

State of Washington
REPORT OF EXAMINATION
FOR WATER RIGHT APPLICATION

PRIORITY DATE
December 6, 2012

WATER RIGHT NUMBER
S3-30679

MAILING ADDRESS
Jeffery and Julie Kilgore
P O Box 527
Colbert WA 99005

SITE ADDRESS (IF DIFFERENT)
1032 Bead Lake Road

Quantity Authorized for Withdrawal or Diversion

WITHDRAWAL OR DIVERSION RATE	UNITS	ANNUAL QUANTITY (AF/YR)
0.02	CFS	0.5

Purpose

PURPOSE	WITHDRAWAL OR DIVERSION RATE			ANNUAL QUANTITY (AF/YR)		PERIOD OF USE (mm/dd)
	ADDITIVE	NON-ADDITIVE	UNITS	ADDITIVE	NON-ADDITIVE	
In-house single domestic	0.02		CFS	0.5		01/01 - 12/31

Source Location

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

SOURCE FACILITY/DEVICE	PARCEL	TWP	RNG	SEC	LATITUDE	LONGITUDE
Pump	453209519009	NW¼NE¼ 32 N.	45 E.	09	TBD	TBD

Datum: NAD83/WGS84

Place of Use (See Attached Map)

PARCELS (NOT LISTED FOR SERVICE AREAS)

453209519009

LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE

Tract A Diamond Match within the NW¼NE¼ of Section 9, T. 32 N., R. 45 E.W.M.

Proposed Works

A small pump and pvc water lines

Development Schedule		
BEGIN PROJECT	COMPLETE PROJECT	PUT WATER TO FULL USE
2-1-2014	2-1-2015	2-1-2016

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

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) 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/>

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.

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. S3-30679, 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 7th day of March, 2013.


Keith L. Stoffel, Section Manager

INVESTIGATOR'S REPORT

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 January 9 and 16, 2013. No protests were received.

Consultation with the Department of Fish and Wildlife

RCW 90.03.280 requires the Department to send notice to the Department of Fish and Wildlife of applications to divert, withdraw or store water. The department also provides notice to appropriate Indian Tribes. The department has developed an electronic procedure to meet this statutory requirement. Applications are posted to an RSS (Really Simple Syndication) feed to which Department of Fish and Wildlife, Tribes and other agencies have been advised to subscribe. Through subscription to the RSS feed, interested parties may review new water right applications and provide comment. The department did not receive any objections to the granting of this permit.

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 the following condition is 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;

Because this application does not meet this condition, it is categorically exempt from SEPA and a threshold determination is not required.

INVESTIGATION

In considering the proposed application, the investigation included, but was not limited to, research and review of: (1) appropriate rules and statutes; (2) other water rights, claims, and applications in the vicinity; (3) USGS topographic maps; and (4) discussions with Department of Ecology regional program staff.

Bead Lake is a 720 acre lake located in the mountains about ten miles northwest of Newport, Washington and east of the Pend Oreille River. There is no outlet of Bead Lake and surface water inlets to the lake are intermittent. The lake is within Water Resource Inventory Area (WRIA) 62, the Pend Oreille River watershed.

The applicant proposes to construct a single domestic residence primarily occupied during the summer.

The proposed point of diversion and place of use is located on Tract A, Diamond Match located in the NW¼NE¼ of Section 9, T. 32 N., R. 45 E.W.M. The applicant requested 0.026 cubic feet per second. Typically 0.02 cfs is adequate for in-house single domestic purposes. Therefore, the total amount that may be diverted under this permit will be limited to 0.02 cfs.

A review of department records was conducted for existing water rights, permits, applications and claims within the vicinity of the proposed diversion. Multiple water rights exist for lots on both sides of the applicant's property. A Short Form Water Right Claim 054253 was filed by Lorenzo True, indicating a use for domestic supply for this lot, although the applicant indicated no residence is constructed on the property. The authorization under S3-30679 will be considered a primary water right for this property.

The majority of the applications that were investigated at Bead Lake are for existing water uses and for existing recreational cabins constructed on the lake. These property owners have been diverting water from the lake for many years. According to the "*Lakes of Washington, Volume 2 of Eastern Washington*", the volume of Bead Lake is approximately 77,708 acre-feet. Based on this fact and the minimal amount of water to be permitted for domestic uses under this application and others, it appears that water is available for appropriation. The decline of water level in Bead Lake in the summer months as a result of the new diversions would be negligible.

Conclusions

It is the conclusion of the this examiner that: (1) public surface water is available for appropriation for 0.02 cubic foot per second, 0.50 acre-foot per year, for in-house single domestic supply (2) the water use is a beneficial uses, and the appropriation (3) will not impair existing water rights, (4) nor will it be detrimental to the public welfare.

Recommendation

It is recommended that this application be **APPROVED** for 0.02 cubic foot per second, 0.50 acre-foot per year, for in-house single domestic supply.



Kevin Brown, 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.

ATTACHMENT 1

Jeffrey & Julie Kilgore
 Water Right Number S3-30679
 T32N/R45E



04

T32NR45E

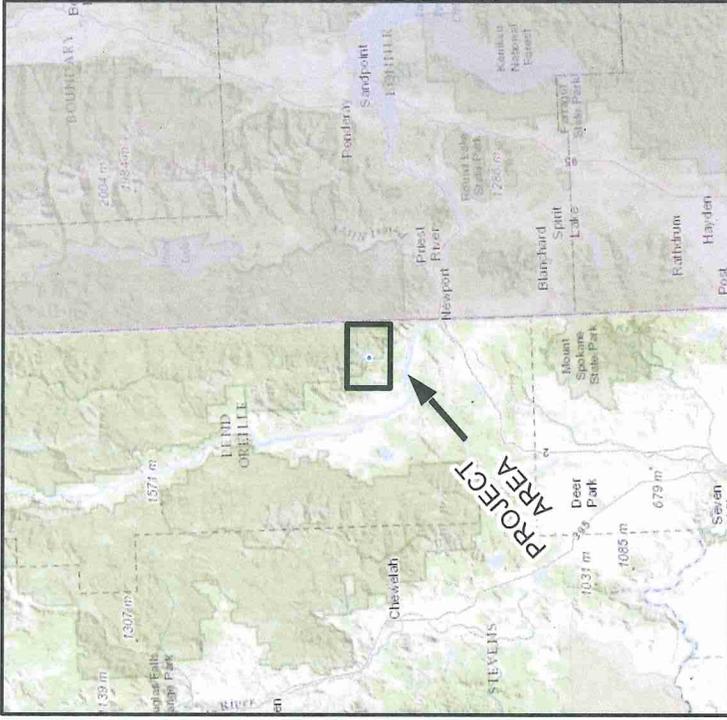
09



Basemap - (NAIP 2011 1m color)



Map Date: 2/1/2013



Basemap - (ESRI US Topographic Maps)

Legend

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

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.