File NR S3-30534
WR Doc ID 4411169

DEPARTMENT OF ECOLOGY
State of Washington

State of Washington
DRAFT
REPORT OF EXAMINATION
FOR WATER RIGHT APPLICATION

PRIORITY DATE	WATER RIGHT NUMBER
June 11, 2007	S3-30534

MAILING ADDRESS	SITE ADDRESS (IF DIFFERENT)
Timothy Neely P.O. Box 30203 Spokane, WA 99223	

Quantity Authorized for Diversion

DIVERSION RATE	UNITS	ANNUAL QUANTITY (AF/YR)
0.02	CFS	0.50

Purpose

PURPOSE	DIVERSION RATE ADDITIVE	DIVERSION RATE NON-ADDITIVE	UNITS	ANNUAL QUANTITY (AF/YR) ADDITIVE	ANNUAL QUANTITY (AF/YR) NON-ADDITIVE	PERIOD OF USE
Single domestic supply/recreational use (includes 0.10 acre of lawn and garden)	0.02	---	CFS	0.50	---	Continuous

IRRIGATED ACRES ADDITIVE	IRRIGATED ACRES NON-ADDITIVE	PUBLIC WATER SYSTEM INFORMATION WATER SYSTEM ID	PUBLIC WATER SYSTEM INFORMATION CONNECTIONS
0.10	---	N/A	N/A

Source Limitations

SOURCE	DIVERSION RATE	ANNUAL QUANTITY (AF/YR)	PERIOD OF USE
BEAD LAKE	0.02 CFS	0.50	Continuous

Source Location

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

SOURCE	PARCEL	TWP	RNG	SEC	QQ Q	LATITUDE	LONGITUDE
BEAD LAKE	453204519043 Lot 42, Block 1, Homestead Addition of Bead Lake	32N	45E	04	SW¼	48.30313° N	117.12651° W

Datum: WGS84

Place of Use (See Attached Map)

PARCELS (NOT LISTED FOR SERVICE AREAS)

453204519043

LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE

Lot 42, Block 1, Homestead Addition of Bead Lake, Sec. 4, T. 32 N., R. 45 E.W.M.

Proposed Works

1 horsepower centrifugal pump

Development Schedule

BEGIN PROJECT	COMPLETE PROJECT	PUT WATER TO FULL USE
Begun	October 1, 2013	October 1, 2014

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 (gpm or cfs)

Provisions

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/

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 Surface Water Application No. S3-30534, 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 day of 2012.

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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 -- Neely
Water Right Control Number S3-30534
Gene Drury, Department of Ecology

BACKGROUND

This report serves as the written findings of fact concerning Water Right Application Number S3-30534.

Table 1 Summary of Requested Water Right

Applicant Name:	Timothy Neely
Date of Application:	June 8, 2007
Place of Use	Lot 42, Block 1, Homestead Addition of Bead Lake, Sec. 4, T. 32 N., R. 45 E.W.M.

County	Waterbody	Tributary To	WRIA
Pend Oreille	Bead Lake	---	62-Pend Oreille

Purpose	Rate	Unit	Ac-ft/yr	Season
Single Domestic Supply for Recreational Cabin (Includes 0.10 acre of lawn/garden)	0.02	CFS	0.50	Continuous use

Source Name	Parcel	Twp	Rng	Sec	QQ Q	Latitude	Longitude
Bead Lake	453204519043	32N	45E	04	SW¼	48.30313° N	117.12651° W
	Lot 42, Block 1, Homestead Addition of Bead Lake						

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 May 23 and 30, 2012.

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.

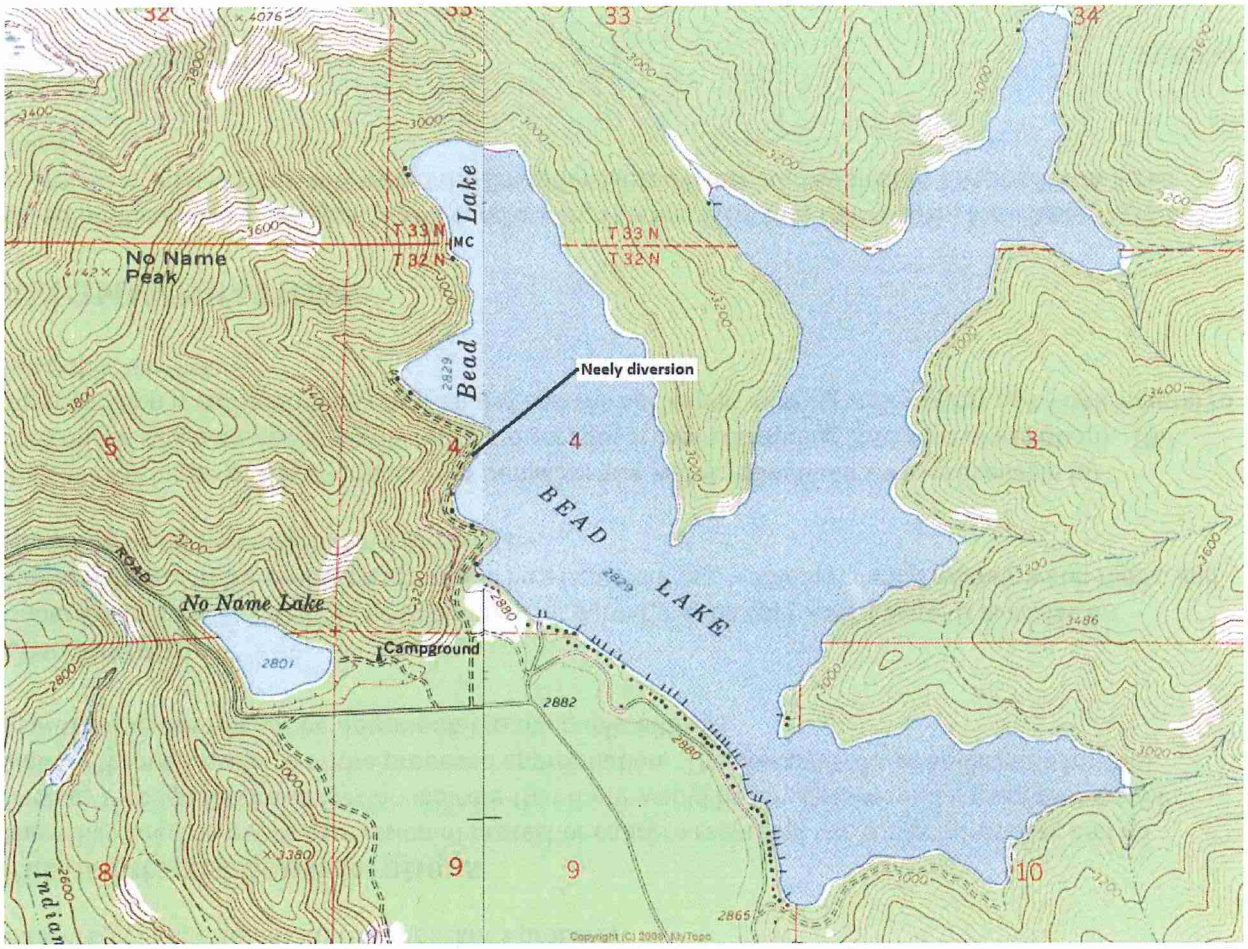
(a) It is a surface water right application for more than 1 cubic foot per second, unless that project is for agricultural irrigation, in which case the threshold is increased to 50 cubic feet per second, so long as that irrigation project will not receive public subsidies;
(b) It is a groundwater right 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 Tim Neely on August 22, 2012. The project is located on the west side of the Bead Lake, a 720 acre lake located in the mountains about ten miles northwest of Newport, Washington and east of the Pend Oreille River. There is no outlet of Bead Lake and surface water inlets to the lake are intermittent. The lake is within Water Resource Inventory Area (WRIA) 62, the Pend Oreille River watershed.

Township 32 North, Range 45 E.W.M.



USGS 7.5 Minute (Topographic Maps) - "Skookum Creek and Bead Lake"

The place of use is located on Lot 42, Block 1, Homestead Addition of Bead Lake, Sec. 4, T. 32 N., R. 45 E.W.M. There is one existing recreational cabin on the property that was built by the applicant in 2005. The property is very steep, however, the applicant may try to water some grass or start a small garden on the hillside. Irrigation of ¼ acre was requested along with the domestic use for the recreational cabin. The lot is about ¼ acre in size and after discussion with Mr. Neely, it appears that less than a tenth of an acre would actually be watered.

The point of diversion will be located about half way up between the lake and cabin. A one horsepower centrifugal pump, Flotec Model #FP 4332-08 has been purchased to divert the water. The water use is recreational and therefore less than 0.50 acre-feet per year should be more than adequate for the applicant's needs for the domestic uses and the minimal watering.

A final proof examination will need to be conducted to determine the water uses and quantities perfected. If no lawn or garden is established, this permit will need to be reduced to in-house domestic supply for one recreational cabin. The annual quantity of 0.50 acre-feet will also be reduced to actual usage.

Beneficial Use

Single domestic supply for a recreational cabin and irrigation of lawn and garden are both beneficial uses.

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.

Most of the applications investigated at Bead Lake are for existing water uses and for existing recreational cabins constructed on the lake. These property owners have been diverting water from the lake for many years. According to the "*Lakes of Washington, Volume 2 of Eastern Washington*", the volume of Bead Lake is approximately 77,708 acre-feet. Based on this fact and the minimal amount of water to be permitted for domestic use under this application and a few others, it appears that water is available for appropriation. The decline of water level in Bead Lake in the summer months as a result of the new diversions will be negligible. This application was forwarded to the Washington State Department of Fish and Wildlife and the Kalispell Tribe for comments. The department did not receive any objections to the granting of this permit.

Impairment Considerations

A review of Ecology records was conducted for existing water rights, permits, and claims in the vicinity of the proposed point of diversion within the SW¼ of Section 4, T. 32 N., R. 45 E.W.M. There are no other water rights appurtenant to the applicant's 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 public surface water, from Bead Lake, is available for continuous single domestic supply for one recreational cabin (including 0.10 acre of irrigation). 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:

0.02 cubic feet per second; 0.50 acre-feet per year
Continuous Single Domestic Supply for 1 recreational cabin (includes seasonal irrigation of 0.10 acre)

Point of Diversion: Lot 42, Block 1, Homestead Addition of Bead Lake, SW¼ of Section 4, T. 32 N., R. 45 E.W.M.

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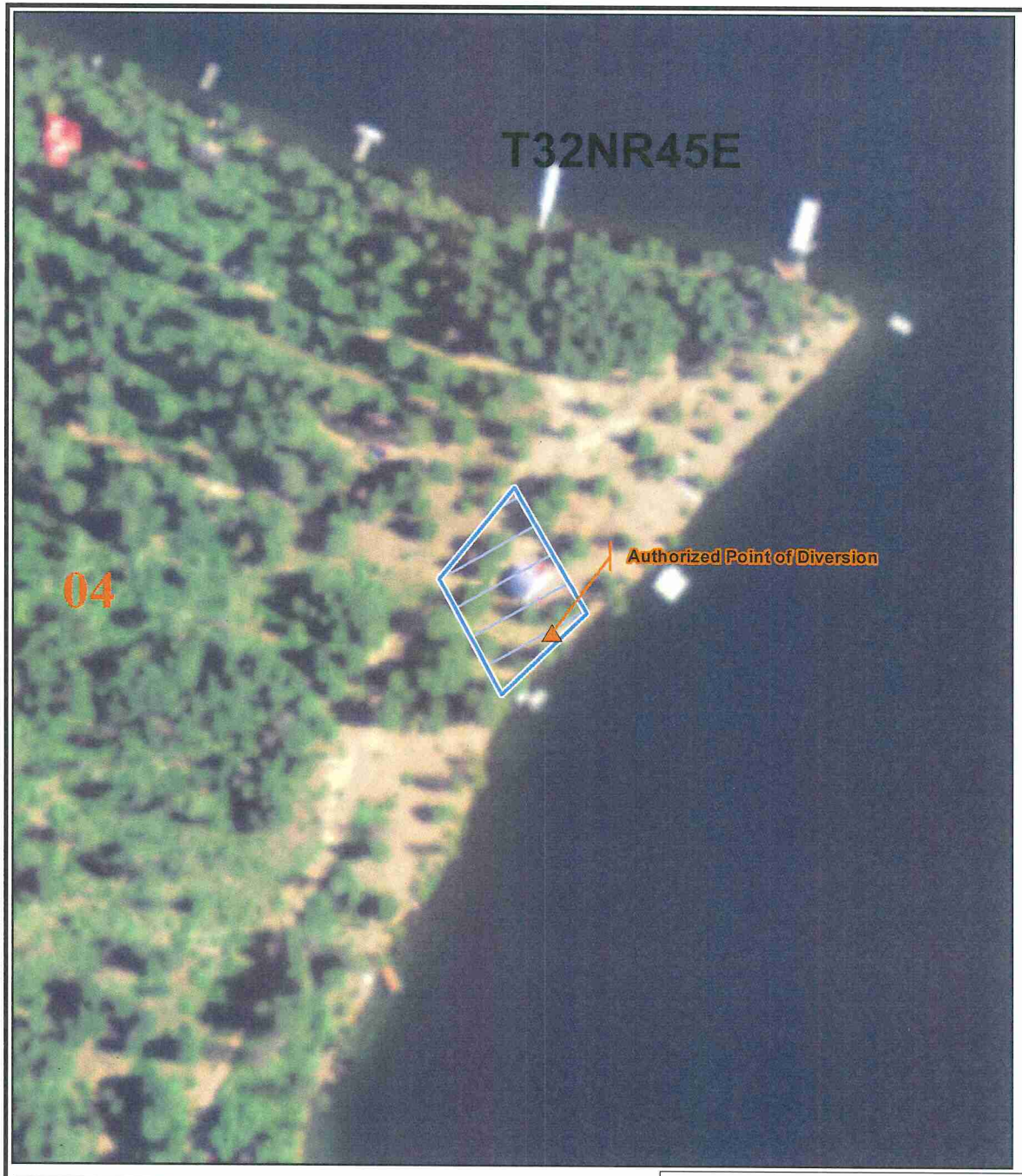
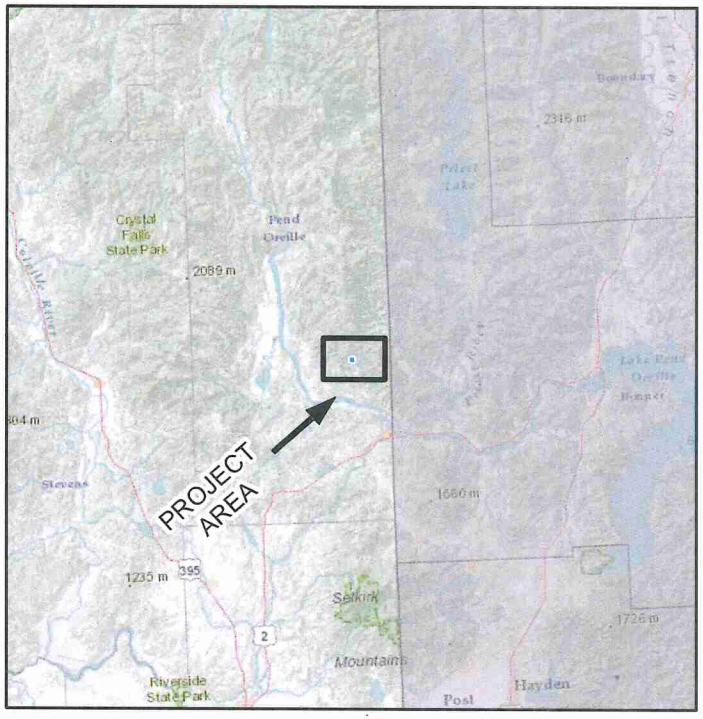
Gene Drury, Report Writer *Date*

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.

Timothy Neely
S3-30534
T32N/R45E





Basemap - (ESRI US Topographic Maps)

Legend

Authorized Place of Use

Townships

Sections

Authorized Point of Diversion

0 60 120 240 360 480 Feet

Basemap - (NAIP 2011 1m color)

DEPARTMENT OF ECOLOGY State of Washington

Map Date: 9/17/2012

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