

State of Washington
Department of Ecology
Yakima Washington

IN THE MATTER OF THE APPLICATION FOR CHANGE)
FILED BY SUNSHINE AGRICULTURE, INC.)
REQUESTING TO CHANGE THE PLACE OF USE AND) Emergency Drought
POINT OF DIVERSION OF A PORTION OF THE WATER) Change Authorization
USE UNDER SURFACE WATER CERTIFICATE)
SWC 10704)

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.

Background

On April 17, 2001 Sunshine Agriculture, Inc. filed a drought emergency change application requesting to change the point of diversion and place of use of a portion their existing non-interruptible water rights authorized under SWC 10704 to property they own identified as the Hilltop 100 orchard that is irrigated with water rights from the Columbia River (Wells Pool) that are subject to interruption under the Columbia River Instream Resources Protection Program, WAC 173-563.

SURFACE WATER CERTIFICATE (SWC) 10407

SWC 10704 authorizes the non-interruptible diversion of 2.66 cubic feet per second (cfs) and 640 acre-feet per year from the Okanogan River for irrigation of 160 acres. The diversion water duty under SWC 10704 is 0.02 cfs and 4 acre-feet per acre irrigated. Irrigation of 39.7 acres of the authorized 160 acres will not occur on the authorized place of use in Okanogan County this year. It is this 39.7 acres that is proposed be transferred approximately 10 miles down river along the Okanogan and Columbia rivers to the Sunshine Agriculture, Inc. Hilltop 100 property in Okanogan County.

The point of diversion authorized under SWC 10704 is located within Government Lot 5 of Section 10, T. 30 N., R. 25 E. W. M.

The place of use for the 160 acres authorized under SWC 10704 lies within Sections 10 and 15, T. 30 N., R. 25 E. W. M., in Okanogan County.

THE SUNSHINE AGRICULTURE, INC. (HILLTOP 100) PROPERTY

The Sunshine Agriculture, Inc. Hilltop 100 orchard property is located within portions of the E½ of Section 25, T. 30 N., R. 23 E. W. M. and Government Lot 2 of Section 30, T. 30 N., R. 24 E. W. M. One water right certificate authorizing 100 acres of irrigation is appurtenant to this property. Superseding surface water certificate S4-28609C authorizes diversion of 0.89 cfs, 400 acre-feet per year from the Columbia River (Well Pool) for irrigation of 100 acres of orchard. The irrigation water duty is .0089 cfs and 3.78 acre-feet per acre irrigated.

The point of diversion is located within the SW¼ SE¼ of Section 30, T. 30 N., R. 24 E. W. M.

The diversion authorized under superseding certificate S4-28609C is subject to interruption in accordance with the provisions of Columbia River Instream Resources Protection Program, WAC 173-563.

Non-interruptible water supply is being sought for the 100 acre Hilltop 100 orchard. This drought emergency change application will transfer only 39.7 acres of non-interruptible water supply. For the purposes of this drought emergency change application, the quantities to be transferred will be based upon superseding certificate S4-28609C water duties. For the 39.7 acres being transferred this amount of 0.353 cfs and 150 acre-feet.

CONCLUSIONS AND DECISION

This transfer will ensure that 39.7 acres of the 100 acres of Hilltop 100 orchard irrigated by Sunshine Agriculture, Inc. will not be interrupted during the 2001 irrigation season. Authorizing this change of water rights from the Okanogan River to the Columbia River (Wells Pool) will not impair existing water rights.

This **DROUGHT EMERGENCY CHANGE DECISION** authorizes the transfer of 39.7 acres of irrigation under SWC 10704 to property described as follows:

Beginning at a point on the south boundary of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ being the southwest corner of said NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 25, T. 30 N., R. 23 E. W. M., running thence westerly 225.0 feet on the said south boundary extended; thence southeasterly to the northwest corner of the E $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 25; thence southeasterly to the bottom of the draw located approximately at the southeast corner of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 25; thence northerly on the east boundary of Section 25 to the point where the south boundary of Government Lot 2, of Section 30, T. 30 N., R. 24 E. W. M. intersects the Range line; thence easterly on the south boundary of Government Lot 2 to the east boundary of Government Lot 2; thence north 1160.0 feet; thence westerly parallel to the south boundary of Government Lot 2 to the Range line; thence continuing westerly on the same line to the west boundary of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 25; thence northerly along the west boundary of said SE $\frac{1}{4}$ NE $\frac{1}{4}$ to the northwest corner thereof; thence westerly along the subdivision line to the point of beginning.

The point of diversion shall be the existing pumping station on the Columbia River (Wells Pool) located within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 30, T. 30 N., R. 24 E. W. M.

A maximum of 0.353 cfs and 150 acre-feet is authorized for use on the property to irrigate 39.7 acres of the 100 acres of the Hilltop 100 orchard.

The following provisions shall apply to this change authorization:

A measuring device approved by the Department of Ecology must be installed prior to use of the water.

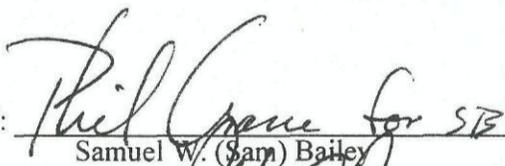
Bi-weekly (every 2 weeks) readings of the measuring device shall be recorded and shall include the date and time of measurement, water flow rate, volume of water, and the name of the person taking the meter readings. Within 30-days of the end of this irrigation season, the permittee shall send a copy of this data to the Central Regional Office.

A map identifying the specific 39.7 acres that will not be irrigated this year under SWC 10704 shall be submitted to Ecology's Central Regional Office within 15 days of the date of receipt of this drought emergency change authorization.

A map of the Hilltop 100 orchard showing the specific 39.7 acres that will be irrigated with this temporarily transferred non-interruptible water supply, shall be submitted to Ecology's Central Regional Office within 15 day of the date of receipt of this drought emergency change authorization.

This drought emergency authorization expires on October 31, 2001.

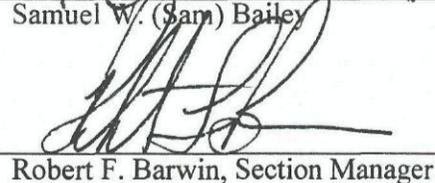
REPORT BY:


Samuel W. (Sam) Bailey

DATE:

5/14/2001

APPROVED BY:


Robert F. Barwin, Section Manager

DATE:

5/15/2001

SWB:gg

Enclosure(s):