

BEFORE THE
DEPARTMENT OF ECOLOGY
STATE OF WASHINGTON

IN THE MATTER OF APPLICATION FOR CHANGE)
BY GARY AND GUY ZIMMERMAN UNDER CERTIFI-))
CATE OF CHANGE NO. 1032 AND ADJUDICATED)
CERTIFICATE NO. 8 OF THE SQUILCHUCK)
CREEK ADJUDICATION, DECREE NO. 7647)

Findings of Fact
and Order

Upon review of the Examiner's report, I find that all facts relevant and material to the subject application have been thoroughly investigated. Furthermore, in accordance with the Examiner's conclusions and recommendations, I find that said change will not impair existing rights or be detrimental to the public welfare.

IT IS ORDERED that a change of point of diversion and place of use on Certificate of Change No. 1032 and change of point of diversion on Adjudicated Certificate No. 8 be made under the aforesaid application authorizing appropriation of public waters in the amount, and for the use, and subject to the provisions set forth in the Examiner's report.

Any person feeling aggrieved by this order may obtain review thereof by application, within thirty (30) days of receipt of this order, to the Washington Pollution Control Hearings Board, Olympia, Washington 98504, with a copy to the Director, Department of Ecology, Olympia, Washington 98504, pursuant to the provisions of Chapter 43.21B RCW and the rules and regulations adopted thereunder.

Signed at Yakima, Washington this 24 day of July, 1985.

Russell K. Taylor
Russell K. Taylor, P.E., Regional Manager

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State of Washington
Department of Ecology
Yakima, Washington

IN THE MATTER OF APPLICATION FOR CHANGE)
BY GARY AND GUY ZIMMERMAN TO CHANGE THE)
POINT OF DIVERSION AND PLACE OF USE ON)
CERTIFICATE OF CHANGE NO. 1032 AND THE)
POINT OF DIVERSION ON ADJUDICATED CERTI-))
FICATE NO. 8 OF THE SQUILCHUCK CREEK)
ADJUDICATION, DECREE NO. 7647.)

Findings of Fact
and
Decision

Background

Over the past fifty years the methods of delivering water from Squilchuck Creek to the various lands to which water rights are appurtenant have changed considerably. Many changes have been in the form of replacement of gravity flow ditches by pumping stations and pipelines. However, by far the most prevalent type of change has been the redistribution of the water rights between property owners by personal contract arrangements. In many cases these changes have been authorized via applications for change through the procedures required under Chapter 90.03.380 of the Revised Code of Washington (RCW) and in almost an equal number of cases the changes occurred on the ground, but no state authorization was sought. Due to the interaction between the several changes, we have elected to write composite reports based upon the total water rights delivered from a specific pumping station or ditch. One such delivery system is a pump plant constructed and operated by Gary Zimmerman. It has been in operation for several years and is located approximately 1300 feet north of the center of Section 4, T. 21 N., R. 20 E.W.M. The lands served by this system lie generally within the NE $\frac{1}{4}$ of Section 4.

Most of the water rights now being exercised at the Gary Zimmerman pump plant were at one time utilized by Gary's father, Guy Zimmerman. As of 1968, Guy Zimmerman had accumulated 12.5 shares of Class I water from Squilchuck Creek. A share equals one inch of water, which equals 0.02 cfs. The number of acres to be irrigated per cfs is not constant under this decree. Some of these water rights had originally issued for Mr. Zimmerman's property, some were purchased from the Millerdale Irrigation District when it ceased using creek water and began diverting water from the Columbia River, and some were purchased from neighboring landowners when irrigated land was taken out of production. When water rights were purchased from other property owners, not all of the paperwork was done to change the water right to Mr. Zimmerman's property as required by RCW 90.03.380.

The Class I water rights reported to have been owned by Mr. Zimmerman are:

1. Adjudicated Certificate No. 8 - 0.04 cfs.
2. Certificate of Change No. 1032 (a portion of Certificate No. 1) - 0.10 cfs.

Both of these rights issued for land Mr. Zimmerman or his son still owns.

3. Adjudicated Certificate No. 11 - 0.05 cfs.
4. Adjudicated Certificate No. 3 - 0.04 cfs.
5. A portion of Adjudicated Certificate No. 1 - 0.02 cfs.

Since 1968 Guy Zimmerman has sold portions of his land and the water rights referenced above.

The individual ownerships receiving water through Gary Zimmerman's pump plant are identified below according to name, tax lot number, and quantity of water. A map is attached.

<u>Name</u>	<u>Tax Lot No.</u>	<u>Quantity of water</u>
<u>Creek Water</u>		
Guy Zimmerman	1-2-0050, 1-2-0200, 1-2-0250, 1-2-0260	0.12 cfs
Guy Zimmerman	1-2-0300	0.02 cfs
Gordon, Sheila & Virginia Zimmerman	1-3-0200, 1-4-000, 4-1-0050	0.02 cfs
Dean Dillard	1-3-0050	0.01 cfs
Cletus Crone	1-2-0150	0.04 cfs
Rocky Holloway	1-1-0150	0.02 cfs
Donald Newell	4-3-0100 (Sec. 33, T 22 N, R 20 EWM)	0.04 cfs
<u>Reservoir Water</u>		
Warren Goehner	1-2-0270	0.01 cfs
Ed Engst	1-2-0265	0.01 cfs

Guy Zimmerman and his son Gary own most of the irrigated land within Government Lot 2, Section 4, T. 21 N., R. 20 E.W.M. that has historically been irrigated from one of the above listed water rights.

Adjudicated Certificate No. 8 and Certificate of Change No. 1032 jointly authorize the diversion of 0.14 cfs for irrigation of 14.5 acres. Guy Zimmerman owns a 1.82 acre parcel in Government Lot 2 and irrigates around his home. He has retained and continues to use 0.02 cfs at his home. Gary Zimmerman has the remaining water from these two certificates (0.12 cfs) for the land he owns in Government Lot 2. Gary has a ten acre cherry orchard and just recently removed the trees from a three acre apple orchard, which he intends to again irrigate. Certificate No. 8 authorized the irrigation of two acres. Certificate of Change No. 1032 was part of the Millerdale Irrigation District right, which issued for 0.0008 cfs per acre irrigated. Certificate of Change No. 1032 issued for 0.10 cfs which would allow for the irrigation of 12.5 acres. The two rights jointly allow for the irrigation of up to 14.5 acres. Gary also has shares in the Beehive Reservoir and lower class water rights from Squilchuck Creek, which he uses when the water is available. The place of use on Certificate No. 8 is Government Lot 2, Section 4 and the place of use on Certificate of Change No. 1032 is Government Lot 2, Section 4, less two exceptions. Mr. Zimmerman has requested that one of the exceptions be removed as part of the water use has been on the land excepted. The point of diversion has been changed to eliminate the need to convey the water through a long ditch to the property. The diversion now being used is located approximately 1300 feet north of the center of Section 4, being within the S $\frac{1}{2}$ N $\frac{1}{2}$ of Section 4. Therefore, an application for change has been filed by Gary Zimmerman to change the point of diversion on both of these rights and the place of use on Certificate of Change No. 1032.

Conclusions

The requested changes to Adjudicated Certificate No. 8 and Certificate of Change No. 1032 will neither enhance the rights nor impair existing rights.

Recommendations

It is recommended that superseding certificates issue changing the point of diversion on both rights to a point 1300 feet north of the center of Section 4, being within the N $\frac{1}{2}$ S $\frac{1}{2}$ of Section 4. The place of use on Certificate of Change No. 1032 shall be changed to Government Lot 2, EXCEPT, that part thereof lying north and west of the following described line: Beginning at a point which is 275 feet east of the north quarter corner of said section; thence S 02°18' W 185 feet; thence N 72°23'50" W 175.70 feet; thence N to a point 145 feet south of the north line of said section; thence W 100 feet to the section north/south center line; and less county road.

REPORT BY: Becky Johnson DATE: 7/23/85
Becky Johnson

APPROVED BY: Doug Clausing DATE: 7/23/85
Doug Clausing, Regional Supervisor

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