STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

REPORT OF EXAMINATION

TO APPROPRIATE PUBLIC WATERS OF THE STATE OF WASHINGTON

☒	Surface Water	(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.)
	Ground Water	(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.)

PRIORITY DATE	APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
June 24, 2012	S1-28735		

NAME
Thomas and Joanne Kelly & John and Kathleen Saul

ADDRESS (STREET)	(CITY)	(STATE)	(ZIP CODE)
34711 South Shore Drive	Mount Vernon	WA	98274

PUBLIC WATERS TO BE APPROPRIATED

SOURCE
Lake Cavanaugh

TRIBUTARY OF (IF SURFACE WATERS)
Lake Creek

MAXIMUM CUBIC FEET PER SECOND	MAXIMUM GALLONS PER DAY	MAXIMUM ACRE FEET PER YEAR
0.011 (approximately 5 gallons per minute)	150	0.168 (54,750 gallons per year)

TYPE OF USE, PERIOD OF USE

Single domestic (in-house) supply – continuously

LOCATION OF DIVERSION

APPROXIMATE LOCATION OF DIVERSION

Approximately 186 feet north and 1542 feet west of the SE corner of Section 26

LOCATED WITHIN (SMALLEST LEGAL SUBDIVISION)	SECTION	TOWNSHIP N.	RANGE, (E. OR W.) W.M.	W.R.I.A.	COUNTY
SW 1/4 SE 1/4	26	33	6 E	5	Skagit

RECORDED PLATTED PROPERTY (LOCATION OF DIVERSION)

LOT	BLOCK	OF (GIVE NAME OF PLAT OR ADDITION)
29	1	Lake Cavanaugh Subdivision, Division No. 2

LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED

Lot 29, Block 1 "LAKE CAVANAUGH SUBDIVISION, DIVISION NO. 2", Skagit County, Washington. (See map on Attachment 1)

Parcel number P66510

DESCRIPTION OF PROPOSED WORKS

1 ¼ polybutelene line extends out into the lake approximately 150'. Foot valve on end of water line approximately 15 feet above lake bottom. Equipment: ½ hp jet pump, 5 micron particulate filter, ultraviolet light bacteria disinfection, expansion tank.

DEVELOPMENT SCHEDULE

BEGIN PROJECT BY THIS DATE:	COMPLETE PROJECT BY THIS DATE:	WATER PUT TO FULL USE BY THIS DATE:
Started	December 31, 2014	December 31, 2015

REPORT

BACKGROUND

The subject application is for the diversion of 0.011 cubic feet per second (cfs) of water from Lake Cavanaugh for single domestic supply. The application was received on June 24, 2012 from Thomas and Joanne Kelly and John and Kathleen Saul.

Legal notice was published in the Skagit Valley Herald on September 7 and 14, 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 August 29, 2012. The applicant was not present during the site visit. Water is to be used in a single family residence located at 34711 South Shore Drive. The point of diversion is located approximately 186 feet north and 1542 feet west of the SE corner of Section 26, Township 33N, Range 6E, W.M.

Lake Cavanaugh is located within Water Resources Inventory Area (WRIA) 5. Inflow to the lake is from groundwater and small tributary streams. The water level of the lake is controlled by an outlet weir. From the weir, water spills into Lake Creek. Lake Creek flows into Pilchuck Creek, which flows into the Stillaguamish River, and ultimately into saltwater at Port Susan.

Lake Cavanaugh is an 844-acre lake with a volume of 37,294 acre-feet. Water in the lake is utilized for recreation, boating, fishing, etc. The lakeshore is largely developed with single-family homes. The water supply for most homes is from the lake or from shallow wells.

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

Water use in WRIA 5 is governed by chapter 173-505 WAC (the Stillaguamish River Instream Resources Protection Program). Within this chapter, WAC 173-505-060 allows for the issuance of new in-house domestic water rights from lakes within WRIA 5. This section reads as follows:

> 173-505-060
> Lakes and Ponds
> RCW 90.54.020(3) provides, in part that the quality of the natural environment shall be protected, and where possible, enhanced, and lakes and ponds shall be retained substantially in their natural condition. The department has determined that further consumptive withdrawals would impact the lakes and ponds of the Stillaguamish River basin. Therefore, surface withdrawals from all lakes and ponds shall be limited to single in-house domestic uses not to exceed one hundred fifty gallons per day per residence. Outdoor use is prohibited.

Therefore, I determine water is available for this appropriation within the specified 150 gallons per day limit. Total annual volume shall be limited to 54,750 gallons (0.168 acre-feet) per year based on 150 gallons per day multiplied by 365 days per year.

Impairment to Existing Rights

Based on the size of Lake Cavanaugh and the limited number of water right holders on the lake, no impairment of existing diversionary rights will occur as a result of this authorization. In addition, WAC 173-505-020(2) establishes "a reservation of adequate and safe supplies of potable water to satisfy human domestic needs" that are not subject to stream closures or minimum instream flow requirements. WAC 173-505-070(2) also allows for an "exception to the closures and instream flow requirements" for diversions from lakes and ponds (in accordance with WAC 173-505-060, see above). Therefore, I determine there will be no impairment of existing rights.

Beneficial Use of Water

In accordance with RCW 90.54.020, 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 0.011 cfs and 0.168 acre-feet per year for single domestic (in-house) 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.
- 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 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.

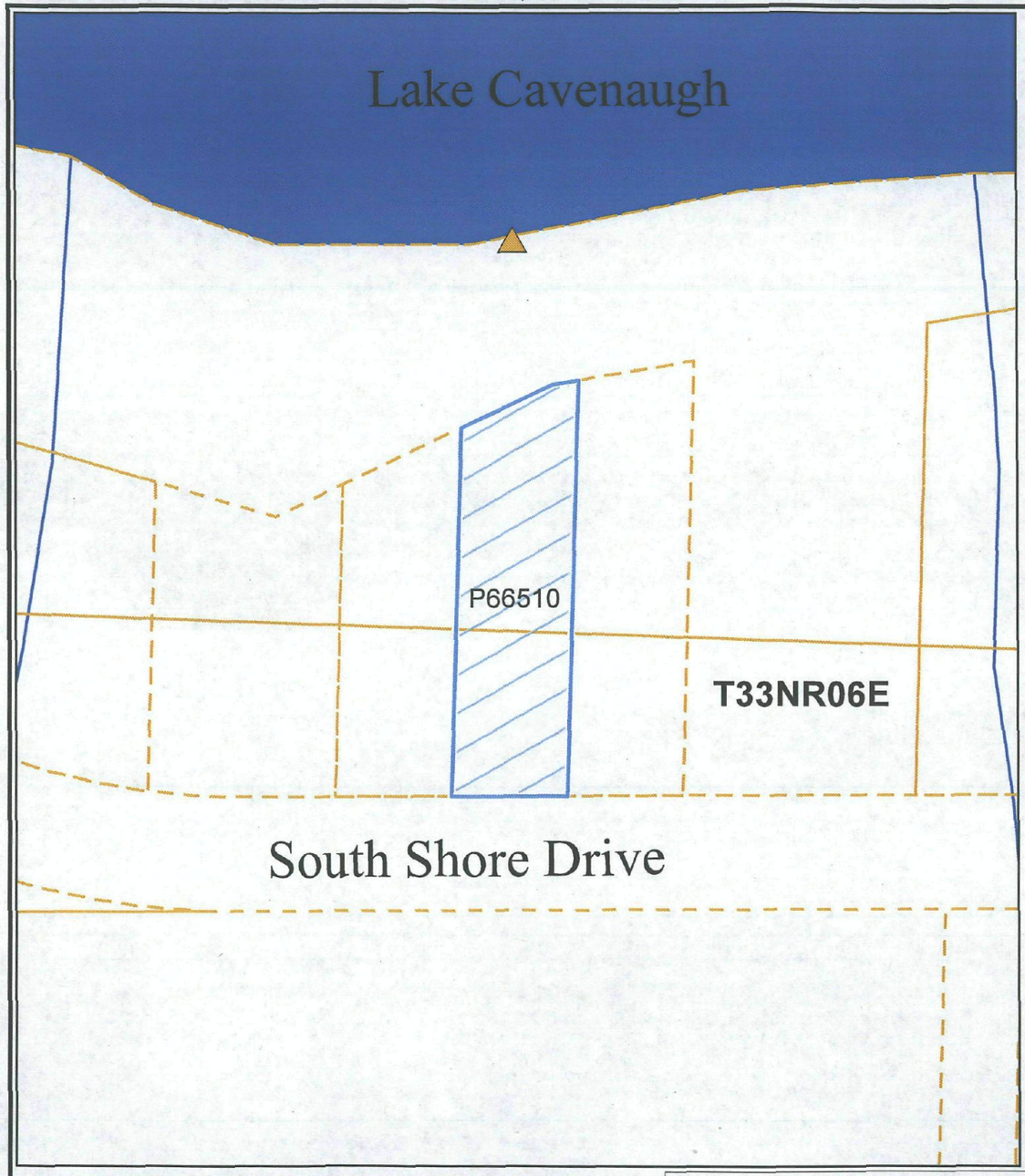
CONCLUSION

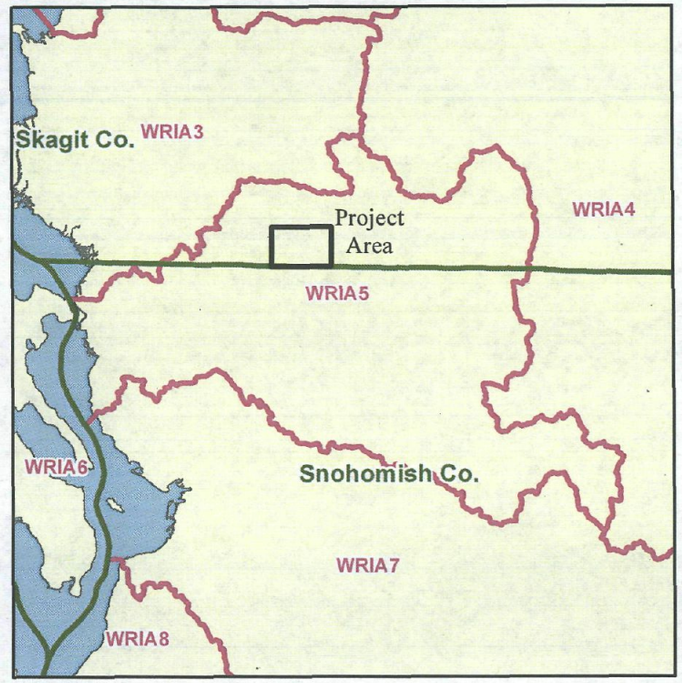
In accordance with chapters 90.03 RCW and 173-505 WAC, I find there is water available from the source in question, there will be no impairment of existing rights, the purpose of use is beneficial, and there will be no detriment to public interest.

REPORT BY Dorothy Glenn DATE DEC 20 2012

Dorothy Glenn
Water Resources Program

Thomas and Joanne Kelly,
John Saul and Kathleen Triesch
S1-28735
Sec. 26 T33N/R06E
WRIA 05 - Skagit County





Legend

- Authorized Place of Use
- Authorized Point of Withdrawal
- Authorized Point of Diversion
- Townships
- Sections

0 37.5 75 150 225 300 Feet

DEPARTMENT OF ECOLOGY State of Washington

Map Date: 9/12/2012

Comment:
Place of use and source locations are as defined within the Report of Examination cover sheet for the document identfied in the header above.

ATTACHMENT 1