DEPARTMENT OF ECOLOGY
State of Washington

State of Washington
DRAFT
REPORT OF EXAMINATION
FOR WATER RIGHT CHANGE

PRIORITY DATE
August 11, 2014

WATER RIGHT NUMBER
S3-30719

NAME & MAILING ADDRESS
Dustin and Donna Stewart
503 N. Sonora Lane
Spokane Valley, WA 99037

Quantity Authorized for Diversion

DIVERSION RATE	UNITS	ANNUAL QUANTITY (AF/YR)
0.02	CFS	1

Purpose

	DIVERSION RATE		ANNUAL QUANTITY (AF/YR)			
PURPOSE	ADDITIVE	NON-ADDITIVE	UNITS	ADDITIVE	NON-ADDITIVE	PERIOD OF USE (mm/dd)
Domestic Supply of one home (includes stockwater and ½ acre of lawn and garden)	0.02	---	cfs	1	---	1/1-12/31

Source Limitations

SOURCE FACILITY/DEVICE	DIVERSION RATE	ANNUAL QUANTITY (AF/YR)
UNNAMED SPRING	0.02	1

Source Location

COUNTY	WATERBODY	TRIBUTARY TO	WATER RESOURCE INVENTORY AREA
PEND OREILLE	UNNAMED SPRING	FLAT CREEK	62-PEND OREILLE

SOURCE	PARCEL	TWP	RNG	SEC	QQ Q	LATITUDE	LONGITUDE
UNNAMED SPRING	463306500004	33 N.	46 E.	06	Gov Lot 3	48.38705° N	-117.04274° W Datum: WGS84

Place of Use (See Attached Map)

LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE

Lot 8 of Gov't Lot 3, Sec. 6, T. 33 N, R. 46 E.W.M. (Parcel # 46306500004)

Proposed Works

Spring box, pipe, gravity flow with storage

Development Schedule

BEGIN PROJECT	COMPLETE PROJECT	PUT WATER TO FULL USE
September 1, 2015	September 1, 2016	September 1, 2017

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 Withdrawal (gpm or cfs)

Provisions

This authorization to make use of public waters of the State is subject to existing rights, including any existing rights held by the United States for the benefit of Indians under treaty or otherwise

Nothing in this authorization shall be construed as satisfying other applicable federal, state, or local statutes, ordinances, or regulations.

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) 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/

Easement and Right-of-Way

The water source and/or water transmission facilities are not wholly located upon land owned by the applicant. Issuance of a water right authorization by this department does not convey a right of access to, or other right to use, land which the applicant does not legally possess. Obtaining such a right is a private matter between applicant and owner of that land.

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. S3-30719, 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 **Pollution Control Hearings Board** 1111 Israel Road SW Ste 301 Tumwater, WA 98501	**Department of Ecology** Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608 **Pollution Control Hearings Board** PO Box 40903 Olympia, WA 98504-0903

Signed at Spokane, Washington, this day of 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

Application for Water Right -- Stewart
Water Right Control Number S3-30719
Gene Drury, Department of Ecology

BACKGROUND

This report serves as the written findings of fact concerning Water Right Application Number S3-30719.

Table 1 Summary of Requested Water Right

Applicant Name:	Dustin and Donna Stewart
Date of Application:	August 11, 2014
Place of Use	Lot 8 of Gov't Lot 3, Sec. 6, T. 33 N, R. 46 E.W.M. (Parcel # 46306500004)

County	Waterbody	Tributary To	WRIA
Pend Oreille	Unnamed Spring	Flat Creek	62-Pend Oreille

Purpose	Rate	Unit	Ac-ft/yr	Begin Season	End Season
Domestic Supply of one home (includes stockwater and ½ acre of lawn and garden)	0.02	CFS	1.0	Jan 1	Dec 31

Source Name	Parcel	Twp	Rng	Sec	QQ Q	Latitude	Longitude
Unnamed Spring	46306500005	33 N.	46 E.	06	Govt. Lot 4	48.38487° N	-117.04329° 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: 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 October 1 and 8, 2014.

Notification with the Department of Fish and Wildlife

The Department must give notice to the Department of Fish and Wildlife of applications to divert, withdraw or store water. No response or comments were received

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.

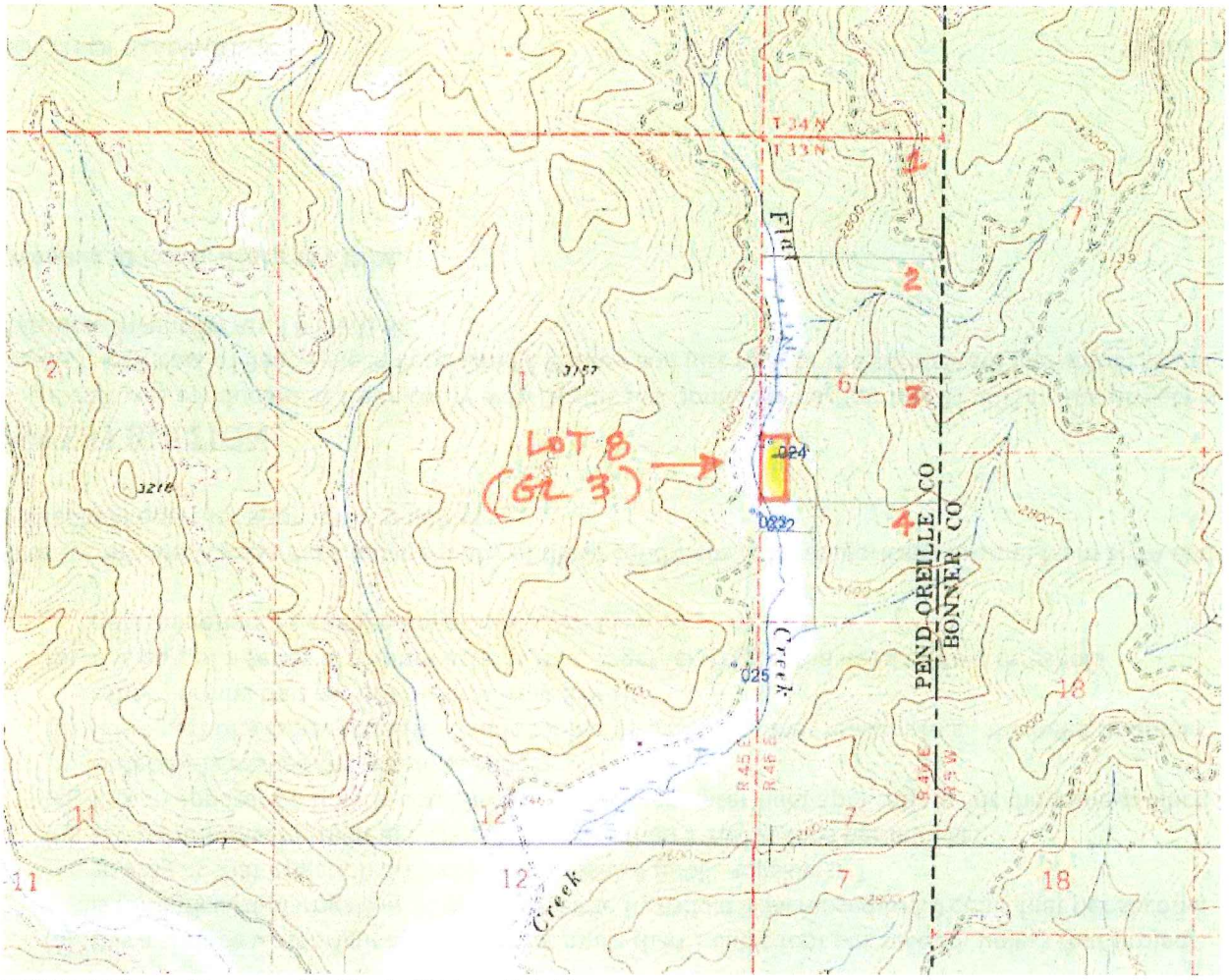
(a) It is a surface water right application for more than 1 cubic foot per second, unless that project is for agricultural irrigation, in which case the threshold is increased to 50 cubic feet per second, so long as that irrigation project will not receive public subsidies;
(b) It is a groundwater right 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 Dustin and Donna Stewart on July 31, 2014. The project is located northeast of Bead Lake in Pend Oreille County and just west of the Idaho State line within Water Resource Inventory Area (WRIA) 62.

Township 33 North, Range 46 E.W.M.



USGS 7.5 Minute (Topographic Map) - "Galena Point"

The applicant has filed for a permit for diversion from an unnamed spring for domestic supply including small amounts for stockwater and irrigation of ½ acre. The point of diversion and place of use is to be located within Lot 8 of Government Lot 3, within Section 6, T. 33 N., R. 46 E.W.M. The applicants have not started this project. They have built a small cabin on Lot 10 of Government Lot 4.

On the date of the field visit, water was flowing in the unnamed spring with adequate quantity for the proposed use despite the dry weather and high temperatures the area had experienced in the summer of 2014. The applicants propose to construct a gravity feed system with storage. Water will be used for domestic supply, stockwater for chickens/goats and lawn/garden (less than ½ acre in size). A second and separate application was filed under S3-30700. The projects are unrelated and will have their own development schedules.

Impairment Considerations and Other Rights Appurtenant to the Place of Use

A review of Ecology records was conducted for existing water rights, permits, and claims in vicinity of the proposed project and downstream on Flat Creek. There was one water right over a mile downstream on Flat Creek recorded under Surface Water Certificate No. S3-26602C (Egolf). This right has a priority date of

June 24, 1980 and was issued for 0.02 cfs for single domestic supply and stockwater. A second water right was issued for an unrelated spring downstream under Surface Water Certificate No. S3-26192C (Smith). This right has a priority date of March 29, 1979 and was issued for 0.02 cfs for domestic supply. The proposed water use under Application No. S3-30719 will not impair these existing water rights.

Water Availability

The unnamed spring is located up a draw tributary to Flat Creek. On the day of examination, there was sufficient water in the spring for the proposed water use. Surface water is available for this project.

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.

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 unnamed spring, is available for appropriation. 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 of Use:
0.02 cubic foot per second; 1 acre-foot per year for continuous single domestic supply (including stockwater and irrigation of ½ acre of lawn/garden)

Point of Diversion
Lot 8 of Government Lot 3, within Section 6, T. 33 N., R. 46 E.W.M.

Place of Use:
Lot 8 of Government Lot 3, within Section 6, T. 33 N., R. 46 E.W.M.

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.

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Water Availability

The unnamed spring is located adjacent to Flat Creek. On the day of the examination, there was sufficient water in the spring for the proposed water use. Surface water is available for this project.

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.

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Point of Diversion
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Place of Use:
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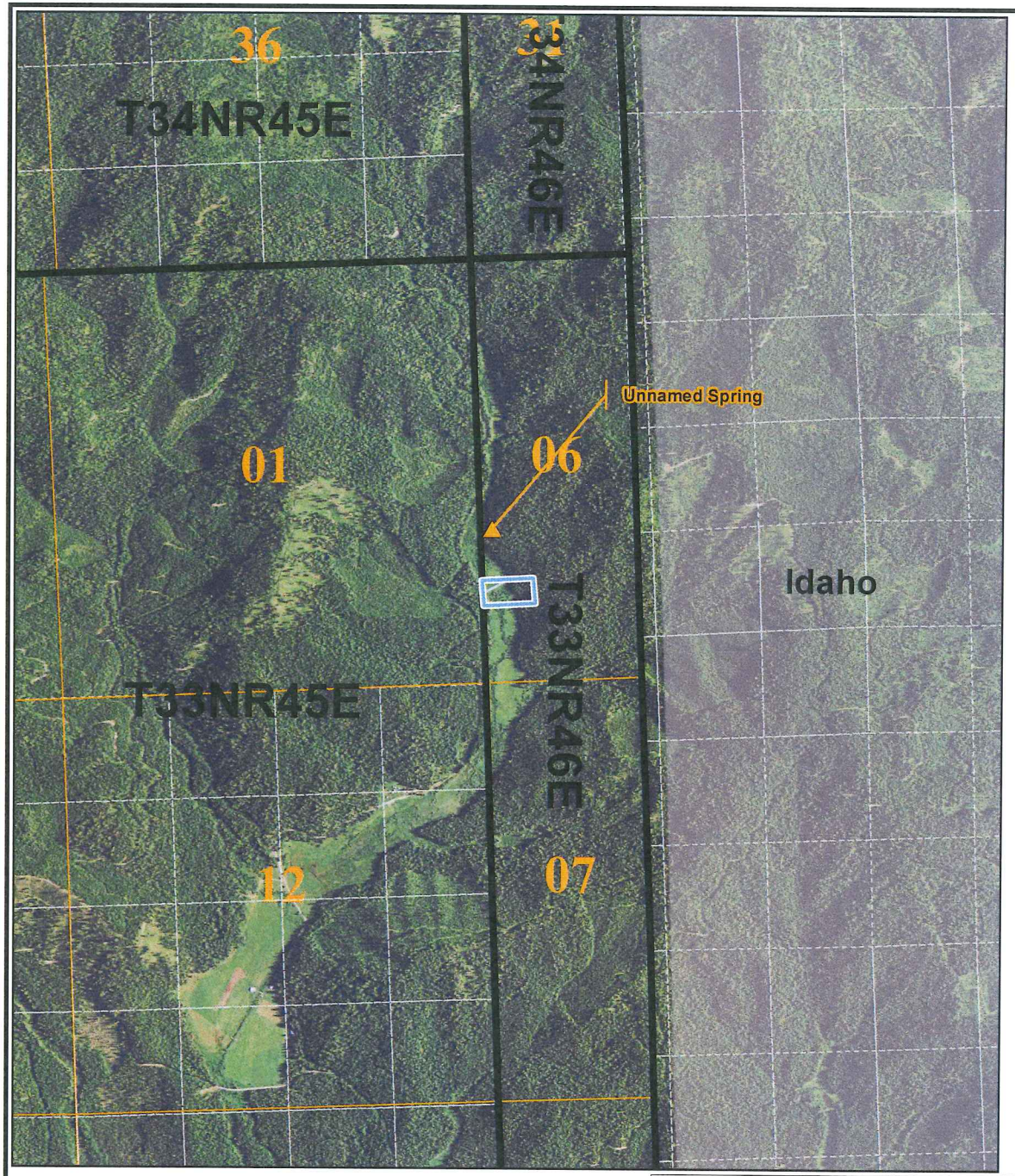
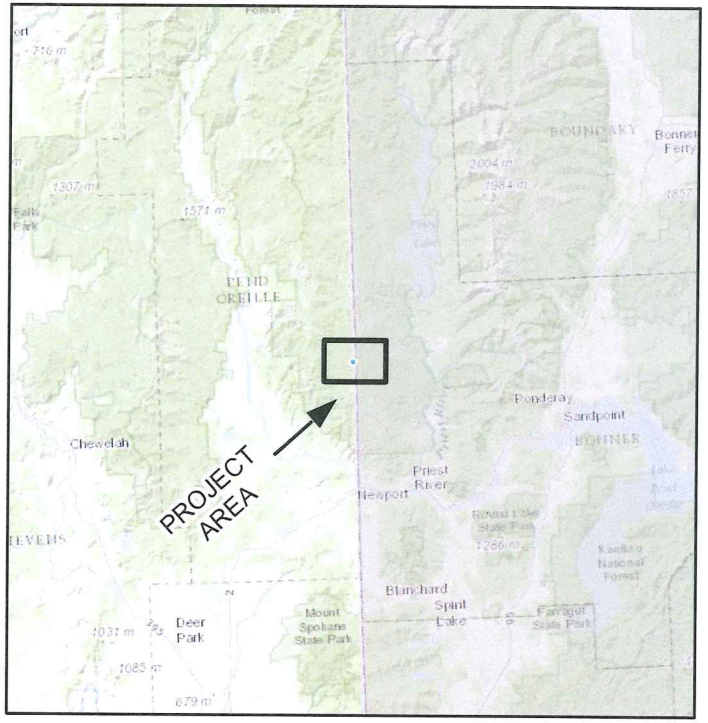
Dustin & Donna Stewart
S3-30719
T33N/R46E





Basemap - (ESRI US Topographic Maps)

Legend

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

0 660 1,320 2,640 3,960 5,280 6,600 Feet

Basemap - (NAIP 2013 1m color)

DEPARTMENT OF ECOLOGY State of Washington

Map Date: 10/30/2014

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