State of Washington
Department of Ecology
Yakima Washington

IN THE MATTER OF TWO APPLICATIONS FOR CHANGE FILED BY ACL COMPANY REQUESTING TO CHANGE THE PLACE OF USE AND POINT OF DIVERSION AUTHORIZED BY CERTIFICATES OF WATER RIGHT NOS. S4-24500 AND 10860.	)	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 April 26, 2001 ACL Company filed two drought emergency change applications requesting to add a point of diversion and to change the place of use during the 2001 irrigation season of their existing water rights authorized under Surface Water Certificate Nos. 10860 and S4-24500C. The proposed place of use is property owned by Zirkle Fruit Company and irrigated under Surface Water Certificate Nos. S3-28177C and S3-28723C, located within Franklin County. It is also proposed to change the points of diversion authorized by Surface Water Certificate Nos. 10860 and S4-24500C to the lands described by the Franklin County certificates. The Franklin County Zirkle property is subject to interruption under the Columbia River Instream Resources Protection Program, WAC 173-563.

WATER RIGHTS TO BE TRANSFERRED:

Surface Water Certificate No. 10860

Certificate No.10860, priority date February 28, 1951, authorizes the diversion of 13.5 cfs, not more than 2,696 acre-feet during the period from April 15 through October 15 each year from the Columbia River for the irrigation of 630 acres located within portions of Section 22 27, 28, 33, and 34 of T. 21 N., R. 22 E. W. M. The points of diversion are located within Government Lot 8, Section 21 and Government Lot 4, Section 28, T. 21 N., R. 22 E. W. M. The water duty authorized by SWC No. 10860 is approximately 0.02 cfs and 4.2 acre-feet per season per acre irrigated. The annual water quantity for the irrigation purpose was calculated on the basis of continuous diversion during a 7 month irrigation season.

Water Right Certificate No. 10860 issued at an annual quantity reflecting an average use of 6.2 cfs during a 27 month irrigation season, equaling 2,324 acre-feet per season, and an estimate that water would be pumped at the pumping capacity of 13.5 cfs for two weeks of the 27 week season, equaling an additional 372 acre-feet per season. Total annual quantity was estimated as 2,696 acre-feet. These estimates were provided by the permit holder, Aluminum Company of America within a letter dated March 28, 1969. There is an error in the calculation. Pumping at the rate of 13.5 cfs for approximately two weeks represents an increase of 7.3 cfs over the 6.2 cfs pumping rate calculated for the season. The increased pumping at the rate of 7.3 cfs for two weeks equals a total use of 202.7 acre-feet that would be pumped in addition to the 2,324 acre-feet. The seasonal total irrigation would be 2,527 acre-feet based upon the identified irrigation need.

Based upon the recalculated annual quantity of 2,527 acre-feet, water has been allocated under the water right at a rate of 4 acre-feet per acre, including all efficiency losses.

Water Right Certificate S4-24500

Certificate No. S4-24500C, priority date January 7, 1977, authorizes the diversion of 4.8 cubic feet per second (cfs) and 1,229 acre-feet during the period April 1 to October 31 from the Columbia River for the irrigation of 240 acres located within portions of Section 4 of T. 20 N., R. 22 E. W. M. and within Section 28, 33, and 34, of T. 21 N., R. 22 E. W. M. The point of diversion is located 900 feet north of the southwest corner of Section 33, within Lot 4, Section 33, T. 21 N., R. 22 E. W. M. The authorized rate of diversion is equivalent to 0.02 cfs and 5.1 acre-feet per season per acre irrigated.

Up to 231 acres of orchard land will not be irrigated under the above described water rights during the 2001 irrigation season.

Proposed Places of Use and Point of Diversion
Areas Irrigated Under Surface Water Certificate Nos. S3-28723C and S3-28177C

It is proposed to change the point of diversion and the place of use to ensure that lands irrigated through Certificate of Water Right Nos. S3-28723C and S3-28177C are not interrupted if instream flows of the Columbia River are not met.

Surface Water Permit No. S3-28177C authorizes the diversion of 3.7 cfs, 668 acre-feet per year (4.0 acre-feet per acre) from the McNary Pool of the Columbia River within the inundated lower 10 miles of the Snake River for the irrigation of 167 acres of land located within Sections 20 and 30, T. 9 N., R. 31 E.W.M. The point of diversion is located within Government Lot 1, Section 30, T. 9 N., R. 31 E.W.M.

Surface Water Permit No. S3-28723C authorizes the diversion of 5.5 cfs, 996 acre-feet annually from the McNary Pool of the Columbia River within the inundated lower 10 miles of the Snake River for the seasonal irrigation of 249 acres. The water duty authorized under this right is 0.02 cfs, 4 acre-feet per acre. The place of use is located within the N½ and Government Lot 2, Section 25, T. 9 N., R. 31 E.W.M.

The places of use described above are a summary of specific property description within the certificates. For the precise place of use, refer to the certificates.

The point of diversion for both water rights is located approximately 2,169 feet south and 90 feet east of the northwest corner of Section 30, T. 9 N., R. 31 E. W. M.

The water rights represented by Certificate Nos. S4-24500C and No. 10860 are being sought to irrigate lands currently described by the interruptible water rights, No. S4-28723C and No. S3-28177C to avoid interruption of the water use.

Conclusions and Decision

Within the application for change it is stated that water is used at the annual rate of 5.1 acre-feet per irrigated acre. Certificate of Water Right No. S4-24500C was issued at a 5.1 acre-feet per acre rate of water use. However Certificate of Surface Water Right No. 10860 issued at an annual rate of 4 acre-feet per irrigated acre, including conveyance and water distribution losses on adjacent lands. Additionally, the lands proposed to be irrigated have a water right that authorizes a water use of only 4 acre-feet per acre.

According to the Washington State Irrigation Guide, the consumptive water requirement for fruit orchard within the Wenatchee area is 3 acre-feet per acre. Based upon the limited evaluation that can be made of a drought emergency change application, 3 acre-feet per irrigated acre is estimated annual consumptive quantity available for each acre of existing orchard for which irrigation is foregone. A total of 693 acre-feet of water is made available through the cessation of irrigation of 231 acres at the current place of use.

This transfer will provide an alternate water right such that up to the total 416 acres of Zirkle Fruit Company orchards authorized by Certificate Nos. S3-28177C and S3-28723C will continue to be irrigated during the 2001 irrigation season. The water right available for transfer to Zirkle Fruit Company is only that water right made available by not irrigating acres of authorized lands at the original place of use. Water will be made available at a rate of 0.02 cfs, 3 acre-feet per season per acre that remains unirrigated through ceasing irrigation of the original lands.

Authorizing this change of place of use and point of diversion/withdrawal down river along the Columbia River/Snake River system will not impair existing water rights.

This **DROUGHT EMERGENCY CHANGE DECISION** authorizes the transfer of irrigation water right under Certificate of Surface Water Right Nos. S4-24500C and 10860 as follows:

An existing facility located 2169 feet south and 90 feet east of the northwest corner of Section 30, T. 9 N., R. 31 E. W. M. within Franklin County may be added as a point of diversion to the existing authorized by Water Right Certificate Nos. S4-24500C and 10860.

The place of use for the irrigation of not more than 416 acres is changed to the place of use described within Certificate of Water Right Nos. S3-28723C and S3-28177C. The place of use is properties owned by Zirkle Fruit Company.

A maximum of 9.2 cubic feet per second, 693 acre-feet, are authorized for use through this approval on the subject properties to irrigate not more than 416 acres.

The following provisions shall apply to this change authorization:

Zirkle Fruit Company has applied for and is enrolled in the drought supplemental water program for the Columbia River. The water authorized for transfer under this decision is considered supplemental to all water supplies to ensure the lands receive water throughout the irrigation season. The specific restriction of the Columbia River supplemental water program limiting each acre to a water duty of 3.1 acre-feet remains and is a provision of this authorization.

A measuring device approved by the Department of Ecology must be installed prior to use of the water. Water use shall be measured and recorded each Monday morning for any week when water has been used, in the same manner as required under the Columbia River supplemental water program.

A map of the property under Water Right Certificate Nos. S4-24500C and 10860 that will **not** be irrigated to accommodate this temporary transfer, shall be submitted to Ecology's Central Regional Office within 15 days of the date of receipt of this drought emergency change authorization.

A map of the property showing the specific location and acreage of lands not exceeding 416 acres, that will be irrigated with this temporarily transferred non-interruptible water supply, shall be submitted to Ecology's Central Regional Office within 15 days of the date of receipt of this drought emergency change authorization.

This drought emergency authorization expires on October 31, 2001.

REPORT BY: Phil Crane DATE: 5/30/2001
Phil Crane

APPROVED BY: DATE: 5/30/2001
Robert F. Barwin, Section Manager

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Enclosure(s):