



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

4601 N Monroe Street • Spokane, Washington 99205-1295 • (509)329-3400

November 14, 2012

Ms. Sharon E. Rucker
411432 HWY 20
Cusick, Washington 99119

COPY

Re: Ground Water Application No. S3-30612

On September 26, 2012, this office notified you that Ground Water Application Number S3-30612 would be rejected unless you completed the form that was enclosed and returned it to this office within 30 days from the date of that letter. It was indicated on the returned envelope that the applicant was deceased.

Having received no response to that notice and notice that the applicant was deceased, Ground Water Application No. S3-30612 is hereby **REJECTED**.

YOUR RIGHT TO APPEAL

You have a right to appeal this decision to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this document. 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 this document:

- File your appeal and a copy of this document 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 document on Ecology in paper form - by mail or in person. (See addresses below.) Email is not accepted.



Sharon E. Rucker
G3-30612
Page 2
November 14, 2012

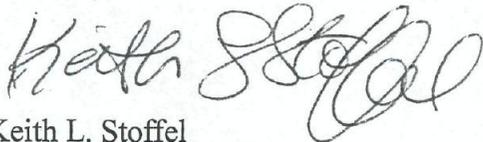
You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

Street Addresses	Mailing Addresses
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
Pollution Control Hearings Board 1111 Israel Road SW Suite 301 Tumwater, WA 98501	Pollution Control Hearings Board 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>.*

If you have any questions, please contact Dan Tolleson at 509-329-3422.

Sincerely,



Keith L. Stoffel
Water Resources Program
Eastern Regional Office

KLS/DT:md
W: Rejection letters/Tolleson/2012/Rucker S3-30612 11-14-2012.doc
Enclosure

By Certified Mail: 7011 3500 0001 8626 8066



State of Washington
 DEPARTMENT OF ECOLO
 4601 N Monroe Street
 Spokane, WA 99205-1295

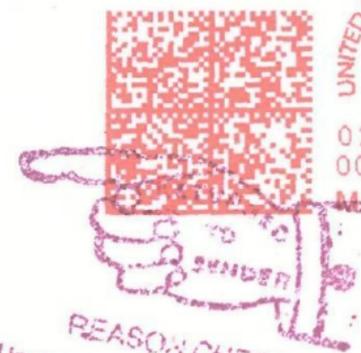


7011 3500 0001 8626 8066



02 1M
 0004285354 NOV 14 2012
 MAILED FROM ZIP CODE 99205

\$ 05.75⁰



REASON CHECKED

- Unclaimed _____
- Refused _____
- Attempted - Not known _____
- Insufficient Address _____
- No such street _____
- No such _____

RECEIVED

NOV 21 2012

DEPARTMENT OF ECOLOGY
 EASTERN REGIONAL OFFICE

DEC

MS SHARON E RUCKER
 411432 HWY 20
 CUSICK WA 99119

NIXIE 4037 1 10 11/19/12

RETURN TO SENDER
 DECEASED
 UNABLE TO FORWARD
 RETURN TO SENDER

99119*9616 HO.

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

MS SHARON E RUCKER
 411432 HWY 20
 CUSICK WA 99119

2. Article Number
(Transfer from service label)

7011 3500 0001 8626 8066

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

- Agent
 Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type

- Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes



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7011 3500 0001 8626 8066

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement)	

11-14-12
Postmark
Here

Total Postage: MS SHARON E RUCKER
411432 HWY 20
CUSICK WA 99119

Sent To _____
Street, Apt. / _____
or PO Box # _____
City, State, _____



State of Washington
 DEPARTMENT OF ECOLOGY
 4601 N Monroe Street
 Spokane, WA 99205-1295

CERTIFIED MAIL

7011 3500 0001 8626 7786



UNITED STATES POSTAGE
 PINEY BOWES
 02 1M \$ 05.75⁰⁰
 0004285354 SEP 26 2012
 MAILED FROM ZIP CODE 99205

RECEIVED
 OCT 15 2012
 DEPARTMENT OF ECOLOGY
 EASTERN REGIONAL OFFICE

DEC

MS SHARON RUCKER
 411432 HWY 20
 CUSICK WA 99119

9/27
 RETURN TO SENDER
 REASON CHECKED
 Unclaimed _____ Refused _____
 Attempted- Not Known _____
 Insufficient Address _____
 No such street _____ number _____
 No such office in state _____
 Do not re-mail in this envelope _____
 No mail receipt! _____
 Deceased

Accept: reject application
 Chkd By: DT Date: 10/27/2012

* Sharon Ruckers
 son-in-law called
 509-690-6678
 returned call left
 2 messages no
 response
 10/1/2012 DT
 509-690-6678

If you have any questions or need additional information, please contact me at 509-325-3000 or dto1461@ecy.wa.gov.

Sincerely,

 Dan Tolleson
 Water Resources Program
 Eastern Regional Office

DT:md
 Enclosure: Statement of Intent form ECY 070-424

By CERTIFIED MAIL: 7011 3500 0001 8626 7786





STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

4601 N Monroe Street • Spokane, Washington 99205-1295 • (509)329-3400

September 26, 2012

Ms. Sharon Rucker
411432 HWY 20
Cusick, Washington 99119

COPY

Re: Surface Water Application No. S3-30612

NOTICE - WATER RIGHT APPLICATION STATUS

The Department of Ecology (Ecology) is currently in the process of reviewing applications we have on file for new water rights within the Pend Oreille River watershed, which lies within Water Resource Inventory Area (WRIA) 62. This letter and the enclosed Statement of Intent form are intended to give you the opportunity to inform Ecology whether or not you are still interested in pursuing your application for a new water right.

The Washington Department of Fish and Wildlife (WDFW) have indicated that Cusick Creek is known to support Endanger Species Act listed Bull Trout as well as rainbow and cutthroat trout. Because of this, WDFW has indicated they would most likely not recommend approve of a new water right without major mitigation or replacement water. The exception would be for entirely non-consumptive use or a use that has an overriding environmental benefit.

Your project does not appear to fall into the limited exceptions described above. Therefore, it appears that your application for a new water right will in all likelihood be denied.

Please complete the enclosed form and return it to this office within thirty (30) days from the date of this letter. If you do not respond in the allotted time, we will assume you are no longer interested in pursuing your application, and we will begin a process to formally reject your application.

This letter of notification is not an administrative order of Ecology pursuant to RCW 43.27A.190, nor is issuance of this letter an appealable action pursuant to RCW 43.21B.310. However, if you fail to respond to this letter, Ecology will issue you an Administrative Order rejecting your application. That Order would be a formal decision by Ecology that you may appeal to the state's Pollution Control Hearings Board.

If you have any questions or need additional information, please contact me at 509 329-3526 or dtol461@ecy.wa.gov.

Sincerely,

Dan Tolleson
Water Resources Program
Eastern Regional Office

DT:md

Enclosure: *Statement of Intent form ECY 070-424*

By **CERTIFIED MAIL:** 7011 3500 0001 8626 7786



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Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	

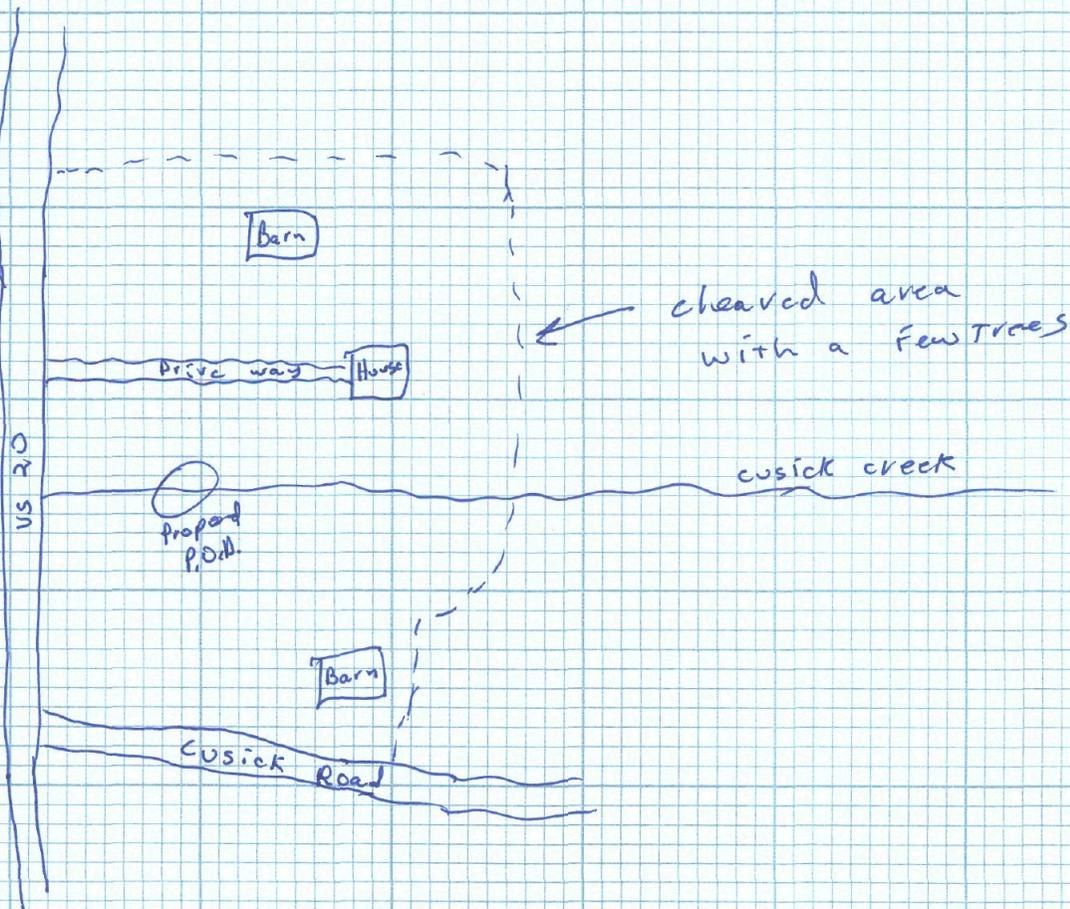
9-20-12
Postmark Here

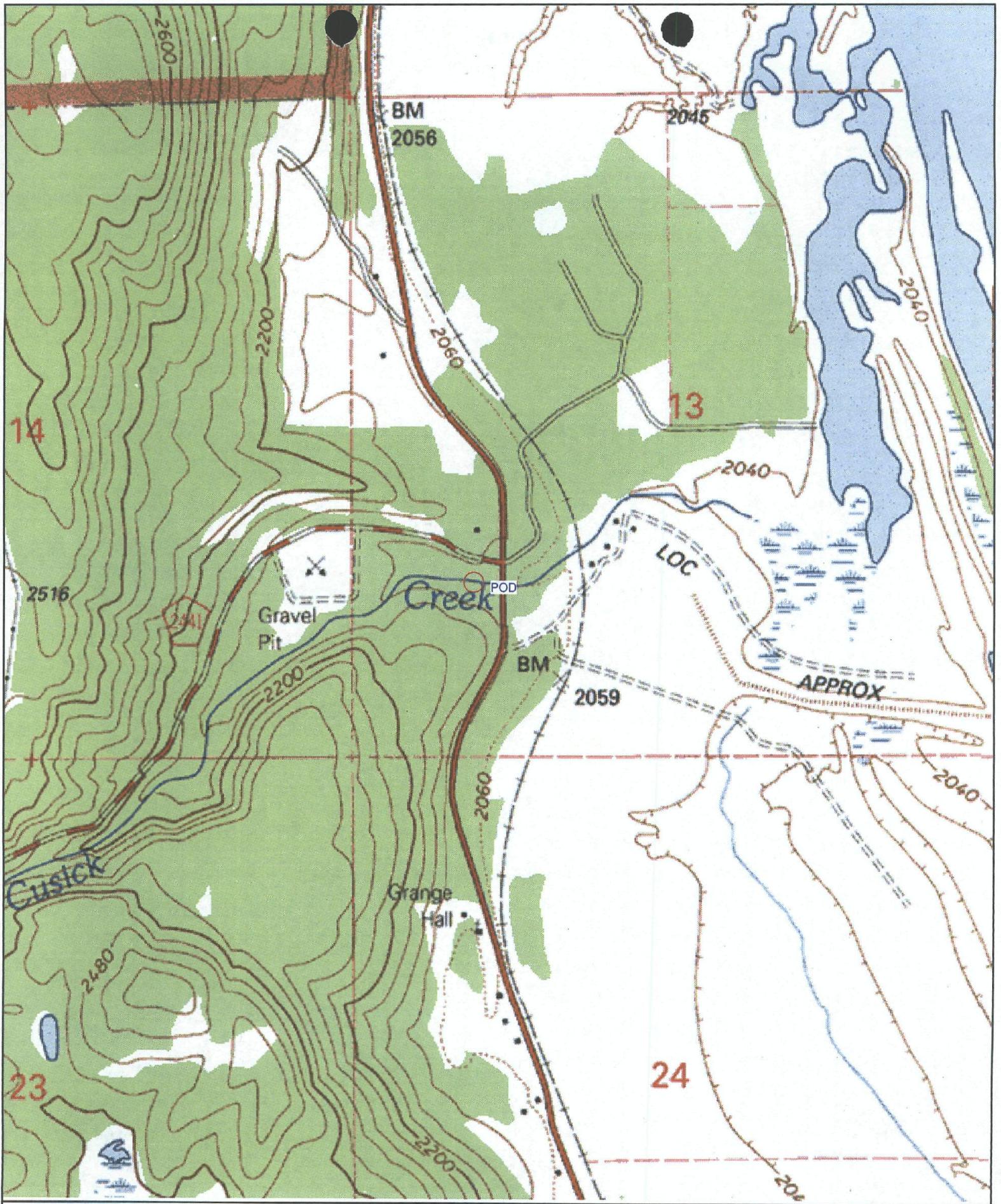
Total Postage MS SHARON RUCKER

Sent To 411432 HWY 20
Street, Apt. No., or PO Box No. CUSICK WA 99119
City, State, ZIP+

Rucker Field Exam 9/25/2012

- * Pasture with some trees, house, two barns
- * Domestic well used for house & yard
- * No discussion developed, no stock evident
- * Less acres useable for irrigation than requested





Name: JARED
Date: 9/25/2012
Scale: 1 inch equals 1000 feet

Location: 048.4435181° N 117.3223200° W WGS84
Caption:

Markers

Name: POD

Short Name: POD

Coordinates: 048.4440722° N, 117.3231341° W

Comment: 25-SEP-12 10:10:34AM



S3-30602

14
T34N/R43E

Gibstok Creek

16

CL 112140 &
CL 112141

S3-30612

Prior Right

23

24

Pend Oreille County Assessor & Treasurer

4480 SHARON E RUCKER for Year 2012 - 2013

Property

Account

Property ID: 4480 Legal Description: 3-59 F5 LOT 7 7 DEVIL'S W 1ST 13-34
 -43
 Geographic ID: 433413529007 Agent Code: *lots 3, 7, 8, 9*
 Type: Real
 Tax Area: 0024 - 3-59 H1 F5 Land Use Code 91
 Open Space: N DFL N
 Historic Property: N Remodel Property: N
 Multi-Family Redevelopment: N
 Township: Section:
 Range:

Location

Address: Mapsco:
 Neighborhood: Map ID:
 Neighborhood CD:

Owner

Name: SHARON E RUCKER Owner ID: 17197
 Mailing Address: 411432 HWY 20 % Ownership: 100.0000000000%
 CUSICK, WA, 99119
 Exemptions:

Taxes and Assessment Details

Property Tax Information as of 09/18/2012

Amount Due if Paid on: 

NOTE: If you plan to submit payment on a future date, make sure you enter the click **RECALCULATE** to obtain the correct total amount due.

Click on "Statement Details" to expand or collapse a tax statement.

Year	Statement ID	First Half Base Amt.	Second Half Base Amt.	Penalty	Interest	Base Paid	Amount Due
▶ Statement Details 2012	2842	\$170.32	\$170.27	\$0.00	\$0.00	\$170.32	\$170.27
▶ Statement Details 2011	2454	\$170.41	\$170.39	\$0.00	\$0.00	\$340.80	\$0.00

*3.31 - Lot 3
 1.89 - Lot 7
 3.23 - Lot 8
 2.99 - Lot 9

 11.42 ac*

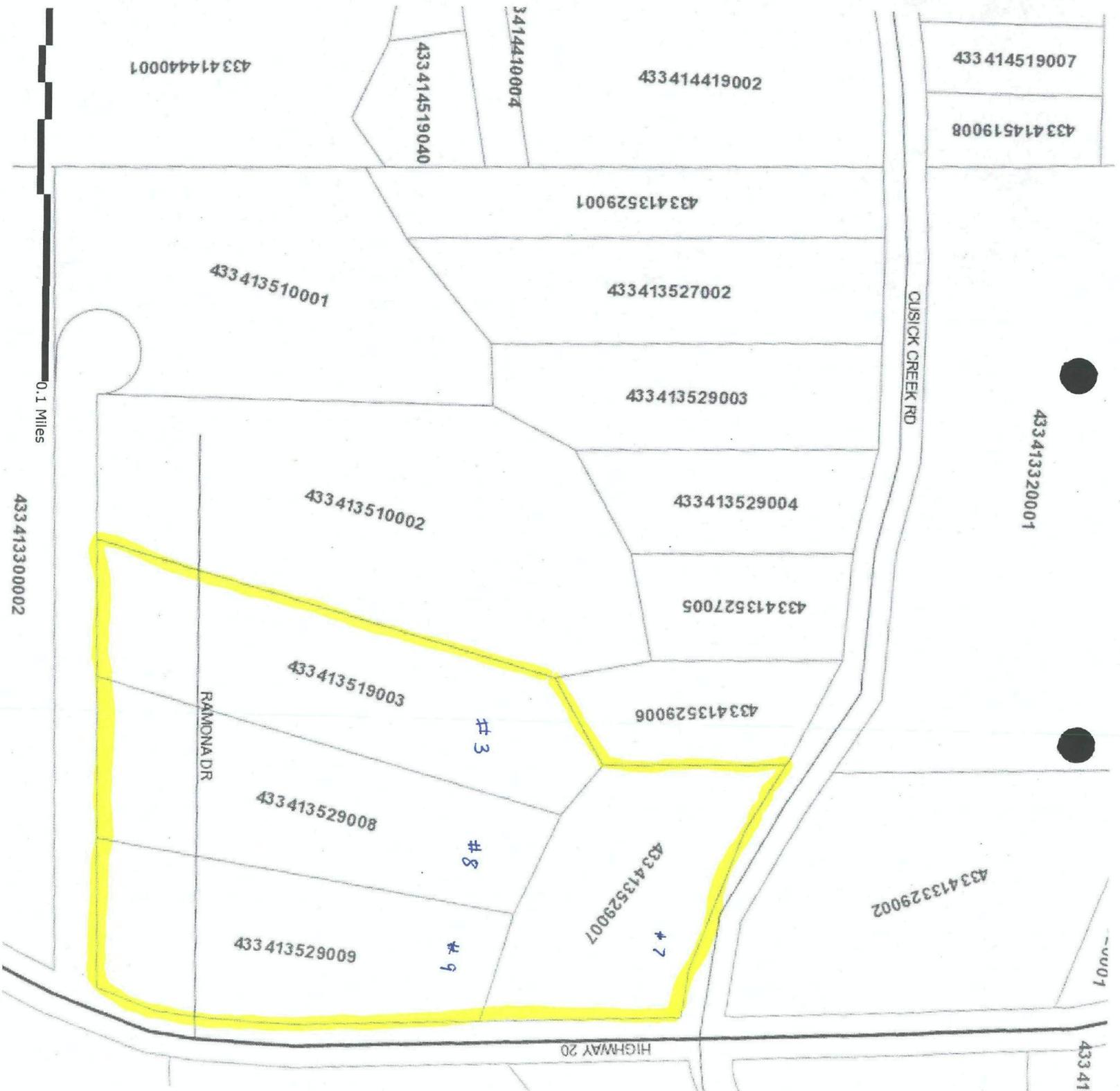
Values
Taxing Jurisdiction
Improvement / Building
Sketch
Property Image
Land
Roll Value History
Deed and Sales History
Payout Agreement

This year is not certified and ALL values will be represented with "N/A".

Website version: 9.0.32.2200

Database last updated on: 9/18/2012 2:11 AM

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433 414519007

433 414519008

433 413320001

CUSICK CREEK RD

2006141433

3414410004

433 414519040

433 414440001

433 413529001

433 413527002

433 413510001

433 413529003

433 413529004

433 413510002

433 413527005

433 413519003

433 413529006

3

RAMONA DR

433 413529008

8

433 413329002

433 413529007

* 7

433 413529009

* 9

HIGHWAY 20

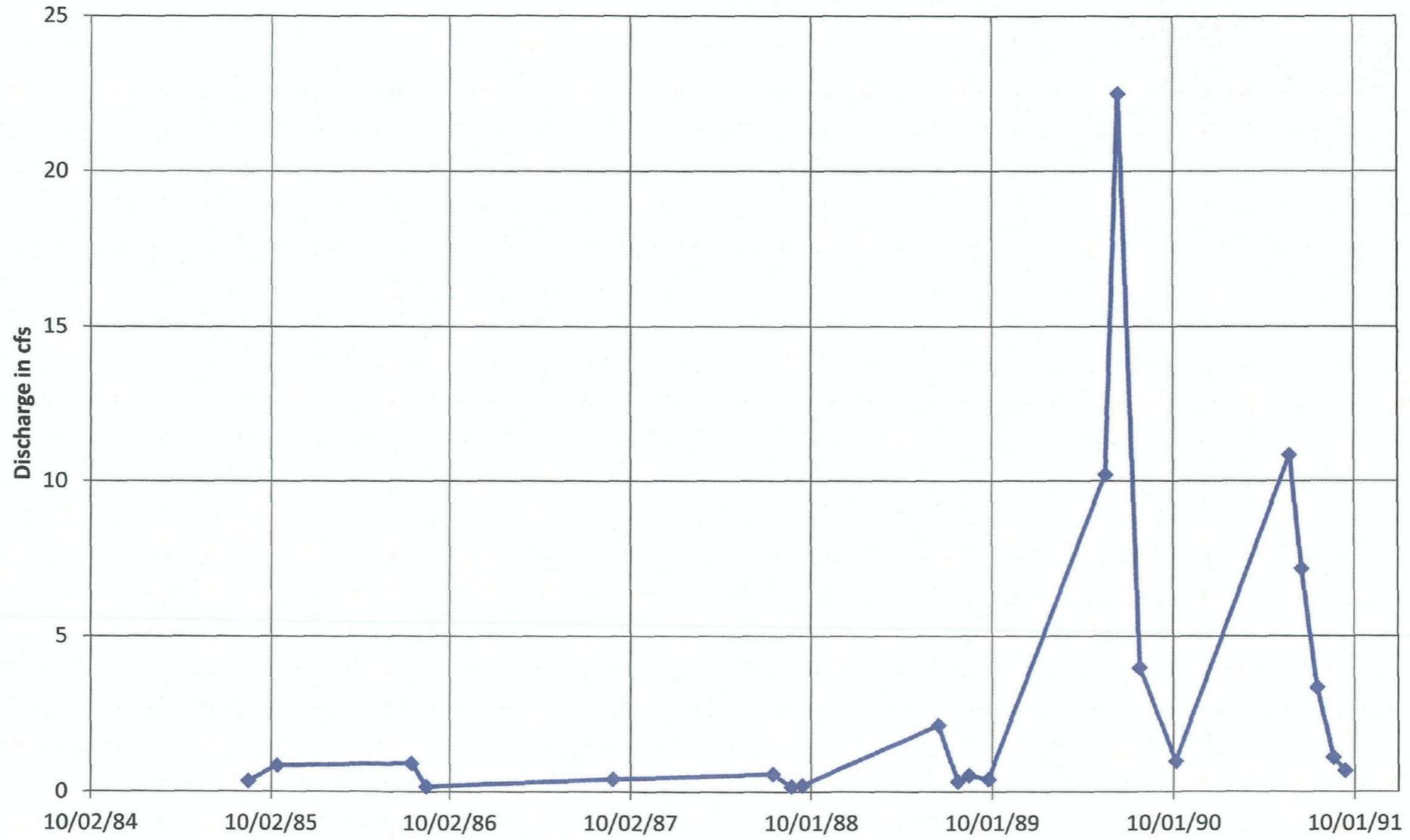
0.1 Miles

433 413300002

433 413

-0001

Cusick Creek T34 R43-13 SW @ highway





STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

4601 N Monroe Street • Spokane, Washington 99205-1295 • (509)329-3400

April 14, 2010

COPY



Your address
is in the
**Pend
Oreille**
watershed

Ms. Sharon E. Rucker
411432 HWY 20
Cusick, Washington 99119

Re: Application for a Water Right Permit No. S3-30612
WRIA 62 – Pend Oreille County

Dear Ms. Rucker:

Thank you for meeting with me on March 22, 2010 to discuss the above application. Based on our discussions I have updated your application to reflect the following:

Statement of Intent:

0.27 cubic feet per second (120 gpm), for the seasonal irrigation of 12 acres.

Point of Diversion:

From Cusick Creek, Tributary to Pend Oreille River to be located within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ or SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 13, T. 34 N., R. 43 E.W.M.

Place of Use:

Lot 3 of 7-Devils West, and Lots 8 and 9 of First Addition to 7-Devils West and Lot 7, 7-Devils West, First Addition, according to the plat recorded in the office of Pend Oreille County auditor, ALL in Sec. 13, T. 34 N., R. 43 E.W.M., Pend Oreille, County, Washington.

As noted in our meeting it may be some time before we begin working in your area, due to funding and staff limitations. When we start actively evaluating applications in your watershed, we will prepare a public notice and send it to you with publication instructions.

In the meantime, we have forwarded a copy of the application to the U.S. Bureau of Reclamation (BOR). You must contact William Ferry, BOR 509-575-5848 ext. 244 or at the address below to request a release for the surface water diversions from Cusick Creek, tributary of Pend Oreille River.



Ms. Sharon E. Rucker
Application for a Water Right Permit No. S3-30612
Page 2 of 2
April 14, 2010

Our office cannot process the application until you obtain a release from BOR for the water requested. This is necessary because BOR has control of all of the remaining unappropriated waters of the Columbia River above Priest Rapids Dam, including all tributaries and groundwater in continuity. If BOR grants you a written release, please forward a copy to our office so that we can continue processing the application.

Please be advised that the filing of an application does not authorize the request. **Water use cannot legally begin before you receive a water right permit authorizing the request.** You should not start construction until that time.

I have referenced Surface Water Claim No. 112140 and Ground Water Claim No. 112141 in your file as these may have been established and filed on the lands you own. Keep in mind, a claim is simply that, a claim to a water right for a beneficial use which predates the state water permitting system. Its validity can only be confirmed through judicial processes.

If you need assistance or have questions you may contact me directly at 509-329-3586; katherine.ryf@ecy.wa.gov or Kevin Brown at 509-329-3422; kevin.brown@ecy.wa.gov.

Sincerely,



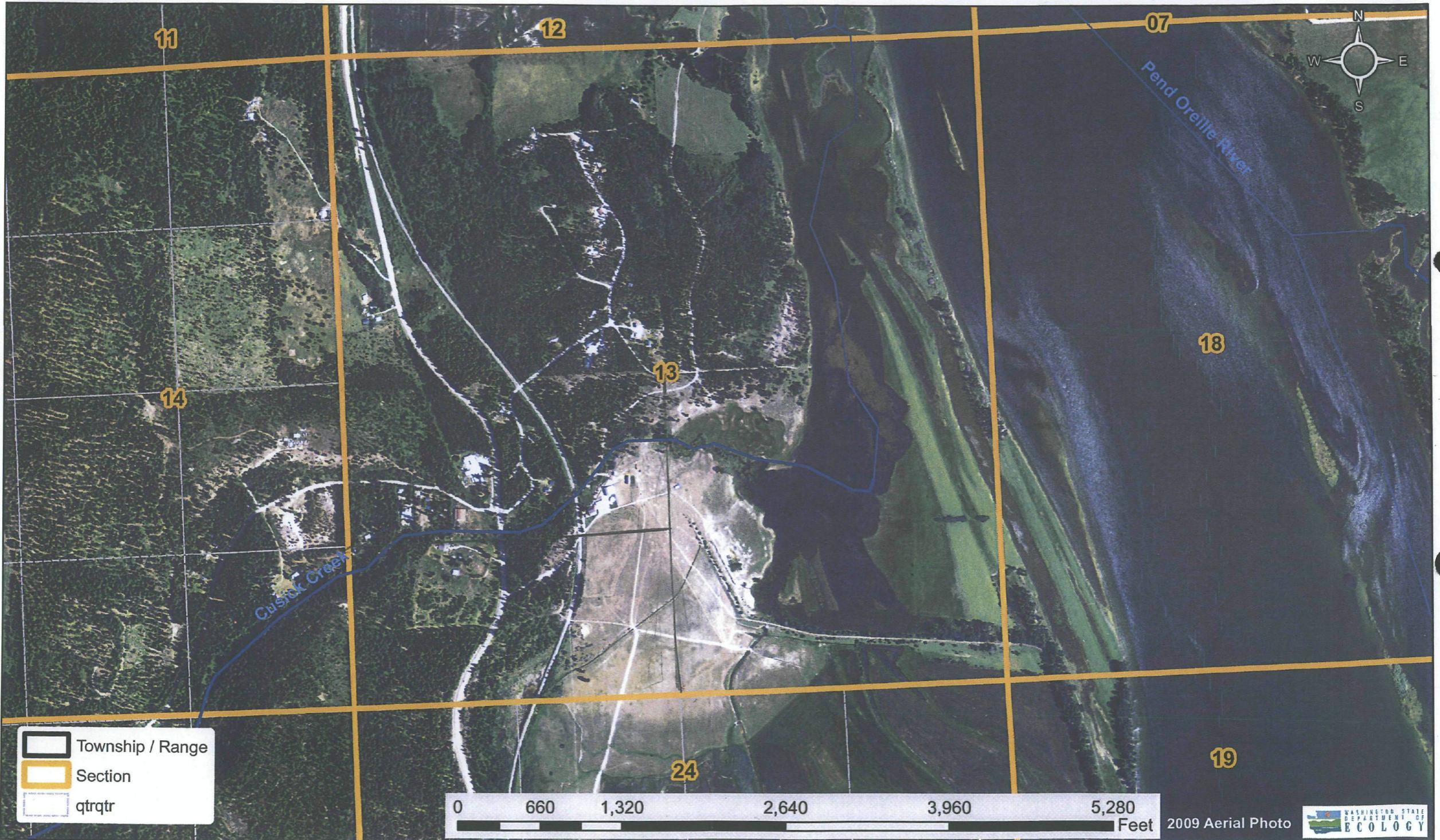
Katherine A. Ryf
Water Resources Program
Eastern Regional Office

KAR:md

W: Ryf/2010/Rucker Sharon S3-30612 accp letter 4-14-2010.doc

Enclosures: *Copy of Application*
Map of project

cc: William Ferry, Adjudication Manager, BOR, 1917 Marsh Road, Yakima, WA 98901
Colville Confederated Tribe, P.O. Box 150, Nespelem, Washington 99155
WA Dept. of Fish & Wildlife, 2315 N Discovery Place, Spokane Valley, WA 99216



11

12

07



Pend Oreille River

18

14

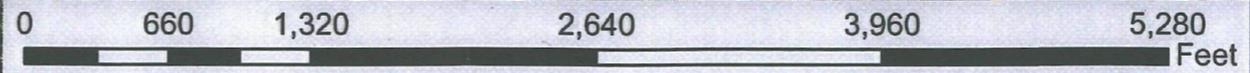
13

Cusick Creek

24

19

-  Township / Range
-  Section
-  qtrqtr

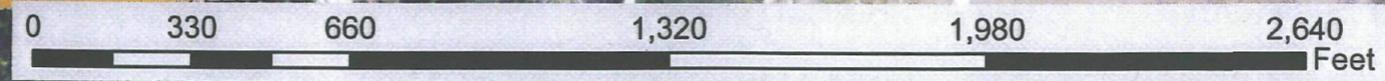


2009 Aerial Photo





-  Township / Range
-  Section
-  qtrqtr



2009 Aerial Photo



Map

2010



Pend_Oreille_Roads



DNR_PLSS_Clip



RGB

Red: Band_1

Green: Band_2



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

4601 N Monroe Street • Spokane, Washington 99205-1295 • (509)329-3400

February 24, 2010



Your address
is in the
**Pend
Oreille**
watershed

Ms. Sharon E. Rucker
411432 HWY 20
Cusick, Washington 99119

COPY

Re: Application for a Water Right Permit No. S3-30612
WRIA 62 – Pend Oreille County

Dear Ms. Rucker:

On February 16, 2010 our cashiering unit received your water right application which we have assigned a processing number of S3-30612. Please include this number when contacting our office.

At this time our office is unable to further process the application as it is incomplete. In order for us to take further action we will need additional information regarding the project. Please submit the following information to our office as it pertains to your project either in letter form or as supporting documents.

- Statement of Intent, Water Use
 - Provide maximum rate of water required for each purpose of use proposed.
 - The rate should be measured in cubic feet per second (cfs) or gallons per minute (gpm).
 - *For example:*
120 gpm for the irrigation of 12 acres; or
0.27 cfs for the irrigation of 12 acres.
 - If know, provide the maximum quantity of water to be used for the purposes in acre-feet per year.

- Point of Diversion/Withdrawal
 - It is unclear whether or not you plan to withdraw ground waters (well) or if you plan to divert surface waters (spring, creek, river, etc.).
 - Confirm if you plan to utilize a ground water well or surface waters from Cusick Creek.



Ms. Sharon E. Rucker

S3-30612

Page 2

February 24, 2010

- Provide the location of each proposed point of diversion or withdraw.
 - For each location list the parcel no., quarter-quarter ($\frac{1}{4}\frac{1}{4}$), section, township, range and county in which each point of withdrawal or diversion is located.
 - If platted (subdivided), enter the lot, block, and subdivision name.

- Place of use
 - Confirm the legal description of the lands where you propose to use the water are to be within Lot 3 Seven Devils West within Sec. 13, T. 34 N., R. 43 E.W.M., Pend Oreille County.
 - If so, submit a title insurance policy or property deed that shows you are the legal landowner of the property.
 - Confirm whether or not there are any other water rights or claims associated with this property. If so, provide the water right and/or claim number(s).

- Water System Description
 - You indicated on the application that the proposed water system as "pump with fish screen 2 inch hose."
 - If so, provide how you will divert, pump, distribute, and store the water, and any conservation measures you may be taking. Included proposed size, capacity, location, and motor horsepower of any pump.

- Domestic Water Supply System Information
 - You indicated on the application that the water system does not apply to domestic or municipal uses. You noted that a Water System Plan was approved by Washington State Department of Health, Drinking Water Division May 10, 1972.
 - If so, provide the water system number and name of system.

- Irrigation/Stockwater/Other farm uses
 - The application indicates 12 acres of irrigation for one horse.
 - If so, confirm that you are proposing to irrigate 12 acres for a horse pasture

Please submit the above information to our office within 30 days from the date of this letter. If you need assistance or have questions you may contact me directly at 509-329-3586; katherine.ryf@ecy.wa.gov or Kevin Brown at 509-329-3422; kevin.brown@ecy.wa.gov.

Sincerely,



Katherine A. Ryf
Water Resources Program
Eastern Regional Office

KAR:md

W:: Ryf/2010/Rucker S3-30612 more info 2-24-2010.doc

RECEIPT

Department of Ecology (4610)
PO Box 47611
Olympia, WA 98504-7611
(360) 407-7095

Receipt Number
Manual Receipt

10CJ014889

Document Number 461J1115 CJ Date 02/17/2010 FM 08

Remitter Name RUCKER, SHARON E Receipt Name
RUCKER, DEAN

Check/Draw Number 2322
Document Amount 50.00
Method of Payment Check

Comment Description WATER RIGHT - ERO *New App*

REF NR	DOC NR	REF DOC SFX	INV NR	ID NR	SUB ID NR	T	C	R	FUND	MAJ GRP	MAG SRC	SUB SRC	CNTY	WORK CLS	PIC	AI	ORG	PRJ	SUB PRJ	PRJ PHS	SUB OBJ	SUB SUB OBJ	VAR GL	SUB DR	SID DR	SUB CR	SID CR	ALLOC AMT
						001	001	02	85	000011																		50.00

RECEIVED

FEB 18 2010

DEPARTMENT OF ECOLOGY
EASTERN REGIONAL OFFICE