



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

June 9, 2005

Aston Irrigation Assn
PO Box 3233
Omak WA 98841-3233

Re: Emergency Drought Change Authorization No. CS4-ADJ01P2@4

In accordance with the provisions of RCW 43.83B.405, on March 10, 2005, 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 173-166-060, 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.

THIS AUTHORIZATION SHALL IN NO MANNER BE CONSTRUED TO GUARANTEE OR IMPLY THAT A PERMANENT CHANGE OF WATER RIGHT WILL ISSUE FOR THE WATER USE HEREIN AUTHORIZED.

Background

On May 31, 2005, Aston Irrigation Association filed an application to change the place of use and point of diversion for a portion of Similkameen River Adjudicated Surface Water Certificate No. 1, Page 2 (Certificate No. 2), held by Oroville-Tonasket Irrigation District (OTID).

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.

Similkameen River Adjudicated Surface Water Certificate No. 1, Page 2

Certificate No. 2 was originally issued to West Okanogan Irrigation District, and has a priority date of March 1912. The priority date of this right makes it non-interruptible. The water right was issued for the diversion of various monthly amounts, with a maximum of 186 cubic feet per second (cfs) during July and a total of 49,351 acre-feet per year, to irrigate 10,000 acres within the boundaries of the OTID. The point of diversion stated on the certificate is approximately 575 feet westerly from the meander corner of the east line of Section 7, T. 40 N., R. 26 E.W.M., on the north side of the Similkameen River.

The applicant proposes to transfer 169.12 acre-feet for the irrigation of 42.28 acres downstream to property served by Aston Irrigation Association Inc. (the applicant).

The current points of diversion for Certificate No. 2 are different from the original point of diversion listed on the certificate. Maps of the current points of diversion were provided by the applicant and are included in the file for this report. The current points of diversion for the water to be transferred are two pumping stations located on the Okanogan River. The pumping stations are located within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 21, T. 40 N., R. 27 E.W.M., and within Government Lot 7 (SE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 34, T. 39 N., R. 27

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E.W.M. The transferred water will be withdrawn from the Okanogan River approximately 40 miles downstream from the current points of diversion.

Maps of the property within the OTID which will be fallowed were provided by the applicant and are included in the file for this report. The properties to be fallowed are described in the chart below.

Lands within OTID boundaries which will be fallowed

Assessor's Parcel No.	OTID ID No.	Property Owner	Acreage to be Fallowed
4027050142	05-40-27	Tamara Marshal	17.22
4900170002 & 4900160000	27-40-27	Darrel Jones	8.61
3927100055	10-39-27	Melvin Gallagher	13.7
3927264007	26-39-27	Sharon Cox	2.75

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 Certificate No. 2.

The proposed place of use is the W½ of Section 30, and Aston Estates being within Government Lots 2 and 3 of Section 31, all within T. 34 N., R. 27 E.W.M., Okanogan County, Washington.

The proposed point of diversion is located on the Okanogan River within the NW¼ of Section 31, T. 34 N., R. 27 E.W.M. This is also the authorized point of diversion for Surface Water Permit No. S4-24234P.

Permit No. S4-24234P

Surface Water Permit No. S4-24234P is appurtenant to the proposed place of use. Surface Water Permit No. S4-24234P authorizes the diversion of 8.9 cfs, 1600 acre-feet per year for the irrigation 400 acres. This right is provisioned to instream flows on the Okanogan River. Based upon water supply forecasts for 2005, this right will be regulated in favor of instream flows for extended periods of time.

The authorized point of diversion for Surface Water Permit No. S4-24234P is located on the Okanogan River within the NW¼ of Section 31, T. 34 N., R. 27 E.W.M.

Conclusions and Decision

Authorizing this change of water right down stream along the Okanogan River will not impair existing water rights.

This authorization is subject to the following limitations and provisions:

This authorization is for the transfer of 42.28 acres of irrigation under Similkameen River Adjudicated Surface Water Certificate No. 1, Page 2, held by Oroville-Tonasket Irrigation District downstream to property served by Aston Irrigation Association Inc.

A water duty of 0.017 cubic feet per second and 4 acre-feet per irrigated acre is authorized for use on the property.

The instantaneous quantity of water to be withdrawn is limited to 0.72 cubic feet per second (323 gpm).

A total of 169.12 acre-feet of water is authorized under this emergency permit for the irrigation of 42.28 acres.

The place of use is described as follows:

The W $\frac{1}{2}$ of Section 30, and Aston Estates being within Government Lots 2 and 3 of Section 31, all within T. 34 N., R. 27 E.W.M., Okanogan County, Washington.

Provisions

The following provisions shall apply to this change authorization:

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 diverted, 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, diversion 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.

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

This drought emergency authorization expires on October 15, 2005.

You have the right to appeal this decision to the Pollution Control Hearings Board. Pursuant to Chapter 43.21B RCW, your appeal must be filed with the Pollution Control Hearings Board, and served on the Department of Ecology, within thirty (30) days of the date of your receipt of this document.

To appeal this decision, your notice of appeal must contain a copy of the Ecology decision you are appealing.

Your appeal must be filed with:

The Pollution Control Hearings Board
4224 - 6th Avenue SE Rowe Six Bldg 2
PO Box 40903
Lacey WA 98504-0903

Your appeal must also be served on:

The Department of Ecology
Appeals Coordinator
PO Box 47608
Olympia WA 98504-7608

In addition, please send a copy of your appeal to:

Robert F. Barwin
Department of Ecology
15 W Yakima Ave Ste 200
Yakima WA 98902-3452

Sincerely,



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

RFB:MD:gg
050618

Enclosures: Flow Meter Requirements
Your Right To Be Heard

cc: Curt Hart, Water Resources Program, HQ
Lois Trevino, Water Administrator, Office of Environmental Trust, Colville Confederated Tribes