



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

PRIORITY DATE	WATER RIGHT NUMBER
December 5, 1974	S3-23946 (A)

NAME & ADDRESS
 Paul D. Wimpy
 3511 W. Canal Drive
 Kennewick, WA 99336

Total Quantity Authorized for Diversion

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

Purpose

PURPOSE	DIVERSION RATE			UNITS	ANNUAL QUANTITY (AF/YR)		PERIOD OF USE (mm/dd)
	ADDITIVE	NON-ADDITIVE			ADDITIVE	NON-ADDITIVE	
Single domestic supply (includes ½ acre lawn/garden); fire protection as needed	0.01	---		CFS	1	---	1/1-12/31

Source Location

COUNTY	WATERBODY	TRIBUTARY TO	WATER RESOURCE INVENTORY AREA
PEND OREILLE	DIAMOND LAKE	W. BRANCH LITTLE SPOKANE RIVER	55 - LITTLE RIVER BASIN

SOURCE	PARCEL	TWP	RNG	SEC	QQ	LATITUDE	LONGITUDE
DIAMOND LAKE	443001549086	30 N.	44 E.	1	GOV LOT 8	48.12718°N	117.19035°W Datum: WGS84

Place of Use (See Attached Map)

LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE
 Lot 21A, Block 55 of Diamond Lake Cottage Sites within Gov't Lot 8, Sec. 1, T. 30 N., R. 44 E.W.M., Pend Oreille County, WA (Parcel No. 443001549086)

Proposed Works

Surface water pump, pressurized system

Development Schedule

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

Measurement of Water Use

How often must water use be measured?	Monthly
How often must water use data be reported?	Upon Request by Ecology
What volume should be reported?	Total Annual Volume
What rate should be reported?	Annual Peak Rate of Diversion (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) 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/>

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.

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.

Schedule and Inspections

Department of Ecology personnel, upon presentation of proper credentials, will 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.

Real Estate Excise Tax

This decision may indicate a Real Estate Excise Tax liability for the seller of water rights. The Department of Revenue has requested notification of potentially taxable water right related actions, and therefore will be given notice of this decision, including document copies. Please contact the state Department of Revenue to obtain specific requirements for your project. Phone: (360) 570-3265. The mailing address is: Department of Revenue, Real Estate Excise Tax, PO Box 47477, Olympia WA 98504-7477 Internet: <http://dor.wa.gov/>. E-mail: REETSP@DOR.WA.GOV.

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 there will be no impairment of existing rights.

Therefore, I ORDER approval of the change to Surface Water Certificate No. S3-23496C, 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 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 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 May, 2015.



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

WASHINGTON STATE - DEPARTMENT OF ECOLOGY
 Water Resources Program - Eastern Regional Office
 Water Right Control Number CS3-23496C
 Surface Water Certificate No. S3-23496C

BACKGROUND

An application for change/transfer was submitted by Thomas Wimpy of Spokane, Washington to the Department of Ecology on September 29, 2014. Mr. Wimpy proposes to add one point of diversion and change the place of use as granted under Surface Water Certificate No. S3-23496C.

Attributes of the Existing Water Right and Proposed Change

Attributes	Existing Water Right	Proposed Changes
Number	S3-23496C	S3-23496C (A) & S3-23496C (B)
Name	Harold B. Wimpy	(A) Paul Wimpy (B) Thomas Wimpy
Priority Date	September 8, 1967	---
Instantaneous Quantity	0.02 cubic foot per second	(A) 0.01 cubic foot per second (B) 0.01 cubic foot per second
Annual Quantity	2 acre-feet per year	(A) 1 acre-foot per year (B) 1 acre-foot per year
Purpose of Use	Domestic supply of 2 units (fire protection as needed)	(A) Domestic supply of 1 unit (B) Domestic supply of 1 unit (A, B) Fire protection as needed
Period of Use	January 1 – December 31	---
Point(s) of Diversion	Lot 21, Block 55 of Diamond Lake Cottage Sites within Gov't Lot 8, Sec. 1, T. 30 N., R. 44 E.W.M.	(A) Lot 21A, Block 55 of Diamond Lake Cottage Sites (B) Lot 23A, Block 55 of Diamond Lake Cottage Sites
Place of Use	Lot 23A, Block 55 of Diamond Lake Cottage Sites within Gov't Lot 8, Sec. 1, T. 30 N., R. 44 E.W.M., Pend Oreille County, WA	(A) Lot 21A, Block 55 of Diamond Lake Cottage Sites (B) Lot 23A, Block 55 of Diamond Lake Cottage Sites

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 Spokesman Review during the weeks of November 5 and 12, 2014.

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.

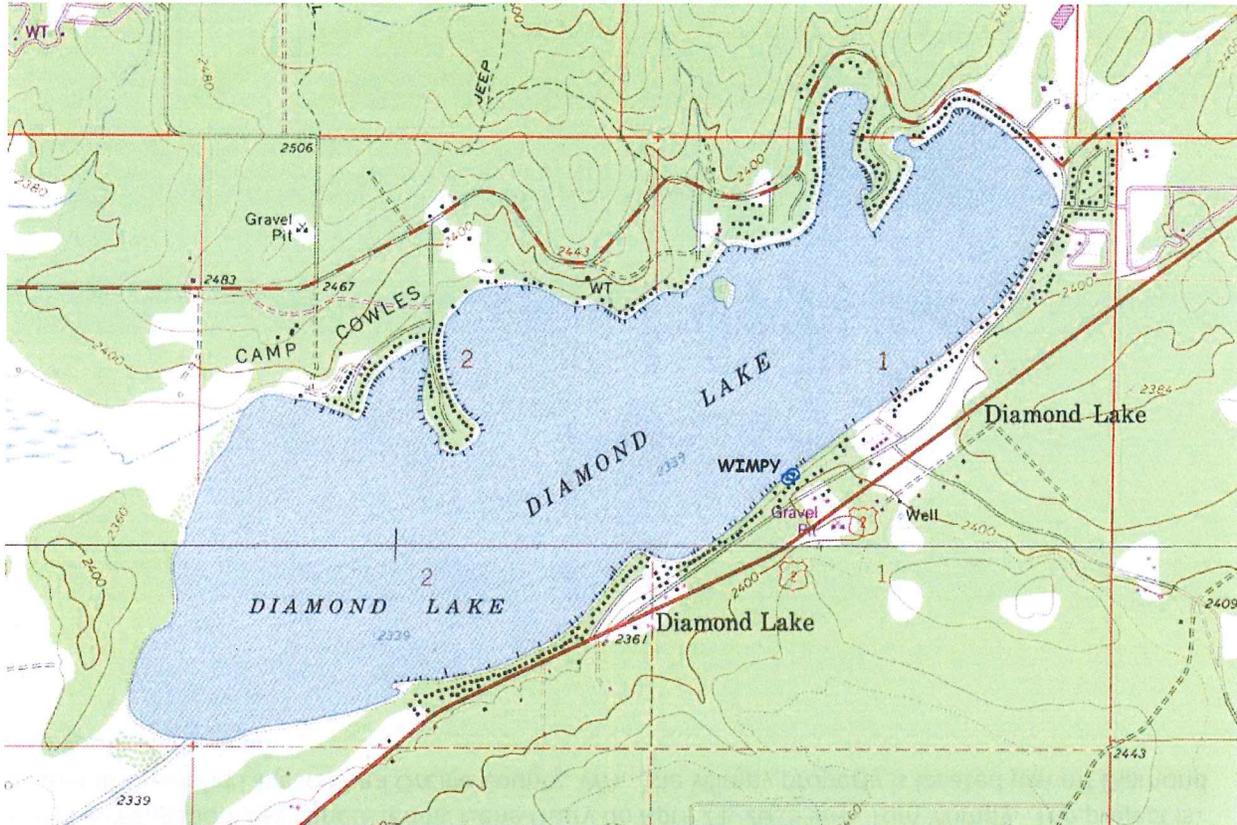
- (a) It is a surface water right application for more than 1 cubic foot per second, unless that project is for agricultural irrigation, in which case the threshold is increased to 50 cubic feet per second, so long as that irrigation project will not receive public subsidies;
- (b) It is a groundwater 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 field investigation was conducted by Gene Drury on April 21, 2015 with Tom Wimpy. The project is located at Diamond Lake in Pend Oreille County, WA. The Wimpy property is located just off Diamond Lake South Shore Road.

PROJECT LOCATION

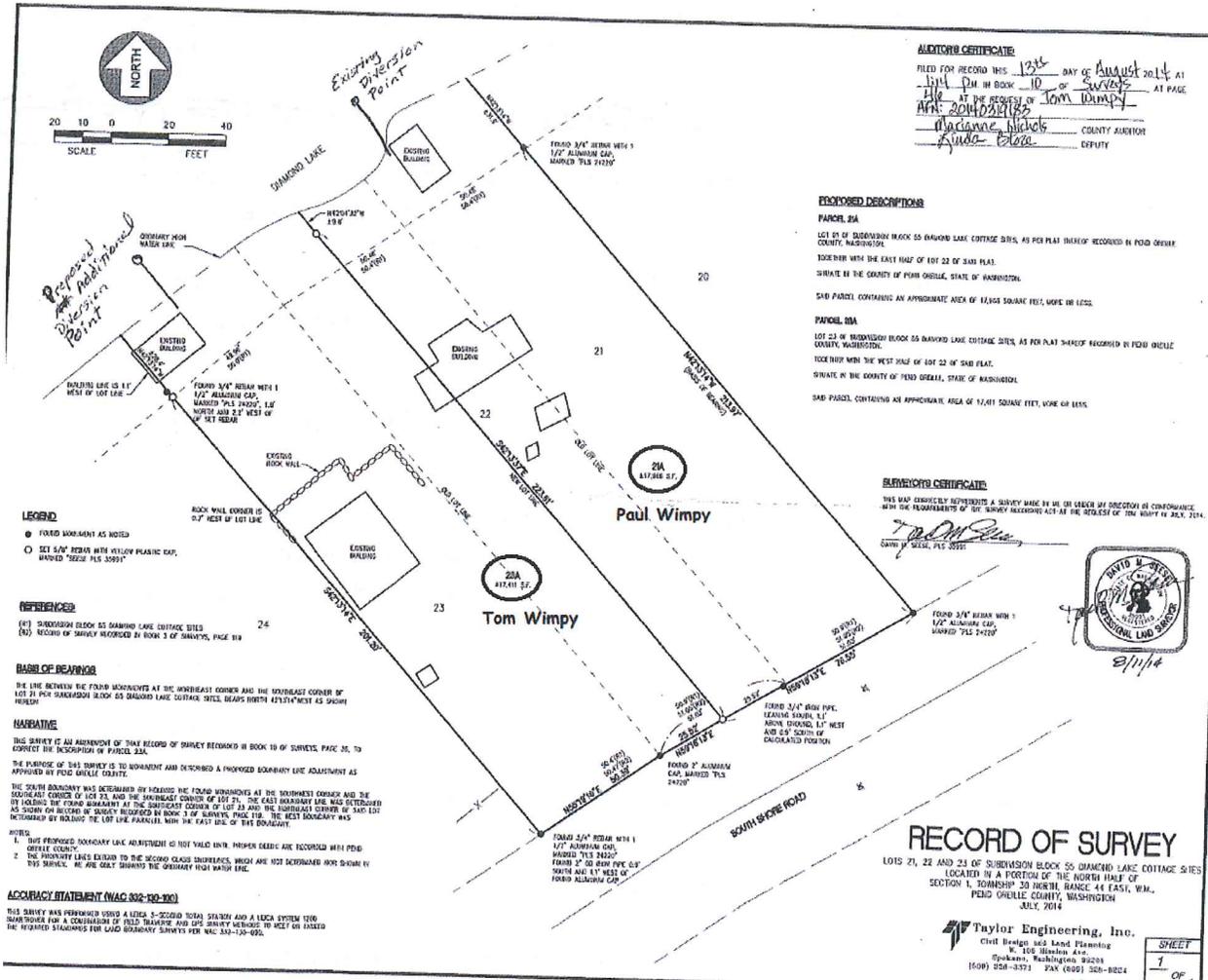


Section 1, Township 30 North, Range 44 E.W.M. USGS 7.5 Minute (Topographic Map) - "Diamond Lake"

Surface Water Certificate No. S3-23496C was issued to the applicant's father, Harold B. Wimpy on November 5, 1976. This certificate authorized diversion from Diamond Lake for group domestic supply for two units located on Lots 21 through 23, Block 55, Plat of Diamond Lake Cottage Sites within Gov't Lot 8, Sec. 1, T. 30 N., R. 44 E.W.M., Pend Oreille County, WA. Two homes were constructed and 0.02 cubic foot per second was diverted and used from the lake for domestic supply and fire protection. The old water system was viewed along with the original 3/4 horsepower pump which was used for the two homes. The original point of diversion was located on Lot 21, Block 55, Plat of Diamond Lake Cottage Sites.

The old property (Lots 21-23) was recently re-drawn into Lot 21A and Lot 23A. Tom Wimpy owns Lot 23A with one of the original homes. The application proposes to split the water right between Tom and his brother Paul who now owns Lot 21A. The other original home on Lot 21A was removed last fall. A new home is being constructed on this property by Paul Wimpy.

The map below shows Lot 21A and 23A with the proposed points of diversion.



Other Rights Appurtenant to the Place of Use

There are no other water rights associated with this project.

Impairment Considerations

“Impair” or “impairment” means to: 1) adversely impact the physical availability of water for a beneficial use that is entitled to protection, and/or 2) to prevent the beneficial use of the water to which one is entitled, and/or 3) to adversely affect the flow of a surface water course at a time when the flows are at or below instream flow levels established by rule (POL-1200), and/or 4) degrade the quality of the source to the point that water is unsuitable for use by existing water right holders (WAC 173-150). Demonstration of impairment would require evidence of a substantial and lasting or frequent impact reflecting such conditions.

The proposed point of diversion is located adjacent to the original point of diversion which was authorized in the 1970’s. No additional water use is authorized to be diverted above what has been

historically used, and it is not anticipated that the proposed change/transfer would cause impairment to existing water rights.

Consideration of Protests and Comments

No protests were filed against this application.

Conclusions

There is a water right available for change under Surface Water Certificate No. S3-23496C.

It is the conclusion of this examiner that, in accordance with Chapters 90.03, this proposed change will not enlarge the quantity of water historically used nor will it impair existing rights provided the recommendations are followed.

RECOMMENDATIONS

Based on the above investigation and conclusions, I recommend that the request for change be authorized in the amounts and within the limitations listed below and subject to the provisions beginning on Page 2.

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.

Surface Water Certificate No. S3-23496C will be split between Thomas H. and Paul D. Wimpy as follows:

S3-23496C (A) Paul D. Wimpy

- 0.01 cubic foot per second
- 1 acre-foot per year
- Single domestic supply (includes ½ acre lawn/garden); fire protection as needed
- Point of Diversion and Place of Use:
Lot 21A, Block 55 of Diamond Lake Cottage Sites within Gov't Lot 8, Sec. 1, T. 30 N., R. 44 E.W.M., Pend Oreille County, WA. (Parcel No. 443001549086)

S3-23496C (B) Thomas H. Wimpy

- 0.01 cubic foot per second
- 1 acre-foot per year
- Single domestic supply (includes ½ acre lawn/garden); fire protection as needed
- Point of Diversion and Place of Use:
Lot 23A, Block 55 of Diamond Lake Cottage Sites within Gov't Lot 8, Sec. 1, T. 30 N., R. 44 E.W.M., Pend Oreille County, WA. (Parcel No. 443001549087)



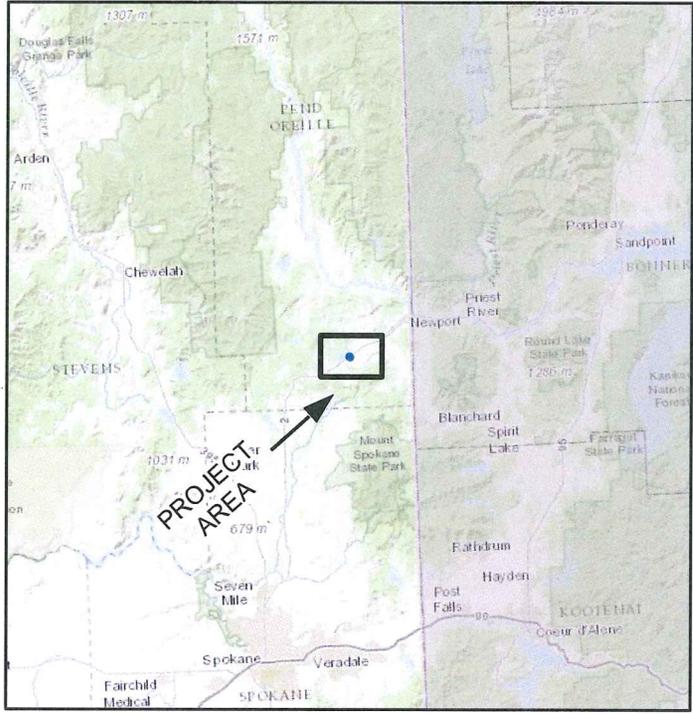
Gene Drury, Report Writer

3-13-15

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.

Paul D. Wimpy
 S3-23946C(A)
 T30N/R44E



Basemap - (ESRI US Topographic Maps)

Legend

 Authorized Place of Use	 Townships
	 Sections

▲ Authorized Point of Diversion
 (Source locations may vary in their accuracy and precision as stated within the body of the report.)

0 165 330 660 Feet
 Basemap - (NAIP 2013 1m color)

DEPARTMENT OF ECOLOGY
 State of Washington

Map Date: 5/6/2015



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.

ATTACHMENT 1