

BEFORE THE
DEPARTMENT OF ECOLOGY
STATE OF WASHINGTON

IN THE MATTER OF APPLICATION FOR)
CHANGE OF POINT OF DIVERSION BY)
DONALD NEWELL FOR SQUILLCHUCK)
CREEK ADJUDICATED CERTIFICATE)
NO. 1 AS AMENDED BY CERTIFICATE)
OF CHANGE NO. 1066.)

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 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 23rd day of July, 1984.

Russell K. Taylor
Russell K. Taylor, Regional Manager

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State of Washington
Department of Ecology
Yakima, Washington

IN THE MATTER OF APPLICATION FOR)	
CHANGE OF POINT OF DIVERSION BY)	
DONALD NEWELL FOR SQUILLCHUCK)	Report for Findings
CREEK ADJUDICATED CERTIFICATE)	of Fact and
NO. 1 AS AMENDED BY CERTIFICATE)	Decision
OF CHANGE NO. 1066.)	

REPORT

Background

Donald Newell filed the above referenced application for change of point of diversion. It was accepted and public notice of the applicant's intent was given in the Wenatchee World. No protests to approval of the application were received.

Investigation

The following information was obtained from a field examination on July 3, 1984 by the writer and Bob Barwin and review of office records, including the Squillchuck Creek Adjudication Decree No. 7647.

Certificate of Change No. 1066 was issued to Donald and Estella Newell. It authorized changing the point of diversion and place of use of a portion of the right cited in Certificate No. 1 of the Squillchuck Creek Adjudication, Cause No. 7647. Certificate of Change No. 1066 authorized the diversion of 0.04 cubic foot per second (cfs) from Squillchuck Creek for irrigation. The authorized place of use is the south 220 feet of the west 400 feet of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 33, T. 22 N., R. 20 E.W.M.

The point of diversion is authorized to be approximately 1210 feet west and 900 feet north of the south quarter corner of Section 4 being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 4, T. 21 N., R. 20 E.W.M. The applicant has applied to move his point of diversion to a point located about 50 feet east and 1400 feet south of the north quarter corner of Section 4 being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 4, T. 21 N., R. 20 E.W.M.

The proposed point of diversion is located about half a mile downstream of the point of diversion currently authorized. There are two points of diversion on Squillchuck Creek for Class 27 water rights between the authorized and proposed points of diversion under the instant application. The junior right holders would have to allow sufficient water to bypass their diversion to satisfy the applicant's right if the change is approved. There have been ten applications for change filed with the department to move the authorized point of diversion for a total of 0.45 cfs to the same point proposed in this application. Since there are already numerous diversions for rights senior to Class 27 downstream, it should not be detrimental to allow the proposed change.

The applicant's property consists of slightly more than two acres with about two acres actually being irrigated. The pump plant of the proposed point of diversion has been constructed for a few years.

Conclusions

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

The proposed change in location of point of diversion will neither impair existing rights nor be an enhancement of the right evidenced by Certificate of Change No. 1066.

Recommendations

It is recommended that the requested change in point of diversion be approved and a Certificate of Change issue authorizing the diversion of 0.04 cfs for the irrigation of two acres.

REPORT BY: Becky Johnson DATE: 7/23/84
Becky Johnson

APPROVED BY: Doug Clausing DATE: 7/23/84
Doug Clausing, Regional Supervisor

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