

State of Washington
Department of Ecology
Yakima Washington

IN THE MATTER OF APPLICATION FOR CHANGE BY)
RANDY HOUSTON)
REQUESTING A CHANGE IN THE PLACE OF USE) Emergency Drought
AND POINT OF DIVERSION OF WATER USE UNDER) Change Authorization
SURFACE WATER CERTIFICATE NO. 1464)
)

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 27, 2001, Randy Houston filed an application to change existing water rights in Okanogan County to other property in Douglas County. The application was assigned No. CS4-SWC1464@2. Irrigation on their lands is authorized under existing interruptible water rights and some water rights not subject to interruption under the Okanogan River Instream Resources Protection Program, WAC 173-549.

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. 1464

Surface Water Certificate No. 1464 with a priority date of July 21, 1926 was issued to L. G. Schrock and authorizes the diversion of 1.5 cubic feet per second (cfs) for the irrigation of 87.04 acres from the Okanogan River within Government Lot 5, Section 9, T. 33 N., R. 26 E.W.M. The place of use is Lots 5 and 6 of Section 9, T. 33 N., R. 26 E.W.M. and the W $\frac{1}{2}$ W $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ and Lot 6 of Section 10, T. 33 N., R. 26 E.W.M. Certificate of Change 1-3-56 authorized two additional points of diversion (POD) with each authorized for not more than .255 cubic feet per second (cfs) and the old point of diversion .99 cfs. This change did not address any change or split in the place of use (POU). Another change, Certificate of Change 1-4-124, authorizes a change of POD for .775 cfs and again authorizes the additional points of diversion as granted by Certificate of Change 1-3-56. Change 1-4-124 references the POD as being listed to that 44.97 acres lying west of the railroad right of way and east of the Okanogan River. This acreage represents 51.7 percent of the original acreage as covered by Surface Water Certificate 1464.

This application is changing water authorized under Certificate of Change 1-4-124.

The applicant proposes to change the irrigation of 11 acres of non-interruptible water rights of Certificate No. 1464 to other property down river.

The new place of use contains 11 acres located on property currently provided irrigation water under Ground Water Certificate No. G4-27277C which is subject to interruption when the Columbia River falls below the minimum flow levels established in Chapter 173-563-040 WAC.

Certificate No. G4-27277C authorized the irrigation of 11 acres located within Section 5, T. 24 N., R. 21 E.W.M. described below. The point of withdrawal is from a well located approximately 200 feet east and 200 feet south from the N $\frac{1}{4}$ corner of Section 5, T. 24 N., R. 21 E.W.M.

The new emergency point of withdrawal for Surface Water Certificate No. 1464 will be from a well over 60 miles down river and located in Government Lot 2 within Section 5, T. 24 N., R. 21 E.W.M.

To expedite and simplify this decision Ecology has determined that these lands enjoy water rights for a full duty of water for each acre irrigated and will consider transferring a water duty for each acre not irrigated to other lands, based on Surface Water Certificate No. 1464.

Approximately 11 acres of irrigation will not occur on the authorized place of use this year under Surface Water Certificate No. 1464 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 the transfer of 11 acres of irrigation under Surface Water Certificate No. 1464 in Okanogan County to property in Douglas County described as follows:

11 acres within three tracts. No. 1 Tract: Beginning at a point 1400 feet W of the NE corner of Section 5, T. 24 N., R. 21 E.W.M., thence W 1095.8 feet; thence S 397.5 feet; thence E 1095.8 feet; thence N 397.5 feet to the point of beginning EXCEPT the following: Beginning at the NW corner of said Section 5 and run thence E along the northerly boundary of said Section 5 approximately 115 feet to the Easterly boundary of the State Highway and the point of beginning of the description of this exception, continuing thence E along said northerly boundary 195 feet; thence S 230 feet; thence W to the State Highway; thence in a northerly direction along the easterly boundary of said State Highway to the point of beginning of this description.

No. 2 Tract: Beginning at the NE corner of Government Lot 2 which is 1273.23 feet westerly of the NE corner of Section 5, T. 24 N., R. 21 E.W.M., thence southerly 397.5 feet; to the east property line of Grantee's property; thence westerly 125.6 feet; thence northerly 397.5 feet, to the north line of Government Lot 2; thence easterly 126.77 feet, to the true point of beginning of this description.

No. 3 Tract: Begin at the NE corner of Section 5, T. 24 N., R. 21 E.W.M., and run thence W along the northerly boundary of said Section 5, 1274.16 feet; thence S 397.5 feet; thence W 541 feet to the point of beginning; thence continuing on said line to the easterly boundary of State Highway No. 2; thence southerly along the easterly boundary of State Highway No. 2 for a distance of 584 feet; thence northeasterly to the point of beginning of this description.

A water duty of 0.02 cfs and 4 acre feet per acre is authorized for use on the property.

The point of diversion is the existing well located approximately 200 feet east and 200 feet south from the N¼ corner of Section 5, within Government Lot 2 Section 5, T. 24 N., R. 21 E.W.M.

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 (11 acres) formerly irrigated under Surface Water Certificate No. 1464 that will not be irrigated under this right and the lands (11 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: MAY 14, 2001
Philip N. Kerr, Water Resources Program

APPROVED BY: [Signature] DATE: 5/15/2001
Robert F. Barwin, Section Manager

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Enclosure(s):