State of Washington
REPORT OF EXAMINATION FOR WATER RIGHT APPLICATION

DEPARTMENT OF ECOLOGY
State of Washington

PRIORITY DATE	WATER RIGHT NUMBER
March 24, 2010	G3-30620

MAILING ADDRESS	SITE ADDRESS (IF DIFFERENT)
KIRK NEUMANN 1513 E HERITAGE LANE SPOKANE WA 99208	

Quantity Authorized for Withdrawal

WITHDRAWAL RATE	UNITS	ANNUAL QUANTITY (AF/YR)
50	GPM	5

Purpose

PURPOSE	WITHDRAWAL RATE ADDITIVE	WITHDRAWAL RATE NON-ADDITIVE	UNITS	ANNUAL QUANTITY (AF/YR) ADDITIVE	ANNUAL QUANTITY (AF/YR) NON-ADDITIVE	PERIOD OF USE (mm/dd)
Group Domestic Supply (including ½ acre of lawn irrigation per lot)		50	GPM	5		01/01 - 12/31

Total water use is limited to 60 gallons per minute 9 acre-feet per year under G3-29853 and G3-30620

PUBLIC WATER SYSTEM INFORMATION	
WATER SYSTEM ID	CONNECTIONS
06902K	9

Source Location

COUNTY	WATERBODY	TRIBUTARY TO	WATER RESOURCE INVENTORY AREA
PEND OREILLE	GROUNDWATER		62-PEND OREILLE

SOURCE FACILITY/DEVICE	PARCEL	WELL TAG	TWP	RNG	SEC	QQ Q	LATITUDE	LONGITUDE
A well	433717620001		37N	43E	17	SENE	48.7093428	117.3932917
							Datum: NAD83/WGS84	

Place of Use (See Attached Map)

PARCELS (NOT LISTED FOR SERVICE AREAS)

433717620001,433717620003,433717630001,433717630002,4333717630003

LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE

5 Lots being within a portion of the "Johnson Division Short Plat", a part of the NE¼ of Section 17 described as follows:
Beginning at a point on the westerly right of way line of the Leclerc Road which bears N89 45'51"W, 691.81 feet from the East ¼ corner of said section 17; thence from said point of beginning N89 35'35" W, 536.81 feet along the northerly right of way of Johnson road, an access roadway to Lorne Reed River Lots being 60.00 feet in width, thence N 26 16'07" W, 101.45 feet along the northeasterly right of way of Lovena Road, an access Roadway to Lorne Reed River Lots, being 60 feet in width; thence S 63 33'40" W,247.25 feet; Thence N 15 44'58" W, 246.25 feet; Thence N 16 58'33" W, 185.56 feet; thence 28 56'43" W, 178.06 feet; thence N 49 01'28" W, 178.56 feet; thence N 30 31'49"W, 345.42 feet; thence S 87 55' 47" E, 80.29 feet; thence S 89 38' 08" E, 122.62 feet; thence S 88 24' 11" E, 159.50 feet; thence N 88 13' 34" E, 357.18 feet ;thence S 87 20' 38" E, 198.97 feet; thence N 72 52' 25" E, 50.51 feet to the westerly right of way of said Leclerc Road, thence S 19 54' 24" e, 1040.37 feet along said westerly right of way to the point of beginning.

More particularly described as Tract 1A, Tract 1C, of the Neuman Division Short Plat (SP-05-15) a replat of Lots 1 and 2 of Johnson Division and Tract 2A, Tract 2B and Tract 2C, of the Neuman Division 1st Addition Short Plat (SP-05-16) a replat of Lots 1 and 2 of the Johnson Division.

Proposed Works

A 6 inch well 90 feet deep and delivery system to 9 lots

Development Schedule

BEGIN PROJECT	COMPLETE PROJECT	PUT WATER TO FULL USE
Begun	December 1, 2015	December 1, 2020

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

Pend Oreille River Low Flow

All irrigation under this authorization 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. This does not apply to the four lots under G3-29853 issued February 23, 1998.

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.

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.

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, 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. G3-30620, 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 8th day of January, 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.

BACKGROUND

This report serves as the written findings of fact concerning Water Right Application Number S3-30620.

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 31 and November 7, 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 October 24, 2012. The proposed point of withdrawal was constructed in 1992 and is in operation. In 1995 the previous owner filed Application G3-29853 requesting authorization for four units and was granted Ground Water Permit G3-29853 authorizing 60 gallons per minute, four acre-feet per year for group domestic supply of four homes. The applicant has filed this application to add five more lots to this water system.

The property was originally divided into four lots, described as the "Johnson Division". Two separate replats of Lots 1 and 2 of the Johnson Division changed the Lot lines of Lots 1 and 2 and increased the number of lots to nine. The applicant has identified four lots subject to Permit G3-29853 and five lots subject to this application. The identification of the water rights and lots are described in the following table.

Lot and Short Plat	Parcel Number		
Lot 3, Johnson Division	433717590003	G3-29853	
Lot 4, Johnson Division	433717590004	G3-29853	
Tract 1B, Neumann Division	43371762002	G3-29853	
Tract 1D, Neumann Division	43371762004	G3-29853	
Tract 1A, Neumann Division	433717620001		G3-30620
Tract 1C, Neumann Division	433717620003		G3-30620
Tract 2A, Neumann Division	433717630001		G3-30620
Tract 2B, Neumann Division	433717630002		G3-30620
Tract 2C, Neumann Division	433717630003		G3-30620

The property is currently subdivided into nine lots and the Department of Health issued an approval to add the additional five connections in 2007.

The applicant proposes domestic supply for five residences including irrigation of up to ½ acre of lawn per lot. The Washington State Irrigation Guide (WA210-Vi-WAIG, AMEND.1NOVEMBER1990 at Newport, Washington) estimates that 34.44 inches of water or 2.87 acre-feet per acre (based on 70% system efficiency) is required. These recreational lots typically require less than 1 acre-foot of water per lot. Therefore one acre-foot per lot should be adequate for the irrigation of ½ acre of lawn and domestic use for each unit.

Beneficial Use

Group domestic supply (including ½ acre irrigation per lot) is a beneficial use.

Hydrogeology

The well was constructed in 1992. The well is located within the SE¼NE¼ of Section 17, T. 37 N, R. 43 E.W.M. The geology in the immediate vicinity is mapped as glaciolacustrine deposits of Quaternary age.

The well is six inches in diameter and 90 feet deep penetrating 82 feet of unconsolidated sands, gravels, and clays bottoming in weathered granite. The static water level in 1992 was 29 feet below ground surface. The surface elevation at the well site is approximately 2060 feet amsl, the normal pool elevation of the Pend Oreille River is approximately 2031 feet amsl, roughly 29 feet lower than the well elevation.

Based on the proximity of the well to the river, the unconsolidated nature of the sediments hosting both the well and the river at this location and the similarity of head, it appears this well is in hydraulic continuity with the Pend Oreille River.

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 the Pend Oreille River to further consumptive appropriations, however all diversions for irrigation 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 portion of this authorization ceases when the Pend Oreille River falls below the low flow recommendation from the Washington State Department of Fish and Wildlife. This low flow recommendation does not apply to the domestic in-house uses.

Ground Water Permit G3-29853 is appurtenant to this property, in the amount of 60 gallons per minute, four acre-feet per year for group domestic supply for four units and is not subject to the low flow provision.

A pump test was conducted on the well. The well produced 60 gallons per minute. Therefore the instantaneous quantity of this right (50 gallons per minute) will be non-additive to the existing authorization for a total instantaneous rate of 60 gallons per minute under both rights.

Impairment Considerations

A review of department records was conducted for existing water rights, permits, and claims within the vicinity of the proposed withdrawal. Based on the hydraulic continuity with the river and the irrigation subject to the low flow provision, there does not appear there will be any impairment to existing water rights.

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.

Chapter 90.54 RCW provides that water allocation shall secure maximum net benefits to the people of the state, while also requiring that perennial rivers of the state shall be retained with base flows necessary to provide for the preservation of fish and other environmental values. To maintain these values the irrigation portion of this authorization shall be subject to the minimum instream flow of 7700 cfs as measured at U.S.G.S. gage #12395500 near Newport set by WDF&W on October 18, 1999.

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 is available for group domestic supply (including ½ acre of irrigation) for five homes. 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:

50 gallons per minute
5 acre-feet per year
Continuous group domestic supply (including ½ acre of lawn) for five units.

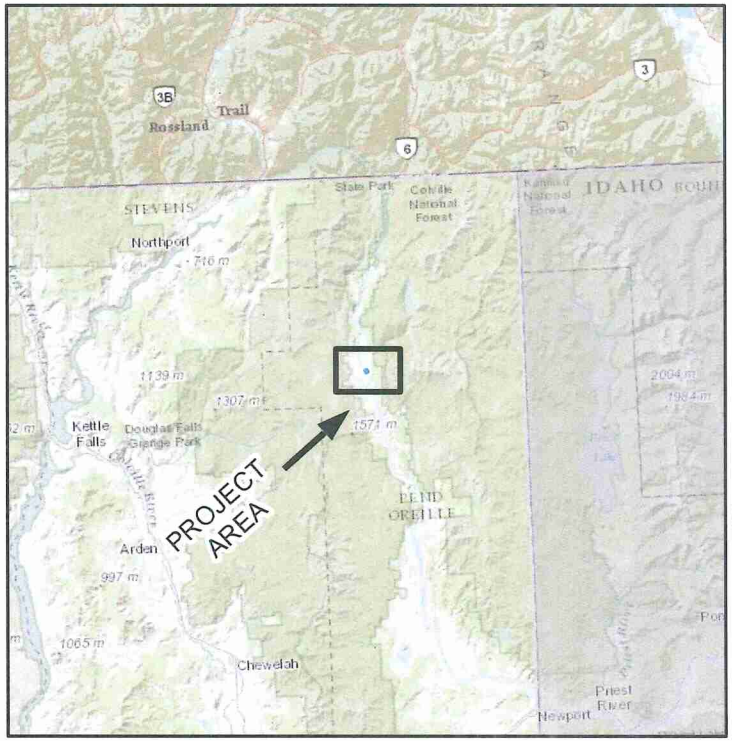
Point of Withdrawal: Tract 1A Neumann Division Short Plat SP-05-15 being a Replat of Johnson Division within the SE¼NE¼ of Section 13, Township 37 North, Range 43 E.W.M.

Kevin Brown 1/3/13

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.

Kirk Neumann
G3-30620
T37N/R43E



Basemap - (ESRI US Topographic Maps)

Legend

Authorized Place of Use

Townships

Sections

Authorized Point of Withdrawal

0 330 660 1,320 1,980 2,640 3,300 Feet

Basemap - (NAIP 2011 1m color)

DEPARTMENT OF ECOLOGY State of Washington

Map Date: 12/3/2012

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