

State of Washington
Department of Ecology
Yakima Washington

IN THE MATTER OF APPLICATIONS FOR CHANGE BY)
SHORE PROPERTIES INC)
REQUESTING A CHANGE IN THE PLACE OF USE) Emergency Drought
AND POINT OF DIVERSION OF WATER USE UNDER) Change Authorization
GROUND WATER CERTIFICATE NO. G4-26018C.)

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 August 14, 2001, Cliff Plath for Shore Properties, Inc. filed an application to change existing water rights in Benton County to other property in Benton County. Irrigation on their lands is authorized under existing interruptible water rights subject to interruption under the Columbia River Instream Resources Protection Program, WAC 173-563. The application was assigned application number CG4-26018C@3.

WAC 173-166-080 allows the state to authorize temporary transfers of irrigation rights provided that the acreage on the second parcel does not exceed the acreage reduction on the first parcel.

Ground Water Certificate No. G4-26018C

Ground Water Certificate No. G4-26018C, with a priority date of October 10, 1978, was issued to Gibson Land and Livestock Co. Inc. and authorizes the withdrawal of 4400 gallons per minute (gpm), and 4116 acre-feet per year for the irrigation of 695 acres from three wells in continuity with the Columbia River. The points of withdrawal are located within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 10, SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 11, and SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 10 all in T 5 N., r. 27 E.W.M. The place of use is described as:

PARCEL A: The S $\frac{1}{2}$ N $\frac{1}{2}$ and the S $\frac{1}{2}$, Section 10, T. 5 N., R. 27 E.W.M., in Benton County, Washington; EXCEPT that portion of the SE $\frac{1}{4}$ lying southerly of the N line of abandoned S.P. & S. Railway Company right-of-way; EXCEPT the E 208.75 feet of the W 235.25 feet of the S 208.75 feet of the SW $\frac{1}{4}$ SW $\frac{1}{4}$; EXCEPT the following described tract: Beginning at a point on the N line of abandoned S.P. & S. Railway Company right-of-way, 2,466.8 feet westerly of the E line of Section 10; thence continuing southerly along said right-of-way 372 feet; thence N 1,110 feet to the S right-of-way line of irrigation canal; thence easterly along said right-of-way line 790.4 feet; thence S 774.5 feet, thence W 386.3 feet; thence S to N line of said right-of-way line 790.4 feet; thence S 774.5 feet; thence W 386.3 feet; thence S to N line of said right-of-way; thence southwesterly along said right-of-way to point of beginning.

PARCEL B: All of Section 11, T. 5 N., R. 27 E.W.M., in Benton County, Washington, lying northerly of abandoned Spokane, Portland and Seattle Railway Company right-of-way; EXCEPT 200 foot right-of-way as condemned by the United States of America in United States District Court for the Eastern District of Washington, Southern Division and described in order granting possession filed under Auditor's File No. 217592; and EXCEPT portion thereof described as follows: Beginning at a point on the W line of said Section 11, 1,934.34 feet S of the NW corner of said Section 11; thence E 2,273.59 feet; thence S 964 feet to a point on the northerly right-of-way line of Spokane, Portland and Seattle Railway Company right-of-way; thence southwesterly along said northerly right-of-way line to a point on the W line of said Section 11; thence N along said W line to point of beginning; and EXCEPT any portion thereof lying within relocated S. P. & S. Railway Company right-of-way.

The applicant proposes to change the irrigation of 91 acres of non-interruptible water rights of Certificate No. G4-26018C to other property nearby.

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The new place of use contains 91 acres located on property currently provided irrigation water under Ground Water Permit No. G4-31006P, which is subject to interruption when the Columbia River falls below the minimum flow levels established in Chapter 173-563-040 WAC.

Permit No. G4-31064P authorized the irrigation of 91 acres located within a parcel of land described as:

The S $\frac{1}{2}$ NE $\frac{1}{4}$ and N $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 10 and the S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 10, all in T. 5 N., R. 27 E.W.M. Also the N $\frac{1}{2}$ S $\frac{1}{2}$ lying below the Burlington Northern Railroad and north of Christy Road within Section 11, T. 5 N., R. 27 E.W.M., Benton County, Washington.

The S $\frac{1}{2}$ NE $\frac{1}{4}$ and the N $\frac{1}{2}$ SE $\frac{1}{4}$ of said Section 10, and the S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 10 lying north of Christy Road, all in T. 5 N., R. 27 E.W.M., all of Section 11 lying north of Christy Road in T. 5 N., R. 27 E.W.M. EXCEPT portion thereof described as follows; Beginning at a point on the west line of said Section 11, 1934.34 feet south of the northwest corner of said Section 11; thence east 2273.59 feet; thence south 964 feet to a point on the northerly right of way line of Spokane, Portland, and Seattle Railway Company right of way; thence southwesterly along said northerly right of way line to a point on the west line of said Section 11; thence north along said west line to a point of beginning and EXCEPT any portion thereof lying within relocated S. P. & S. Railway Company right of way.

The new emergency points of withdrawal for Ground Water Certificate No. G4-26018P will be from up to seven (7) existing wells within the Section 10 and 11, T. 5 N., R. 27 E.W.M. authorized under Certificate No. G4-26018C and Permit No. G4-31064P.

Approximately 91 acres of irrigation will not occur on the authorized place of use this year under Ground Water Certificate No. G4-26018C and it is proposed that this amount of irrigation be transferred to property authorized irrigation under Permit No. G4-31064P.

Conclusions and Decision

Authorizing these changes of water rights along the Columbia River will not impair existing water rights.

This **DROUGHT EMERGENCY CHANGE DECISION** authorizes the transfer of 91 acres of irrigation under Ground Water Certificate No. G4-26018C in Benton County to property in Benton County described as follows:

The S $\frac{1}{2}$ NE $\frac{1}{4}$ and N $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 10 and the S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 10, all in T. 5 N., R. 27 E.W.M. Also the N $\frac{1}{2}$ S $\frac{1}{2}$ lying below the Burlington Northern Railroad and north of Christy Road within Section 11, T. 5 N., R. 27 E.W.M., Benton County, Washington.

The S $\frac{1}{2}$ NE $\frac{1}{4}$ and the N $\frac{1}{2}$ SE $\frac{1}{4}$ of said Section 10, and the S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 10 lying north of Christy Road, all in T. 5 N., R. 27 E.W.M., all of Section 11 lying north of Christy Road in T. 5 N., R. 27 E.W.M. EXCEPT portion thereof described as follows; Beginning at a point on the west line of said Section 11, 1934.34 feet south of the northwest corner of said Section 11; thence east 2273.59 feet; thence south 964 feet to a point on the northerly right of way line of Spokane, Portland, and Seattle Railway Company right of way; thence southwesterly along said northerly right of way line to a point on the west line of said Section 11; thence north along said west line to a point of beginning and EXCEPT any portion thereof lying within relocated S. P. & S. Railway Company right of way.

A water duty of 6.3 gpm and 5.9 acre-feet per acre is authorized for use on the property or 573.3 gpm and 536.9 acre-feet per year for 91 acres.

The points of withdrawal are seven (7) existing wells located within the S $\frac{1}{2}$ of Section 10 and the SW $\frac{1}{4}$ of Section 11 all in T. 5 N., R. 27 E.W.M.

Provisions

The following provisions shall apply to this change authorization:

Within fifteen (15) days of receipt of this authorization, the applicant shall submit a map to Ecology showing the lands (91 acres) formerly irrigated under Ground Water Certificate No. G4-26018C that will not be irrigated under this right and the lands (91 acres) to be irrigated at the new place of use as a result of this change.

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 thirty (30) days of the end of this irrigation season, the permittee shall send a copy of this data to the Central Regional Office.

This drought emergency authorization expires on October 31, 2001.

APPROVED BY:



Robert F. Barwin, Section Manager

DATE:

3/22/2001