



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300

July 22, 2014

Mr. Dan Morrison  
A2Z Enterprises Inc.  
408 Scribner Road  
Port Angeles, WA 98362

**Re: Short Term Permit for Water Right Application No. S2-30587**

Dear Mr. Morrison:

The Department of Ecology (Ecology) is processing your Water Right Application No. S2-30587, which requests a permit authorizing the use of 2.5 acre-feet year, 0.67 cubic feet per second, of water for recreational use. While Ecology has commenced to processing this application, the appeal period will overlap with your boat race event scheduled for August 9, 2014.

Pursuant to RCW 90.03.250, during the pendency of your application, Ecology is granting you this short-term permit for temporary use of surface water from the unnamed stormwater retention pond on Port of Port Angeles property for recreational use (boat racing pond) located at 2917 Edgewood Drive, near Port Angeles in Clallam County. You indicated that you may need water from the storm water retention pond to "top off" the volume needed to safely conduct scheduled boat racing events this summer.

This short term permit is granted with the following conditions:

**Purpose:** For recreational purposes, to supply water to a sprint boat racing facility located at 2917 Edgewood Drive.

**Rationale:** The sprint boat race pond holds approximately 2 acre-feet of water. Up to 2 sprint boat racing events per year are anticipated. The sprint boat race pond is located in the Dry Creek sub-basin. Dry Creek is an intermittent stream that drains to the Strait of Juan de Fuca. The source water for this temporary permit is an un-named stormwater pond which is located next to but hydraulically above Dry Creek on property owned by the Port of Port Angeles. This temporary permit is an in-basin transfer of water from a lower elevation to a higher elevation within the Dry Creek sub-basin. No impairment will result and diverted water is put to beneficial use. The Washington Department of Fish and Wildlife does not oppose issuance of this temporary permit.

Under RCW 90.03.250, Ecology is authorized to grant a temporary permit for water use while a permit application is being processed "upon a proper showing made to the department. . . ." This requires the applicant to make a proper showing to Ecology that the permit application meets the four-part test for new water right applications under RCW 90.03.290.



**Four Part Test for Surface Water Right Permit Application:** RCW 90.03 authorizes the appropriation of public water for beneficial use and describes the process for obtaining water rights. Laws governing the surface water right permitting process are contained in RCW 90.03.250 through 90.03.340. In accordance with RCW 90.03.290, determinations must be made on the following four criteria in order for an application for water rights to be approved:

**1. Water must be available:**

Surface water is available from a nearby unnamed stormwater retention pond located on the Port of Port Angeles property. The pond is located next to but hydraulically above Dry Creek.

The volume of water in the pond is approximately 6.5 acre-feet.

**2. The proposed water use must be beneficial:**

The proposed use is for recreational purposes to supply water to a sprint boat racing facility located on the north side of Edgewood Drive near Port Angeles. The use of water for recreational purposes constitutes a beneficial use of waters of the State of Washington.

**3. There must be no impairment of existing rights:**

According to Ecology's Water Rights Tracking System (WRTS) database, there are 38 water right claims, 8 water Right Certificates and two active water right applications (including this one) for water in the Dry Creek Basin. This application is located downgradient of all but 3 water right claims, which are groundwater claims. The 6 surface water claims in the Dry Creek basin are all located upgradient of the location for this temporary water right.

The majority of water uses in the Dry Creek basin are for domestic purposes, followed by irrigation and stock watering purposes. Six of the eight water right certificates are surface water diversions and the remaining two are groundwater withdrawals, both for 1 afy each. All Water right certificates are located upgradient of the diversion site and the boat race pond site. As a result, the use of water authorized by this temporary permit will not cause impairment of other existing water rights.

**4. The water use must not be detrimental to the public interest**

The use of water for recreational use, in this case to supplement the level of water in a boat racing pond would not be detrimental to the public interest. Both the Port of Port Angeles stormwater pond, which serves as the source water, and the boat race pond are located entirely within Dry Creek basin. No water is moved or lost outside of the basin. Furthermore, diversion of the water from the stormwater pond to the boat race pond has no impact on the flow of Dry Creek, which is an intermittent stream and is not hydraulically connected to the stormwater pond. The Washington Department of Fish and Wildlife (WDFW) has reviewed this application. Based on any potential impacts to fish and/or wildlife and the habitat they rely on, and pursuant to Chapter 77.57.020 RCW, WDFW does not oppose the issuance of this application.

**Duration:** Effective July 25, 2014 to October 31, 2014 (approximately 3 months).

**Withdrawal rate:** 0.67 cubic feet per second (400 gallons per minute).

**Withdrawal Limit:** 1.0 acre-feet (325,851 gallons).

**Location of Diversion:** SE ¼ SW¼, Section 1, T30N, R7W WM, on Clallam County Tax Parcel # 07-30-01-340000 (Port of Port Angeles Property at Fairchild International Airport, at 3200-3230 West Saddle Club Road, Port Angeles, WA 98363).

**Latitude:** 48.1193

**Longitude:** -123.5186

**Location of Beneficial Use:** NE1/4 NW ¼, Section 12, T30N, R7W WM on Clallam County Tax Parcel # 07-30-12-210000 (2917 Edgewood Drive, Port Angeles, WA 98363).

**Latitude:** 48.1141

**Longitude:** -123.5200

**Source:** Un-named stormwater retention pond located on Port of Port Angeles property, hydraulically above gradient from and next to Dry Creek, an intermittent stream in the Elwha River Watershed (WRIA 18)

**Proposed Works:** The source of temporary permit S2-30587 is the un-named stormwater retention pond referenced above. A centrifugal well pump, powered by a diesel engine will be submerged into the pond. Diverted water will be piped approximately 2000 feet south to the boat race pond for the purposes of adding water to the boat race pond so that each boat race event can be safely conducted.

*The holder of this temporary permit is obligated to meet all other federal and state laws. Failure to do so could result in revoking of this temporary permit.*

**For this project, the property owner is:**

Mr. Dan Morrison  
A2Z Enterprises Inc.  
408 Scribner Road  
Port Angeles, WA 98362

**Contact:**

Mr. Dan Morrison  
A2Z Enterprises Inc.  
408 Scribner Road  
Port Angeles, WA 98362

Phone: 360-460-0776

E-mail: morrisonexcavating@gmail.com

*This authorization for temporary use of water stays in effect until either October 31, 2014, or until your permit application is processed and either approved or denied.*

**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 decision. 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 all of the following within 30 days of the date of receipt of this decision:

- File your appeal and a copy of this decision 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 decision 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.

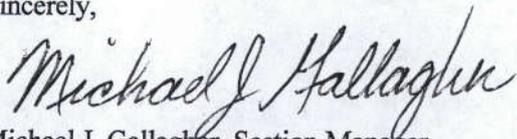
**ADDRESS AND LOCATION INFORMATION**

Street Addresses	Mailing Addresses
<p><b>Department of Ecology</b>            Attn: Appeals Processing Desk            300 Desmond Drive SE            Lacey, WA 98503</p>	<p><b>Department of Ecology</b>            Attn: Appeals Processing Desk            PO Box 47608            Olympia, WA 98504-7608</p>
<p><b>Pollution Control Hearings Board</b>            1111 Israel RD SW            STE 301            Tumwater, WA 98501</p>	<p><b>Pollution Control Hearings Board</b>            PO Box 40903            Olympia, WA 98504-0903</p>

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 Ecology at (360) 407-6300.

Sincerely,



Michael J. Gallagher, Section Manager  
Water Resources Program  
Southwest Regional Office

MJG:th

**CERTIFIED MAIL: 7013 2630 0001 9408 7780**