

**Kim Kuzak**

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**Subject:** FW: Question about WSP review for City of Stanwood

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**From:** Rose, John (ECY) [<mailto:john461@ECY.WA.GOV>]  
**Sent:** Wednesday, April 15, 2015 9:55 AM  
**To:** Hushagen, Kevin; Rodriguez, Richard (DOH)  
**Cc:** Lindsey, Erika L (DOH)  
**Subject:** RE: Question about WSP review for City of Stanwood

April 13, 2015

Kevin Hushagen  
Public Works Director  
City of Stanwood  
10220 270<sup>th</sup> St. NW  
Stanwood, WA 98292

RE: Review of City of Stanwood Comprehensive Water System Plan Water System ID # 83650; Snohomish County.

Dear Mr. Hushagen:

Your Comprehensive Water System Plan (WSP) has been forwarded to our office by the Department of Health for review consistent with the Memorandum of Understanding between the Departments of Health and Ecology regarding joint review and approval of water system plans, this letter is being sent to you with Ecology's comments on the Plan.

I have reviewed the relevant portions of the Program and offer the following comments. Special attention should be paid to the comments in bold.

**Water Rights**

The information Ecology has on record matches the information in the main text of the document and the Water Rights Self Assessment forms in the Plan in all respects and Ecology is requesting no change to the Plan.

**Current Use and Future Growth**

Stanwood's WSP provides a 6, 10 and 20 year projection of water use in its Water Rights Self Assessment that clearly show that Stanwood will be able to remain within its authorized amounts of water provided under the 3 groundwater rights and 1 groundwater permit. The future demand estimate based on the city's population and housing trends and the estimated per capita demand appears to be consistent with overall statewide growth trends and water use. Therefore no change is necessary to the Water System Plan's current and future growth predictions.

Stanwood indicates in the Water Right Self Assessment that they have water that has not yet been perfected through actual use of the water. In 2003 the Municipal Water Law stated that inchoate amounts of water associated with municipal water rights were always in good standing. In 2010 the Washington Supreme Court ruled in *Lummi Indian Nation, et al. v. State of Washington* that the Municipal Water Law was facially

constitutional. However municipal water rights may still be challenged in an “as applied” challenge if senior water right holders feel that the use of such inchoate water amounts would impair their rights.

**Be advised that if Stanwood continues to grow into the undeveloped portion of their certificates they are assuming the risk that there may be a legal challenge to such actions from other water right holders.**

**Service Area**

RCW 90.03.386(2) requires that water systems be in compliance with the terms of their water system plan AND any alteration of the place of use is not inconsistent with any comprehensive plans or development regulations adopted under chapter 36.70A RCW, any other applicable comprehensive plan, land use plan or development regulation adopted by a city, town, or county, or any watershed plan approved under chapter 90.82 RCW or a comprehensive watershed plan adopted under RCW 90.54.040(1) after September 9, 2003, if one exists for the area. Ecology is responsible for determining whether a place of use expansion is “not inconsistent” with comprehensive watershed plans as denoted above. Stanwood indicates it does plan to expand their service area in the future. However, there is no adopted watershed plan in this Water Resource Inventory Area 5. Therefore, this statutory requirement is not applicable.

Thank you for the opportunity to review the City of Stanwood Comprehensive Water System Plan. Please contact me at (425) 649-7230 if you have any questions regarding this comment letter.

Sincerely,

John M. Rose  
Water Resources Program

Cc: Richard Rodriguez, DOH

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**From:** Rodriguez, Richard (DOH)  
**Sent:** Wednesday, April 15, 2015 7:21 AM  
**To:** Rose, John (ECY)  
**Cc:** Lindsey, Erika L (DOH)  
**Subject:** RE: Question about WSP review for City of Stanwood

John, e-mail. Absolutely!!

Thank you,

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**From:** Rose, John (ECY)  
**Sent:** Tuesday, April 14, 2015 2:27 PM  
**To:** Rodriguez, Richard (DOH)  
**Subject:** Question about WSP review for City of Stanwood

Hey Richard,

Got a question for you. I have finished my review of the city of Stanwood Comprehensive Water System Plan done by RH2 and can find no inconsistencies in the water right self assessment, current and future water demands or any inconsistencies with local watershed plans. In short, I really don't have much to say, which is pretty unusual. I checked our agencies MOU procedures and I was wondering if instead of a formal letter being sent to the City and to DOH if you would be ok with just a simple email reply to simplify things.

Thanks.

John M. Rose LG  
Hydrogeologist/GIS Analyst  
Water Resources Program  
Washington Depart. of Ecology  
3190 160th Ave SE  
Bellevue, WA 98008  
(425) 649-7230



STATE OF WASHINGTON  
DEPARTMENT OF HEALTH

NORTHWEST DRINKING WATER REGIONAL OPERATIONS  
20425 72nd Avenue South, Suite 310, Kent Washington 98032-2388

May 20, 2015

KEVIN HUSHAGEN  
PUBLIC WORKS DIRECTOR  
CITY OF STANWOOD  
10220 270<sup>TH</sup> ST NW  
STANWOOD, WA 98292

RECEIVED BOTHELL  
RH2 ENGINEERING INC.  
JOB NO: \_\_\_\_\_

MAY 23 2015

RE: Stanwood Water Department, ID# 83650  
Snohomish County  
Water System Plan – 2015  
Submittal #15-0309

ROUTE TO: kimk  
FILE: \_\_\_\_\_

Dear Mr. Hushagen:

Thank you for submitting the Water System Plan (WSP) for the City of Stanwood (the City) received in this office on March 20, 2015. We have reviewed the plan and offer the following comments. These comments must be adequately addressed prior to approval of the WSP.

**System Description**

- 1) Please provide determinations of local government consistency from the City's Planning Department, and a statement of Local Government Consistency from Snohomish County Planning and Development Services.

**Basic Planning Data**

- 2) Please provide an update on the water right transfer for GWC 616.

**Water Use Efficiency Program (WUE) and Water Rights**

- 3) The WSP states that the utility's rolling 3 year average DSL was 14% as of 2013. The City has implemented a Water Loss Control Action Plan (WLCAP) with a dedicated program schedule and budget to fund WLCAP activities.

**Operations & Maintenance**

- 4) Please update your Coliform Monitoring Plan to include source sampling as required under the Groundwater Rule.
- 5) Chapter 8; Under **Recordkeeping** add: Construction Completion Reports for all distribution main replacements and extensions.



**Other Documentation**

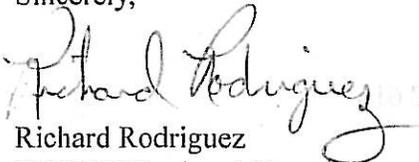
- 6) The water system must meet the consumer input process outlined in WAC 246-290-100(8). Please include documentation of a consumer meeting discussing the WSP, prior to DOH approval of the WSP.
- 7) Prior to DOH approval, the City's governing body must approve and adopt the WSP. This is a new requirement resulting from the Municipal Water Legislation.
- 8) Please provide copies of any comments made by adjacent purveyors, along with your response to those comments.

We hope that you have found these comments to be clear, constructive and helpful in the development of your final draft WSP. We ask that you submit the revised WSP on or before **August 20, 2015** In order to expedite the review of your revised submittal, please include a cover letter summarizing how each of the above comments was addressed in the revised WSP and where each response is located (i.e., page numbers, Appendices, etc.)

Regulations establishing a schedule for fees for review of planning, engineering and construction documents have been adopted (WAC 246-290-990). Please note that we have included an invoice in the amount of \$ **3705.00** for the review of the Water System Plan. This fee covers our cost for review of the initial submittal, plus the review of one revised document. Please remit your complete payment in the form of a check or money order within thirty days of the date of this letter to: **DOH, Revenue Section, and P.O. Box 1099, Olympia, WA 98507-1099.**

Thank you again for submitting your revised Water System Plan for our review. If you have any comments or questions concerning our review, please contact me at (253) 395-6771.

Sincerely,

  
Richard Rodriguez  
WSDOH Regional Planner

cc: Erika Lindsey, DOH  
John Rose, DOE-NWRO  
Gary Idleburg, Snohomish County Planning and Development Services  
Snohomish County Health District  
Kim Kuzak, P.E., RH2 Engineering, Inc.