

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 April 14, 1998	APPLICATION NUMBER S2-29635	PERMIT NUMBER	CERTIFICATE NUMBER
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NAME Ross Brennan			
ADDRESS (STREET) 2246 Chelan Place	(CITY) Los Angeles	(STATE) California	(ZIP CODE) 90068

PUBLIC WATERS TO BE APPROPRIATED

SOURCE Lake Crescent and Spring		
TRIBUTARY OF (IF SURFACE WATERS) Lyre River		
MAXIMUM CUBIC FEET PER SECOND .02	MAXIMUM GALLONS PER MINUTE	MAXIMUM ACRE FEET PER YEAR 0.34
QUANTITY, TYPE OF USE, PERIOD OF USE 0.34 Acre-feet per year	Single domestic supply (In-house use only)	Year-round, as needed

LOCATION OF DIVERSION/WITHDRAWAL

- APPROXIMATE LOCATION OF DIVERSION--WITHDRAWAL
- a) Spring - 550 feet South and 1000 feet West of the center of Section 18.
- b) Lake - 1100 feet South and 1000 feet West of the center of Section 18.

LOCATED WITHIN (SMALLEST LEGAL SUBDIVISION) NE $\frac{1}{4}$ SW $\frac{1}{4}$	SECTION 18	TOWNSHIP N. 30	RANGE, (E. OR W.) W.M. 8W	W.R.I.A. 19	COUNTY Clallam
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RECORDED PLATTED PROPERTY

LOT 15	BLOCK	OF (GIVE NAME OF PLAT OR ADDITION) Crescent Lakeside Tracts
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LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED

Lot 15 of Crescent Lakeside Tracts being a subdivision of lots 3, 4, 5, 6 and according to plat thereof recorded in Vol. 4 Page 12 of Plats. Also Shorelands in front of Lot 15 of Crescent Lakeside Tracts situate in Clallam County, State of Washington.

DESCRIPTION OF PROPOSED WORKS

- 1) Lake Diversion: A 5 horsepower centrifugal pump and 3/4 inch distribution pipe
- 2) Spring Diversion: Gravity flow pipe to residence.

DEVELOPMENT SCHEDULE

BEGIN PROJECT BY THIS DATE: Started	COMPLETE PROJECT BY THIS DATE: Completed	WATER PUT TO FULL USE BY THIS DATE: In-use
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REPORT

BACKGROUND:

On April 14, 1998, Bruce Brennan applied for a permit to appropriate public surface water from Lake Crescent, tributary to the Lyre River, and from an unnamed spring, tributary to Lake Crescent. A total diversion rate of .02 cubic feet per second was requested for single domestic supply. On April 30, 2004 Mr. Brennan's surviving spouse, Mrs. Marian Brennan, assigned the application to Ross Brennan and Heather Gilmour, whose address is 2246 Chelan Place, Los Angeles, CA, 90068.

A legal notice of the proposed appropriation was published in *Peninsula Daily News* of Clallam County on October 23 and 30, 1998. No protests were received as a result of this notice.

Under the provisions of Chapter 90.03 Revised Code of Washington (RCW), I recommend the issuance of a permit for single domestic in-house use.

INVESTIGATIONS:

This application was previously investigated by Ecology staff permit writer Marie Peter. Marie reviewed records of water rights, claims, and well reports on file with Ecology, and consulted with Hal Beecher of the State Department of Fish and Wildlife. I also consulted the Final Lake Crescent Management Plan Environmental Impact Statement prepared by the National Park Service (<http://www.nps.gov/olym/lceis/lcindex.htm>; last accessed on April 5, 2004) and Water Supply Bulletin No. 60, Estimated Baseflow Characteristics of Selected Washington Rivers and Streams (<http://www.ecy.wa.gov/biblio/99327.html>; last accessed on April 5, 2004).

Lake Crescent is located approximately 12 miles west of the City of Port Angeles in Clallam County, and lies within the boundaries of Olympic National Park. The Lake Crescent area is lightly developed with residences, many of them seasonal. The lake is about 8.5 miles in length, has a surface area of about 5127 acres, a maximum depth of 624 feet and an average depth of 332 feet. I estimate the lake volume to be around 1.7 million acre-feet¹. The sole outlet for the lake is the Lyre River.

This application was filed for domestic supply of an existing residence located at 1503 East Beach Road near the eastern end of the lake. The legal description is the NE 1/4 SE 1/4, Section 18, Township 30N Range 8W, located in the Lyre-Hoko watershed (WRIA 19).

This application is for two diversions, both of which already exist. The applicant seeks a permit to pump water directly from Lake Crescent and also to divert water from a spring that is tributary to Lake Crescent. The spring is located north of East Beach Road. An existing system at the spring will convey water through an existing pipe across the road to the Brennan residence. According to Mrs. Brennan, the spring goes dry during the summer. The Brennan's have used the lake as a water source for about 30 years. They would continue to rely upon the lake for most of their water needs and use the spring as a backup if it becomes no longer possible (e.g., because of water quality reasons) to withdraw from the lake.

The approximate location of the spring is 550 feet south and 1000 feet west of the center of Section 18. The point of diversion on the lake is approximately 1000 feet south and 1000 feet west of the center of Section 18.

There is no public water supply serving the Lake Crescent area. Although some area residents have productive wells, well reports on file with Ecology indicate that only 8 of 17 wells drilled near the lake yielded adequate water for domestic supply. Productive wells are generally shallow, completed in an aquifer overlying shale bedrock, and are in hydraulic continuity with the lake.

Existing Water Rights

I generated a report from WRATs to determine the extent of applications, permits, certificates and claims for Lake Crescent. Qi refers to instantaneous rate of water and Qa refers to annual quantity of water.

	Total Qi	Total Qa
Number of Certificates = 38	0.54 cfs	19.49 af
Number of Permits = 2	.095 cfs	68 af
Number of Claims = 33	Unknown	Unknown

Certificate #G2-21304C for Crescent Water Association authorizes withdrawal of 2,250 gpm (equivalent to 5.1 cfs), 672 acre-feet per year, from an infiltration trench on the Lyre River. There are two surface-water rights on file, Certificates #S2-15496C and #S2-00809C, authorizing diversion of 0.13 cfs from the Lyre River downstream of Lake Crescent.

There are no water right certificates or permits recorded for the unnamed spring under this application. However, Water Right Claim #065486, filed for single domestic use on what appears to be the adjacent lot, may be appurtenant to this spring. Discussions with the applicant revealed that this claim has not been used for several years.

I conclude there will be no impairment of existing rights, as there is sufficient storage in Lake Crescent to supply this use of water while also supplying the needs of other water right holders. I find there will be no impairment to other rights from use of the spring as well, as there apparently are no other water rights dependent upon that source.

¹ Area in acres X Average Depth = 5127 * 332 = 1,702,164.00 acre-feet. A calculation based on specific bathymetric data would yield a more accurate estimate.

Report Continued

In-stream Flow Requirements for Lyre River Basin

Hal Beecher of the Washington State Department of Fish and Wildlife (WDFW) indicates that the Lyre River is a productive stream and supports coho, chum, and chinook salmon, as well as steelhead and cutthroat trout. Lake Crescent supports "Beardslee" cutthroat, a resident trout, and may still provide habitat for pygmy whitefish, a species whose distribution is limited to a few deep natural lakes.

In order to protect remaining stocks of salmon and steelhead, it is critical that flows in productive streams such as the Lyre River be sustained. WDFW requests that surface-water diversions from the Lyre River watershed be limited to in-house use only and that no outdoor watering be allowed. Currently, Ecology has established no base flow requirements for the Lyre River, but there is an ongoing watershed planning effort underway pursuant to Chapter 90.82 RCW.

A streamflow measurement gage (Lyre River at Piedmont, #12044000) was located on the Lyre River from 1918 to 1927. Mean monthly streamflows were as follows:

October	118 cfs
November	198 cfs
December	334 cfs
January	430 cfs
February	424 cfs
March	290 cfs
April	216 cfs
May	202 cfs
June	182 cfs
July	112 cfs
August	70 cfs
September	59 cfs
Average Monthly Discharge	219.58 cfs

On an instantaneous basis, the diversion represents .009 percent of the average annual flow. During the low flow month, August, the diversion represents .03 percent of the average monthly flow. During August and September, the lowest-flow months, the primary fish activity is rearing by steelhead and coho juveniles and fry. According to the Lyre River Instream Flow Assessment prepared by CH2M Hill for the Public Utility District No. 1 of Clallam County (November 1984), habitat values for rearing activity all peak near the average monthly flow values for August and September and, to some extent, rearing conditions improve as flows decrease. Hal Beecher of WDFW affirmed that in confined, high-gradient watercourses such as the Lyre River, rearing conditions can improve as flows and velocities moderate.

Based on this information and consistent with WDFW's recommendation that diversions be limited to domestic, in-house use only, I conclude that there will be no impairment to instream uses of Lake Crescent or the Lyre River

FINDINGS AND CONCLUSION:

In accordance with Chapters 90.03 and 90.54 RCW, I recommend approval of this application for in-house single domestic supply. I find that water is available for appropriation for in-house use only, that the intended use is beneficial, and will not impair existing rights or be detrimental to the public welfare.

RECOMMENDATIONS:

I recommend approval of this application and issuance of a permit to allow appropriation of surface water in the amount of .02 cfs, 0.34 acre-feet per year, from Lake Crescent and from the unnamed spring tributary to the lake, for single domestic supply. The period of use shall be year-round, as needed.

This permit is subject to applicable State laws and regulations and the following provisions:

PROVISIONS:

"Use of water under this permit/certificate shall be limited to in-house domestic supply."

"Diversions from the lake and the spring source shall not exceed a cumulative total of .02 cfs and 0.34 acre-feet per year. The diversion from the spring shall only be used when the lake is not capable of supplying the desired quantity and quality of water."

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", Chapter 173-173 WAC.

Water use data shall be recorded annually and maintained by the property owner for a minimum of five years, and shall be promptly submitted to Ecology upon request.

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".

The permit is 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 Capital Way North, Olympia, Washington, 98501-1091, Attention: Habitat Management Division, (360) 902-2534, to obtain specified requirements for your project.

REPORTED BY:

Jeffery Clark

Date:

May 14, 2004

The statutory permit fee for this application is \$5.00.

FINDINGS OF FACT AND DECISION

Upon reviewing the above report, I find all facts, relevant and material to the subject application, have been thoroughly investigated. Furthermore, I find water is available for appropriation and the appropriation as recommended is a beneficial use and will not be detrimental to existing rights or the public welfare.

Therefore, I ORDER a permit be issued under Surface Water Application Number S2-29635, subject to existing rights and indicated provisions, to allow appropriation of public surface water for the amount and uses specified in the foregoing report.

Signed at Olympia, Washington, this 14th day of May, 2004.

Thomas Loranger

Thomas Loranger
Water Resources Section Manager
Southwest Regional Office