

STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

**REPORT OF EXAMINATION**  
TO APPROPRIATE PUBLIC WATERS OF THE STATE OF WASHINGTON

|                                     |               |   |
|-------------------------------------|---------------|---|
| <input checked="" type="checkbox"/> | Surface Water | (Issued in accordance with the provisions of Chapter 117, Laws of Washington for 1917, and amendments thereto, and the rules and regulations of the Department of Ecology.) |
|                                     | Ground Water  | (Issued in accordance with the provisions of Chapter 263, Laws of Washington for 1945, and amendments thereto, and the rules and regulations of the Department of Ecology.) |

|                                 |                                |               |                    |
|---------------------------------|--------------------------------|---------------|--------------------|
| PRIORITY DATE<br>March 21, 2005 | APPLICATION NUMBER<br>S1-28240 | PERMIT NUMBER | CERTIFICATE NUMBER |
|---------------------------------|--------------------------------|---------------|--------------------|

|                                       |                     |               |                      |
|---------------------------------------|---------------------|---------------|----------------------|
| NAME<br>Kari Jurovich                 |                     |               |                      |
| ADDRESS (STREET)<br>3537 Osler Street | (CITY)<br>Vancouver | (STATE)<br>BC | (ZIP CODE)<br>V6H2W4 |

**PUBLIC WATERS TO BE APPROPRIATED**

|   |                            |                                   |
|---|----------------------------|-----------------------------------|
| SOURCE<br>Lake Samish   |                            |                                   |
| TRIBUTARY OF (IF SURFACE WATERS)<br>Friday Creek                        |                            |                                   |
| MAXIMUM CUBIC FEET PER SECOND<br>0.01                                   | MAXIMUM GALLONS PER MINUTE | MAXIMUM ACRE FEET PER YEAR<br>.25 |
| TYPE OF USE, PERIOD OF USE<br><br>Single domestic supply – continuously |                            |                                   |

**LOCATION OF DIVERSION**

|  |               |                   |                               |               |                   |
|--|---------------|-------------------|-------------------------------|---------------|-------------------|
| APPROXIMATE LOCATION OF DIVERSION<br>Approximately 925 feet south and 1259 feet west of the NE corner of Section 35. |               |                   |                               |               |                   |
| LOCATED WITHIN (SMALLEST LEGAL SUBDIVISION)<br>NE 1/4 NE 1/4   | SECTION<br>35 | TOWNSHIP N.<br>37 | RANGE, (E. OR W.) W.M.<br>3 E | W.R.I.A.<br>3 | COUNTY<br>Whatcom |

**RECORDED PLATTED PROPERTY (LOCATION OF DIVERSION)**

|                  |            |   |
|------------------|------------|---|
| LOT<br>21 and 22 | BLOCK<br>3 | OF (GIVE NAME OF PLAT OR ADDITION)<br>El Reposo Place |
|------------------|------------|---|

**LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED**

Lots 21 and 22, Block 3 "EL REPOSA PLACE", Whatcom County, Washington. (See map on Attachment 1)  
Parcel number 3703354394670000

**DESCRIPTION OF PROPOSED WORKS**

Pump water from Lake Samish into a pressurized Container.

**DEVELOPMENT SCHEDULE**

|   |  |   |
|---|--|---|
| BEGIN PROJECT BY THIS DATE:<br>03/01/2015 | COMPLETE PROJECT BY THIS DATE:<br>03/01/2017 | WATER PUT TO FULL USE BY THIS DATE:<br>03/01/2020 |
|---|--|---|

**REPORT**

**BACKGROUND**

The subject application is for the diversion of 0.01 cubic feet per second (cfs) of water from Lake Samish for single domestic supply. The application was received on March 21, 2005, from Kari Jurovich.

Legal notice was published in the Bellingham Herald on December 1 and 8, 2009. No protests were received. The notice that was published placed the point of diversion in the SW 1/4 of the SE 1/4 of Section 35. A GPS reading at the time of the site visit showed the point of diversion to be in the NE 1/4 of the NE 1/4 of Section 35. The discrepancy has been corrected in this report.

**INVESTIGATION**

The application investigation consisted of a review of office records, a review of pertinent water resource laws and a visit to the site on September 23, 2009. The applicant was not present during the site visit. Water is to be used in a single family residence located on the 400 block of West Lake Samish Drive. The point of diversion is located approximately 925 feet south and 1259 feet west of the NE corner of Section 35, Township 37N, Range 3E, W.M.

**FINDINGS**

In accordance with state law, the following considerations must be addressed prior to the issuance of a water right:

- Water Availability
- Impairment to Existing Rights
- Beneficial Use of Water
- Detriment to the Public Interest

**Water Availability**

It is concluded that water is available as long as the flows in Friday Creek are maintained at 2.0 cfs as measured downstream from the Nulle Road Bridge.

Report Continued

Lake Samish has a surface area of 826 acres, a 33,100 acre-feet volume, and a watershed area of 12.9 square miles (Bortleson et el 1979). Local geology limits the availability of groundwater except in isolated areas; therefore the lake is currently the only water source available.

This application is being given priority in processing through our programs policy on water budget neutral projects. This policy allows an application to receive priority processing if approval would enhance the quality of the natural environment. Mr. Trevor Jones holds permit number S1-27809P in the amount of .02 cfs and .5 afy. Mr. Jones has agreed to the cancellation of permit number S1-27808 in exchange for the processing of the Jurovich application. The Jurovich application is being approved for half the quantity of water that was approved for the Jones permit with the remaining half going back into the Samish system.

**Impairment to Existing Rights**

No impairment to existing rights could be found during the course of this investigation.

**Beneficial Use of Water**

In accordance with RCW 90.54.020(1), domestic water supply is declared to be a beneficial use.

**Detriment to the Public Interest**

No detriment to the public interest could be identified during the investigation of this application.

**RECOMMENDATIONS**

I recommend this application be approved and a permit be issued for 0.01 cfs and .25 acre-feet per year for single domestic supply, subject to the following conditions and provisions:

**Provisions**

The permit shall be issued subject to Washington Department of Fish and Wildlife screening criteria as outlined in a Hydraulic Project Approval. Please contact the Department of Fish and Wildlife, 600 Capitol Way North, Olympia, WA 98501-1091, attention Habitat Management Division, Phone (360) 902-2534 to obtain specific requirements for your project.

This right shall be subject to a flow augmentation program for Friday Creek. Friday Creek’s flow must be supplemented with Lake Samish water to ensure a flow of 2.0 cfs as measured downstream from the Nulle Road Bridge. Flow augmentation must start when the flow measured downstream from the Nulle Road Bridge drops below 2.0 cfs, as determined by the Department of Ecology.

Issuance of a water right by this department for appropriation of the waters in question does not convey a right of access to, or other right to use land which the water right holder may not legally possess. Obtaining such a right is a private matter between the water right holder and the owner of the land where the water withdrawal is located.

An approved measuring device shall be installed and maintained for each diversion identified by this water right in accordance with the rule “Requirements for Measuring and Reporting Water Use”, chapter 173-173 WAC.

Water use data shall be recorded monthly. Data shall be maintained by the property owner and promptly submitted to Ecology upon request. Recording and retention of data by the water right holder are required to inform the water users about how much water is used, when the water is used and to assist users in efficient water management.

Chapter 173-173 WAC describes the requirements for data accuracy, device installation and operation, and information reporting. It also allows a water user to petition Ecology for modifications to some of the requirements. Installation, operation and maintenance requirements are enclosed as a document entitled “Water Measurement Device Installation and Operation Requirements”.

Department of Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the records of water use that are kept to meet the above conditions, and to inspect at reasonable times any measuring device used to meet the above conditions.

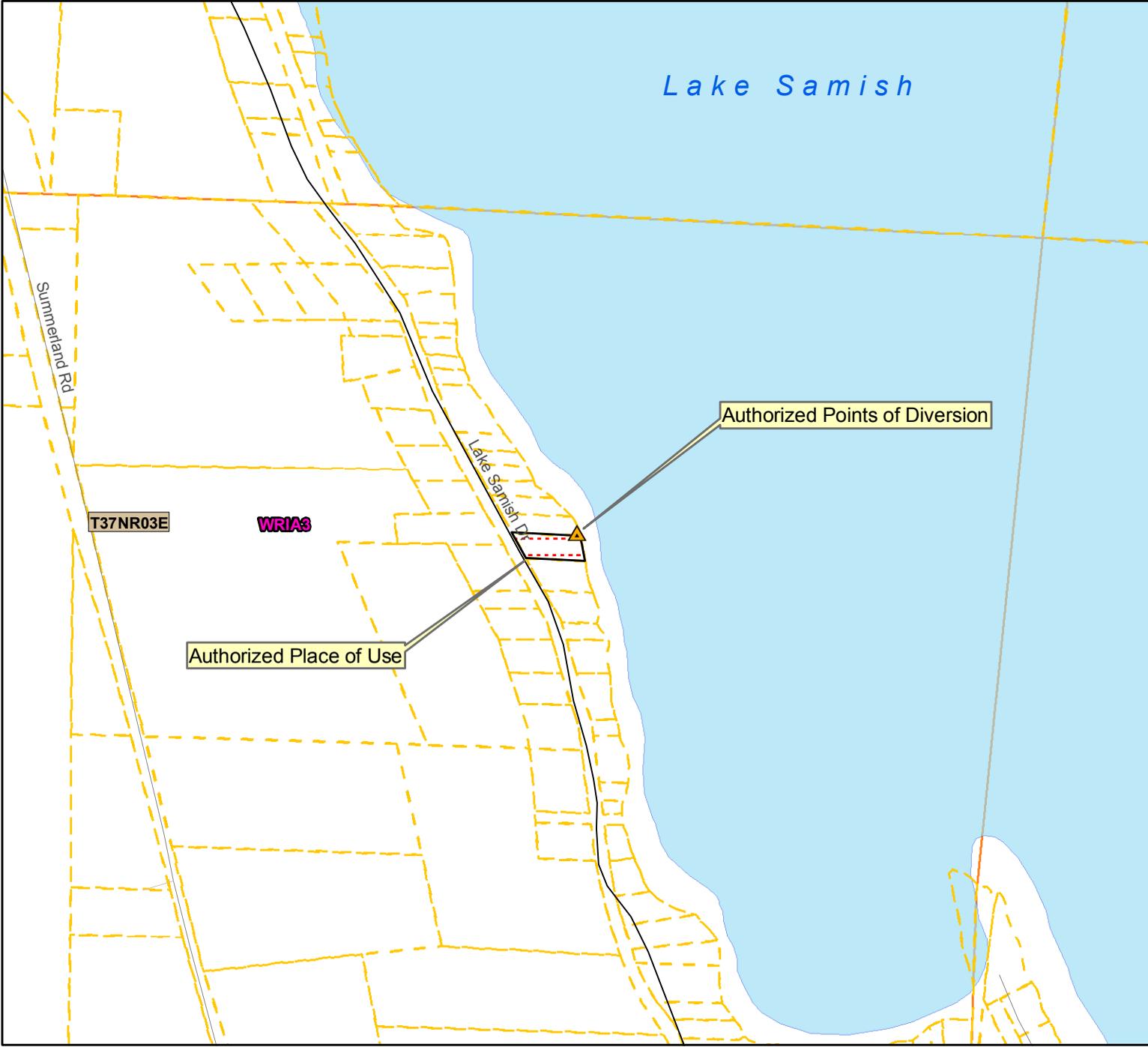
The applicant is advised that the certificate will be issued for only that quantity of water that has been withdrawn and applied to actual beneficial use. Such quantity applied to actual beneficial use shall not exceed the quantity specified in this report of examination, and will be calculated on the basis of the best information available to Ecology, including metering data and/or water duty analysis.

**CONCLUSION**

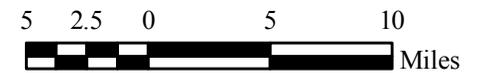
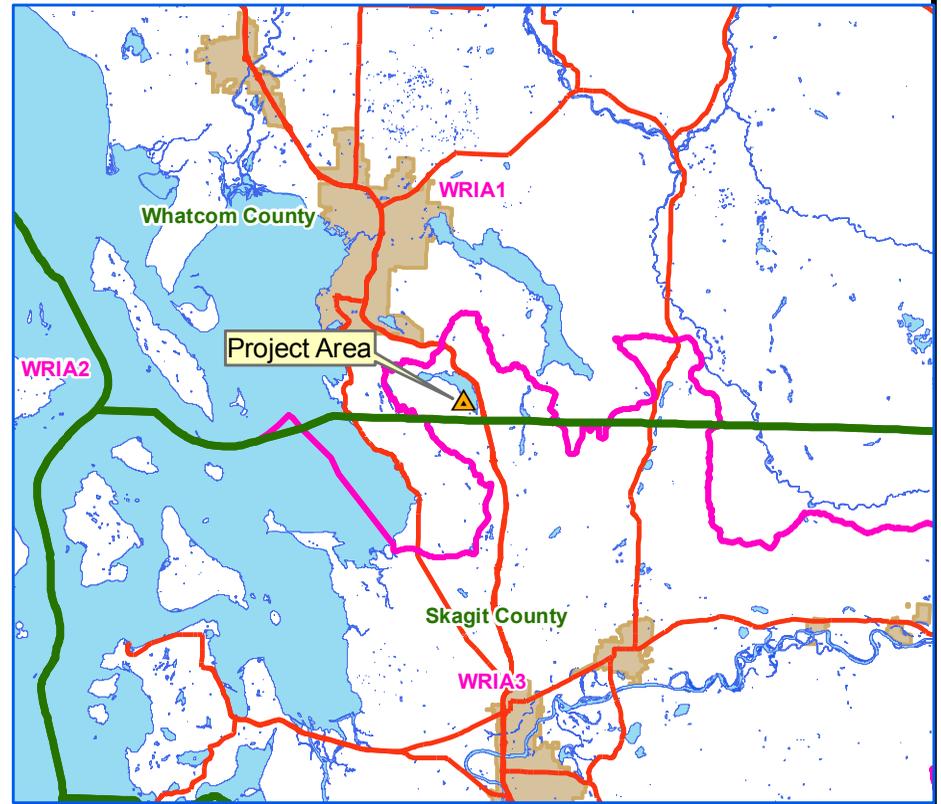
In accordance with chapters 90.03 RCW and 173-505 WAC, I find there is water available from the source in question, there will be no impairment of existing rights, the purpose of use is beneficial, and there will be no detriment to public interest.

REPORT BY \_\_\_\_\_  
Dorothy Glenn  
Water Resources

DATE \_\_\_\_\_



Kari Jurovich  
 Water Right Number S1-28240  
 Sec.35, T 37N, R 03E W.M.  
 WRIA 3 - Whatcom County



- Legend**
- County
  - WRIA
  - Highways
  - Townships
  - cities
  - Sections
  - ▲ Authorized Point of Diversion
  - Authorized Place of Use

**Place of use and point(s) of diversion/withdrawal are as defined on the cover sheet under the headings, 'LOCATION OF DIVERSION/WITHDRAWAL' and 'LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED.'**



Attachment 1