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BEFORE THE
DEPARTMENT OF ECOLOGY
STATE OF WASHINGTON

IN THE MATTER OF APPLICATION)
FOR CHANGE OF POINT OF DIVERSION)
FOR A PORTION OF THE WATER RIGHT)
EVIDENCED BY ADJUDICATION CERTIF-)
ICATE NO. 12 OF THE SQUILLCHUCK)
CREEK ADJUDICATION DECREE, CAUSE)
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 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 BY)
DAVID C. AND BEVERLY A. PEARSON) Report of Findings,
FOR CHANGE OF POINT OF DIVERSION) Conclusions and
FOR A PORTION OF THE WATER RIGHT) Recommendations
EVIDENCED BY ADJUDICATION CERTIF-)
ICATE NO. 12 OF THE SQUILLCHUCK)
CREEK ADJUDICATION DECREE, CAUSE)
NO. 7647, CHELAN COUNTY SUPERIOR)
COURT.)

REPORT

Background

On February 25, 1980 David C. and Beverly A. Pearson submitted an application for change of water right to move the point of diversion authorized in Adjudication Certificate No. 12 of the Squillchuck Creek Adjudication, Cause No. 7647 Superior Court, State of Washington, County of Chelan. The application was accepted and processed. After the initial publication it was noted that the notice contained an error and a second publication was made. An affidavit of publication was received attesting to the proper publication of the second notice and establishing the end of the protest period as September 16, 1982. No protests were received.

Investigation

A field inspection was conducted by the writer and Bob Barwin on July 3, 1984. The following information was obtained from this inspection and review of office records.

Certificate No. 12, a Class I right, issued to C.L. Pearson and authorized the diversion of 0.04 cubic foot per second (cfs) for irrigation of lands within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and part of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 8, T. 21 N., R. 20 E.W.M. The Squillchuck Creek Decree identified a water duty of 0.02 cfs per acre irrigated, so it can be assumed that two acres were authorized for irrigation.

The authorized point of diversion was located within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 7, T. 21 N., R. 20 E.W.M. The Pearsons have requested approval to use a new diversion from the creek located at a point 1040 feet north and 600 feet east of the southwest corner of Section 8 being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 8, T. 21 N., R. 20 E.W.M. The new diversion has been constructed and is in use. A five horsepower pump is being used.

Mr. and Mrs. Pearson have asked that the place of use on Certificate No. 12 be reduced to include only that part of the W $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 8 lying west of the county road. There is a small orchard in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 8 lying east of the county road. However, it appears to be irrigated under Certificate No. 18 of the Squillchuck Adjudication.

There are approximately nine acres of pasture and hay being irrigated on the applicant's property.

In addition to Certificate No. 12 there are three other water rights which include the Pearson property within the place of use description.

1. Certificate of Change No. 1068 issued to Zana Pearson authorizing 0.04 cfs for irrigation within that portion of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 8, T. 21 N., R. 20 E.W.M. lying westerly of Squillchuck Creek. An application for change has been recommended for approval to move the point of diversion to the same new point identified herein.
2. Certificate No. 62 authorizes a Class 9 right for the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and part of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 8, T. 21 N., R. 20 E.W.M.; however this right was assigned to the Squillchuck Water Users Association. The instantaneous quantity for the Pearson property was not identified.
3. Certificate No. 72 authorizes a Class 14 right appurtenant to the same lands. The exact instantaneous quantity and acres authorized for irrigation on the Pearson land are not identified. This right was also assigned to the Squillchuck Water Users Association.

Mr. and Mrs. Pearson have also filed an application for change on Certificate of Change No. 1020 requesting that a portion of the place of use be moved to their property and that a portion of the water be diverted at their new point of diversion.

Conclusions

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

There are currently more than two acres being irrigated and as far as we know has historically been ongoing. Since the irrigated land not owned by the Pearsons that is being excluded by the change in place of use has a different Certificate appurtenant to it, the proposed changes should neither impair existing rights nor be contrary to the public interest.

Recommendations

It is recommended that a Certificate of Change issue authorizing the point of diversion be moved to 1040 feet north and 600 feet east of the southwest corner of Section 8 being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 8, T. 21 N., R. 20 E.W.M. The place of use shall also be changed to the W $\frac{1}{2}$ SW $\frac{1}{4}$ lying west of the county road. All other provisions of the Certificate remain unchanged.

REPORT BY: Becky Johnson
Becky Johnson

DATE: 7/17/84

APPROVED BY: Doug Clausing
Doug Clausing, Regional Supervisor

DATE: 7/17/84