File NR S2-30601
WR Doc ID 5405005

DEPARTMENT OF
ECOLOGY
State of Washington

# State of Washington
# REPORT OF EXAMINATION
# FOR WATER RIGHT APPLICATION

| PRIORITY DATE | WATER RIGHT NUMBER |
|---|---|
| 8/30/2012 | S2-30601 |

| MAILING ADDRESS | SITE ADDRESS (IF DIFFERENT) |
|---|---|
| CINDY REANDEAU<br>3503 WEST SEQUIM BAY ROAD<br>SEQUIM WA 98382 | 282 NANSEN ANDERSON RD<br>FORKS WA 98331-9358 |

## Quantity Authorized for Withdrawal or Diversion

| WITHDRAWAL OR DIVERSION RATE | UNITS | ANNUAL QUANTITY (AF/YR) |
|---|---|---|
| 0.02 | CFS | 0.34 |

## Purpose

| PURPOSE | WITHDRAWAL OR DIVERSION RATE | | | ANNUAL QUANTITY (AF/YR) | | PERIOD OF USE (mm/dd) |
|---|---|---|---|---|---|---|
| | ADDITIVE | NON-ADDITIVE | UNITS | ADDITIVE | NON-ADDITIVE | |
| Domestic single | 0.02 | | CFS | 0.34 | | 01/01 - 12/31 |

## Source Location

| COUNTY | WATERBODY | TRIBUTARY TO | WATER RESOURCE INVENTORY AREA |
|---|---|---|---|
| JEFFERSON | HOH RIVER | | 20-SOL DUC-HOH |

| SOURCE FACILITY/DEVICE | PARCEL | WELL TAG | TWP | RNG | SEC | QQ Q | LATITUDE | LONGITUDE |
|---|---|---|---|---|---|---|---|---|
| HOH RIVER | 612051013 | N/A | 26N | 12W | 05 | SE NE | 47.7888 | -124.2711 |
| | | | | | | | Datum: NAD83/WGS84 | |

## Place of Use (See Attached Map)

PARCELS (NOT LISTED FOR SERVICE AREAS)

612051009

LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE

Tax 4 Parcel 4 Survey 11/269

## Proposed Works

Water will be pumped directly from the river to a water tank secured to a small truck. The truck will transport the water to an RV where it will be used for in-house use only.

## Development Schedule

| BEGIN PROJECT | COMPLETE PROJECT | PUT WATER TO FULL USE |
|---|---|---|
| July 1, 2014 | October 1, 2014 | October 1, 2015 |

## Measurement of Water Use

| | |
|---|---|
| How often must water use be measured? | Monthly |
| How often must water use data be reported to Ecology? | Upon Request by Ecology |
| What volume should be reported? | Total Annual Volume |
| What rate should be reported? | Annual Peak Rate of Withdrawal (gpm or cfs) |

## Provisions

**Measurements, Monitoring, Metering and Reporting**
An approved measuring device shall be installed and maintained for each of the sources identified by this water right in accordance with the rule "Requirements for Measuring and Reporting Water Use", WAC 173-173.

WAC 173-173 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.

**Department of Fish and Wildlife Requirement(s)**
The intake shall be screened in accordance with Department of Fish and Wildlife screening criteria (pursuant to RCW 77.57.010, RCW 77.57.070, and RCW 77.57.040). Contact the Department of Fish and Wildlife, 600 Capitol Way N, Olympia, WA 98501-1091. Attention: Habitat Program, Phone: (360) 902-2534 if you have questions about screening criteria. http://wdfw.wa.gov/about/contact/

**Proof of Appropriation**
The water right holder shall file the notice of Proof of Appropriation of water (under which the certificate of water right is issued) when the permanent distribution system has been constructed and the quantity of water required by the project has been put to full beneficial use. The certificate will reflect the extent of the project perfected within the limitations of the permit. Elements of a proof inspection may include, as appropriate, the source(s), system instantaneous capacity, beneficial use(s), annual quantity, place of use, and satisfaction of provisions.

**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, diversions, measuring devices and associated distribution systems for compliance with water law.

**Findings of Facts**

Upon reviewing the investigator's report, I find all facts, relevant and material to the subject application, have been thoroughly investigated. Furthermore, I concur with the investigator that water is available from the source in question; that there will be no impairment of existing rights; that the purpose(s) of use are beneficial; and that there will be no detriment to the public interest.

Therefore, I ORDER approval of Application No. S2-30601, subject to existing rights and the provisions specified above.

## Your Right To Appeal

You have a right to appeal this Order to the Pollution Control Hearings Board (PCHB) within 30 days of the date of receipt of this Order. 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 the Order.

File your appeal and a copy of this Order 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 Order on Ecology in paper form - by mail or in person. (See addresses below.) E-mail 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**<br>Attn: Appeals Processing Desk<br>300 Desmond Drive SE<br>Lacey, WA 98503 | **Department of Ecology**<br>Attn: Appeals Processing Desk<br>PO Box 47608<br>Olympia, WA 98504-7608 |
| **Pollution Control Hearings Board**<br>1111 Israel RD SW Ste 301<br>Tumwater, WA 98501 | **Pollution Control Hearings Board**<br>PO Box 40903<br>Olympia, WA 98504-0903 |

Signed at Olympia, Washington, this 13th day of March 2014.

Michael J. Gallagher

Michael J. Gallagher, Section Manager

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.

INVESTIGATOR'S REPORT
Application for Water Right -- Reandeau
Water Right Control Number S2-30601
Tammy Hall, Department of Ecology

## BACKGROUND

On August 30, 2012, Cindy Reandeau filed *Water Right Application* S2-30601 requesting 0.02 cubic feet per second (cfs) and an unspecified annual quantity for domestic supply from the Hoh River. This project is located in Water Resources Inventory Area 20, the Sol Duc-Hoh.

### Attributes of Application

Table 1 Application Summary

| *Name* | *Cindy Reandeau* |
|---|---|
| **Priority Date** | 8/30/2012 |
| **Instantaneous Rate** | 0.02cfs |
| **Annual Quantity** | unspecified |
| **Purpose(s) of Use** | Domestic Supply |
| **Period of Use** | Continuous use |
| **Place(s) of Use** | Tax 4 Parcel 4 Survey 11/269 |

Table 2 Proposed Point of Withdrawal

| *Source Name* | *Parcel* | *Twp* | *Rng* | *Sec* | *QQ Q* | *Latitude* | *Longitude* |
|---|---|---|---|---|---|---|---|
| Hoh River | 612051013 | 26N | 12W | 5 | SE NE | 47.7888 | -124.2711 |

### Legal Requirements for Approval of Appropriation of Water

RCWs 90.03 and 90.44 authorize the appropriation of public water for beneficial use and describe the process for obtaining water rights. Laws governing the water right permitting process are addressed in RCW 90.03.250 through 90.03.340 and RCW 90.44.050. In accordance with RCW 90.03.290, Ecology must make determinations on these four criteria in order to approve an application for water rights:

- Water must be available for appropriation.
- There must be no impairment of existing rights.
- The water use must be a beneficial use.
- Approving the application must not be detrimental to the public interest.

## Public Notice

The applicant published public notice for this project proposal in *The Forks Forum,* a weekly newspaper on two consecutive weeks beginning on October 11, 2012 and October 18, 2012. No protests or letters of concern in response to this notice.

## State Environmental Policy Act (SEPA)

A SEPA determination evaluates if a proposed withdrawal will cause significant adverse environmental impacts. A SEPA threshold determination is required for:

1) Surface water applications for more than 1 cubic feet per second (cfs). For agricultural irrigation, the threshold increases to 50 cfs, if the project isn't receiving public subsidies.
2) Groundwater applications requesting more than 2,250 gpm.
3) Projects with several water right applications where the combined withdrawals meet the conditions listed above.
4) Projects subject to SEPA for other reasons (e.g., the need to obtain other permits that are not exempt from SEPA).
5) Applications that are part of several exempt actions that collectively trigger SEPA under WAC 197-11-305.

This application does not meet any of these conditions and is categorically exempt from SEPA.

# INVESTIGATION

The material reviewed in support of this application included the following:

- The State Surface Water Codes, administrative rules, and policies.
- Department of Ecology's Water Right Tracking System (WRTS) database.
- Topographic and local area maps.
- Notes from a site visit on November 5, 2013 and interview with Cindy Reandeau.
- WRIA 20 Watershed planning documents.
- Ecology's Surface Water Source Limitations (SWSL) list.

## Project Area Description

The project is located in the Sol Duc-Hoh Water Resource Inventory Area (WRIA) 20 within the watershed for the Hoh River. The Hoh River is roughly 56 miles long and stretches across the Olympic Peninsula. It originates on the east slopes of Hurricane Ridge at the Hoh Glacier on Mt. Olympus and drains roughly 300 square miles.

The project area is situated in the lower third of the river's watershed, roughly 10 miles from the Pacific Ocean. At the project location, the river valley is broad and flat with extensive gravel bars, river meanders, and side channels characteristic of a braided river.

## Project and Proposed Use

Cindy Reandeau owns about 30 acres situated 15 miles south of the town of Forks, along US Highway 101. The property is undeveloped and mostly cleared.

*See Attachment #1*

Ms. Reandeau requests to divert water from the Hoh River for domestic supply. Water will be pumped directly from the river to a water tank secured to a small truck. The truck will transport the water to an RV where it will be used for in-house use only.

***Water Demand***

The application requested 0.04 cfs (20 gpm) and an unspecified annual quantity for domestic use. The water demand for a single residence for year-round use is close to 0.02 cfs and 0.34 acre-feet per year.

## Other Rights Appurtenant to the Place of Use

There are no water rights or claims appurtenant to the place of use under this application.

## Beneficial Use

The proposed use of water for domestic supply is defined in statute as a beneficial use (RCW 90.54.020(1)).

## Water Availability

The proposed point of diversion is the Hoh River, on a neighboring property. Water is available year round.

## Impairment Considerations

***Effects to area water users***

Area users are not expected to be impaired by the proposed use. A WRTS query shows no water users within on-half mile from the proposed POD utilizing the same source as the subject application.

***Fisheries and In-stream flow Considerations***

The Hoh River supports a variety of salmonid fish, including spring and fall chinook, coho salmon, winter and summer steelhead trout and sea-run cutthroat trout. There are also smaller numbers of chum and sockeye salmon. The Hoh River fishery is managed by the Hoh tribe in cooperation with the Washington Department of Fisheries. (Golder, 2009)

Minimum instream flows have not been set in WRIA 20. In some areas, the Washington Department of Fish and Wildlife (WDFW) has recommended denial and low flow provisions. However, in the Hoh River subbasin, WDFW has not made recommendations.

The watershed plan addresses some policy-related instream flow recommendations, but did not include any flow number recommendations. The plan places high priority on developing improved stream gage and habitat data for use in developing the instream flow rule. The data are also important to fisheries management to sustain the current salmon habitat conditions, which are relatively better than other watersheds. Rule development will depend on agency resources. (Golder, 2009)

The US Geological Survey maintains Gage 12041200 at the Hoh River at U S Highway 101 which collects data on flows in the Hoh River. This gage has been collecting data since 1960 and is roughly five miles upstream of the Wilson property. Over the period of record, the lowest recorded flow was 249 cfs measured October 23, 1987, and the maximum discharge, 54,500 cfs measured on November 24, 1990 (USGS website, http://wa.water.usgs.gov).

## Public Interest Considerations

*Consideration of Protests and Comments*
No protests were filed against this application.

## Conclusions

I find that:

- Water is available from proposed source.
- Domestic use is a beneficial use.
- The appropriation, as recommended, will not impair existing rights or in-stream flows.
- Approval of this application will not be detrimental to the public welfare.

## RECOMMENDATIONS

Based on the above investigation and conclusions, I recommend that this request for a water right be approved in the amounts and within the limitations listed below and subject to the provisions listed above

## Purpose of Use and Authorized Quantities

The amount of water recommended is a maximum limit and the water user may only use that amount of water within the specified limit that is reasonable and beneficial:

- 0.02 cfs
- 0.34 acre-feet per year
- Purpose: Single domestic in-house use

Proposed Point of Diversion:

- SE¼, NW¼, Section 5 Township 26 North, Range 12 W.W.M.

Place of Use

- As described on Page 1 of this Report of Examination.

[signature] 3/12/2014

*Report Writer* *Date*

*If you need this publication in an alternate format, please call Water Resources Program at (360) 407-6600. Persons with hearing loss can call 711 for Washington Relay Service. Persons with a speech disability can call 877-833-6341.*

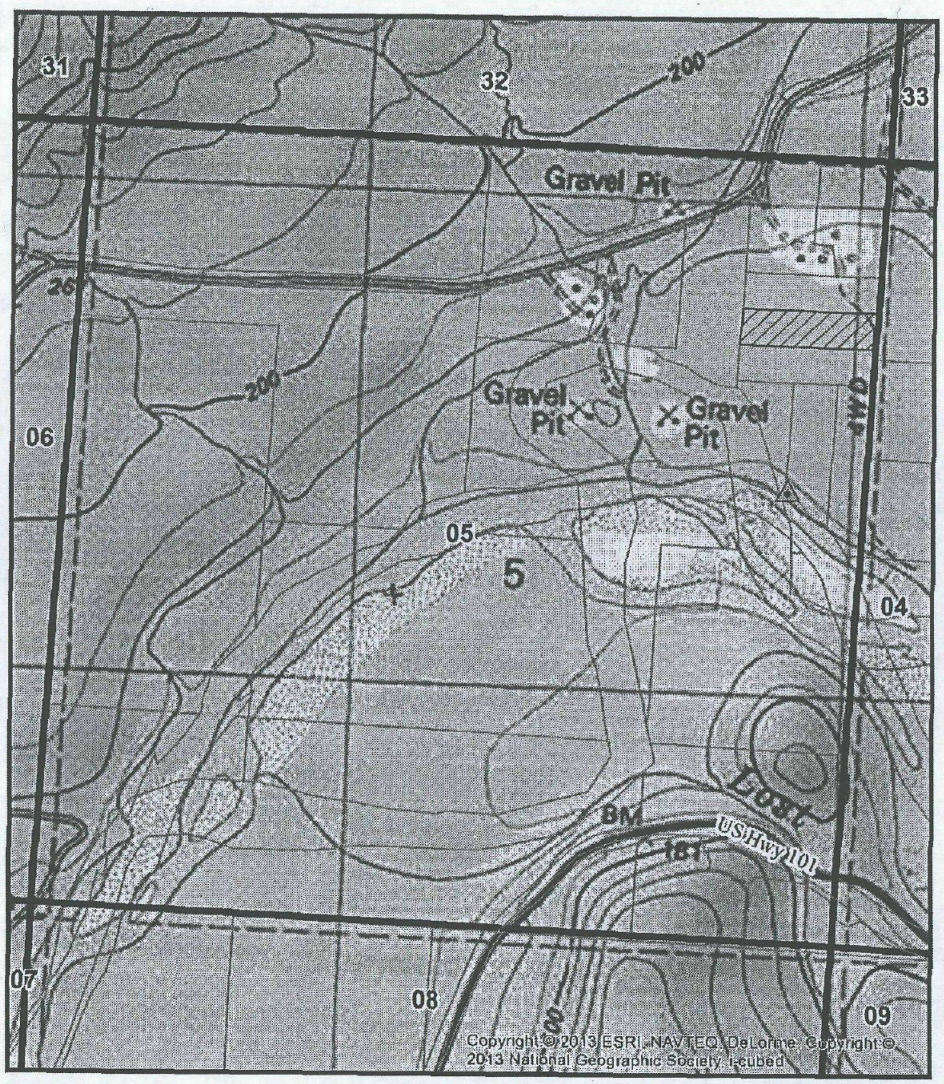
## Selected References

Golder Associates, Inc, 2005, Water Resource Inventory Area 20 (WRIA 20) Final Draft Phase II Technical Assessment Report, May 27, 2005.

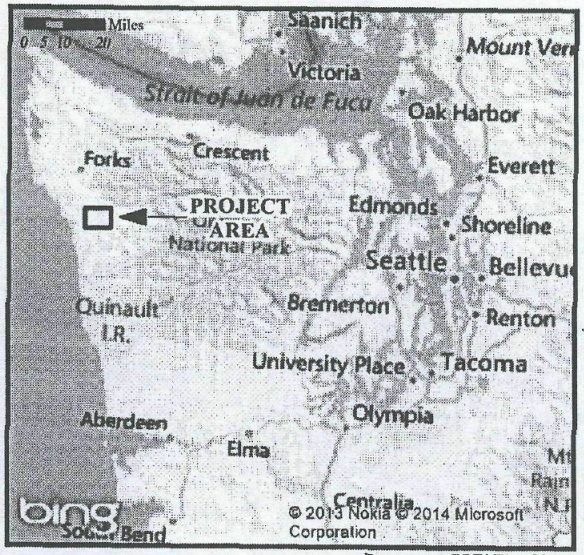
Golder Association, Inc, 2009 Water Resource Inventory Area (WRIA) 20 Watershed Management Plan, June 2009.

Golder Association, Inc, 2010 Water Resource Inventory Area (WRIA) 20 Detailed Implementation Plan March 24, 2010.

**Water Right Application,**
Sec. 5, T. 26N., R. 12 W.W.M
WRIA 20 - Jefferson County




Basemap - ESRI US TOPO MAP




Basemap - ESRI Bing Maps

**Legend**

- PLACE OF USE (POU)
- POINT OF WITHDRAWAL (POW)
- PARCEL
- SECTION

Comments:

The Washington State Department of Ecology does not warrant, guarantee, or make any representations regarding the use of, or results from the use of, the data in terms of correctness, accuracy, reliability, or otherwise.

*Map Created 1/29/2014*

DEPARTMENT OF ECOLOGY State of Washington

0 500 1,000 2,000 Feet