO Box 1436

CITY
Mount Vernon

STATE
WA

ZIP CODE
98273

The applicant is hereby granted a permit to appropriate the following public waters of the State of Washington, subject to existing rules and to the limitations and provisions set forth:

PUBLIC WATERS TO BE APPROPRIATED

SOURCE
Two wells

TERRITORY OF (OF SURFACE WATER)

MAXIMUM CUBIC FEET PER SECOND
200.0

MAXIMUM GALLONS PER MINUTE

MAXIMUM ACRE FEET PER YEAR
38.4

QUANTITY, TYPE OF USE, PERIOD OF USE

*80 GPM subject to Chapter 173-503 WAC
**0.3 AFY per equivalent residential units (ERU) for a maximum of 128 ERU connections
Municipal Supply – Continuous Use

LOCATION OF DIVERSION/WITHDRAWAL

APPROPRIATE LOCATION OF DIVERSION/WITHDRAWAL

#1 250 feet North and 1260 feet West of East quarter corner of Section 8

#2 350 feet North and 1260 feet West of East quarter corner of Section 8

LOCATED WITHIN SMALLEST LEGAL SUBDIVISION
Gov’t Lot 10

SECTION
8

TOWNSHIP
35

RANGE, (R. G. W.) W. 4
08E

S. R. L. A.
4

COUNTY
Skagit

RECORDED PLATTED PROPERTY

LOT


LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED

Divisions 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, and 14 of the Wilderness Village Planned Unit Residential Development as modified and approved by the Skagit County Board of Commissioners April 28th, 1997

DESCRIPTION OF PROPOSED WORKS

DEVELOPMENT SCHEDULE

BEGIN DATE

COMPLETE DATE

WATER POT TO FULL USE BY THIS DATE

January 1, 2021
This authorization to make use of public waters of the state is subject to existing rights held by the United States for benefit of Native American Tribes under treaty or otherwise.

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

In order to protect 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 a reasonable time to allow water level to return to normal. Ecology's Water Resources section (WRO) shall be notified if a below normal seasonal drop is measured in SWL, otherwise this data shall be maintained and provided to Ecology on a quarterly basis. Ecology shall provide the reporting format.

This authorization is subject to the implementation of the minimum requirements established in the Conservation Planning Requirements; Guidelines for Public Water Systems Regarding Water Use Reporting, Demand Forecasting Methodology and Conservation Programs, March 1994, which are enclosed.

The applicant is advised that a certificate will issue for only that quantity of water that has been withdrawn and applied to actual beneficial use. Such quantity applied to actual beneficial use shall not exceed the quantity specified in this ORDER and will be calculated on the basis of the best information available to Ecology, including metering data and/or water duty analysis.

Under RCW 90.36.065 and 90.36.020(5), conservation and improved use efficiency must be emphasized in the management of the state's water resources, and must be considered as a potential new source of water. Accordingly, as part of the terms of this water right, the applicant shall prepare and implement a water conservation plan approved by the Department of Health. The standards for such a plan may be obtained from either the Department of Health or the Department of Ecology. Outside lawn watering shall be restricted when flows at the Mount Vernon gauge USGS station #12200500 on the Skagit River are below the minimums in Chapter 173-503 WAC.

All water wells constructed within the State shall meet the minimum standards for well construction and maintenance as provided under RCW 18.164, Washington Water Well Construction Act of 1972, and Chapter 173-160 WAC, Minimum Standards for Construction and Maintenance of Wells.

In accordance with WAC 173-160-205, wells shall not be located within certain minimum distances of potential sources of contamination. These minimum distances shall comply with local health regulations, as appropriate. In general, wells shall be located at least 100 feet from a sewer, septic tank, privy, or other source of contamination. Wells shall not be located within 1,000 feet of a solid waste landfill.

Nothing in this permit shall be construed as excusing the permittee from compliance with any applicable federal, state, or local statutes, ordinances, or regulations. Specifically, the Department of Health has regulations that may require permitting for the proposed activity.

During the period when flows at the Mount Vernon gauge USGS station #12200500 on the Skagit River are below the minimums in Chapter 173-503 WAC, the water system shall report on a weekly basis to the Department of Ecology the instantaneous pumping rates of the water system supply wells.

The water system shall submit annual reports to the Department of Ecology containing information on the water system's construction status, the number of new hookups added during the year, the quantity of water (instantaneous and annual) used by the system, any changes in local permitting status for the planned residential use development, and any changes in the management of the water system. The annual reports shall be due on March 1 of the previous year's information.

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. Data shall be maintained by the property owner and promptly submitted to Ecology upon request. Records and retention of data by the water right holder are required to inform the water users about how much water is used, when the water is used and to assist users in efficient water management.

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 Devices 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.

This permit shall be subject to cancellation should the permittee fail to comply with the above development schedule and/or fail to give notice to the Department of Ecology on forms provided by the Department documenting such compliance.

Given under my hand and the seal of this office at Bellevue, Washington this 22nd day of January, 2008.

[Signature]
Department of Ecology

Daniel L. Swenson, Section Supervisor, Water Resources.