



State of Washington
DRAFT
REPORT OF EXAMINATION
FOR WATER RIGHT APPLICATION

PRIORITY DATE 11/10/2010	WATER RIGHT NUMBER S2-30559
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MAILING ADDRESS ANTHONY ROMBERG PO BOX 93 BEAVER WA 98305	SITE ADDRESS (IF DIFFERENT) 347 LOG CAMP LN BEAVER WA 98305
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Quantity Authorized for Withdrawal or Diversion

WITHDRAWAL OR DIVERSION RATE 0.01	UNITS CFS	ANNUAL QUANTITY (AF/YR) 0.34
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Purpose

PURPOSE	WITHDRAWAL OR DIVERSION RATE		UNITS	ANNUAL QUANTITY (AF/YR)		PERIOD OF USE (mm/dd)
	ADDITIVE	NON-ADDITIVE		ADDITIVE	NON-ADDITIVE	
Domestic single (in house use only)	0.01		CFS	0.34		01/01 - 12/31

Source Location

COUNTY CLALLAM	WATERBODY LAKE PLEASANT	TRIBUTARY TO LAKE CREEK	WATER RESOURCE INVENTORY AREA 20-SOL DUC-HOH
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SOURCE FACILITY/DEVICE	PARCEL	WELL TAG	TWP	RNG	SEC	QQ Q	LATITUDE	LONGITUDE
LAKE PLEASANT	13303511-0160	N/A	30N	13W	35	SE NE	TBD	TBD

Datum: NAD83/WGS84

Place of Use (See Attached Map)

PARCELS (NOT LISTED FOR SERVICE AREAS) 13303511-0160
LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE PARCEL 6 SURVEY V19 P56

Proposed Works

The applicant intends to place a pump in the lake at a location to be determined to use in-house use only for one residence.

Development Schedule

BEGIN PROJECT	COMPLETE PROJECT	PUT WATER TO FULL USE
June 1, 2016	June 1, 2017	June 1, 2019

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

Water use is limited to in-house only.

This water right must be relinquished when a public water supply becomes available to the authorized place of use.

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)

Pursuant to Chapter 77.55 Revised Code of Washington (RCW), a Hydraulic Project Approval permit must be obtained from the Washington State Department of Fish and Wildlife prior to beginning construction of the diversion.

The intake(s) shall 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/>

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. S2-30559, 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 Pollution Control Hearings Board 1111 Israel RD SW Ste 301 Tumwater, WA 98501	Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608 Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903

Signed at Olympia, Washington, this day of 2014.

Michael J. Gallagher, Section Manager
Water Resources Program

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 -- Romberg

Water Right Control Number S2-30559

Tammy Hall, Department of Ecology

BACKGROUND

On November 6, 2010, Anthony and Susan Romberg filed *Water Right Application S2-30559* requesting 0.01 cubic feet per second (cfs) and an unspecified annual quantity for domestic supply. This project is located in Water Resources Inventory Area 20, the Sol Duc-Hoh.

Attributes of Application

Table 1 Application Summary

Name	Antony and Susan Romberg
Priority Date	11/6/2010
Instantaneous Rate	0.01cfs
Purpose(s) of Use	Domestic Supply
Period of Use	Continuous use
Place(s) of Use	Parcel 6 Survey V19 P56

Table 2 Proposed Point of Diversion

Source Name	Parcel	Twp	Rng	Sec	QQ Q	Latitude	Longitude
Lake Pleasant	13303511-0160	30N	13W	35	SE NE	TBD	TBD

Legal Requirements for Approval of Appropriation of Water

RCWs 90.03 and 90.44 authorize the appropriation of public water for beneficial use and describe the process for obtaining water rights. Laws governing the water right permitting process are addressed in RCW 90.03.250 through 90.03.340 and RCW 90.44.050. In accordance with RCW 90.03.290, Ecology must make determinations on these four criteria in order to approve an application for water rights:

- Water must be available for appropriation.
- There must be no impairment of existing rights.
- The water use must be a beneficial use.
- Approving the application must not be detrimental to the public interest.

Public Notice

The applicant published public notice for this project proposal in *Port Townsend and Jefferson County Leader* once a week for two consecutive weeks beginning on March 27, 2013 and ending April 3, 2013. No protests or letters of concern in response to this notice.

State Environmental Policy Act (SEPA)

A SEPA determination evaluates if a proposed withdrawal will cause significant adverse environmental impacts. A SEPA threshold determination is required for:

- 1) Surface water applications for more than 1 cubic feet per second (cfs). For agricultural irrigation, the threshold increases to 50 cfs, if the project isn't receiving public subsidies.
- 2) Groundwater applications requesting more than 2,250 gpm.
- 3) Projects with several water right applications where the combined withdrawals meet the conditions listed above.
- 4) Projects subject to SEPA for other reasons (e.g., the need to obtain other permits that are not exempt from SEPA).
- 5) Applications that are part of several exempt actions that collectively trigger SEPA under WAC 197-11-305.

This application does not meet any of these conditions and is categorically exempt from SEPA.

INVESTIGATION

The material reviewed in support of this application included the following:

- The State Surface Water Codes, administrative rules, and policies.
- Department of Ecology's Water Right Tracking System (WRTS) database.
- Topographic and local area maps.
- Notes from a site visit on March 18, 2014 and interview with Tony Romberg.
- WRIA 20 Watershed planning documents.
- Ecology's Surface Water Source Limitations (SWSL) list.

Project Area Description

The project is located in the Sol Duc-Hoh Water Resource Inventory Area (WRIA) 20 in the Sol Duc watershed. This watershed is in the northeast corner of the WRIA 20, completely within Clallam County.

The project area is on the shore of Lake Pleasant, situated about eight miles northeast of Forks, along Highway US 101. The lake covers roughly 500 acres and drains to Lake Creek which empties into the Sol Duc River. About 30 miles downstream of Lake Pleasant, the Sol Duc and Bogachiel Rivers join to form the Quillayute River which empties into the Pacific Ocean.

Project and Proposed Use

The Rombergs own about five acres of undeveloped property on the south shore of Lake Pleasant. The upper four acres of the property is wooded while the acre next to the lake has been cleared. An RV pad is in the upper portion of the cleared area. The property gently slopes toward the lake.

See Attachment #1

The Rombergs request to pump water from Lake Pleasant for domestic supply (in house use only).

Water Demand

The original application requested 0.01 cfs (4.5 gpm) and an unspecified annual quantity for domestic use. The water demand for a single residence for year-round use is roughly 0.34 acre-feet per year.

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)

Water Availability

The proposed point of diversion is from Lake Pleasant. Water is available year-round.

Impairment Considerations

Effects to area water users

A WRTS query shows the following surface water users using near the proposed Point of Diversion (POD):

- Four certificates, one permit, and one superseding permit for water use from Lake Pleasant for domestic supply and fire protection. These total 3.34 cfs and 1.81 ac-ft per year.
- Fifteen surface water claims for water use from springs and streams for domestic supply.
- One claim for use from Lake Pleasant for domestic supply.

Area users are not expected to be impaired by the proposed use.

Fisheries and In-stream flow Considerations

Lake Pleasant supports sockeye and coho salmon; steelhead, brown, and rainbow trout; and other non-game fish. (Salmonscape)

Although minimum instream flows have not been set in WRIA 20, the Washington Department of Fish and Wildlife (WDFW) has recommended denial and low flow provisions for several surface water right applications in WRIA 20. (Golder, 2010) This information is stated in Surface Water Source Limitation (SWSL) letters associated with water right applications and summarized in Table 3.

Table 3 SWSL recommendations for the Sol-Duc River

<i>Water Body</i>	<i>Priority Date</i>	<i>Recommendation</i>
Sol Duc River (tributary to Quillayute River)	February 27, 1992	Denial of application, concerns for Coho salmon
Sol Duc River (tributary to Quillayute River)	May 5, 1989	Recommended low flow provisions of 250 cfs October-June and 145 cfs July-September measured at Snider Creek Sanger Station Gage
Snider Creek (tributary to Sol Duc River)	January 11, 1993	Recommended low flow provisions of 215 cfs October-June and 145 cfs July-September measured at Snyder Creek Sanger Station Gage (Sol Duc River)

Historical streamflow data for the Sol-Duc River has been collected at Fairholm from 1917-1980, at Beaver 1921-1928, and at Quillayute Road Bridge 1897-1980. Current data is being collected near the Quillayute gage since June 2005. Three stream gaging stations have been operated by the USGS. Ecology installed a gage near the historical site of the USGS gage 12042500 in June 2005 in response to a request from the WRIA 20 Watershed Planning Group (Golder, 2010). Data collected shows SWSL recommended flows are not always met.

In spite of the concerns with surface flows in the Sol-Duc River, any proposed rule will allow surface water use for in house use only when there is no alternative source available. In the Lake Pleasant area, water use from wells is problematic as wells drilled produce little or no water and there is no public water system available. Water from the proposed source is the only water available.

Public Interest Considerations

Consultation with the Department of Fish and Wildlife

The Department must give notice to the Washington Department of Fish and Wildlife (WDFW) of applications to divert, withdraw or store water.

In a letter dated October, 2012, Steve Boessow, representing WDFW, recommended use of groundwater from a well, however, did not object to Ecology approving the application.

Status of watershed planning

The planning group approved their watershed plan in late August 2008. The boards of county commissioners representing Clallam and Jefferson counties held separate public hearings in Port Angeles and Port Townsend, respectively, in September and October 2008. Commissioners from each county then held a joint meeting in Forks in November 2008, where they formally adopted the watershed plan.

As they move into Phase 4, the planning group will re-form as an implementing body consistent with their watershed plan. They will conduct outreach to increase citizen participation and to develop the best approach to write their detailed implementation plan.

The watershed plan addresses some policy-related instream flow recommendations but did not include any numeric recommendations on stream flow. The plan places high priority on developing improved stream gage and habitat data for use in developing the instream flow rule. The data are also important to fisheries management to sustain the current salmon habitat conditions, which are relatively better than other watersheds. Rule development will depend on agency resources.

Availability of an alternative source

There is no well or other alternative water source available. Wells drilled in the area are problematic being completed in glacial till and yielding little water. There is also no public water system in this area that is able to serve the Romberg property.

A maximum diversion of .01 cfs and an average of 300 gallons per day, or 0.34 acre-feet per year, is adequate for in-house domestic supply. The proposed appropriation is consistent with local planning and will not be detrimental to the public welfare.

Beneficial Use

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

Conclusions

I find that:

- Water is available from proposed source.
- Domestic use is a beneficial use.
- The appropriation, as recommended, will not impair existing rights or in-stream flows.
- 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:

- 0.01 cfs
- 0.34 acre-feet per year
- Purpose: Single domestic in-house use

Proposed Point of Diversion:

- SE¼, NE¼, Section 35 Township 30 North, Range 13 W.W.M.

Place of Use

- As described on Page 1 of this Report of Examination.

Tammy Hall

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.

Selected References

Golder Associates, Inc, 2005, Water Resource Inventory Area 20 (WRIA 20) Final Draft Phase II Technical Assessment Report, May 27, 2005.

Golder Association, Inc, 2009 Water Resource Inventory Area (WRIA) 20 Watershed Management Plan, June 2009.

Golder Association, Inc, 2010 Water Resource Inventory Area (WRIA) 20 Detailed Implementation Plan March 24, 2010.

Washington Department of Fish and Wildlife, 2014, Salmonscape,
<http://apps.wdfw.wa.gov/salmonscape/>

