



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Ave SE • Bellevue, WA 98008-5452 • 425-649-7000  
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FEB 10 2014

Mr. Dan Cox  
Environmental Safety, Land Use Manager  
Concrete Nor'West  
P.O. Box 280  
Mount Vernon, WA 98273

**RE: Temporary Trust Water Right Donation CG1-\*02213C@1 (Groundwater Certificate 1347-A) – Island County (WRIA 6)**

Dear Mr. Cox:

The purpose of this letter is to acknowledge the Department of Ecology (Ecology) has accepted your request to donate a portion of Groundwater Certificate 1347-A into the Washington State Trust Water Right Program. The subject trust water right has been assigned control number CG1-\*02213C@1. Please refer to this number when corresponding with us about this trust water right.

**Original Attributes of Groundwater Certificate 1347-A**

**Issued to:** Whidbey Construction Company  
**Priority Date:** November 13, 1951  
**Source:** A well in the S½ NW¼ NW¼ of Section 26, Township 33 North, Range 1 East, W.M.  
**Instantaneous Rate:** 350 gallons per minute (gpm)  
**Annual Volume:** 140 acre-feet per year (afy)  
**Purpose of Use:** Domestic supply, industrial and manufacturing use  
**Place of Use:** That portion of the S½ of NW¼ of NW¼ of Section 26, Township 33 North, Range 1 East, W.M., lying West of State Highway 1-D, formerly a county road running North and South through said subdivision, except roads

**Background Information**

On June 13, 1963, Mount Vernon Sand & Gravel Co. purchased the subject property and water right from Whidbey Construction Company. Mount Vernon Sand & Gravel Co. changed its



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name to Concrete Nor'West, Inc. in 1967. Concrete Nor'West was then sold to and became a division of Miles Sand & Gravel Co. in 1979.

On January 17, 2014, Ecology received your request to donate a portion of the subject right to the trust program. According to the information supplied with your request, the full certificated instantaneous rate and annual volume have been put to beneficial use within the past 5 years. The most recent beneficial use of water was in December 2012. On January 1, 2013, Concrete Nor'West discontinued aggregate processing and ready mix operations on the subject property.

Your intent for placing a portion of the subject water right into trust is to protect that portion from relinquishment while Concrete Nor'West determines the subsequent use of the property and associated water right, and to provide for groundwater preservation.

### **Your Requested Terms for Donation**

1. You requested to donate an annual volume of 134.4 afy (of the certificated 140 afy) into trust for groundwater preservation purposes.
2. You requested to retain an annual volume of 5.6 afy for on-site authorized uses.
3. You requested to retain the right to use up to 350 gpm from your well.
4. You requested a donation period through February 1, 2024.
5. You requested the ability to withdraw the temporary donation from trust by providing a 30 day written notice to Ecology.

### **Ecology's Acceptance**

The Department of Ecology pursuant to RCW 90.42.080(1)(b) accepts your temporary donation of **134.4 afy for groundwater preservation** and your request to retain 5.6 afy for on-site authorized uses. Ecology also accepts your request to continue to withdraw up to 350 gpm (up to a total annual volume of 5.6 afy).

As per your request, **this temporary donation will expire on February 1, 2024**. If, prior to the expiration of this temporary donation, you would like to extend or revoke the donation, or modify its terms, please send us a written request. Also, as per your request, **if you decide to withdraw your donation from the trust program, please provide Ecology with a 30 day written notice**.

**Ecology's acceptance of the donated water right into the trust water right program is not evidence of the extent, validity, or quantities of the water right.**

In accordance with RCW 90.42.040(6), RCW 90.14.140(h), and RCW 90.14.215, a water right is not subject to relinquishment while it is managed within the Trust Water Right Program.

If you have questions or concerns, please contact Buck Smith at (425) 649-7147 or [buck.smith@ecy.wa.gov](mailto:buck.smith@ecy.wa.gov).

**Your Right To Appeal**

You have a right to appeal this Order to the Pollution Control Hearings Board (PCHB) within 30 days of the date of receipt of this Order. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal you must do the following within 30 days of the date of receipt of the Order.

File your appeal and a copy of this Order with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.

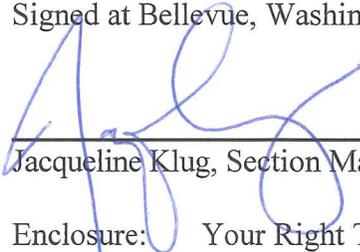
- Serve a copy of your appeal and this Order on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.
- You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

Street Addresses	Mailing Addresses
<b>Department of Ecology</b> Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	<b>Department of Ecology</b> Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
<b>Pollution Control Hearings Board</b> 1111 Israel RD SW Ste 301 Tumwater, WA 98501	<b>Pollution Control Hearings Board</b> PO Box 40903 Olympia, WA 98504-0903

For additional information visit the Environmental Hearings Office Website:  
<http://www.eho.wa.gov>.

To find laws and agency rules visit the Washington State Legislature Website:  
<http://www1.leg.wa.gov/CodeReviser>.

Signed at Bellevue, Washington, this 10 day of February 2014.

  
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Jacqueline Klug, Section Manager

Enclosure: Your Right To Be Heard

By Certified Mail: 7012 3460 0000 2586 6936