STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
3601 W. Washington • Yakima, Washington 98903-1164 • (509) 575-2800

May 31, 1994

Eric and Kim Weinheimer
dba Big Sky Fruit
6609 Douglas Ct
Yakima WA 98908-1265

Re: Emergency Drought Authorization under Application No. G4-31377

In accordance with the provisions of RCW 43.83B.405, on May 12, 1994 it was ordered and determined by the Director of the Department of Ecology that the Yakima River basin is under drought conditions. In accordance with the provisions of WAC 173-166-060, the Washington State Department of Ecology is under the terms of this Order, issuing an EMERGENCY DROUGHT PERMIT. This authorization is conditioned by the following provisions and limitations:

1. The initiation date of this EMERGENCY PERMIT is May 16, 1994.

   This EMERGENCY PERMIT will terminate on or before December 1, 1994, unless sooner revoked by the Director of the Department of Ecology. **THIS AUTHORIZATION SHALL IN NO MANNER BE CONSTRUED TO GUARANTEE OR IMPLY THAT A FINAL (REGULAR) PERMIT WILL ISSUE FOR THE FUTURE USE OF THE FACILITY HEREIN AUTHORIZED.**

2. The approximate well location will be as follows: 1100 feet east and 1400 feet south of the northwest corner of Section 5, being within the S½ of the NW¼ of Section 5, T. 10 N., R. 22 E.W.M.

3. The following construction requirements must be satisfied before water use as described below can be started:

   For the purpose of making water level measurements, installation and maintenance of an access port as described in Ground Water Bulletin No. 1 is required. An air line and gage are also required when the well has a static water level greater than 100 feet below land surface. The air line shall be constructed of 1/4 inch minimum diameter galvanized steel pipe, or comparable material if pre-approved by the department. The air

line shall be equipped with a standard tire (Schrader) valve. Distance from land surface to the bottom end of the air line shall be clearly posted at the well site, accurate to 0.5 feet or less. The air line, access port, and all well equipment shall be installed and maintained to provide access for measurement of water levels.

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 Chapter 173-160 WAC (Minimum Standards for Construction and Maintenance of Water Wells).

The casing shall be set or placed (not driven) twenty (20) feet into the first solid, unfractured, nonporous, nonvesicular basalt flow occurring at or below 350 feet, whichever is greater. The well annulus shall be pressure grouted utilizing cement grout as a sealing agent from the bottom of the casing to land surface and the annulus shall be at least four (4) inches greater in diameter than the permanent casing. The well shall be restricted to a depth corresponding to the top of the Priest Rapids Member, which should be encountered at a depth of approximately 750 feet.

All other requirements specified by WAC 173-160 shall apply to this well.

After completion of construction, the well shall be video scanned (providing a visually clear and recognizable picture that is continuous from land surface to the terminus of the well) and the video tape reviewed by the Central Regional Office of the Washington State Department of Ecology prior to the installation of the production pump.

4. A suitable flow meter approved by the Department of Ecology shall be installed and maintained in accordance with WAC 508-64-020 through WAC 508-64-040. (Installation, operation and maintenance requirements attached hereto.)

Whenever water is being diverted, bi-weekly (every two weeks) readings of the flow meter shall be recorded and maintained by the permittee. Copies of these records shall be submitted to the Department of Ecology at the end of the 1994 irrigation season.

5. The quantity of water to be withdrawn is limited to 545 gpm, based on 7½ gallons per minute per acre and 57.9 acre-feet per year, based on 0.8 acre-feet per acre.

6. Water is to be used for supplemental irrigation of 72.4 acres from May 15 to December 1, 1994. The place of use is described as follows:

All that portion of Section 5, T. 10 N., R. 22 E.W.M., more particularly described as follows:

Beginning at a point on the south line of the SW¼NW¼ of said Section 5, which point is 462.5 feet east of the W¼ corner of the said Section; thence taking the west line of said Section 5 as a meridian, N 20°16'E along a certain ravine a distance of 524 feet; thence N 17°08'E along said ravine a distance of 633.5 feet; thence N 7°53'E along said ravine a distance of 210 feet, more or less, to the north line of said SW¼NW¼; thence east along said north line and along the north line of the SE¼NW¼ of said Section a distance of 1781 feet, more or less, to the northeast corner of the SE¼NW¼; thence south along the north and south center line of said Section a distance of 1311.5 feet, more or less, to the southeast corner of the SE¼NW¼ of said Section; thence continuing south along the said north and south center line a distance of 922 feet, more or less, to the north right-of-way line of the Outlook Irrigation District Supply Lateral; thence westerly and northerly along said north right-of-way line to its intersection with a certain ravine; thence N 13°34'E a distance of 310 feet, more or less, to the place of beginning.

EXCEPT the east 30 feet for County Road right-of-way, AND EXCEPT that portion of the NE¼SW¼ of Section 5, T. 10 N., R. 22 E.W.M., described as follows:

Beginning at the northeast corner of the SW¼ of said Section 5; thence N 89°03'56"W, along the north line of said SW¼ of Section 5, a distance of 1220.71 feet; thence S 00°08'40"W, a distance of 735 feet, more or less, to the north right-of-way line of the Outlook Irrigation District Supply Lateral; thence easterly along the north right-of-way line of said irrigation district lateral to the north-south centerline of Section 5; thence N 00°17'19"E a distance of 905.76 feet to the point of beginning.

Situated in Yakima County, State of Washington.

7. The irrigation water herein authorized to be withdrawn is supplemental to water made available under primary rights by the Roza Irrigation District. The only water herein permitted for withdrawal is water necessary to alleviate hardships and reduce burdens on water users arising from drought conditions. This amount shall not exceed 0.8 acre-feet per year per acre.

8. Withdrawal of water under this right may be limited or otherwise regulated in favor of senior rights.

9. Construction of the well under this permit must begin by October 1, 1994. No new well construction shall be allowed after this date. Construction of the well shall be completed no later than October 15, 1994.

You have the right to obtain review of this order. Request for review must be made, within thirty (30) days of receipt of this order, to the Washington Pollution Control Hearings Board, PO Box 40903, Olympia, Washington 98504-0903. Concurrently, a copy of the request must be sent to the Department of Ecology, PO Box 47600, Olympia, Washington 98504-7600. These procedures are consistent with the provisions of Chapter 43.21B RCW and the rules and regulations adopted thereunder.

Sincerely,

Doug Clausing

Doug Clausing
Section Manager
Water Resources Program

DC:KB:gh
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Enclosures: Flow Measurement Record
Flow Meter Requirements
Ground Water Bulletin No. 1

cc: Yakama Indian Nation
Dale Bambrick
Wendell Hannigan