State of Washington
Department of Ecology
Yakima Washington

IN THE MATTER OF THE APPLICATION FOR CHANGE FILED BY ACL COMPANY REQUESTING TO CHANGE THE PLACE OF USE AND ADD A POINT OF DIVERSION OF WATER UNDER SURFACE WATER CERTIFICATE NO. 9887 AND SURFACE WATER CERTIFICATE NO. 8417	)	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 a drought emergency change application requesting to add a point of diversion and to change the place of use for 13.442 cfs (cubic feet per second), 1320 acre-feet during the 2001 irrigation season of their existing water rights authorized under Surface Water Certificate Nos. 9887 and No. 8417. The application was later amended to request the change of 999 acre-feet. The proposed place of use is property irrigated under Surface Water Permits S4-26539P and S4-26227P. It is also proposed to add the point of diversion authorized by the three permits, which are subject to interruption under the Columbia River Instream Resources Protection Program, WAC 173-563 to the water rights documented by Certificate Nos. 9887 and 8417.

WATER RIGHTS TO BE TRANSFERRED:

Surface Water Certificate (SWC) No. 8417

SWC No. 8417 , priority date April 23, 1947, authorizes the diversion of 12 cfs, 4128 a-f, during the period from April 15 to October 15 each year for the irrigation of 1032 acres located within portions of Section 3 and 4 of T. 32 N., R. 25 E. W. M. and within Section 26, 27, 33, 34, and 35 of T. 33 N., R. 25 E. W. M. The point of diversion is located within Lot 5, Section 3, T. 32 N., R. 25 E. W. M. The rate of diversion under SWC No. 8417 is approximately 0.012 cfs and 4 acre-feet per season per acre irrigated. The irrigation purpose was calculated on the basis of continuous diversion during a 6-month irrigation season.

Surface Water Certificate (SWC) No. 9887

SWC No. 9887, priority date August 4, 1966, authorizes the diversion of 8.1 cubic feet per second (cfs) and 2,430 acre-feet per year from the Okanogan River for the irrigation of 1332 acres located within portions of Section 3 and 4 of T. 32 N., R. 25 E. W. M. and within Section 26, 27, 33, 34, and 35 of T. 33 N., R. 25 E. W. M. The point of diversion is located within Lot 5, Section 3, T. 32 N., R. 25 E.W.M. The rate of diversion under SWC 9887 is 0.006 cfs and 1.8 acre-feet per season per acre irrigated. The irrigation purpose was calculated on the basis of continuous diversion during a 5-month irrigation season. The underlying permit, No. 14526, was issued with a provision that any water right established under the permit is *"Issued as a supplemental supply to Surface Water Certificates Nos. 506, 2011, and 8417, the total diversion from all sources for the irrigation of 1332 acres shall not exceed 5,328 acre-feet annually."* The report of examination dated November 28, 1966 states that the intent of the application for which the permit issued was to increase the overall water supply for the 1,332 acre orchard to the system capacity of 25.1 cfs. The total water supply for the 1332 acre orchard through all water rights was limited to 5,328 acre-feet at the time Surface Water Permit No. 14526 issued. The rate of diversion for the 1,332 acre orchard through all water rights was equivalent to 0.019 cfs instantaneously, with an annual application rate of 4 acre-feet per acre.

425.2 acres of land will not be irrigated under these rights this irrigation season and it is proposed that the amount of water used for this irrigation be transferred down the Okanogan and Columbia rivers to irrigate lands in the Stemilt and Lower Semilt Irrigation Districts. Without breaking the rights down further, Ecology has determined that there is a full water duty for each acre of irrigation on these lands under one or both of these rights that is available for transfer.

Proposed Place of Use and Point of Diversion
Surface Water Permit Nos. S4-26539P and S4-26227P

Surface Water Permit No. S4-26539P authorizes the diversion of 7 cfs, 2,000 acre-feet per year from the Columbia River for the irrigation of 500 acres of land within the Stemilt Irrigation District lying east of the west line of Section 5, T. 22 N., R. 21 E. W. M. A Proof of Appropriation form was filed on February 24, 1993 attesting to complete beneficial use of the permitted quantities on 500 acres of irrigated lands. The permit is in good standing. An error exists within the permit, the place of use named within the application and examined as the place of use are located within Section 5, T. 21 N., R. 21 E. W. M. This appears to have been a ministerial error that occurred during the processing of the application and the permit can be honored for use within the proposed lands located within T. 21 N.

Surface Water Permit No. S4-26227P authorizes the diversion of 4.42 cfs, 964 a-f during the period from April 1 to October 31 from the Columbia River for the irrigation of 241 acres located within the Lower Stemilt Irrigation District. A Proof of Appropriation was filed for this permit on November 30, 1987 attesting to completed beneficial use for the primary irrigation of 307.7 acres and the supplemental irrigation of 224.2 acres.

The places of use described above are a summary of specific property descriptions on each permit. For the precise place of use, refer to the permit.

The point of diversion for both permits is described as 1,000 feet north and 1,400 feet west of the southeast corner of Section 19, T. 22 N., R. 21 E. W. M.

Water use under both permits described above are subject to interruption in accordance with the provisions of Columbia River Instream Resources Protection Program, WAC 173-563.

A non-interruptible water supply is being sought to irrigate 741 acres of irrigated lands currently described by the permits and to divert water under Surface Water Certificates No. 9887 and No. 8417 through the permitted facilities.

Conclusions and Decision

This transfer will allow the continued irrigation of up to 741 acres of the Lower Stemilt Irrigation District and the Stemilt Irrigation District while their permitted rights are interrupted during the 2001 irrigation season through the instream flow provisions of Chapter 173-563 WAC. The water right available for transfer is only that amount of water right made available by not irrigating acres of authorized lands at the original place of use.

According to the Washington State Irrigation Guide, the consumptive water requirement for fruit orchard within the Omak area is approximately 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 the estimated annual consumptive quantity available for each acre of existing orchard for which irrigation is foregone. A total of 1275.6 acre-feet of water is made available through the cessation of irrigation of 425.2 acres at the current authorized place of use. The amended application requests the transfer of only 999 acre-feet.

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

This **DROUGHT EMERGENCY CHANGE DECISION** authorizes the transfer of 999 acre-feet of water under Surface Water Certificate Nos. 8417 and 9887 to property within the Stemilt and Lower Stemilt Irrigation Districts described within Surface Water Permit Nos. S4-26227P and S4-26539P.

A point of diversion may be added to the existing authorized by Surface Water Certificates No. 9887 and No. 8417 located approximately 1,000 feet north an 1,400 feet west from the southeast corner of Section 19, T. 22 N., R. 21 E. W. M.

A maximum of 8.5 cubic feet per second, not to exceed 999 acre-feet per year are authorized for use through this approval on the subject properties to irrigate up to 741 acres. This is based on 0.02 cfs per acre and a portion of the water duty of the foregone irrigation at the original authorized place of use.

The following provisions shall apply to this change authorization:

The Stemilt and Lower Stemilt Irrigation Districts have applied for and are 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 showing the specific 741 acres within the Stemilt and Lower Stemilt Irrigation Districts that will be irrigated under this authorization 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 425.2 acres at the original place of use that will not be irrigated under this authorization 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):