DEPARTMENT OF ECOLOGY
State of Washington

State of Washington
REPORT OF EXAMINATION
FOR WATER RIGHT APPLICATION

PRIORITY DATE	WATER RIGHT NUMBER
6/12/2000	S3-30296

MAILING ADDRESS	SITE ADDRESS (IF DIFFERENT)
WILLIAM SPENCER 4552 PARADISE WAY HUNTERS WA 99137-7000	

Quantity Authorized for Withdrawal or Diversion

WITHDRAWAL OR DIVERSION RATE	UNITS	ANNUAL QUANTITY (AF/YR)
0.02	CFS	0.5

Purpose

	WITHDRAWAL OR DIVERSION RATE			ANNUAL QUANTITY (AF/YR)		
PURPOSE	ADDITIVE	NON-ADDITIVE	UNITS	ADDITIVE	NON-ADDITIVE	PERIOD OF USE (mm/dd)
In-house single domestic supply (includes a small garden)	0.02			0.5		01/01 - 12/31

Source Location

COUNTY	WATERBODY	TRIBUTARY TO	WATER RESOURCE INVENTORY AREA
STEVENS	UNNAMED SPRING		58-MIDDLE LAKE ROOSEVELT

SOURCE FACILITY/DEVICE	PARCEL	WELL TAG	TWP	RNG	SEC	QQ Q	LATITUDE	LONGITUDE
UNNAMED SPRING	1612301		31 N.	37 E.	28	NW¼NE¼	48.1623360	118.1621294
							Datum:	NAD83/WGS84

Place of Use (See Attached Map)

PARCELS (NOT LISTED FOR SERVICE AREAS)

1613327

LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE

NW¼NE¼SE¼NW¼ of Section 28, T. 31 N. R. 37 E.W.M.

Proposed Works

Small pond excavation, piped to a small 3' round cistern, then piped to the house

Development Schedule

BEGIN PROJECT	COMPLETE PROJECT	PUT WATER TO FULL USE
Begun	Complete	In use

Measurement of Water Use

How often must water use be measured?	Monthly
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. No irrigation of lawns is allowed. Water use includes irrigation of the garden area, approximately 20'x30'.

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. S3-30296, 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 Ste 301 Tumwater, WA 98501	**Pollution Control Hearings Board** PO Box 40903 Olympia, WA 98504-0903

Signed at Spokane, Washington, this 26th day of November, 2013.

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
Water Right Application Number S3-30296

BACKGROUND
This report serves as the written findings of fact concerning Water Right Application Number S3-30296.

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 November 15 and 21, 2013 and no protests were received. Fish and Wildlife was notified of the application and submitted no comments.

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 created a small pond approximately 30 feet across and 2 feet deep. The water is diverted into a small cistern and piped to the residence and a small garden approximately 20' x 30'. No other outside irrigation is present or planned under this application.

The spring/pond is located in the SW¼NW¼NE¼ of Section 28. Located directly below the applicant's pond in the SW¼NE¼NW¼ is the spring for the property in the SW¼SE¼NE¼NW¼ of Section 28. This

spring is identified as the source under Surface Water Certificate 142 of the Harvey Creek Adjudication. This source is still in use.

A second spring is located downslope and north of the applicant's spring/pond. This spring is in the SE¼NE¼NW¼ of Section 28 and is the spring for the property in the SW¼NW¼ of Section 28 lying west of the highway. This spring is identified as the source under Surface Water Certificate 119 of the Harvey Creek Adjudication. The applicant indicated this spring although authorized is not being used for the residence. He indicated they constructed a well on the property and stopped using the spring, however, a well log was not located for the property.

A draw runs southwesterly across the property north of the springs. A small intermittent creek forms downslope of the springs and flows southwesterly towards the SW¼NW¼ of Section 28. The applicant has constructed a small pond less than 10 acre-feet in size. The pond is seasonal and dries up in late summer. The flow of water goes subsurface in the field below the pond, if the pond overflows. It does not directly contribute to Harvey Creek.

A ditch runs northerly through the lower portion of the applicant's property. A right was confirmed in the Harvey Creek Adjudication for irrigation of 20 acres. This ditch has not been used for irrigation for more than 10 years. It appears the right has relinquished for non-use. The applicant has agreed to a Voluntary Relinquishment of the right.

Two additional applications were filed by the applicant.

Surface Water Application S3-30297 requests authorization to divert 0.50 cfs from a pond located in the N½SE¼NW¼ of Section 28. This application will have a separate decision.

Surface Water Application S3-30298 requests authorization to divert 0.11 cfs from this spring for group domestic supply of 12 homes. This application will have a separate decision.

Existing Water Rights

This property lies within the Harvey Creek Drainage Basin.

Harvey Creek was adjudicated in the Stevens County Superior Court, in a formal legal proceeding. The Department of Ecology initiated proceedings to determine the extent and relative rights to the waters of the Harvey Creek Basin. In 1969, a summons issued upon the named defendants to file with the proceeding and provide evidence and testimony as to the claimed extent and validity of their rights. Evidentiary hearings were held, and a Referee entered a Report of Referee to all parties claiming a right within the basin, establishing a quantification and relative priority of the claimed rights to water. Those rights were decreed by the Superior Court and memorialized in the final Decree, entered November 12th, 1974. The rights to the springs located in the N½ of Section 28 were confirmed to the extent they were historically perfected and maintained under Certificates 119 and 142.

Two Water Right Certificates were issued subject to the Decree from the springs located in the NE¼NW¼ and NW¼NE¼ of Section 28. One, Certificate No. 142, issued to Floyd and Louise Secrest for the use of water from unnamed springs located in the NE¼NW¼ of Section 28, to be used for domestic

supply and stock water for the original residence located in the NE¼NW¼ of Section 28, T. 31 N., R. 37 E.W.M. The priority date of first use is 1900. The second Certificate, No. 119, issued to George and Georgie Llewellyn for use of water from an unnamed spring located in the NW¼NW¼NE¼ of Section 28, to be used for domestic supply and stock water for the original residence located within the SW¼NW¼ of Section 28, T. 31 N. R. 37 E.W.M. The priority date of first use is 1910. This property is lying west of the highway.

The quantities of water confirmed in the adjudication proceedings were evaluated and quantified based on need and historical beneficial use. Domestic water requirements were based on the average use of 50-75 gallons per day per person.

The proposed use of the spring for this application should be consistent with the quantities confirmed in the adjudication of 50-75 gallons per day per person for in-house domestic supply and irrigation of the small garden.

Beneficial Use

In house single domestic supply is a beneficial use. The applicant also maintains a small garden area approximately 20' x 30'. The use of water under this authorization will include the garden irrigation. No lawns or other irrigation is proposed from the source under this application.

The quantities of water confirmed in the adjudication proceedings were evaluated and quantified based on need and historical beneficial use. Domestic water requirements were based on the average use of 50-75 gallons per day per person. For a residence with 2 people, 0.33 acre-foot per year would be required.

Including water for the garden, 0.5 acre-foot per year is adequate.

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 water rights appurtenant to the applicant's property, Surface Water Certificate 141 for irrigation and stock water. This right has not been diverted from Harvey Creek for more than 10 years and the applicant has agreed to a Voluntary Relinquishment.

No other rights are listed for the N½ of Section 28, T. 3 N., R. 37 E.W.M. The applicant has been using the spring for more than 10 years. There was a complaint filed on the water use in 1998 by the landowners under Certificate 119. The applicant alleges the property owners constructed a well and no longer use the spring. The spring for Certificate 119 is north and downslope of the applicant's point of diversion. Based on the quantity authorized for use, the existing rights should 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 in-house single domestic supply (including irrigation of the garden). 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:

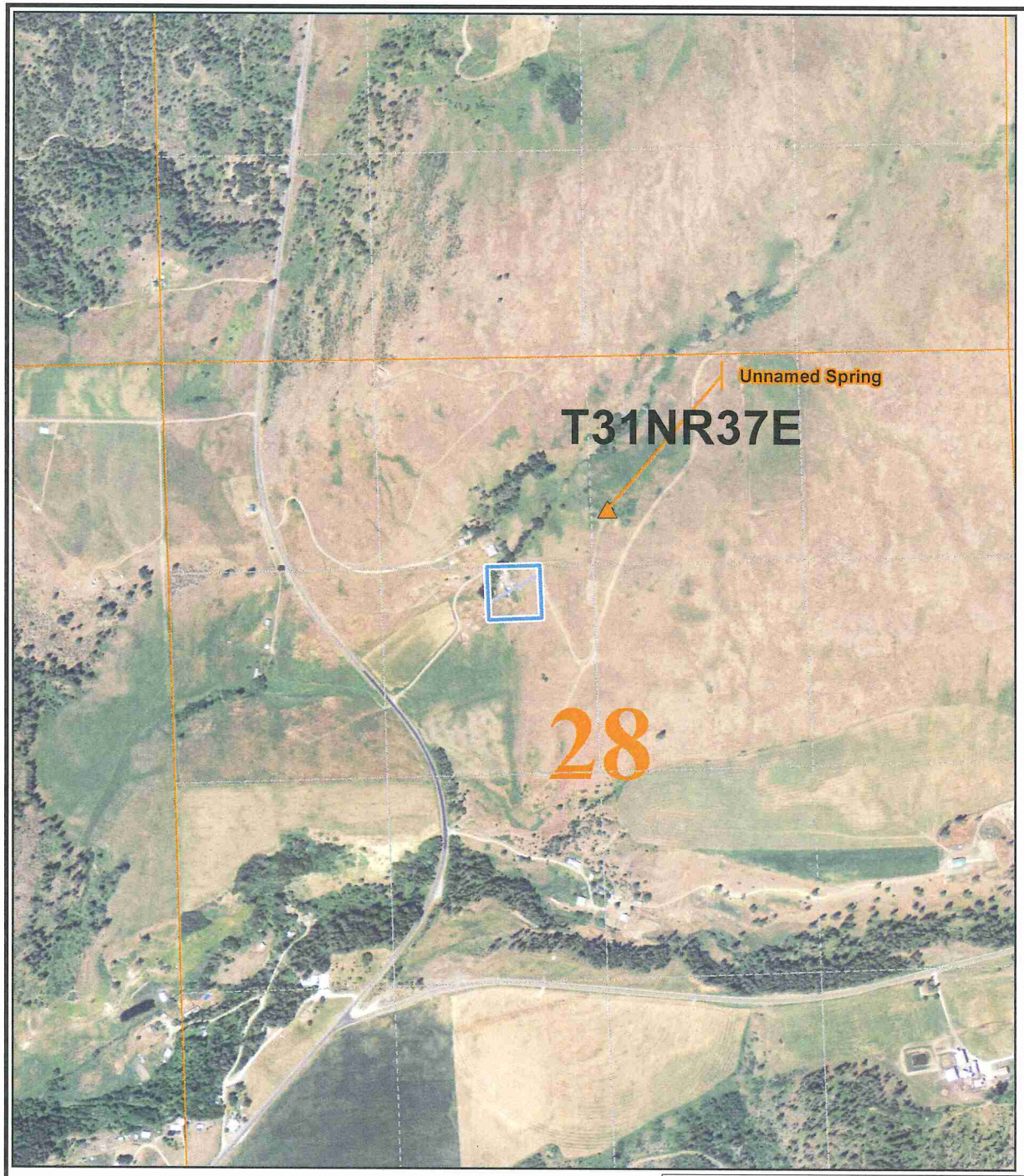
0.02 cubic foot per second
0.5 acre-foot per year
In house single domestic supply

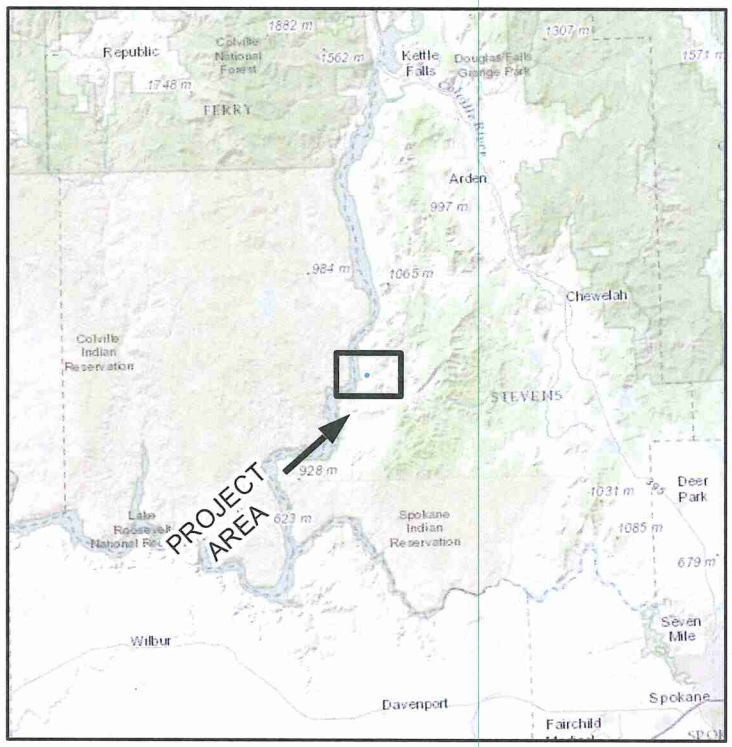
Kevin Brown 11·26·13

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.

William Spencer
S3-30296
T31N/R37E





Basemap - (ESRI US Topographic Maps)

Legend

- Authorized Place of Use
- Townships
- Sections
- Authorized Point of Diversion

0 330 660 1,320 1,980 2,640 3,300 Feet

Basemap - (NAIP 2011 1m color)

Map Date: 10/25/2013

Comment:
Place of use and source locations are as defined within the Report of Examination cover sheet for the document identfied in the header above.

ATTACHMENT 1