STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300

August 28, 2012

Rick and Julie Wells
19233 SE 234th Place
Renton WA 98058

Re: Water Right Application No. S2-30397

Dear Mr. & Mrs. Wells:

Enclosed is a copy of the Department of Ecology's *Report of Examination.* This report contains our decision regarding your application.

Your application has been approved.

A Permit will be issued consistent with the enclosed *Report of Examination* after the appeal period has expired, if no appeals have been filed.

YOUR RIGHT TO APPEAL

You have a right to appeal this Order to the Pollution Control Hearing 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 this Order:

File your appeal and a copy of this decision 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.

ADDRESS AND LOCATION INFORMATION

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 RD SW STE 301 Tumwater, WA 98501	**Pollution Control Hearings Board** PO Box 40903 Olympia, WA 98504-0903

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.

If you have any questions, please call (360) 407-6300.

Sincerely,

Michael J. Gallagher
Section Manager
Water Resources Program

Enclosures: Report of Examination
Your Right To Be Heard

By Certified Mail: 7010 1670 0002 4158 1524

File NR S2-30397
WR Doc ID 4409165

DEPARTMENT OF
ECOLOGY
State of Washington

State of Washington

REPORT OF EXAMINATION FOR WATER RIGHT APPLICATION

PRIORITY DATE
5/18/2007

WATER RIGHT NUMBER
S2-30397

MAILING ADDRESS
RICK AND JULIE WELLS
19233 SE 234TH PLACE
RENTON WA 98058

SITE ADDRESS (IF DIFFERENT)
311466 HIGHWAY 101
BRINNON WA 98320

Quantity Authorized for Withdrawal or Diversion

WITHDRAWAL OR DIVERSION RATE	UNITS	ANNUAL QUANTITY (AF/YR)
0.02	CFS	0.34

Purpose

PURPOSE	WITHDRAWAL OR DIVERSION RATE ADDITIVE	WITHDRAWAL OR DIVERSION RATE NON-ADDITIVE	UNITS	ANNUAL QUANTITY (AF/YR) ADDITIVE	ANNUAL QUANTITY (AF/YR) NON-ADDITIVE	PERIOD OF USE (mm/dd)
Domestic single	0.02		CFS	0.34		01/01 - 12/31

Source Location

COUNTY	WATERBODY	TRIBUTARY TO	WATER RESOURCE INVENTORY AREA
JEFFERSON	UNNAMED SPRING	HOOD CANAL	16-SKOKOMISH-DOSEWALLIPS

SOURCE FACILITY/DEVICE	PARCEL	WELL TAG	TWP	RNG	SEC	QQ Q	LATITUDE	LONGITUDE
UNNAMED SPRING	502291013		25N	02W	29	NENE	47.6341	-122.9507

Datum: NAD83/WGS84

Place of Use (See Attached Map)

PARCELS (NOT LISTED FOR SERVICE AREAS)
502291013

LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE
Tax 28 with & subject to easement; within the South half of the Northeast quarter of the Northeast quarter of Section 29, T. 25 N., R. 2 W.W.M.

Proposed Works

An 8 cubic-foot collection box submerged in a spring; 150 feet of 3/4" line to a 550-gallon holding tank; 1.5 horsepower pump discharging to 400 feet of 1.25-inch line to upper pump house and pressure tank; 1-inch line to residence.

Development Schedule

BEGIN PROJECT	COMPLETE PROJECT	PUT WATER TO FULL USE
Started	Completed	September 1, 2015

Measurement of Water Use

How often must water use be measured?	Annually
How often must water use 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

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.

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.S2-30397, 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).

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Pollution Control Hearings Board 1111 Israel RD SW Ste 301 Tumwater, WA 98501	**Pollution Control Hearings Board** PO Box 40903 Olympia, WA 98504-0903

Signed at Olympia, Washington, this 28th day of August 2012.

Michael J. Gallagher

Michael J. Gallagher, 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 -- Wells
Water Right Control Number S2-30397
Marie Peter, Department of Ecology

BACKGROUND

This report serves as the written findings of fact concerning Water Right Application Number S2-30397.

On May 18, 2007, Chris Allegri filed Application S2-30397 for a permit to divert surface water from an unnamed spring, tributary to Hood Canal, for domestic supply of a cabin. The application was assigned to Rick and Julie Wells on December 5, 2011. The project site is located south of Black Point on the east side of the Olympic Peninsula, approximately five miles south of the town of Brinnon in Jefferson County.

Table 1 Summary of Requested Water Right

Applicant Name:	Rick and Julie Wells
Date of Application:	5/18/2007
Place of Use	Jefferson County Parcel No. 502291013

County	Waterbody	Tributary To	WRIA
Jefferson	Unnamed Spring	Hood Canal	16-Skokomish-Dosewallips

Purpose	Rate	Unit	Ac-ft/yr	Begin Season	End Season
Domestic single	*0.06	CFS	*1.5	01/01	12/31

Source Name	Parcel	Twp	Rng	Sec	QQ Q	Latitude	Longitude
Unnamed Spring	502291013	25N	02W	29	NE NE	47.6341	-122.9507

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.
*Recommended approval for 0.02 cfs and 0.34 Ac-ft/yr

Legal Requirements for Approval of Appropriation of Water

RCW 90.03 authorizes the appropriation of public water for beneficial use and describes the process for obtaining water rights. Laws governing the surface water right permitting process are contained in RCW 90.03.250 through 90.03.340. In accordance with RCW 90.03.290, determinations must be made on the following four criteria in order for an application for water rights to be approved:

- Water must be available;
- The use must be beneficial;
- The appropriation must not impair existing rights;
- It must not be detrimental to the public interest.

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 Port Townsend & Jefferson County Leader on May 30 and June 6, 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

My investigation of this application included review of the following:

- Chapter 90.03 RCW and other applicable laws and regulations;
- Department of Ecology's Water Right Tracking System and Well Log database;
- Telephone communication with Julie Wells on May 9, 2012;
- Photographs of the diversion site and water system;
- Jefferson County Geographic Information System parcel coverage and 2011 aerial photograph layer;
- The Skokomish-Dosewallips Watershed Plan (WRIA 16 Plan) adopted on May 11, 2006.

Location and Description of Project Site

The diversion site and place of use are located on a hillside overlooking Hood Canal at an elevation of approximately 350 feet. The property is accessed from Highway 101 via Four Wheel Drive Road.

The surrounding area is predominantly forested with small clearings. It is moderately developed with vacation cabins and single-family residences. Areas to the south along McDaniel Cove, and to the east along the Hood Canal shoreline, are more densely developed. The Olympic National Forest lies to the west.

Description of Water System and Proposed Use

There is a small unfinished cabin and functioning water system at the project site. Rick and Julie Wells plan to finish constructing the cabin. Water is needed for household use only; no irrigation is intended.

The proposed source is a spring which appears on the surface as wet ground on the south side of a ravine that traverses the property. Spring flow is captured in a covered underground collection box and is gravity-fed to a 550-gallon cistern adjacent to a pump house. A 1.5-horsepower pump conveys the water through 400 feet of piping to an upper pump house and pressure tank. The water then passes through a filtration system and is delivered 20 feet to the cabin, on demand.

Overflow from the collection box is directed through a pipe which runs along the natural course of the spring. The spring and overflow disappear entirely underground within 100 feet of the collection site, within the property boundaries.

Area topography indicates that the property drains through the ravine first to the northeast, then due east, via an unnamed intermittent stream that discharges to Hood Canal less than one half mile from the project site. The applicants have observed surface water flow through the ravine that crosses their property only following rainfall events. The ravine is otherwise dry from mid-spring through fall.

Water Demand
The original application requested 0.06 cfs and 1.5 acre-feet per year, under this application. However, 0.02 cfs and 0.34 acre-feet per year, or an average of 300 gallons per day, is sufficient to meet household needs for a single residence.

Other Rights Appurtenant to the Place of Use

There are no water rights or claims appurtenant to the place of use under this application.

Beneficial Use

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

Water Availability

The subject spring fills the collection box year-round. Water is physically available in sufficient quantity for domestic supply, as requested.

The Department of Ecology's Water Right Tracking System and Well Log Database indicates that:

- There are no downstream surface water rights recorded for the source requested under this application.
- The place of use of Surface Water Right Certificate S2-25455 (priority date 09-05-1979), issued to Ervin and Blanche Wasser, is located approximately 500 feet down-gradient of the applicants' East property line. The point of diversion is a spring located approximately 650 feet south of the Wells spring.

- Surface Water Right Certficate 5141 (priority date 08-13-1952) was issued to Ervin Kelly for a spring located on Block 8 of the Belleview subdivision, south of the Wasser point of diversion.
- There is one senior ground water application pending, Application G2-30321 filed by J. Frank Schmidt and Sons. It requests groundwater from wells approximately 500 feet northeast of the Wells property.
- McDonald Cove Water District holds Ground Water Right Certificate G2-28199 for a well located near the mouth of the unnamed stream that the Wells spring source likely discharges to.
- Several groundwater claims are on file within Sections 28 and 29, T. 25 N., R. 2 W.W.M.
- Several exempt wells are recorded within the NE ¼ NE ¼ of Section 29, including a shallow 36" x 12' well, approximately 500 feet south of the applicants' spring.

Impairment Considerations

The Wasser spring emerges in parallel along a similar hillside contour as the Wells spring, at about the same elevation. This spring drains to Hood Canal via a more southerly independent drainage. The proposed appropriation from the Wells spring will not affect the flow of the Wasser spring.

Ground Water Right Application G2-30321 for Schmidt and Sons was filed for domestic supply of a proposed 48-connection water system. A Preliminary Permit was issued in October, 2010, requiring Schmidt and Sons to provide additional information. The Department of Ecology has not yet received the information needed for a decision.

The two existing Schmidt and Sons wells are located in very close proximity to the unnamed stream that the Wells spring likely flows to. The wells are completed 457 and 557 feet deep in basalt bedrock, with only 10 to 15 feet of glacial till overlying the bedrock. Due to the thickness of intervening bedrock between the production zone of the wells and the shallow till layer that the spring source is mostly confined to, approval of this application will not reduce the groundwater supply or affect the outcome of Application G2-30321.

McDonald Cove Water District holds Ground Water Right G2-18199 for domestic supply of an active Group B Water System located across Highway 101 along the Hood Canal shoreline. The 91-foot well for this system intercepts groundwater just prior to its discharge to saltwater. Approval of this application will not impair the McDonald Cove right.

Public Interest Considerations

Availability of an alternative source
There is no well or other alternative water source available on the Wells property. There is also no public water system in this area that is able to serve the Wells residence.

Consistency with local watershed planning
The WRIA 16 Watershed Plan was adopted on May 11, 2006. The spring under this application is located within the Duckabush Sub-basin. Approval of this application does not conflict with WRIA-wide or sub-basin specific recommendations of the watershed plan.

Potential impacts to in-stream flows and water quality
This application requests water from a spring which percolates entirely below ground surface prior to reaching the lower property boundary. The effect of the proposed diversion is analogous to that of a shallow groundwater withdrawal.

Although the Wells spring does not contribute flow to any perennial streams, the spring may contribute flow to the intermittent stream that drains to Hood Canal. However, the proposed small diversion for in-house domestic use will not adversely impact stream flows or degrade water quality and will not be detrimental to the public welfare.

Consideration of Protests and Comments
No protests were filed against this application.

Conclusions

I find that:

- Water is available from the spring source.
- Domestic supply is a beneficial use.
- The proposed appropriation will not impair existing rights.
- Approval of this application will not 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

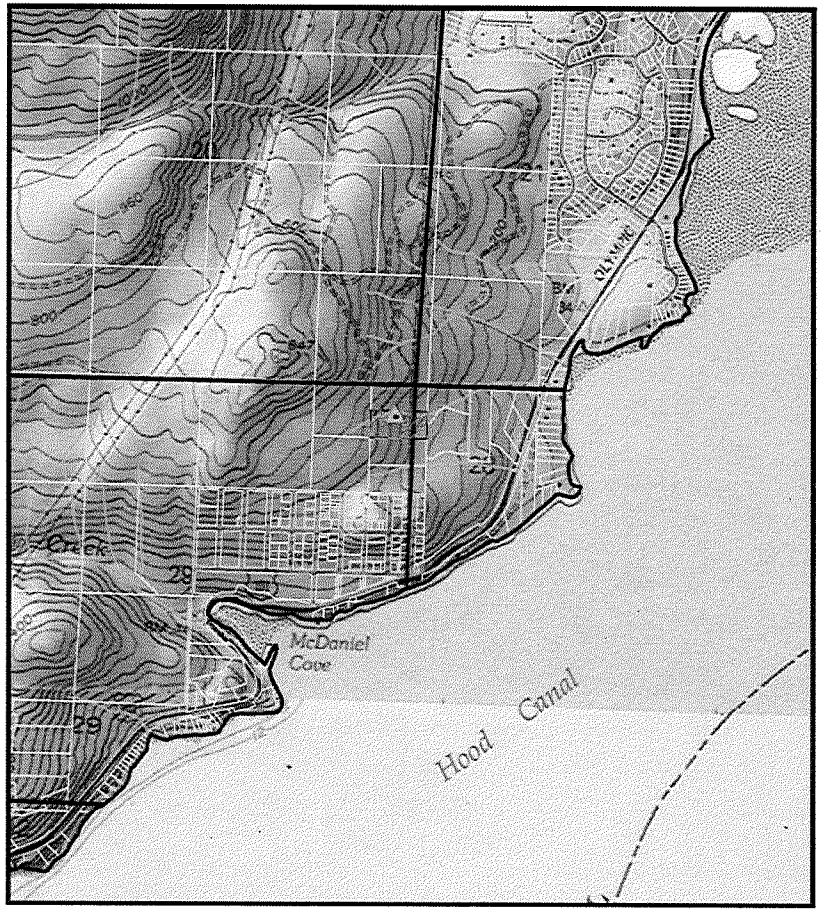
The amount of water recommended is a maximum limit and the water user may only use that amount of water within the specified limit that is reasonable and beneficial:

- .02 cfs
- 0.34 acre-feet per year
- Purpose: Single domestic in-house use
- Point of Diversion: NE¼, NE¼, Section 29 Township 25 North, Range 2 W.W.M.
- Place of Use: Tax 28 with and subject to easement; Jefferson County Parcel No. 502291013

Marie C Peters

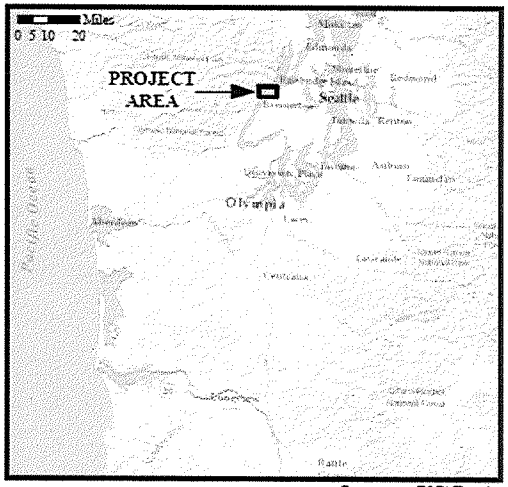
Report Writer *Date*

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.



Basemap - ESRI Topographic Map

Water Right Application Number S2-30397.
Sec. 29. T. 25N/R. 02W W.M.
WRIA 16 - Jefferson County



Basemap - ESRI Terrain

Legend

- POINT OF DIVERSION (POD)
- PLACE OF USE (POU)
- JEFFERSON CO. PARCEL
- WATER COURSE

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 7/3/2012

DEPARTMENT OF ECOLOGY State of Washington

0 750 1,500 3,000 Feet

REPORT OF EXAMINATION