

State of Washington
Department of Ecology
Yakima Washington

IN THE MATTER OF APPLICATION FOR CHANGE BY)
PERKINS ORCHARD COMPANY INC)
REQUESTING A CHANGE IN THE PLACE OF USE) Emergency Drought
AND POINT OF DIVERSION OF WATER USE UNDER) Change Authorization
SURFACE WATER CERTIFICATE NO. S3-21138(A)C)
)

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 May 21, 2001, Perkins Orchard Co. Inc filed an application to change existing water rights in Okanogan County to other property in Douglas 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.

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.

Surface Water Certificate No S3-21138(A)C

Surface Water Certificate No. S3-21138(A)C with a priority date of May 1, 1973 was issued to Perkins Orchard and authorizes the diversion of 0.22 cubic feet per second (cfs), and 55.25 acre-feet per year for the irrigation of 13 acres from the Columbia River. The point of diversion is located approximately 1100 feet south and 200 feet west of the NE corner of Section 8. The place of use is a portion of the N³/₄NE¹/₄NW¹/₄ of Section 4, T. 29 N., R. 26 E.W.M lying N of County Road No. 3020 described further on the certificate.

The applicant proposes to change the irrigation of 12 acres of non-interruptible water rights of Certificate No. S3-21138(A)C to other property down river to Government Lot 6 of Section 18, T. 24 N., R. 21 E.W.M. of Douglas County.

The new place of use contains 12 acres located on property currently provided irrigation water under Surface Water Certificate No. G4-29243C which is subject to interruption when the Columbia River falls below the minimum flow levels established in Chapter 173-563-040 WAC.

Certificate No. S3-29243C authorized the irrigation of 12 acres located within a portion of Lot 6 and of the W¹/₂SE¹/₄ of Section 18, T. 24 N., R. 21 E.W.M. described below under Conclusion and Decision.

The new emergency points of diversion for Surface Water Certificate No. S3-21138(A)C will be from the Columbia River approximately 40 miles down river and located in Government Lot 6 approximately 200 feet south and 2250 feet west from the E¹/₄ corner of Section 18, T. 24 N., R. 21 E.W.M.

Approximately 12 acres of irrigation will not occur on the authorized place of use this year under Surface Water Certificate No. S3-21138(A)C and it is proposed that this amount of irrigation be transferred down river.

Conclusions and Decision

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

This **DROUGHT EMERGENCY CHANGE DECISION** authorizes diversion of 0.2 cfs and 51 acre-feet per year under Surface Water Certificate No. S3-1138(A)C to irrigate 12 acres in Douglas County. The point of diversion is located approximately 200 feet south and 2250 feet west from the E $\frac{1}{4}$ corner of Section 18, within Government Lot 6 of Section 18, T. 24 N., R. 21 E.W.M. The authorized place of use in Douglas County is described as follows:

12 acres within that part of Lot 6 and of the W $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 18, T. 24 N., R. 21 E.W.M. in Douglas County, Washington, particularly bounded and described as follows, to-wit:

Commencing at the east quarter corner of said Section 18 and, accepting the east line of said Section 18 as a true north and south line, running thence N 85°27' W, along the center line of said Section 18, a distance of 1428.1 feet, more or less, to the NE corner of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 18, the initial point and place of beginning of this description; thence continuing N 85°27' W, along the said center line of Section 18, a distance of 1626.0 feet, more or less, to the east bank of the Columbia River; thence along said east bank, S 26°20' W, 517.4 feet; thence S 66°03' E, 1023.7 feet; thence S 27°46' E, 662.0 feet; thence N 24°25' E, 1467.3 feet, more or less, to the place of beginning; EXCEPTING therefrom State Highway Number 2; and containing 28.8 acres, more or less.

Provisions

The following provisions shall apply to this change authorization:

Within 15 days of receipt of this authorization, the applicant shall submit a map to Ecology showing the lands (12 acres) formerly irrigated under Surface Water Certificate No. S3-21138(A)C that will not be irrigated under this right and the lands (12 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 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.

REPORT BY: Philip N. Kerr DATE: JUNE 8, 2001
Philip N. Kerr, Water Resources Program

APPROVED BY: [Signature] DATE: 6/8/2001
Robert F. Barwin, Section Manager

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Enclosure(s):