State of Washington
Department of Ecology
Yakima, Washington

IN THE MATTER OF APPLICATIONS FOR CHANGE BY AUVIL FRUIT COMPANY, REQUESTING CHANGE IN PLACE OF USE AND POINT OF DIVERSION OF WATER USE UNDER SURFACE WATER CERTIFICATE 7827, GROUND WATER CERTIFICATE 961-A, GROUND WATER CERTIFICATE G4-23600C, SURFACE WATER CERTIFICATE S3-20683C, GROUND WATER CERTIFICATE G4-23840C ANDSURFACE WATER CLAIM 152339	)	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 6 applications to change existing water rights in Okanogan and Douglas Counties to property they own and farm in Kittitas County. Irrigation on their lands in Kittitas County 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 transfer of irrigation rights, provided that the acreage on the second parcel does not exceed the acreage reduction on the first parcel.

Surface Water Certificate 7827

Surface Water Certificate 7827, with a priority date of 1957, was issued to Roland Sackman and authorizes the irrigation of 103 acres of irrigation from the Okanogan River near Riverside, Washington. The property is presently owned by Cache Ranch Limited Partnership of Riverside, Washington. Two points of diversion are authorized located within Government Lot 1, Section 6, T 35 N, R 27 EWM and Government Lots 3 and 4 within Section 31, T 36 N, R 27 EWM.

The entire 103 acres of irrigation will not occur on the authorized place of use this year and it is proposed that this number of acres of irrigation be transferred downriver to the Auvil Fruit Company's orchard in Kittitas County.

Ground Water Certificate 961-A

Ground Water Certificate 961-A, with a priority date of 1950 was issued to Roland Sackman, and authorizes the irrigation of 37 acres of irrigation from a well adjacent to the Okanogan River near Riverside, Washington. The Certificate authorizes 360 gpm and 148 acre-feet per year for irrigation of 37 acres. The property is presently owned by Cache Ranch Limited Partnership of Riverside, Washington. The point of withdrawal is located within Section 7, T 35 N., R 27 EWM. This well is also used for Ground Water Certificate G4-23600C.

The well is 30 feet deep and completed in coarse gravel. The well log also notes that the water level rises with the flood level of the Okanogan River, clearly indicating the well is in significant hydraulic continuity with the Okanogan River.

The entire 37 acres of irrigation will not occur on the authorized place of use this year and it is proposed that this number of acres of irrigation be transferred downriver to the Auvil Fruit Company's orchard in Kittitas County.

Ground Water Certificate G4-23600C

Ground Water Certificate G4-23600C, with a priority date of 1974 was issued to Carl Voelckers, and authorizes the irrigation of 37 acres of irrigation from a well adjacent to the Okanogan River near Riverside, Washington. The Certificate authorizes 335 gpm and 131.5 acre-feet per year for irrigation of 32.5 acres. The property is presently owned by Cache Ranch Limited Partnership of Riverside, Washington. The point of withdrawal is located within Section 7, T 35 N, R 27 EWM. This well is also used for Ground Water Certificate 961-A.

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The well is 30 feet deep and completed in coarse gravel. The well log also notes that the water level rises with the flood level of the Okanogan River, clearly indicating the well is in significant hydraulic continuity with the Okanogan River.

The entire 32.5 acres of irrigation will not occur on the authorized place of use this year and it is proposed that this number of acres of irrigation be transferred downriver to the Auvil Fruit Company's orchard in Kittitas County.

Surface Water Certificate S3-20683C

Surface Water Certificate S3-20683C, with a priority date of 1972 was issued to Connecticut General Life Insurance Company and Bro Ben, Inc. and authorized the irrigation of 1200 acres of irrigation from Lake Rufus Woods. The irrigated land is in Douglas County. The Certificate authorizes 16 cfs and 6420 acre-feet per year for irrigation of 1200 acres. The property is presently owned by R.I.F Development Corporation of Omak, Washington. The point of diversion is located within Section 3, T 29N, R 26 EWM.

1200 acres of irrigation have not been perfected on the property. Ecology has documentation of approximately 318 acres of irrigation. 240 acres of orchard have recently been or are presently being taken out of production. It is proposed that 184 acres of irrigation be transferred downriver to the Auvil Fruit Company's orchard in Kittitas County. Under a separate application, there is a request to transfer the remaining 56 to another property owned by the R.I.F Development Corporation.

Ground Water Certificate G4-23840C

Ground Water Certificate G4-23840C, with a priority date of 1974 was issued to the Apple Management Company, and authorizes the irrigation of 33 acres of irrigation from a well adjacent to the Columbia River near Brewster, Washington. The Certificate authorizes 230 gpm and 140.25 acre-feet per year for irrigation of 33 acres. The property is presently owned by R.I.F. Development Corp of Omak, Washington. The point of withdrawal is located within the NW¼ NW¼ of Section 10, T 29 N, R 25 EWM.

The well is 54 feet deep, 36 inches in diameter and is located next to a gravel pit. This large diameter well is constructed in gravel deposits next to the Columbia River indicating the well is in significant hydraulic continuity with the Columbia River.

Thirty of the 33 acres of irrigation will not occur on the authorized place of use this year and it is proposed that this number of acres of irrigation be transferred downriver to the Auvil Fruit Company's orchard in Kittitas County.

Water Right Claim 152339

Water Right Claim 152339 was filed by Carl Voelckers in 1974, for water from the Okanogan River with a date of first use of 1910. It asserts a claim to a water right for 0.8 cfs, 140 acre-feet per year for the irrigation of 35 acres. Two points of diversion are claimed within Section 30, T 36 N, R 27 EWM. Filed along with the claim is an affidavit of the original homesteader, Atlanta Buckley, describing the development of the water right prior to the enactment of the State Water Code, Chapter 90.03 RCW.

Along with the change application, the applicant has submitted an aerial photograph from the Soil Conservation Service (now NRCS) showing the irrigated fields.

For the purposes of this Emergency Drought Change Decision, the Department makes a tentative finding that this Water Right Claim represents a valid water right for the irrigation of 35 acres.

Auvil Fruit Company Kittitas County Property

The Auvil Fruit Company property is located approximately 13 miles south of Vantage, Washington, in Kittitas County. Five ground water certificates, and three ground water permits authorize a total of 1042 acres of irrigation. Presently there are approximately 991.5 acres of irrigated orchard on the property. 440 acres are authorized under certificates that are not subject to interruption, with the remaining 551.5 acres subject to curtailment under the Columbia River Instream Resources Protection Program, WAC 173-563.

The sources of these rights are from a total of 10 wells located at the legal descriptions described below:

SW¼ SE¼ Section 3, T 15 N, R 23 EWM
SW¼SE¼ Section 33, T 16 N, R 23 EWM
NE¼SE¼ Section 4, T 15 N, R 23 EWM
NW¼NW¼ Section 10, T 15 N, R 23 EWM

NE¼SE¼ Section 9, T 15 N, R 23 EWM
NE¼SW¼ Section 10, T 15 N, R 23 EWM

SW¼SE¼ Section 16, T 15 N, R 23 EWM
SE¼NE¼ Section 16, T 15 N, R 23 EWM
SE¼NW¼ Section 21, T 15 N, R 23 EWM
SE¼NW¼ Section 28, T 15 N, R 23 EWM

Conclusions and Decision

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

This **DROUGHT EMERGENCY CHANGE DECISION** authorizes the transfer of a total of 425.5 acres of irrigation under the water right Certificates and Claim described above to lands in Kittitas County described as follows:

Approximately 220 acres within the N½ of Section 21, east of the railroad right of way;

Approximately 275 acres within Section 16, east of the railroad right of way;

Approximately 50 acres within the NW¼ of Section 15;

Approximately 165 acres within the W½ of Section 10;

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Approximately 40 acres within the SE¼ of Section 9, east of the railroad right of way;

Approximately 10 acres within the NE¼NE¼ of Section 9;

Approximately 66 acres within the W¼ of Section 3;

Approximately 120 acres within the W½ of Section 4;

Approximately 220 acres within the N½ of Section 21, east of the railroad right of way;

All within T 15 N, R 23 EWM

And approximately 130 acres within the SE¼ of Section 33, T 16 N, R 23 EWM lying east and south of the railroad right of way.

The points of withdrawal shall be any of the 10 existing irrigation wells located on the property described above.

A water duty of 10 gpm and 4 acre-feet per acre is authorized for use on the property.

It is recognized that with 551.5 acres of irrigation subject to regulation under the Columbia River Instream Resources Protection Program, this authorization covers only 425.5 of these acres, with the remaining126 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 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: 4/12/01
Robert F. Barwin, Section Manager

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