

State of Washington
Department of Ecology
Yakima Washington

IN THE MATTER OF THE APPLICATION FOR CHANGE)
BY HEINICKE ORCHARD REQUESTING A CHANGE IN)
THE PLACE OF USE AND POINT OF DIVERSION OF)
WATER USE UNDER SURFACE WATER)
CERTIFICATE S3-20682C)
Emergency Drought
Change Authorization

In accordance with the provisions of RCW 43.83B.405, on March 14, 2001, it was ordered and determined by the Director of the Department of Ecology that the State of Washington is under drought conditions. In accordance with the provisions of WAC 176-166-060, the Department of Ecology is under the terms of this Order, issuing an EMERGENCY DROUGHT CHANGE AUTHORIZATION. The intent of this authorization is to alleviate hardships and reduce the burdens on water users arising from the drought conditions.

Background

On April 12, 2001, Heinicke Orchards filed an application to change an existing water right from Lake Chelan to property they own and farm along the Columbia River in Chelan County. Irrigation of the Heinicke Orchard property is subject to interruption under the Columbia River Instream Resources Protection Program, WAC 173-563.

Surface Water Certificate S3-20682C

Certificate S3-20682C was issued to Sunshine Orchard and authorizes the diversion of 0.96 cfs, 220 acre-feet per year from Lake Chelan for the irrigation of 74 acres. This property is now owned by Dennis Evans Orchards, LLC. The point of diversion is located within Government Lot 4 of Section 16, T. 27 N., R. 22 E. W.M. Irrigation of 33 of the 74 acres will not occur on the authorized place of use this year and it is proposed that this amount of irrigation be transferred approximately 8 miles down river to the Heinicke Orchard property in Douglas County.

The place of use for the 74 acres authorized for irrigation under certificate S3-20682C lies within the W½W½ of Section 16, T. 27 N., R. 22 E. W. M., south of Primary State Highway No. 10. A map showing the authorized place of use was submitted with the application. This map shows the 33 acres that will not be irrigated during the 2001 irrigation season highlighted in yellow.

The diversion water duty under certificate S3-20682C is 0.013 cfs per acre and 3 acre-feet per acre irrigated. For the 33 acres being transferred, this amounts to 0.43 cfs and 99 acre-feet per year. This leaves 0.51 cfs and 121 acre-feet per year that can continue to be diverted under certificate S3-20682C for irrigation of the remaining 41 acres.

The Heinicke Orchard Property

The Heinicke Orchard property is located within the W½NW¼ and NW¼SW¼ of Section 5 and the NE¼SE¼ and E½NE¼ of Section 6, all in T. 26 N., R. 23 E. W. M., Douglas County. One water right permit authorizing irrigation of 80 acres is appurtenant to this property. Surface Water Permit S4-27234P authorizes the diversion of 1.78 cfs, 320 acre-feet per year from the Columbia River for irrigation of 80 acres. The Diversion authorized under permit S4-27234P is subject to interruption in accordance with the provisions of the Columbia River Instream Resources Protection Program, WAC 173-563.

A map, submitted with the application, identifies 10 orchard areas that are irrigated under Permit S4-27234P. The 10 orchard areas amount to 52.8 acres of irrigation. Non-interruptible water supply is being sought for these orchard areas. This Drought Emergency Change Application will transfer only 33 acres of non-interruptible water. Heinicke Orchard has filed another application to transfer Lake Chelan water authorized under SWC 574 for 6.3 acres and may file an additional application for the remainder of the 52.8 acres.

The point of diversion authorized under this permit is located within Government Lot 1 (NE¼ NE¼) of Section 6, T. 26 N., R. 23 E. W.M.

Conclusions and Decision

This transfer will ensure that 33 acres of the 52.8 acres of orchard irrigated by Heinicke Orchard will not be interrupted during the 2001 irrigation season. Authorizing this change of water rights from Lake Chelan and along the Chelan and Columbia rivers will not impair existing water rights.

This **DROUGHT EMERGENCY CHANGE DECISION** authorizes the transfer of 33 acres of irrigation under surface water certificate S3-20682C to property described as follows:

That part of the following described parcels lying south and east of (above) the old State Secondary Highway 10-D:

The $W\frac{1}{2}NW\frac{1}{4}$ and the $NW\frac{1}{4}$ ^{SW $\frac{1}{4}$} of Section 5; and the $NE\frac{1}{4}SE\frac{1}{4}$ and the $E\frac{1}{2}NE\frac{1}{4}$ of Section 6; all within T. 26 N., R. 23 E.W.M.

An instantaneous diversion rate of 0.43 cubic feet per second (193 gallons per minute) and up to a total volume of 99 acre-feet is authorized for use on the property.

The point of diversion is the existing pump station on the Columbia River located within Government Lot 1 ($NE\frac{1}{4}NE\frac{1}{4}$) of Section 6, T. 26 N., R. 23 E.W.M.

The following provisions shall apply to this change authorization:

A measuring devices approved by the Department of Ecology must be installed prior to use of the water.

Bi-weekly (every 2 weeks) readings of the measuring device shall be recorded and shall include the date and time of measurement, water flow rate, volume of water, and the name of the person taking the meter readings. Within 30-days of the end of this irrigation season, the permittee shall send a copy of this data to the Central Regional Office.

A map identifying the specific 33 acres of the total 52.8 acres of orchard shall be submitted to Ecology's Central Regional Office, within 15 days of the date of receipt of this drought emergency change authorization.

This drought emergency authorization expires on October 31, 2001.

REPORT BY: Sam Bailey DATE: 5/10/01
Samuel W. (Sam) Bailey

APPROVED BY: [Signature] DATE: 5/10/2001
Robert F. Barwin, Section Manager

SWB:gg
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Enclosure(s):