

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

REPORT OF EXAMINATION
PROOF OF APPROPRIATION
OF WATER

- Surface Water
 Ground Water

PRIORITY DATE <i>August 28, 1978</i>	APPLICATION NUMBER <i>S3-26059</i>	PERMIT NUMBER <i>S3-26059 P</i>	CERTIFICATE NUMBER
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NAME <i>Deborah Kennedy</i>			
ADDRESS (STREET) <i>E. 3509 17th</i>	(CITY) <i>Spokane</i>	(STATE) <i>WA</i>	(ZIP CODE) <i>99223</i>

PUBLIC WATERS APPROPRIATED

SOURCE
Two (2) Unnamed Springs

TRIBUTARY OF (IF SURFACE WATERS)
Deadman Creek

MAXIMUM CUBIC FEET PER SECOND <i>0.02</i>	MAXIMUM GALLONS PER MINUTE	MAXIMUM ACRE-FEET PER YEAR
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QUANTITY, TYPE OF USE, PERIOD OF USE
*0.02 cubic feet per second, 1 acre foot per year, continuously,
for domestic and stockwater supply.*

LOCATION OF DIVERSION/WITHDRAWAL

APPROXIMATE LOCATION OF DIVERSION WITHDRAWAL
(SAME)

LOCATED WITHIN (SMALLEST LEGAL SUBDIVISION) <i>E6 SE1/4 SE1/4</i>	SECTION <i>8</i>	TOWNSHIP N. <i>27</i>	RANGE (E. OR W.) W.M. <i>45 E.</i>	W.R.I.A. <i>55</i>	COUNTY <i>Spokane</i>
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RECORDED PLATTED PROPERTY		
LOT	BLOCK	OF (GIVE NAME OF PLAT OR ADDITION)

LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS USED

SAME AS PERMIT

OK

FOR CERT.

Same as permit

BEFORE THE
DEPARTMENT OF ECOLOGY
STATE OF WASHINGTON

IN THE MATTER OF APPLICATION) FINDINGS OF FACT
NUMBER S3-26059 FOR PERMIT FOR) AND
APPROPRIATE PUBLIC WATERS) ORDERS

Upon review of the Examiner's report, I find that all facts relevant and material to the subject application have been thoroughly investigated. Furthermore, in accordance with the aforesaid report, I find that the subject application cannot be approved for all of the uses and quantities as requested.

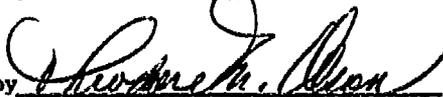
IT IS ORDERED that a permit issue under Application No. S3-26059 authorizing appropriation of public water for continuous domestic and stockwater supply, subject to the provisions set forth in the Examiner's report.

IT IS FURTHER ORDERED that the request for irrigation be denied.

RCW 43.21B provides that any person who feels aggrieved by such an order may appeal to the Pollution Control Hearings Board of Washington, Mail Stop PY-21, Olympia, WA 98504-8921 with a copy to the director of the Department of Ecology, Mail Stop PV-11, Olympia, WA 98504-8711 within thirty (30) days of receipt of this order. Procedures for requesting a hearing may be obtained from this department.

Signed at Spokane, Washington this 1st day of October, 1990.

CHRISTINE O. GREGOIRE, Director
Department of Ecology

by 
THEODORE M. OLSON, P.E.
Section Supervisor
Water Resources Program

CERTIFIED MAIL

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

RETAIN FOR YOUR FILES

PARTIAL DENIAL
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	APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
August 28, 1978	83-26059		

NAME DEBORAH SJOBERG			
ADDRESS (STREET) E. 3509 17th	(CITY) Spokane	(STATE) Washington	(ZIP CODE) 99223

PUBLIC WATERS TO BE APPROPRIATED

SOURCE two unnamed springs		
TRIBUTARY OF (IF SURFACE WATERS) Deadman Creek		
MAXIMUM CUBIC FEET PER SECOND 0.02	MAXIMUM GALLONS PER MINUTE	MAXIMUM ACRE-FEET PER YEAR 1
QUANTITY, TYPE OF USE, PERIOD OF USE 0.02 cubic feet per second, 1 acre foot per year, continuously, for domestic and stockwater supply.		

LOCATION OF DIVERSION/WITHDRAWAL

APPROXIMATE LOCATION OF DIVERSION-WITHDRAWAL	
#1) 250 feet north and 400 feet west from the SE corner of Sec. 8	
#2) 200 feet north and 350 feet west from the SE corner of Sec. 8	

LOCATED WITHIN (SMALLEST LEGAL SUBDIVISION) E1/2SE1/4	SECTION 8	TOWNSHIP N. 27	RANGE, (E. OR W.) W.M. 45 E	W.R.I.A. 55	COUNTY Spokane
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RECORDED PLATTED PROPERTY

LOT	BLOCK	OF (GIVE NAME OF PLAT OR ADDITION)

LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED

East 475 feet of the E1/2SE1/4 of Sec. 8, T. 27 N., R. 45 E.W.M., lying south of Wallis Road.

DESCRIPTION OF PROPOSED WORKS

Two springs, pumps and distribution lines.

DEVELOPMENT SCHEDULE

BEGIN PROJECT BY THIS DATE:	COMPLETE PROJECT BY THIS DATE:	WATER PUT TO FULL USE BY THIS DATE
November 1, 1991	November 1, 1992	November 1, 1993

REPORT

BACKGROUND

An application to appropriate public surface water was submitted by Deborah Sjoberg (formerly Voloshin) to the Department of Ecology on August 28, 1978. The application was accepted and assigned Surface Water Application No. S3-26059. The applicant proposes to divert water from two (2) unnamed springs, tributary to Deadman Creek in the amount of 0.16 cubic feet per second for continuous domestic supply, stockwater, and seasonal irrigation of 7 acres. The proposed point of diversion is to be located within the E½SE¼SE¼ of Sec. 8, T. 27 N., R. 45 E.W.M. in Spokane County.

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 for the requested irrigation 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 exam was conducted by Lynn Maser on June 14, 1990. The property is an 18 acre parcel located about one mile up Wallis Road, which is a small road heading east from Mt. Spokane Highway.

The project was partially developed for several years, but it has been approximately 11 years since anyone lived at the property. There were small-scale stockwater, domestic and irrigation uses earlier, but there is no current water usage. The two small springs are in the form of two small ponds (10 x 30 and 25 x 20), which were overflowing into the draw on the day of the exam.

There are no state-issued existing water rights on the site, nor did the recent adjudication of the Deadman Creek drainage confirm any rights for this property. The adjudication lasted through the late 1970's and into the 80's. This application, along with all others in the drainage, was held pending the outcome of that adjudication.

Deadman Creek and it's tributaries have been closed to further appropriation since 1961. This closure was reinforced by the Basin Management Program adopted for the little Spokane River Basin in 1976. The only exceptions to the closure are for domestic and stockwater uses.

On January 6, 1976, the Department of Ecology adopted a Basin Management Program for Water Resource Inventory Area (WRIA) 55, the Little Spokane Drainage Basin. The Administrative Rules and Regulations (WAC 173-555) established base flows on the Little Spokane River and closed most tributaries of the river to further appropriation for consumptive use other than domestic and stockwater supplies. The applicant's project site is located on an unnamed creek, which is tributary to Deadman Creek, which is tributary to the Little Spokane River and the lawn and garden portion of the domestic supply use would be subject to the management program and base flow at the Dartford gauging station.

CONCLUSIONS AND RECOMMENDATIONS

It is the conclusion of this examiner that: stockwater and domestic supply are beneficial uses; that public water is available for appropriation for those beneficial uses; that the appropriation of such water will not impair existing rights or be detrimental to the public welfare.

It is further concluded that public water from Deadman Creek or it's tributaries is not available for irrigation use, and that, as dictated by the Departmental closure and the Little Spokane Basin Management Program, it is recommended that the request for irrigation water be denied.

It is recommended that this application for a public water permit be approved in the amount of 0.02 cubic feet per second, 1 acre foot per year, for continuous domestic supply and stockwater, subject to the following provisions:

"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."

"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."

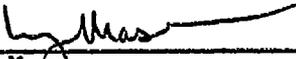
"A certificate of water right will not be issued until a final examination is made."

"All withdrawal for lawn and garden irrigation shall cease when the flow of the river at Dartford (river mile 10.8) falls to or below those flows given in the following table:

		cubic feet per second											
		APR		MAY		JUNE		JULY		AUG		SEPT	
DAY		1	15	1	15	1	15	1	15	1	15	1	15
CFS		250	218	192	170	148	130	115	115	115	115	115	123

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 1st day of October, 1990



Lynn Massey
Water Resources Program
Department of Ecology