

BEFORE THE
DEPARTMENT OF ECOLOGY
STATE OF WASHINGTON

IN THE MATTER OF APPLICATION)
FOR CHANGE UNDER SURFACE)
WATER CERTIFICATES NO. 6 AND)
NO. 49)

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 and place of use 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 20 day of June,
1982.

Russell K. Taylor
Russell K. Taylor, Regional Manager

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BEFORE THE
DEPARTMENT OF ECOLOGY
STATE OF WASHINGTON

IN THE MATTER OF APPLICATION FOR CHANGE)
OF POINT OF DIVERSION AND PLACE OF USE)
UNDER SURFACE WATER CERTIFICATES NO. 6)
AND NO. 49 OF THE SINLAHEKIN CREEK ADJUDI-)
CATION BY WM. KNORR AND WM. JAEGER dba)
SINLAHEKIN RANCHES)

REPORT FOR
FINDINGS OF FACT
AND DECISION

REPORT

BACKGROUND:

On February 26, 1982, Messrs. William Knorr and William Jaeger dba Sinlahekin Ranches filed the above-referenced applications for change of water right. The applications were accepted and public notices were prepared and sent to the applicants. Proper public notice occurred in the Oroville-Gazette Tribune. No protests were received during the statutory protest period which expired on May 8, 1982.

INVESTIGATION:

Based upon a field inspection by the writer on May 14, 1982, discussion with Mr. Knorr, review of aerial photography of the applicants' property and review of the water right records of this office, the following data were gathered:

The applicants operate a cattle ranch located immediately west of the town of Loomis in Okanogan County. The instant applications request amendments to the water rights appurtenant to a portion of the irrigated land on the ranch. The amendments are required so that the present irrigation practices are consistent with the existing water rights.

The lands to which the applications pertain are shown on Exhibit "A". Also shown are the authorized point of diversion and place of use and the proposed points of diversion and places of use under Certificates No. 6 and No. 49.

Certificate No. 6 of the Sinlahekin Creek adjudication authorized diversion of 1.86 cfs from Sinlahekin Creek at a point within Gov't Lot 2, Sec. 12, T. 38 N., R. 25 E.W.M., for irrigation of 100 acres within Lots 13-16, 19-24 and 180-194 of the government townsite of Loomis. Certificate No. 49 authorized diversion of 1.86 cfs from Sinlahekin Creek at a point within Gov't Lot 2, Sec. 12, T. 38 N., R. 25 E.W.M., for irrigation of 100 acres within the same property description as the place of use under Certificate No. 6.

Mr. Knorr presently irrigates approximately 165 acres of hay and pasture under the two certificates referenced above. The following points of diversion from Sinlahekin Creek and a well are used for irrigation of these lands.

1. An existing ditch, located 600 feet south and 900 feet west from the north quarter corner of Sec. 12, T. 38 N., R. 25 E.W.M., is used to divert water from Sinlahekin Creek for irrigation of approximately 40 acres in the SW $\frac{1}{4}$ of Sec. 1, T. 38 N., R. 25 E.W.M.
2. A GE 50 hp motor and Berkeley centrifugal pump, located 330 feet south and 600 feet east from the northwest corner of Sec. 1, T. 38 N., R. 25 E.W.M., divert up to 500 gpm from Sinlahekin Creek for irrigation of approximately 80 acres within Lots 181, 182, 183, 198, 13-16 and 19-24 of the government townsite of Loomis.
3. A Reliance 10 hp motor and Pacific centrifugal pump, located 1600 feet north and 400 feet west from the southeast corner of Sec. 35, T. 39 N., R. 25 E.W.M., divert water from Sinlahekin Creek to irrigate two fields lying on either side of Sinlahekin Creek immediately south of the confluence of Toats Coulee Creek with Sinlahekin Creek. The two fields total approximately 22 acres.
4. A 30 hp Fairbanks-Morse turbine withdraws water from a well located 250 feet north and 150 feet west from the southeast corner of Sec. 35, T. 39 N., R. 25 E.W.M., for irrigation of 24 acres in the portions of Lot 180 of the government townsite of Loomis and Sarsapkin Indian Allotment No. 6 lying east of Sinlahekin Creek. The well is situated approximately 200 feet east of Sinlahekin Creek. The nearest well is approximately 1000 feet to the southeast.

One point of diversion under Certificate No. 30 of the Sinlahekin Creek adjudication is

located along Sinlahekin Creek between the presently authorized point of diversion and the proposed points of diversion described on the instant applications. The Woodward Ditch, the headworks of which are located approximately 200 feet downstream from the ditch on Certificates No. 6 and No. 49, is used for irrigation of lands lying west of Sinlahekin Creek. There are no other intervening points of diversion from Sinlahekin Creek.

Sinlahekin Creek drains an area of approximately 86 square miles from Blue Lake to Palmer Lake. Sinlahekin Creek flows in a relatively wide U-shaped valley. The valley floor sediments are of glacial and fluvial origin and tend to be of high permeability, allowing a considerable degree of interaction between the creek and the ground water occurring in the sediments. Numerous springs feed Sinlahekin Creek along this reach.

The annual water requirement for irrigation of pasture or hay in the Loomis area is approximately 4 acre-feet per acre. The maximum instantaneous rate of diversion authorized under Certificates No. 6 and No. 49 was 1.86 cfs, or 0.0186 cfs per acre.

Section 90.08.380 of the Revised Code of Washington provides that the right to the use of public water which has been applied to beneficial use and shall be and remain appurtenant to the place upon which it is used and provides that the point of diversion of place of use may be changed without loss of priority if the change can be made without detrimentally affecting existing rights. Additionally, Chapter 90.14 of the Revised Code of Washington provides that any person entitled to appropriate water for beneficial use who fails to use all or any part of the water right for five successive years without sufficient cause for nonuse shall relinquish the right or portion of the right which is unused. Consistent with the above statutes, the Department of Ecology will entertain a change of water right on a certificate such as No. 6 or No. 49 of the Sinlahekin Creek adjudication only to the extent that beneficial use has been made.

CONCLUSIONS:

The writer concludes that Certificate No. 6 has been fully applied to beneficial use in the quantities described on Certificate No. 6. Certificate No. 49 appears to have been perfected in the amount of 1.21 cfs, 260 acre-feet per year for irrigation of 65 acres. The balance of Certificate No. 49 has not been applied to beneficial use and appears to have relinquished through nonuse. The writer further concludes that the requested changes of point of diversion to points downstream from the original point, change of point of diversion to a well located approximately 200 feet from Sinlahekin Creek and change of place of use will not detrimentally affect existing rights, nor enhance the right confirmed by said certificates.

RECOMMENDATIONS:

With respect to Certificate No. 6, the writer recommends the requested changes be approved as follows:

1.86 cfs, up to 400 acre-feet per year from Sinlahekin Creek for irrigation of 100 acres within Lots 13-16, 19-24 and 180-193 of the government townsite of Loomis. The authorized points of diversion are located as follows:

1. 600 feet south and 900 feet west from the north quarter corner of Sec. 12, within the NE $\frac{1}{4}$ of Sec. 12, T. 38 N., R. 25 E.W.M.
2. 3300 feet south and 600 feet east from the northwest corner of Sec. 1, within the NW $\frac{1}{4}$ of Sec. 1, T. 38 N., R. 25 E.W.M.

With respect to Certificate No. 49, the writer recommends the requested changes be approved as follows:

1.21 cfs, up to 260 acre-feet per year from Sinlahekin Creek and a well for irrigation of 65 acres within those portions of Lots 180 and 181 of the government townsite of Loomis, lying east of Sinlahekin Creek and within the Sarsapkin Indian Allotment No. 6, as depicted on Exhibit "A".

The authorized points of diversion or withdrawal are located as follows:

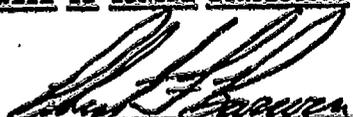
1. A well located 250 feet north and 150 feet west from the southeast corner of Sec. 35, within the SE $\frac{1}{4}$ of Sec. 35, T. 39 N., R. 25 E.W.M.

WM. KNORR and WM. JAEGER dba SINLAHEKIN RANCHES
Continued:

SWG 6 and SWG 49

2. Sinlahekin Creek at a point located 1600 feet north and 400 feet west from the south-east corner of Sec. 35, being with the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 35, T. 39 N., R. 25 E.W.M.
3. Sinlahekin Creek at a point located 3300 feet south and 600 feet east from the north-west corner of Sec. 1, within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 1, T. 38 N., R. 25 E.W.M.

Upon relinquishment of the unused portion of Certificate No. 49, certificates of change of water right will be issued consistent with the above recommendations.

REPORT BY:  DATE: 6-10-82
Robert F. Barwin

APPROVED BY:  DATE: 6/10/82
Doug Clausing, Regional Supervisor

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Signed at Yakima, Washington this 30 day of June,
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Russell K. Taylor
Russell K. Taylor, Regional Manager

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CONCLUSIONS:

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SWC 6 and SWC 49

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REPORT BY:


Robert F. Barwin

DATE:

6-10-82

APPROVED BY:


Doug Clausing, Regional Supervisor

DATE:

6/10/82

mjj