State of Washington
Department of Ecology
Yakima Washington

IN THE MATTER OF THE APPLICATIONS FOR CHANGE BY DAN NEWTON REQUESTING CHANGE IN THE PLACE OF USE AND THE POINT OF WITHDRAWAL OF WATER USE UNDER GROUND WATER PERMIT G4-22786(A)P AND GROUND WATER CERTIFICATE G4-25723C, OKANOGAN COUNTY, WASHINGTON	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 these EMERGENCY DROUGHT CHANGE AUTHORIZATIONS. The intent of these authorizations is to alleviate hardships and reduce the burdens on water users arising from the drought conditions.

Background

On April 20, 2001, Mr. Dan Newton filed 2 applications to change existing water rights on 2 parcels of land he owns in Okanogan County. Ground water permit G4-22786(A)P authorizes irrigation of 25 acres in Section 12, T. 40 N., R. 25 E. W. M., and ground water certificate G4-25723C authorized irrigation of 7 acres in Section 5, T. 40 N., R. 26 E. W. M. The water use authorized under ground water permit G4-22786(A)P is non-interruptible while the water use authorized under ground water certificate G4-25723C are interruptible, subject to instream flows in the Similkameen and Okanogan rivers.

The applicant is requesting a change of point of withdrawal and place of use of a 7 acre portion of the non-interruptible ground water rights authorized to be withdrawn under permit G4-22786(A)P to the well location and place of use of ground water authorized under the interruptible certificate, G4-25723C. The applicant is also requesting a change of point of withdrawal and place of use of the interruptible ground water right authorized under certificate G4-25723C to the well location and place of use of ground water authorized for withdrawal under permit G4-22786(A)P. The exchange of his two water rights is intended to insure that the 7 acres normally irrigated under the interruptible right will enjoy a reliable water supply during the 2001 irrigation season.

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

Ground Water Permit G4-22786(A)P

Permit G4-22786(A)P, issued to Norman Cutchie on November 14, 1975, authorized development of ground water rights for irrigation of 70 acres from a well located approximately one-quarter mile from the Similkameen River. The well was constructed in April of 1979. The well is located within the SE¼ NW¼ of Section 12, T. 40 N., R. 25 E. W. M. and is 8 inches in diameter and 55 feet in depth. The static water level was reported on April 11, 1979 as being 36 feet below the top of the well. The static water level of the well authorized under ground water permit G4-22786(A)P and its close proximity to the Similkameen River clearly indicates the well is in significant hydraulic continuity with the Similkameen River.

Subsequently, a portion of the ground water rights authorized for development were assigned to Dan A. Newton. On March 21, 1996, a superceding permit was issued to Mr. Newton under permit number G4-22786(A)P.

Superseding permit G4-22786(A)P authorized withdrawal of 211 gallons per minute, 110 acre-feet per year for irrigation of 25 acres from April 1 to October 15 and 10 gallons per minute, 3 acre-feet per year for continuous domestic supply and stockwater. A proof of appropriation notice was filed attesting to perfection of 25 acres and domestic supply. Ground water permit G4-22786(A)P authorized an instantaneous rate of withdrawal of 8.4 gallons per minute and 4.4 acre-feet per year per acre authorized for irrigation.

Ground Water Certificate G4-25723C

Certificate G4-25723C, issued to Dan A. Newton on April 1, 1982, authorizes the withdrawal of 70 gallons per minute, 28 acre-feet per year from April 1 to October 1 for the irrigation of 7 acres. The ground water authorized for withdrawal under certificate G4-25723C is interruptible subject certificate provisions.

The well authorized under certificate G4-25723C is 8 inches in diameter and 25 feet in depth. The static water lever was recorded on April 17, 1997 as 10 feet below the top of the well. The well is located within one-quarter of a mile north of the Similkameen River.

The static water level of the well authorized under certificate G4-25723C and its close proximity to the Similkameen River clearly indicate the well is in significant hydraulic continuity with the Similkameen River.

Certificate G4-25723C authorizes an instantaneous rate of withdrawal of 10 gallons per minute and 4 acre-feet per year per acre authorized for irrigation.

The Dan Newton Properties

The Newton properties are located approximately 1 mile and 3 miles north and northeast of Nighthawk in Okanogan County. The properties are approximately 2¼ miles apart and lie within the Similkameen River valley north of the river.

The 25 acre parcel irrigated under permit G4-22786(A)P is located upstream of the parcel irrigated under certificate G4-25723C. Permit G4-22786(A)P predates adoption of WAC 176-549 and is not subject to interruption.

The 7 acre parcel irrigated under certificate G4-25723C does not predate adoption of WAC 176-549. This right is subject to instream flows for the Similkameen and Okanogan rivers as described in WAC 173-549.

The request described in Emergency Drought Change/Transfer Application CG4-22786(A) will temporarily add a second point of withdrawal to permit G4-22786(A)P located within the SW¼ SE¼ of Section 5, T. 40 N., R. 26 E. W. M. This request will also temporarily change the place of use of 7 acres of the 25 acres authorized for irrigation to the place of use described in certificate G4-25723C. This will allow for irrigation of the 7 acres place of use described under certificate G4-25723C without interruption for the remainder of the 2001 irrigation season.

The request described in Emergency Drought Change/Transfer Application CG4-25723C will temporarily change the point of withdrawal to certificate G4-25723C located within the SE¼ NW¼ of Section 12, T. 40 N., R. 25 E. W. M. This request will also temporarily change the place of use of the 7 acres authorized for irrigation under certificate G4-25723C to a portion of the property described as the place of use under permit G4-22786(A)P. This will allow for interruptible irrigation of the 7 acres of the place of use authorized under permit G4-22786(A)P with the remaining 18 acres being irrigated without interruption for the remainder of the 2001 irrigation season.

Conclusions and Decision

Authorizing these changes will result in transferring the interruptible 7 acre irrigation right authorized under certificate G4-25723C approximately 2¼ miles upstream adjacent to the Similkameen River, replacing it with a portion of the non-interruptible irrigation rights authorized under permit G4-22786(A)P. These changes will not impair existing water rights.

For the purposes of these temporary change decisions, 10 gallons per minute per acre and 4 acre-feet per year per acre withdrawal water duties for an irrigation season limited to April 1 to October 1 (183 days) will be used. The total acre-feet to be authorized for these temporary changes will be prorated for the remainder of the 2001 irrigation season (May 1 to October 1; 153 days).

This **EMERGENCY DROUGHT CHANGE DECISION** authorizes:

Under Emergency Drought Change Application CG4-25723C, to change the point of withdrawal of 70 gallons per minute, 28.4 acre-feet per year from May 1 to October 1, for the irrigation of 7 acres from the well located 1,300 feet west and 440 feet north from the southeast corner of Section 5, T. 40 N., R. 26 E. W. M. to the well located 700 feet north and 350 feet west of the center of Section 12, T. 40 N., R. 25 E. W. M. And to change the place of use for irrigation of 7 acres to a portion of the following described lands: E½NW¼ of Section 12, T. 40 N., R. 25 E. W. M., lying south and east of the Oroville-Nighthawk Road, Okanogan County, Washington.

Under Emergency Drought Change Application CG4-22786(A), to add a point of withdrawal for 70 gallons per minute, 28.4 acre-feet per year, from May 1 to October 1, for irrigation of 7 acres to a well located 1,300 feet west and 440 feet north from the southeast corner of Section 5, T. 40 N., R. 26 E. W. M. And to change the place of use of 7 acres of the 25 acres authorized for irrigation under permit G4-22786(A)P to the following described lands:

That portion of Government Lot 6 of Section 5, T. 40 N., R. 26 E. W. M., lying between the Oroville-Nighthawk Road and the Similkameen River.

The following provisions shall apply to this change authorization:

The changes authorized under Emergency Drought Change Application CG4-25723C, shall be subject to all the terms and conditions specified under Ground Water Certificate G4-25423C, including maintenance of base flows in the Similkameen River at monitoring station 124.425.00 and all stations downstream on the Okanogan River.

A map of the place of use of the 25 acres authorized under ground water permit G4-22786(A)P, showing the 7 acres that will be irrigated this season with the interruptible water rights transferred from ground water certificate G4-25723C, shall be submitted to the Central Regional Office of the Department of Ecology within fifteen (15) days of receipt of this temporary change authorization.

Measuring devices approved by the Department of Ecology must be installed on each well prior to use of the water.

Bi-weekly (every 2 weeks) readings of the measuring devices 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 1, 2001.

REPORT BY: Sam Bailey DATE: May 2, 2001
Samuel W. (Sam) Bailey

APPROVED BY: _____ DATE: 5/2/2001
Robert F. Barwin, Section Manager

SWB:gg
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Enclosure(s):