

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

PRIORITY DATE SEPTEMBER 13, 2006	WATER RIGHT NUMBER S3-30520
MAILING ADDRESS RICHARD G. SMITH 1908 BLUE CREEK ROAD ADDY, WA 99101	SITE ADDRESS (IF DIFFERENT)

Quantity Authorized for Diversion

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

Purpose

PURPOSE	DIVERSION RATE		UNITS	ANNUAL QUANTITY (AF/YR)		PERIOD OF USE (mm/dd)
	ADDITIVE	NON-ADDITIVE		ADDITIVE	NON-ADDITIVE	
In-house domestic supply for 2 recreational cabins	0.02	---	CFS	0.50	---	05/01 - 10/1
IRRIGATED ACRES	PUBLIC WATER SYSTEM INFORMATION					
ADDITIVE	NON-ADDITIVE	WATER SYSTEM ID	CONNECTIONS			
N/A	---					

Source Limitations

SOURCE	DIVERSION RATE (CFS)	ANNUAL QUANTITY (AF/YR)	PERIOD OF USE (mm/dd)
PEND OREILLE RIVER	0.02	0.50	01/01 - 12/31

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	433717530002	37N	43E	17	Gov't Lot 6	48.70413°N	117.39697°W
Lot 2, Block A, Northern Wilderness Estates							

Datum: WGS84

Place of Use (See Attached Map)

PARCELS (NOT LISTED FOR SERVICE AREAS)

Parcel Nos. 433717530002 and 433717530003

LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE

Lots 2 and 3, Block A, Northern Wilderness Estates, Section 17, T. 37 N., R. 43 E.W.M.

Proposed Works

1 hp pump, 1¼ inch pipe

Development Schedule

BEGIN PROJECT	COMPLETE PROJECT	PUT WATER TO FULL USE
Started	Completed	In-Use

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 Application No. S3-30520, 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 November 2012.



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 -- Smith
Water Right Control Number S3-30520
Gene Drury, Department of Ecology

BACKGROUND

This report serves as the written findings of fact concerning Water Right Application Number S3-30520.

Table 1 Summary of Requested Water Right

Applicant Name:	Richard G. Smith
Date of Application:	September 13, 2006
Place of Use	Lots 2 and 3, Block A, Northern Wilderness Estates, within Section 17, T. 37 N., R. 43 E.W.M.

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
In-house domestic supply for two recreational cabins	0.02	CFS	0.50	01/01	12/31

Source Name	Parcel	Twp	Rng	Sec	QQ Q	Latitude	Longitude
Pend Oreille River	433717530002	37N	43E	17	Gov't Lot 6	48.70413°N	117.39697°W
	Lot 2, Block A, Northern Wilderness Estates						

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 August 29 and September 5, 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;

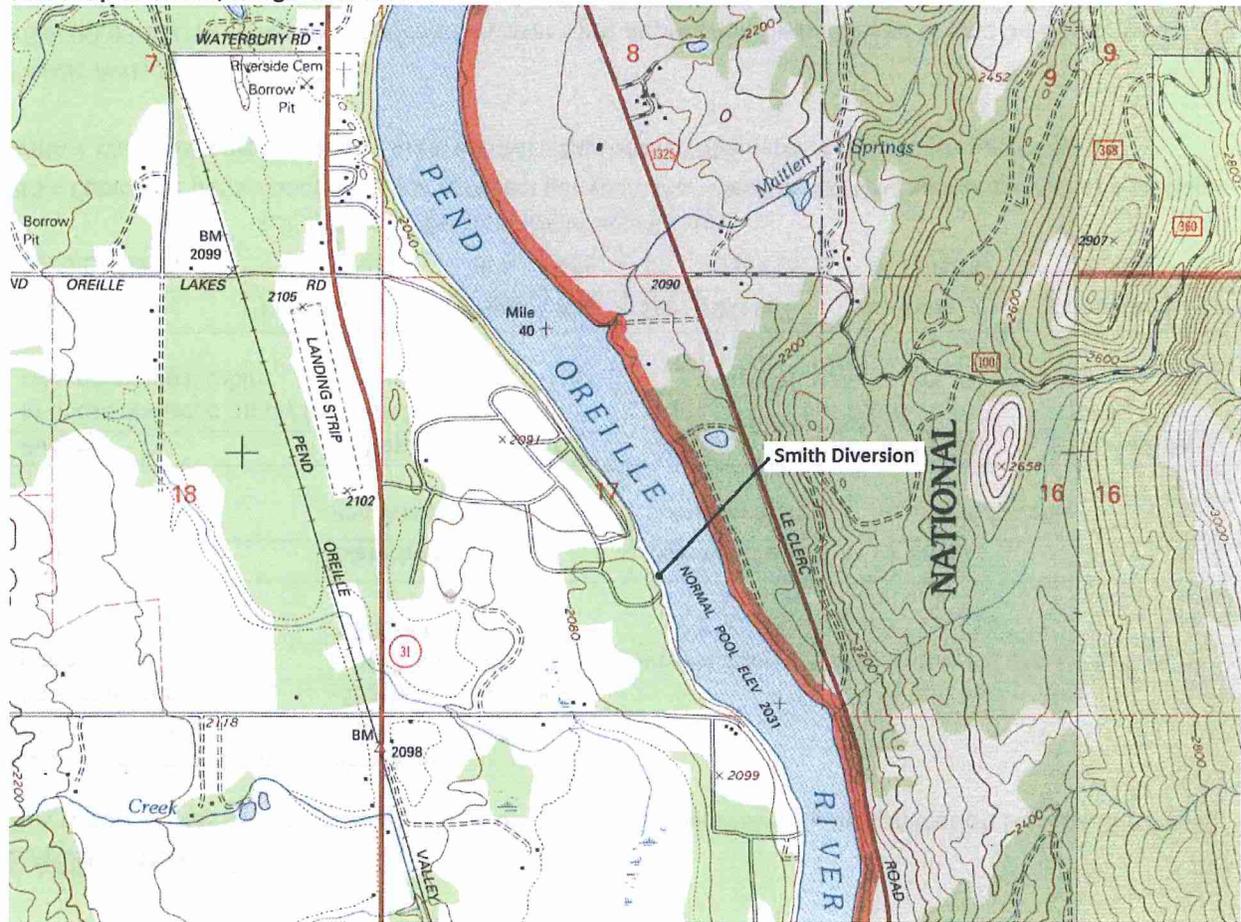
- (c) It is an application that, in combination with other water right applications for the same project, collectively exceed the amounts above;
- (d) It is a part of a larger proposal that is subject to SEPA for other reasons (e.g., the need to obtain other permits that are not exempt from SEPA);
- (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 on September 17, 2012. The project is located on the west side of the Pend Oreille River, a few miles south of Lone, Washington.

Township 37 North, Range 43 E.W.M.



USGS 7.5 Minute (Topographic Map) - "Lone"

It was noted that the project had been started and two recreational cabins have been built. The point of diversion is located on Lot 2, Block A of Northern Wilderness Estates in Government Lot 6 of Sec. 17, T. 37 N., R. 43 E.W.M. One cabin is located on Lot 2 and the other on Lot 3, Block A of Northern

Wilderness Estates in Government Lot 6 of Sec. 17, T. 37 N., R. 43 E.W.M. The applicant uses a 1 horsepower pump to divert water from the Pend Oreille River for in-house domestic supply for the two recreational cabins only. No irrigation water was requested under this application.

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 and within the Government Lot 6, Section 17, T. 37 N., R. 43 E.W.M. There are no other water rights appurtenant to the applicant's property. The proposed appropriation under the Smith application will not cause any impairment to existing water rights.

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 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 does not apply to in-house domestic supply. Water is available for in-house domestic supply under this application.

Beneficial Use

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

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.

Consideration of Protests and Comments

No protests were filed against this application.

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 the Pend Oreille River, is available for in-house domestic supply for two recreational cabins. 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:

Quantities and Purpose: 0.02 cubic foot per second; 0.50 acre-foot per year for in-house domestic supply for two recreational cabins

Point of Diversion: Lot 2, Block A of Northern Wilderness Estates in Government Lot 6 of Sec. 17, T. 37 N., R. 43 E.W.M.

Place of Use: Lots 2 and 3, Block A of Northern Wilderness Estates in Government Lot 6 of Sec. 17, T. 37 N., R. 43 E.W.M.

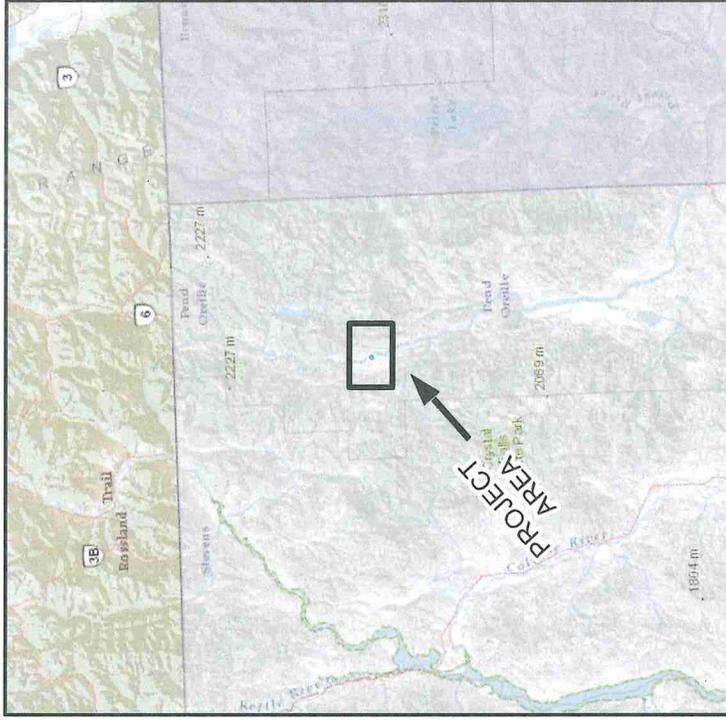

Gene Drury, Report Writer

11-8-2012
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.

ATTACHMENT 1

Richard Smith
S3-30520
T37N/R43E



Basemap - (ESRI US Topographic Maps)

- Legend**
-  Authorized Place of Use
 -  Townships
 -  Sections

 Authorized Point of Diversion



Comment:

Place of use and source locations are as defined within the Report of Examination cover sheet for the document identified in the header above.



Basemap - (NAIP 2011 1m color)



Map Date: 10/4/2012