



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

4601 N Monroe Street • Spokane, Washington 99205-1295 • (509)329-3400

April 19, 2016

Mr. Rex Harder  
Hercules Ranch LLC  
P.O. Box 324  
Sprague, WA 99032

Re: Surface Water Application No. S3-28183

On, January 5, 2016 this office notified you that your Surface Water Application Number S3-28183 would be rejected unless you returned the *Statement of Intent Form ECY 070-424*, requesting a formal decision. This form was received on March 15, 2016 with the "Proceed" box checked. According to a phone conversation on April 13, 2016, an error occurred, this form was intended for Surface Water Application No. S3-28184. You also indicated that you no longer have any interest in pursuing Application No. S3-28183.

Therefore, Application S3-28183 is hereby **REJECTED**.

**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
<b>Department of Ecology</b> Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	<b>Department of Ecology</b> Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
<b>Pollution Control Hearings Board</b> 1111 Israel Road SW Ste 301 Tumwater, WA 98501	<b>Pollution Control Hearings Board</b> PO Box 40903 Olympia, WA 98504-0903

Hercules Ranch  
S3-28183  
Page 2  
April 19, 2016

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>.

If you have any questions, please contact Dan Tolleson at 509-329-3526.

Sincerely,



Keith L. Stoffel  
Section Manager  
Water Resources Program  
Eastern Regional Office

KLS/DT:md

Enclosure: *Your Right to Be Heard*

**By Certified Mail:** 7015 0640 0003 6619 5436

**U.S. Postal Service™**  
**CERTIFIED MAIL® RECEIPT**  
 Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

**OFFICIAL USE**

7015 0640 0003 6619 5436

Certified Mail Fee \$ \_\_\_\_\_

Extra Services & Fees (check box, add fee as appropriate)

Return Receipt (hardcopy) \$ \_\_\_\_\_

Return Receipt (electronic) \$ \_\_\_\_\_

Certified Mail Restricted Delivery \$ \_\_\_\_\_

Adult Signature Required \$ \_\_\_\_\_

Adult Signature Restricted Delivery \$ \_\_\_\_\_

Postmark  
Here

Postage \$ \_\_\_\_\_

Total P \$ \_\_\_\_\_

Sent To \_\_\_\_\_

Street \_\_\_\_\_

City, St \_\_\_\_\_

Mr. Rex Harde  
 Hercules Ranch LLC  
 P.O. Box 324  
 Sprague, WA 99032

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Number

Mr. Rex Harde  
 Hercules Ranch LLC  
 P.O. Box 324  
 Sprague, WA 99032



9590 9403 0885 5223 8057 15

2. Article Number (Transfer from mailpiece)  
 7015 0640 0003 6619 5436

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  
 Addressee

B. Received by (Printed Name) REX HARDE

C. Date of Delivery 4/21/16

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type

Adult Signature

Adult Signature Restricted Delivery

Certified Mail®

Certified Mail Restricted Delivery

Collect on Delivery

Delivery Restricted Delivery

Mail Restricted Delivery (over \$500)

Priority Mail Express®

Registered Mail™

Registered Mail Restricted Delivery

Return Receipt for Merchandise

Signature Confirmation™

Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt



**Statement of Intent for Pending  
Application for a Water Right Permit**

*To determine continued interest in pursuing a decision on an existing application*

**RECEIVED**

FEB 02 2016

Department of Ecology  
Eastern Washington Office

**1. Application Number:**

WATER RIGHT APPLICATION NO. (i.e. 1234, G3-01234, etc.) <b>53-28183</b>
--

**2. Applicant Information:** If there is more than one applicant, please attach a separate sheet of paper to provide all other applicant's contact information.

APPLICANT/BUSINESS NAME <b>Hercules Ranch LLC</b>	PHONE NO.	PHONE NO. <b>509 995 5242</b>
MAILING ADDRESS <b>PO Box 324</b>		
CITY <b>Sprague</b>	STATE <b>WA</b>	ZIP CODE <b>99032</b>
E-MAIL ADDRESS <b>harderoc@icloud.com</b>		

**3. Intent:** Check the Appropriate Box.

**WITHDRAW (Remove from Waiting List)**

I/We do NOT intend to pursue the above application for permit to appropriate public waters of the State. I/We hereby withdraw the application and understand it will NOT be evaluated for approval or denial, it will be removed from the waiting list and the file will be closed.

**PROCEED (Requesting Formal Decision)**

I/We are interested in pursuing the above application for permit to appropriate public waters of the State. I/We hereby request the application be evaluated for approval or denial, which is an appealable action.

**4. Signatures:** Attach additional signatures, if applicable.

*I certify that I am the holder or authorized representative of the above water right application.*

<b>REX HARDER</b>	<i>Rex Harder</i>	<b>2016 Feb 1</b>
PRINT NAME (Applicant or authorized representative)	SIGNATURE	DATE

PRINT NAME (Applicant or authorized representative)	SIGNATURE	DATE
---	-----------	------

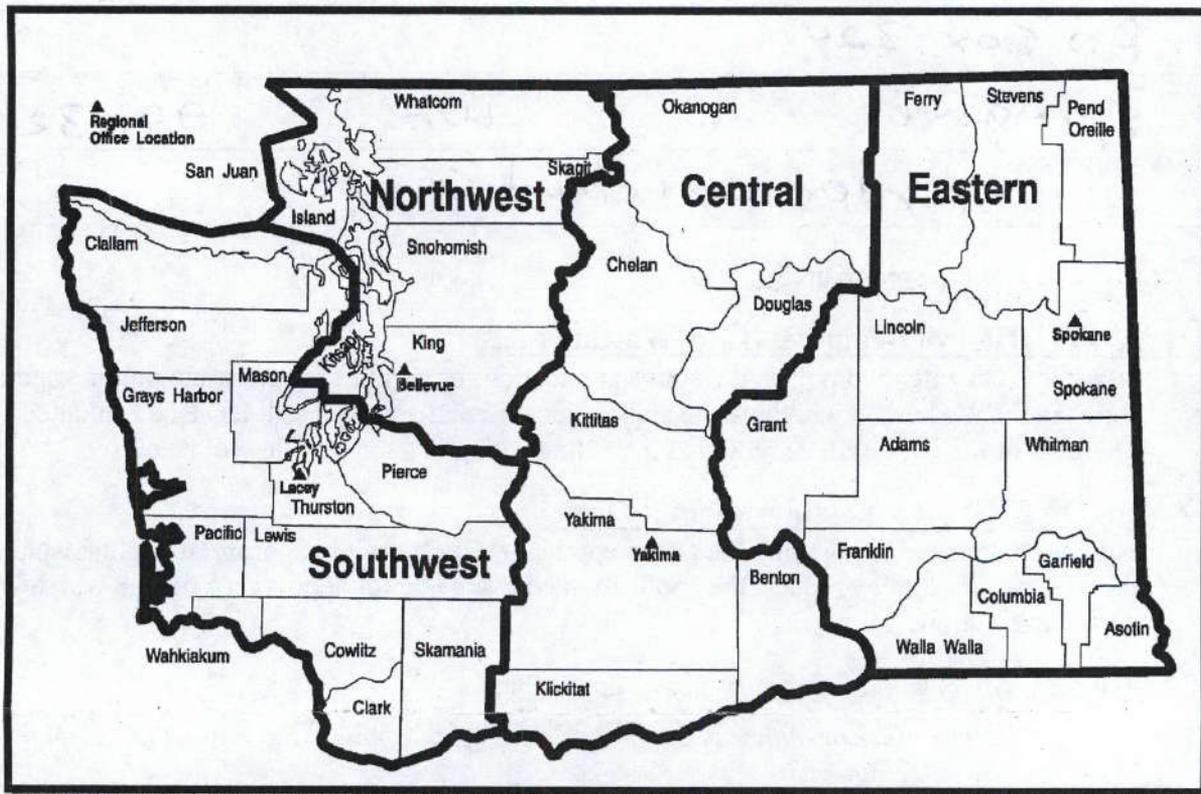
**Submit form:** See reverse.

*OK TO process  
- need Review From  
WDFW - once we  
have info for R3-30403  
OT 2-4-2016*

*reject  
application  
DT 4/13/2016*

**Submit this form to the Regional Office in which your project is located:**

<p>Central Regional Office          15 W Yakima Avenue, Suite 200          Yakima, WA 98902          (509) 575-2490</p>	<p>Eastern Regional Office          4601 N. Monroe Street          Spokane, WA 99205-1295          (509) 329-3400</p>
<p>Northwest Regional Office          3190 – 160<sup>th</sup> Avenue SE          Bellevue, WA 98008-5452          (425) 649-7000</p>	<p>Southwest Regional Office          PO Box 47775          Olympia, WA 98504-7775          (360) 407-6300</p>





STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

4601 N Monroe Street • Spokane, Washington 99205-1295 • (509)329-3400

January 5, 2016

Hercules Ranch LLC  
PO Box 324  
Sprague, WA 99032

Re: Application Nos. G3-28183 and G3-28184 for a Water Right Permit

**NOTICE – WATER RIGHT APPLICATION STATUS**

The Department of Ecology (Ecology) is currently in the process of reviewing applications we have on file for new water rights within Water Resource Inventory Area (WRIA) 34, the Palouse Watershed. The Palouse watershed is located within portions of Adams, Spokane, Lincoln and Whitman Counties. This letter and the enclosed Statement of Intent form are intended to give you the opportunity to inform Ecology whether or not you are still interested in pursuing your application for a new water right.

On August 19, 2014, Ecology requested National Marine Fisheries Service (NMFS) input on new water appropriations within the Snake River basin. A response was received in a letter dated October 1, 2014. They indicated that there are seven species of fish within the basin that are considered listed under the Endangered Species Act (ESA). The Snake River and the tributaries have limited flows that affect these ESA listed species. They noted that many of the tributaries to the Snake River have limited quantity and often poor quality spawning and rearing habitat. Currently, NMFS has a draft plan for recovery of this basin and has indicated that new consumptive water uses should be denied, unless they have appropriate mitigation. Most of the Columbia River Basalt Group aquifers underlying the Palouse Basin either discharge to the lower reaches of its associated tributary or are ultimately hydraulically connected to the Snake River. This fisheries recommendation for denial of new consumptive uses would affect any surface water applications within the watershed and most groundwater applications for new water rights.

Certain watersheds within the Palouse Basin have well documented, localized, serious water availability problems independent of the above-listed concerns expressed by the NMFS. Most of the tributary streams in the watershed experience critical low flows to no flow during the long summer months when water use is highest. Ecology has denied new water uses from these watersheds to protect senior rights for many decades.

**Therefore, it appears that your application for a new water right within the Palouse Basin will in all likelihood be denied.**

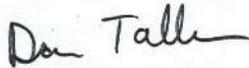


Your options are:

1. Mail the enclosed form back to us with the "WITHDRAW (Remove from Waiting List)" box checked. In this case, your application will be rejected and Ecology will close the file and remove it from the waiting list.
2. Mail the enclosed form back to us with the "PROCEED (Requesting Formal Decision)" box checked. In this case, Ecology must go through the lengthy process of making a formal decision (which could incur costs to you) and issuing a formal report, most likely recommending denial of the application, which is an appealable action pursuant to Chapter 43.21B310 RCW. This process includes a formal public notice and publication at your cost.
3. Do not return the form within 30 days of the date of the letter. In this case, Ecology will issue a formal order rejecting the application, which is an appealable action pursuant to Chapter 43.21B310 RCW. We will then close the file and remove it from the waiting list.

If you have any questions or need information please contact me at (509) 329-3526 or [dan.tolleson@ecy.wa.gov](mailto:dan.tolleson@ecy.wa.gov). My mailing address is Department of Ecology, 4601 N. Monroe Street, Spokane, Washington, 99205-1295.

Sincerely,



Dan Tolleson  
Water Resources Program  
Eastern Region Office

DT:ka

Enclosure: *Statement of Intent form, and  
Copy of Application*

31

32

33

2013 photo

06

05

2038050000001

04

138ac

← Add 45 and 51  
owc 3310-A  
S3-25183 app

T20N/R38E

07

2038080000001

09

08

18

17

16



**ADAMS COUNTY  
WASHINGTON**



**TAXSIFTER**

[SIMPLE SEARCH](#) [SALES SEARCH](#) [REETSIFTER](#) [COUNTY HOME PAGE](#) [CONTACT](#) [DISCLAIMER](#) [HELP](#)

Sherry L Brewer  
Adams County Assessor 210 W Broadway Ave Ritzville, WA 99169

[Assessor](#) [Treasurer](#) [Appraisal](#) [MapSifter](#)

**Parcel**

Parcel#: 2038080000001 / 2038050000001      Owner Name: HERCULES RANCH LLC  
 DOR Code: 83 - Resource - Agriculture Current Use      Address1:  
 Situs: 3113 & 03123 E DANEKAS RD      Address2: P O BOX 324  
 Map Number: 203808 2038-08-00-000000-000-00000      City, State: SPRAGUE WA  
 Status:      Zip: 99032  
 Description: ALL SEC 8, TWP 20, RGE 38 LESS HY (PASTURE)

**Comment:**

All Situses	
3113 & 03123 E DANEKAS RD	3123 E DANEKAS RD
3113 E DANEKAS RD	

**2015 Market Value**

**2015 Taxable Value**

**2015 Assessment Data**

Land:	\$207,400	Land:	\$63,000	District:	25 - RURAL RITZVILLE LAMONT
Improvements:	\$0	Improvements:	\$0	Current Use/DFL:	Yes
Permanent Crop:	\$0	Permanent Crop:	\$0		
Total	\$207,400	Total	\$63,000	Total Acres:	644.00000

**Ownership**

Owner's Name	Ownership %
HERCULES RANCH LLC	100 %

**Sales History**

Sale Date	Sales Document	# Parcels	Excise #	Grantor	Grantee	Price
10/31/12	WD-302329	60	28671	HERCULES RANCH LIMITED PARTNERSHIP	HERCULES RANCH LLC	\$0

**Building Permits**

No Building Permits Available

**Historical Valuation Info**

Year	Billed Owner	Land	Impr.	PermCrop Value	Total	Exempt	Taxable
2015	HERCULES RANCH LLC	\$207,400	\$0	\$0	\$207,400	\$0	\$63,000
2014	HERCULES RANCH LLC	\$156,800	\$0	\$0	\$156,800	\$0	\$58,100
2013	HERCULES RANCH LLC	\$146,800	\$0	\$0	\$146,800	\$0	\$55,400
2012	HERCULES RANCH LIMITED	\$146,800	\$0	\$0	\$146,800	\$0	\$49,500
2011	HERCULES RANCH LIMITED	\$146,800	\$0	\$0	\$146,800	\$0	\$52,800

[View Taxes](#)

**Parcel Comments**

No Comments Available

## Property Images

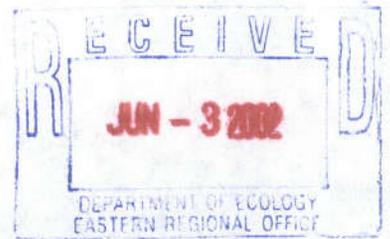
No images found.

1.0.5642.25433

TX\_RollYear\_Search: 2015



State of Washington  
**DEPARTMENT OF FISH AND WILDLIFE**



Mailing Address: 600 Capitol Way N • Olympia, WA 98501-1091 • (360) 902-2200, TDD (360) 902-2207  
 Main Office Location: Natural Resources Building • 1111 Washington Street SE • Olympia, WA

May 24, 2002

Department of Ecology  
 Eastern Regional Office  
 N. 4601 Monroe Street, Suite 202  
 Spokane, Washington 99205-1295

**WATER RIGHT APPLICATION REVIEW**

**Application Number:** S328183

**Applicant:** Harder Land Co., Inc.  
 Route 1 Box 4  
 Sprague, WA 99032

**WRIA:** 34

**Water:** Sprague Lake

**This water and/or affected reaches downstream are inhabited by:** Resident game and non-game fish

**Based on:**  Site-specific observations  WDFW database or GIS  
 Literature  Knowledge of this type of stream

**Amount:** 3.1 cfs gpm 1080 acre-ft/yr  
**Point of diversion:** NW NW S8 T20 R38E  
**Point of use:** S S5 and N S8 T20 R38E

**WDFW recommended conditions:**

- Instream flows in WAC 173-5
- This water right should be subject to any established lake levels, if any.

**Instream flows based on:**  IFIM study  USGS toe-width  Tennant  
 Other: Hatfield, T., and J. Bruce. 2000. Predicting salmon habitat-flow relationships for streams from western North America. North American Journal of Fisheries Management 20 (4): 1005-1015.

**WDFW requests that water right be subject to the following instream flows or natural flow, whichever is less:**

Year round 18 cfs

**Instream flows to be measured at:** Immediately downstream from dam on Cow Creek

**Other conditions requested by WDFW indicated by :**

- HPA
- Screen intake if accessible to fish (to be determined during application for HPA) according to

505 C - WA

WDFW standards.

- Based upon review of fish resources present, type and amount of water use, condition of habitat, and amount of water available, WDFW REQUESTS DENIAL of this application, in accordance with RCW 77.55.050, IF THIS SPACE IS CHECKED.
- WDFW recommends modification of this proposal to minimize impacts to fish.
- WDFW is a landowner and water user that will be affected by this proposed use.
- Please HOLD this application pending field review. WDFW staff will provide detailed response by
- Granting this water right application would adversely affect WDFW's existing water rights for a facility. We request the following conditions for this water right if it is granted.

**Rationale for WDFW recommendations if not based on existing rules or statutes:** This water right should be subject to either stream flow or lake levels (or both) in order to protect fish habitat downstream. The impact on fish habitat in the lake is negligible so long as the lake is maintained at its normal level.

**Additional Comments:** The potential for additional diversions in this basin means that at this rate a significant quantity of water could be allocated. Cumulative effects of such diversions have the potential to adversely affect fishes listed under the federal Endangered Species Act in the Snake and Columbia Rivers downstream of Palouse Falls. WDFW recommends that existing water rights in the Palouse River Basin be quantified relative to the water budget for the Snake and Columbia Rivers below Palouse Falls. Measures to protect against such cumulative impacts should be instituted. One possible measure is to subject Palouse River water rights to instream flows for the Columbia and Snake rivers in WAC 173-563 and 173-564, respectively.



Steve Boessow  
Water Rights Biologist  
360-902-2410  
Fax: 360-902-2946  
E-mail: boesssnb@dfw.wa.gov

RECEIPT

WASHINGTON STATE  
DEPARTMENT OF ECOLOGY

144430

Sept 19, 1986

RECEIVED FROM Hayden Land Co.  
Per and Lic No 1100 DOLLARS \$10<sup>00</sup>

FUND: General  Rec. Rev. Basic Data Other Cash

SOURCE: Water Code  Publications Adjudications Refunds Check   
Per. and Lic. Investments Registration Other M.O.

Surface Water Application  
fee 328183  
Check No. 581

By Paula Diller

Thank You



SURFACE WATER SOURCE LIMITATION

(Instructions: See Over)

SOURCE: COW CREEK County(ies): WHITMAN  
 TRIBUTARY OF: PALOUSE RIVER ADAMS  
 LOCATION DATA: Map(s): BENCE 15' KARAKUL HILLS 7 1/2'  
 MARENGO 7 1/2' PALM LAKE 7 1/2'  
 RITZVILLE 5 1/2'

40-acre tract: NW 1/4 S 5 1/2 Sec. 27 T. 15 N., R. 37 E. W.M

## STATUS:

- Low flow (RCW 75.20.050)  Federal withdrawal (RCW 90.40.030)
- Closure (RCW 75.20.050)  
 Does closure apply to single domestic supply:  Yes  
 If closure is partial, explain under REMARKS  No
- Minimum flow (RCW 90.22.010)  Reservation under RCW 90.54.050(1)
- Base flow (RCW 90.54.020)  Withdrawal under RCW 90.54.050(2)
- Lake level RCW 75.20.050  
 RCW 90.22.010  
 RCW 90.24.040  
 RCW 75.20.050  Adjudication incomplete (RCW 90.03.110)
- Basin Management Program  Other (specify):  
 adopted  
 in process

## DOCUMENTARY BASIS:

DOE FILE NUMBER(s):

53-258433-7 Rock Creek - not  
 Trib. to Cow Creek - See Report

REMARKS:

D.O.C. IMPOSED CLOSURE AFTER  
 JUNE 15 EACH YEAR (1975)



✂  
Please detach and return in your remittance.

Payment due:

Jan 15, 1994

Application number:

S3-28183

Please mail to:

Department of Ecology  
Water Right Application Surcharge  
PO BOX 5128  
LACEY WA 98503-0210

For agency use only: 001-02-85-11

Region: ERO

Please write your application number on your check or money order. Do not mail cash.  
Make checks payable to the Department of Ecology.



COPY

STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

N. 4601 Monroe, Suite 100 • Spokane, Washington 99205-1295 • (509) 456-2926

March 19, 1992

Harder Land Company, Incorporated  
Route 1, Box 4  
Sprague, WA 99032

Re: Surface Water Application No. S3-28183

Gentlemen:

You probably have heard that the National Marine Fisheries Service (NMFS) has listed Snake River Sockeye Salmon as an endangered species under the Federal Endangered Species Act. This federal action means that major changes are in store for how water and related natural resources will be managed in the future in the Snake and Columbia River Basins. I would like to brief you on the status of your water right application in light of these developments.

First, let me update you on several other related activities. You may not know that NMFS is considering a proposal to list two other runs of Snake River Chinook Salmon as endangered species. Also, fisheries experts have identified more than 100 declining anadromous fish runs in Washington.

A strong effort is being made to develop a regional solution. Last December, at the request of the governors of the Columbia Basin states, the Northwest Power Planning Council amended the basin's Fish and Wildlife Program. Governor Booth Gardner has strongly endorsed this regional plan.

The fish recovery plan calls on states to take whatever steps are necessary in water management to protect salmon and steelhead. To do this and at the same time meet our obligation to allow responsible use of the state's water, Department of Ecology has made some extremely difficult decisions on processing water rights during the regional discussions.

These decisions will have at least a temporary effect on your application(s). According to our records, you applied for one or more water rights from a tributary of the Snake and/or Columbia Rivers. Prior to taking final action on these applications Department of Ecology must determine whether sufficient water is available to satisfy both new water rights and the instream flow needs of fish.

Harder Land Company, Incorporated  
March 19, 1992  
Page 2

Following this review, Department of Ecology will continue processing applications normally for streams with healthy fish stocks, available water, and adequate instream flow. For streams with weak stocks, further study will be done to determine if low flows are a contributing cause. If so, additional detailed studies may be necessary before water right decisions can be made.

I hope this letter answers some questions that you may have regarding your water right applications(s). I want to assure you that Ecology will make every effort to expedite action on your application. I apologize for delays that are necessary to provide a well founded decision.

Sincerely,



Theodore M. Olson, P.E.  
Eastern Region Supervisor  
Water Resources Program

TMO:mjw  
Enclosures

RECEIVED

NOV 28 1986

DEPARTMENT OF ECOLOGY  
SPOKANE REGIONAL OFFICE

RECEIVED

NOV 28 1986

DEPARTMENT OF ECOLOGY  
SPOKANE REGIONAL OFFICE

*OK for  
Letter  
Concern  
12-1-86  
CAC*

~~RECEIVED~~

~~DEC 1 1986~~

~~DEPARTMENT OF ECOLOGY  
SPOKANE REGIONAL OFFICE~~

Harder Livestock Bar 40  
Jacob C. and Thomas D. Harder  
Star Route 101-Box 312  
Ritzville, Wa. 99169

State of Washington  
Department of Ecology  
N. 4601 Monroe, Suite 100  
Spokane, Wa. 99205-1295

To Whom It May Concern,

Re: Notice of application to appropriate public waters; Harder Land Company Incorporated of Sprague, Wa. Application number S3-28183 and application number S3-28184.

As a result of the adjudication of Cow Creek, the referee awarded Harder Livestock Bar 40 (Jacob and Thomas Harder) numerous water rights of varying dates for irrigation water on natural meadows on lower Cow Creek.

I am not protesting or objecting to anyones right or intentions to use the waters of Cow Creek. I am, however, writing this letter so as to be on record with the Department as having re-asserted my existing rights.

The flow of Cow Creek varies with each season due to availability of rain and snow, and also the on going controversy between irrigators on Cow Creek and Resort interests on Sprague Lake.

Until this controversy, as to the timing of the holding and release of water from Sprague Lake is resolved, the effects of water use from Sprague Lake has virtually no effect on water availability on my property.

My opinion is that the Resort interests have a far more recent water interest date to work from than the many landowners down stream, and I did not find this issue resolved in the findings of the adjudication.

Sincerely,

*Jacob C. Harder*  
Jacob C. Harder

JACK S. WAYLAND  
Director



STATE OF WASHINGTON  
DEPARTMENT OF GAME

EPHRATA OFFICE: P.O. BOX 850 - 1540 ALDER ST. NW EPHRATA, WA 98823 PHONE: (509) 754-4624

RECEIVED

OCT 27 1986

DEPARTMENT OF GAME  
SPOKANE OFFICE

Department of Ecology  
Eastern Region  
N. 4601 Monroe, Suite 100  
Spokane, WA 98205

Application No. S.328183  
Applied for by Harden Land Co., Inc.  
WRIA No. 34  
Water Sprague Lake  
Amount 3.11 cfs

The Department of Game has reviewed the above referenced water right application and submits the following recommendations.

- Washington Department of Ecology has adopted minimum flow and stream closures for this WRIA. Water right should be subject to adopted minimum flows and closures (WAC 173-563).
- Deny - see attached.
- No dam shall be allowed.
- Minimum flow; all diversion shall cease when the flow of \_\_\_\_\_ falls to \_\_\_\_\_ cfs as measured at \_\_\_\_\_.
- Please HOLD pending investigation to determine minimum flow needed.
- Screening criteria.
- Hydraulic Project Approval required.
- Other:
- No comments.

Thank you for the opportunity to review and comment.

Sincerely,

THE WASHINGTON DEPARTMENT OF GAME

*Stephen G. Jackson* / for Tracy Lloyd  
Habitat Program Manager

Red'd Oct. 15, 1986  
Due to DOE \_\_\_\_\_

Rex Harder  
Harder Land Company, Inc.  
15428 110th N. E.  
Bothell, WA 98011

RECEIVED

NOV 12 1986

DEPARTMENT OF ECOLOGY  
SPOKANE REGIONAL OFFICE  
November 7, 1986

Ms. Cindy A. Christian  
Resource Management Division  
Department of Ecology  
N. 4601 Monroe, Suite 100  
Spokane, WA 99205 - 1164

Re: Application # S3-28183  
Application # S3-28184

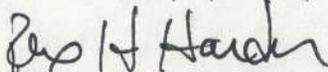
Dear Cindy,

I am enclosing two original, notarized notices of publication for our water rights on Sprague Lake.

Please call me at 1 206 338 2130 if you have any questions.

Thank you.

Sincerely yours,

  
Rex H. Harder

water3.doc

**NOTICE OF APPLICATION TO APPROPRIATE PUBLIC WATERS**  
State of Washington, Department of Ecology.  
**TAKE NOTICE:**

That Harder Land Company, Incorporated of Sprague, Washington on June 27, 1986 under Application No. S3-28183 filed for permit to appropriate public waters, subject to existing rights, from Sprague Lake in the amount of 3.11 cubic feet per second each year, for seasonal irrigation of 155 acres. The source of the proposed appropriation is located within NW¼NW¼ of Section 8, Township 20 N., Range 38 E. W. M., in Adams County.

Protests or objections to approval of this application must include a detailed statement of the basis for objections; protests must be accompanied by a two dollar (\$2.00) recording fee and filed with the Department of Ecology, at the address stated below, within thirty (30) days from October 30, 1986.

State of Washington  
Department of Ecology  
N. 4601 Monroe, Suite 100  
Spokane, Washington  
99205-1295  
(October 23, 30, 1986)

Affidavit of Publication **RECEIVED**

STATE OF WASHINGTON, }  
  } ss,  
County of Adams,

NOV 12 1986

DEPARTMENT OF ECOLOGY  
~~SPokane Regional Office~~

John U. Pavlik, being first duly sworn, deposes and says: That he is the Publisher and Manager of THE RITZVILLE ADAMS COUNTY JOURNAL, a weekly newspaper, which has been established, published in the English language, and circulated continuously as a weekly newspaper in the City of Ritzville, and in said County and State of general circulation in said county for more than six (6) months prior to the date of the first publication of the Notice hereto attached, and that the said RITZVILLE ADAMS COUNTY JOURNAL was on the 25th day of June, 1973, approved as a legal newspaper by the Superior Court of said Adams County, and that

the annexed is a true copy of Notice of Application  
to Appropriate Waters No. S3-28183

as it appeared in the regular and entire issue of said paper itself and not in a supplement thereof for a period of two consecutive week(s) commencing on the 23rd day of October, 198 6, and ending on the 30th day of October, 198 6, and that said newspaper was regularly distributed to its subscribers during all of this period. That the full amount of \$ 24.40 has been paid in full, at the rate of legal.

*John U. Pavlik*  
John U. Pavlik

Subscribed and sworn to before me this 30 day of October, 198 6.

*Jean M. Thurson*  
Notary Public in and for the State of Washington, residing at Ritzville.

OK dna 11/18/86

Lex Herder  
Herder Land Co.  
15428 110th N.E.  
Bothell WA 98011



MS Cindy A. Christian  
Resource Management Division  
Department of Ecology  
N 4601 Monroe, Suite 100  
Spokane WA 99205-1164

COPY

October 3, 1986

Harder Land Company, Inc.  
Route 1, Box 4  
Sprague, WA 99032

Re: Surface Water Application Nos. S3-28183 & S3-28184

Gentlemen:

We have received your applications for the appropriation of water and they have been assigned the above numbers. Will you please refer to them by number in future correspondence. We are enclosing two receipts for your application fees.

Enclosed are notices of your applications which must be published once a week for two consecutive weeks in the Ritzville-Adams County Journal published in Adams County as provided in RCW 90.03.280. This newspaper has general circulation in the locality where the water is to be appropriated and used and is qualified as a legal newspaper as provided in Chapter 65.16 RCW.

Please draw to the publisher's attention that the actual date of the second publication must appear in the space in the notice over the caption "last date of publication".

To assure accuracy, it is the responsibility of the applicant to check the notices carefully before having them published. If an error is detected, do not submit the notices for publication, but refer the error to this office for correction and/or resolution.

Please provide us with the original notarized affidavits of these publications. Publication should start within thirty (30) days and the affidavits must be received in this office within sixty (60) days from date of letter or rejection will be initiated.

Sincerely,

Cindy A. Christian  
Resource Management Division

CAC:aal

Enclosures - Notices of Application (2)  
Receipt Nos. 144430 & 144429

NOTICE OF APPLICATION TO APPROPRIATE PUBLIC WATERS

TAKE NOTICE:

That Harder Land Company, Incorporated  
of Sprague, Washington on June 27, 1986 under  
Application No. S3-28183 filed for permit to appropriate public waters, subject to existing rights,  
from Sprague Lake  
in the amount of 3.11 cubic feet per second  
each year, for seasonal irrigation of 155 acres.

The source of the proposed appropriation is located within NW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub>  
of Section 8, Township 20 N., Range 38 E. W.M., in Adams County.

*Protests or objections to approval of this application must include a detailed statement of the basis for objections; protests must be accompanied by a two dollar (\$2.00) recording fee and filed with the Department of Ecology, at the address shown below, within thirty (30) days from*

*(Last date of publication to be entered above by publisher)*

State of Washington  
DEPARTMENT OF ECOLOGY  
N. 4601 Monroe, Suite 100  
Spokane, Washington 99205-1295

NOTICE

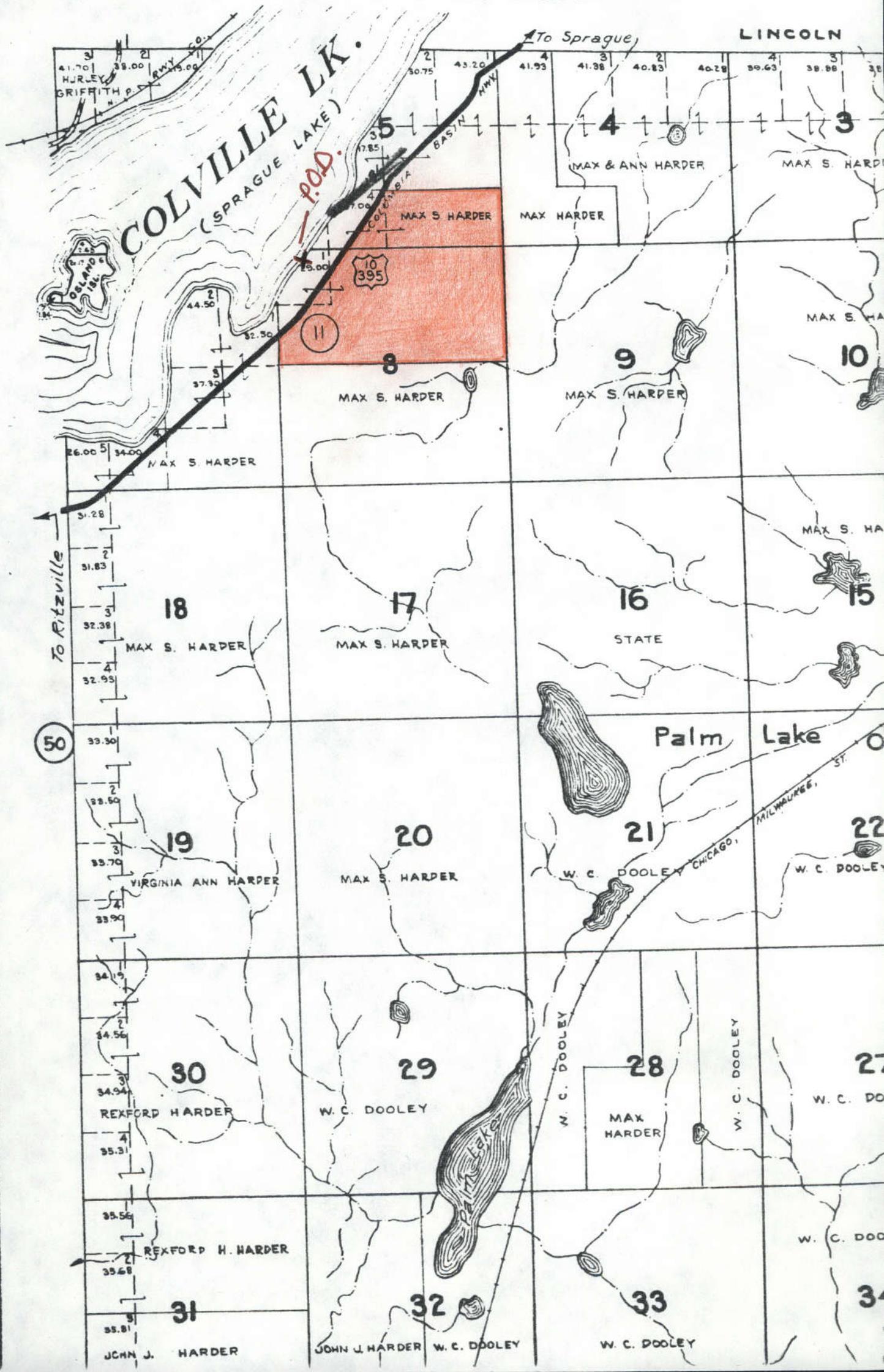
SCALE: 2 IN. = 1 MILE

FOR SALE BY  
**METSKER MAPS**

111 SOUTH TENTH ST., TACOMA, WASHINGTON  
1020 THIRD AVENUE, SEATTLE, WASHINGTON

**TOWNSHIP 20**  
**ADAMS COUNTY**

328183





July 3, 1986

328183

COPY

Harder Land Company, Inc.  
15428 - 110th NE  
Bothell, WA 98012

Attention: Rex Harder, President

Re: Cow Creek Water Rights Adjudication

Dear Mr. Harder:

We are returning your applications for a permit to appropriate public surface waters from Cow Creek.

The Department of Ecology has initiated a legal action to determine the relative rights among existing users of the surface waters of the Cow Creek Drainage Basin. The action was filed with the Adams County Superior Court on January 12, 1982, in Ritzville.

The demand for surface water in the basin exceeds the available supply and a water rights adjudication will identify who legally has the right to use it. The issuance of additional authorization to divert water from Cow Creek is questionable. If your application is for the purpose of irrigation, it will, in all likelihood, be denied.

We suggest that you examine the possibility of obtaining water from an alternate source, such as a ground water source (a well). Should you decide to make application for appropriation of public waters from a well, you should keep in mind that the department will only allow ground water appropriation where there is no hydraulic continuity between the well and surface waters, i.e., the ground water withdrawal does not affect the flow of surface waters of Cow Creek or other surface water sources within the Basin.

The adjudication will determine and prioritize the existing water rights from the various surface water sources within the designated area. Therefore, until this determination is made, we will accept applications for priority purposes only, with no action to be taken on them at this time.

Mr. Rex Harder  
July 3, 1986  
Page 2

Before resubmitting your applications you will need to do the following:

1. Fill out original application forms - xerox copies are not sufficient. I am enclosing two blank application forms for your use.
2. Under Item 2 enter the quantity of water requested in cubic feet per second for surface water (0.01 cubic feet per second is equivalent to 4.5 gallons per minute).
3. Fill in Item 4 on the application for Section 8.
4. The legal landowner's signature is required on the backside of both application forms.

In order to retain your present priority date of June 27, 1986, the applications and fees must be received in this office within thirty (30) days from the date of this letter.

Sincerely,

Cindy A. Christian  
Resource Management Division

CAC:aal

Enclosures