State of Washington
REPORT OF EXAMINATION
FOR WATER RIGHT APPLICATION

DEPARTMENT OF ECOLOGY
State of Washington

PRIORITY DATE	WATER RIGHT NUMBER
6/30/2008	S3-30561

MAILING ADDRESS	SITE ADDRESS (IF DIFFERENT)
HONESTY ISRAEL 3718 D VINEYARD WAY KETTLE FALLS WA 99141	

Quantity Authorized for Diversion

DIVERSION RATE	UNITS	ANNUAL QUANTITY (AF/YR)
0.04	CFS	11.25

Purpose

PURPOSE	DIVERSION RATE ADDITIVE	DIVERSION RATE NON-ADDITIVE	UNITS	ANNUAL QUANTITY (AF/YR) ADDITIVE	ANNUAL QUANTITY (AF/YR) NON-ADDITIVE	PERIOD OF USE (mm/dd)
Group Domestic Supply for 9 connections and nonagricultural irrigation of 3 acres	0.04		CFS	11.25		01/01 - 12/31

The 3 acres of lawn and garden irrigation is alternate to that of Surface Water Certificate 10112

PUBLIC WATER SYSTEM INFORMATION	
WATER SYSTEM ID	CONNECTIONS
AC538G	9

Source Location

COUNTY	WATERBODY	TRIBUTARY TO	WATER RESOURCE INVENTORY AREA
STEVENS	UNNAMED SPRING		61-UPPER LAKE ROOSEVELT

SOURCE FACILITY/DEVICE	PARCEL	TWP	RNG	SEC	QQ Q	LATITUDE	LONGITUDE
UNNAMED SPRING	2378962	39 N.	39 E.	19	SW¼SW¼	48.85988	117.90601
UNNAMED SPRING	2378551	39 N.	39 E.	19	SW¼SW¼	48.85976	117.90778

Datum: NAD83/WGS84

Place of Use (See Attached Map)

PARCELS (NOT LISTED FOR SERVICE AREAS)

2378560, 2378966, 2378964, 2378962, 2378551, 2383886, 2383884, 2378954, 2383882, 2383880, 2378952,

3 acres of irrigation on Lots 2378958, 2378551

LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE

Parcel E according to Stevens County Auditor File Number 20070010971, recorded on the 20th day of September 2007 in Book 27 of Surveys at Page 161 through Page 168 records of Stevens County Washington.
Lot 2, New Parcel E, Lot 4 and New Lot 3 according to Stevens County Auditor File Number 20010004472, recorded on the 15th day of May 2001 in Volume 21 of Surveys at Pages 51-52 records of Stevens County Washington.
New Lot 1, New Lot2, New Lot 3, Lot 3, Lot 4 and New Lot 4 according to Stevens County Auditor File Number 19990011842, recorded on the 4th day of October 1999 in Volume 19 of Surveys at Pages 191-192 records of Stevens County Washington.

Proposed Works

Developed spring(s), gravity feed into a 1000 gallon poly take, pumped to 2- 2000 gallon tanks up the hill and gravity feed to the residences and lawn and garden area. Future residences may require pumping to achieve delivery.

Development Schedule

BEGIN PROJECT	COMPLETE PROJECT	PUT WATER TO FULL USE
Begun	January 1, 2019	January 1, 2021

Measurement of Water Use

How often must water use be measured?	Weekly
How often must water use data be reported to Ecology?	Annually during the development of the permit
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.

Department of Health Requirements
Prior to any new construction or alterations of a public water supply system, the State Board of Health rules require public water supply owners to obtain written approval from the Office of Drinking Water of the Washington State Department of Health. Please contact the Office of Drinking Water prior to beginning (or modifying) your project at DOH/Division of Environmental Health, 16201 E. Indiana Avenue, Suite 1500, Spokane Valley, WA 99216, (509) 329-2100.

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, contracting with a Certified Water Right Examiner (CWRE) to confirm 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. S3-30561, 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 11th day of March, 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.

BACKGROUND

This report serves as the written findings of fact concerning Water Right Application Number S3-30561.

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 Statesman Examiner on November 14 and 21, 2012 and no protests were received

Consultation with the Department of Fish and Wildlife

RCW 90.03.280 requires the Department to send notice to the Department of Fish and Wildlife of applications to divert, withdraw or store water. The Department of Fish and Wildlife was notified of the application and provided 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 October 21, 2014. Intuition Israel, was present.

The application requested 0.11 cfs (50 gallons per minute) for domestic water for 50 connections including homes, guest lodge, recreational cabins and RV hookups and up to 30 acres of irrigation.

One of the two springs is currently developed. The spring area collects water and diverts into a 1000 gallon poly tank. The water is pumped up the hill to two 2000 gallon tanks and gravity fed to two existing homes, and approximately three acres of lawn and a garden. They propose to develop a second spring and combine the two sources into the system. Water lines are also extended to a couple of RV sites and served from outside spigots.

The existing spring was evaluated and approved by the Department of Health in August of 2010. They approved the water system as a Class B system and allowed up to nine connections. They determined the capacity of the spring at ten gallons per minute. The overflow from the spring appeared to be about ten gallons per minute at the time of the field examination. The overflow from the spring flows down slope to two plastic lined ponds and then flows into a wetland area. There did not appear to be any discharge from the wetland.

The second proposed spring is a wet area located a few hundred feet west of the existing spring. The applicant proposes to dig out the spring, install drain tiles and pipe the spring over to the existing source. Based on the field examination it appears the first spring has a capacity of approximately ten gallons per minute. The second spring would likely be the same or less. Total, physical water availability would probably not be more than 20 gallons per minute (0.04 cfs).

The Department of Health has approved the source for up to nine connections. In discussion with the Department of Health, if the applicant requested to increase the number of connections they would move from a Class B system to a Class A system. This would require a full Water System Plan and require a significant increase in regulations. Based on the capacity of the spring it is unlikely they would be allowed for more than nine connections. The applicant was advised of this and decided to remain at the current authorized connections.

The applicant currently has two residences and approximately three acres of lawn and garden using the spring. If a water right is approved for all nine connections, as new residences are developed and come on line, less water would be available for the lawn and garden area. Based on the limited capacity of the spring the applicant decided to reduce the request to that which is currently irrigated from the spring, three acres of lawn and garden.

In addition to the spring, water is diverted from the Columbia River in Section 30 under Surface Water Certificate 10112. This pump station has two separate submersible pumps. The larger pump is used to irrigate approximately 12.5 acres of the field lying south of the residences. This is also used to irrigate the lawns and gardens when the large pump is operating. The smaller pump can also be used for irrigation of the three acres of lawn and garden. The springs are used when the river pumps are off. No other lands are irrigated from the river pump station.

Proposed Development:
Based on the discussion, the extent of the irrigation from the spring (3 acres) is complete. It is not likely there would be sufficient water to irrigate more than what is currently irrigated. There are currently two permanent residences. The remaining seven connections will be constructed as needed and may take more than five years to complete construction of the water system.

Beneficial Use

Group domestic supply of nine homes and irrigation of three acres of lawn/garden are beneficial uses.

The application requested 0.11 cfs (50 gallons per minute). The current spring is described as capable of approximately ten gallons per minute. If developed the second spring would probably be about the same for a total of 20 gallons per minute (0.04 cfs). The actual amount diverted may be reduced upon completion of the project during the Proof Examination.

A review of the Washington State Irrigation Guide establishes crop requirements in the Northport area for pasture/turf requiring up to 2.25 acre-feet per acre (6.75 acre-feet for irrigation of the three acres of lawn and garden).

To estimate the domestic need, 500 gallons per day/connection would require 0.5 acre-feet per year per residence. This would include a small amount of lawn for each residence for a total of 4.5 acre-feet per year.

Twenty gallons per minute (0.4 cfs), 11.25 acre-feet per year should be sufficient for irrigation of three acres of lawn/garden using micro and drip irrigation practices and group domestic supply for nine homes. Additional storage may be required to meet the demand as the full development is completed.

Consideration of Comments

The Department of Fish and Wildlife submitted no comments.

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. There may be sufficient water for irrigation of three acres of lawn and garden and group domestic supply for nine homes. Additional storage may be required to satisfy the domestic uses and irrigation requirement at full build-out.

Existing Water Right Documents

A review of department records was conducted for the applicant's property.

One Short Form Water Right Claim is on file for Section 19. The claim was filed indicating the use of a spring for fire fighting and dust abatement on the W½ and the W½NE¼ of Section 19.

Surface Water Application S3-30218 is on file for China Bend Vineyards from an un-named stream in the eastern portion of the section. This application is also being processed and recommended for approval.

No other active water right documents are on file for Section 19. No other water right documents are appurtenant to the applicant's property or adjacent properties from springs or streams.

Surface Water Certificate 10112 confirms a use of 0.35 cfs, 134 acre-feet per year for irrigation of 34 acres. The authorized point of diversion is located in Section 30 and is diverted from the Columbia River. This pump station is currently used by the applicant for irrigation of 15.5 acres within a portion of the SW¼ of Section 19 and a portion of Section 30 lying south of Rattlesnake Creek. It appears the remaining portion of Surface Water Certificate 10112 has relinquished for non-use although a full tentative determination of the extent and validity of this right was not conducted.

Other adjacent land owners have irrigated lands. It is unknown what legal source of water is being used for these landowners.

The intent of the Claims Registration Act, Chapter 90.14 RCW, was to document those uses of surface water in existence prior to the adoption of the State Surface Water Code, Chapter 90.03 RCW, which was adopted in 1917, and those uses of ground water in existence prior to the adoption of the State Ground Water Code, Chapter 90.44 RCW, which was adopted in 1945. Since each code(s) adoption, the only means of acquiring a water right within the state is by filing for, and receiving, a permit from the Department of Ecology or one of its predecessors or is allowed under the domestic exemption to the ground water code (RCW 90.44). The Department of Ecology recognizes that the final determination of the validity and extent associated with a claim registered in accordance with RCW 90.14 ultimately lies with the Superior Court through the general adjudication process.

Impairment Considerations

A review of department records was conducted for existing water rights, permits, and claims within the vicinity of the proposed diversion.

No water right documents are found for uses in Section 19 other than described above.

The springs rise and fall on the applicant's land. Use of water for the quantities described herein should not impair existing water rights.

Public Interest Considerations

Chapter 90.54 RCW provides that water allocation shall secure maximum net benefits to the people of the state, while also requiring that perennial rivers of the state shall be retained with base flows necessary to provide for the preservation of fish and other environmental values.

The approval of this application for this quantity and use will not be detrimental to the public interest.

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.

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 surface water is available for group domestic supply for nine homes and three acres of lawn and 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:

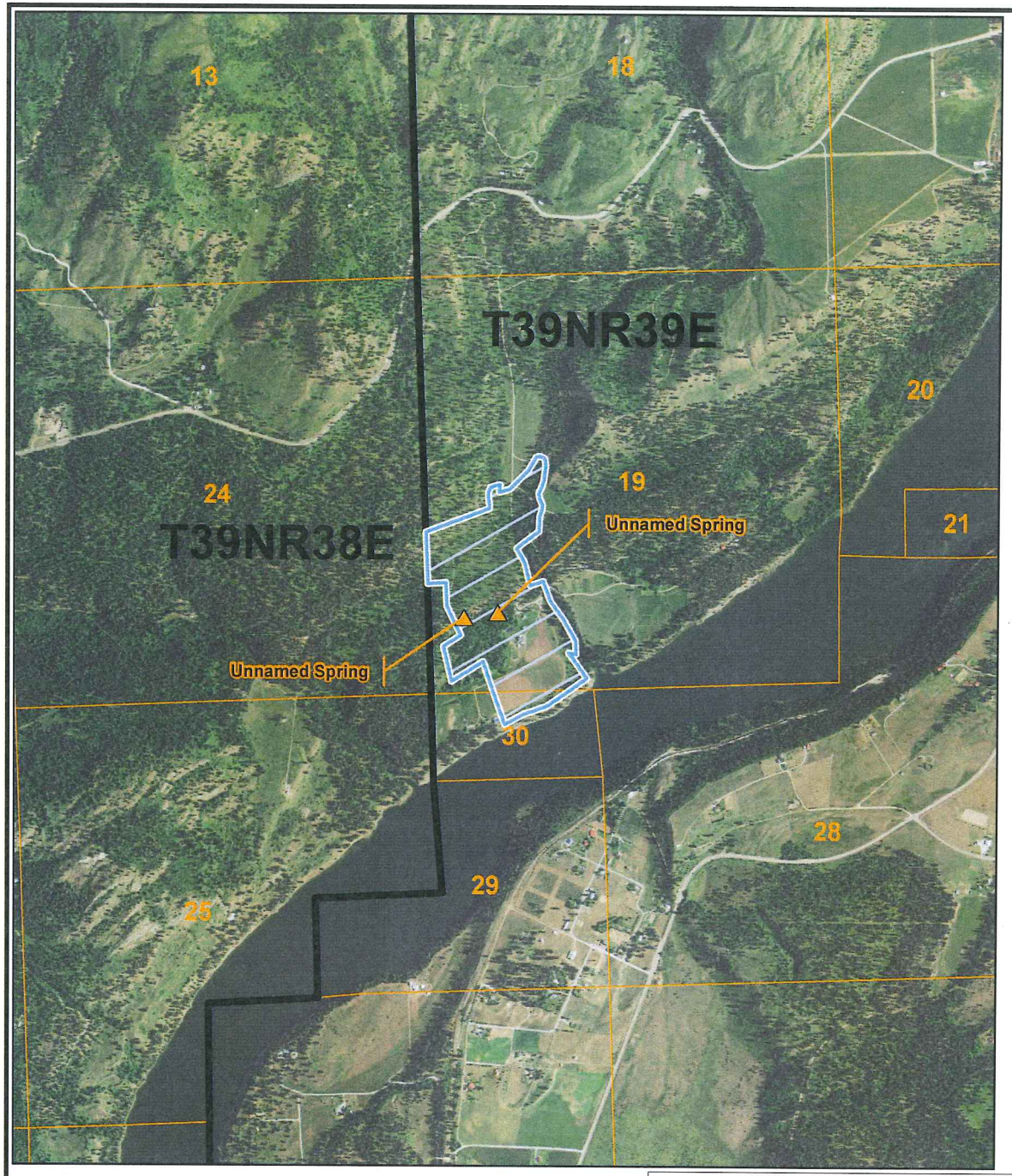
0.04 cubic feet per second
11.25 acre-feet per year

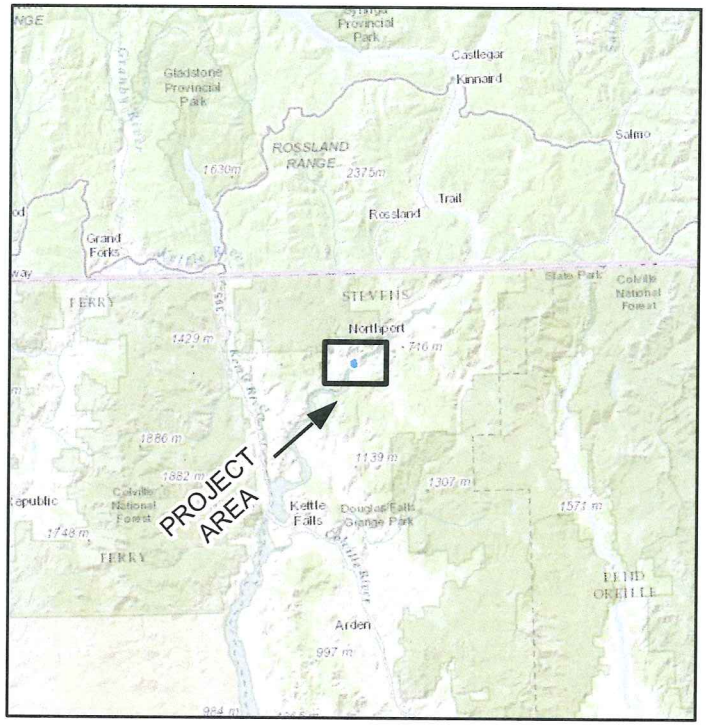
Kevin Brown 3-11-15

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.

Honesty Israel
S3-30561
T39N/R39E





Basemap - (ESRI US Topographic Maps)

Legend

Authorized Place of Use

Townships

Sections

Authorized Point of Diversion

0 660 1,320 2,640 3,960 5,280 6,600 Feet

Basemap - (NAIP 2013 1m color)

DEPARTMENT OF ECOLOGY State of Washington

Map Date: 2/3/2015

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