

State of Washington
Department of Ecology
Yakima Washington

IN THE MATTER OF APPLICATION FOR CHANGE BY)
KEYSTONE FRUIT LLC)
REQUESTING CHANGE IN THE PLACE OF USE) Emergency Drought
AND POINT OF DIVERSION OF WATER UNDER) Change Authorization
SURFACE WATER PERMIT NO. S4-28272P)
)

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 May 2, 2001, Keystone Fruit LLC filed an application to change existing water rights in Okanogan County to other property they own in Okanogan County. Irrigation on their lands is authorized under existing interruptible water rights and some water rights not subject to interruption under the Okanogan River Instream Resources Protection Program, WAC 173-549.

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.

Surface Water Permit No S4-28272P

Surface Water Permit No S4-28272P with a priority date of 1983 was issued to Zaser & Longston, Inc, dba Keystone Ranch and authorizes the diversion of 2.33 cubic feet per second (cfs) and 18.56 acre-feet per year for frost control of 30 acres as required (but not before April 1); and 120 acre-feet from April 1 through August 31 for the irrigation of 30 acres from the Okanogan River. The place of use is described as the W $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 4; NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 5; both within T. 35 N., R. 27 E.W.M., and the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 33, T. 36 N., R. 27 E.W.M. all in Okanogan County. The point of diversion from the Okanogan River is located approximately 2250 feet south and 1850 feet west from the NE corner of Section 5, T. 35 N., R. 27 E.W.M.

The applicant proposes to change the irrigation of up to 6 acres of interruptible water rights of Permit No. S4-28272P to other property they own down river.

The new place of use is located on property currently provided irrigation water under Surface Water Certificate No. 11749 which is not subject to interruption when the Okanogan River falls below the minimum flow levels established in Chapter 173-549-020 WAC. Certificate No. 11749 was granted an Emergency Drought Permit to change its place of use to acres authorized irrigation under Permit No. S4-28272P.

Certificate No. 11749 with a priority date of 1968 was issued to Kenneth D. Crowfoot and authorizes the diversion of 0.94 cfs and 141 acre-feet per year to irrigate 47 acres from the Okanogan River. The place of use is described as the SE $\frac{1}{4}$ SE $\frac{1}{4}$; and that part of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ lying easterly of the county road; and that part of NE $\frac{1}{4}$ SE $\frac{1}{4}$ lying westerly of the county road; All in Section 12, T. 35 N., R. 26 E.W.M.; less road. The authorized point of diversion from the Okanogan River is located within Government Lot 3 and 4 of Section 7, T. 35 N., R. 27 E.W.M.

The new emergency points of diversion for Surface Water Permit No. S4-28272P will be from the Okanogan River approximately 2 $\frac{1}{2}$ miles down river and located in Government Lot 3 and 4 of Section 7, T. 35 N., R. 27 E.W.M.

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 Permit No. S4-28272P.

Approximately 6 acres of irrigation will not occur on the authorized place of use this year under Surface Water Permit No. S4-28272P and it is proposed that this amount of irrigation be transferred down river.

Conclusions and Decision

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

This **DROUGHT EMERGENCY CHANGE DECISION** authorizes the transfer of 6 acres of irrigation under Surface Water Permit No. S4-28272P in Okanogan County to property described as follows:

6 acres within SE $\frac{1}{4}$ SE $\frac{1}{4}$; and that part of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ lying easterly of the county road; All in Section 12, T. 35 N., R. 26 E.W.M.; less roads.

The points of diversion are the existing pump stations on the Okanogan River located in Government Lot 3 and 4 of Section 7, T. 35 N., R. 27 E.W.M.

Provisions

The following provisions shall apply to this change authorization:

Within 15 days of receipt of this authorization, the applicant shall submit a map to Ecology showing the lands (6 acres) formerly irrigated under Surface Water Permit No S4-28272P that will not be irrigated under this right and the lands (6 acres) to be irrigated at the new place of use as a result of this change.

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 Emergency Drought Authorization expires on October 31, 2001.

REPORT BY: Philip N. Kerr DATE: MAY 9, 2001
Philip N. Kerr

APPROVED BY: Robert F. Barwin DATE: 5/10/2001
Robert F. Barwin, Section Manager