STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

REPORT OF EXAMINATION

TO APPROPRIATE PUBLIC WATERS OF THE STATE OF WASHINGTON

[X] Surface Water (Issued in accordance with the provisions of Chapter 117, Laws of Washington for 1917, and amendments thereto, and the rules and regulations of the Department of Ecology.)

[ ] Ground Water (Issued in accordance with the provisions of Chapter 263, Laws of Washington for 1945, and amendments thereto, and the rules and regulations of the Department of Ecology.)

PRIORITY DATE	APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
September ~~13~~ 12, 1991	S3-29053		

NAME
ROBERT E. FROMM

ADDRESS (STREET)	(CITY)	(STATE)	(ZIP CODE)
Post Office Box 23	Metaline Falls	Washington	99153

PUBLIC WATERS TO BE APPROPRIATED

SOURCE
Pend Oreille River

TRIBUTARY OF (IF SURFACE WATERS)
Columbia River

MAXIMUM CUBIC FEET PER SECOND	MAXIMUM GALLONS PER MINUTE	MAXIMUM ACRE-FEET PER YEAR
0.02		2

QUANTITY, TYPE OF USE, PERIOD OF USE
0.02 cubic feet per second, 2 acre feet per year, continuously, for single domestic supply.

LOCATION OF DIVERSION/WITHDRAWAL

APPROXIMATE LOCATION OF DIVERSION–WITHDRAWAL
600 feet south and 200 feet east from the center of Sec. 33

LOCATED WITHIN (SMALLEST LEGAL SUBDIVISION)	SECTION	TOWNSHIP N.	RANGE, (E. OR W.) W.M.	W.R.I.A.	COUNTY
E½ of Government Lot 6	33	37	43 E	62	Pend Oreille

RECORDED PLATTED PROPERTY

LOT	BLOCK	OF (GIVE NAME OF PLAT OR ADDITION)
13		Sunvale Acres

LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED

Lot 13, Sunvale acres within the E½ of Government Lot 6, Sec. 33, T. 37 N., R. 43 E.W.M.

DESCRIPTION OF PROPOSED WORKS

1 H.P. Red Jacket submersible pump and 1 inch distribution line.

DEVELOPMENT SCHEDULE

BEGIN PROJECT BY THIS DATE:	COMPLETE PROJECT BY THIS DATE:	WATER PUT TO FULL USE BY THIS DATE:
Started	Completed	June 1, 1994

REPORT

BACKGROUND

An application to appropriate public surface water was submitted by Robert E. Fromm to the Department of Ecology on September 12, 1991. The application was accepted and assigned Surface Water Application No. S3-29053. the applicant proposes to divert water from the Pend Oreille River in the amount of 0.02 cubic feet per second for single domestic supply. The proposed point of diversion is to be located in Lot 13 of Sunvale Acres within the E½ of Government Lot 6, Sec. 33, T. 37 N., R. 43 E.W.M.

A notice of application was duly published in accordance with RCW 90.03.280; no protests or objections were received.

This application is categorically exempt from the provisions of the State Environmental Policy Act (SEPA) of 1971, Chapter 43.21C RCW.

INVESTIGATION

A field examination of this project was conducted by Ronald J. Raby on September 17, 1992. This project is located approximately 5 miles southeast of Ione, Washington, being adjacent to the west shore of the Pend Oreille River.

It was noted that this project has been started. The applicant has installed a 1 H.P. submersible Red Jacket pump into the Pend Oreille River to provide water to a newly installed double wide mobile home.

The Department of Fisheries has recommended denial of this application to protect Fisheries interest in the Pend Oreille River and the Columbia River system. This recommendation has not been adopted by the Department of Ecology as of this date.

The Department of Wildlife has recommended issuance of a permit subject to the applicant obtaining the required Hydraulic Project Approval and a screening provision. In addition, that all diversion shall cease when the flow of the Pend Oreille River falls to 8,500 cubic feet per second at Ione, Washington. This flow has been adopted by the Department of Ecology.

Two (2) acre feet per year is normally authorized for continuous single domestic supply in this area.

CONCLUSIONS AND RECOMMENDATIONS

It is the conclusion of this examiner that: public surface water is available for appropriation for a beneficial use; that single domestic is a beneficial use; that the appropriation of such water will not impair existing rights or be detrimental to the public welfare.

It is recommended that this application for a public surface water permit be approved in the amount of 0.02 cubic feet per second, 2 acre feet per year, for single domestic supply, subject to the following provisions:

"All diversion shall cease when the flow of the Pend Oreille River falls below 8500 cubic feet per second as measured at Ione, Washington. This flow has been tentatively established from recommendations of the Departments of Fisheries and Wildlife. At such time as flow are established on this stream in accordance with Chapter 90.22 RCW, or Chapter 90.54 RCW, this authorization shall be conditioned to the extent of the new setting, provided that, under no conditions shall this diversion be subjected to a more restrictive low flow requirement."

"At such time that the Department of Ecology determines that regulation and management of the subject waters is necessary and in the public interest, an approved measuring device shall be installed and maintained in accordance with RCW 90.03.360 or WAC 508-64-020 through WAC 508-64-040."

"The amount of water granted is a maximum limit that shall not be exceeded and the water user shall be entitled only to that amount of water within the specified limit that is beneficially used and required."

The water source and/or water transmission facilities are not wholly located upon the land owned by the applicant. Issuance of a permit by this department for appropriation of the waters in question does not convey a right of access to, or other right to use, land which the applicant does not legally possess. Obtainment of such right is a private matter between applicant and owner of that land.

"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."

"A certificate of water right will not be issued until a final examination is made."

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

The construction of the facilities for the appropriation of water under the application may require removal of material from or adjacent to a stream channel or watercourse. A Hydraulic Approval may be obtained from the Department of Fisheries and Wildlife prior to commencing work.

In accordance with the recommendations of the Departments of Fisheries and Wildlife, the permit shall be issued subject to the following provision(s):

"This permit shall be issued subject to Washington Departments of Fisheries and Wildlife screening criteria as outlined in a Hydraulic Project Approval. Please contact the Department of Fisheries, 115 General Administration Building, AX-11, Olympia, WA 98504, Attention: Habitat Management Division, Phone (206) 753-6600; or the Department of Wildlife, 600 Capitol Way North, GJ-11, Olympia, Washington 98501-1091, Attention: Habitat Management Division, Phone (206) 753-3318, to obtain specific requirements for your project."

Signed at Spokane, Washington
this 5th day of May, 1993

Ronald J. Raby

RONALD J. RABY
Water Resources Program
Department of Ecology