



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

PRIORITY DATE AUGUST 11, 2014	WATER RIGHT NUMBER S3-30720
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NAME AND ADDRESS
 Charlie and Nicole Snow
 PO Box 65
 Metaline Falls, WA 99153

Quantity Authorized for Diversion

DIVERSION RATE	UNITS	ANNUAL QUANTITY (AF/YR)
0.022	CFS	1

Purpose

PURPOSE	DIVERSION RATE		ANNUAL QUANTITY (AF/YR)		PERIOD OF USE (mm/dd)
	ADDITIVE	UNITS	ADDITIVE	NON-ADDITIVE	
Single domestic supply (includes 1/2 acre lawn/garden) and stockwater	0.022	CFS	1.00	---	01/01 - 12/31

IRRIGATED ACRES		PUBLIC WATER SYSTEM INFORMATION	
ADDITIVE	NON-ADDITIVE	WATER SYSTEM ID	CONNECTIONS
1/2			

Source Limitations

SOURCE FACILITY/DEVICE	DIVERSION RATE (CFS)	ANNUAL QUANTITY (AF/YR)	PERIOD OF USE (mm/dd)
BEAVER CREEK (BOUNDARY CREEK)	0.022	1.00	01/01 - 12/31

Source Location

COUNTY	WATERBODY	TRIBUTARY TO	WATER RESOURCE INVENTORY AREA
PEND OREILLE	BEAVER CREEK	PEND OREILLE RIVER	62-PEND OREILLE

SOURCE FACILITY/DEVICE	PARCEL	TWP	RNG	SEC	QQ	LATITUDE	LONGITUDE
BEAVER CREEK (BOUNDARY CREEK)	433910220002	39 N.	43 E.	10	W 1/2 NW 1/4	48.89968°N	117.36279°W Datum: WGS84

Place of Use (See Attached Map)

PARCELS (NOT LISTED FOR SERVICE AREAS)

Parcel No. 433910220002

LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE

The W½NW¼ of Sec. 10, T. 39 N. R. 43 E.W.M., South of County Road and North of Beaver Creek, All in Pend Oreille County, WA

Proposed Works

Surface water diversion with submersible pump

Development Schedule

BEGIN PROJECT

Begun

COMPLETE PROJECT

Complete

PUT WATER TO FULL USE

In Use

Measurement of Water Use

How often must water use be measured?

Monthly

How often must 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 Diversion (cfs)

Provisions

This authorization to make use of public waters of the State is subject to existing rights, including any existing rights held by the United States for the benefit of Indians under treaty or otherwise

Nothing in this authorization shall be construed as satisfying other applicable federal, state, or local statutes, ordinances, or regulations.

Pend Oreille River Low Flow

All irrigation shall cease when the flow of the Pend Oreille River falls below 7700 cubic feet per second at U.S. Geological Survey (U.S.G.S.) gage #12395500, Pend Oreille River at Newport, located within Section 24, Township 56 N., Range 6 W.B.M.

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(s) 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/>

Easement and Right-of-Way

The water source and/or water transmission facilities are not wholly located upon land owned by the applicant. Issuance of a water right authorization by this department does not convey a right of access to, or other right to use, land which the applicant does not legally possess. Obtaining such a right is a private matter between applicant and owner of that land.

Water Use Efficiency

The water right holder is required to maintain efficient water delivery systems and use of up-to-date water conservation practices consistent with RCW 90.03.005.

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. S3-30720, 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 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 Ste 301 Tumwater, WA 98501	Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903

Signed at Spokane, Washington, this 13th day of May, 2015.

Keith L. Stoffel, 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 -- Snow
 Water Right Control Number S3-30720
 Gene Drury, Department of Ecology

BACKGROUND

This report serves as the written findings of fact concerning Water Right Application Number S3-30720.

Table 1 Summary of Requested Water Right

Applicant Name:	Charlie and Nicole Snow
Date of Application:	August 11, 2014
Place of Use	The W $\frac{1}{2}$ NW $\frac{1}{4}$ South of County Road and North of Beaver Creek, All in Pend Oreille County, WA

County	Waterbody	Tributary To	WRIA
Pend Oreille	Beaver Creek (Boundary Creek)	Pend Oreille River	62-Pend Oreille

Purpose	Rate	Unit	Ac-ft/yr	Begin Season	End Season
Single domestic supply (includes $\frac{1}{2}$ acre lawn/garden) and stockwater	0.022	CFS	1.00	01/01	12/31

Source Name	Parcel	Twp	Rng	Sec	QQ	Latitude	Longitude
Beaver Creek (Boundary Creek)	433910220002	39 N.	43 E.	10	W $\frac{1}{2}$ NW $\frac{1}{4}$	48.89968°N	117.36279°W

CFS = Cubic Feet per Second; Ac-ft/yr = Acre-feet per year; Sec. = Section; QQ Q = Quarter-quarter of a section; WRIA = Water Resource Inventory Area; E.W.M. = East of the Willamette Meridian; Datum: WGS84.

Public Notice

RCW 90.03.280 requires that notice of a water right application be published once a week, for two consecutive weeks, in a newspaper of general circulation in the county or counties where the water is to be stored, diverted and used. Notice of this application was published in the Newport Miner on October 15 and 22, 2014.

State Environmental Policy Act (SEPA)

A water right application is subject to a SEPA threshold determination (i.e., an evaluation whether there are likely to be significant adverse environmental impacts) if any one of the following conditions are met.

- (a) It is a surface water right application for more than 1 cubic foot per second, unless that project is for agricultural irrigation, in which case the threshold is increased to 50 cubic feet per second, so long as that irrigation project will not receive public subsidies;

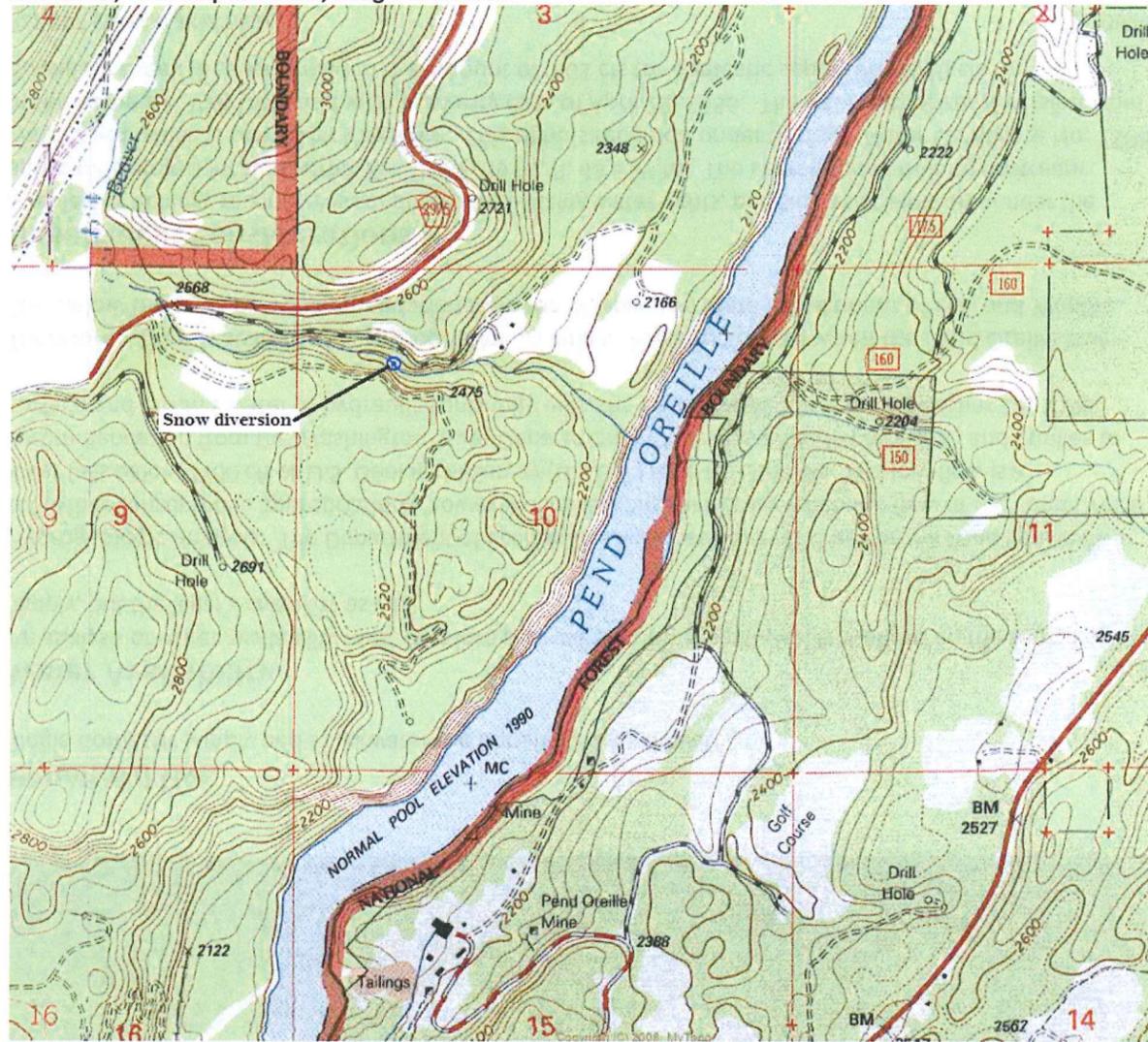
- (b) It is a groundwater right application for more than 2,250 gallons per minute;
- (c) It is an application that, in combination with other water right applications for the same project, collectively exceed the amounts above;
- (d) It is a part of a larger proposal that is subject to SEPA for other reasons (e.g., the need to obtain other permits that are not exempt from SEPA);
- (e) It is part of a series of exempt actions that, together, trigger the need to do a threshold determination, as defined under WAC 197-11-305.

Because this application does not meet any of these conditions, it is categorically exempt from SEPA and a threshold determination is not required.

INVESTIGATION

A site visit was conducted by Gene Drury with Valarie Van Dyke (previous landowner) on April 22, 2015. The application was originally filed by James and Valerie Van Dyke for an existing diversion on property they had owned since 1998. The property was sold to Charlie and Nicole Snow. The project site is located approximately 4.5 miles north of Metaline, Washington off Boundary Dam Road and Van Dyke Lane. The site address is 396 Van Dyke Lane.

Section 10, Township 39 North, Range 43 E.W.M.



USGS 7.5 Minute (Topographic Map) - "Boundary Dam"

The point of diversion is located in a draw below the applicant's property on Beaver Creek (aka Boundary Creek) within the W $\frac{1}{2}$ NW $\frac{1}{4}$ of Sec. 10, T. 39 N., R. 43 E.W.M. The creek was not measured but was flowing well and was estimated at several cubic feet per second on this day. The Van Dykes installed the diversion after trying to construct a well for their domestic needs but the poor water quality (high iron) in the well forced them to divert surface water.

The surface water system consists of a screened pipe diverted to a 15 inch culvert containing a submersible pump. Water is then pumped uphill about 1500 feet to the house and property. The applicants are using the water for domestic supply for one home and some stockwater.



Beneficial Use

Single domestic supply and stockwater are beneficial uses of water.

Water Availability

An analysis of water availability must take into account not only the physical limitations on the source of supply, but the legal availability as well.

Hydrogeologic Analysis: The Department of Ecology has not closed Beaver Creek or the Pend Oreille River to further consumptive appropriations, however all diversions shall cease when the flow of the Pend Oreille River falls below 7700 cfs at U.S. Geological Survey (U.S.G.S.) gage #12395500. This low-flow is a recommendation from the Washington State Department of Fish and Wildlife (WDF&W) and applies to surface and ground water in hydraulic continuity with the Pend Oreille River since October 18, 1999.

Therefore, water is available for appropriation as long as irrigation ceases when the Pend Oreille River falls below the low flow recommendation from the Washington State Department of Fish and Wildlife.

Impairment Considerations

A review of Ecology records was conducted for existing water rights, permits, and claims on or near the applicant's project located within Sec. 10, T. 39 N., R. 43 E.W.M. The search found one downstream water right which is owned by Van Dyke. This right is recorded under Surface Water Certificate No. 7104 in the name L.E. Van Dyke and with a priority date of April 23, 1956. The right authorizes diversion from Boundary Creek (Beaver Creek) in the amount of 0.01 cfs for domestic supply and 0.40 cfs for the

irrigation of 20 acres. The point of diversion is located within the E½NW¼ of Sec. 10, T. 39 N., R. 43 E.W.M. The proposed diversion by Snow will be junior to Certificate No. 7104 and will not impair this downstream water right. The only other water right on Beaver Creek is upstream and recorded under Certificate No. S3-24093C (Mathews) for a 0.01 cfs diversion.

Public Interest Considerations

There has been no public expression of protest or concern regarding the subject proposal, and no findings through this investigation indicate that there would be any detrimental impact to the public welfare through issuance of the proposed appropriation. The approval of this application for this quantity and use will not be detrimental to the public interest.

Consideration of Protests and Comments

No protests were filed against this application.

Conclusions

Under Chapter 90.03.290 RCW, an application for permit may be approved if water is available for appropriation, and the proposed use would be a beneficial use, would not impair existing water rights, and would not be detrimental to the public welfare.

It is the conclusion of this examiner that public surface water, from Beaver Creek, is available for single domestic supply and stockwater. This appropriation is considered a beneficial use and will not impair existing water rights or 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.

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:

Quantities and Purpose of Use:

0.022 cubic foot per second; 1 acre-foot per year for continuous single domestic supply (includes ½ acre lawn/garden) and stockwater

Point of Diversion

The W½NW¼ of Sec. 10, T. 39 N. R. 43 E.W.M.

Place of Use:

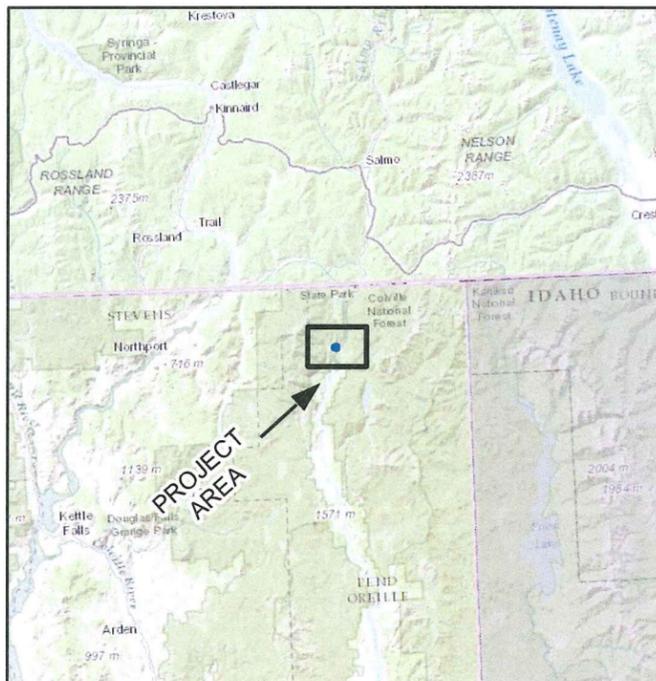
The W½NW¼ of Sec. 10, T. 39 N. R. 43 E.W.M., South of County Road and North of Beaver Creek, All in Pend Oreille County, WA


Gene Drury, Report Writer

5-13-15
Date

If you need this publication in an alternate format, please call the 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.

Charlie and Nicole Snow
 S3-30720
 T06N/R35E



Basemap - (ESRI US Topographic Maps)

Legend

- Authorized Place of Use
- Townships
- Sections

Authorized Point of Diversion
 (Source locations may vary in their accuracy and precision as stated within the body of the report.)



Basemap - (NAIP 2013 1m color)



Map Date: 5/8/2015



Comment:
 Place of use and source locations are as defined within the Report of Examination cover sheet for the document identified in the header above.

ATTACHMENT 1