

State of Washington
Department of Ecology
Yakima, Washington

IN THE MATTER OF APPLICATIONS FOR CHANGE)
BY AUVIL FRUIT COMPANY, REQUESTING CHANGE)
IN THE PLACE OF USE AND POINT OF DIVERSION OF)
WATER USE UNDER WATER RIGHT CERTIFICATE)
G4-01319C AND SURFACE WATER CERTIFICATE 5632)
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 March 28, 2001, Auvil Fruit Company filed 2 applications to change existing water rights in Okanogan County to property they own and farm in Douglas County. Irrigation on their lands is authorized under existing non-interruptible water rights and some water rights subject to interruption under the Columbia River Instream Resources Protection Program, WAC 173-563.

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.

Ground Water Certificate G4-01319C

Superseding Certificate G4-01319C was issued to Chiliwist Orchards and authorizes the irrigation of 41.4 acres of irrigation from a well adjacent to the Okanogan River in Section 17, T 32 N, R 25 EWM. 14.5 acres of irrigation will not occur on the authorized place of use this year and it is proposed that this amount of irrigation be transferred downriver to the Auvil Fruit Company's orchard in Douglas County.

The static water level of the Chiliwist Orchard's well and its location in close proximity to the Okanogan River clearly indicate the well is in significant hydraulic continuity with the Okanogan River.

Certificate G4-01319C authorized an instantaneous rate of 10 gpm per acre and 4.24 acre-feet per acre.

Surface Water Certificate 5632

Surface Water Certificate 5632, with a priority date of 1953, was issued to M. S. Todd and authorizes the irrigation of 144 acres of irrigation from the Columbia River near Brewster, Washington. The property is presently owned by Foyle Orchards, Inc. The point of diversion is located in Section 23, T 30 N, R 24 EWM.

A ground water right is also appurtenant to the property. Groundwater Certificate 1792-A authorizes up to 1000 gpm for irrigation of 50 acres. The Report of Examination identifies the property as the same 144 acres of land as described in Surface Water Certificate 5632.

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 5632.

Approximately 19.5 acres of irrigation will not occur on the authorized place of use this year and it is proposed that this amount of irrigation be transferred downriver to the Auvil Fruit Company's orchard in Douglas County.

Auvil Fruit Company Douglas County Property

Auvil Fruit Company property is located approximately 9 miles north of Orondo, Washington in Douglas County. Two water right certificates are appurtenant to an approximately 120-acre piece of land. There are approximately 102 acres of irrigated orchard on the property.

Surface Water Certificate 8576 authorizes the diversion of 0.75 cfs for the irrigation of 32 acres. This certificate predates the adoption of WAC 176-563 and is not subject to interruption.

Water Right Certificate S4-30705C authorizes 2.67 cfs for the irrigation of 90 acres, and frost protection of 120 acres. This right is provisioned with instream flows for the Columbia River.

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The source of both of these rights is the Columbia River at a diversion point located within Government Lot 4 in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 21 T 26 N, R 21 EWM.

Of the 102 acres of irrigation on the property, 32 acres are not subject to the Columbia River instream flows, leaving 70 acres subject to interruption this irrigation season.

Conclusions and Decision

Authorizing these changes of water rights downriver along the Okanogan and Columbia Rivers will not impair existing water rights.

This **DROUGHT EMERGENCY CHANGE DECISION** authorizes the transfer of 14.5 acres of irrigation under water right Certificate G4-01319C and 19.5 acres of irrigation under Surface Water Certificate 5632, for a total of 34 acres, to lands in Douglas County described as follows:

Government Lot 4 and the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 21, T 26 N, R 21 EWM except that portion of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 21 Conveyed to Douglas County for road under Auditors #216848.

And

The N $\frac{1}{2}$ of Government Lot 5, the N $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ and the N $\frac{1}{2}$ N $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 21, T 26 N, R 21 EWM; except that portion of the N $\frac{1}{2}$ N $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 21 conveyed to Douglas County for road under Auditors #172372.

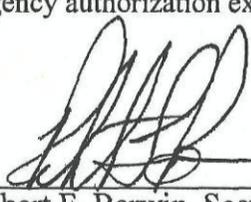
A water duty of 0.02 cfs and 4-acre feet per acre is authorized for use on the property.

The point of diversion is the existing pump station on the Columbia River located within Government Lot 4 in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 21, T 26 N, R 21 EWM.

It is recognized that with 70 acres of irrigation subject to regulation under the Columbia River Instream Resources Protection Program, this authorization covers only 34 of these acres, with the remaining 36 acres still subject to regulation. Auvil Fruit Company is continuing to look for other water rights to transfer to this orchard to cover the remaining acres with non-interruptible water rights.

The following provisions shall apply to this change authorization:

- 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 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 31.

APPROVED BY: 
Robert F. Barwin, Section Manager

DATE: 4/12/01