



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

July 16, 2013

Mr. Daniel Somerlott
4593 Lessig Road
Hunters, Washington 99137

Re: Water Right Application No. S3-30363

Dear Mr. Somerlott:

On, June 1, 2013 this office mailed a certified letter notifying you that your Water Application Number S3-30363 would be rejected unless you directed us to withdraw the application or proceed to a formal decision. The U.S. Postal Service confirmed delivery of that letter.

Since we received no response to that notice, your application 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.

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

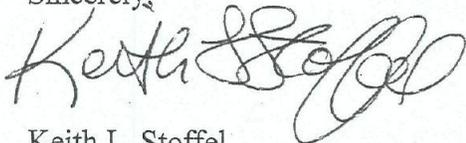


Mr. Daniel Somerlott
S3-30363
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July 16, 2013

*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 Kevin Brown at 509-329-3422.

Sincerely,



Keith L. Stoffel
Section Manager
Water Resources Program
Eastern Regional Office

KLS/KB:md
Enclosure: *Your Right to Be Heard*

By certified mail: 7011 3500 0001 8621 6586

U.S. Postal Service™
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7011 3500 0001 8621 6586

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

7/18/13
 Paid Here

Total Postage
 Sent To
 Street, Apt. No. or PO Box No.
 City, State, Zi

MR DANIEL SOMERLOTT
 4593 LESSIG ROAD
 HUNTERS WA 99137

PS Form 3800, August 2006 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> 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. 	<p>A. Signature X <i>[Signature]</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>PAUL J. JEMERSON</i> C. Date of Delivery <i>7-18-13</i></p> <p>D. Is delivery address different from item 1? <input checked="" type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No <i>4990 Hwy 25 S Hunters WA 99137</i></p>	
<p>1. Article Addressed to:</p> <div style="border: 1px solid black; padding: 5px; text-align: center;"> MR DANIEL SOMERLOTT 4593 LESSIG ROAD HUNTERS WA 99137 </div>	<p>3. Service Type <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
<p>2. Article Number (Transfer from service label)</p>	<p>7011 3500 0001 8621 6586</p>	
<p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540</p>		



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

June 1, 2013

Mr. Daniel Somerlot
4593 Lessig Road
Hunters, WA 99137

Dear Mr. Somerlot:

Re: Ground Water Application S3-30363

We are currently working on water right applications in Water Resource Inventory Area (WRIA) 58, including the Hunters Creek area. Your water right application was filed June 19, 2002. The application requests authorization for 0.02 cubic feet per second for irrigation of 1 acre from a spring for property located in NW¼ of Section 6, T. 30 N., R. 38 E.W.M. The application was advertised in 2002.

At this time the application is still pending. We are working in the area and are trying to determine your interest in pursuing the water right application. If you want to pursue a decision on the application, please fill out the attached Statement of Interest Form and return it to our office. Please be sure update the form with contact information so we can establish a time to conduct a review of the records and a field investigation.

If we do not hear from you within thirty days, we will assume you are no longer interested in the water right application, and we will reject the application with no further contact. If you have questions, please feel free to contact me at (509) 329-3422.

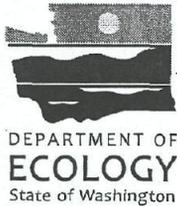
Sincerely,

Kevin Brown
Water Resources

KB:ka
Enclosure: Statement of Intent Form

By Certified Mail 7011 3500 0001 8626 3139





Statement of Intent
Pending Application for a Permit
To determine continued interest in a decision on an existing permit

U.S. Postal Service™
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(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com®

OFFICIAL USE

7011 3500 0001 8626 3139

Postage	\$	 Postmark Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

1. Application Number:

WATER RIGHT APPLICATION NO. (i.e. 1234, G3-01234, etc.)
53-30363

2. Applicant Information: If there is more than one applicant, please use a separate form for each applicant. Attach a separate paper to provide all other applicant's contact information.

Sent To: **MR. DANIEL SOMERLOT**
 Street, Apt. No., or PO Box No.: **4593 LESSIG ROAD**
 City, State, ZIP+4: **HUNTERS WA 99137**

PS Form 3800, August 2006 See Reverse for Instructions

APPLICANT/BUSINESS NAME	PHONE NO.	PHONE NO.
MAILING ADDRESS		
CITY	STATE	ZIP CODE
E-MAIL ADDRESS		

3. Intent: Check the Appropriate Box.

WITHDRAW (Remove from Waiting List)

I/We do NOT intend to pursue the above application for permit to appropriate public waters of the State. I/We hereby withdraw the application and understand it will NOT be evaluated for approval or denial, it will be removed from the waiting list and the file will be closed.

PROCEED (Requesting Formal Decision)

I/We are interested in the State. I/We are appealing the decision.

4. Signatures: Attach this card to the back of the mailpiece. I certify that I am the applicant.

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> 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. 	<p>A. Signature <input checked="" type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) DAN SOMERLOT C. Date of Delivery 6-5-13</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <div style="border: 1px solid black; padding: 5px; text-align: center;"> MR. DANIEL SOMERLOT 4593 LESSIG ROAD HUNTERS WA 99137 </div>	<p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label)</p> <p align="center">7011 3500 0001 8626 3139</p>	

PRINT NAME (Applicant or authorized agent)

PRINT NAME (Applicant or authorized agent)

5. Submit form: Send to:

The examination of the effects an appropriation permit will have on existing rights is not an adjudication of those rights, but a test of the merits of the application. DOE has jurisdiction and is required by RCW 90.03.290, to make such an examination. Scheibe v DOE, PCHB No. 36 (1972).

The pendency of a general adjudication can provide an excuse preventing the forfeiture of a right for non-use. Attwood v DOE, PCHB No. 82-58 (1983).

It is appropriate to hold applications for new rights in abeyance during the pendency of general adjudication. The delay is inconvenient but not unlawful. Perrow v DOE, PCHB No. 84-244 (1985).

S330363

Send To Printer

Back To TerraServer

USGS 9 km E of Hunters, Washington, United States 29 Jul 1992



= Legal description (approx)
 ⊗ = P.O.D.

Image courtesy of the U.S. Geological Survey



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S330363

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RECORDED AT REQUEST
OF _____

OCT 7 10 41 AM '98

TIM GRAY
AUDITOR
STEVENS COUNTY
DEPUTY A. GAGNON
\$9.00

Real Estate Excise Tax
AFF# <u>120461</u>
Date Pd _____
Original _____
Amt Pd <u>None</u>
Int _____ Pen _____
Stevens County Treasurer Deputy
By <u>[Signature]</u> Date <u>10-7-98</u>

After Recording Mail To:

Skok & Monasmith, P.S.
P.O. Box 6
Chewelah, Washington 99109

9811707

QUIT CLAIM DEED
(GIFT)

Assessor's Property Tax Parcel Account Number:
Part of 1773500

THE GRANTORS, FRED G. GUENTHER and MARION D. GUENTHER, husband and wife, for and in consideration of love and affection (gift), convey and quit claim to LINDA A. SOMERLOTT and DANIEL J. SOMERLOTT, wife and husband, the Grantees, the following described real estate, situated in the County of Stevens, State of Washington, together with all after acquired title of the grantors therein:

Part of the NW1/4 of Section 6, Township 30 North, Range 38 East, W.M., in Stevens County, Washington, more particularly described as follows:

Commencing on the West line of Lessig County Road as it intersects the North line of Government Lot 3 of said Section 6; thence West along the North line of said Section to the Northwest corner thereof; thence South along the West Section line a distance of 400 feet; thence Easterly intersecting the East line of Government Lot 4 at a point 390 feet South of the North line of said Government Lot 4; thence East paralleling the North line of Government Lot 3 a distance of 940 feet, more or less, intersecting the West line of Lessig County Road; thence Northerly and Easterly following the West line of said road to the point of beginning. Containing 20.60 acres, more or less.

COPY

SPRING 500 FT.

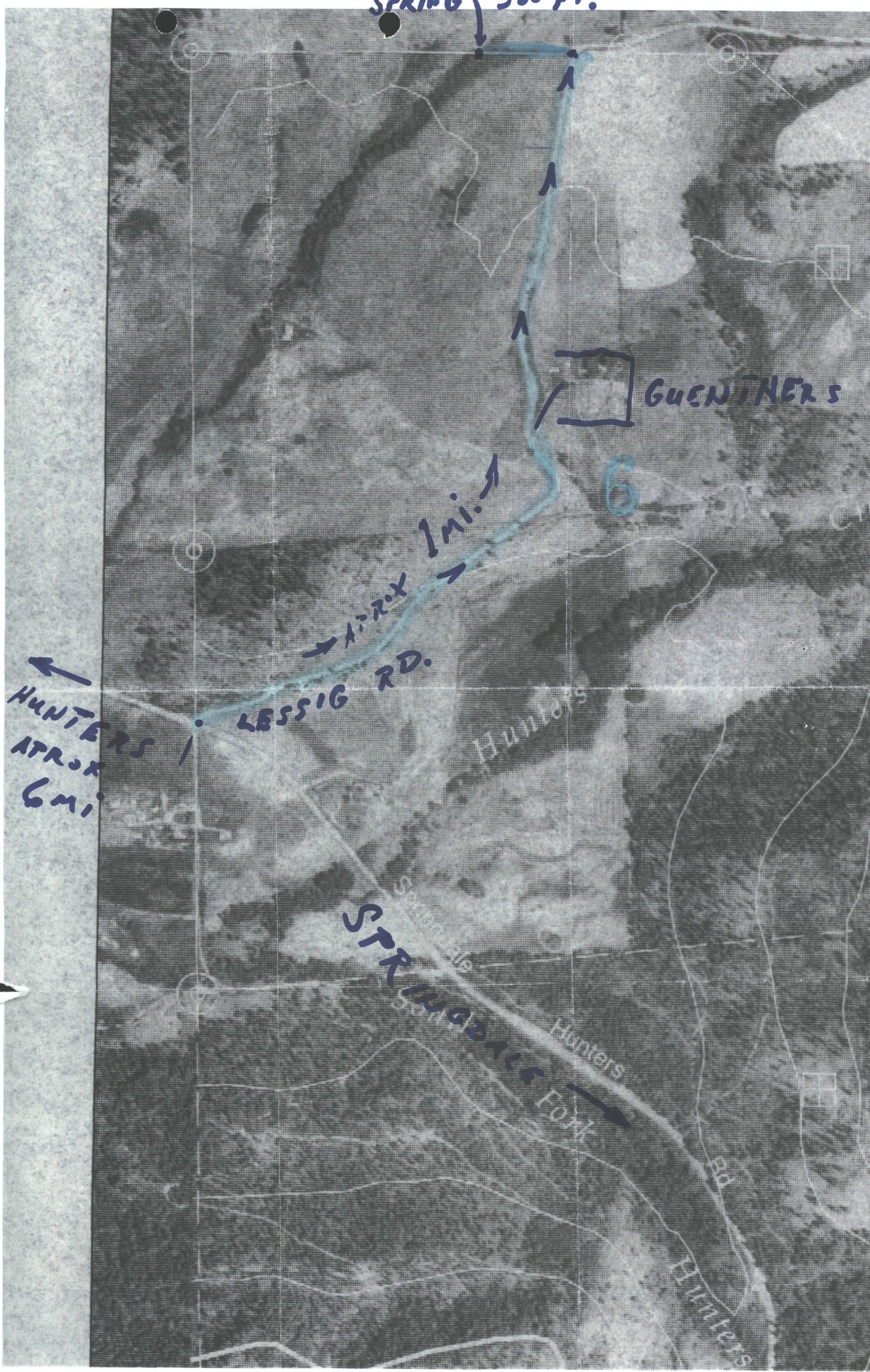
GUENTHERS

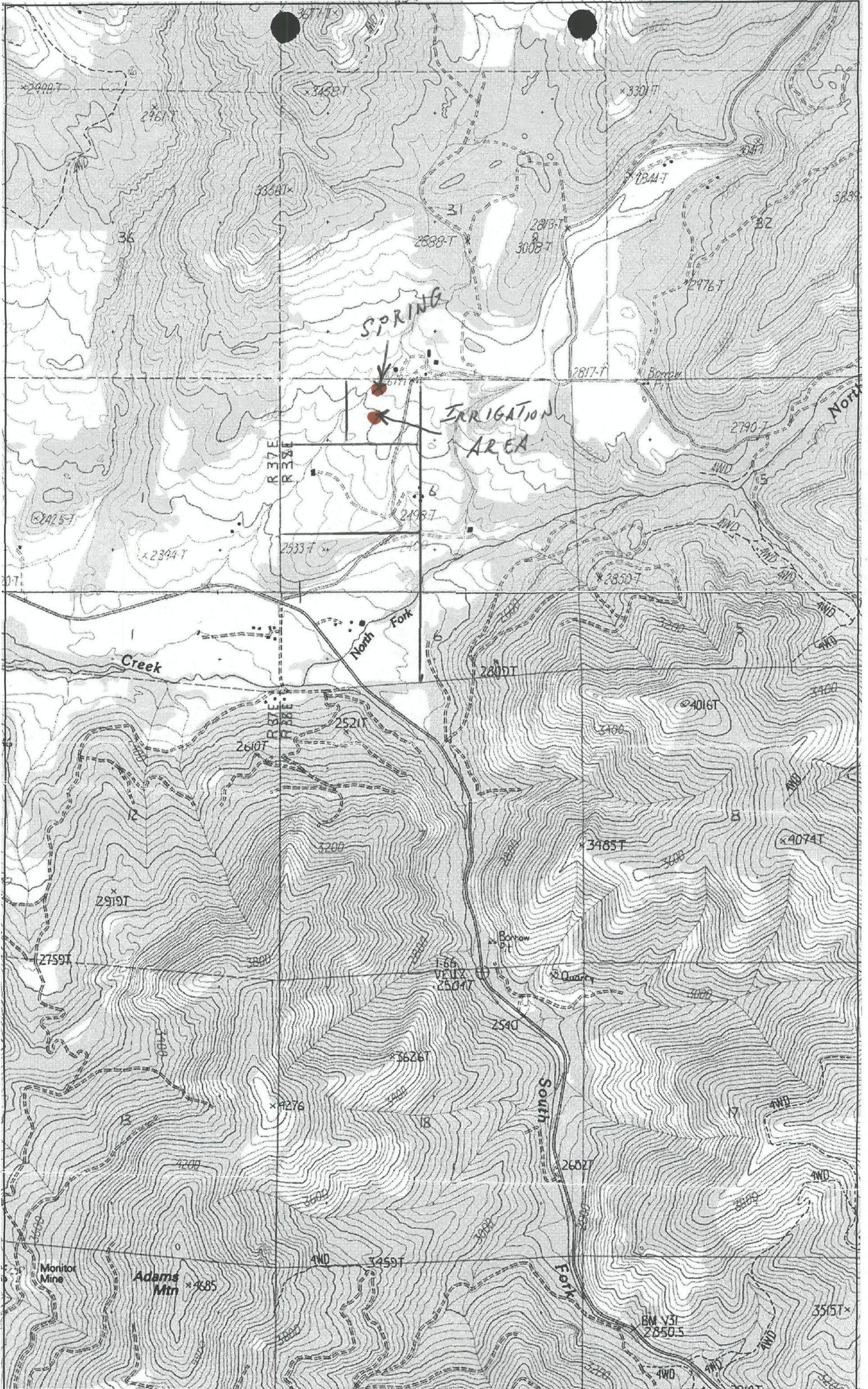
APPROX 1 MI.

LESSIG RD.

HUNTERS
APPROX
6 MI

SPRINGDALE
FORK





Name: BLACKHORSE CANYON
 Date: 9/17/2002
 Scale: 1 inch equals 1960 feet

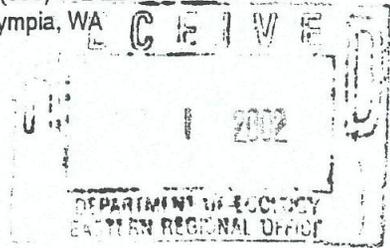
S330363

Location: 048° 07.1775' N 118° 04.4793' W
 Caption: Daniel J. Somerlott
 T. 30 N., R. 38 E., Sec. 6
 Stevens County
 WRIA 69



State of Washington
DEPARTMENT OF FISH AND WILDLIFE

Mailing Address: 600 Capitol Way N • Olympia, WA 98501-1091 • (360) 902-2200, TDD (360) 902-2207
Main Office Location: Natural Resources Building • 1111 Washington Street SE • Olympia, WA



October 7, 2002

Department of Ecology
Eastern Regional Office
N. 4601 Monroe Street, Suite 202
Spokane, Washington 99205-1295

WATER RIGHT APPLICATION REVIEW

Application Number: S3-30363

Applicant: Daniel J. Somerlott
P.O. Box 141
Mineral, WA 98355

WRIA: 58

Water: Unnamed Spring

This water and/or affected reaches downstream are inhabited by: no fish

Based on: Site-specific observations WDFW database or GIS
 Literature Knowledge of this type of stream

Amount: 0.02 cfs gpm 3.0 acre-ft/yr
Point of diversion: NE NW S6 T30 R38
Point of use: NE NW S6 T30 R38

WDFW recommended conditions:

- Instream flows in WAC 173-5
- This water right should be subject to any established lake levels, if any.

Instream flows based on: IFIM study USGS toe-width Tennant
 Other:

WDFW requests that water right be subject to the following instream flows or natural flow, whichever is less:

Instream flows to be measured at:

Other conditions requested by WDFW indicated by :

- HPA
- Screen intake if accessible to fish (to be determined during application for HPA) according to WDFW standards.
- Based upon review of fish resources present, type and amount of water use, condition of

The Department of Ecology does NOT Warrant the Data and/or the Information on this Well Report.

Water Well Report

Original - Ecology 1st copy - owner 2nd copy - driller

Construction/Decommission

Construction

Decommission

ORIGINAL INSTALLATION Notice of Intent Number

151187

Current

Notice of Intent No. W 161691

Unique Ecology Well ID Tag No ALA 919

Water Right Permit No

Property Owner Name DAN AND LINDA SOMERLOTT

Well Street Address LESSIG RD

City HUNTERS

County STEVENS

Location NE1/4 1/4 NW1/4 Sec 6 Twn 30 R 38

EWM or WWM circle one

Lat/Long (s, t, r) Lat Deg Lat Min/Sec

still REQUIRED) Long Deg Long Min/Sec

Tax Parcel No

CONSTRUCTION OR DECOMMISSION PROCEDURE

Formation. Describe by color character size of material and structure and the kind and nature of the material in each stratum penetrated, with at least one entry for each change of information indicate all water encountered (USE ADDITIONAL SHEETS IF NECESSARY)

MATERIAL	FROM	TO
LOAM	0	23
ANDOSITE GRAY HARD	23	390
ANDOSITE SANDS COARSE (WATER)	390	400
ANDOSITE GRAY HARD	400	440
<p>Start Date 6-23-04 Completed Date 6-24-04</p>		

PROPOSED USE Domestic Industrial Municipal DeWater Irrigation Test Well Other

TYPE OF WORK Owner's number of well (if more than one)
 New well Reconditioned Deepened Method Dug Bored Driven Cable Rotary Jetted

DIMENSIONS Diameter of well 6 inches drilled 440 ft
 Depth of completed well 420 ft

CONSTRUCTION DETAILS
 Casing Welded 6" Diam from +2 ft to 22 ft
 Installed Liner installed 4" Diam from 9 ft to 420 ft
 Threaded Diam from ft to ft

Perforations: Yes No
 Type of perforator used
 SIZE of perfs in by in and no of perfs from ft to ft

Screens Yes No K Pac Location
 Manufacturer's Name

Type PVC Model No
 Diam 4 Slot size 20 from 400 ft to 420 ft
 Diam Slot size from ft to ft

Gravel/Filter packed Yes No Size of gravel/sand ft to ft
 Materials placed from ft to ft

Surface Seal Yes No To what depth? 18 ft
 Material used in seal BENTONITE

Did any strata contain unusable water? Yes No
 Type of water? Depth of strata
 Method of sealing strata off

PUMP Manufacturer's Name
 Type HP

WATER LEVELS Land-surface elevation above mean sea level ft
 Static level 200 ft below top of well Date 6-24-04
 Artesian pressure lbs per square inch Date
 Artesian water is controlled by (cap, valve, etc)

WELL TESTS Drawdown is amount water level is lowered below static level
 Was a pump test made? Yes No If yes by whom?
 Yield gal/min with ft drawdown after hrs
 Yield gal/min with ft drawdown after hrs
 Yield gal/min with ft drawdown after hrs
 Recovery data (time taken as zero when pump turned off) (water level measured from well top to water level)

Time	Water Level	Time	Water Level	Time	Water Level

 Date of test
 Bailer test gal/min with ft drawdown after hrs
 Artesian 10(EST) gal/min with stem set at ft for hrs
 Artesian flow gpm Date
 Temperature of water Was a chemical analysis made? Yes No

WELL CONSTRUCTION CERTIFICATION I constructed and/or accept responsibility for construction of this well, and its compliance with all Washington well construction standards. Materials used and the information reported above are true to my best knowledge and belief

Driller/Engineer/Trainer Name (Print) TROY TARBERT
 Driller/Engineer/Trainer Signature
 Driller or trainer License No 1709

Drilling Company TARBERT DRILLING
 Address 34700 TEEL HILL RD. N
 City State Zip DAVENPORT WA 99122
 Contractor's
 Registration No TARBED1044C8 Date 6-25-04
 Ecology is an Equal Opportunity Employer

TRAINEE
 Driller's License No
 Driller's Signature