STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
1250 W Alder St • Union Gap, WA 98903-0009 • (509) 575-2490

Attn: Ron Floren
Chiawana Orchards LLC – Vanderbilt Road
3107 River Road
Yakima, WA 98902

Re: Emergency Drought Authorization No. G4-33152-15

In accordance with the provisions of RCW 43.83B.405, on March 17, 2015, the Director of the Department of Ecology (Ecology) ordered and determined that the Yakima Basin is under drought conditions. Pursuant to WAC 173-166-070, Ecology is issuing this EMERGENCY DROUGHT AUTHORIZATION. The intent of this authorization is to alleviate hardships and reduce the burdens on water users arising from the drought conditions.

THIS AUTHORIZATION SHALL IN NO MANNER BE CONSTRUED TO GUARANTEE OR IMPLY THAT A FINAL (REGULAR) PERMIT WILL ISSUE FOR THE FUTURE USE OF WATER HEREIN AUTHORIZED.

The terms of your authorization are as follows:

Total Quantity in acre-feet:	87.54
Well Location:	W½SW¼ Section 01, T. 16 N., R. 19 E.W.M., Parcel 734433
Place of Use:	60 acres within NW¼ of Section 02, T. 16 N., R. 19 E.W.M.
Parcels:	953398, 953401, 17265, 17264, 17263, 19425, 19427, 19428, 18729, 950614, 953812, 953402, 953403, 17266, 18730.

This Temporary Emergency Drought Authorization expires December 31, 2015.

Provisions:

Use of water under this authorization is contingent upon the applicant's entry into and compliance with a cost-share agreement (Agreement) with Ecology. Failure to comply with the terms of the Agreement will result in cancellation of this authorization.

An approved measuring device must be installed and maintained for each of the sources identified in this temporary authorization in accordance with the rule "Requirements for Measuring and Reporting Water Use", WAC 173-173, which describes the requirements for data accuracy, device installation and operation, and information reporting.

Every two weeks, readings of the flow meter shall be recorded and maintained by the applicant. These readings shall be documented by time, date, withdrawal rate, and cumulative amount withdrawn. Copies of these records shall be submitted to Ecology by November 15, 2015.

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Department of Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the project location, and to inspect at reasonable times, records of water use, wells, diversions, measuring devices and associated distribution systems for compliance with this authorization.

All wells constructed in the state shall meet the "Minimum Standards for the Construction and Maintenance of Wells" (WAC 173-160) and "Water Well Construction" (RCW 18.104). In general, wells shall be located at least 100 feet from sources of contamination and at least 1,000 feet of the boundary of a solid waste landfill. Any well which is unusable, abandoned, or is an environmental, safety, or public health hazard shall be decommissioned.

Water may be used under this authorization only in relation to previously established activity as defined by chapter 173.166 WAC. This authorization only authorizes a supplemental water supply to the applicant's normal source of water.

This authorization may be terminated, in whole or in part, whenever withdrawals conflict with the flows protected by RCW 43.83B.410(1)(a)(iii), or whenever the provisions of this authorization are violated.

To develop a well in the Wanapum Aquifer, <u>the well must comply with the following construction requirements and restrictions</u>:

1) <u>Unperforated</u> casing shall be set or placed (not driven) twenty (20) feet into the top of Priest Rapids (basalt) of the Wanapum Formation, which is estimated to occur at or below a depth of approximately 550 feet below ground surface.
2) The well casing annulus shall be sealed into the top of the Priest Rapids with a neat cement or neat cement grout. The sealing material shall be placed in the annulus by pumping to seal the entire annulus from the bottom of the casing to the land surface.
3) The diameter of the drilled well shall be at least four (4) inches greater in diameter than the permanent casing to accommodate an adequate seal.
4) The well depth shall terminate at or above a depth corresponding to the top of the Grande Ronde Formation, which should be encountered at a depth of approximately 800 feet below ground surface.
5) Installation of an airline and an access port for water level measurement is required.

The requested well on Kittitas Parcel No. 734433 should have been constructed by August 1, 2015, as specified under G4-35034-15. If the new well is not completed, you must notify Ecology in writing and provide an estimated completion date and a statement describing how the new well will provide supplemental water during this irrigation season. If groundwater cannot be used during this irrigation season, it will be necessary to cancel this emergency authorization.

When flowing artesian conditions are known or suspected, the operator shall have a written sealing plan prepared prior to initiation of construction. Flowing wells shall be so constructed and equipped with valves to ensure that the flow of water can be completely stopped when not

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being used. Likewise, the well shall be so maintained as to prevent the waste of water through leaky casings, pipes, fittings, valves, or pumps -- either above or below land surface.

All water wells constructed within the state shall meet the minimum standards for construction and maintenance as provided under RCW 18.104 (Washington Water Well Construction Act of 1971) and WAC chapter 173-160-075 through 173-160-305 (Minimum Standards for Construction and Maintenance of Water Wells).

The applicant shall require the driller to collect and retain drill cuttings for Ecology to submit for laboratory analysis as follows:

The driller shall collect and retain basalt chip samples starting with the first basalt encountered and every 20 feet thereafter and at significant changes in lithology. The depth each sample is taken from shall be recorded with the sample. Gross sample size should be large enough to provide a net minimum of sixteen (16) ounces of dry, clean, washed basalt chips from each sample. Staff from Ecology will pick up the samples during and/or at the conclusion of drilling and may arrange for X-ray Fluorescence Analysis. As soon as the drilling schedule is established, the applicant shall notify Kurt Walker (509) 454-4237 at the Department of Ecology, Yakima, WA, to go over any questions and arrange for site access by Ecology staff.

YOUR RIGHT TO APPEAL

You have a right to appeal this decision to the Pollution Control Hearings Board (PCHB) within 30 days of the date of receipt of this decision. The appeal process is governed by chapter 43.21B RCW and chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal you must do the following within 30 days of the date of receipt of this decision:

- File your appeal and a copy of this decision with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this decision on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.

You must also comply with other applicable requirements in chapter 43.21B RCW and chapter 371-08 WAC.

ADDRESS AND LOCATION INFORMATION	
Street Addresses	**Mailing Addresses**
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	**Department of Ecology** Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
Pollution Control Hearings Board 1111 Israel Road SW Ste 301 Tumwater, WA 98501	**Pollution Control Hearings Board** PO Box 40903 Olympia, WA 98504-0903

For additional information visit the Environmental Hearings Office Website: http://www.eho.wa.gov
To find laws and agency rules visit the Washington State Legislature Website: http://www.leg.wa.gov/CodeReviser

Signed at Yakima, Washington, this 20 day of August 2015.

Sage Park, Section Manager
Water Resources Program
Department of Ecology

SP:MD:SS/150807a
WR ID# 6683998

Enclosures: Your Right To Be Heard
Flow Meter Requirements