



STATE OF WASHINGTON  
**DEPARTMENT OF ECOLOGY**  
Northwest Region Office

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December 29, 2022

Dockton Water Association  
c/o Dave Stoltz, Manager/Operator  
9710 SW Windmill St  
Vashon, WA 98070

RE: Dockton Water Association (ID #19550)  
Small Water System Management Plan Submittal #22-0807

Dear Mr. Stoltz

Thank you for the opportunity to review the Dockton Water Association Small Water System Management Plan (SWSMP), dated August 17, 2022, and received on October 13, 2022.

Consistent with the Memorandum of Understanding between the Department of Health (DOH) and Department of Ecology (Ecology), regarding joint review and approval of Water System Plans (WSPs), this letter is being sent to your office with Ecology's comments. Specific elements of the WSP review included the Water Rights Self-Assessment as well as additional water rights documentation, including Ecology's water right files and previous Dockton Water Association WSPs and project reports, as applicable.

***Water Right Summary***

In preparing this comment letter, Ecology reviewed specific elements of Dockton Water Association SWSMP, including the Water Right Self-Assessment (Appendix H), as well as additional water rights documentation.

Please see Tables 1 and 2 below for a comprehensive list of Dockton Water Association water rights and their respective relationships and limitations as presented in the Water Right Self-Assessment and SWSMP (Table 1) and as understood by Ecology (Table 2). Please note that the water rights summarized here ***DO NOT AGREE*** with the Dockton Water Association Water Right Self-Assessment (WRSA) included as part of the SWSMP package received by Ecology.

Please note that it is Ecology's understanding that the WRSA received by Ecology does not appear to be the WRSA prepared for the 2022 SWSMP, but one that was prepared for the 2013 SWSMP. Dockton Water Association was informed of this by email on December 2, 2022 and again on December 21, 2022. Ecology has not received a reply as of the date of this correspondence.

The differences between the WRSA received and Ecology records is the presence of two water right documents that are in Ecology records. The first is S1-023702CL, a claim to a vested right filed by the Dockton Improvement Co. in 1973, in which the claim states beneficial use was established in 1906 to serve the Dockton drydock/shipyard and the surrounding community. The second is Surface Water Certificate 6734 (SWC6734) filed by the Dockton Improvement Co., Inc. in 1937.

Ecology records for the predecessor water systems that consolidated to form the Dockton Water Association in 1980's do not indicate that junior water rights were issued as non-additive (supplemental) with respect to other rights associated with Dockton Water Association sources. The record therefore suggests additional quantities under S1-023702CL and SWC6734 can provide up to 0.26 cfs (117 gpm) and 119 ac-ft/yr in additional capacity beyond what is referenced in the WRSA (Appendix H).

In addition to the above, it is noted that the annual quantity (Qa) associated with SWC4669 is listed as 45 ac-ft/yr. The certificate was issued prior to Ecology assigning Qa for surface water rights. As such the quantities of these surface water rights is usually considered to be the quantity that results from continuous use at the issued instantaneous rate (Qi). In the case of SWC4669, that equates to a maximum possible Qa of 116 ac-ft/yr.

The letter dated July 21, 2022 from Dockton Water Association, states that the WRSA has been updated to address the absence of the two additional water rights documents from the WRSA, however the copy Ecology received for Appendix H does not include these updated documents.

In the letter dated July 21, 2022, Dockton Water Association states they did not include S1-20464 since that right is currently inactive. This water right should remain in the system portfolio that is reported for the SWSMS or water system plan. Not including any rights that are part of the system portfolio in a water system plan can be construed as abandonment of that water right.

Table 1. Existing Water Rights per SWSMP and Appendices provided to Ecology

Water Right	Priority Date	Source Name	Instantaneous Rate (cfs)		Annual Quantity (ac-ft/yr)	
			Additive	Non-Additive	Additive	Non-Additive
SWC4669	10/11/1951	SO-1	0.16		45	
GWC5383	08/10/1961	SO-2	0.22		48	
S1-20464	03/01/1973	SO-3	0.04		16	
S1-23804	03/17/1981	SO-1	0.16		25	
<b>TOTALS:</b>			0.62		134	

cfs = Cubic Feet per Second; ac-ft/yr = Acre-feet per Year

Table 2. Existing Water Rights per Ecology Records

Water Right	Priority Date	Source Name	Instantaneous Rate (cfs)		Annual Quantity (ac-ft/yr)	
			Additive	Non-Additive	Additive	Non-Additive
<i><b>S1-023702CL</b></i>	<i><b>1906</b></i>	<i><b>SO-1</b></i>	<i><b>0.22</b></i>		<i><b>90*</b></i>	
<i><b>SWC6734</b></i>	<i><b>11/12/1937</b></i>	<i><b>SO-1</b></i>	<i><b>0.04</b></i>		<i><b>29**</b></i>	
<i><b>SWC4669</b></i>	<i><b>10/11/1951</b></i>	<i><b>SO-1</b></i>	<i><b>0.16</b></i>		<i><b>116**</b></i>	
GWC5383	08/10/1961	SO-2	0.22+		48	
S1-20464	03/01/1973	SO-3	0.04		16	
S1-23804	03/17/1981	SO-1	0.16		25	
		<b>TOTALS:</b>	0.84		324	

cfs = Cubic Feet per Second; ac-ft/yr = Acre-feet per Year; \* = claimed use; \*\* = based on 365 days of continuous production; += converted from gpm

Assuming the claim is valid and for the quantities claimed, the total instantaneous rate and annual quantities under all rights and claims is limited to 0.84 cfs (377 gpm) and 324 ac-ft/yr, respectively. The total quantities for Dockton Springs (SO-1) would total 0.58 cfs (260 gpm) and 260 ac-ft/yr. Please note however that totals that exceed the capacity of the source would not be considered reasonable for planning purposes.

While Ecology cannot determine the extent and validity of water rights, the omission of rights from a WSP can be interpreted as evidence of abandonment of the right by Dockton Water Association.

Please contact me with any questions you may have phone at (206) 594-0196 or by email at [Doug.Wood@ecy.wa.gov](mailto:Doug.Wood@ecy.wa.gov).

Sincerely,

Douglas H. Wood, M.Sc., P.Geo., LHG  
 Hydrogeologist and Permitting Specialist  
 Water Resources Program

ecc: Richard Rodriguez, Department of Health  
 Kellie Gillingham, Department of Ecology  
 Noel Philip, Department of Ecology  
 Andrea Lauden, Department of Ecology