

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

REPORT OF EXAMINATION

TO APPROPRIATE PUBLIC WATERS OF THE STATE OF WASHINGTON

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 February 11, 1993	APPLICATION NUMBER S3-29401	PERMIT NUMBER	CERTIFICATE NUMBER
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NAME
WAYNE M. AND ELNA G. KEENEY

ADDRESS (STREET) (CITY) (STATE) (ZIP CODE)
Post Office Box 411, 332 Sunvale Lane Ione Washington 99139

PUBLIC WATERS TO BE APPROPRIATED

SOURCE
Pend Oreille River

TRIBUTARY OF (IF SURFACE WATERS)
Columbia River

MAXIMUM CUBIC FEET PER SECOND 0.02	MAXIMUM GALLONS PER MINUTE	MAXIMUM ACRE-FEET PER YEAR 3.1
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QUANTITY, TYPE OF USE, PERIOD OF USE
0.02 cubic feet per second, 2.1 acre feet per year, from April 1 to October 1, each year, for the irrigation of 1 acre; 1 acre foot per year, continuously, for domestic supply.

LOCATION OF DIVERSION/WITHDRAWAL

APPROXIMATE LOCATION OF DIVERSION-WITHDRAWAL
1450 feet south and 600 feet east from the N $\frac{1}{4}$ corner of Sec. 29

LOCATED WITHIN (SMALLEST LEGAL SUBDIVISION) W $\frac{1}{2}$ NE $\frac{1}{4}$	SECTION 29	TOWNSHIP N. 37	RANGE, (E. OR W.) W.M. 43 E	W.R.I.A. 62	COUNTY Pend Oreille
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RECORDED PLATTED PROPERTY

LOT 22	BLOCK	OF (GIVE NAME OF PLAT OR ADDITION) 3rd Addition to Pend Oreille Sunvale Acres
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LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED

Lot 22, 3rd Addition to Pend Oreille Sunvale Acres, a portion of the NE $\frac{1}{4}$ of Sec. 29, T. 37 N., R. 43 E.W.M., Pend Oreille County.

DESCRIPTION OF PROPOSED WORKS

3/4 H.P. Sta-Rite pump and distribution system.

DEVELOPMENT SCHEDULE

BEGIN PROJECT BY THIS DATE: Started	COMPLETE PROJECT BY THIS DATE: Completed	WATER PUT TO FULL USE BY THIS DATE: April 1, 1995
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REPORT

BACKGROUND

An application to appropriate public surface water was submitted by Wayne M. & Elna G. Keeney to the Department of Ecology on February 11, 1993. The application was accepted and assigned Surface Water Application No. S3-29401. The applicant proposes to withdraw water from the Pend Oreille River in the amount of 0.02 cubic feet per second for domestic and irrigation supply. The proposed point of diversion is to be located in Lot 22, 3rd Addition of Pend Oreille Sunvale Acres (NE¼) Sec. 29, 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. A permit issued under this application would be classified as a Family Farm Permit under the Family Farm Water Act of 1977, Chapter 90.66 RCW.

INVESTIGATION

A field examination of this project was conducted by Ronald J. Raby on February 15, 1994. This project is located approximately 3½ miles southeast of Ione, Washington being a platted lot adjacent to the west shore of the Pend Oreille River.

It was noted that this project has been started. The applicant presently diverts river water by means of a 3/4 H.P. sta-rite pump for his home and approximately 1 acre of grounds. The applicant has a well which is only adequate for in-house use and also must rely on the river for a back-up for the in-house use.

The Department of Ecology has established a 8,500 cubic foot per second low flow at Ione, Washington, on recommendations from the Department of Wildlife. In addition, a response was received after the required sixty (60) day response period requesting this application be reduced to 0.01 cubic feet per second or denied if an alternate sources is available. The applicant's well is not adequate for all uses and the Department has not established the recommendation to reduce this application to 0.01 cubic foot per second.

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. In addition, they have recommended establishing monthly low flows, but have not submitted cubic feet per second recommendations and therefore, this proposal has not been reviewed by the Department of Ecology as of this date.

The established low flow point on the Pend Oreille River is actually 2.8 miles north of Ione, Washington being downstream from the Box Canyon Dam, which can control the flow of the river periodically. Other upstream dams also control the flow of this river, making continuous natural flow readings impossible. The 40 year average reading for the gage below Box Canyon Dam is 26,920 cubic feet per second (U.S.G.S. Pub. 1992).

STATISTICS OF MONTHLY MEAN DATA FOR WATER YEARS 1953 - 1992, BY WATER YEAR (WY)

	OCTOBER	NOVEMBER	DECEMBER	JANUARY	FEBRUARY	MARCH
MEAN	21350	22560	18660	18010	20250	23190
MAX	31000	32970	27400	29830	33810	40630
(WY)	1960	1960	1976	1974	1974	1972
MIN	11790	17870	13630	9995	11660	14390
(WY)	1959	1964	1964	1988	1989	1953

	APRIL	MAY	JUNE	JULY	AUGUST	SEPTEMBER
MEAN	31000	50890	61210	29360	12090	14700
MAX	58300	84380	104900	55230	18070	21400
(WY)	1956	1956	1972	1974	1976	1989
MIN	6476	15890	15090	7395	6336	7034
(WY)	1977	1977	1977	1977	1988	1963

The chart indicates the flow has only dropped below the 8,500 cubic foot per second low flow on very few occasions and is probably due to dam regulation of flow. Mean flows are well above the 8,500 cubic feet per second.

Records indicate many rights from this river for similar uses, but no other rights appurtenant to this property.

Washington State University Agriculture Department Circular No. 512 is used as a guide for determining seasonal amounts of irrigation water needed by geographic location. These amounts are calculated on a 70% system efficiency from the two year frequency table and for maximum irrigation water requirement. Based upon data in this circular a maximum water duty for this area is 25.7 inches per acre, for an annual allotment of 2.1 acre feet for 1 acre; 1 acre foot per year for domestic use.

CONCLUSIONS AND RECOMMENDATIONS

It is the conclusion of this examiner that: public surface water is available for a beneficial use; that domestic supply and irrigation are beneficial uses; 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, 3.1 acre feet per year, for domestic supply and the irrigation of 1 acre.

"At such time that the Department of Ecology determines that 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 for the actual crop grown on the number of acres and the place of use specified."

"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):

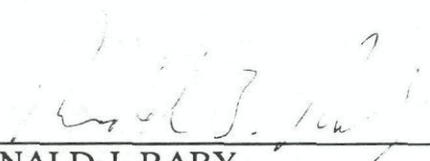
"This permit shall be issued subject to Washington Departments of Fisheries and Wildlife screening criteria as outlined in a Hydraulic Project Approval. Please contact the Department of Fisheries, 115 General Administration Building, AX-11, Olympia, WA 98504, Attention: Habitat Management Division, Phone (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."

Report Continued

"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 flows 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."

"That portion of this authorization relating to irrigation is classified as a Family Farm Permit in accordance with Chapter 90.66 RCW (Initiative Measure No. 59). This means the land being irrigated under this authorization shall comply with the following definition: Family Farm - a geographic area including not more than 2,000 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 2,000 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."

Signed at Spokane, Washington
this 23rd day of March, 1994



RONALD J. RABY
Water Resources Program
Department of Ecology