State of Washington
REPORT OF EXAMINATION FOR WATER RIGHT CHANGE

DEPARTMENT OF ECOLOGY
State of Washington

PRIORITY DATE
May 21, 1993

WATER RIGHT NUMBER
S3-29476

MAILING ADDRESS
LENORA SEWER & WATER DISTRICT
1091 LENORA ROAD
USK, WA 99180

SITE ADDRESS (IF DIFFERENT)

Total Quantity Authorized for Diversion

DIVERSION RATE	UNITS	ANNUAL QUANTITY (AF/YR)
1.0	CFS	0

Purpose

PURPOSE	DIVERSION RATE ADDITIVE	DIVERSION RATE NON-ADDITIVE	UNITS	ANNUAL QUANTITY (AF/YR) ADDITIVE	ANNUAL QUANTITY (AF/YR) NON-ADDITIVE	PERIOD OF USE (mm/dd)
Fire protection	1.0		CFS	0		As needed

IRRIGATED ACRES ADDITIVE	IRRIGATED ACRES NON-ADDITIVE	PUBLIC WATER SYSTEM INFORMATION WATER SYSTEM ID	PUBLIC WATER SYSTEM INFORMATION CONNECTIONS
NA		PWS ID #01281W	

Source Limitations

SOURCE	DIVERSION RATE	ANNUAL QUANTITY (AF/YR)	PERIOD OF USE (mm/dd)
PEND OREILLE RIVER	1.0 CFS	0	As needed

Source Location

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

SOURCE FACILITY/DEVICE	PARCEL	TWP	RNG	SEC	QQ	LATITUDE	LONGITUDE
PEND OREILLE RIVER	443204530008	32 N.	44 E.	04	SW¼SE¼	48.29602°N	-117.25086°W Datum: WGS84

Place of Use (See Attached Map)

A tract of land in Secs. 4 and 9, T. 32 N., R. 44 E.W.M., described as follows:

REPORT OF EXAMINATION FOR WATER RIGHT CHANGE

Beginning at a 4"X4"X36" concrete monument which is 618.82 feet south and 734.65 feet west of the NE corner of said Sec. 9, thence south 02°22' east, 472.88 feet to a 3/4" rebar; thence south 87°38' west, 1317 feet, more or less, to a point on the mean high water line of the right bank of the Pend Oreille River; thence northwesterly 268 feet along said line to the TRUE POINT OF BEGINNING of this description; thence in a northeasterly direction on a line, the terminus of which being a point at which the center of Skookum Creek and the existing Slough merge; thence northwesterly along the centerline of Skookum Creek, to its intersection with the Pend Oreille River; thence southeasterly along the mean high water line on the right bank of the Pend Oreille River to the point of beginning.

A tract of land in the E½ of Sec. 9, T. 32 N., R. 44 E.W.M. more particularly described as follows: Beginning at a 4x4x36 inch concrete monument which is 618.82 ft. S. and 734.65 ft. W. of the NE corner of said Section 9, thence S. 02°22' E. 472.88 ft. to a ¾" rebar, thence S. 87°35' W. 1317 ft. more or less, to a point on the mean high water line of the right bank of the Pend Oreille River, thence northwesterly 266 feet along said line: thence in a northeasterly direction on a line the terminus of which being a point at which the center of Skookum Creek and the existing slough merge: thence in a southeasterly direction along the centerline of the Skookum Creek to a point which is N. 0222' East, 80 ft. more or less, to the point beginning. All in Pend Oreille County, Washington

That portion of the NW¼ of Section 10 lying N. of Skookum Creek and W. of LeClerc Highway and that portion of the NE¼ of Sec. 9 lying N. and E. of Skookum Creek, all in T. 32, R. 44, Pend Oreille County, Washington

A tract of land in the East Half (E½) of Section 9, Township 32 North, Range 44, E.W.M., more particularly described as follows: Beginning at a 3/4" rebar which is 1,091.30 feet South and 715.12 feet West of the Northeast Corner of said Section 9, Thence South 02°22' East 710.08 feet to a 3/4" rebar; Thence South 87°38' West 1,138 feet, more or less to a point on the mean high water line of the right bank of the Pend Oreille River; Thence Northwesterly 732 feet, more or less, along said line; Thence North 87°38' East 1,317 feet, more or less, to the point of beginning, all in Pend Oreille County, Washington, EXCEPTING THEREFROM the East 60 feet thereof. Carried on the County Assessor's Tax Rolls as Tax 3C

Beginning at an existing rebar corner on the E. right-of-way of Lenora Drive, which lies S. 00°39'50" W. 1767.43 ft., more or less, along the E. line of Sec. 9, and S. 87°18'20" West 806.99 ft., more or less, from the NE corner of said Sec. 9; thence S. 87°18'20" W. 1069.41 ft., more or less, to a rebar at approximate high water mark; thence S. 17°38'36" E. 864.09 ft., more or less, along approximate high water mark; thence N. 87°15'20" East 361.72 ft., more or less, to intersection of E. right-of-way line on Lenora Drive; thence N. 2'22" W. 834.10 ft., more or less, along the E. right-of-way of Lenora Drive to the point of beginning

Proposed Works

Surface water pump, pressure distribution system

Development Schedule

BEGIN PROJECT	COMPLETE PROJECT	PUT WATER TO FULL USE
Begun	Complete	In use

Measurement of Water Use

How often must water use be measured?	Weekly
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 Withdrawal (gpm or cfs)

Provisions

Measurements, Monitoring, Metering and Reporting
An approved measuring device must 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 , which 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) must 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/

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 must 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 water right. 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, will 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.

Real Estate Excise Tax
This decision may indicate a Real Estate Excise Tax liability for the seller of water rights. The Department of Revenue has requested notification of potentially taxable water right related actions, and therefore will be given notice of this decision, including document copies. Please contact the state Department of Revenue to obtain specific requirements for your project. Phone: (360) 570-3265. The mailing address

is: Department of Revenue, Real Estate Excise Tax, PO Box 47477, Olympia WA 98504-7477 Internet: http://dor.wa.gov/. E-mail: REETSP@DOR.WA.GOV.

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. CS3-29476, 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 August, 2014.

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
Gene Drury, Department of Ecology
Water Right Control Number CS3-29476

BACKGROUND

This report serves as the written findings of fact concerning Water Right Application Number CS3-29476.

EXISTING Water Right Attributes

Recorded Name:	Lenora Sewer & Water District
Priority Date:	May 21, 1993
Place of Use	See Permit

County	Waterbody	Tributary To	WRIA
Pend Oreille	Pend Oreille River	Columbia River	62-Pend Oreille

Purpose	Rate	Unit	Ac-ft/yr	Begin Season	End Season
Fire protection	1.0	CFS	0	01/01	12/31

Source Name	Parcel	Twp	Rng	Sec	QQ	Latitude	Longitude
Pend Oreille River	443204530008	32 N.	44 E.	04	SW¼SE¼	48.29602°N	-117.25086°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 in WGS84.

REQUESTED Water Right Attributes

Applicant Name:	Lenora Sewer & Water District
Date of Application:	October 1, 2007
Place of Use	See Legal Description for 5A, 5B, 5C, 5D, 5E, 6

County	Waterbody	Tributary To	WRIA
Pend Oreille	Pend Oreille River	Columbia River	62-Pend Oreille

Purpose	Rate	Unit	Acre-feet/yr	Begin Season	End Season
Fire protection	1.0	CFS	0	01/01	12/31

Source Name	Parcel	Twp	Rng	Sec	QQ	Latitude	Longitude
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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 in 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 December 5 and 12, 2007.

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.

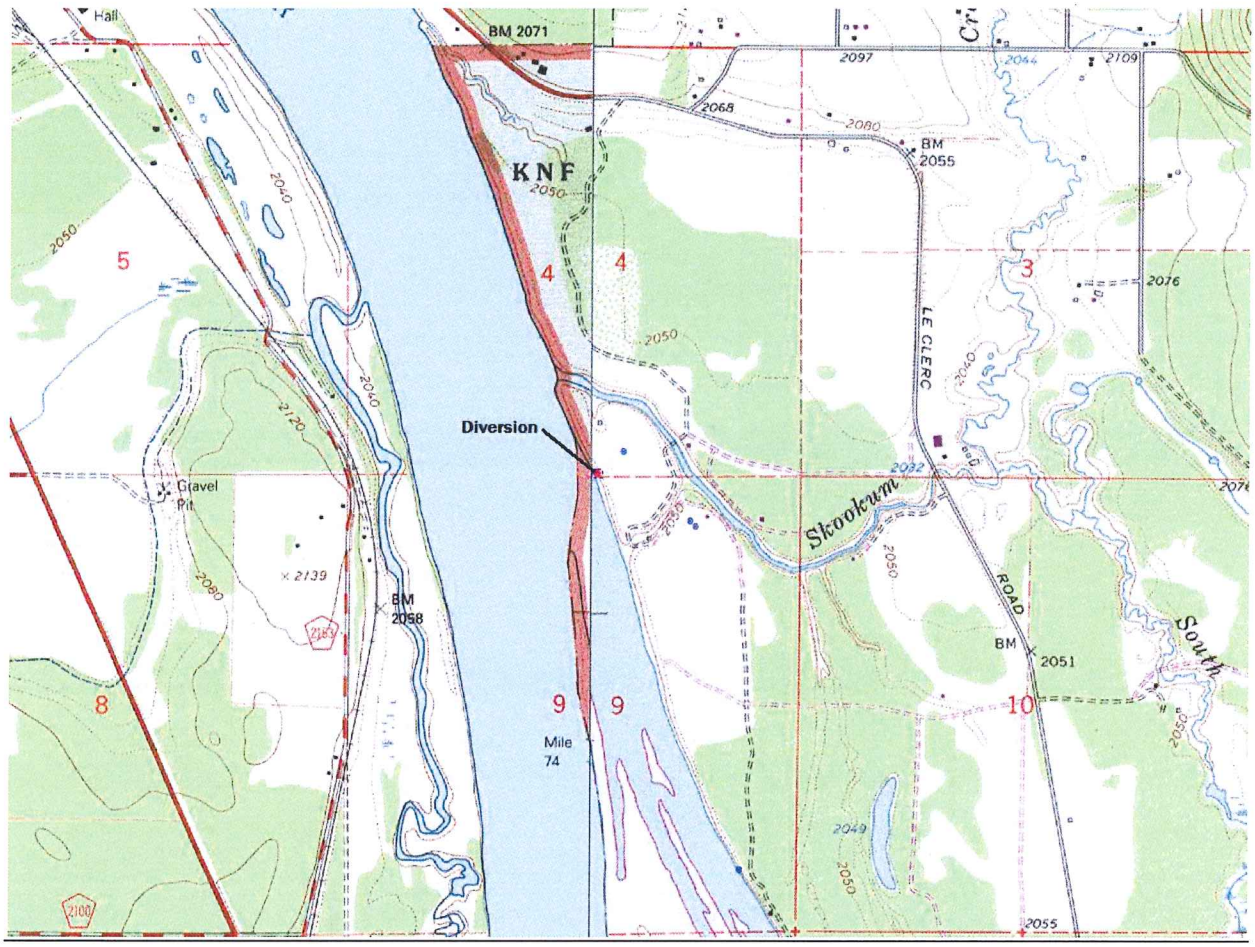
INVESTIGATION

A field investigation was originally conducted by Gene Drury with Steve Shaw, John Sitton, Dick Johnson on April 28, 2009. This project is located in Pend Oreille County just south of Usk, WA on the eastside of the Pend Oreille River. Lenora Water & Sewer District (LWSD) has filed an application under S3-29476P to change the place of use. Additional information was provided later in emails and telephone conversations with Bart North, a consultant for Lenora Water & Sewer District.

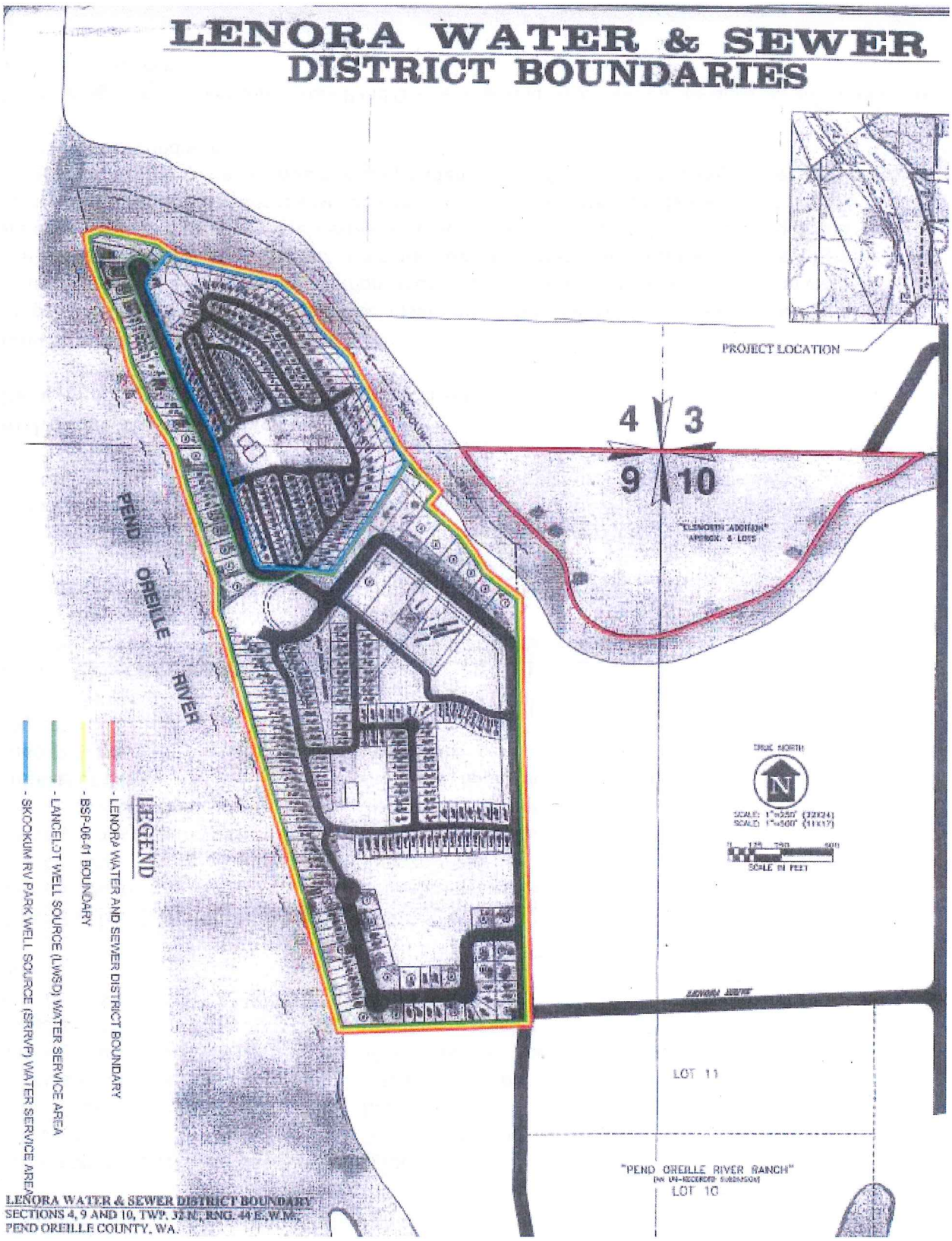
Water Use

Surface Water Permit No. S3-29476P was issued to Camelot Shore, A Joint Venture on August 5, 1996 with a priority date of May 21, 1993. The permit was assigned several times and is currently in the name of Lenora Sewer and Water District. S3-29476P authorized diversion from the Pend Oreille River in the amount of 1.0 cubic foot per second, for emergency fire protection as needed. LWSD currently does have a 15 horsepower pump and diversion on the Pend Oreille River for this purpose within the SW¼SE¼ of Sec. 4, T. 32 N., R. 44 E.W.M. A legal description of this area was provided by LWSD for the existing and proposed place of use. Water from this diversion will be used in case of emergency within the boundaries of LWSD. A second pump is located at this location for irrigation of five acres under Surface Water Certificate No. S3-28153C.

LWSD also provides ground water from wells to approximately 245 connections consisting of 224 RV pads, 20 residences and one clubhouse. According to the Water System Plan's 20 year projection, LWSD expects the number of connections to increase to 417 consisting of 385 RV pads, 30 residences and two clubhouses including Skookum Rendezvous RV Park (SRRVP). LWSD intends to serve municipal water to the SRRVP by integrating the existing wells and adding one new well (Lancelot Well #2). According to the water system plan, water use has averaged around eight acre-feet per year for the existing uses from the wells.



USGS 7.5 Minute (Topographic Map) - "Skookum Creek"


LENORA WATER & SEWER
DISTRICT BOUNDARIES
PROJECT LOCATION
4
3
9
10
"LENORTH ADDITION"
APPROX. 6 LOTS
PEND
OREILLE
RIVER
TRUE NORTH
N
SCALE: 1"=350' (22X24)
SCALE: 1"=500' (11X17)
0 125 250 500
SCALE IN FEET
LENORA WATER AND SEWER DISTRICT BOUNDARY
BSP-06-01 BOUNDARY
LANCELOT WELL SOURCE (LWSD) WATER SERVICE AREA
SKOOKUM RV PARK WELL SOURCE (SRRVP) WATER SERVICE AREA
LEGEND
LOT 11
"PEND OREILLE RIVER RANCH"
(NON RECORDED SUBDIVISION)
LOT 10
LENORA WATER & SEWER DISTRICT BOUNDARY
SECTIONS 4, 9 AND 10, TWP. 32 N., RNG. 44 E., W.M.,
PEND OREILLE COUNTY, WA.

Other Rights Appurtenant to the Place of Use

The water rights appurtenant to this project:

Surface Water Certificate Number S3-28153C

Recorded Name:	Softball Unlimited, Inc.
Priority Date:	March 26, 1986
Instantaneous Quantity - Qi:	0.10 cubic foot per second
Annual Quantity - Qa:	10 acre-feet per year
Purpose of Use:	Irrigation of 5 acres
Period of Use:	April 1 to October 1
Source:	Pend Oreille River

Ground Water Certificate Number G3-28181C

Recorded Name:	Softball Unlimited, Inc.
Priority Date:	June 24, 1986
Instantaneous Quantity - Qi:	13 gallons per minute
Annual Quantity - Qa:	20 acre-feet per year
Purpose of Use:	Domestic supply for recreational facility
Period of Use:	Continuous
Source:	A well

Ground Water Permit Number G3-28732P

Recorded Name:	Lenora Sewer & Water District
Priority Date:	January 30, 1990
Instantaneous Quantity - Qi:	120 gallons per minute
Annual Quantity - Qa:	20 acre-feet per year
Purpose of Use:	Domestic supply of 20 units
Period of Use:	Continuous
Source:	A well

Hydrologic/Hydrogeologic Evaluation

There are no hydrogeologic concerns with this change.

Impairment Considerations

"Impair" or "impairment" means to: 1) adversely impact the physical availability of water for a beneficial use that is entitled to protection, and/or 2) to prevent the beneficial use of the water to which one is entitled, and/or 3) to adversely affect the flow of a surface water course at a time when the flows are at or below instream flow levels established by rule (POL-1200), and/or 4) degrade the quality of the source to the point that water is unsuitable for use by existing water right holders (WAC 173-150). Demonstration of impairment would require evidence of a substantial and lasting or frequent impact reflecting such conditions.

The existing point of diversion is from Pend Oreille River and water will only be diverted and used in case of a fire emergency.

Enhancement Considerations

The proposed change will not increase the amount of water, nor will it increase or expand the right. No diversion of water over and above what has been historically authorized would be approved through this change.

Conclusions

There is a water right available for change under Surface Water Permit No. S3-29476P in the amount of 1.0 cubic foot per second, for emergency fire protection.

It is the conclusion of this examiner that, in accordance with Chapters 90.03, this application to change the place of use, as granted under Surface Water Permit No. S3-29476P will not enlarge the quantity of water historically used nor will it impair existing rights provided the recommendations are followed.

RECOMMENDATIONS

Based on the above investigation and conclusions, I recommend that the request for change be authorized in the amounts and within the limitations listed below and subject to the provisions beginning on Page 2.

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:

Quantity:
1.0 cubic feet per second

Purpose of Use:
Emergency fire protection

Point of Diversion:

SOURCE	TWP	RNG	SEC	QQ	LATITUDE	LONGITUDE
Pend Oreille River	32 N.	44 E.	04	SW¼SE¼	48.29602°N	-117.25086°W

Place of Use:

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A tract of land in the E½ of Sec. 9, T. 32 N., R. 44 E.W.M. more particularly described as follows: Beginning at a 4x4x36 inch concrete monument which is 618.82 ft. S. and 734.65 ft. W. of the NE corner of said Section 9, thence S. 02°22' E. 472.88 ft. to a ¾" rebar, thence S. 87°35' W. 1317 ft. more or less,

to a point on the mean high water line of the right bank of the Pend Oreille River, thence northwesterly 266 feet along said line: thence in a northeasterly direction on a line the terminus of which being a point at which the center of Skookum Creek and the existing slough merge: thence in a southeasterly direction along the centerline of the Skookum Creek to a point which is N. 0222' East, 80 ft. more or less, to the point beginning. All in Pend Oreille County, Washington

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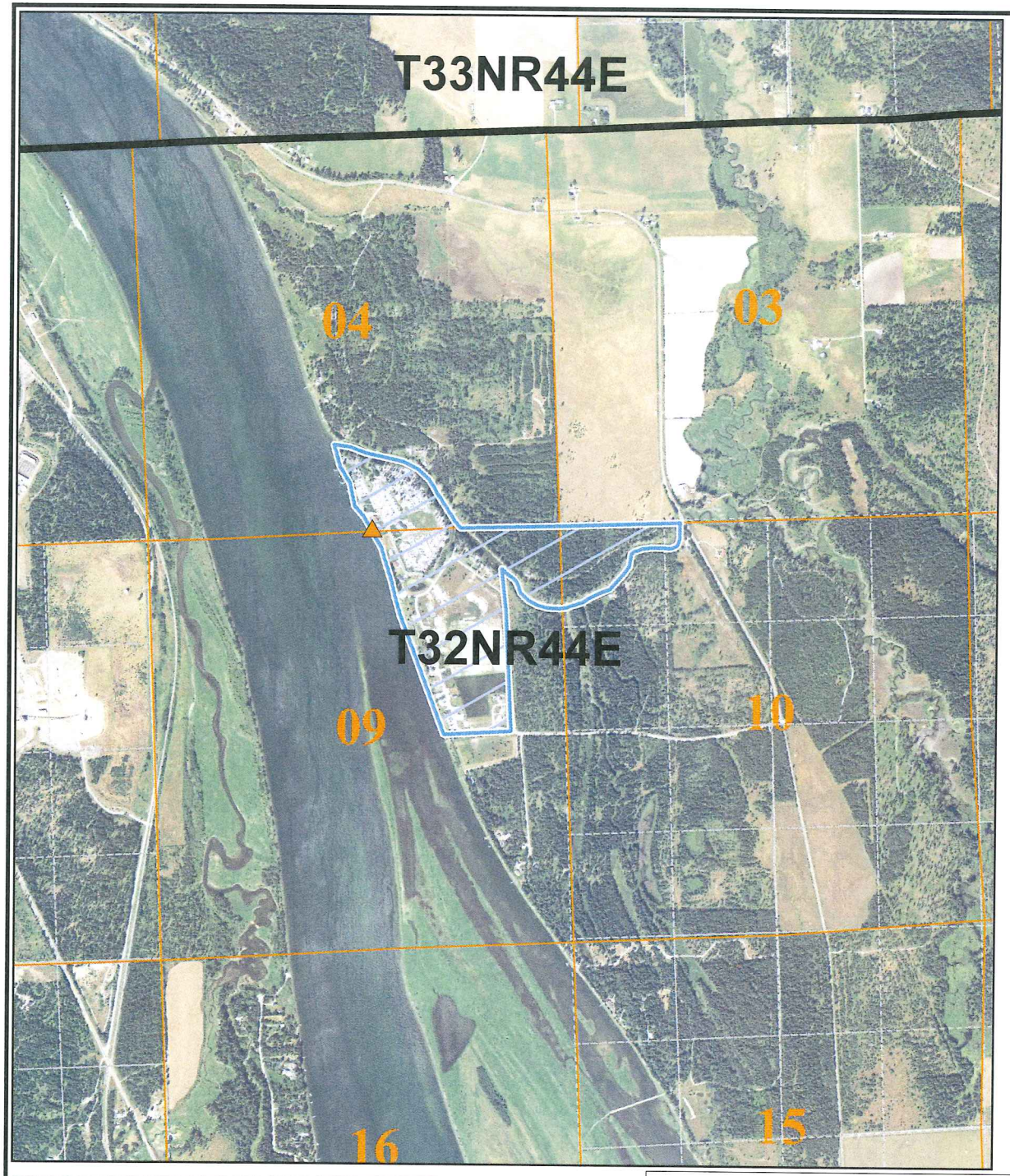
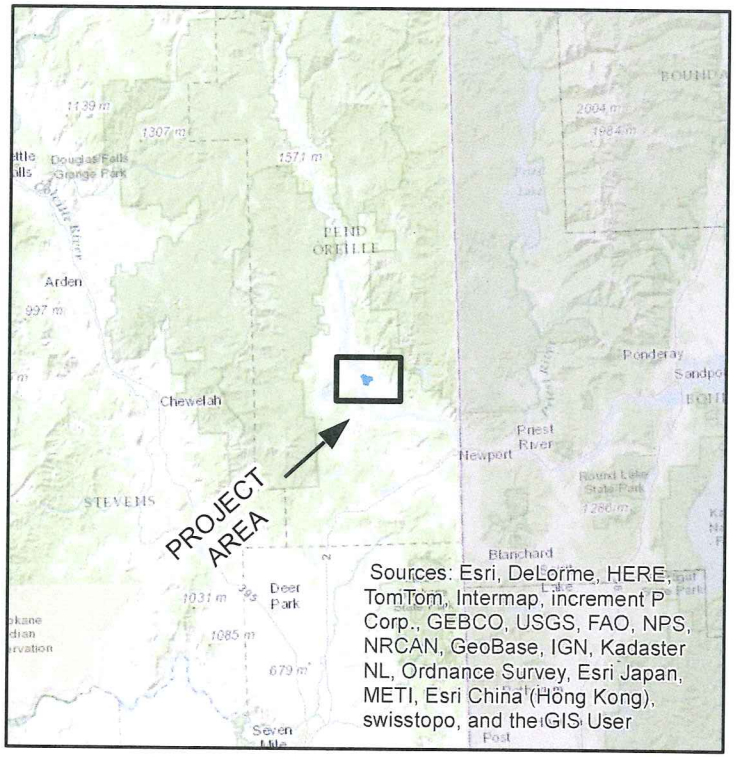
8-13-14

Gene Drury, 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.

Lenora Water & Sewer District
S3-29476
T34N/R44E





Basemap - (ESRI US Topographic Maps)

Legend

- Authorized Place of Use
- Townships
- Sections
- Authorized Point of Withdrawl
- Authorized Point of Diversion

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: 7/3/2014

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