

BEFORE THE
DEPARTMENT OF ECOLOGY
STATE OF WASHINGTON

IN THE MATTER OF APPLICATION
NUMBER 22738 FOR PERMIT TO
APPROPRIATE PUBLIC WATERS

) FINDINGS OF FACT
) AND
) ORDER

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.

IT IS ORDERED that Application Number 22738 be and is denied.

RCW 43.21B provides that any person who feels aggrieved by an order, such as the one above, may appeal to the Pollution Control Hearings Board of Washington within thirty (30) days from the transmittal date of said order. A copy of pertinent regulations relating to the procedure for requesting a hearing may be obtained from this Department upon request.

Signed at Olympia, Washington this 15th day of January, 1975

JOHN A. BIGGS, Director
Department of Ecology

by Jerry Collier
R. JERRY COLLIER
Assistant Director

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

REPORT OF EXAMINATION
TO APPROPRIATE PUBLIC WATERS OF THE STATE OF WASHINGTON

SURFACE WATER GROUND WATER

| | |
|--------------------------|---|
| APPLICATION NO. 22738 | PRIORITY DATE OF APPLICATION December 14, 1970 |
|--------------------------|---|

NAME
MEADOW SPRINGS DEVELOPMENT CORP., WASHINGTON STATE DEPARTMENT OF NATURAL RESOURCES

ADDRESS (STREET) (CITY) (STATE) (ZIP CODE)
P.O. Box 785 Richland, Washington 99358

PUBLIC WATERS TO BE APPROPRIATED

SOURCE
Arco Vastnessy (Sheridan Creek)

TERRACE OF THE SURFACE WATERS
Yakima River

| | | |
|--|----------------------------|---|
| MAXIMUM CUBIC FEET PER SECOND 0.00 | MAXIMUM GALLONS PER MINUTE | MAXIMUM ACRES-FEET PER YEAR 0 |
|--|----------------------------|---|

QUANTITY, TYPE OF USE, PERIOD OF USE
not applicable

LOCATION OF DIVERSION/WITHDRAWAL

APPROXIMATE LOCATION OF DIVERSION/WITHDRAWAL
1980 feet east, 1650 feet south, from the northeast corner of section 36

| LOCATED WITHIN (SMALLEST LEGAL SUBDIVISION) | SECTION | TOWNSHIP N. | RANGE, E. OR W. 1/4 W. | W.A.L.A. | COUNTY |
|---|-----------|-------------|------------------------|-----------|----------------|
| Section | 36 | 9 | 28 | 37 | Spokane |

RECORDED PLATTED PROPERTY

| LOT | BLOCK | OF (GIVE NAME OF PLAT OR ADDITION) |
|-----|-------|------------------------------------|
|-----|-------|------------------------------------|

LEGAL DESCRIPTION OF PROPERTY WATER TO BE USED ON
not applicable

DESCRIPTION OF PROPOSED WORKS

DEVELOPMENT SCHEDULE

| BEGINNING DATE | COMPLETION DATE | DATE COMPLETE APPLICATION OF WATER TO BE MADE |
|----------------|-----------------|---|
|----------------|-----------------|---|

PROVISIONS AND RECOMMENDATIONS

Shadow Springs Development Corp./Washington State Department of Natural Resources filed an application for appropriation of surface waters which was received by this department December 14, 1970 and assigned number 22738. On February 24, 1971 affidavit of publication was received. A field investigation of this application was conducted by A. E. King on February 22, 1971.


A letter dated March 12, 1971 was received from Department of Game and consurred by Department of Fisheries requesting a low flow limitation. Inquiry by the Department of Ecology was made as to the status of the involved property in the Kennewick Irrigation District. The Kennewick Irrigation District responded to the effect that they do in fact claim the waters of Amon Westway (Sheridan Creek) and that these waters are subject to recovery and return by the district.

Conclusions:

1. Waters for which applicant has applied are within the extension boundaries of the Kennewick Irrigation District and exist as a result of return flow of district waters and as such are not public waters within the meaning of CE 90.03 RCW. Therefore, the waters in question are not subject to appropriation and
2. That these waters can be recovered before leaving irrigable project lands; and
3. That these waters have previously been appropriated by the United States for the benefit of the project lands.

It is therefore recommended that this application be rejected and cancelled on the grounds that no public waters are available for appropriation.

Signed at Yakima, Washington
this 8th day of January, 1975.


A. E. KING
Resource Management Section
Department of Ecology