

file

State of Washington  
Department of Ecology  
Yakima, Washington

IN THE MATTER OF APPLICATION FOR CHANGE )  
BY GARY ZIMMERMAN TO CHANGE THE POINT ) Findings of Fact,  
OF DIVERSION AND PLACE OF USE OF ) Conclusions and  
CERTIFICATE NO. 11 OF THE SQUILCHUCK ) Recommendations  
CREEK ADJUDICATION, CAUSE NO. 7647 )

REPORT

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 and in almost an equal number of cases the changes occurred on the ground, but no state authorization was sought.

The subject of this report is an application for change by Gary Zimmerman to change the point of diversion and place of use. Public notice was made with no protests being received.

Investigation

Gary Zimmerman has constructed and is operating a pump plant for diverting water from Squilchuck Creek at a point located approximately 1300 feet north of the center of Section 4, T. 21 N., R. 20 E.W.M. 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 1 water from Squilchuck Creek (a share equals one miner's inch of water, which equals 0.02 cfs). 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 Class 1 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 1 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 Cert. 1) - 0.10 cfs  
Both of these rights issued for land Mr. Zimmerman or his son still own.
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.

<u>Name</u>	<u>Tax Lot No.</u>	<u>Quantity of Water</u>
<u>Creek Water:</u>		
Gary Zimmerman	1-2-0050, 1-2-0200, 1-2-0250 & 1-2-0760	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 (Section 33, T. 22 N., R. 20 E.W.M.)	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. Upon referring to the Squilchuck Creek Decree, it is apparent that these two rights allow for the irrigation of 14.5 acres, which is approximately the number of acres being irrigated on Gary and his Dad's land within Government Lot 2 of Section 4. Gary also has shares in the Beehive Reservoir and lower class water rights from Squilchuck Creek, which he uses when the water is available. Applications for change will need to be submitted for each lower class water right to reflect the current place of use and point of diversion.

Gordon, Sheila, and Virginia Zimmerman collectively receive one share or 0.02 cfs through Gary Zimmerman's pump plant which they use to irrigate the lawn and garden area around their home sites. They own the SE1/4NE1/4 and a small portion of the SW1/4NE1/4 lying east of Wheeler Hill Road in Section 4 approximately described as follows: Beginning at the NE corner of the SW1/4NE1/4 of Section 4; thence S 400 feet to the point of beginning; thence continue S 500 feet; thence N 41° W 704 feet to the Wheeler Hill Road; thence northeast along the road for 90 feet; thence E 348 feet to the point of beginning. Dean Dillard, who owns a small parcel in the SW1/4NE1/4 of Section 4 described as follows: Beginning at the NE corner of the SW1/4NE1/4; thence S 400 feet; thence W 400 feet; thence N 400 feet; thence E 400 feet to the point of beginning receives half a share or 0.01 cfs through Gary Zimmerman's pump plant. This water is used for lawn irrigation around his home site. These people own a portion of Adjudicated Certificate No. 11, which issued to Charles Reeves. The place of use on Certificate No. 11 is the SW1/4SW1/4 and part of the SE1/4SW1/4 of Section 4, T. 21 N., R. 20 E.W.M. Certificate No. 11 authorized the diversion of 0.05 cfs. The certificate did not identify the number of acres authorized for irrigation, but the adjudication decree stated that two and a half acres were

authorized for irrigation. It is reasonable to expect that four home sites could have one and a half acres of lawn and garden, which is the proportionate share of the acres they would have from Certificate No. 11, since they use 0.03 of the 0.05 cfs authorized by Certificate No. 11.

The land originally irrigated under Certificate No. 11 lies within the SE1/4SW1/4 of Section 4 and has been subdivided into six lots and sold. At the time of the subdivision Certificate No. 11 was sold to Guy Zimmerman. Two of the six lots do use Squilchuck Creek water for irrigation. One lot owned by Fred Barker consists of 1.65 acres and 0.01 cfs of Class 1 water is used on the lot. The other lot is owned by Don Rothrock, consists of 5.70 acres and 0.03 cfs of Class 1 water is used on the lot. Certificate of Change No. 1019, issued to Nels Johnson in 1968 authorizing the use of 0.04 cfs of Class 1 water for irrigating the land once owned by Charles Reeves. Since Mr. Barker and Mr. Rothrock combined use 0.04 cfs and that is the only water use within the property that once belonged to Charles Reeves, it is reasonable to assume that Certificate of Change No. 1019 is the right under which they irrigate.

The instant application for change in place of use and point of diversion filed by Gary Zimmerman for Dean Dillard and Gordon, Sheila and Virginia Zimmerman moves a portion of Certificate No. 11 to the Dillard and Zimmerman properties and moves the point of diversion to Gary Zimmerman's pump plant.

One share, or 0.02 cfs (one acre of irrigation) has been transferred to Robert Zimmerman. Robert Zimmerman has the part of Certificate No. 11 remaining after Dillard and Gordon, Sheila and Virginia Zimmerman's use, which is 0.03 cfs for the irrigation of 1.5 acre. Robert Zimmerman irrigates four acres within a portion of the SW1/4NE1/4 of Section 4 described as follows: The SW1/4NE1/4 of Section 4, T. 21 N., R. 20 E.W.M., lying W of Wheeler Hill Road, Except the following two parcels: #1 Beginning at the NW corner of the SW1/4NE1/4 thence E on the N line 220 feet; thence S 100 feet; thence W 220 feet to the W line; thence N on the W line to the point of beginning; #2 Beginning at the NE corner of the SW1/4NE1/4; thence S along the E line 400 feet; thence W 400 feet; thence N 400 feet; thence E along the N line 400 feet to the point of beginning. At one time the entire four acres was planted in orchard. Mr. Zimmerman recently took out some of the orchard, but still intends to irrigate the entire four acres. Besides a portion of Certificate No. 11 Robert Zimmerman has a portion of Certificates No. 1 and No. 32 for irrigation of his land. A change in place of use and point of diversion needs to be filed for his portion of Certificates No. 1 and No. 11. Robert Zimmerman uses a diversion located 630 feet north and 140 feet west of the center of Section 4 being within the SE1/4NW1/4 of Section 4. Mr. Zimmerman's diversion consists of a diversion pipe to a small storage tank where a ten horsepower centrifugal pump delivers water to the irrigated land.

#### Conclusions

Based on the foregoing information, the following conclusions are made:

The change requested coincides with the records of the Squilchuck Water Users Association, of which all the applicants are members. The proposed change in point of diversion should not impair existing rights because the point is being moved half a mile or less downstream and there are very few diversions between the old and new points and several other Class 1 rights below the new point. The change in place of use requested should not enhance the right evidenced by the certificate as no additional land is being irrigated. The limits on the certificate are not changing.

The existing diversion located 1300 feet north of the center of Section 4, commonly referred to as the Gary Zimmerman diversion consists of a ten inch PVC diversion pipe which delivers water to a stilling well, which has a ten horsepower pump installed in it which pumps water to the irrigated land. This diversion and pump serves Gary, Guy, Gordon, Sheila and Virginia Zimmerman, and Dean Dillard through rights previously identified in this report. Also using this diversion is Cletus Crone who has a right to divert 0.04 cfs for the irrigation of 0.25 acres; Rocky and Faye Holloway who have a right to divert 0.02 cfs for the irrigation of two acres; and Donald Newell who has a right to divert 0.04 cfs for the irrigation of two acres. A total of 0.27 cfs of Class 1 water is being diverted from this point for the irrigation of 20.25 acres.

Recommendations

It is recommended that the requested change be approved and that a superseding certificate issue to Gary Zimmerman authorizing the diversion of 0.03 cfs for the irrigation of 1.5 acres. The point of diversion authorized is 1300 feet north of the center of Section 4, T. 21 N., R. 20 E.W.M. The new place of use shall be the SE1/4NE1/4, that portion of the SW1/4NE1/4 lying east of Wheeler Hill Road and a portion of the SW1/4NE1/4 described as follows: Beginning at the NE corner of the SW1/4NE1/4; thence S 400 feet; thence W 400 feet; thence N 400 feet; thence E 400 feet to the point of beginning, all in Section 4, T. 21 N., R. 20 E.W.M.

REPORT BY: Becky Johnson DATE: 3/28/86  
Becky Johnson

APPROVED BY: Doug Clausing DATE: 3/28/86  
Doug Clausing, Regional Supervisor

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