

State of Washington  
**REPORT OF EXAMINATION  
 FOR WATER RIGHT APPLICATION**

File NR S2-30587  
 WR Doc ID 5041903

**PRIORITY DATE**  
 12/7/2011

**WATER RIGHT NUMBER**  
 S2-30587

**MAILING ADDRESS**  
 A2Z ENTERPRISES LLC  
 408 SCRIBNER RD  
 PORT ANGELES WA 98362

**SITE ADDRESS (IF DIFFERENT)**  
 2917 EDGEWOOD DRIVE  
 PORT ANGELES WA 98362

**Quantity Authorized for Withdrawal or Diversion**

WITHDRAWAL OR DIVERSION RATE	UNITS	ANNUAL QUANTITY (AF/YR)
0.67	CFS	2.5

**Purpose**

PURPOSE	WITHDRAWAL OR DIVERSION RATE			ANNUAL QUANTITY (AF/YR)		PERIOD OF USE (mm/dd)
	ADDITIVE	NON-ADDITIVE	UNITS	ADDITIVE	NON-ADDITIVE	
Recreation	0.67		CFS	2.5		04/15 - 10/15

**Source Location**

COUNTY	WATERBODY	TRIBUTARY TO	WATER RESOURCE INVENTORY AREA
CLALLAM	UNNAMED POND	DRY CREEK	18-ELWHA-DUNGENESS

SOURCE FACILITY/DEVICE	PARCEL	WELL TAG	TWP	RNG	SEC	QQ Q	LATITUDE	LONGITUDE
UNNAMED POND	07-30-01-340000	N/A	30N	07W	01	SE SW	48.11906	-123.5184

Datum: NAD83/WGS84

**Place of Use (See Attached Map)**

PARCELS (NOT LISTED FOR SERVICE AREAS)

07-30-12-210000

LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE

N½ NW ¼, Section 12, T30N, R7W WM (2917 Edgewood Drive)

**Proposed Works**

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.

**Development Schedule**

BEGIN PROJECT	COMPLETE PROJECT	PUT WATER TO FULL USE
Started	Completed	December 31, 2019

**Measurement of Water Use**

How often must water use be measured?	Once at completion of boat race pond fill (top-off) and once at conclusion of boat race season
How often must water use data be reported to Ecology?	Annually (Jan 31)
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 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.

Recorded water use data shall be submitted via the Internet. To set up an Internet reporting account, contact the Southwest Regional Office. If you do not have Internet access, you can still submit hard copies by contacting the Southwest Regional Office for forms to submit your water use data.

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. S2-30587, 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
<b>Department of Ecology</b> Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	<b>Department of Ecology</b> Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
<b>Pollution Control Hearings Board</b> 1111 Israel RD SW Ste 301 Tumwater, WA 98501	<b>Pollution Control Hearings Board</b> PO Box 40903 Olympia, WA 98504-0903

Signed at Olympia, Washington, this 19<sup>th</sup> day of March 2015.

Michael J. Gallagher  
Michael J. Gallagher, Section Manager

## INVESTIGATOR'S REPORT

Application for Water Right -- A2Z Enterprises LLC

Water Right Control Number S2-30587

Mike Gallagher, Department of Ecology

**BACKGROUND**

This report serves as the written findings of fact concerning Water Right Application Number S2-30587.

Table 1 Summary of Requested Water Right

<b>Applicant Name:</b>	A2Z Enterprises LLC
<b>Date of Application:</b>	12/7/2011
<b>Place of Use</b>	NE1/4 NW ¼, Section 12, T30N, R7W WM (2917 Edgewood Drive)

County	Waterbody	Tributary To	WRIA
Clallam	Unnamed Pond	Dry Creek	18-Elwha-Dungeness

Purpose	Rate	Unit	Ac-ft/yr	Begin Season	End Season
Recreation – Boat Race Track Course	0.67	CFS	1.0	04/15	10/15
Lawn area Irrigation	0.11	CFS	0.5	04/15	10/15
Vegetative strip irrigation	0.11	CFS	1.0	04/15	10/15

Source Name	Parcel	Well Tag	Twp	Rng	Sec	QQ Q	Latitude	Longitude
Unnamed Pond	07-30-01-340000	N/A	30N	07W	01	SE SW	48.11906	-123.5184

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: NAD83/WGS84.

**Legal Requirements for Approval of Appropriation of Water***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 Peninsula Daily News on March 26 and April 2, 2014.

*Consultation with the Department of Fish and Wildlife*

The Department must give notice to the Department of Fish and Wildlife (DFW) of applications to divert, withdraw or store water. DFW reviewed the original application prior to Ecology issuing a Temporary Water right Permit on June 21, 2012. Pursuant to Chapter 77.57.020RCW, DFW did not oppose the issuance of the temporary permit and do not oppose the issuance of this permit due to the fact that there is no surface connection between the stormwater pond and Dry Creek and that moving water from the stormwater pond upgradient to the boat race pond and related vegetative strips and lawn is not detrimental to the flows of Dry Creek.

*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**

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### **Proposed Use and Basis of Water Demand**

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A2Z Enterprises operates a boat racing pond, located at 2917 Edgewood Drive near Port Angeles in Clallam County. The beneficial use of this water right permit is for recreational and irrigation purposes. More specifically, A2Z Enterprises diverts surface water from a nearby stormwater retention pond to supplement and maintain the level of water in the boat racing pond prior to between one to four annually scheduled boat racing events. The stormwater retention pond is located on Port of Port Angeles property about 2000 feet due north of the boat race pond. Both the stormwater pond and the boat race pond are located entirely within Dry Creek basin. No water is moved or lost outside of the basin. 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.

### **Other Rights Appurtenant to the Place of Use**

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None.

### **Impairment Considerations**

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The approval of this application will not impair existing rights. A review of Ecology records indicates that there are 38 water right claims, 8 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 3 water right claims, which are groundwater claims. The 6 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 1 afy 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.

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. Dry Creek is not hydraulically connected to the Port of Port Angeles stormwater pond.

Since this is a surface water diversion and water is maintained entirely within the Dry Creek basin, there is no impact to groundwater.

### Water Availability

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Water is physically available for this appropriation. 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 (approximately 2,118,000 gallons).

The applicant requested up to 2.5 AFY (814,628 gallons) for the purposes of maintaining adequate water levels in the boat race pond to help ensure safe, fair and competitive boat racing events. Previous use of water from this source during 2012 and 2013 under a Temporary Water Right Permit issued on June 21, 2012 has been less than 2 afy in 2012 and 2013.

Water is legally available. There is no other beneficial use of the Port of Port Angeles stormwater retention pond and all water right certificates are located upgradient of the boat race pond site and the diversion site (stormwater retention pond). The use of water authorized by this permit will not cause impairment of other existing water rights.

### Beneficial Use

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The proposed use of water (recreation and irrigation) is defined in statute as a beneficial use (RCW 90.54.020(1)).

### Public Interest Considerations

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Under a temporary permit issued by Ecology on June 21, 2012, A2Z Enterprises has diverted waters from the un-named stormwater retention pond on the Port of Port Angeles property for two summers (2012 and 2013). The initial filling of the boat race pond has been generally maintained and water over the past two summers has been to top off the boat race pond. During the past two summers, A2Z Enterprises has organized and hosted at least two boat racing events in 2012 and again in 2013. Each event has lasted for roughly a weekend and has attracted between 5,000 – 8,000 paying admission attendees. There is a high degree public interest in these boat racing events based on attendance record and the strong support for this facility and related boat racing events from the local community and from the Lower Elwha S'Klallam Tribe and from the Jamestown S'Klallam Tribe.

The beneficial use of this water right permit is for recreational and irrigation purposes. A2Z Enterprises diverts surface water from the stormwater retention pond to supplement and maintain the level of water in the boat racing pond prior to a scheduled boat racing event. The stormwater retention pond is located on Port of Port Angeles property about 2000 feet due north of the boat race pond. While both the stormwater pond and the boat race pond are located entirely within Dry Creek basin, no water is moved or lost outside of the basin. In addition, 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.

#### *Consideration of Protests and Comments*

No protests were filed against this application.

#### **Conclusions**

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The conclusions based on the above investigation are as follows:

- The proposed diversion of .67 CFS up to 2.5 afy for recreational and irrigation purposes is a beneficial use of water;
- 2.5 afy is available for appropriation;
- The new appropriation will not impair senior water rights; and
- The new appropriation will not be detrimental to the public interest.

#### **RECOMMENDATIONS**

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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**

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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:

- 0.67 cfs
- 2.5 acre-feet per year
- Recreation and Irrigation

#### **Point of Diversion**

- SE¼,SW¼, Section 1, Township 30 North, Range 7 W 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)

**Place of Use**

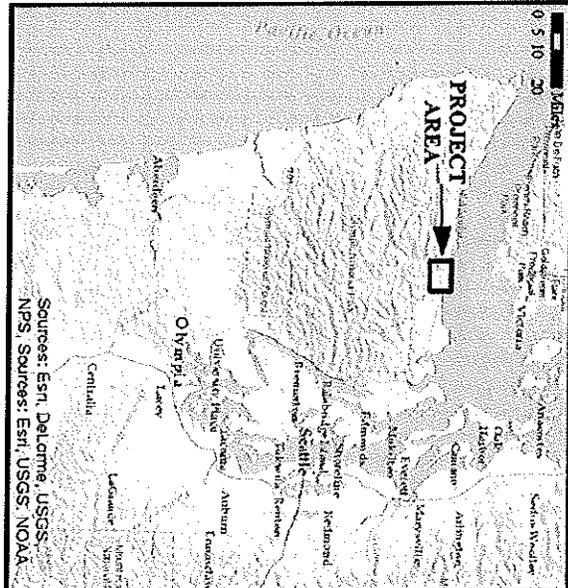
- NE ¼ NW ¼, Section 12, T30N, R7W WM on Clallam County Tax Parcel # 07-30-12-210000 (2917 Edgewood Drive, Port Angeles, WA 98363).

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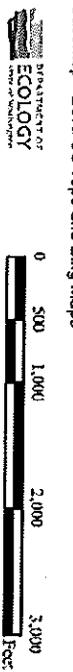
*[Handwritten Signature]* *3/19/2015*  
Report Writer Date

*If you need this publication in an alternate format, please call 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.*

Water Right Application Number  
 S2-30587  
 Sec. 12 T. 30N. R. 7W. W.M.  
 WRLA 18 - Clallam County



ATTACHMENT I



DEPARTMENT OF  
**ECOLOGY**  
 DIVISION OF ENVIRONMENTAL  
 SCIENCE

Basemap - ESRI US Topo and Bing Maps

**Legend**

- ▲ POINT OF DIVERSION (POD)
- ▨ PLACE OF USE (POU)
- SECTION LINES
- STREAM

**Comments:**  
 The Washington State Department of Ecology does not warrant, guarantee, or make any representations regarding the use of, or results from the use of the data in terms of correctness, accuracy, reliability, or otherwise.

Map Created 3/12/2015

