State of Washington
Department of Ecology
Yakima Washington

IN THE MATTER OF APPLICATION FOR CHANGE BY WASHINGTON WATER TRUST REQUESTING A CHANGE IN THE PLACE OF USE AND POINT OF DIVERSION OF WATER USE UNDER LIBBY CREEK ADJUDICATED CERTIFICATE NO 84.	)	Amended Emergency Drought Change Authorization

In accordance with the provisions of RCW 43.83B.405, on March 14, 2001, it was ordered and determined by the Director of the Department of Ecology that the State of Washington is under drought conditions. In accordance with the provisions of WAC 176-166-060, the Department of Ecology is under the terms of this Order, issuing an EMERGENCY DROUGHT CHANGE AUTHORIZATION. The intent of this authorization is to alleviate hardships and reduce the burdens on water users arising from the drought conditions.

This Amended Emergency Drought Change Authorization replaces the previous document dated July 24, 2001, and corrects an error in the legal description of Libby Creek Adjudicated Certificate No. 84.

Background

On June 27, 2001, Washington Water Trust filed an application to change a portion of existing water rights in Okanogan County to keep the water in Libby Creek. The application was assigned application number CS4-ADJ08VOL283P84@2.

WAC 173-166-080(2)(b) allows the state to authorize temporary transfers a water right from an out-of-stream use to an instream use. The Methow River runoff for the April-September period is forecast to be less than 50% of average. Instream flow conditions in tributary streams like Libby Creek will be more severe than on the main stem of the Methow River.

Libby Creek Adjudicated Certificate No. 84

Libby Creek Adjudicated Certificate No. 84, with a priority date of 1901, was issued to Harry Mourer and authorizes the diversion of 0.78 cubic feet per second (cfs) for the irrigation of 33.2 acres from Libby Creek. The approximate point of diversion is located within the SW¼SW¼ of Section 30 T. 32 N., R. 22 E.W.M. and the SW¼NE¼ of Section 25, T. 32 N., R. 21 E.W.M.

The place of use is described as:

> 33.2 acres in the SW¼SE¼ of Section 30, T. 32 N., R. 22 E.W.M. and the SE¼SE¼ of Section 30, T. 32 N., R. 22 E.W.M.

The applicant proposes to change the irrigation of 33.2 acres of non-interruptible water rights of Libby Creek Adjudicated Certificate No. 84 to instream flows to stay in Libby Creek a tributary to the Methow River.

The point of diversion for Libby Creek Adjudicated Certificate No 84 will not be used as the water will remain in Libby Creek and the field shall remain fallow this irrigation season.

Approximately 33.2 acres of irrigation will not occur on the authorized place of use this year under Libby Creek Adjudicated Certificate No. 84, and it is proposed that this amount of irrigation water will remain in Libby Creek. According to the Washington Irrigation Guide, 2.08 acre-feet per acre are recommended to irrigate in the Methow area. The irrigation of 33.2 acres would require 69.1 acre-feet per year at .226 cubic feet per second (cfs) during the 154 day irrigation season.

Placement of water into trust in accordance with Ecology's Trust Water Guidelines requires, among other parameters of the trust water right, determinations of the total and consumptive water use and the "primary" and "secondary" reaches affected. An emergency decision does not provide the time necessary to evaluate all aspects of the guidelines. Therefore, the analysis leading to the trust water recommendations in this report is simplified and conservative. No primary reach is defined. The secondary reach is defined as the stream reach extending from the point of diversion downstream to the confluence of the Methow River with the Columbia River.

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Conclusions and Decision

Authorizing these changes of water rights to keep water in the Methow River will not impair existing water rights.

This **DROUGHT EMERGENCY CHANGE DECISION** authorizes the transfer of water to irrigate 33.2 acres under Libby Creek Adjudicated Certificate No. 84 in Okanogan County to Libby Creek.

An instantaneous quantity of .226 cfs is authorized to stay in Libby Creek.

Provisions

The following provisions shall apply to this change authorization:

Since the point of diversion provides water to more than one water right and at least 4 users, the applicant must:

Within 15 days of receipt of this authorization, the applicant shall submit a map to Ecology showing the lands (33.2 acres) formerly irrigated under Libby Creek Adjudicated Certificate No. 84 that will not be irrigated under this right.

Insure a measuring device approved by the Department of Ecology is installed to monitor the water being diverted to irrigate approximately 3.09 acres owned by neighbors.

This drought emergency authorization expires on October 31, 2001.

APPROVED BY: _____ DATE: 7/27/2001
Robert F. Barwin, Section Manager

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Enclosure(s):