State of Washington
REPORT OF EXAMINATION
FOR WATER RIGHT APPLICATION

DEPARTMENT OF ECOLOGY
State of Washington

PRIORITY DATE	WATER RIGHT NUMBER
1/11/2001	G3-30310

MAILING ADDRESS	SITE ADDRESS (IF DIFFERENT)
TODD DEMPSEY PO BOX 282 ELBE WA 98330-0282	5828 Conner Road Fruitland WA 99129

Quantity Authorized for Withdrawal or Diversion

WITHDRAWAL OR DIVERSION RATE	UNITS	ANNUAL QUANTITY (AF/YR)
3	GPM	1

Purpose

PURPOSE	WITHDRAWAL OR DIVERSION RATE ADDITIVE	WITHDRAWAL OR DIVERSION RATE NON-ADDITIVE	UNITS	ANNUAL QUANTITY (AF/YR) ADDITIVE	ANNUAL QUANTITY (AF/YR) NON-ADDITIVE	PERIOD OF USE (mm/dd)
Domestic supply including stockwater and up to 1/2 acre of irrigation	3			1		01/01 - 12/31

Source Location

COUNTY	WATERBODY	TRIBUTARY TO	WATER RESOURCE INVENTORY AREA
STEVENS	GROUNDWATER		58-MIDDLE LAKE ROOSEVELT

SOURCE FACILITY/DEVICE	PARCEL	WELL TAG	TWP	RNG	SEC	QQ Q	LATITUDE	LONGITUDE
Dug well	1590800	NA	30 N.	37 E.	26	NW¼NE¼	48.0759941	118.1160775
							Datum: NAD83/WGS84	

Place of Use (See Attached Map)

PARCELS (NOT LISTED FOR SERVICE AREAS)

1590900

LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE

That portion of the NE¼ of Section 26, T. 30 N., R. 37 E.W.M. lying west of the centerline of Jacques County Road No. 267 as it existed June 12, 1984. Designated as Lot 1 of Short Plat No. SP 84-84 recorded November 26, 1984 under Auditor's File No. 542144

Proposed Works

Concrete tile well 4' x 25' deep with a water line running 400 feet to the property, three outside water spigots, Gravity Flow

Development Schedule

BEGIN PROJECT	COMPLETE PROJECT	PUT WATER TO FULL USE
July 1, 2015	July 1, 2017	July 1, 2019

Measurement of Water Use

How often must water use be measured?	Annually
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)

Provisions

Wells, Well Logs and Well Construction Standards

All wells constructed in the state shall meet the construction requirements of WAC 173-160 titled "Minimum Standards for the Construction and Maintenance of Wells" and RCW 18.104 titled "Water Well Construction". Any well which is unusable, abandoned, or whose use has been permanently discontinued, or which is in such disrepair that its continued use is impractical or is an environmental, safety or public health hazard shall be decommissioned.

All wells shall be tagged with a Department of Ecology unique well identification number. If you have an existing well and it does not have a tag, please contact the well-drilling coordinator at the regional Department of Ecology office issuing this decision. This tag shall remain attached to the well. If you are required to submit water measuring reports, reference this tag number.

Installation and maintenance of an access port as described in WAC 173-160- 291(3) is required.

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.

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.

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, contracting with a Certified Water Rights Examiner 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. G3-30310, 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 **Pollution Control Hearings Board** 1111 Israel Road SW Ste 301 Tumwater, WA 98501	**Department of Ecology** Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608 **Pollution Control Hearings Board** PO Box 40903 Olympia, WA 98504-0903

Signed at Spokane, Washington, this 25th day of July, 2013.

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
Water Right Application Number G3-30310

BACKGROUND

This report serves as the written findings of fact concerning Water Right Application Number G3-30310.

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 Chewelah Independent on November 1 and 8, 2012 and no protests were received

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 Kevin Brown on June 13, 2013. The point of withdrawal is currently constructed in a wet seep in a pasture area on adjacent property. Two concrete wells are in the seep. No well logs are available for these wells. One well is for the Dempsey property and the other is described as serving the Newbill property. Downstream from the wells is a stock tank for the cattle. The seep is approximately 100 feet in diameter with no inflow or outflow at the time of the field investigation. The water line from the Dempsey well runs westerly from the well to the applicant's property. A residence was at one time constructed and is now demolished. A small trailer is also on site. The property is recreational in nature at this time. A well was constructed on the applicant's property in 2006. The domestic well (APB 788) is described as a six-inch well at a depth of 54 feet.

The applicant has obtained an easement to the subject well on the adjacent property when the property was purchased and wants to keep the well as an option for his property. This use could be considered under the domestic exemption of RCW 90.44.050, however, the applicant would like a water right to confirm the use from the well on the neighboring property.

The applicant proposes to construct within the next two years, complete construction within four and complete this recreational project in five years.

Existing Water Rights

A review of the department records did not locate any existing water rights.

Beneficial Use

Domestic supply including stockwater and ½ acre of irrigation is a beneficial use. The applicant has requested two units. The quantity of water requested may be sufficient to satisfy domestic needs for recreational purposes. The existing exempt well (APB 788) may be used for additional uses under RCW 90.44.050

Water Availability

Water is available for appropriation. The quantity recommended for approval should not impair existing rights. The seep area should be sufficient to satisfy the three gallon per minute required for recreational domestic uses.

Impairment Considerations
A review of department records was conducted for existing water rights, permits, applications and claims within the vicinity of the proposed withdrawal. There are no other water rights appurtenant to the applicant's property or the adjacent property.

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.

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 water, from the dug well, is available for domestic supply (including ½ acre of irrigation 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.

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:

3 gallons per minute
1 acre-foot per year
Domestic supply (including up to ½ acre of irrigation and stockwater)

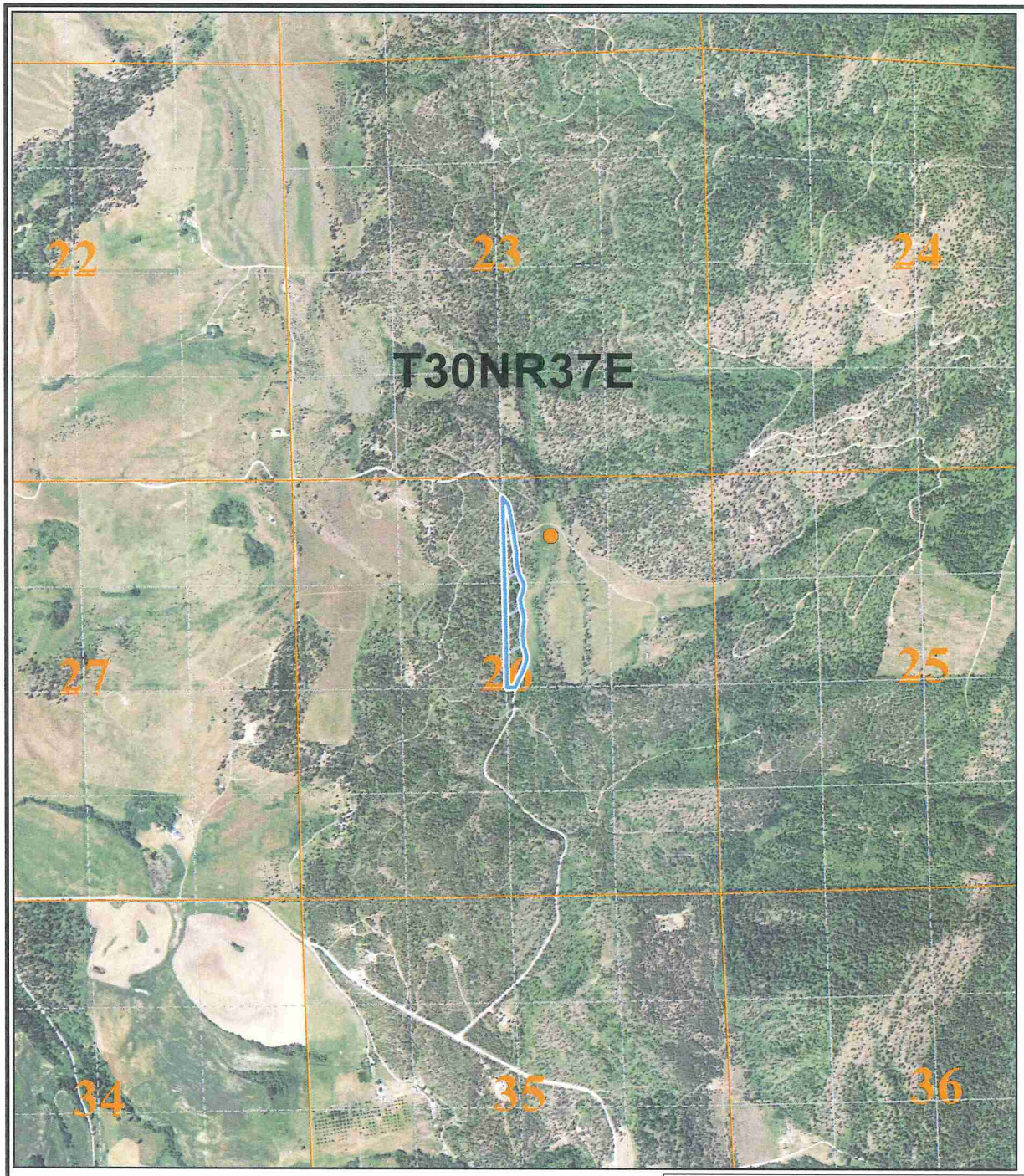
Point of Withdrawal: NW¼NE¼ of Section 26, Township 30 North, Range 37 E.W.M.

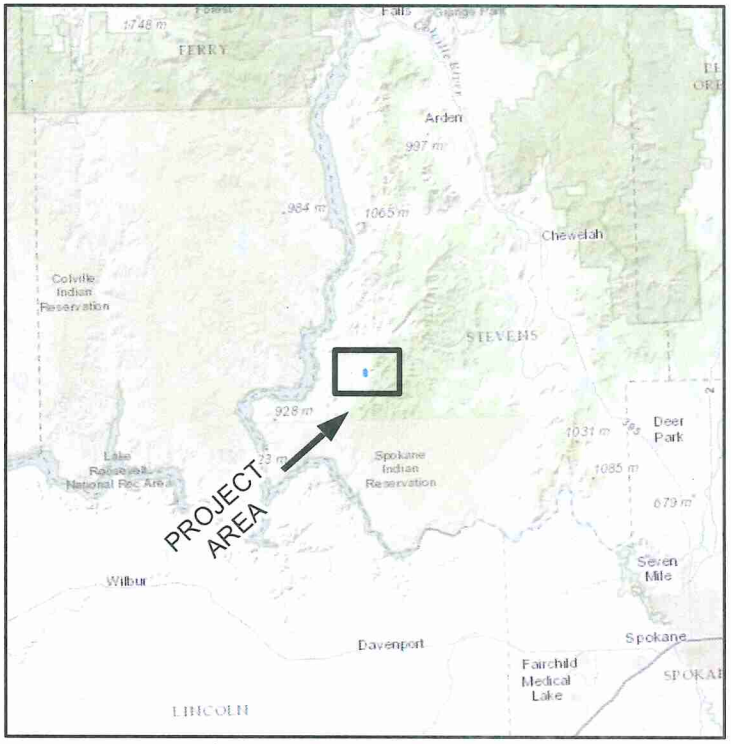
Victoria Lemba 7/25/13

Kevin Brown, Report Writer 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.

Todd Dempsey
G3-30310
T30N/R37E





Basemap - (ESRI US Topographic Maps)

Legend

Authorized Place of Use

Townships

Sections

Authorized Point of Withdrawl

0 660 1,320 2,640 3,960 5,280 6,600 Feet

Basemap - (NAIP 2011 1m color)

DEPARTMENT OF ECOLOGY State of Washington

Map Date: 6/25/2013

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

ATTACHMENT 1