

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
AMENDED
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 April 13, 1994	APPLICATION NUMBER S3-29684	PERMIT NUMBER	CERTIFICATE NUMBER
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NAME David R. Severn			
ADDRESS (STREET) N. 12411 Vistawood Ct.	(CITY) Spokane	(STATE) WA	(ZIP CODE) 99218

PUBLIC WATERS TO BE APPROPRIATED

SOURCE unnamed spring/pond		
TRIBUTARY OF (IF SURFACE WATERS) Little Spokane River		
MAXIMUM CUBIC FEET PER SECOND 1.0 cfs	MAXIMUM GALLONS PER MINUTE	MAXIMUM ACRE FEET PER YEAR 128.1 127.1 <i>DOK</i>
QUANTITY, TYPE OF USE, PERIOD OF USE 1.0 cubic feet per second, 128.1 acre-feet per year for irrigation of 43 acres from April 1 to October 31, and 1 acre-foot per year for continuous stockwater <i>127.1</i>		

LOCATION OF DIVERSION/WITHDRAWAL

APPROXIMATE LOCATION OF DIVERSION--WITHDRAWAL
550 feet south and 500 feet east of the northwest corner of Section 7

LOCATED WITHIN (SMALLEST LEGAL SUBDIVISION) NW¼NW¼	SECTION 7	TOWNSHIP N. 26	RANGE, (E. OR W.) W.M. 43	W.R.I.A. 55	COUNTY Spokane
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RECORDED PLATTED PROPERTY

LOT	BLOCK	OF (GIVE NAME OF PLAT OR ADDITION)
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LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED

That portion of the SE¼SE¼ of Sec. 1, T. 26 N., R. 42 E.W.M.; AND that portion of the NE¼NE¼ of Sec. 12, T. 26 N., R. 42 E.W.M.; AND that portion of the SW¼SW¼ of Sec. 6, T. 26 N., R. 43 E.W.M.; AND that portion of the NW¼NW¼ of Sec. 7, T. 26 N., R. 43 E.W.M., described as follows:

Beginning at the NE corner of Sec. 12; thence South along the East line of Sec. 12, a distance of 312.10 feet; thence S 67°49'19" W 97.46 feet; thence S 61°50'12" W 77.82 feet; thence S 38°08'13" W 100.95 feet; thence S 82°10'59" W 162.02 feet; thence S 77°31'14" W 103.88 feet; thence N 86°19'58" W 93.14 feet; thence N 76°18'28" W 63.16 feet; thence N 65°26'58" W 86.30 feet; thence N 74°17'09" W 70.28 feet; thence N 80°31'02" W 205.72 feet; thence N 87°53'24" W 302.28 feet; thence N 0°00'49" E 375.60 feet; thence S 77°35'09" W 61.03 feet to a point on the West line of the NE¼NE¼; thence N 0°00'49" E along said west line 80.00 feet to the NW corner of the NE¼NE¼, said point being the True Point of Beginning; thence S 0°00'49" W along said West line 80 feet; thence N 77°35'09" E 61.03 feet; thence S 0°00'49" W 375.60 feet; thence S 87°53'24" E 302.28 feet; thence S 80°31'02" E 205.72 feet; thence S 74°17'09" E 70.28 feet; thence S 65°26'58" E 86.30 feet; thence S 76°18'28" E 63.16 feet; thence S 86°19'58" E 93.14 feet; thence N 77°31'14" E 103.88 feet; thence N 82°10'59" E 162.02 feet; thence N 38°08'13" E 100.95 feet; thence N 61°50'12" E 72.82 feet; thence N 67°49'19" E 97.46 feet; thence continuing N 67°50' East, 29.68 feet into said Section 7; thence S 0°12' W, 652.37 feet to the center line of a creek flowing Northeasterly and Northerly into the Little Spokane River; thence along the center line of said creek to its junction with the center line of the Little Spokane River, said Junction being in the SW¼SW¼ of said Sec. 6; thence Westerly downstream along the center line of the Little Spokane River to the Intersection of said Little Spokane River with the North line of the NE¼NE¼ of Sec. 12; thence West along said North line to the True Point of Beginning; Situate in the County of Spokane, State of Washington.

DESCRIPTION OF PROPOSED WORKS

Current installation - a 7 1/2 HP Centrifical Pump and handlines

DEVELOPMENT SCHEDULE

BEGIN PROJECT BY THIS DATE: June 1, 2002	COMPLETE PROJECT BY THIS DATE: June 1 2003	WATER PUT TO FULL USE BY THIS DATE: June 1, 2004
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REPORT

Background

On April 13, 1994, David R. Severn of Spokane, Washington, filed an application for permit to divert a maximum rate of 1.0 cubic feet per second from an unnamed spring for irrigation of 43 acres and stockwater. The application was accepted, assigned number S3-29684, and public notice was made. No letters of protest were received during the thirty day protest period.

A Report of Examination was issued in February of 1996 denying the subject application. The denial was appealed, and the issues associated with the determination were stipulated in a Stipulated and Agreed Order of Dismissal No. 96-136, dated April 18th, 1997. The issue of the stipulation was to have Mr. Severn withdraw his appeal, and Ecology would issue an Amended Report of Examination on Application No. S3-29684. This Amended Report of Examination completes the Agreed Order dated April 18th, 1997.

The following information was obtained from a site investigation conducted by the writer on October 15th, 2001, research of our department records, conversations with Mr. Severn, and department staff and in consideration of the Stipulated and Agreed Order.

Site Inspection

The property is located as described, and the proposed irrigable ground encompasses approximately 43 acres of irregular shaped fields lying within the SE¹/₄SE¹/₄ of Section 1 and the NE¹/₄NE¹/₄ of Section 12, T. 26 N., R. 42 E.W.M. and SW¹/₄SW¹/₄ of Section 6 and the NW¹/₄NW¹/₄ of Section 7, T. 26 N., R. 43 E.W.M., lying south of the Little Spokane River, north of no name creek and the Golf Course.

A small pond is located in the NW¹/₄NW¹/₄ of Section 7, T. 26 N., R. 43 E.W.M. The pond was created when the previous owner tried to drill a well, and the seal collapsed. The flow of the pond now discharges into a small creek which flows into the Little Spokane River. There are no other identified rights by the applicant. A 7 1/2 Horsepower pump is installed at this location, and a portion of the underground mainline is installed within the NW¹/₄NW¹/₄ of Section 7. The applicant proposes to install additional underground mainlines to the fields in the other quarter sections. At this time the applicant does not plan on increasing the pump capacity. An estimate of the current pump capacity is approximately 200 gallons per minute (0.44 cfs).

The current diversion location is approximately 550 feet south and 500 feet east of the Northwest corner of Section 7, T. 26 N., R. 43 E.W.M.

The proposed place of use consists of approximately 43 acres of irrigable ground within the above described legal description. The applicant proposes to have up to 10 horses, and up to 50 cows. The lands would be irrigated during irrigation season, and winter pasture for up to 50 cows.

Water Quantities

The instantaneous request of 1 cfs (450 gallons per minute) is appropriate and adequate for the proposed irrigation practices, and stockwater.

The annual quantity required for stockwater is approximately 15 gallons per day per animal unit. This would require an annual quantity of approximately 1 acre-foot per year for stockwater. It should be noted that numerous surface water sources flow around and through this property, and stock would have the ability to drink directly from the surface sources.

For irrigation purposes, the Washington State Irrigation Guide confirms a water duty for alfalfa at 26.62 inches per acre. The proposed sprinkler application efficiency is approximately 75%. This calculation identifies a per acre water requirement at 2.95 acre-feet per acre, for a total of 127.1 acre-feet per year.

The irrigation season is typically April 1 to October 31 each year.

Stipulated and Agreed Order

The issues associated with the Stipulated and Agreed Order is incorporated into this finding.

Existing Rights

There are numerous water right documents and claims located around the subject lands. In review of the documents it does not appear that the lands are subject to previous rights. The waters from the spring discharges directly into a small creek and into the Little Spokane River. There are no diversions present between the spring and the discharge. Use of water from the spring will not impair existing diversionary rights of other water users.

WAC 173-555 Little Spokane River

The water resource inventory area (WRIA 55) has adopted the Water Resources Program in the Little Spokane River Basin. (WAC 173-555) WAC 173-555 has established minimum flow conditions for various reaches of the Little Spokane River. The minimum instream flows are considered existing rights. The Stipulated and Agreed Order expressly provided this amended Report of Examination would be subject to existing rights. The control station for this reach is the control station near the confluence of the Little Spokane River (USGS Gage No. 12431500). This authorization will be provisioned subject to the base flow conditions established under WAC 173-555.

Conclusions

The following conclusions are obtained from the information.

Water is physically and legally available for appropriation. Irrigation water is subject to the base flow conditions of WAC 173-555. Diversionary stockwater is exempt from the base flow conditions of WAC 173-555, and stock may drink directly from the water source during interruptible periods.

The use of water for irrigation during irrigation season and continuous stockwater are beneficial uses.

Use of diversionary water for irrigation, subject to the base flow conditions will not be detrimental to the public interest.

Use of diversionary water for irrigation, subject to the base flow conditions, will not impair existing rights.

Recommendations

Based on the information obtained and the conclusions drawn, it is recommended that a permit issue in the name of David Severn authorizing the diversion of 1.0 cubic feet per second, (448.8 gallons per minute), 128.1 acre-feet per year: 127.1 acre-feet per year for irrigation of 43 acres from April 1 to October 31, and 1 acre-foot for continuous stockwater supply.

The following provisions shall apply:

"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."

"Use of water under this authorization shall be contingent upon the water right holder's utilization of up to date water conservation practices and maintenance of efficient water delivery systems consistent with established regulation requirements and facility capabilities."

"An approved measuring device shall be installed and maintained in accordance with RCW 90.03.360 and/or WAC 508-64-020 through WAC 508-64-040. The Applicant will record the quantity of water diverted on a monthly basis and submit the data to Ecology on an annual basis (no later than February 15th of each year)."

"The applicant is required to bypass all of the flow from the pond that is not diverted through this water right through the unnamed stream and to allow it to discharge into the Little Spokane River."

"The applicant will take a monthly measurement of the flow of No Name Creek. Ecology will instruct the applicant on proper measuring and reporting methodology. The applicant will submit those findings to the Department of Ecology on an annual basis no later than February 15 each year."

If 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. Obtaining such a right is a private matter between applicant and owner of the 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 proof examination is made. Such final proof examination shall be performed by Ecology within one year after the applicant files a notice of proof of appropriation with Ecology."

"The water quantities and uses recommended and/or the number of acres to be irrigated may be reduced at the time of issuance of a final water right commensurate with the capacity of the installed system and the uses and/or the number of acres actually irrigated."

"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 Fish and Wildlife prior to commencing work."

"No dam shall be constructed in connection with this diversion unless such a dam is authorized under applicable laws and regulations: this permit does not authorize the construction of a dam in connection with this diversion without proper authorization. A dam may be constructed if application is made, or, simply limit the point of diversion to the specific spot). It is agreed between the parties that all improvements on the Severn property that have been previously approved and authorized by County, State and/or Federal Agencies shall not be effected by this agreement and may continue to function in there current capacity."

"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 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

Report Continued

December 8, 1977. Furthermore, the land being irrigated under this authorization must continue to conform to the definition of a family farm."

WAC 173-555

"All diversion for irrigation purposes shall cease when the flow of the river near its confluence with the Little Spokane River falls to or below those flows given in the following table:

cubic feet per second												
	JAN		FEB		MAR		APR		MAY		JUNE	
DAY	1	15	1	15	1	15	1	15	1	15	1	15
CFS	400	400	400	420	435	460	490	460	440	420	395	385

cubic feet per second												
	JULY		AUG		SEPT		OCT		NOV		DEC	
DAY	1	15	1	15	1	15	1	15	1	15	1	15
CFS	375	375	375	375	375	380	385	390	400	400	400	400

The management and regulation shall be accomplished in accordance with the Water Resources Management Program, Little Spokane River Basin, August 1975 and WAC 173-555 effective January 6, 1976."

Signed at Spokane, Washington
this 11th day of January, 2002

Kevin Brown

 KEVIN BROWN
 Water Resources Program
 Department of Ecology



COPY

STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

4601 N. Monroe Street • Spokane, Washington 99205-1295 • (509) 456-2926

January 11, 2002

Mr. David R. Severn
N. 12411 Vistawood Ct.
Spokane, WA 99218

Dear Mr. Severn:

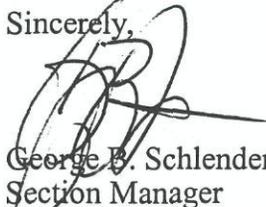
Re: Surface Water Application No. S3-29684

Enclosed please find a copy of the Department of Ecology's . This report constitutes our determination and order regarding the above referenced application.

Your application has been approved and a permit will be issued in accordance with the enclosed Amended Report of Examination upon payment of the statutory fee of \$37.20. Please remit your payment by check to the Department of Ecology within thirty (30) days from receipt of this letter.

Issuance of this Amended Report of Examination is an **appealable** decision under Chapter 43.21B RCW. If you would like to appeal this order and determination, you must file your appeal with the Pollution Control Hearings Board, P.O. Box 40903, Olympia, WA 98504-0903 **within thirty (30) days of the date of mailing of this letter and the enclosed Amended Report of Examination.** A copy of your appeal must also be sent to the Department of Ecology, Water Resources Program, P.O. Box 47600, Olympia, WA 98504-7600 **within thirty (30) days of the date of mailing of this letter and the enclosed Amended Report of Examination.**

Sincerely,


George B. Schlender
Section Manager
Water Resources Program

GBS:mjw
Enclosures

C:/mydocuments/word/Brown/Severn S3-29684 ROE Ltr

I certify I mailed this letter or an identical copy thereof, postage prepaid, to the above addressee(s) this 11th day of January, 2002.

Water Resources Program, Secretary Lead, Mary Jane Willey 