

JAGMOHAN SANDHU  
PO BOX 1770  
SUMAS WA 98295



201709110012

Skagit County Auditor  
9/11/2017 Page

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**DOCUMENT TITLE:** CERTIFICATE OF WATER RIGHT

**REFERENCE NUMBER:**

**GRANTOR**

STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY  
ECOLOGY NORTHWEST REGIONAL OFFICE (ECY  
NWRO)  
3190 - 160TH AVE SE  
BELLEVUE, WASHINGTON 98008-5452  
(425) 649-7000

**GRANTEE**

JAGMOHAN SANDHU  
PO BOX 1770  
SUMAS WA 98295

**LEGAL DESCRIPTION**

Source Name	Parcel	Township	Range	Sec	QQ Q
WELL	P48437	36 N	03 E	27	NE SE

**AUTHORIZED PLACE OF USE**

P48400 SW ¼ NE ¼ S & W OF COLONY ROAD AND E OF GNRLY  
P48404 SE ¼ NE ¼ S & W of Colony Rd  
P48422 NE ¼ SE ¼ NW ¼ E of RLY  
P48437 NE ¼ SE ¼ W of Colony Rd  
P48442 NW ¼ SE ¼ E of RLY exc S 2 RDS  
P48443 S 2RDS OF NW1/4 SE1/4 E OF RLY  
P48445 THAT PORTION OF THE S1/2 SE1/4 LYING WESTERLY OF KALLSTROM & COLONY ROADS & EASTERLY  
OF RAILROAD RIGHT OF WAY

**PARCELS:** P48400, P48404, P48422, P48437, P48442, P48443 AND P48445 AS THEY EXISTED ON  
JANUARY 16, 2013

**ADDITIONAL LEGAL IS ON PAGE 2 OF ATTACHED DOCUMENT**



State of Washington  
Department of Ecology  
**CERTIFICATE OF WATER RIGHT**



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

**PRIORITY DATE**  
April 23, 2012

**APPLICATION NUMBER**  
G1-28723A

**PERMIT NUMBER**  
G1-28723P

**CERTIFICATE NUMBER**  
G1-28723C

**MAILING ADDRESS**  
Jagmohan Sandhu  
PO Box 1770  
Sumas, WA 98295

**SITE ADDRESS (IF DIFFERENT)**  
15860 Colony Road  
Bow, WA 98232

**Quantity Authorized for Withdrawal or Diversion**

**WITHDRAWAL RATE**  
363.5

**UNITS**  
GPM

**ANNUAL QUANTITY (AF/YR)**  
173.2

**Purpose**

PURPOSE	WITHDRAWAL RATE		UNITS	ANNUAL QUANTITY (AF/YR)		PERIOD OF USE (mm/dd)
	ADDITIVE	NON-ADDITIVE		ADDITIVE	NON-ADDITIVE	
Irrigation	363.5		gpm	163.6		04/15 - 10/01
Mitigation (preservation of environmental and aesthetic values)*		363.5	gpm	9.6		

\*The pond will be full at the end of the irrigation season. Post-season mitigation water will be pumped solely From the pond.

IRRIGATED ACRES	
ADDITIVE	NON-ADDITIVE
98	

### Source Location

COUNTY	WATERBODY	TRIBUTARY TO	WATER RESOURCE INVENTORY AREA
Skagit	Groundwater		1-Nooksack

SOURCE FACILITY/DEVICE	PARCEL	WELL TAG	TWP	RNG	SEC	QQ Q	LATITUDE	LONGITUDE
Well IW-1	P48437	APL 617	36N	3E	27	NE SE	48.579270	-122.401883

Datum: WGS84

### Place of Use

#### PARCELS (NOT LISTED FOR SERVICE AREAS)

Skagit County tax parcels P48400, P48404, P48422, P48437, P48442, P48443, and P48445 as they existed on January 16, 2013.

#### LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE

P48400 SW ¼ NE ¼ S & W of Colony Road and E of GNRLY

P48404 SE ¼ NE ¼ S & W of Colony Rd

P48422 NE ¼ SE ¼ NW ¼ E of RLY

P48437 NE ¼ SE ¼ W of Colony Rd

P48442 NW ¼ SE ¼ E of RLY exc S 2 RDS

P48443 S 2RDS OF NW ¼ SE ¼ E OF RLY

P48445 THAT PORTION OF THE S ½ SE ¼ LYING WESTERLY OF KALLSTROM & COLONY ROADS & EASTERLY OF RAILROAD RIGHT OF WAY

### Measurement of Water Use

#### Well Source Meter (Irrigation and Mitigation Combined)

How often must water use be measured?	Weekly
How often must water use data be reported to Ecology?	Annually (Jan 31)
What volume should be reported?	Total Annual Volume
What rate should be reported?	Annual Peak Rate of Withdrawal (gpm)

#### Mitigation Source Meter

How often must water use be measured?	Immediately after changing the mitigation rate, then weekly thereafter
How often must water use data be reported to Ecology?	Annually (Jan 31) and upon request by Ecology to verify compliance with the mitigation plan
What volume should be reported?	Volume discharged during each mitigation period and total annual volume
What rate should be reported?	Peak rate of discharge (gpm) during each mitigation period

### Provisions

#### Measurements, Monitoring, Metering, and Reporting

Approved measuring devices shall be installed and maintained for the well source and mitigation source identified by this water right in accordance with the rule "Requirements for Measuring and Reporting Water Use", WAC 173-173, which describes the requirements for data accuracy, device

installation and operation, and information reporting. It also allows a water user to petition the Department of Ecology for modifications to some of the requirements.

Recorded water use data shall be submitted via the Internet. To set up an Internet reporting account, contact the Bellingham Field Office. If you do not have Internet access, you can still submit hard copies by contacting the Bellingham Field Office for forms to submit your water use data.

#### **Colony Creek – Mitigation Plan**

As a condition on the use of water under this water right, the applicant is required to implement and maintain the mitigation measures identified in the Report of Examination (ROE), consistent with the proponent's mitigation plan (Associated Earth Sciences *Revised Technical Report, Sandhu Farm*, dated November 18, 2013, and subsequent clarifications made prior to issuance of this ROE), and shall do so for as long as water is put to beneficial use pursuant to this water right. Specifically, prior to the 2014 irrigation season, the applicant is responsible for:

- Installing a pump capable of pumping water from the second cell of the treatment pond through a pipe under Colony Road and into Colony Creek. Approvals from the local jurisdiction for undercrossing the road may be required and are the sole responsibility of the applicant.
- Installing a water flow meter on the mitigation discharge line to be able to measure the instantaneous and annual volume of water discharged for mitigation.
- Obtaining a Hydraulic Project Approval (HPA) permit from the Washington Department of Fish and Wildlife (WDFW) for work related to and the method of discharge of water to Colony Creek, if necessary.
- Ensuring that all water discharged meets the surface water quality standards per WAC 173-201A.
- Discharging into the creek at the rates and times shown in **Table 1**.

Table 1. Mitigation Timing and Rates		
Timing and Duration	Mitigation Rate	Volume
First 16 days after pumping begins for the irrigation season <sup>1</sup>	6 gpm continuously	0.42 acre-feet
Next 31 days	10 gpm continuously	1.37 acre-feet
Next 30 days	12 gpm continuously	1.59 acre-feet
Next 31 days	14 gpm continuously	1.92 acre-feet
Next 45 days	16 gpm continuously	3.18 acre-feet
Next 16 days	16.5 gpm continuously	1.17 acre-feet
First 14 days after pumping concludes for the irrigation season <sup>2</sup>	16.5 gpm continuously	1.02 acre-feet
Next 16 days	12 gpm continuously	0.85 acre-feet
Next 15 days	8 gpm continuously	0.53 acre-feet
Next 15 days	4 gpm continuously	0.27 acre-feet
Next 15 days	1 gpm continuously	0.07 acre-feet
	<i>Total</i>	12.38 acre-feet
	<i>Post irrigation season total</i>	2.73 acre-feet

<sup>1</sup>The period of use of this water right allows irrigation to begin April 15<sup>th</sup>, but the actual start date can be any day after that identified by the first use of the irrigation well for the season.

<sup>2</sup>The period of use of this water right allows irrigation through October 1<sup>st</sup>, but the end of the irrigation season can be any day prior to that identified by the last use of the irrigation well for the season.

#### Department of Fish and Wildlife Requirement(s)

An HPA permit may be required for construction related to any outfall of water to Colony Creek as part of the applicant's proposed mitigation for impacts on Colony Creek.

#### Easement and Right-of-Way

The water source and/or water transmission facilities are not wholly located upon land owned by the applicant. Issuance of a water right authorization by this department does not convey a right of access to, or other right to use, land which the applicant does not legally possess. Obtaining such a right is a private matter between applicant and owner of that land.

### Well Construction Standard

All wells constructed in the state shall meet the construction requirements of WAC 173-160 titled "Minimum Standards for the Construction and Maintenance of Wells" and RCW 18.104 titled "Water Well Construction". Any well which is unusable, abandoned, or whose use has been permanently discontinued, or which is in such disrepair that its continued use is impractical or is an environmental, safety or public health hazard shall be decommissioned.

All wells constructed in the state shall meet the "Minimum Standards for the Construction and Maintenance of Wells" (WAC 173-160) and "Water Well Construction" (RCW 18.104). In general, wells shall be located at least 100 feet from sources of contamination and at least 1,000 feet of the boundary of a solid waste landfill. Any well which is unusable, abandoned, or is an environmental, safety, or public health hazard shall be decommissioned.

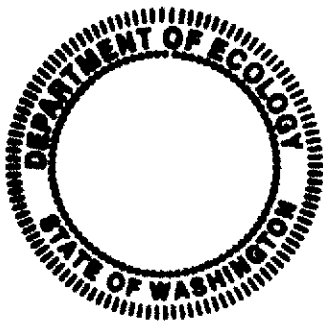
### Schedule and Inspections

Department of Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the project location, and to inspect at reasonable times, records of water use, wells, measuring devices, and associated mitigation and distribution systems for compliance with water law.

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


**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 5 day of September, 2017.



Maia Bellon, Director  
Department of Ecology

DATA REVIEW  
OK MC

  
Ria Berns, Interim Section Manager  
Northwest Regional Office  
Water Resources Program

*To request ADA accommodation including materials in a format for the visually impaired, call Ecology Water Resources Program at 360-407-6872. Persons with impaired hearing may call Washington Relay Service at 711. Persons with speech disability may call TTY at 877-833-6341*