

State of Washington
Department of Ecology
Yakima Washington

IN THE MATTER OF THE APPLICATION FOR CHANGE)
BY HEINICKE ORCHARD REQUESTING A CHANGE IN)
THE PLACE OF USE AND POINT OF DIVERSION OF)
WATER USE UNDER SURFACE WATER)
CERTIFICATE (SWC)574)
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 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 7, 2001, Heinicke Orchards filed an application to change an existing water right from Lake Chelan to property they own and farm along the Columbia River in Chelan County. Irrigation of the Heinicke Orchard property is subject to interruption under the Columbia River Instream Resources Protection Program, WAC 173-563.

Surface Water Certificate 574

SWC 574 was issued to Myron S. Foster, Kathleen Foster, and E. A. Schultz and authorizes the diversion of 1.1045 cfs from Lake Chelan for irrigation of 81.98 acres and domestic supply. This property is now owned by Dennis Evans Orchards, LLC. The point of diversion is located within Government Lot 1 of Section 8, T. 27 N., R. 22 E.W.M. Irrigation of 6.3 of the 81.98 acres will not occur on the authorized place of use this year and it is proposed that this amount of irrigation be transferred approximately 8 miles down river to the Heinicke Orchard property in Douglas County.

The place of use for the 81.98 acres authorized for irrigation under SWC 574 lies in Government Lots 1 and 2 of Section 8 and the NW $\frac{1}{4}$ of Section 17; all within T. 27 N., R. 22 E. W. M. A map showing the authorized place of use was submitted with the application. This map shows the 6.3 acres that will not be irrigated during the 2001 irrigation season highlighted in yellow.

The diversion water duty under SWC 574 is 0.0135 cfs per acre irrigated. SWC 574 does not specifically identify the total acre-feet per year authorized for irrigation. For the orchards irrigated under SWC 574 a reasonable total diversion water duty is 3 acre-feet per acres irrigated. For the 6.3 acres being transferred, this amounts to 0.085 cfs and 18.9 acre-feet per year. This leaves 1.0196 cfs that can continue to be diverted under SWC 574 for irrigation of the remaining 75.68 acres and domestic supply.

The Heinicke Orchard Property

The Heinicke Orchard property is located within the W $\frac{1}{2}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 5 and the NE $\frac{1}{4}$ SE $\frac{1}{4}$ and E $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 6, all in T. 26 N., R. 23 E. W. M., Douglas County. One water right permit authorizing irrigation of 80 acres is appurtenant to this property. Surface Water Permit S4-27234P authorizes the diversion of 1.78 cfs, 320 acre-feet per year from the Columbia River for irrigation of 80 acres. The Diversion authorized under permit S4-27234P is subject to interruption in accordance with the provisions of the Columbia River Instream Resources Protection Program, WAC 173-563.

A map, submitted with the application, identifies 10 orchard areas that are irrigated under Permit S4-27234P. The 10 orchard areas amount to 52.8 acres of irrigation. Non-interruptible water supply is being sought for these orchard areas. This Drought Emergency Change Application will transfer only 6.3 acres of non-interruptible water. Heinicke Orchard has filed another application to transfer Lake Chelan water authorized under certificate S3-20682C for 33 acres and may file an additional application for the remainder of the 52.8 acres.

The point of diversion authorized under this permit is located within Government Lot 1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 6, T. 26 N., R. 23 E.W.M.

Conclusions and Decision

This transfer will ensure that 6.3 acres of the 52.8 acres of orchard irrigated by Heinicke Orchard will not be interrupted during the 2001 irrigation season. Authorizing this change of water rights from Lake Chelan and along the Chelan and Columbia rivers will not impair existing water rights.

This **DROUGHT EMERGENCY CHANGE DECISION** authorizes the transfer of 6.3 acres of irrigation under surface water certificate SWC 574 to property described as follows:

That part of the following described parcels lying south and east of (above) the old State Secondary Highway 10-D:

The W $\frac{1}{2}$ NW $\frac{1}{4}$ and the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 5; and the NE $\frac{1}{4}$ SE $\frac{1}{4}$ and the E $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 6; all within T. 26 N., R. 23 E.W.M.

An instantaneous diversion rate of 0.085 cubic feet per second (38.2 gallons per minute) and up to a total volume of 18.9 acre-feet is authorized for use on the property.

The point of diversion is the existing pump station on the Columbia River located within Government Lot 1 (NE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 6, T. 26 N., R. 23 E.W.M.

The following provisions shall apply to this change authorization:

A measuring devices 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.

A map identifying the specific 6.3 acres of the total 52.8 acres of orchard shall be submitted to Ecology's Central Regional Office, within 15 days of the date of receipt of this drought emergency change authorization.

This drought emergency authorization expires on October 31, 2001.

REPORT BY: Sam Bailey DATE: 5/10/01
Samuel W. (Sam) Bailey

APPROVED BY: [Signature] DATE: 5/10/2001
Robert F. Barwin, Section Manager

SWB:gg
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Enclosure(s):