



**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, eight 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 three water right claims, which are groundwater claims. The six 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 one acre 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 1, 2012 to December 31, 2013 (18 months).

**Withdrawal rate:** 0.89 cubic feet per second (400 gallons per minute).

**Annual Withdrawal Limit:** 2.5 acre-feet per year.

**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 December 31, 2013, or until your permit application is processed and either approved or denied.***

You have a right to appeal this decision. To appeal this you must:

- File your appeal with the Pollution Control Hearings Board within 30 days of the “**date of receipt**” of this document. Filing means actual receipt by the Board during regular office hours.
- Serve your appeal on the Department of Ecology within 30 days of the “**date of receipt**” of this document. Service may be accomplished by any of the procedures identified in WAC 371-08-305(10). “Date of receipt” is defined at RCW 43.21B.001 (2).

Be sure to do the following:

- Include a copy of this document that you are appealing with your *Notice of Appeal*.
- Serve and file your appeal in paper form; electronic copies are not accepted.

**1. To file your appeal with the Pollution Control Hearings Board**

**Mail appeal to:**  
The Pollution Control Hearings Board  
PO Box 40903  
Olympia WA 98504-0903

**OR Deliver your appeal in person to:**  
The Pollution Control Hearings Board  
1111 Israel Road SW  
Tumwater WA 98501

**2. To serve your appeal on the Department of Ecology**

**Mail appeal to:**

The Department of Ecology  
Appeals Coordinator  
P.O. Box 47608  
Olympia WA 98504-7608

**OR**

**Deliver your appeal in person to:**

The Department of Ecology  
Appeals Coordinator  
300 Desmond Dr SE  
Lacey WA 98503

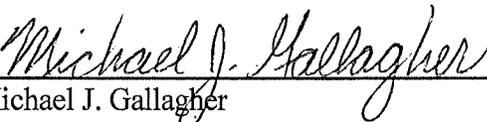
**3. And send a copy of your appeal to:**

Michael J. Gallagher  
Department of Ecology  
Southwest Regional Office  
PO Box 47775  
Olympia WA 98504-7775

*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.

Signed at Lacey, Washington, and this 21<sup>ST</sup> day of JUNE 2012.

  
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Michael J. Gallagher  
Section Manager  
Water Resources Program  
Southwest Region

By Certified Mail 7011 1150 0000 7881 8664