



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

**PRIORITY DATE**  
 3/16/2001

**WATER RIGHT NUMBER**  
 S3-30319

**MAILING ADDRESS**  
 DENNIS WILLIAMSON  
 3385 CLARK LK RD  
 HUNTERS WA 99137

**SITE ADDRESS (IF DIFFERENT)**

**Quantity Authorized for Withdrawal or Diversion**

WITHDRAWAL OR DIVERSION RATE	UNITS	ANNUAL QUANTITY (AF/YR)
0.04	CFS	4

**Purpose**

PURPOSE	WITHDRAWAL OR DIVERSION RATE			ANNUAL QUANTITY (AF/YR)		PERIOD OF USE (mm/dd)
	ADDITIVE	NON-ADDITIVE	UNITS	ADDITIVE	NON-ADDITIVE	
Single Domestic Supply, Stockwater and irrigation of 1 acre Fire protection as needed	0.04			4		01/01 - 12/31

**Source Location**

COUNTY	WATERBODY	TRIBUTARY TO	WATER RESOURCE INVENTORY AREA					
STEVENS	UNNAMED SPRING	CLARK CREEK	58-MIDDLE LAKE ROOSEVELT					
SOURCE FACILITY/DEVICE	PARCEL	WELL TAG	TWP	RNG	SEC	QQ Q	LATITUDE	LONGITUDE
UNNAMED SPRING	1629655		32 N.	37 E.	35	SE¼NW¼	48.2295426	118.1185002

Datum: NAD83/WGS84

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

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

1629655

**LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE**

1 acre within the S½SE¼NW¼ and N½NE¼SW¼ of Section 35

**Proposed Works**

¾ horsepower pump with a 60 gallons pressure tank

**Development Schedule**

**BEGIN PROJECT**

Begun

**COMPLETE PROJECT**

Complete

**PUT WATER TO FULL USE**

In use

**Measurement of Water Use**

How often must water use be measured?

Annually

How often must water use data be reported to Ecology?

Upon Request by Ecology

What volume should be reported?

Total Annual Volume

What rate should be reported?

Annual Peak Rate of Withdrawal (cfs)

**Provisions**

**Measurements, Monitoring, Metering and Reporting**

An approved measuring device shall be installed and maintained for each of the sources identified by this water right in accordance with the rule "Requirements for Measuring and Reporting Water Use", WAC 173-173.

WAC 173-173 describes the requirements for data accuracy, device installation and operation, and information reporting. It also allows a water user to petition the Department of Ecology for modifications to some of the requirements.

**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.

**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. S3-30319, 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            day of            2013.

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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>.

## **BACKGROUND**

This report serves as the written findings of fact concerning Water Right Application Number S3-30319.

### *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 Chewelah Independent on June 6 and 13, 2013 and no protests were received.

### *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 Kevin Brown on August 21, 2013 with the applicant.

The point of diversion is currently constructed. The spring area was excavated and three concrete ring tiles were set. A 3/4 horsepower pump pumps water up to an 80 gallon storage tank. The applicant uses three rainbird sprinklers (3 gpm/sprinkler) and hoses to irrigate the lawn, garden and shrubs near the residence. The irrigated property is approximately 1 acre. The typical irrigation season is April 1 to October 31.

The spring discharges to a cattail swamp extending south towards the creek. The area is swampy for approximately 300 yards and the drainage is to the small creek in the valley. The creek flows westerly about a mile into Clark Lake.

The applicant originally filed for two residences and irrigation of five acres. The current development is all that is considered under this application. Should additional uses be needed in the future, a new application would be required. The development is complete and in use.

### **Existing Water Rights**

No water rights are appurtenant to the applicant property.

### **Beneficial Use**

Single domestic supply, stockwater and irrigation of lawn and garden are beneficial uses.

Typical water use for a residence is one acre-foot per unit and 3 acre-feet per acre for irrigation of the lawn area and garden. Fire protection is to be authorized as needed.

### **Water Availability**

Water is available for appropriation. The quantity recommended for approval should not impair existing rights.

### **Impairment Considerations**

A review of department records was conducted for existing water rights, permits, applications and claims within the vicinity of the proposed diversion. There are no other water rights appurtenant to the applicant's property.

No other rights are listed for Section 35, T. 3 N., R. 37 E.W.M. There are water right claims filed for small springs in Section 34 to the east. Most of these claims appear to represent small stock watering springs.

There are multiple claims filed from Lake Creek downstream from Clark Lake. These claims appear to represent a past use on lands lying in Section 3 and 4 of T. 31 N., R. 37 E.W.M. The property is not irrigated and according to the applicant they have not irrigated for many years.

Based on the quantities proposed for authorization the downstream rights and claims would not be impaired.

### **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.

## **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 spring, is available for single domestic supply, stockwater, irrigation of one acre and fire protection. 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.

### **Purpose of Use and Authorized Quantities**

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:

0.04 cubic feet per second

4.0 acre-feet per year

Single domestic supply, stockwater, irrigation of one acre and fire protection

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Kevin Brown, Report Writer

Date

If you need this publication in an alternate format, please call the Water Resources Program at (360) 407-6600. Persons with hearing loss can call 711 for Washington Relay Service. Persons with a speech disability can call 877-833-6341.