

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
AMENDED
DRAFT REPORT OF EXAMINATION
 TO APPROPRIATE PUBLIC WATERS OF THE STATE OF WASHINGTON

<input checked="" type="checkbox"/>	Surface Water <small>(Issued in accordance with the provisions of Chapter 117, Laws of Washington for 1917, and amendments thereto, and the rules and regulations of the Department of Ecology.)</small>
	Ground Water <small>(Issued in accordance with the provisions of Chapter 263, Laws of Washington for 1945, and amendments thereto, and the rules and regulations of the Department of Ecology.)</small>

PRIORITY DATE May 6, 2004	APPLICATION NUMBER S1-28211	PERMIT NUMBER	CERTIFICATE NUMBER
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NAME Bruce Gustafson			
ADDRESS (STREET) 729 North Lake Samish Drive	(CITY) Bellingham	(STATE) WA	(ZIP CODE) 98229

PUBLIC WATERS TO BE APPROPRIATED

SOURCE Lake Samish		
TRIBUTARY OF (IF SURFACE WATERS) Friday Creek		
MAXIMUM CUBIC FEET PER SECOND 0.01	MAXIMUM GALLONS PER MINUTE	MAXIMUM ACRE FEET PER YEAR .40

TYPE OF USE, PERIOD OF USE

Single domestic supply – continuously

LOCATION OF DIVERSION

APPROXIMATE LOCATION OF DIVERSION Approximately 715 feet south and 2020 feet west of the NE corner of Section 27. Latitude 48.6722 Longitude -122.4088		
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LOCATED WITHIN (SMALLEST LEGAL SUBDIVISION) NW 1/4 NE 1/4	SECTION 27	TOWNSHIP N. 37	RANGE, (E. OR W.) W.M. 3 E	W.R.I.A. 3	COUNTY Whatcom
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LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED

Lot 2, NW 1/4 NE 1/4 Section 27, Township 37, Range 3E, W.M., Whatcom County, Washington. (See map on Attachment 1)

Parcel number 370327361516

DESCRIPTION OF PROPOSED WORKS

Using 1½ hp submersible pump to pump water to treatment equipment located in the garage of residence.

DEVELOPMENT SCHEDULE

BEGIN PROJECT BY THIS DATE: 12/31/2014	COMPLETE PROJECT BY THIS DATE: 12/31/2015	WATER PUT TO FULL USE BY THIS DATE: 12/31/2017
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REPORT

BACKGROUND

The subject application is for the diversion of 0.01 cubic feet per second (cfs) of water from Lake Samish for single domestic supply. The application was received on May 6, 2004 from Fred Leamer. The application was assigned to Bruce Gustafson on November 12, 2004.

A well was drilled on this property to a depth of 138 feet. An air test showed the well was producing 6 gallons per minute. As it turns out, the well has not been a reliable source to meet their water needs. The applicant has requested this application be given priority processing through our programs policy on water budget neutral projects. This policy allows an application to receive priority processing if approval would enhance the quality of the natural environment. The Gustafson's hold permit No. S1-27993P in the amount of 0.01 cfs and 0.5 afy. The place of use for this permit is lot 31 of the south shore recreation tract in Township 37, Range 3E, Section 36. The Gustafson's have agreed to the cancellation of permit No. S1-27993P in exchange for the processing of application No. S1-28211. Application No. S1-28211 is being approved for a lesser quantity of water than was approved for permit no. S1-27993P, with the remaining portion going back into the Samish system. The well will then be decommissioned.

Legal notice was published in the Bellingham Herald on June 14 and 21, 2012. No protests were received.

INVESTIGATION

The application investigation consisted of a review of office records, a review of pertinent water resource laws and a visit to the site on July 5, 2012. Water is to be used in a single family residence located at 729 N Lake Samish Drive. The point of diversion is located approximately 715 feet south and 2020 feet west of the NE corner of Section 27, Township 37N, Range 3E, W.M.

FINDINGS

In accordance with state law, the following considerations must be addressed prior to the issuance of a water right:

- Water Availability
- Impairment to Existing Rights
- Beneficial Use of Water
- Detriment to the Public Interest

Water Availability

It is concluded that water is available as long as the flows in Friday Creek are maintained at 2.0 cfs as measured downstream from the Nulle Road Bridge.

Lake Samish has a surface area of 826 acres, a 33,100 acre-feet volume, and a watershed area of 12.9 square miles (Bortleson et el 1979). Local geology limits the availability of groundwater except in isolated areas; therefore the lake is currently the only water source available.

Impairment to Existing Rights

No impairment to existing rights could be found during the course of this investigation.

Beneficial Use of Water

In accordance with RCW 90.54.020(1), domestic water supply is declared to be a beneficial use.

Detriment to the Public Interest

No detriment to the public interest could be identified during the investigation of this application.

RECOMMENDATIONS

I recommend this application be approved and a permit be issued for 0.01 cfs and .25 acre-feet per year for single domestic supply, subject to the following conditions and provisions:

Provisions

The permit shall be issued subject to Washington Department of Fish and Wildlife screening criteria as outlined in a Hydraulic Project Approval. Please contact the Department of Fish and Wildlife, 600 Capitol Way North, Olympia, WA 98501-1091, attention Habitat Management Division, Phone (360) 902-2534 to obtain specific requirements for your project.

This right shall be subject to a flow augmentation program for Friday Creek. Friday Creek’s flow must be supplemented with Lake Samish water to ensure a flow of 2.0 cfs as measured downstream from the Nulle Road Bridge. Flow augmentation must start when the flow measured downstream from the Nulle Road Bridge drops below 2.0 cfs, as determined by the Department of Ecology.

Issuance of a water right by this department for appropriation of the waters in question does not convey a right of access to, or other right to use land which the water right holder may not legally possess. Obtaining such a right is a private matter between the water right holder and the owner of the land where the water withdrawal is located.

An approved measuring device shall be installed and maintained for each diversion identified by this water right in accordance with the rule “Requirements for Measuring and Reporting Water Use”, chapter 173-173 WAC.

Water use data shall be recorded monthly. Data shall be maintained by the property owner and promptly submitted to Ecology upon request. Recording and retention of data by the water right holder are required to inform the water users about how much water is used, when the water is used and to assist users in efficient water management.

Chapter 173-173 WAC describes the requirements for data accuracy, device installation and operation, and information reporting. It also allows a water user to petition Ecology for modifications to some of the requirements. Installation, operation and maintenance requirements are enclosed as a document entitled “Water Measurement Device Installation and Operation Requirements”.

Department of Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the records of water use that are kept to meet the above conditions, and to inspect at reasonable times any measuring device used to meet the above conditions.

The well, of which the use is to be discontinued, must be properly decommissioned in accordance with chapter 18.104 RCW and the rules of the department.

The applicant is advised that the certificate will be issued for only that quantity of water that has been withdrawn and applied to actual beneficial use. Such quantity applied to actual beneficial use shall not exceed the quantity specified in this report of examination, and will be calculated on the basis of the best information available to Ecology, including metering data and/or water duty analysis.

CONCLUSION

In accordance with chapters 90.03 RCW and 173-505 WAC, I find there is water available from the source in question, there will be no impairment of existing rights, the purpose of use is beneficial, and there will be no detriment to public interest.

REPORT BY _____

DATE _____

Dorothy Glenn
Water Resources Program



Bruce Gustafson
 Water Right Number S1-28211
 Sec.27, T 37N, R 03E W.M.
 WRIA 3 - Whatcom County



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T37NR03E

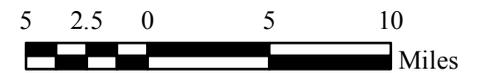
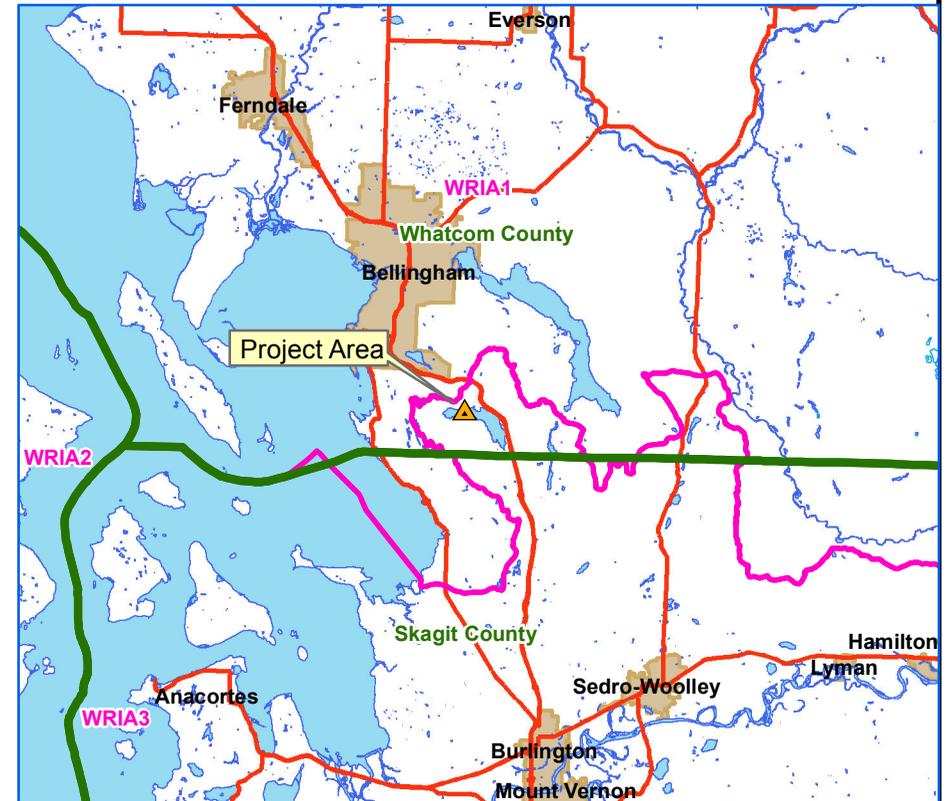
WRIA3

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Authorized Place of Use

Authorized Points of Diversion

LAKE SAMISH



Legend

- County
- WRIA
- Highways
- Townships
- cities
- Sections
- Authorized Point of Diversion
- Authorized Place of Use

Place of use and point(s) of diversion/withdrawal are as defined on the cover sheet under the headings, 'LOCATION OF DIVERSION/WITHDRAWAL' and 'LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED.'

Attachment 1