



State of Washington  
**REPORT OF EXAMINATION  
 FOR WATER RIGHT APPLICATION**

**PRIORITY DATE**  
 September 5, 2014

**WATER RIGHT NUMBER**  
 S3-30723

**NAME & ADDRESS**  
 Tami and Chris Absalonson  
 PO Box 334  
 Colbert, WA 99005

**Quantity Authorized for Diversion**

DIVERSION RATE	UNITS	ANNUAL QUANTITY (AF/YR)
0.02	CFS	1

**Purpose**

PURPOSE	DIVERSION RATE		ANNUAL QUANTITY (AF/YR)		PERIOD OF USE (mm/dd)
	ADDITIVE	UNITS	ADDITIVE	NON-ADDITIVE	
Irrigation of 1/2 acre	0.02	CFS	1		05/01 - 10/1

**IRRIGATED ACRES**  
 ADDITIVE  
 1/2

NON-ADDITIVE

**PUBLIC WATER SYSTEM INFORMATION**  
 WATER SYSTEM ID

CONNECTIONS

**Source Limitations**

SOURCE FACILITY/DEVICE	DIVERSION RATE (CFS)	ANNUAL QUANTITY (AF/YR)	PERIOD OF USE (mm/dd)
PEND OREILLE RIVER	0.02	1.0	05/01 - 10/1

**Source Location**

COUNTY	WATERBODY	TRIBUTARY TO				WATER RESOURCE INVENTORY AREA	
PEND OREILLE	PEND OREILLE RIVER	COLUMBIA RIVER				62-PEND OREILLE	
SOURCE FACILITY/DEVICE	PARCEL	TWP	RNG	SEC	QQ	LATITUDE	LONGITUDE
PEND OREILLE RIVER	443529079001	35 N.	44 E.	29	GL 3	48.50618°N	117.27419°W

Datum: WGS84

**Place of Use (See Attached Map)**

**PARCELS (NOT LISTED FOR SERVICE AREAS)**

Parcel No. 443529079001 and 443529079002

**LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE**

Parcel 2: 405351 N Hwy 20, Cusick, WA

That part of Government Lots 3 and 7 in Section 29, Township 35 North, Range 44 E.W.M., Pend Oreille County, Washington, lying between the northeasterly right-of-way line of Washington State Highway No. 20 (formerly No. 31 and No. 6) as existing on April 22, 1957, and the Pend Oreille River, described as follows: Commencing at the West Quarter-corner of said Section 29; thence South 89°37'43" East along the East-West centerline of said Section 29, being also the line common to said Government Lots 3 & 7, 2170.92 feet to PUD Monument No. W225A; thence North 89°37'43" West along said East-West centerline 121.18 feet to intersect the easterly right-of-way line of said Washington State Highway No. 20 and the point of beginning of the parcel herein described; thence continuing along said East-West centerline and right-of-way line 20.74 feet; thence southerly along said right-of-way line 159.28 feet; thence North 65°50'08" East 31.02 feet; thence North 57°31'09" East 159.16 feet; thence South 26°22'35" East 49.53 feet; thence North 58°39'35" East 101.98 feet, more or less, to the westerly bank of the Pend Oreille River; thence North 32°35'31" West 109.8 feet; thence South 57°42'07" West 87.33 feet; thence North 82°12'43" West 30.50 feet; thence South 88°13'50" West 44.00 feet; thence South 79°33'40" West 89.67 feet; thence North 13°38'13" West 12.81 feet to the true point of beginning. Carried on the County Assessor's Tax Rolls as Parcel 2 RS#2416. Parcel #: 443529079001

Parcel 3: 405381 N Hwy 20, Cusick, WA

That part of the Government lot 7 in section 29, Township 35 North, Range 44 E.W.M., Pend Oreille County, Washington, lying between the northeasterly right-of-way line of Washington State Highway No. 20 (formerly No. 31 and No.6) as existing on April 22, 1957, and the Pend Oreille River, described as follows: Commencing at the west quarter-corner of said Section 29; thence S89°37'43"E along the east-west centerline of said Section 29, being also the line common to said Government Lots 3 and 7, 2170.92 feet to PUD Monument No. W225A; thence N89°37'43"W along said east-west centerline 141.92 feet to intersect the easterly right-of-way line of said Washington State Highway No. 20; thence southerly along said right-of-way line 159.28 feet to the point of beginning of the parcel herein described; thence N65°50'08"E 31.02 feet; thence N57°31'09"E 159.16 feet; thence S26°22'05"E 49.53 feet; thence N58°39'35"E 101.98 feet more of less to the westerly bank of the Pend Oreille River; thence southerly S33°40'13"E along said bank 80.02 feet; thence S62°45'30"W 309.07 feet to intersect the easterly right-of-way line of said Washington State Highway No. 20; thence northerly along said easterly right-of-way 109.57 feet to the true point of beginning. Carried on the County Assessor's Tax Rolls as Parcel 3 of RS#2416. Parcel #: 443529079002

**Proposed Works**

½ horsepower pump, irrigation system

**Development Schedule**

BEGIN PROJECT	COMPLETE PROJECT	PUT WATER TO FULL USE
Begun	September 1, 2016	September 1, 2017

## Measurement of Water Use

How often must water use be measured?	Monthly
How often must 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 Diversion (cfs)

## Provisions

### **Pend Oreille River Low Flow**

All irrigation shall cease when the flow of the Pend Oreille River falls below 7700 cubic feet per second at U.S. Geological Survey (U.S.G.S.) gage #12395500, Pend Oreille River at Newport, located within Section 24, Township 56 N., Range 6 W.B.M.

### **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.

### **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.

**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. S3-30723, 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
<p><b>Department of Ecology</b>            Attn: Appeals Processing Desk            300 Desmond Drive SE            Lacey, WA 98503</p>	<p><b>Department of Ecology</b>            Attn: Appeals Processing Desk            PO Box 47608            Olympia, WA 98504-7608</p>
<p><b>Pollution Control Hearings Board</b>            1111 Israel Road SW Ste 301            Tumwater, WA 98501</p>	<p><b>Pollution Control Hearings Board</b>            PO Box 40903            Olympia, WA 98504-0903</p>

Signed at Spokane, Washington, this 13th day of May, 2015.



Keith L. Stoffel, Section Manager

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>.

# INVESTIGATOR'S REPORT

Application for Water Right -- Absalonson  
 Water Right Control Number S3-30723  
 Gene Drury, Department of Ecology

## BACKGROUND

This report serves as the written findings of fact concerning Water Right Application Number S3-30723.

**Table 1 Summary of Requested Water Right**

<b>Applicant Name:</b>	Tami and Chris Absalonson
<b>Date of Application:</b>	September 5, 2014
<b>Place of Use</b>	See Legal Description

County	Waterbody	Tributary To	WRIA
Pend Oreille	Pend Oreille River	Columbia River	62-Pend Oreille

Purpose	Rate	Unit	Ac-ft/yr	Begin Season	End Season
Irrigation of ½ acre	0.02	CFS	1.00	05/01	10/01
<b>TOTAL:</b>	<b>0.02</b>	<b>CFS</b>	<b>1.00</b>		

Source Name	Parcel	Twp	Rng	Sec	QQ	Latitude	Longitude
Pend Oreille River	443529079001	35 N.	44 E.	29	Gov't. L 3 & 7	48.50618°N	117.27419°W

**CFS = Cubic Feet per Second; Ac-ft/yr = Acre-feet per year; Sec. = Section; QQ Q = Quarter-quarter of a section; WRIA = Water Resource Inventory Area; E.W.M. = East of the Willamette Meridian; Datum: WGS84.**

### *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 October 22 and 29, 2014.

### *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 any one of the following conditions are 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;
- (b) It is a groundwater right application for more than 2,250 gallons per minute;
- (c) It is an application that, in combination with other water right applications for the same project, collectively exceed the amounts above;

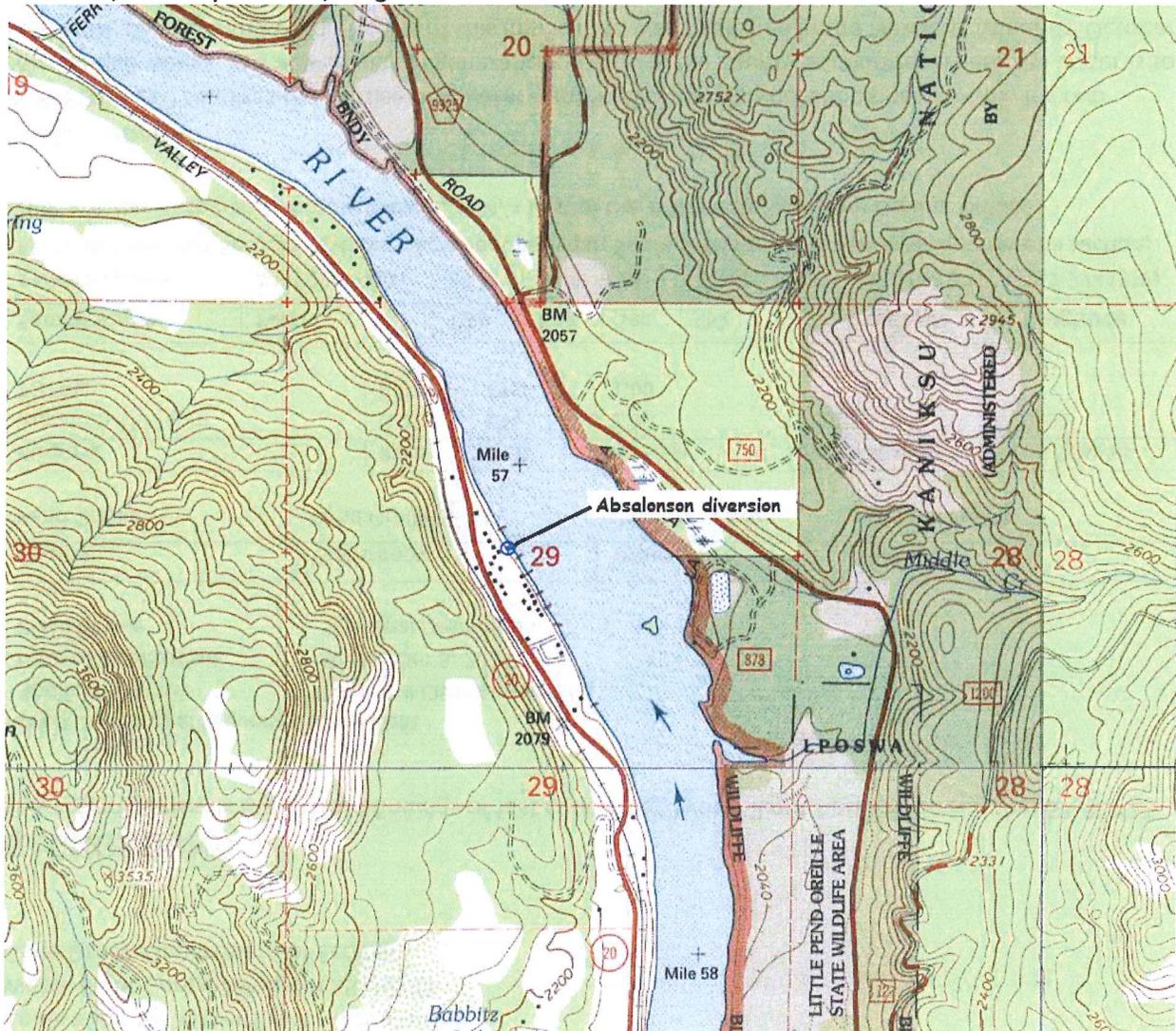
- (d) It is a part of a larger proposal that is subject to SEPA for other reasons (e.g., the need to obtain other permits that are not exempt from SEPA);
- (e) It is part of a series of exempt actions that, together, trigger the need to do a threshold determination, as defined under WAC 197-11-305.

Because this application does not meet any of these conditions, it is categorically exempt from SEPA and a threshold determination is not required.

## INVESTIGATION

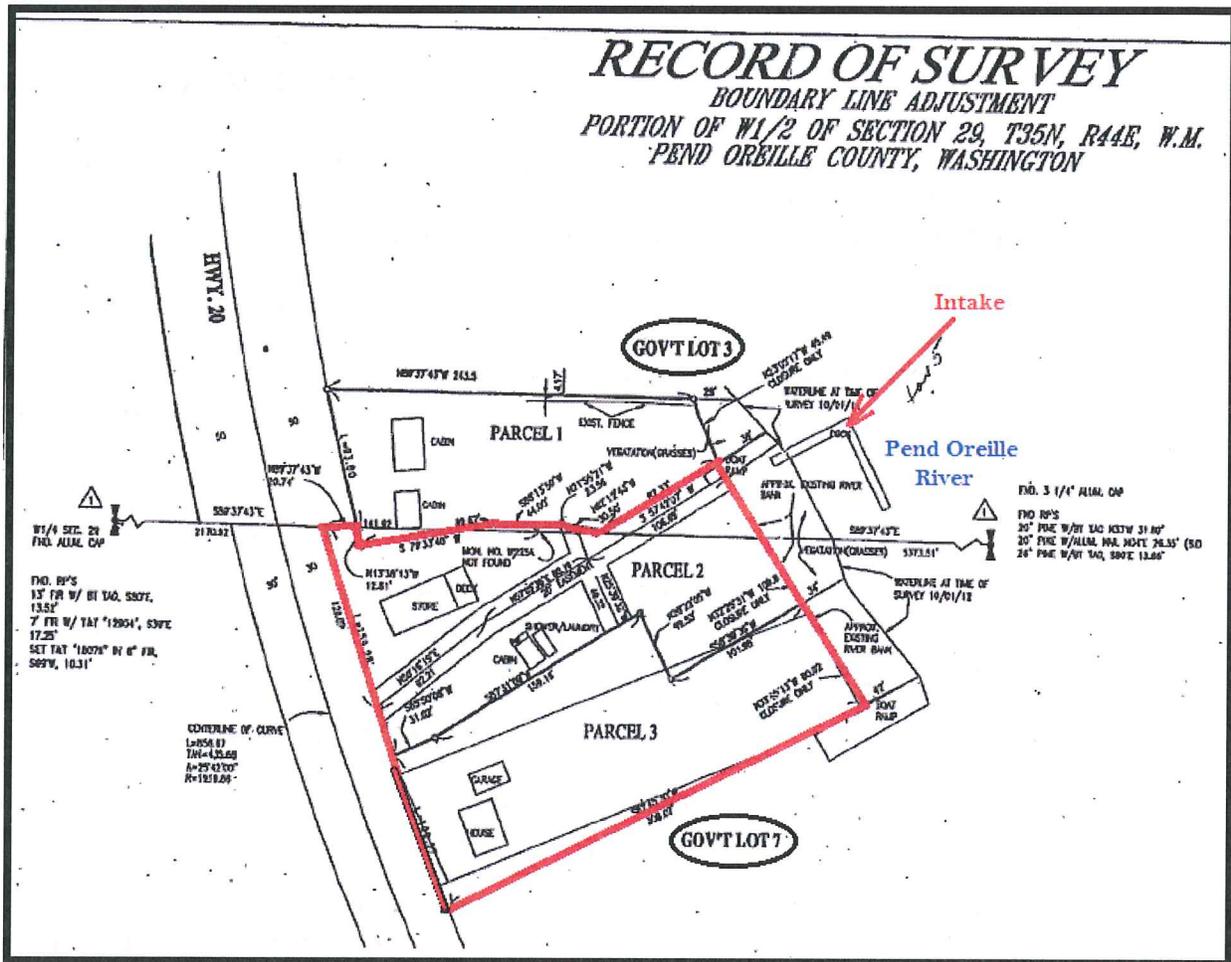
A site visit was conducted by Gene Drury on April 22, 2015. The project is located approximately 15 miles north of Cusick, WA on the west side of the Pend Oreille River. The site is the Outpost Resort area located just off Highway 20. The addresses of the two properties are: 405351 and 405381 N. Hwy 20, Cusick, WA. It was noted that the project had been started.

### Section 29, Township 35 North, Range 44 E.W.M.



USGS 7.5 Minute (Topographic Map) - "Ruby"

The Outpost Resort building including two properties were recently purchased by Tami and Chris Absalonson. They propose to irrigate ½ acre of grass/lawn located on this property described as Parcels No. 2 and 3 (legal description provided). The grass area to be irrigated is from the boat launch located on the north property (Parcel #2) and south to about 10 feet past the big maple tree at the south border (Parcel #3). The point of diversion will be located on the dock just east of the resort building on the "North " Parcel #2 within Government Lot 3 of Sec. 29, T. 35 N., R. 44 E.W.M. Grass will be irrigated by sprinklers from a ¾ inch line from the river and ½ horsepower pump. Domestic water is already provided through a shared well.



**Beneficial Use**

Irrigation is a beneficial use of water.

**Water Availability**

An analysis of water availability must take into account not only the physical limitations on the source of supply, but the legal availability as well.

Hydrogeologic Analysis: The Department of Ecology has not closed the Pend Oreille River to further consumptive appropriations, however all diversions shall cease when the flow of the Pend Oreille River falls below 7700 cfs at U.S. Geological Survey (U.S.G.S.) gage #12395500. This low-flow is a recommendation from the Washington State Department of Fish and Wildlife (WDF&W) and applies to surface and ground water in hydraulic continuity with the Pend Oreille River since October 18, 1999.

Therefore, water is available for appropriation as long as irrigation ceases when the Pend Oreille River falls below the low flow recommendation from the Washington State Department of Fish and Wildlife.

### **Impairment Considerations**

A review of Ecology records was conducted for existing water rights, permits, and claims on or near the applicant's proposed project located within Government Lots 3 & 7 of Sec. 29, T. 35 N., R. 44 E.W.M. The search found no rights that would be impaired by the proposed Absalonson diversion, provided the recommendations of the minimum flows of the Pend Oreille River are satisfied.

### **Public Interest Considerations**

There has been no public expression of protest or concern regarding the subject proposal, and no findings through this investigation indicate that there would be any detrimental impact to the public welfare through issuance of the proposed appropriation. The approval of this application for this quantity and use will not be detrimental to the public interest.

### **Consideration of Protests and Comments**

No protests were filed against this application.

### **Conclusions**

Under Chapter 90.03.290 RCW, an application for permit may be approved if water is available for appropriation, and the proposed use would be a beneficial use, would not impair existing water rights, and would not be detrimental to the public welfare.

It is the conclusion of this examiner that public surface water, from the Pend Oreille River, is available for irrigation of ½ acre. This appropriation is considered a beneficial use and will not impair existing water rights or be detrimental to the public welfare.

## **RECOMMENDATIONS**

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

The amount of water recommended is a maximum limit and the water user may only use that amount of water within the specified limit that is reasonable and beneficial:

#### **Quantities and Purpose of Use:**

0.02 cubic foot per second; 1 acre-foot per year for seasonal irrigation of ½ acre.

**Point of Diversion**

Government Lots 3 of Sec. 29, T. 35 N., R. 44 E.W.M. Parcel #443529079001

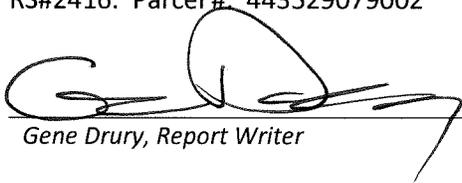
**Place of Use:**

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Gene Drury, Report Writer

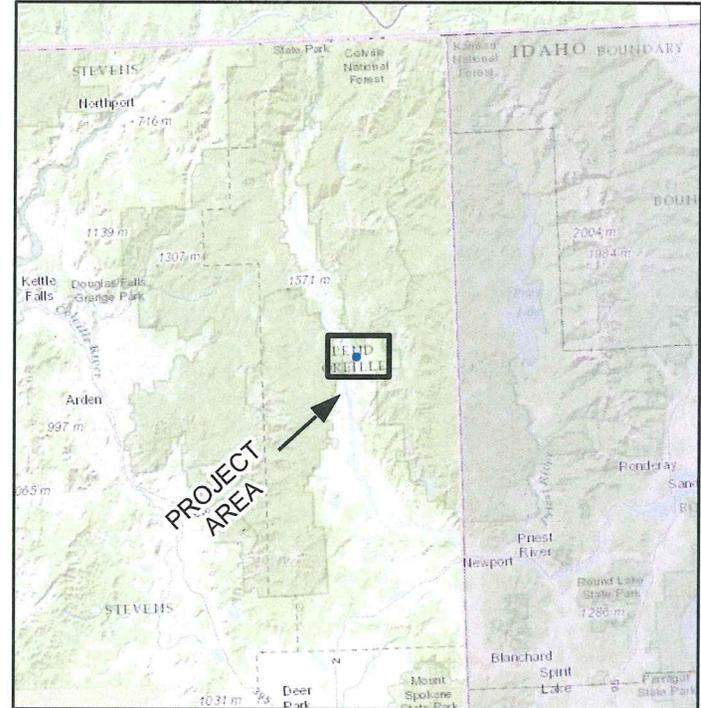
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Date

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Pend Oreille River

Tami & Chris Absalonson  
S3-30723  
T35N/R44E



Basemap - (ESRI US Topographic Maps)

**Legend**

-  Authorized Place of Use
-  Townships
-  Sections

**▲ Authorized Point of Diversion**

(Source locations may vary in their accuracy and precision as stated within the body of the report.)



Basemap - (NAIP 2013 1m color)



Map Date: 5/6/2015



**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.