File NR G3-30676
WR Doc ID 5441225

DEPARTMENT OF ECOLOGY
State of Washington

State of Washington
DRAFT
REPORT OF EXAMINATION
FOR WATER RIGHT APPLICATION

PRIORITY DATE
SEPTEMBER 17, 2012

WATER RIGHT NUMBER
G3-30676

MAILING ADDRESS
JEFF MASSNICK
P.O. BOX 71
METALINE FALLS, WA 99153

SITE ADDRESS (IF DIFFERENT)
932 GREGORY ROAD
METALINE FALLS, WA 99153

Quantity Authorized for Withdrawal

WITHDRAWAL RATE	UNITS	ANNUAL QUANTITY (AF/YR)
73	Gallons per minute	41.22

Purpose

PURPOSE	WITHDRAWAL RATE ADDITIVE	WITHDRAWAL RATE NON-ADDITIVE	UNITS	ANNUAL QUANTITY (AF/YR) ADDITIVE	ANNUAL QUANTITY (AF/YR) NON-ADDITIVE	PERIOD OF USE (mm/dd)
Domestic supply for 2 homes				1		01/01 - 12/31
Fish Propagation/pond filling				23		01/01 - 12/31
Irrigation of 6 acres				17.22		05/1 -10/1
TOTAL	**73**		**GPM**	**41.22**		

IRRIGATED ACRES ADDITIVE	IRRIGATED ACRES NON-ADDITIVE	PUBLIC WATER SYSTEM INFORMATION WATER SYSTEM ID	PUBLIC WATER SYSTEM INFORMATION CONNECTIONS
6		--	2

Source Limitations

SOURCE	WITHDRAWAL RATE	ANNUAL QUANTITY (AF/YR)
4 wells	73 gallons per minute	41.22

Source Location

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

Source	Parcel	Well Tag	Twp	Rng	Sec	QQ Q	Latitude	Longitude
Well 1	43393343001	APB777	39N	43E	33	SW¼ SE¼	48.82861°N	117.37722°W
Well 2	43393343001	ABP778	39N	43E	33	SW¼ SE¼	48.83000°N	117.37556°W
Well 3	433804079001	APB775	38N	43E	04	NW¼ NE¼	48.83056°N	117.37500°W
Well 4	433804079001	APF766	38N	43E	04	NW¼ NE¼	48.83056°N	117.37417°W

Datum: WGS84

Place of Use (See Attached Map)

LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE

Tract No. 1

The H.E. Survey 269 embracing a portion of approximately Section 4, Township 38 North, Range 43, E.W.M., Pend Oreille County, Washington, more particularly bounded and described as follows: Beginning at Corner No. 1, identical with the South Quarter corner of Section 33, Township 39 North, Range 43, E.W.M., thence North 89°57' East, 10.01 chains to Corner No. 2; thence South 3 minutes West, 10.97 chains to Corner No. 3; thence South 89°57' West 10.01 chains to Corner No. 4; thence North 1 minute East, 10.97 chains to Corner No. 1 and place of beginning.

Tract No. 2

That part of Government Lot 14 in Section 4, Township 38 North, Range 43 E.W.M., Pend Oreille County, Washington described as follows: Beginning at the North Quarter Corner of said Section 4; thence southerly along the east line of said Government Lot 14 to the Southeast corner of said Government Lot 14, a distance of 1394 feet, more or less; thence North 75°25' West, a distance of 346.2 feet; thence North 0°03' West, a distance of 1, 248 feet, more or less, to a point on the southeasterly line of Bull Moose Claim as shown on Supplemental Plat of said Section 4 by the U.S. Supervisor of Surveys, and dated March 5, 1928; thence North 29°17' East, a distance of 69.9 feet, more or less, to the North line of said Government Lot 14; thence Easterly along the North line of said Government Lot 14, a distance of 300.3 feet, more or less, to the point of beginning.

Tract No. 3

South Half of the North Half of the Southwest Quarter of the Southeast Quarter (S½N½SW¼SE¼); South Half of the Northeast Quarter of the Southeast Quarter of the Southwest Quarter (S½NE¼SE¼SW¼); Southeast Quarter of the Northwest Quarter of the Southeast Quarter of the Southwest Quarter (SE¼NW¼SE¼SW¼); East Half of the Southwest Quarter of the Southeast Quarter of the Southwest Quarter (E½SW¼SE¼SW¼); Southeast Quarter of the Southeast Quarter of the Southwest Quarter (SE¼SE¼SW¼); Southwest Quarter of the Southwest Quarter of the Southeast Quarter (SW¼SW¼SE¼); North Half of the Southeast Quarter of the Southwest Quarter of the Southeast Quarter (N½SE¼SW¼SE¼); and the Southwest Quarter of the Southeast Quarter of the Southwest Quarter of the Southeast Quarter (SW¼SE¼SW¼SE¼); all in Section 33, Township 39 North, Range 43, W.W.M., Pend Oreille County, Washington.

Proposed Works

4 wells with submersible pumps, irrigation system

Development Schedule

BEGIN PROJECT	COMPLETE PROJECT	PUT WATER TO FULL USE
Started	July 1, 2014	July 1, 2015

Measurement of Water Use

How often must water use be measured?	Weekly
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)

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.

Wells, Well Logs and Well Construction Standards

All wells constructed in the state shall meet the construction requirements of WAC 173-160 titled "Minimum Standards for the Construction and Maintenance of Wells" and RCW 18.104 titled "Water Well Construction". Any well which is unusable, abandoned, or whose use has been permanently discontinued, or which is in such disrepair that its continued use is impractical or is an environmental, safety or public health hazard shall be decommissioned.

All wells shall be tagged with a Department of Ecology unique well identification number. If you have an existing well and it does not have a tag, please contact the well-drilling coordinator at the regional Department of Ecology office issuing this decision. This tag shall remain attached to the well. If you are required to submit water measuring reports, reference this tag number.

Installation and maintenance of an access port as described in WAC 173-160- 291(3) is required.

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. Additional measuring devices may be needed to accurately record that amount of water which is used for the fish propagation/pond filling portion under this permit.

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 Application No. G3-30676, 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 day of 2013.

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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 -- Massnick
Water Right Control Number G3-30676
Gene Drury, Department of Ecology

BACKGROUND

This report serves as the written findings of fact concerning Water Right Application Number G3-30676.

Table 1 Summary of Requested Water Right

Applicant Name:	Jeff Massnick
Date of Application:	September 17, 2012
Place of Use	Tract No. 1 The H.E. Survey 269 embracing a portion of approximately Section 4, Township 38 North, Range 43, E.W.M., Pend Oreille County, Washington, more particularly bounded and described as follows: Beginning at Corner No. 1, identical with the South Quarter corner of Section 33, Township 39 North, Range 43, E.W.M., thence North 89°57' East, 10.01 chains to Corner No. 2; thence South 3 minutes West, 10.97 chains to Corner No. 3; thence South 89°57' West 10.01 chains to Corner No. 4; thence North 1 minute East, 10.97 chains to Corner No. 1 and place of beginning. Tract No. 2 That part of Government Lot 14 in Section 4, Township 38 North, Range 43 E.W.M., Pend Oreille County, Washington described as follows: Beginning at the North Quarter Corner of said Section 4; thence southerly along the east line of said Government Lot 14 to the Southeast corner of said Government Lot 14, a distance of 1394 feet, more or less; thence North 75°25' West, a distance of 346.2 feet; thence North 0°03' West, a distance of 1, 248 feet, more or less, to a point on the southeasterly line of Bull Moose Claim as shown on Supplemental Plat of said Section 4 by the U.S. Supervisor of Surveys, and dated March 5, 1928; thence North 29°17' East, a distance of 69.9 feet, more or less, to the North line of said Government Lot 14; thence Easterly along the North line of said Government Lot 14, a distance of 300.3 feet, more or less, to the point of beginning. Tract No. 3 South Half of the North Half of the Southwest Quarter of the Southeast Quarter (S½N½SW¼SE¼); South Half of the Northeast Quarter of the Southeast Quarter of the Southwest Quarter (S½NE¼SE¼SW¼); Southeast Quarter of the Northwest Quarter of the Southeast Quarter of the Southwest Quarter (SE¼NW¼SE¼SW¼); East Half of the Southwest Quarter of the Southeast Quarter of the Southwest Quarter (E½SW¼SE¼SW¼); Southeast Quarter of the Southeast Quarter of the Southwest Quarter (SE¼SE¼SW¼); Southwest Quarter of the Southwest Quarter of the Southeast Quarter (SW¼SW¼SE¼); North Half of the Southeast Quarter of the Southwest Quarter of the Southeast Quarter (N½SE¼SW¼SE¼); and the Southwest Quarter of the Southeast Quarter of the Southwest Quarter of the Southeast Quarter (SW¼SE¼SW¼SE¼); all in Section 33, Township 39 North, Range 43, W.W.M., Pend Oreille County, Washington.

County	Waterbody	Tributary To	WRIA
Pend Oreille	Groundwater	---	62-Pend Oreille

Purpose	Rate	Unit	Ac-ft/yr	Begin Season	End Season
Domestic supply of 2 homes			1	01/01	12/31
Fish propagation			23	01/01	12/31
Irrigation (seasonal)			17.22	05/01	10/01
TOTAL	**73**	**GPM**	**41.22**		

Source	Parcel	Well Tag	Twp	Rng	Sec	QQ Q	Latitude	Longitude
Well 1	43393343001	APB777	39N	43E	33	SW¼ SE¼	48.82861°N	117.37722°W
Well 2	43393343001	ABP778	39N	43E	33	SW¼ SE¼	48.83000°N	117.37556°W
Well 3	433804079001	APB775	38N	43E	04	NW¼ NE¼	48.83056°N	117.37500°W
Well 4	433804079001	APF766	38N	43E	04	NW¼ NE¼	48.83056°N	117.37417°W

GPM = Gallons per minute; 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 10 and 17, 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.

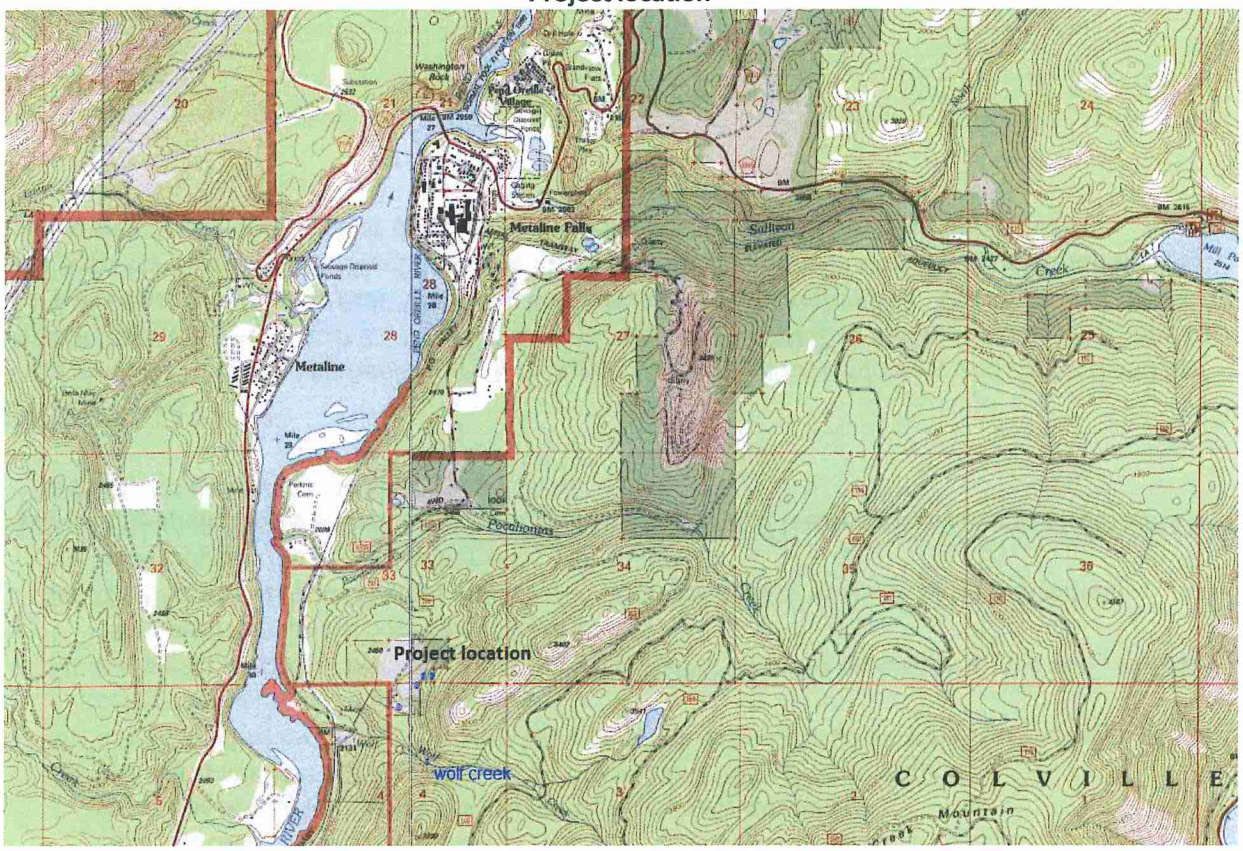
(a) It is a surface water right application for more than 1 cubic foot per second, unless that project is for agricultural irrigation, in which case the threshold is increased to 50 cubic feet per second, so long as that irrigation project will not receive public subsidies;
(b) It is a groundwater right 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

A site visit was conducted by Gene Drury with Roger Hanlin (previous landowner and contact) and Jay Hedrick (caretaker) on August 21, 2012. The project is known as "Wolf Creek Ranch" and is located a few miles south of Metaline Falls, WA in the hills above the Pend Oreille River. The address of the 71-acre property is 932 Gregory Road, Metaline Falls. The project has been started and both surface and ground water have been used at this site for the purposes requested under this application.

Project location



On the day of investigation, the applicant had been proposing to obtain only a Surface Water Permit under S3-30515 for a diversion from Wolf Creek in the amount of 0.01 cubic foot per second for domestic supply, stockwater and pond use. The investigation revealed an existing diversion works that could exceed this amount along with existing drilled wells being used on the property. It was recommended that two separate applications be filed to cover the existing water use. One for surface water (S3-30677) and the other for ground water (G3-30676). These two applications were both filed on September 17, 2012.

Ground Water Application No. G3-30676

This application requests withdrawal from four (4) existing wells on the property. The combined total yield of the four wells is 73 gallons per minute however, they are not all pumped at the same time. The wells are currently used for domestic supply of 2 homes (main house and caretaker's cabin), maintaining two ponds (Pond #2 and #3) and for seasonal irrigation of 6 acres of grass/lawn.

A road with a bridge crosses the center of Pond #2 which has a total surface area of about 1.81 acres and average depth of less than 10 feet. The total volume of Pond #2 is less than 18 acre-feet. Pond #3 has a surface area of approximately one-half acre with an average depth of less than 10 feet for a total volume of 5 acre-feet. Together the total volume of these ponds would be no more than 23 acre-feet. The ponds are not filled each year and only a minimal amount of water is needed to maintain the levels due to evaporative

losses. It is estimated that the two ponds will have around 20 inches of net evaporative loss over the summer. Therefore, it will take less than 4 acre-feet of water over the summer to replace this lost volume from the two ponds. 23 acre-feet will be authorized for the pond use but the exact amount required for the pond maintenance will be determined at proof of examination stage through metered records.

The Washington State Irrigation Guide (WA210-Vi-WAIG, AMEND.1NOVEMBER1990 at Newport, Washington) estimates that 34.44 inches of water (or 2.87 acre-feet of water per acre) is required based on 70% system efficiency. Therefore, 17.22 acre-feet of water should be adequate for the irrigation of the 6 acres under this permit.

Hydrogeologic Evaluation

The hydrogeologic analysis for this application was provided by John Covert, hydrogeologist for Ecology's Water Resources Program.

Well #1 (APB-777)

This well was drilled by Fogle Well Drilling in July/August of 2006. This 6 inch well is located in the SW¼SE¼ of Sec. 33, T. 39 N., R. 43 E.W.M. It has a completed depth of 400 feet in clay and limestone. The static water level in this well was 205 feet below ground surface. A 2 horsepower submersible Berkley pump is installed in this well and it produces about 20 gallons per minute.

Well #2 (APB-778)

This well was drilled by Fogle Well Drilling in August of 2006. This 6 inch well is located in the SW¼SE¼ of Sec. 33, T. 39 N., R. 43 E.W.M. It has a completed depth of 580 feet in clay and limestone. The static water level in this well was 200 feet below ground surface. A 2 horsepower submersible Berkley pump is installed in this well and it produces about 10 gallons per minute.

Well #3 (APB-775)

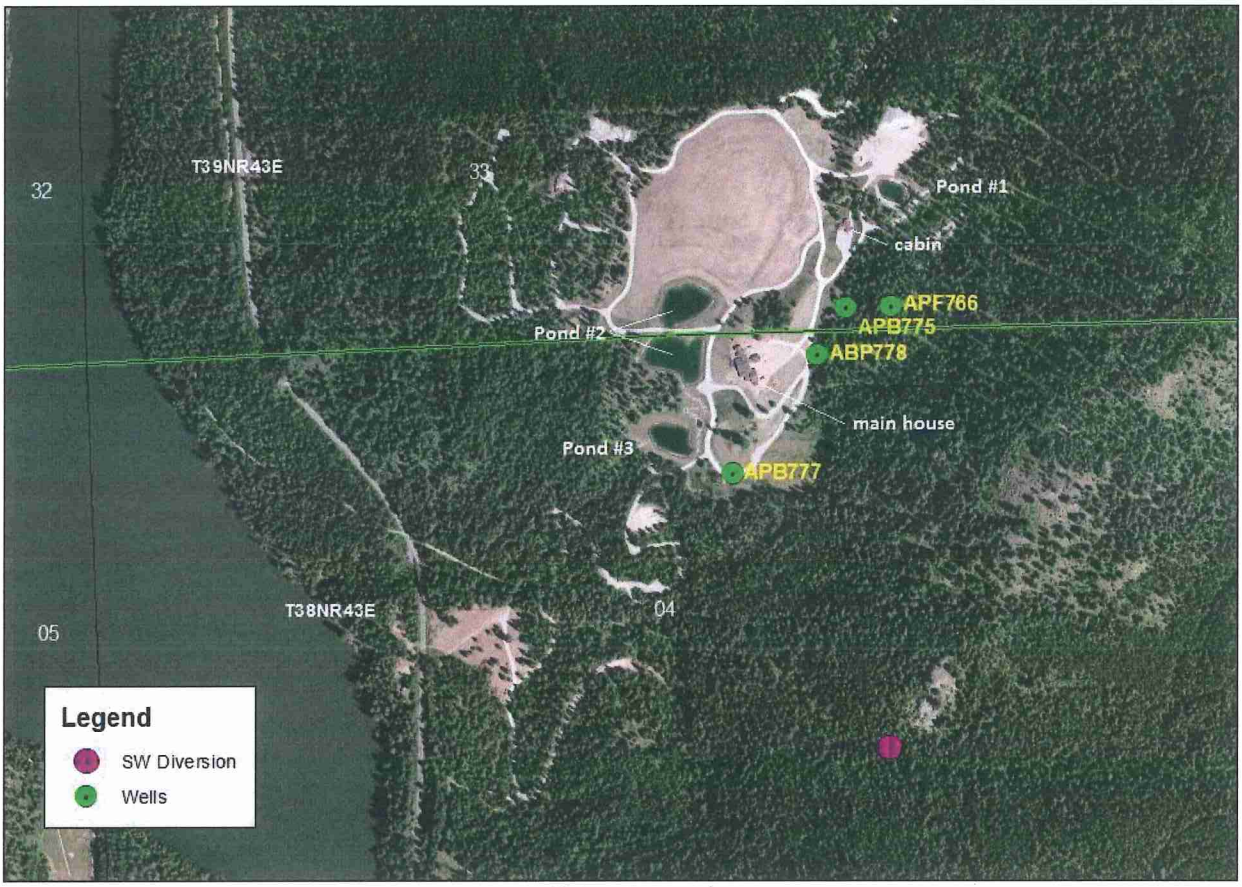
This well was drilled by Fogle Well Drilling in July of 2006. This 6 inch well is located in the NW¼NE¼ of Sec. 4, T. 38 N., R. 43 E.W.M. It has a completed depth of 320 feet in clay, gravel and limestone. The static water level in this well was 200 feet below ground surface. A 1½ horsepower submersible Berkley pump is installed in this well and it produces about 30 gallons per minute.

Well #4 (APF-766)

This well was drilled by Fogle Well Drilling in September of 2007. This 6 inch well is located in the NW¼NE¼ of Sec. 4, T. 38 N., R. 43 E.W.M. It has a completed depth of 400 feet in clay and shale. The static water level in this well was 150 feet below ground surface. A 2 horsepower submersible Berkley pump is installed in this well and it produces about 13 gallons per minute.

All four of these wells were competed in metacarbonate and metasedimentary basement rocks and have static water levels located at least 200'+ above the normal pool elevation of the Pend Oreille River. Regulating these wells to protect the summer low flow on the Pend Oreille River would not be effective in protecting the resource given the head relationships and lithologies of the basement aquifer. These wells do not need to be provisioned with a low flow on the main stem of the Pend Oreille River. All of these wells are producing from the same body of public groundwater.

Source	Parcel	Well Tag	Twp	Rng	Sec	QQ Q	Latitude	Longitude
Well 1	43393343001	APB777	39N	43E	33	SW¼ SE¼	48.82861°N	117.37722°W
Well 2	43393343001	ABP778	39N	43E	33	SW¼ SE¼	48.83000°N	117.37556°W
Well 3	433804079001	APB775	38N	43E	04	NW¼ NE¼	48.83056°N	117.37500°W
Well 4	433804079001	APF766	38N	43E	04	NW¼ NE¼	48.83056°N	117.37417°W



Wolf Creek Ranch

Impairment Considerations

A review of Ecology records was conducted for other existing water rights, permits, and claims within Sec. 4, T. 38 N., R. 43 E.W.M. and the S½ of Sec. 33, T. 39 N., R. 43 E.W.M. The following is a list of water rights generated from the Water Resources Tracking System (WRTS) database:

File #	Person	Priority	Purpose	Qi	UOM	Qa	TRS	QQ/Q	1stSrc
G3-075109CL	TAFT A.	---	IR,DG		GPM		38.0N 43.0E 04		
S3-26532C	HANLIN R.	4/16/80	ST,DS	0.01	CFS	1	38.0N 43.0E 04	SW¼NE¼	WOLF CREEK
S3-28787CWRIS	W L ESENSEE	5/31/90	DM	0.02	CFS	2	38.0N 43.0E 04	SE¼NW¼	UNNAMED SPRING

There was one other water right appurtenant to the Wolf Creek Ranch property recorded under Surface Water Certificate No. S3-26532C (Hanlin), with priority of April 16, 1980. This certificate authorized diversion from Wolf Creek in the amount of 0.01 cfs for single domestic supply and stockwater use. According to the previous land owner, Mr. Hanlin, this water right has not been used for a very long time and would appear to have been relinquished. The applicant (Massnick) was trying to re-establish the water right through the filing of Surface Water Application No. S3-30515, however, it will no longer be needed if the other two applications (S3-30677 and G3-30676) are approved.

The proposed appropriation under the Massnick application will not cause any impairment to existing water rights.

Water Availability

The Department of Ecology has not closed Wolf Creek or the Pend Oreille River to further consumptive appropriations, however all new diversions are required to cease when the flow of the Pend Oreille River falls below 7700 cfs at U.S. Geological Survey (U.S.G.S.) gage #12395500. This low-flow provision is a recommendation from the Washington State Department of Fish and Wildlife (WDFW) and does not apply to in-house domestic supply uses. Nor does the provision apply to ground water sources which are not in hydraulic continuity with the river. Therefore, Ground Water Application No. G3-30676 will not be provisioned with the low flow provision because the four wells do not affect the flow of the Pend Oreille River.

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.

Consideration of Protests and Comments

No protests were filed against this application.

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 ground water, from four (4) wells, 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:

73 gallons per minute and 41.22 acre-feet per year (23 acre-feet per year for continuous fish propagation/pond filling; 17.22 acre-feet per year for the seasonal irrigation of 6 acres; 1 acre-foot per year for continuous domestic supply of 2 homes.)

Four (4) Points of withdrawal:
2 wells within the SW¼SE¼ of Sec. 33, T. 39 N., R. 43 E.W.M.
2 wells within the NW¼NE¼ of Sec. 4, T. 38 N., R. 43 E.W.M.

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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.