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
August 30, 1988	S 2-27403		

NAME: Wayne L. Christensen

ADDRESS (STREET)	(CITY)	(STATE)	(ZIP CODE)
1429 Dayton S.E.	Olympia	Washington	98501

PUBLIC WATERS TO BE APPROPRIATED

SOURCE: D'Miller Lake

TRIBUTARY OF (IF SURFACE WATERS):

MAXIMUM CUBIC FEET PER SECOND	MAXIMUM GALLONS PER MINUTE	MAXIMUM ACRE-FEET PER YEAR
0.01		

QUANTITY, TYPE OF USE, PERIOD OF USE: Beautification Non-Consumptive

LOCATION OF DIVERSION/WITHDRAWAL

APPROXIMATE LOCATION OF DIVERSION—WITHDRAWAL: 700 feet South and 1125 feet West of the N¼ corner of Section 19.

LOCATED WITHIN (SMALLEST LEGAL SUBDIVISION)	SECTION	TOWNSHIP N.	RANGE, (E. OR W.) W.M.	W.R.I.A.	COUNTY
W½NE¼NW¼	19	18	1 W	13	Thurston

RECORDED PLATTED PROPERTY

LOT	BLOCK	OF (GIVE NAME OF PLAT OR ADDITION)

LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED

Parcel #4 of Short Subdivision #SS-0450 described as follows:

That part of Smith Donation Claim No. 42, T. 18 N., R. 1 W.W.M., described as beginning at the intersection of the West line of said claim with the South line of tract conveyed to Vance Colyar, et ux, by instrument dated March 4, 1975 and recorded under File No. 935166, said point being approximately 1318 feet East of the West line of Section 19, said township and range, and 450 feet South of the South line of Burlington Northern Railway right-of-way said point being hereinafter referred to as Point A; thence East 100 feet, more or less, to a point on the West line of that certain tract conveyed to Michael V. Colyar et ux, by instrument dated November 29, 1975 and recorded under File No. 952571; thence South along the West line of said tract 4 feet, more or less, to the Southwest corner thereof; thence East along the Southerly line of said Colyar Tract and along the South line of tract conveyed to Michael V. Colyar, et ux, by deed dated October 9, 1975 and recorded under File No. 949385, more or less, to the Westerly line of said Fifteenth Avenue access road; thence Southwesterly along the Westerly line of road 705 feet to the true point of beginning; thence continuing Southwesterly along said Westerly line of road 225 feet, more or less, to the Westerly line of said Smith Claim, thence North along said West line of claim to Point A; thence Southeasterly in a straight line to the true point of beginning.

DESCRIPTION OF PROPOSED WORKS

½ horsepower pump to fountain area through 1 inch PVC pipe. Water flows down rockery to artifical pond area and then to D'Miller Lake.

DEVELOPMENT SCHEDULE

BEGIN PROJECT BY THIS DATE:	COMPLETE PROJECT BY THIS DATE:	WATER PUT TO FULL USE BY THIS DATE:
Started	Complete	In Use

REPORT

BACKGROUND:
On August 30, 1988, Wayne L. Christensen filed for a permit under the provisions of Chapter 90.03, Revised Code of Washington (RCW) to appropriate public surface water from D'Miller Lake in the amount of 0.01 cubic feet per second (cfs) for beautification. The application was accepted for processing and assigned Application No. S 2-27403. The priority date of this application is August 30, 1988.

A legal notice of the applicant's proposed appropriation was prepared by department staff and transmitted to the applicant together with publication instructions on October 19, 1988. Public notice appeared in "The Nisqually Valley News" of Yelm, Washington on November 3 and 10, 1988. No objections were received as a result of the public notice.

INVESTIGATIONS:
In consideration of this application, the writer conducted a field investigation on November 17, 1988. The applicant was not present during the site visit. Other investigations included a review of pertinent state records and evaluating information submitted with the application. As a result of these investigations, the following is reported.

D'Miller Lake is located approximately 1 mile Northeast of downtown Olympia just behind McKinley Elementary School. The applicants property is on the Southeast side of the lake.

The applicant has excavated a pond which is fed by water from the lake. Water is pumped from the pond to a fountain, and then flows through rockery and back to the pond.

The fountain is approximately 300 feet from the lake. The pond area is 4 to 5 feet wide with an island in the center. There was approximately one foot of water in the pond at the time of the field exam.

The applicant requested diversion of 0.01 cfs from D'Miller Lake for beautification. The project site lies within Water Resource Inventory Area (WRIA) No. 13 where instream flows were established via Department of Ecology Order 80-11, under the provisions of Chapter 173-513 WAC. As this use is for beautification and the water is circulated back to the source, it is non-consumptive and not effected by the instream flow requirements.

CONCLUSIONS:
In accordance with Chapter 90.03 and 90.44 RCW, I find there is water available for appropriation from the source in question and that the appropriation as recommended is a beneficial use and will not impair existing rights or be detrimental to the public welfare. Therefore, permit should issue, subject to existing rights and indicated provisions.

RECOMMENDATIONS:
I recommend this application be approved and a temporary permit issue allowing appropriation of 0.01 CFS from D'Miller Lake for the purpose of beautification. The period of use shall be as needed. The total annual diversion is non-consumptive. Approval shall be subject to the following provisions.

"This temporary permit authorizes the construction of a system for appropriating water and applying water to beneficial use only until midnight, June 30, 1989. The temporary permit may be extended by the Department of Ecology in writing beyond that date. After June 30, 1989, the Department of Ecology will determine whether and under what conditions a normal water right permit may be issued. Issuance of a temporary permit is no guarantee that appropriation of water be allowed after July 1, 1989. Legislative action may be taken that could substantially affect whether and under what conditions a permanent water right could be issued. This risk should be carefully considered before a significant investment is made in a water system."

"The 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, Olympia, Washington 98504, Attention: Habitat Management Division, Phone (206) 753-6650; or the Department of Wildlife, 600 N. Capitol, Olympia, Washington 98504, Attention: Habitat Management Division, Phone (206) 753-3318, to obtain specific requirements for your project."

REPORTED BY: Vicki Windust DATE: March 17, 1989

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