

BEFORE THE
DEPARTMENT OF ECOLOGY
STATE OF WASHINGTON

IN THE MATTER OF APPLICATION)
FOR CHANGE OF WATER RIGHT AS)
AUTHORIZED IN CERTIFICATE OF)
CHANGE NO. 1068, ISSUED ON A)
PORTION OF CERTIFICATE NO. 1)
OF SQUILLCHUCK CREEK ADJUDI-)
CATION, CAUSE NO. 7647.)

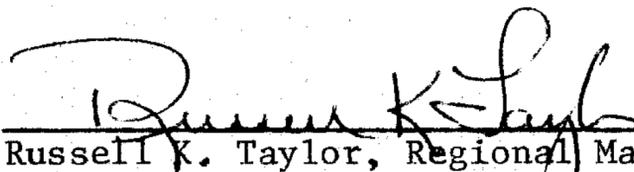
FINDINGS OF FACT
AND
ORDER

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 to move the 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 23 day of July, 1984.



Russell K. Taylor, Regional Manager

State of Washington
Department of Ecology
Yakima, Washington

IN THE MATTER OF APPLICATION BY)
DAVID C. AND BEVERLY A. PEARSON)
FOR CHANGE OF WATER RIGHT AS)
AUTHORIZED IN CERTIFICATE OF)
CHANGE NO. 1068, ISSUED ON A)
PORTION OF CERTIFICATE NO. 1,)
SQUILLCHUCK CREEK ADJUDICATION,)
CAUSE NO. 7647, CHELAN COUNTY)

Report of Findings,
Conclusions and
Recommendations

REPORT

Background

On January 10, 1980 David C. and Beverly A. Pearson of Wenatchee, Washington submitted an application for change of water right seeking authorization to move the point of diversion for 0.04 cubic feet per second (cfs) of the waters of Squillchuck Creek, said quantity being a portion of the 4.52 cfs authorized in Adjudication Certificate No. 1 of the Squillchuck Creek Adjudication Decree, Cause No. 7647 Superior Court, State of Washington, County of Chelan, and Certificate of Change Volume 3, page 1068. The application was accepted and processed. An affidavit of publication was received attesting to proper public notice and establishing the end of the protest period as March 1, 1980. 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 of Change No. 1068 issued to Zana L. Pearson and authorized the diversion of 0.04 cfs from Squillchuck Creek for irrigation. The Squillchuck Decree identified a water duty of 0.02 cfs per acre irrigated, so it can be assumed that two acres were authorized to be irrigated.

The authorized point of diversion is 680 feet north and 40 feet east of the southwest corner of Section 8 being within the $W\frac{1}{2}SW\frac{1}{4}SW\frac{1}{4}$ of Section 8, T. 21 N., R. 20 E.W.M. The Pearsons have requested approval to use a new diversion from the creek at a point located 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 centrifugal pump is being used.

The place of use identified on Certificate of Change No. 1068 is 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. Mr. and Mrs. Pearson now own this property along with the $SW\frac{1}{4}SW\frac{1}{4}$ of Section 8 lying westerly of the creek.

The Pearsons have about nine acres of pasture and hay that they are irrigating within those parcels.

In addition to Certificate of Change No. 1068, there are three other certificates from the Squillchuck Adjudication which include the Pearson's property within the place of use description.

1. Certificate No. 12 issued to C.L. Pearson, authorized the use of 0.04 cfs for irrigation. The authorized place of use is 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. Mr. and Mrs. Pearson have filed an application for change on this certificate also.
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. This right was assigned to the Squillchuck Water Users Association. The instantaneous quantity for the Pearson property was not identified. *flood water*
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. *flood water*

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:

Within the place of use on Certificate of Change No. 1068, more than two acres currently are being irrigated and as far as we can determine have historically been irrigated. Approval of the request to move the point of diversion 700 feet downstream will neither impair existing rights nor enhance the right evidenced by Certificate of Change No. 1068.

Recommendations

It is recommended that a Certificate of Change issue authorizing the point of diversion be relocated to 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.

All other provisions of Certificate of Change No. 1068 remain unchanged.

REPORT BY: Becky Johnson
Becky Johnson

DATE: 7/17/84

APPROVED BY: Doug Clausen
Doug Clausen, Regional Supervisor

DATE: 7/17/84