

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

PRIORITY DATE
October 21, 1993

WATER RIGHT NUMBER
S3-29571

NAME & ADDRESS
Tom Groesbeck (Selkirk Conifer Farm)
9914 East 8th
Spokane Valley, WA 99206

Quantity Authorized for Diversion

DIVERSION RATE	UNITS	ANNUAL QUANTITY (AF/YR)
0.026	CFS	9.7

Purpose

PURPOSE	DIVERSION RATE		ANNUAL QUANTITY (AF/YR)		PERIOD OF USE (mm/dd)
	ADDITIVE	UNITS	ADDITIVE	NON-ADDITIVE	
Irrigation of 10 acres (tree farm)	0.026	CFS	9.7	---	04/01 - 10/01

IRRIGATED ACRES
ADDITIVE
10

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)
UNNAMED SPRING	0.026	9.7	04/01 - 10/01

Source Location

COUNTY	WATERBODY	TRIBUTARY TO	WATER RESOURCE INVENTORY AREA
SPOKANE	UNNAMED SPRING	SHAW CREEK	57-MIDDLE SPOKANE

SOURCE FACILITY/DEVICE	PARCEL	TWP	RNG	SEC	QQ	LATITUDE	LONGITUDE
UNNAMED SPRING	57361.9006	27 N.	45 E.	36	S½SE¼NE¼	47.79585°N	117.05064°W

Datum: WGS84

Place of Use (See Attached Map)

PARCELS (NOT LISTED FOR SERVICE AREAS)

Parcel No. 57361.9006

LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE

That portion of the SE¼NE¼ lying southerly of Hauser Lake Branch Road in Sec. 36, T. 27 N. R. 45 E.W.M., Spokane County, WA

Proposed Works

Cistern, submersible pump, pressure tank and drip irrigation system

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?

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

This authorization to make use of public waters of the State is subject to existing rights, including any existing rights held by the United States for the benefit of Indians under treaty or otherwise.

Nothing in this authorization shall be construed as satisfying other applicable federal, state, or local statutes, ordinances, or regulations.

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) must 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/>

No dam or weir shall be constructed in connection with this diversion.

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.

Family Farm Permit

This authorization to use public waters of the state is classified as Family Farm Certificate in accordance with Chapter 90.66 RCW. This means the land being irrigated under this authorization shall comply with the following definition: Family Farm - a geographic area including not more than 6,000 acres of irrigated agricultural lands, whether contiguous or noncontiguous, the controlling interest in which is held by a person having a controlling interest in no more than 6,000 acres of irrigated agricultural lands in the state of Washington which are irrigated under water rights acquired after December 8, 1977. Furthermore, the land being irrigated under this authorization must continue to conform to the definition of a family farm.

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. S3-29571, 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
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 Road SW Suite 301 Tumwater, WA 98501	Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903

Signed at Spokane, Washington, this this 4th day of May, 2016.



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 -- Groesbeck
 Water Right Control Number S3-29571
 Gene Drury, Department of Ecology

BACKGROUND

This report serves as the written findings of fact concerning Water Right Application Number S3-29571.

Table 1 Summary of Requested Water Right

Applicant Name:	Tom Groesbeck
Date of Application:	October 21, 1993
Place of Use	That portion of the SE¼NE¼ lying southerly of Hauser Lake Branch Road in Sec. 36, T. 27 N. R. 45 E.W.M., Spokane County, WA

County	Waterbody	Tributary To	WRIA
Spokane	Unnamed Spring	Shaw Creek	57-Middle Spokane

Purpose	Rate	Unit	Ac-ft/yr	Begin Season	End Season
Irrigation of 10 acres (tree farm)	0.026	CFS	9.7	04/01	10/01

Source Name	Parcel	Twp	Rng	Sec	QQ	Latitude	Longitude
Unnamed Spring	57361.9006	27 N.	45 E.	36	S½SE¼NE¼	47.79585°N	117.05064°W

CFS = Cubic Feet per Second; Ac-ft/yr = Acre-feet per year; Sec. = Section; QQ = 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 Valley Herald on November 11 and 18, 1993.

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;

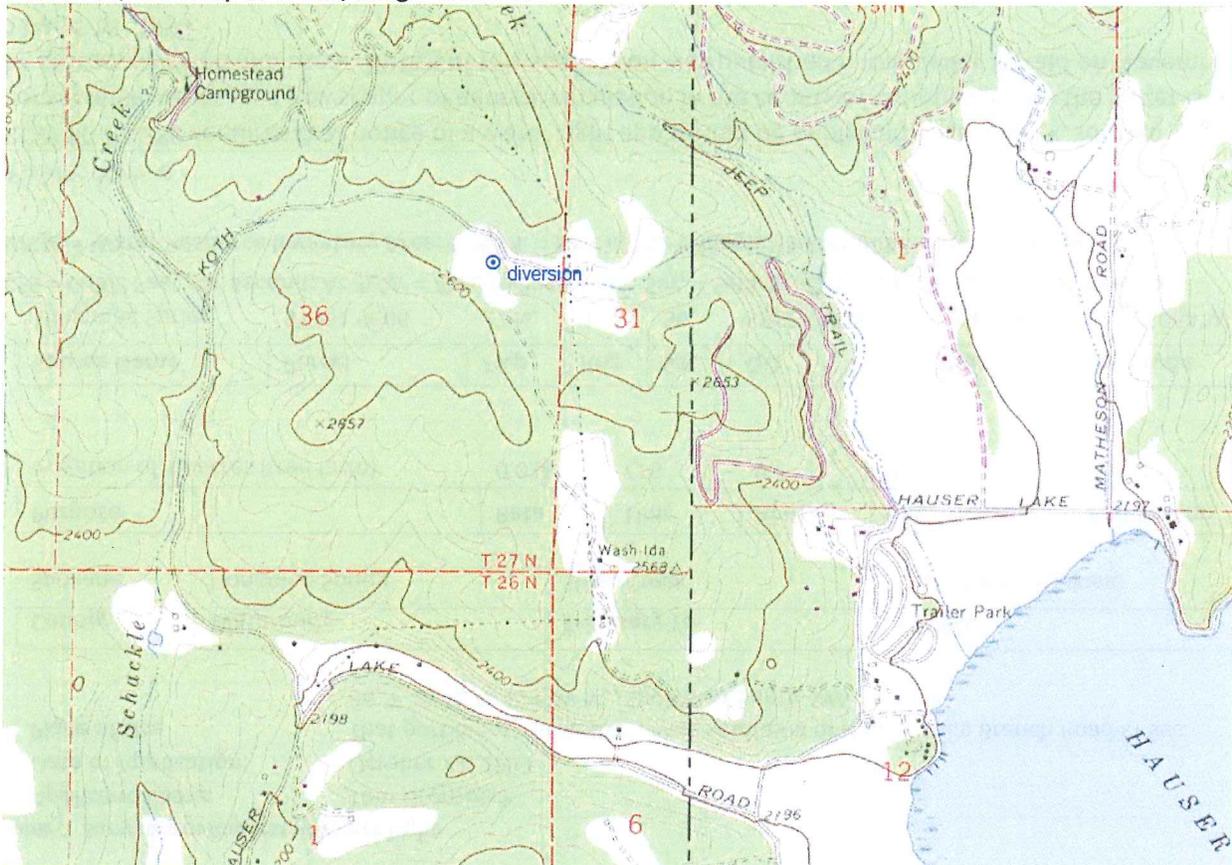
- (d) It is a part of a larger proposal that is subject to SEPA for other reasons (e.g., the need to obtain other permits that are not exempt from SEPA);
- (e) It is part of a series of exempt actions that, together, trigger the need to do a threshold determination, as defined under WAC 197-11-305.

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 7, 2016 with Tom Groesbeck. The project site is located between Hauser Lake in Idaho and Newman Lake in Washington. The project is complete, in use and is known as "Selkirk Conifer Farm". The tree farm has been in operation since the early 1990's.

Section 36, Township 27 North, Range 45 E.W.M.

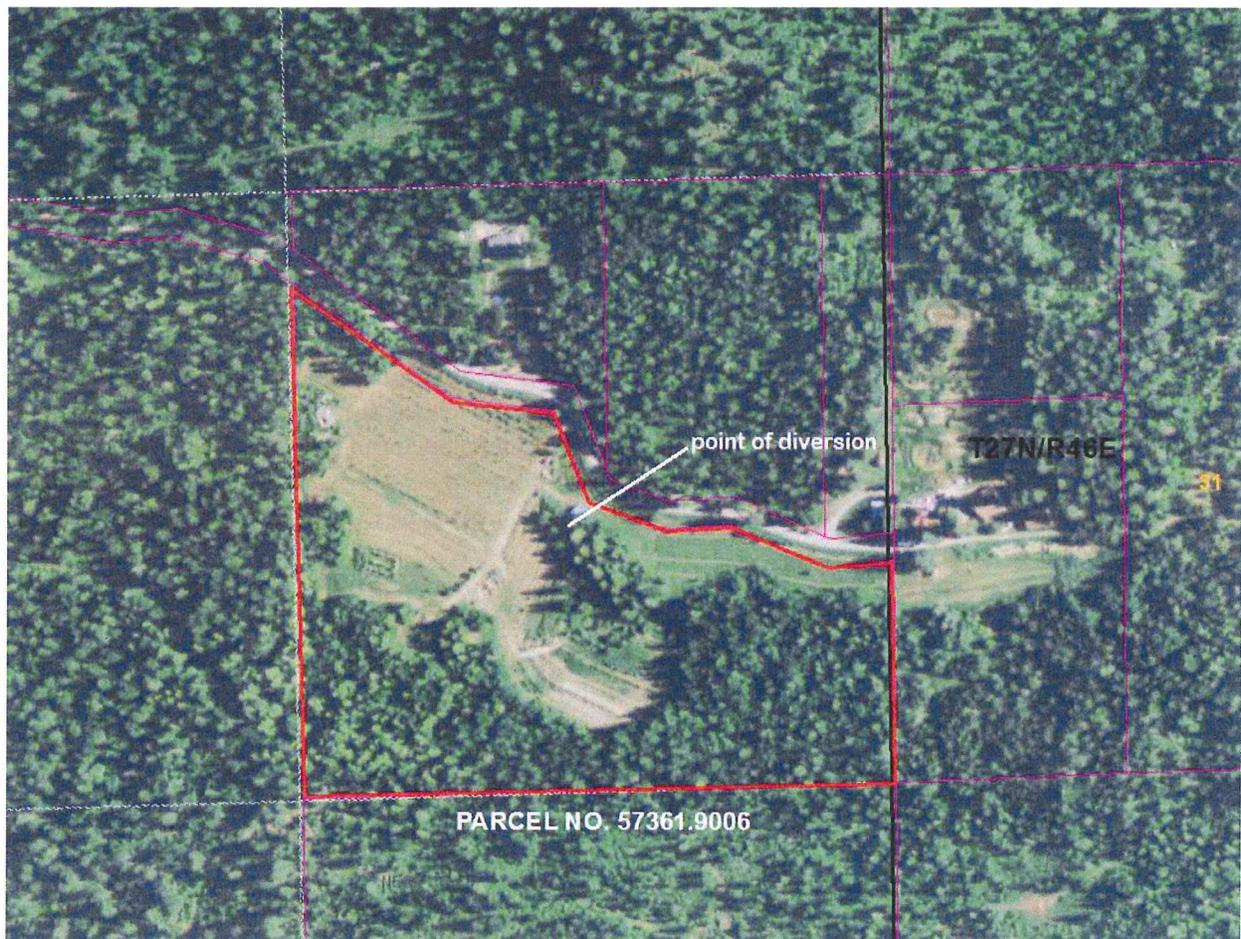


USGS 7.5 Minute (Topographic Map) - "Newman Lake"

The applicant has over 10,000 conifer trees with seedlings on the property. The trees cover an area of 10 acres within the 21 acre parcel. No additional land is needed for irrigation of trees (reduced from the requested 20 acres).

The applicant's point of diversion is from an unnamed spring, a tributary to Shaw Creek, which discharges to Hauser Lake. The spring is the point of origin for the unnamed stream which flows from the property. The diversion is from a buried steel tank located near a shed on the 21 acre parcel (Spokane County Parcel No. 57361.9006). A number of springs emerge at this location and flow downstream. No water was being pumped as the irrigation system was still disconnected from winter.

The water system consists of the buried steel tank (10 x 20 feet) with a Grunfos $\frac{3}{4}$ horsepower submersible pump. The tank is 10.5 feet in depth and the pump is set about 6 feet deep. A 35 gallon pressure tank and 2 inch PVC mainline transports the water to 30 stations (4 water lines per station) each with 250 feet of $\frac{3}{4}$ inch poly pipe and drip emitters. If the system runs continuously 24 hours per day, approximately 9.7 acre-feet would be used during the 183 day irrigation season (April to Oct 1). On average, the system runs about 15 hours a day when needed.



Beneficial Use

Irrigation is 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.

As stated above, the point of diversion is from an Unnamed Spring, a tributary to Shaw Creek, which discharges to Hauser Lake. On the date of the examination, it was estimated that about 20 gallons per minute were flowing from the steel tank at the point of diversion. Just downstream from the diversion, the unnamed stream was measured at 150 gallons per minute (0.33 cfs). The source has not been closed and an on-site review by Washington State Department of Fish and Wildlife officials in 1996 and again in 2016 had no objections to the project.

Impairment Considerations

Department of Fish and Wildlife concluded that the diversion from the spring would not have a significant impact on downstream water supplies and/or fish resources. A review of Ecology records was also conducted for existing water rights, permits, and claims. The search found seven water rights issued within the Shaw Creek drainage for domestic and stock water from unnamed springs and streams that enter Shaw Creek. There are no other large irrigation projects or other uses that could be impacted by this application. There are no other rights appurtenant to the applicant's property or below the diversion and confluence with Shaw Creek.

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 Unnamed Spring, is available for irrigation of the tree farm. 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:

0.026 cubic foot per second; 9.7 acre-feet per year for the irrigation of a 10 acres (tree farm), from April 1 to October 1, each year.

Point of Diversion:

S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 36, T. 27 N. R. 45 E.W.M., Spokane County, WA (Spokane County Parcel No. 57361.9006)

Place of Use:

That portion of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ lying southerly of Hauser Lake Branch Road in Sec. 36, T. 27 N. R. 45 E.W.M., Spokane County, WA (Spokane County Parcel No. 57361.9006)

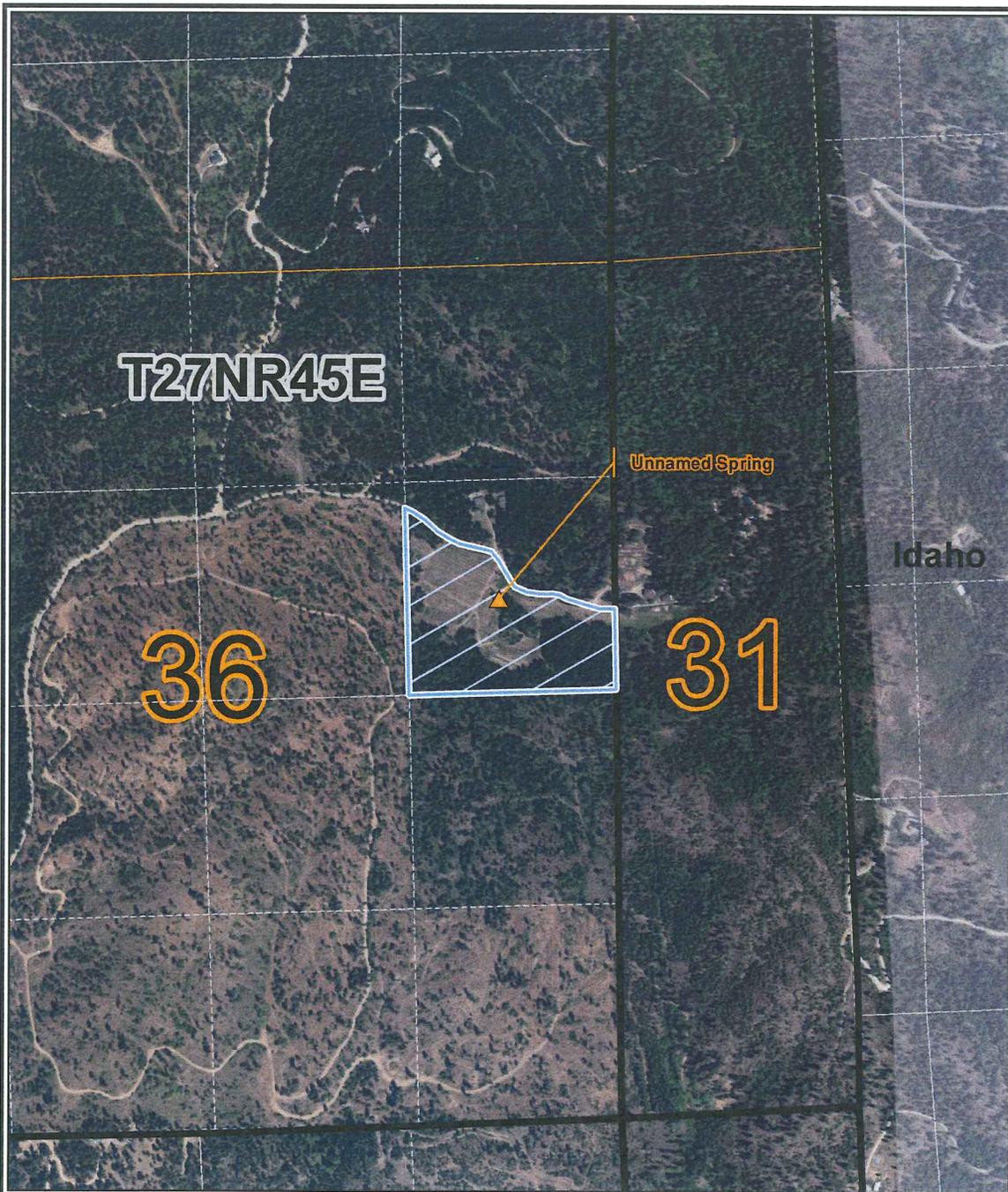


Gene Drury, Report Writer

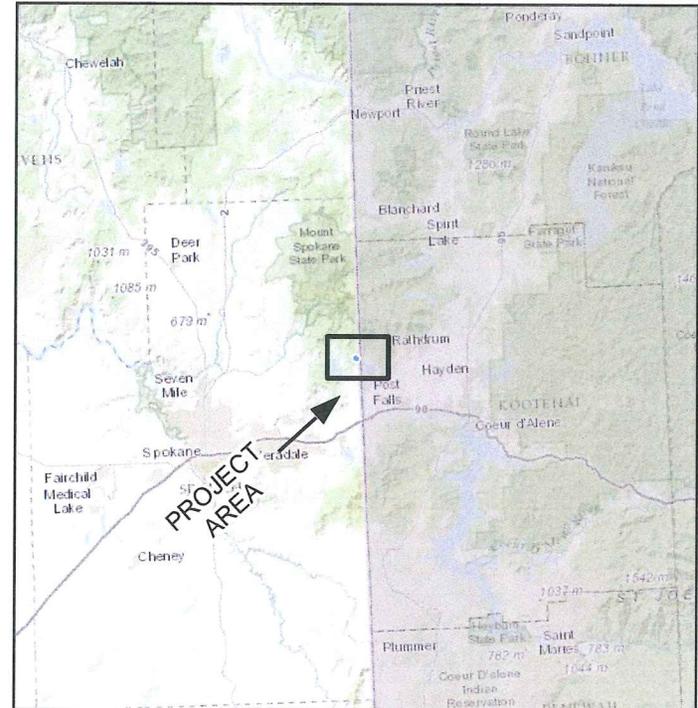
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Date

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.



Tom Groesbeck (Selkirk Conifer Farm)
 S3-29571
 T27N/R45E



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 2015 Air Photo)



Map Date: 4/29/2016



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.