

file

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

REPORT OF EXAMINATION
TO APPROPRIATE PUBLIC WATERS OF THE STATE OF WASHINGTON

- Surface Water (Issued in accordance with the provisions of Chapter 117, Laws of Washington for 1917, and amendments thereto, and the rules and regulations of the Department of Ecology.)
- Ground Water (Issued in accordance with the provisions of Chapter 263, Laws of Washington for 1945, and amendments thereto, and the rules and regulations of the Department of Ecology.)

PRIORITY DATE August 17, 1983	APPLICATION NUMBER S4-28282	PERMIT NUMBER	CERTIFICATE NUMBER
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NAME Aeneas Lake Irrigation District			
ADDRESS (STREET) c/o Ned Chilmonik, P.O. Box 786	(CITY) Tonasket,	(STATE) Washington	(ZIP CODE) 98855

PUBLIC WATERS TO BE APPROPRIATED

SOURCE Okanogan River		
TRIBUTARY OF (IF SURFACE WATERS) Columbia River (Well's Pool)		
MAXIMUM CUBIC FEET PER SECOND 3.6	MAXIMUM GALLONS PER MINUTE	MAXIMUM ACRE-FEET PER YEAR 1575
QUANTITY, TYPE OF USE, PERIOD OF USE From March 15 to October 31 for irrigation of 1425 acres.		

LOCATION OF DIVERSION/WITHDRAWAL

APPROXIMATE LOCATION OF DIVERSION-WITHDRAWAL 450 feet south and 1380 feet east from the north quarter corner of Section 31.
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LOCATED WITHIN (SMALLEST LEGAL SUBDIVISION) Government Lot 10	SECTION 31	TOWNSHIP N. 37	RANGE, (E. OR W.) W.M. 27 E	W.R.I.A. 49	COUNTY Okanogan
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RECORDED PLATTED PROPERTY

LOT	BLOCK	OF (GIVE NAME OF PLAT OR ADDITION)
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LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED

Lands within the service area boundary of the Aeneas Lake Irrigation District, Okanogan County, Washington, as shown on Exhibit "A."

DESCRIPTION OF PROPOSED WORKS

See Report.

DEVELOPMENT SCHEDULE

BEGIN PROJECT BY THIS DATE: Begun	COMPLETE PROJECT BY THIS DATE: October 1, 1988	WATER PUT TO FULL USE BY THIS DATE: October 1, 1989
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REPORT

Background:

On August 17, 1983, the Aeneas Lake Irrigation District (ALID) filed an application to divert 3.6 cubic feet per second (cfs) from the Okanogan River for irrigation of 1425 acres. The application was assigned No. S4-28282 and a public notice was prepared and sent to the applicant. Proper public notice occurred and no objections to approval of the instant application were received during the statutory protest period.

In accordance with a memorandum of understanding between the Washington State Department of Ecology (WDOE), Game (WDOG), and Fisheries (WDOF), each application for surface water right is reviewed by the Departments of Fisheries and Game. In its review of the instant application, WDOG expressed opposition to its approval because ALID's proposal would result in authorization to divert additional water from the Okanogan River into Aeneas Lake. The basis for WDOG's objection appears later in this report.

Investigation:

Based upon field examination by the writer, discussion with the Board of Directors of ALID, discussion with Ken Williams of the WDOG, review of a reconnaissance report for enlargement of the ALID delivery system prepared by CH₂M-Hill and Associates, and review of the water right records of this office, the following data were gathered:

The ALID accesses approximately 1425 acres of agricultural land located 3 miles southwest of Tonasket, Washington in north-central Okanogan County. The ALID diverts up to 15.6 cfs (7000 gallons per minute (gpm)) from the Okanogan River at a point located approximately 450 feet south and 1380 feet east from the north quarter corner of Section 31, within Government Lot 10 of Section 31, T. 37 N., R. 27 E.W.M. Water is then distributed to individual farms within the district or it is discharged into Aeneas Lake. The water discharged into Aeneas Lake is either left there for maintaining the lake level or it is again pumped from the lake for irrigation of approximately 180 acres of land lying west of Aeneas Lake.

The ALID holds Surface Water Permit No. 15523, which is the district's existing water right allowing diversion of water from the Okanogan River. In addition, the district boundaries include several parcels of land that had prior groundwater or surface water rights. A brief description of the existing rights appurtenant to lands within the ALID boundaries are as follows:

1. Ground Water Certificate No. 4445 authorizes withdrawal of 795 gpm, up to 360 acre-feet per year from a well located within the S $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 23, for irrigation of 90 acres within the S $\frac{1}{2}$ NW $\frac{1}{4}$ and the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 23, T. 37 N., R. 26 E.W.M. Certificate of Change Volume 1-4, Page 203, issued April 15, 1982 authorized an additional point of withdrawal on Certificate No. 4445 at a point within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 23, T. 37 N., R. 26 E.W.M.
2. Ground Water Certificate No. 2578 authorizes withdrawal of 550 gpm, up to 320 acre-feet per year, from a well located within the N $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 23, for irrigation of 80 acres within the N $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 23, T. 37 N., R. 26 E.W.M.
3. Surface Water Certificate No. 8295 authorizes diversion of 1.0 cfs from Aeneas Lake at a point within Government Lot 6 of Section 25, T. 37 N., R. 26 E.W.M., for irrigation of 75 acres within Government Lots 6 and 7 of Section 25 and the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 26, T. 37 N., R. 26 E.W.M.
4. Ground Water Certificate No. 6103-A authorizes withdrawal of 1000 gpm, up to 500 acre-feet per year, from a well located within Government Lot 5 of Section 36, T. 37 N., R. 26 E.W.M., for irrigation of 125 acres within the following described parcel of land:

That part of the Ko-Mo-Del-Kish Indian Allotment No. 33 within Government Lot 11 of Section 25 and all of Allotment No. 33 lying within Section 36; T. 36 N., R. 27 E.W.M.; Government Lot 6 of Section 30, and Government Lot 13 and the N $\frac{1}{2}$ NW $\frac{1}{4}$ in Section 31, T. 37 N., R. 27 E.W.M.

The ALID's Permit No. 15523 was issued as a right supplemental, in part, to the prior rights described by Surface Water Certificate No. 8295 and Ground Water Certificate No. 6103-A. Permit No. 15523 in effect authorize irrigation of 700 acres of land in addition

to the 200 acres previously irrigated under Certificates 8295 and 6103-A. The purpose of the instant application is to increase the authorized rate of diversion from the Okanogan River from 12.0 cfs to 15.6 cfs and to increase the total acreage the district is authorized to irrigate from 900 to 1425 acres.

Surface Water Permit No. 15523 authorizes ALID to divert 12.0 cfs up to 2700 acre-feet per year from the Okanogan River for irrigation of 900 acres and 1200 acre-feet per year for lake level maintenance. The permit specifically provides that rights perfected under this filing shall be supplemental to Surface Water Certificate No. 8295 and Ground Water Certificate No. 6103-A. Therefore, the total annual diversion for irrigation use authorized under Permit No. 15523 shall not exceed 2700 acre-feet, less any amount withdrawn or diverted for irrigation under Certificates No. 6103-A and No. 8295.

Under authority of, and in response to, the Water Resources Act of 1971, Chapter 90.54 of the Revised Code of Washington (RCW), the Department of Ecology was required to formulate a management and use program for the waters of the State of Washington. With the help of the Okanogan River Basin Advisory Group, the program for the Okanogan Basin was drafted and in June of 1976 was adopted as Chapter 173-549 of the Washington Administrative Code (WAC).

On June 19, 1984, Chapter 173-549 WAC was revised and the formal effective date was established as July 19, 1984.

WAC 173-549, the Okanogan River Basin Plan, established minimum instream flows in the Okanogan and Similkameen Rivers.

The annual water requirement for irrigation of orchard and forage crops in this area is approximately 4.0 acre-feet per year. An instantaneous diversion of 3.6 cfs for the March 15 to October 31 period will provide a total of approximately 1575 acre-feet per year, or 3.0 acre-feet per year for the 525 acres covered by this application in addition to Surface Water Permit No. 15523.

Consideration of Objections:

The WDOG objects to approval of the instant application because the ALID water distribution system incorporates Aeneas Lake to convey a portion of their irrigation water. Experience over the past 15 years has shown that pumping Okanogan River water into Aeneas Lake transports undesirable fishes (cottids), or their eggs and eye fluke miracidium to Aeneas Lake. Aeneas Lake is managed by WDOG as quality fishing waters, which allows angling only by fly fisherman with barbless hooks. It is regarded as one of the better fly fishing trout lakes in Washington State.

In 1982, Aeneas Lake was rehabilitated, which resulted in elimination of cottids and the eye fluke. Following pumping by ALID into the lake, the infestation reappeared. The WDOG feels that increasing river inflow to Aeneas Lake will serve to exacerbate what is already an unacceptable situation.

Review of published water level records for Aeneas Lake indicates that although only about 160 acres of land are irrigated from the lake, the ALID's operation does have a significant impact on the lake level. Annual pumping from the Okanogan River to Aeneas Lake appears to be on the order of a few hundred acre-feet per year. The total volume of the lake is only about 1500 acre-feet.

The ALID does not intend to change, by this application, its historic operation pertaining to lake level maintenance of Aeneas Lake (which is authorized up to 1200 acre-feet per year under Permit No. 15523). Additionally, it is not expected that ALID will convey water through Aeneas Lake to any additional lands lying on the west side of Aeneas Lake.

Conclusions:

The writer concludes that water is available for the proposed beneficial use and that such an appropriation will not adversely affect existing rights nor will it be detrimental to the public interest.

Recommendations:

With respect to the above referenced factual findings and conclusions, the writer recommends that a permit be issued in the amount of 3.6 cfs up to 1575 acre-feet per year, for irrigation of 1425 acres within the boundaries of the Aeneas Lake Irrigation District.

This authorization to use public waters of the state is classified as a PUBLIC WATER ENTITY PERMIT in accordance with Chapter 90.66 RCW (Initiative Measure No. 59).

The permit shall be issued subject to Washington Department of Fisheries juvenile salmon screening criteria (pursuant to RCW 75.040) and/or Washington Department of Game gamefish screening criteria. Please contact the Department of Game, 600 North Capitol, Olympia, WA 98504, Attention: Habitat Management Division, Phone: (206)-753-3318 to obtain

specific gamefish (trout, bass, etc.) requirements for your project. Washington Department of Fisheries juvenile salmon screening criteria are attached to the Report of Examination if applicable to your diversion.

This authorization is subject to the provisions of Chapter 173-549 WAC as adopted in Olympia, Washington, July 20, 1984, and the general rules of the Department of Ecology as specified under Chapter 173-500 WAC.

Base flows as established at monitoring stations 12.4450.00 at river mile 50.8, Section 8, T. 36 N., R. 27 E.W.M. and 12.4472.00 at river mile 17.0, Section 9, T. 32 N., R. 25 E.W.M. and as presented in the table below shall be maintained by regulation of diversions as set forth in said WAC 173-549.

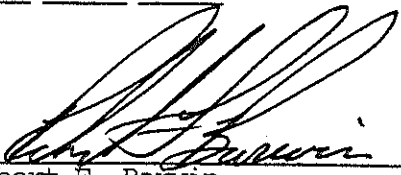
Base flow hydrographs, (WAC 173-549-900) shall be used for definition of base flows on those days not specifically identified in WAC 173-549.

Base Flows in the Okanogan River
(All Figures in Cubic Feet Per Second)

Station:	Lower Okanogan	Middle Okanogan
River Mile:	12.4472.00	12.4450.00
	17.0	50.8

Jan.	1	860	800
	15	830	800
Feb.	1	820	800
	15	850	800
Mar.	1	880	800
	15	900	800
Apr.	1	925	910
	15	1100	1070
May	1	1750	1200
	15	3800	3800
Jun.	1	3800	3800
	15	3800	3800
Jul.	1	2100	2150
	15	1200	1200
Aug.	1	800	840
	15	600	600
Sep.	1	620	600
	15	700	600
Oct.	1	750	730
	15	960	900
Nov.	1	950	900
	15	950	900
Dec.	1	930	900
	15	900	850

No diversion of water under this authorization shall take place when the flow of the river falls below the above flows.

REPORT BY: 
Robert F. Barwin

DATE: 8-10-84

APPROVED BY: 
Doug Clausing, Regional Supervisor

DATE: 8/10/84