State of Washington
Department of Ecology
Yakima Washington

IN THE MATTER OF APPLICATIONS FOR CHANGE BY	)	
CITY OF OMAK	)	
REQUESTING CHANGE OF POINTS OF WITHDRAWAL	)	Emergency Drought
UNDER DECLARATION CERTIFICATES 445-D, 446-D, 1082-D	)	Change Authorization
AND GROUND WATER CERTIFICATES 3655-A, 3656-A, 6530-A	)	
AND 7332-A, AND GROUND WATER PERMIT G4-28244P	)	

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 4, 2001, Jeff Louman on behalf of the City of Omak filed 8 applications for change to add the Omak Wood Product wells as a source under their other existing water rights. Included in the proposal was a request to change the following water rights:

Ground Water Declaration Certificates 445-D assigned file number CG4-GWC445-D@2;
Ground Water Declaration Certificates 446-D assigned file number CG4-GWC446-D@2;
Ground Water Declaration Certificates 1082-D assigned file number CG4-GWC1082-D@2;
Ground Water Certificate 3655-A assigned file number CG4-GWC3655-A@2;
Ground Water Certificate 3656-A assigned file number CG4-GWC3656-A@2;
Ground Water Certificate 6530-A assigned file number CG4-GWC6530-A@2;
Ground Water Certificate 7332-A assigned file number CG4-GWC7332-A@2;

Ground Water Permit G4- 28244P was not assigned a file number because the underlying permit cancelled on March 23, 1994.

The applications for change bearing the signature of Mayor Walt Smith were received at Central Region Office on May 8, 2001.

The City wells at the Omak Wood Products site are authorized under Superseding Ground Water Permit G4-31525P with priority date of November 23, 1992. Said permit allows for withdrawal of 5000 gallons per minute (gpm), 3500 acre-feet per year for municipal supply from 2 wells (Omak Wood Products). These wells are located in the SE¼SE¼ Section 35, T. 34 N., R. 26 E.W.M. on the east side of the Okanogan River. The Omak Wood Products wells represent a major portion of the City's access to high quality water. Ground Water Permit G4-31525P is interruptible when the flows adopted by WAC 173-549 are not being met. Already during the year 2001, adopted instream flows have not been met for an extended period and, based on run-off projections, the flows are anticipated to below the minimum levels for a high percentage of the remainder of 2001. Regulatory Orders have been issued to water users with interruptible water rights.

The Water Well Report filed with the Central Region Office, Department of Ecology on August 21, 1996 described the reconditioning of an existing well 24 inches in diameter and 69 feet deep well. The work involved adding an 18 inch in diameter screen and filter pack. The slot size of the screen is 0.065 inch from 46 to 69 feet below land surface with a stainless steel plate at the bottom of the screen. A 150 horsepower (hp) Worthington vertical lineshaft turbine pump is installed in this well.

The reported land surface elevation at this well site is approximately 870 feet msl. The static water level on July 31, 1996 was 36.5 ft below land surface. The static water level would be around 833 ft msl. The draw down at 2500 gpm after 5.5 hours of pumping was 3.8 feet, based upon testing conducted July 31, 1996.

The City has two sets of proposed applications for change (applications) on file with Central Region Office, Department of Ecology. One set requests authorization to add points of withdrawal under each of the City's existing rights at each of the City wells. The filing of these applications went beyond the strategy set out in the decision on application G4-31525. These requests have not been acted upon. The evaluation for adding all water rights to each source includes consideration of the potential for impacting existing rights due to increased pumping on an instantaneous and annual basis at each source.

Also, the evaluation will consider whether adding those sources classified by the Department of Health (DOH) as ground water under the influence of surface water would conflict with the desire of DOH to replace those sources.

The City's 2nd set of applications for change request the addition of well #9 to each of their existing water rights. The oldest Certificate perfected from the "Apple well" (Declaration Certificate 446-D) has been recommended for approval to be exercised using well #9. The well has not been constructed yet, nor will it likely come on line in time to counter the impacts of the 2001 drought.

This report and decision will deal only with the drought emergency request to Omak Wood Products well(s) as a point of withdrawal under each non-interruptible water right held by the City for the duration of the 2001 drought.

The City of Omak water system is identified by DOH as Public Water System # 63750. According to the SADIE data base the system serves a residential population of 4555 through 1812 total connections. They have 6 named sources identified; East Omak or Eastside, Apple, Kenwood, Okoma, Park, and Omak Wood Products (OWP). Both the Kenwood and Apple wells have been categorized by DOH as ground water sources under the influence of surface water in the context of public water quality. The OWP wells along with Okoma and East Omak are at the down river end of the system. The Apple, Kenwood, and Park wells are up river from the OWP wells. The movement of sources with respect to position on the river would be down river or neutral.

The 2000-2001 Directory of Washington City and Town Officials published by the Municipal Research and Service Center of Washington shows a similar population as DOH.

The Report of Examination for Ground Water Application G4- 31525 to into account information available in the 1990 Comprehensive Water Plan. The report indicated the historical peak demand was in 1987 when 2440 acre-feet were used. The plan reported that the population of Omak decreased from 4400 in 1975 to 3910 in 1985. The number of households increased through the period. The plan projected a year 2000 demand around 2900 acre-feet per ear to serve 4500 people.

According to the Draft Water System Plan dated December 1995, the City's major water supply is pumped from five wells with a combined maximum production capacity of approximately 5450 gpm under normal reservoir level and drawdown conditions. During the winter months when water demand is low, all City water is normally supplied by the Eastside well. AS demand increases in the Spring, Summer, and Fall months (primarily increased irrigation) the other wells (OWP, Kenwood, Apple, and Okoma) are placed into operation.

The Colville Confederated Tribes are in the process of acquiring the Omak Wood Products site. Issuance of a permit or change by this department for appropriation of the waters in question does not convey a right of access to, or other right to use, land which the applicant does not legally possess. Such right of access to, or other right to use land, which the applicant does not legally possess, is a civil matter between the parties.

Rights and proposed change(s):

The City proposes to add the Omak Wood Products well under each of the following water rights. The water rights are listed below in priority date sequence.

The City originally filed the declarations for the vested water uses under RCW 90.44 090 on July 7, 1947 that resulted in the issuance of Ground Water Declaration Certificate 445-D, 446-D, and 1082-D described in more detail below.

Ground Water Declaration Certificate 445-D has a priority date of December 1913 for 500 gpm, 600 acre-feet per year for municipal supply from a well (also known as [aka] Kenwood) located in the SW¼SE¼ Section 26, T. 34 N., R. 26 E.W.M. This well has been categorized by DOH as a ground water source under the influence of surface water. Information in the file shows that this well is 26.2 feet deep and equipped with a 35 horse power pump. The static water level is reported to be around 16.4 feet below land surface (bls). This well was reported to be a standby well in the Report of Finding on Ground Water Declaration Claim 486 dated November 3, 1947. This well is identified as source 2 by DOH. The DOH SADIE data base shows a current capacity of 480 gpm.

Ground Water Declaration Certificate 446-D has a priority date of March 1936 for 800 gpm, 96 acre-feet per year for municipal supply from a well (aka Apple) located in the SW¼SE¼ Section 26, T. 34 N., R. 26 E.W.M. This well has been categorized by DOH as a ground water source under the influence of surface water. The information in the file shows that the Apple well is 16 feet deep and equipped with a 40 horse power pump set at 10.4 ft below land surface (bls). This well is identified as source 2 by DOH. The DOH SADIE data base shows a current capacity of 480 gpm. This right can be also be exercised at well # 9 (yet to be constructed).

Ground Water Declaration Certificate 1082-D has a priority date of May 1944 for 1630 gpm, 1430 acre-feet per year for municipal supply from a well (aka East Omak) located in the SE¼SE¼ Section 35, T. 34 N., R. 26 E.W.M. Population served at that time was reported to be 3300. The well was equipped with three pumps; a 15 hp, a 30 hp, and a 40 hp rated at 280 gpm, 550 gpm, and 800 gpm respectively.

Ground Water Certificate 3655-A with priority date of March 20, 1958. It is the second authorization from the East Omak well (see discussion about the earlier right under Ground Water Declaration Certificate 1082-D). It is for 1300 gpm, 2080 acre-feet per year for municipal supply. The annual quantity associated with this authorization was for a total community population of 5500, around 945 people higher than the current population.

Ground Water Certificate 3656-A has a priority date of March 20, 1958 for 375 gpm, 600 acre-feet per year for municipal supply. This is a second authorization from the Apple well (see earlier discussion under Ground Water Declaration Certificate 446-D) located in the SW¼SE¼ Section 26, T. 34 N., R. 26 E.W.M. As described earlier, this well has been categorized DOH as a ground water source under the influence of surface water. The annual quantity associated with this authorization was for a total community population of 5500, around 945 people higher than the current population.

Ground Water Certificate 6530-A has a priority date of March 28, 1968 for 400 gpm, 180 acre feet per year for the irrigation of 60 acres from April 1 to October 31each year, and 5 acre feet per year for continuos domestic supply for the park during the entire year. The annual withdrawal is limited to 185 acre-feet per year less any amount used on these lands under existing water rights. The source is a well (aka Park) located in the NW¼NW¼NW¼ Section 36, T. 34 N., R. 26 E.W.M. The place of use is Government Lot 3 Section 25, Government Lot 4 Section 26, AND that part of Section 35 and that part of Section 36, lying westerly of US Hwy No. 97 (formerly PSH No. 10) and lying N of the following described line: beginning at a point on the N line of said Section 35 1941.2 feet W of the NE corner; thence S 32° 31'W 219.1 feet; thence S 75° 44' E 121.8 feet; thence S 50° 44' E 1160.15 feet; thence S 89° 42' 1282.67 feet; all in T. 34 N., R. 26 E.W.M.

Ground Water Certificate 7332-A with priority date of June 22, 1970 for 600 gpm, 560 acre-feet per year for municipal supply from May 1 through October 31 from a well (aka Okoma) located in the SE¼SE¼ Section 35, T. 34 N., R. 26 E.W.M. This right assumed a 1985 population of 6000 people and issued for use during the period of May 1 to October 31 each year. Any water withdrawal by the city in excess of 3456 acre-feet from any municipal source was to be deducted from the annual volume authorized by this right. The annual quantity associated with this authorization was for a total community population of around 1450 more people higher than the current population.

Conclusions and Decision

Application to change Superseding Ground Water Permit G4-31525P with priority date of November 23, 1992 is DENIED because said permit cancelled on March 23, 1994.

The annual quantity recognized by the later of this group of water rights were allocated based upon a higher population than currently exists. The usage this season should be well within the limits of the authorizations.

The new sources with respect to position along the river are either roughly at the same cross section or downstream from the original source of the water rights being moved to the Omak Wood Products well, therefore, impairment to the right embodied in the Okanogan River instream flow will not occur.

Authorizing these changes of water rights will not impair existing water rights provided:

> All operational provisions of Ground Water Permit G4- 31525P are met, the combined rights exercised at the Omak Wood Products wells do not exceed the instantaneous quantity and annual quantity previously authorized under Ground Water Permit G4-31525P, and if the water rights are exercised in a manner consistent with the underlying water rights and limited to an amount actually beneficially used to serve the existing population.

Note that Ground Water Certificate 7332-A is a seasonal water right for municipal use and Ground Water Certificate 6530-A is a City Park water right.

The water sources and/or water transmission facilities may not be located entirely upon the land owned by the applicant. Therefore, the applicant is advised that issuance of a permit by this department for appropriation of the waters in question does not convey a right of access to, or other right to use, land which the applicant does not legally possess.

This **DROUGHT EMERGENCY CHANGE DECISION** authorizes the

Use of the Omak Wood Products well under:
Ground Water Declaration Certificates 445-D assigned file number CG4-GWC445-D@2;
Ground Water Declaration Certificates 446-D assigned file number CG4-GWC446-D@2;
Ground Water Declaration Certificates 1082-D assigned file number CG4-GWC1082-D@2;
Ground Water Certificate 3655-A assigned file number CG4-GWC3655-A@2;
Ground Water Certificate 3656-A assigned file number CG4-GWC3656-A@2;
Ground Water Certificate 6530-A assigned file number CG4-GWC6530-A@2;
Ground Water Certificate 7332-A assigned file number CG4-GWC7332-A@2;

The additional points of withdrawal are two (2) wells located in the SE¼SE¼ Section 35, T. 34 N., R. 26 E.W.M. on the east side of the Okanogan River.

The following provisions shall apply to this change authorization:

Withdrawal of water from the Omak Wood Product wells during 2001 during periods when Ground Water Permit G4-31525P can be exercised (Okanogan River WAC 173-549 flows being met) is limited to 5000 gpm and 3500 acre feet. At no time shall the instantaneous quantity from these water rights exceed 5450 gpm.

A measuring device approved by the Department of Ecology must be installed at **each** source of Omak City water prior to use of the water (an existing requirement).

At a minimum Bi-weekly (every 2 weeks) readings of the measuring device for each source shall be recorded and retained for submittal to the Department. The record shall include the date and time of measurement, the source measured, water flow rate, volume of water, the water right being exercised, and the name of the person taking the meter readings.

The meter should be read at the Omak Wood Product wells each time the combination of water rights being exercised at the OWP well(s) changes. The right being exercised should be noted.

Within 30-days of the end of this authorization (December 31, 2001), the permittee shall send a copy of this data to the Central Regional Office, Department of Ecology, Water Resources Program

This drought emergency authorization expires on December 31, 2001.

REPORT BY: Darrell Monroe DATE: 5/14/2001
Darrell Monroe, Water Resources Program

APPROVED BY: _____ DATE: 5/14/2001
Robert F. Barwin, Section Manager

PK:gg
010530
Enclosure(s):