State of Washington
Department of Ecology
Yakima Washington

IN THE MATTER OF APPLICATION FOR CHANGE BY HAUB BROTHERS ENTERPRISES TRUST REQUESTING A CHANGE IN THE PLACE OF USE AND POINT OF DIVERSION OF WATER USE UNDER SURFACE WATER CLAIM NO. 000047, CERTIFICATE OF CHANGE VOL NO. 1-4, PAGE 169.	)	Amended 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 June 20, 2001, Haub Brothers Enterprises Trust filed an application to change existing water rights in Okanogan County to other property in Okanogan County. Irrigation on their lands is authorized under existing non-interruptible water rights from a well under Surface Water Claim No. 000047, Certificate of Change Vol. No. 104, Page 169. The application was assigned application number CS4-WRC000047@1.

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 Claim No. 000047, Certificate of Change Vol. No. 1-4, Page 169

Surface Water Claim No. 000047 with a first putting to use date of May 1908 was issued to John C. Holmes. Certificate of Change Vol. 1-4, Page 169 was issued on April 30, 1979 to John C. Holmes to change the point of diversion and place of use. It authorized the diversion of 4.0 cubic feet per second (cfs) from the Methow River to irrigate 200 acres. The new point of diversion was changed to a point 2300 feet east of the NW corner of Section 4, T. 34 N., R. 21 E.W.M., being within Government Lot 3 of said section. The place of use is described as:

> Government Lots 3 and 4, S½NW¼ and the N½SW¼ of Section 4, T. 34 N., R. 21 E.W.M. and that portion of the SW¼SW¼ of Section 33, T. 35 N., R. 21 E.W.M., lying south of the Methow River.

The applicant proposes to change the irrigation of 200 acres of non-interruptible water rights of Surface Water Claim No. 000047, Certificate of Change Vol. 1-4, Page 169 to other property down river.

The new place of use is for 200 acres located on property currently provided irrigation water under Wolf Creek Adjudicated Certificate No. 1 and Change CS4-ADJ74Vol14-BP1 and Wolf Creek Adjudicated Certificate No. 2 and Change CS4-ADJ74Vol14-BP2. These changes changed the point of diversion to three wells and the place of use. These changes are subject to the physical availability of water at the historic diversion location in Wolf Creek for these classes of rights.

Change CS4-ADJ7414-BP1 authorized the withdrawal of 1554 gallons per minute (gpm) and 657.8 acre-feet per year to irrigate 173.1 acres from two wells. The first well is located approximately, 1450 feet north and 350 feet west of the center of Section 4, being within the SW¼NE¼NW¼ of Section 4, T. 34 N., R. 21 E.W.M. The second well is located 50 feet east and 720 feet north of the SW corner of Section 33, being within the NW¼SW¼SW¼ of Section 33, T. 35 N., R. 21 E.W.M. The place of use is described as:

> The N¾W½ of Section 4, lying south of the county road, T. 34 N., R. 21 E.W.M. and the SE¼NE¼ and NE¼SE¼ of Section 5, T. 34 N., R. 21 E.W.M.

Approximately 200 acres of irrigation will not occur on the authorized place of use this year under Surface Water Claim No. 000047, Certificate of Change Vol. 1-4, Page 169, and it is proposed that this amount of irrigation will be transferred down river.

FILE COPY

Change No. CS4-ADJ74VOL14-BP2 authorized the withdrawal of 336.6 gpm and 70.8 acre-feet per year to irrigate 37.5 acres from a well. The well is located approximately 1450 feet north and 350 feet west of the center of Section 4, being within the SW¼NE¼NW¼ of Section 4, T. 34 N., R. 21 E.W.M. The place of use is described as:

> The SW¼SW¼SW¼ of Section 33, (Parcel No 3421330011) and a portion of the SE¼SE¼ of Section 32, (Parcel No. 3521320034) T. 35 N., R. 21 E.W.M. and the NE¼NE¼ of Section 5, T. 34 N., R. 21 E.W.M. (Parcel No 3421051005).

Conclusions and Decision

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

This **DROUGHT EMERGENCY CHANGE DECISION** authorizes the transfer of 200 acres of irrigation under Surface Water Claim No. 000047, Certificate of Change Vol. 1-4, Page 169 in Okanogan County as an alternate source to the place of use under Change to Adjudicated Certificates No. 1 and 2 to property in Okanogan County described as follows:

> Certificate No. 1 authorized the withdrawal of 1554 gallons per minute (gpm) (3.46 cubic feet per second) and 657.8 acre-feet per year to irrigate 173.1 acres April 1 to September 30 within the N¾W½ of Section 4 lying South of the County Road T. 34 N., R. 21 E.W.M. parcel numbers 3421040027, 3421044003, 3421044002, and 3421043006; and the SE¼NE¼ and NE¼SE¼ of Section 5, T. 34 N., R. 21 E.W.M. parcel No. 3421051005.
>
> Certificate No. 2 authorized the withdrawal of 336.6 gpm (.75 cfs) and 70.8 acre-feet to irrigate 37.5 acres April 1 to September 30 within the SW¼SW¼SW¼ of Section 33 parcel No. 3421330011 and a portion of the SE¼SE¼ of Section 32 parcel No. 3521320034, both in T. 35 N., R. 21 E.W.M.; and the NE¼NE¼ of Section 5, T. 34 N., R. 21 E.W.M. parcel No. 3421051005.

The water duty for Certificate No. 1 is 8.97 gpm and 3.8 acre-feet per acre for use on the property or 1554 gpm and 657.8 acre-feet per year for 173.1 acres.

The water duty for Certificate No. 2 is 8.97 gpm and 1.88 acre-feet per acre for use on the property or 336.6 gpm and 70.8 acre-feet per year for 37.5 acres.

The point of withdrawal is the same well to be constructed under No. CS4-ADJ74VOL14-BP1 and 2 to be located approximately 1450 feet north and 350 feet west of the center of Section 4, being within the SW¼NE¼NW¼ of Section 4, T. 34 N., R. 21 E.W.M. Okanogan County, Parcel No. 3421044002.

Provisions

The following provisions shall apply to this change authorization:

Granting this Emergency Drought Permit does not imply that a regular change permit will be approved.

Within 15 days of receipt of this authorization, the applicant shall submit a map to Ecology showing the lands (200 acres) formerly irrigated under Surface Water Claim No. 000047, Certificate of Change Vol. 1-4, Page 169 will not be irrigated under this right and the lands (200 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.

APPROVED BY: _____ DATE: 08/28/01
Derek I. Sandison, Acting Section Manager

DIS:PNK:gh
010824/wr01