



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

15 West Yakima Avenue, Suite 200 • Yakima, Washington 98902-3452 • (509) 575-2490

April 29, 2005

John and Lorraine Clees  
1941 Hwy 153  
Carlton WA 98814-9009

**Re: SEASONAL CHANGE Authorization, Surface Water Certificate No. 9226.**

This authorization is in response to an application for change requesting a SEASONAL CHANGE of point of diversion to a well for Surface Water Certificate No. 9226. The authorized point of diversion is located on a side channel of the Methow River as a result of an earlier change application which corrected the point of diversion and place of use. The side channel is being abandoned by the main channel as the Methow River migrates to the east away from the Clees diversion. This situation has recently gotten worse as a logjam has blocked the entrance to the side channel. As the water in the Methow River recedes during this drought year, the side channel to the Clees diversion may go dry. The applicant has requested to drill a well to obtain his authorized irrigation water.

Surface Water Certificate No. 9226 authorizes John Clees to divert 0.67 cubic feet per second and 210 acre-feet per year to irrigate 70 acres during the irrigation season. This right is partially supplemental to another right on the property and is one of three overlapping water rights on the property. The irrigated acreage consists of 17 acres of orchard and the remainder in pasture and alfalfa.

The authorized point of diversion is located 750 feet south and 500 feet west from the northeast corner of Section 7, being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$  in Government Lot 2 of Section 7, T. 31 N., R. 22 E.W.M.

X The proposed well is to be located approximately 750 feet south and 85 feet from the NE corner of Section 7, within the NE $\frac{1}{4}$ NE $\frac{1}{4}$  in Government Lot 2, Section 7, T. 31 N., R. 22 E.W.M. This proposed well would be approximately 85 feet west of the authorized point of diversion and close to the existing pump works.

The well is proposed to be used for Surface Water Certificate No. 9226, Adjudicated Certificate V, Page 9, and Surface Water Certificate No. S4-23803C (concurrent changes to the other overlapping water rights).

The place of use is described as: Government Lot 2 and the SE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 7, T. 31 N., R. 22 E.W.M. and also: All those parts of Government Lots 3 and 4 and of the NW $\frac{1}{4}$ SW $\frac{1}{4}$  in Section 8, T. 31 N., R., 22 E.W.M. bounded and described as follows: Beginning at the SW corner of the NW $\frac{1}{4}$ SW $\frac{1}{4}$  aforesaid; thence N 2505.6 feet to the State Road as now located and established adjacent to said lands; thence S39°26'E 3106.0 feet to the E line of said NW $\frac{1}{4}$ SW $\frac{1}{4}$  aforesaid; thence S 838.7 feet to the S line of said subdivision; thence W 1320 feet to the point of beginning; said tract containing 50 acres, more or less, and also;

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All those parts of said Government Lots 3 and 4 of Section 8, bounded and described as follows:

Beginning at the meander corner of the S bank of the Methow River, and W line of Section 8, T. 31 N., R. 22 E.W.M.; thence N83°30'E 132.0 feet to line of an irrigation flume; thence S44°11'E 381.0 feet on center line of said flume; thence S61°46'E 334.0 feet on center line of flume and ditch; thence S36°51'E 483.0 feet to center line of another ditch; thence S44°03'W 639.0 feet along center line of said ditch to E line of the State Highway; thence N39°32'W 844.7 feet, along said E line of highway to W line of Section 8 aforesaid, at a point 2505.6 feet N from the SW corner of the NW¼SW¼ of said Section 8; thence N 610.0 feet on section line to place of beginning, said tract containing 15 acres, more or less.

SUBJECT TO all easements and rights-of-way established over and across said lands.

Together with all water rights appurtenant thereto.

With exceptions.

This authorization is subject to the following limitations and provisions:

The instantaneous quantity herein authorized is in addition to that authorized by Certificate No. 9 of the Gold Creek Adjudication. A total of 70 acres is irrigated under the two rights (45 acres are primarily irrigated under Certificate No. 9). A maximum of 1.14 cfs, 255 acre-feet per year is authorized for use under the two rights for the irrigation of 70 acres. Surface Water Certificate No. S4-23803C has also issued for the authorized places of use authorizing the diversion of an additional 0.89 cfs and irrigation of a total of 78 acres.

The proposed point of withdrawal is to be located approximately 750 feet south and 585 feet west from the NE corner of Section 7, within the NE¼NE¼ in Government Lot 2, Section 7, T. 31 N., R. 22 E.W.M.

The quantity of water to be withdrawn under this SEASONAL CHANGE and the change authorized for this Superseding Adjudicated Certificate V, Page 9, is limited to 512 gpm and a maximum of 255 acre-feet to irrigate 70 acres under both rights for the irrigation season.

The place of use is the same as that described above.

The new well shall be constructed by August 1, 2005. If the new well is not completed by August 1, 2005, you must notify Ecology and provide us with an estimated completion date and a statement describing how the well will be used to provide supplemental water this year. If the well cannot be completed in sufficient time to provide water this year, this emergency permit will be cancelled.

The well construction is restricted to the unconsolidated alluvial aquifer in continuity with the Methow River.

All water wells constructed within the state shall meet the minimum standards for construction and maintenance as provided under RCW 18.104 (Washington Water Well Construction Act of 1971) and WAC Chapter 173-160-075 through 173-160-305 (Minimum Standards for Construction and Maintenance of Water Wells).

A suitable flow meter approved by the Department of Ecology shall be installed and maintained in accordance with Chapter 173-173 WAC. (Installation, operation and maintenance requirements attached hereto.)

Whenever water is being withdrawn, bi-weekly (every two weeks) readings of the flow meter shall be recorded and maintained by the permittee. These readings shall be documented by time, date, withdrawal rate, and the person conducting the measurements. Copies of these records shall be submitted to the Department of Ecology by November 15, 2005.

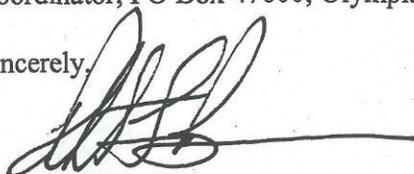
Department of Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the records of water use that are kept to meet the above conditions, and to inspect at reasonable times any measuring device used to meet the above conditions.

Withdrawal of water under this authorization may be limited or otherwise regulated in favor of senior rights.

This SEASONAL CHANGE will terminate on or before October 1, 2005, unless sooner revoked by the Director of the Department of Ecology. This SEASONAL CHANGE approval shall in no manner imply or be construed to guarantee that a final (regular) change approval will issue OR that the same limitations or conditions will apply if final approval is given. The application to change Surface Water Certificate 9226 by changing the point of diversion was submitted to the Department of Ecology on April 15, 2005. To receive an expedited decision on the applications to change the POD to a well, the applicant may submit the applications to the Okanogan County Conservancy Board for processing.

This Order may be appealed pursuant to Chapter 43.21B RCW. Any person wishing to appeal this Order must file an appeal with the Pollution Control Hearings Board **within thirty (30) days of receipt of this Order**. Send the appeal to: Pollution Control Hearings Board, PO Box 40903, Olympia, Washington 98504-0903. At the same time, a copy of the appeal **must** be sent to: Department of Ecology, Water Resources Appeals Coordinator, PO Box 47600, Olympia, Washington 98504-7600.

Sincerely,



Robert F. Barwin, Section Manager  
Water Resources Program  
Central Region Office

RFB:gg  
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Enclosures: Flow Meter Requirements  
Your Right To Be Heard

cc: Carroll Palmer, Director, Natural Resources Division, Yakama Nation  
Lois Trevino, Water Administrator, Office of Environmental Trust, Colville Confederated Tribes