DEPARTMENT OF ECOLOGY
State of Washington

State of Washington
REPORT OF EXAMINATION
FOR WATER RIGHT APPLICATION

PRIORITY DATE	WATER RIGHT NUMBER
August 2, 2006	S3-30525

MAILING ADDRESS
William Allen Beem
459 S. Irving Place
Kennewick WA 99336

SITE ADDRESS (IF DIFFERENT)

Quantity Authorized for Diversion

DIVERSION RATE	UNITS	ANNUAL QUANTITY (AF/YR)
0.02	CFS	0.5

Purpose of Use

	DIVERSION RATE			ANNUAL QUANTITY (AF/YR)		
PURPOSE	ADDITIVE	NON-ADDITIVE	UNITS	ADDITIVE	NON-ADDITIVE	PERIOD OF USE (mm/dd)
Domestic supply	0.02	---	CFS	0.5		continuous

Source Location

COUNTY	WATERBODY	TRIBUTARY TO	WATER RESOURCE INVENTORY AREA
PEND OREILLE	Unnamed spring		62-PEND OREILLE

SOURCE FACILITY/DEVICE	PARCEL	TWP	RNG	SEC	QQ Q	LATITUDE	LONGITUDE
Unnamed Spring	433729330001	37N	43E	29	SW¼SW¼	48.671238	117.406088

Datum: WGS84

Place of Use (See Attached Map)

PARCELS (NOT LISTED FOR SERVICE AREAS)
433729330001

LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE
SW¼SW¼ of Section 29, Township 37 North, Range 43 E.W.M. Pend Oreille County, Washington

Proposed Works

Culvert collector, gravity feed to 1000 gallon storage tank, 1¼ inch line to house

Development Schedule

BEGIN PROJECT	COMPLETE PROJECT	PUT WATER TO FULL USE
Begun	November 1, 2014	November 1, 2015

Measurement of Water Use

How often must water use be measured?	Annually
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.

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. S3-30525, 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 8th day of January, 2013.

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.

BACKGROUND

This report serves as the written findings of fact concerning Water Right Application Number S3-30525.

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 and one protest was received. The protest will be discussed later in the report.

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

Site visits were conducted by Kevin Brown on September 27 and October 24, 2012. The applicant has an existing residence constructed on the property. The application requests domestic supply without irrigation.

The spring is developed. It consists of a 4 foot culvert dug out of the bottom of the draw. A small 1¼ inch pipe diverts water to a 1000 gallon holding tank. The line then splits to the existing residence. The excess is diverted to a small pond on the north end of the property. The application did not include wildlife enhancement or request a use for the pond. Should the applicant wish to continue to divert water into the pond for storage and wildlife enhancement, a new application will be required for these uses.

Beneficial Use

In House domestic supply is a beneficial use. The applicant indicated he uses the property primarily for recreational purposes. Ten gallons per minute, ½ acre-foot per year should be sufficient to satisfy in-house domestic use without irrigation.

Protests and Concerns

A protest was filed during the protest period. The property owners to the east were concerned the use of the spring may have an impact on their spring. They do not contest the applicant's use of the spring, but wanted to express their concern to protect their interest in the spring lower down the drainage.

The protestants have acquired property that is subject to Water Right Claim 137002. They submitted a copy of the claim along with supporting documentation and affidavits confirming water use for the residence and homestead records dating back to 1862.

The second field exam was conducted to confirm the spring location of the applicant, walk the drainage and confirm the location of the protestant's spring. The protestant's spring is located a few hundred feet east and slightly uphill from the drainage bottom. Their spring emerges and flows into a large cistern. The overflow fills a stocktank and then contributes to the flow of the main drainage. It does not appear the use of the applicant's spring will have an effect on the protestant's spring.

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.

The spring box is located near the southerly portion of the applicant's property. Water was covering the spring box and flowing eastward in a small draw. The draw was swampy and wet, and water was flowing at the surface at various locations. The draw converges with another spring source near the protestant's property line. The two spring overflows converge into a small pond, and flow eastward toward the protestant's fields. Once in the fields, the water flow sinks back into the ground and does not contribute directly to any streams.

Impairment Considerations

A review of department records was conducted for existing water rights, permits, applications and claims within the vicinity of the proposed diversion. The claim of the protestant is downstream and offset from the applicant's spring. It does not appear the use of the spring will impair the downstream user.

Public Interest Considerations

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 a 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 water is available for in-house domestic supply. 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
0.5 acre-foot per year
In-house single domestic supply

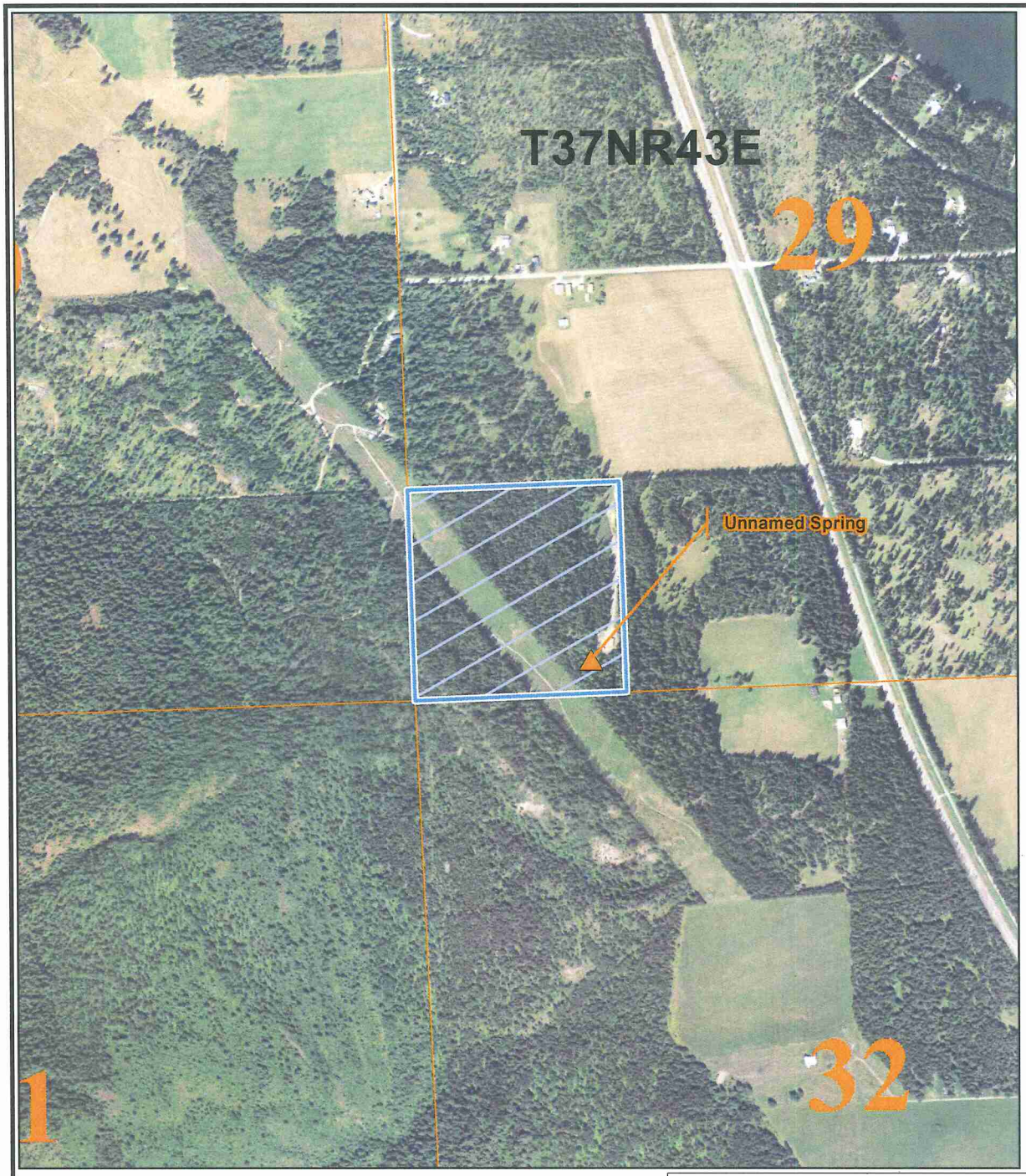
Point of Diversion: SW¼SW¼ of Section 29, Township 37 North, Range 43 E.W.M.

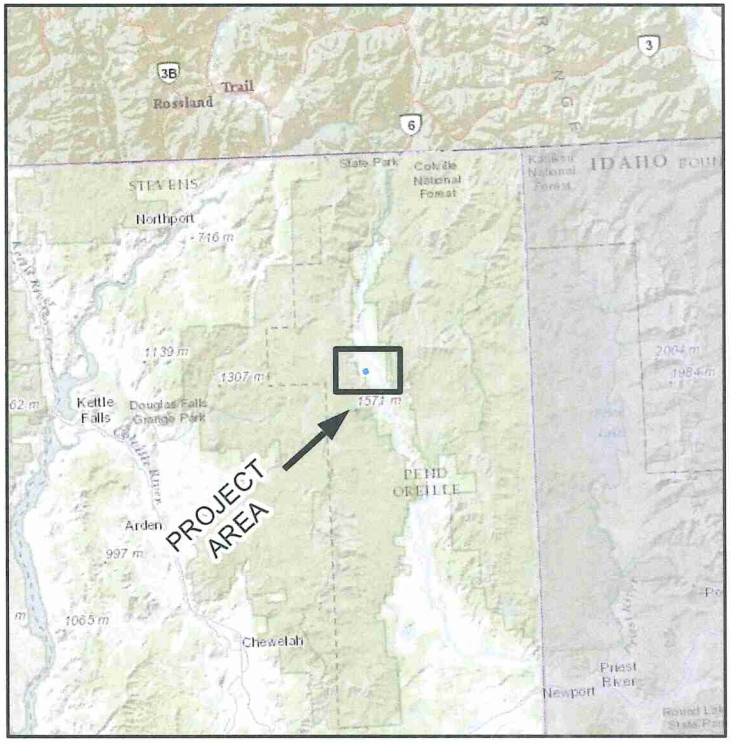
Kevin Brown — 1/3/13

Kevin Brown, 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.

William Allen Beem
S3-30525
T37N/R43E





Basemap - (ESRI US Topographic Maps)

Legend

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

Feet
0 330 660 1,320 1,980 2,640 3,300

Basemap - (NAIP 2011 1m color)

Map Date: 12/3/2012

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