

file

State of Washington
Department of Ecology
Yakima, Washington

IN THE MATTER OF APPLICATION FOR CHANGE)	
BY ROBERT B. ZIMMERMAN TO CHANGE THE)	Findings of Fact,
POINT OF DIVERSION AND PLACE OF USE OF)	Conclusions and
A PORTION OF CERTIFICATE NO. 1 OF THE)	Recommendations
SQUILCHUCK CREEK ADJUDICATION, CAUSE)	
NO. 7647)	

Background

On May 7, 1986, Robert B. Zimmerman filed an application to change the point of diversion and place of use for a portion of Certificate No. 1 of the Squilchuck Creek Adjudication, Cause No. 7647. The application was accepted and public notice was made with no protests being received during the 30 day protest period.

Investigation

During 1984 and 1985 several site inspections were conducted in the Squilchuck Creek basin and meetings held with representatives of the Squilchuck Creek Water Users Association. The following information was obtained from the inspections and meetings, conversations with Bob Zimmerman and review of office records.

Mr. Zimmerman's property lies within the Squilchuck Creek drainage, approximately two miles south of the City of Wenatchee. He owns approximately 11 acres of land within the SW1/4NE1/4 of Section 4, T. 21 N., R. 20 E.W.M. described as follows: That portion of the SW1/4NE1/4 of Section 4 lying westerly of the 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.

Of the 11 acres owned by Mr. Zimmerman, approximately four acres have historically been irrigated. The land has primarily been planted to orchard. The four acres are irrigated with water from Squilchuck Creek, with the use being authorized by several different water rights.

In 1936, T. R. Hawkins, a previous owner of the Zimmerman property purchased from Cain Orchard Company a portion of their Class 1 water right to Squilchuck Creek, which is a portion of Certificate No. 1 of the Squilchuck Creek Decree. A Bargain and Sale Deed dated March 12, 1936, states that Cain Orchard Company conveyed to T. R. Hawkins the perpetual right to the use of one inch of water under four inch pressure from the Philip Miller Irrigation System. That quantity of water would be 0.02 cubic feet per second (cfs). When the water right was sold in 1936 neither party approached the state to formally transfer the right from the Cain Orchard Company property to the T. R. Hawkins property. The water has been used on the Hawkins property, which is now owned by Bob Zimmerman, since the sale was consummated, without the proper authorization. The instant application for change was filed to correct this oversight.

The application for change requests authorization to change the point of diversion for 0.02 cfs from a point located in the SW1/4NW1/4 Section 27, T. 22 N., R. 20 E.W.M. to a point located approximately 2,000 feet south and 140 feet west of the North quarter corner of Section 4, T. 21 N., R. 20 E.W.M. The application also seeks authorization to change the place of use for the same 0.02 cfs from the Cain Orchard Property described as follows: Commencing at the NE corner of Section 22, T. 22 N., R. 20 E.W.M.; thence S 1320 feet; thence turning an angle 89°40' to the right 1786.9 feet; thence turning an angle of 85°30' to the left 780.6 feet to initial point; thence 94°30' to left 1114.0 feet; thence 130°18' to right 72.0 feet; thence 105°17' to left 103.5 feet; thence 106°17' to right 519.4 feet; thence 19°46' to right 400 feet; thence 31°19' to left 343.7 feet; thence 84°59'

to right 452.0 feet; thence 19°46' to right 400 feet; thence 31°19' to left 343.7 feet; thence 84°59' to right 452.0 feet; thence 74°30' to right 205.6 feet; thence 1°23' to left 594.0 feet to place of beginning. The proposed new place of use would be the Bob Zimmerman property as described earlier in this report.

The records of the Squilchuck Creek Water Users Association also show the sale of the water right from Cain Orchards to the Zimmerman property.

Certificate No. 1 originally issued in 1930, following completion of the Squilchuck Creek Adjudication, to the Millerdale Irrigation District and the Millerdale Water Users Association. It is a Class 1 certificate and authorized the diversion of 4.52 cfs for the irrigation of 543 acres, or an instantaneous diversion of 0.008 cfs per acre irrigated. It stated that the right is divided among the water users within the district and listed those water users and the acres irrigated by each. Cain Orchard Company was one of the landowners listed and had 17.5 acres described as irrigated. In 1968 the members of the Millerdale Irrigation District elected to seek a more secure source of irrigation water and obtained a right to pump water from the Columbia River. At that time they formed the Lower Squilchuck Irrigation District and sold most of Certificate No. 1 to water users upstream. During 1968 and 1969 applications for change were filed and approved changing the place of use and points of diversion for all of Certificate No. 1, except 0.10 cfs. The 0.02 cfs cited in the instant application for change is part of the 0.10 cfs that was not changed in 1968 or 1969. I have not been able to determine the status of the unaccounted for 0.08 cfs.

Besides the above discussed water right, there are three other certificates that are, or should be, appurtenant to the Zimmerman land. The owner of the land described in Certificate No. 11 of the Squilchuck Creek Adjudication sold the water right to Guy Zimmerman and then a portion was transferred to Bob Zimmerman. The quantity that was transferred to Bob Zimmerman amounted to 0.02 cfs for the irrigation of one acre. Certificate No. 32 and portions of Certificates No. 80 and No. 100 are also appurtenant to Mr. Zimmerman's property. These rights can only be exercised a portion of the irrigation season due to their poor priority date and the limited flow in the creek during the summer.

Mr. Zimmerman uses a ten horsepower centrifugal pump to withdraw water at the proposed point of diversion and irrigates using handlines. A ten horsepower pump generally is capable of pumping more water than is normally used for irrigating four acres. Mr. Zimmerman must insure that his water use does not exceed his rights.

Conclusions

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

The proposed change of point of diversion should not impair existing rights, as it is a portion of the overall Class 1 rights to the creek and it has been exercised at this point for many years. There are several other diversions both above and below the proposed new point of diversion. When sufficient water is not available to meet the needs of all Class 1 users, each one is cut back proportionately.

Recommendations

It is recommended that the application for change to move the point of diversion and place of use for a portion of Certificate No. 1 of the Squilchuck Creek Adjudication be approved for 0.02 cfs, 2.5 acres. The authorized point of diversion shall be a point 140 feet west and 2,000 feet south of the north quarter corner of Section 4 being within the SE1/4NW1/4 Section 4, T. 21 N., R. 20 E.W.M. The authorized place of use shall be: That portion of the SW1/4NE1/4 of Section 4 lying westerly of the 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

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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.

This authorization is subject to Washington Department of Fisheries juvenile salmon screening criteria (pursuant to RCW 75.20.040) and/or Washington Department of Wildlife gamefish screening criteria. Please contact the Department of Wildlife, 600 North Capitol, Olympia, WA 98504, Attention: Habitat Management Division, Phone: (206)-753-3318 to obtain specific gamefish (trout, bass, etc.) requirements for your project. Washington Department of Fisheries juvenile salmon screening criteria are attached to the Report of Examination if applicable to your diversion.

REPORT BY: Becky Johnson DATE: 12/22/87
Becky Johnson

APPROVED BY: Doug Clausen DATE: 12/30/1987
Doug Clausen, Regional Supervisor

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