



STATE OF WASHINGTON
DRAFT
REPORT OF EXAMINATION
FOR WATER RIGHT CHANGE

File NR CS2-SWC3077
WR Doc ID 6803778

Added or Changed Purpose of Use

APPLICATION DATE	WATER RIGHT CHANGE APPLICATION NUMBER
June 28, 2021	CS2-SWC3077

PRIORITY DATE OF CLAIM PROPOSED FOR CHANGE	CERTIFICATE OF CHANGE NUMBER PROPOSED FOR CHANGE
9/7/1945	

NAME AND MAILING ADDRESS	SITE ADDRESS (IF DIFFERENT)
Lee Gate 5095 Lost Mountain Ranch Rd Sequim, WA 98382	

Total Rate and Quantity Authorized for Diversion

DIVERSION RATE (cfs)	ANNUAL QUANTITY (ac-ft/yr)
0.005	1.31

cfs = Cubic Feet per Second; ac-ft/yr = Acre-feet per Year

Associated Water Right(s)

DOCUMENT NUMBER	INSTANTANEOUS RATE (cfs)	ANNUAL QUANTITY (ac-ft/yr)	REMARKS
CS2-CV1-2P8	0.15	Not specified	n/a

Purpose(s)

PURPOSE	DIVERSION RATE (cfs)	ANNUAL QUANTITY (ac-ft/yr)	PERIOD OF USE
Industrial/Commercial Supply	0.005 cfs	1.31	Year-round

Source Location

COUNTY	WATERBODY	TRIBUTARY TO	WATER RESOURCE INVENTORY AREA
Clallam	Surface Water	McDonald Creek	18 Elwha-Dungeness

SOURCE NAME	PARCEL	WELL TAG	TOWNSHIP	RANGE	SECTION	QQ Q	LATITUDE	LONGITUDE
Little Creek Diversion	042908310000	n/a	29N	04W	08	SE/SW	48.0255	-123.2305

QQ Q = Quarter Quarter

Datum: NAD83/WGS84

Place of Use

PARCEL(S)
Parcel No. 042908310000

LEGAL DESCRIPTION OF THE AUTHORIZED PLACE OF USE
South ½, Section 8, T.29N., R.4W., W.M., in Clallam County, Washington

Proposed Works
(POD): a single diversion structure located on the north bank of Little Creek. Water is conveyed through the existing piping for irrigation.

Development Schedule		
BEGIN PROJECT BY THIS DATE	COMPLETE PROJECT BY THIS DATE	PUT WATER TO FULL USE BY THIS DATE
Started	October 1, 2027	October 1, 2032

Attention: These dates represent deadlines that must be met or risk cancellation of this authorization. Submittal of formal documentation for each stage is required. Extensions may be requested.

Measurement of Water Use	
HOW OFTEN MUST WATER USE BE MEASURED AND RECORDED?	Monthly
HOW OFTEN MUST WATER USE DATA BE REPORTED TO ECOLOGY?	Annually by January 31
WHAT VOLUME SHOULD BE REPORTED?	Total annual quantity in acre-feet
WHAT RATE SHOULD BE REPORTED?	Annual peak rate of diversion in cfs

Provisions

Measurements, Monitoring, Metering, and Reporting

An approved measuring device must 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, which 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 (Ecology) for modifications to some of the requirements.

Recorded water use data shall be submitted electronically by January 31 each year. To set up an Internet reporting account, contact the Regional Office. If you do not have Internet access, you can still submit hard copies by contacting the Regional Office for forms to submit your water use data.

Proof of Appropriation

Consistent with the development schedule given in this report (unless extended by Ecology), the water right holder must file a Notice of Proof of Appropriation (PA) of Water with Ecology. The PA documents the project is complete and all the water needed has been put to full beneficial use (perfected). In order to verify the extent of water use under this water right change approval, an inspection of water use is typically required, known as a “proof exam”. After filing the PA, the water right holder’s next step is to hire a Certified Water Rights Examiner (CWRE) to conduct this proof exam. A list of CWREs is provided to the water right holder upon filing the PA with Ecology. The final water right document, a water right certificate, then may issue based upon the findings of the CWRE. Statutory county and state filing fees may apply prior to certificate issuance.

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.

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.

Findings of Fact and Order

Upon reviewing the investigator's report, I find all facts, relevant and material to the subject application, have been thoroughly investigated.

Therefore, I ORDER **APPROVAL** of Change Application No. CS2-SWC3077, 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 to 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 RD SW, Ste 301 Tumwater, WA 98501	Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903

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>.

Authorizing Signature

Signed at Olympia, Washington, this _____ day of _____, 2022.

Michael J. Gallagher, Section Manager
Water Resources Program/Southwest Regional Office
Department of Ecology

INVESTIGATOR'S REPORT

Water Right Change Application No.: CS2-SWC3077 (Lee Gates)

Investigator: Jill Van Hulle, for Aspect Consulting

Reviewed by: Tammy Hall, SWRO

BACKGROUND

This report serves as the written findings of fact concerning Water Right Change Application Number CS2-SWC3077 submitted by Lee Gates on June 28, 2021. The applicant proposes a change to add a purpose of use to Surface Water Certificate (SWC) 3077. This water right currently authorizes domestic and stockwater use on the subject property. The intent of the change application is to convert the entire portion of the water right from stockwater to industrial/commercial uses.

Table 1. Existing Water Right Attributes

Name on Water Right Document	Edwin Maybee
Certificate Number	SWC3077
Priority Date	09/07/1945
County	Clallam
WRIA	18 Elwha-Dungeness
Water Source	Little Creek
Tributary to	McDonald Creek
Place of Use	W ½ of the SE ¼ Quarter of Section 8, T.29N., R.4W., W.M., in Clallam County, Washington.

Purpose	Instantaneous Rate (cfs)	Annual Quantity (ac-ft/yr)	Begin Season	End Season
Domestic Supply and Stockwater	0.005	Unspecified	Unspecified	Unspecified

Source Name	Parcel	Well Tag	Township	Range	Section	QQ Q	Latitude	Longitude
Little Creek Diversion	Not specified	n/a	29N	04W	17	E½/ NE¼	Not specified	Not specified

WRIA = Water Resource Inventory Area; cfs = Cubic Feet per Second; ac-ft/yr = Acre-feet per Year; QQ Q = Quarter Quarter

Datum: NAD83/WGS84

Table 2. Requested Water Right Attributes

Applicant Name	Lee Gates
Date of Application	June 28, 2021
County	Clallam
WRIA	18 Elwha-Dungeness
Water Source	Little Creek
Tributary to	McDonald Creek
Place of Use	Parcel No. 042908310000 located in a portion of the South ½, Section 8, T.29N., R.4W., W.M., in Clallam County, Washington.

Purpose	Instantaneous Rate (cfs)	Annual Quantity (ac-ft/yr)	Begin Season	End Season
Industrial/Commercial	0.005	1.31	1/1	12/31

Source Name	Parcel	Well Tag	Township	Range	Section	QQ Q	Latitude	Longitude
Little Creek Diversion	042908310000	n/a	29N	04W	08	SE/SW	48.0255	-123.2305

Datum: NAD83/WGS84

Cost Reimbursement

This application for change is being processed under a cost reimbursement agreement between the applicant and the Department of Ecology. This report has been prepared by Aspect Consulting, LLC under contract to the applicant and reviewed by Tammy Hall with the Department of Ecology's Water Resources Program.

This project involves the processing of two applications for change, and since the amounts authorized to be changes are based solely of the extent of beneficial use these requests are water budget neutral such that impacts to senior pending application in the watershed will not occur. Accordingly this application may be processed independently of any senior applications.

Public Notice

A notice of application was published in accordance with RCW 90.03.280 in the Sequim Gazette on October 27, 2021, and November 3, 2021. No protests were received.

INVESTIGATION

SWC 3077authorizes the use of 0.005 cubic feet per second (cfs) for stockwater and domestic supply from a surface water diversion on Little Creek. The authorized place of use is Parcel No. 042908310000 located in a portion of the South ½, Section 8, T.29N., R.4W., W.M., in Clallam County, Washington.

In consideration of this application, Aspect Consulting, LLC (Aspect) reviewed available documents, site conditions, and the potential effect of the proposed project on existing water rights. This included information submitted by the applicant and pertinent Ecology records including water rights records and water resources policy and guidance documents. Additional data for this analysis were obtained from the following resources:

- Correspondence with the applicant;
- Ecology's Water Right Application Tracking System (WRATS);
- Google Earth aerial photos and topography;
- Document review form files for SWC3077 and Certificate of Change S2-CVI-2P8; and
- A site visit was performed for this water right on May 10, 2021 by Aspect staff.

Basis of Water Demand and Proposed Use

Site Description

The project consists of a 76-acre subject property (parcel no. 042908310000) located in a portion of the South ½, Section 8, T.29N., R.4W., W.M., in Clallam County, Washington. The property is within Water Resource Inventory Area 18: Elwha-Dungeness River watershed (Figure 1) and is situated in the foothills along the northern flanks of the Olympic Mountain range. The site elevations range from approximately 1,250 feet to 1,400 feet (NAVD88). The property is approximately 7 miles southwest of the City of Sequim, Washington.

Water System Description

The water delivery system for the property co-mingles the facility's stockwater/animal husbandry supply with the irrigation supply that is authorized by surface water certificate CS2-CV1-2P8. Water for both irrigation and other demands is diverted from a single diversion point of diversion which consists of a circa-1940's concrete vault/cistern that is buried into the creek bed. The collection structure, which is estimated to hold about 1,000 gallons of water, is continuously full and equipped with a submersible pump that conveys the water uphill approximately 100 feet to the north to a buried pressure tank¹. From the pressure tank water is either piped 50 feet to the east to a small open storage irrigation pond, or directly plumbed to the 5,600 square-foot horse barn. The pressure tank is equipped with a valve that keeps it continuously full and serves to regulate water pressure for the fixtures in the barn.

History of Water Use

The historical use of the property has been agricultural, used primarily for raising livestock and irrigation of pastures for grazing. The applicant has owned the property since 1999 and since his purchase has used this property consistent with this historical use and has continued to utilize the existing water supply system from the previous owners.

The original water right certificate was filed by Edwin Maybee on July 2, 1948, for 0.005 cfs for domestic supply and stockwater use. This site has been used for stock purposes including raising draft horses as a commercial enterprise. Stockwater use has been continuous through previous ownership of the property by the applicant (Maybee cattle, Blethens Equestrian, Busch cattle, Klein equestrian) and as such water has historically been used for drinking and general animal husbandry, which is consistent with the original intent.

Given the age of this water right certificate there is limited documentation available from Ecology's files describing the original water use history on the property. Stockwater use since 1999 was calculated to be 1,170 gallons per day from the assumptions detailed below. A summary of the stockwater use authorized under this water right is provided in Table 3.

¹ Capacity of current pressurized storage tank is 500 gallons.

- 270 gallons per day for livestock watering. At full capacity, the applicant's property hosts 27 head of livestock which includes 5 to 10 cattle and 22 horses. The watering requirement for livestock is estimated to be 10 gallons per day per head. Drinking water was provided both to animals in the stable area as well as to outdoor troughs.
- In addition to drinking water, water was also used for general animal husbandry directly related to the care and raising of animals including rinsing animal troughs and feed buckets for sanitation, occasional horse washing, stall cleaning, equipment, and cleaning livestock trailers. The equestrian barn is equipped with modern pressurized plumbing including automatic water troughs, and horse bathing stalls. Incidental daily water use amounted to about 900 gallons a day or the equivalent of using a garden hose for about an hour and a half each day.
- Domestic water use is estimated to be 350 gallons per day (0.39 acre-feet per year), however there is no documented history of domestic water use for human consumption on the property. As such, this quantity was not considered for change and excluded from Table 3.

Table 3. Stock Water Estimates

Head of livestock	Livestock Watering (gpd)	General Animal Husbandry (gpd)	Total Stock Water Use (gpd)
27	270	900	1,170

Proposed Use

This water right application seeks a water supply for industrial and commercial use, and production can be adjusted to meet the legally available supply. Based on conversations with the applicant, the project is viable with as little as 1,000 gallons day, however between 3,500 – 6,000 gallons per day (gpd) would be the ideal supply target.

Water for the industrial/commercial use will be supplied by the applicant's two existing Little Creek water rights: 100 percent of the stockwater right (subject water right; SWC3077) and a portion of the irrigation water right (S2-CV1-2P8).

Total stockwater use on the property was estimated to be 1,170 gpd. The applicant plans to cease all existing stockwater use on the property and change 100 percent to industrial/commercial use for the distillery. The applicant also proposes to reduce the irrigated acreage on the property from 13 acres to approximately 11 acres to provide the remaining balance of 4.26 acre-feet that is needed to meet the projected annual requirement.

Since 100 percent of the stockwater use is being transferred to industrial/commercial supply, the provisions of RCW 90.03.380 do not require an investigation to ensure that the annual consumptive quantity of water is not being increased because of the change.

Other Rights Associated with Project or Place of Use

The applicant holds Certificate S2-CV1-2P8 for the purpose of domestic and irrigation use. A change application was filed concurrently with the subject water right application of this ROE and is associated with this project. The change application requests the change from irrigation use to

industrial/commercial use. Total irrigation use on the property was estimated to be 27.52 acre-feet per year. Ecology's Water Resources Explorer shows no other overlapping places of use on the subject parcel.

Hydrology Evaluation

The hydrology of the Dungeness River watershed area of WRIA 18 is described in several documents, including:

- *Assessment of Baseflow in Small Streams of the Dungeness Watershed*, Pacific Groundwater Group (2008).
- *Elwha-Dungeness Watershed Plan*, Water Resource Inventory Area 18 and Sequim Bay in West WRIA 17, by the Elwha-Dungeness Planning Unit (2005).

The subject water source on Little Creek is tributary to McDonald Creek in WRIA 18. According to the Watershed Plan, "McDonald Creek is a significant independent drainage to salt water, entering the Strait of Juan de Fuca between the western end of Dungeness Spit and Green Point". "Its headwaters originating at ~4,700 feet". The confluence of Little Creek and McDonald Creek is situated in the foothills above the Dungeness floodplains, where the drainage has been incised in steep ravines.

ANALYSIS

Under Washington State statutory (RCW 90.03.380 and 90.44.100) and case law, in evaluating a water right change application, Ecology is required to determine whether, and to what extent, a water right is valid and eligible to be changed. Further, the following criteria must be assessed for a change to a surface water certificate of change.

- The existing right must not be enlarged.
- The proposed change and resulting water use must not cause impairment of existing rights.
- The water source must not change.

Water Availability

Water must be physically available at the proposed point(s) of withdrawal. For water to be physically available, it must be present in quantities and quality and on a sufficiently frequent basis to provide a reasonably reliable source for the requested beneficial use or uses.

Physical Availability

Historically, the stream flow in Little Creek has been adequate to support the full use of the water right. Flow in Little Creek is perennial. Based on the USGS Stream Stats tool, the drainage area feeding Little Creek at the above the point of diversion is approximately 2.18 square miles and the 10-year Low-Flow statistic is estimated to be 0.239 cubic feet per second. This value exceeds the authorized diversion rate of the subject water right.

The nearest measurement point to the water right is located on McDonald Creek, approximately 5 miles downstream. The flow is measured at the McDonald Creek at Hwy 101 station (Station ID: 18P070).

Legal Availability

WRIA 18 includes the Elwha and Dungeness Rivers and a number of other streams and creeks that drain independently from the Olympic Mountains to the Strait of Juan de Fuca. The Dungeness portion of

WRIA 18 (East WIRA 18) includes the Dungeness River and a group of independent streams. The west side of the Dungeness River includes McDonald Creek, Siebert Creek and Bagley Creek. The subject water right is located in the McDonald Creek subbasin.

On January 2, 2013, Chapter 173-518 Washington Administrative Code (WAC), *Water Resources Management Program for the Dungeness Portion of the Elwha-Dungeness Water Resources Inventory Area (WRIA) 18* became effective. This rule established minimum flows and closures to protect in-stream resources in the Greater Dungeness Basin streams. Once adopted by rule, instream flows² constitute an appropriation with a priority date which is the effective date of the rule. New water rights or changes to existing right that would diminish flow below levels established in the rule may not be approved (RCW 90.03.345) unless impacts are fully mitigated.

This change application will not result in any additional impacts to the surface water regime because neither the point of diversion nor the amount of water is being altered. The change in purpose of use will not impact other water right holders or surface water in the watershed. These recommendations also maintain the same period of use restriction, such that the time of year that the applicant uses water is still governed by the original period of use.

Impairment

In analyzing impairment, Ecology must make a determination as to whether existing water rights, including instream flows established by Ecology rules, may be impaired by the proposed change. The analysis will compare impacts that can occur under the existing water right to impacts anticipated if the proposed change is authorized.

Impairment is an adverse impact on the physical availability of water for a beneficial use that is entitled to protection. A water right application may not be approved if it would:

- Interrupt or interfere with the availability of water to an adequately constructed groundwater withdrawal facility of an existing right. An adequately constructed groundwater withdrawal facility is one that (a) is constructed in compliance with well construction requirements and (b) fully penetrates the saturated zone of an aquifer or withdraws water from a reasonable and feasible pumping lift.
- Interrupt or interfere with the availability of water at the authorized point of diversion of a surface water right. A surface water right conditioned with in-stream flows may be impaired if a proposed use or change would cause the flow of the stream to fall to or below the in-stream flow more frequently or for a longer duration that was previously the case.
- Interrupt or interfere with the flow of water allocated by rule, water rights, or court decree to in-stream flows.
- Degrade the water quality of the source to the point that the water is unsuitable for beneficial use be existing users.

² “**Instream flow**” means a stream flow level set in rule to protect and preserve fish, wildlife, scenic, aesthetic, recreation, water quality, and other environmental values, and navigational values. The term “instream flow” means “base flow” under Chapter 90.54.RCW “minimum flow” under Chapters 90.03 and 90.22 RCW, and “minimum instream flow” under Chapter 90.82 RCW.

The Department of Ecology's Water Right Tracking System (WRTS) and Well Log database indicate the following existing neighboring water users:

- Well reports are on record for 11 wells located within a half-mile of the subject property.
- Water Right Claim S2-01176CL was filed by Francis A Gore, Jr. and is located directly east of the subject property. The surface water right claims 3,500 gallons per day and an annual quantity of 2 acre-feet from an unnamed creek located in Section 8, T. 29N, R. 4W. The purpose for which the water is used is residential and minor agricultural. The date of first use is listed as 1932.
- Water Right Certificate G2-22927CWRIS was filed by Michael Lee Jeldness and has a priority date of July 1, 1974. The place of use for this water right is located directly east of the subject property. The certificate has an authority for 15 gallons per minute and an annual quantity of 4.5 acre-feet per year from a well located in Section 8, T. 29N, R. 4W. The purpose of which the water is used is domestic and stockwater.

Table 4. Neighboring Water Rights

Owner	Francis A Gore, Jr.	Michael Lee Jeldness
Water Right #	S2-011767CL	G2-22927CWRIS
Priority Date	1932	7/1/1974
Instantaneous Rate	3,500 gpd	15 gpm
Annual Quantity	2 acre-feet	4.5 acre-feet
Purpose	Domestic and Agricultural	Domestic and Stockwater
Place of Use (QQ, S, T, R)	E½ SW¼, Section 8, T. 29N, R. 4W	E½ SW¼ SE¼ and the S½W½W½SE¼SE¼, Section 8, T. 29N, R. 4W

Notes:

gpm = gallons per minute; gpd = gallons per day.

Due to adequate distance between the neighboring wells and point of diversion and the historic use of the subject water right, this change application will not impair existing groundwater or surface water rights.

Tentative Determination of Validity and Extent

A tentative determination of the validity and extent of a water right must be performed for any proposed water right change. Ecology must evaluate the historical use of the subject right and other factors to determine the rate and quantity of water that may be changed. Under Washington State statutory (RCW 90.03.380 and 90.44.100) and case law, in evaluating a water right change application, Ecology is required to determine whether, and to what extent, a water right is valid and eligible to be changed. Further, the following criteria must be assessed for a change to a surface water certificate.

- The existing right must not be enlarged.
- The proposed change and resulting water use must not cause impairment of existing rights.
- The water source must not change.

- Water use must continue to be beneficial.
- The proposed change and resulting water use must not be detrimental to the public interest (public welfare).

The original water right certificate was used in July 1948 for 0.005 cfs for domestic supply and stockwater use. Stockwater use estimates were obtained from the applicant and total 1.31 acre-feet per year. Aspect investigated the water right Point of Diversion on Little Creek during a site visit on May 10, 2021.

Beneficial Use

The use of water for industrial/commercial is considered a beneficial use of water under RCW 90.54.020(1).

Public Interest

State Environmental Policy Act (SEPA)

Under chapter 197-11 WAC, a water right application is subject to a SEPA threshold determination (i.e., an evaluation of whether there will be significant adverse environmental impacts) if any of the following conditions are met:

- It is a surface water right application for more than 1 cfs, unless that project is for agricultural irrigation, in which case the threshold is increased to 50 cfs, so long as that irrigation project will not receive public subsidies;
- It is a groundwater right application for more than 2,250 gpm;
- It is an application that, in combination with other water right applications for the same project, collectively exceed the amounts above;
- 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);
- 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.

Considering that none of the above conditions are met, the application under review is categorically exempt from a SEPA threshold determination.

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 Sequim Gazette on October 27, 2021 and November 3, 2021. No protests were received as a result of the public notice.

Other Administrative Requirements

The following must be considered when evaluating a proposed water right change.

Notification to the Washington Department of Fish and Wildlife

Per RCW 90.03.280 and 77.57.020, Ecology must give notice to the Washington Department of Fish and Wildlife (WDFW) of applications to divert, withdraw, use, or store water. WDFW was provided notice of this water right change application on February 3, 2022, and Water Rights Biologist Steve Boessow responded with the following comments:

1. Steelhead, coho, and cutthroat are not just historical, they are still present. In addition to ESA listed salmonids, there are ESA listed Pacific Lamprey in McDonald Creek
2. The flows in McDonald Creek get seriously low, and the (Ecology) gage is not very accurate.
3. McDonald Creek and its tributaries are closed to new uses year-round. This would preclude adding a new impact to Little Creek during the winter months.

Mr. Boessow provided that if the applicant can match the timing and quantities used for stockwater and irrigation currently, that there should be no new impacts to those fish from these changes.

These issues have been taken into consideration in developing the permitting recommendation for the Applications for Change of Water Right Permit filed for both S2-*06652CWRIS and CS2-CVI-2P8. Only quantities of water that have historically developed and remain in good standing are eligible to be changed, and there will be no increase in the historical use of water on the property.

Conclusions

I find that:

- 0.005 cfs and 1.31 ac-ft/yr of water is valid and eligible for change.
- The proposed change will not result in an enlargement of the subject water right.
- The proposed change will not impair existing rights.
- The existing and proposed points of diversion draw water from the same source.
- Water is physically available at the new point of withdrawal.
- Industrial/Commercial use is a beneficial use.

RECOMMENDATIONS

Based on the above investigation and conclusions, I recommend this request for a water right change be **APPROVED** in the amounts and within the limitations listed below and subject to the provisions listed above.

Recommended Quantities, Purpose of Use, and Project Location

The rate and quantity of water recommended are maximum limits. The permit holder may only divert water at a rate and quantity within the specified limits that are reasonable and beneficial:

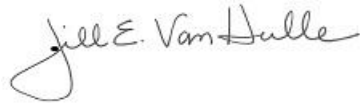
Table 5. Recommended Project Limits and Location

Applicant Name	Lee Gates
Date of Application	June 28, 2021
County	Clallam
WRIA	18 Elwha-Dungeness
Water Source	Little Creek
Tributary to	McDonald Creek
Place of Use	Parcel No. 042908310000 located in a portion of the South ½, Section 8, T.29N., R.4W., W.M., in Clallam County, Washington.

Purpose	Instantaneous Rate (cfs)	Annual Quantity (ac-ft/yr)	Begin Season	End Season
Industrial/Commercial	0.005 cfs	1.31	1/1	12/31

Source Name	Parcel	Well Tag	Township	Range	Section	QQ Q	Latitude	Longitude
Little Creek Diversion	042908310000	n/a	29N	04W	08	SE/SW	48.0255	-123.2305

Datum: NAD83/WGS84



Jill Van Hulle, Aspect Consulting

Date



Tammy Hall, L.H.G., Department of Ecology

Date

To request ADA accommodation including materials in a format for the visually impaired, call Ecology Water Resources Program at 360-407-6872. Persons with impaired hearing may call Washington Relay Service at 711. Persons with speech disability may call TTY at 877-833-6341.

