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STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

3601 W. Washington • Yakima, Washington 98903-1164 • (509) 575-2800

July 13, 1994

Terry Mohar
801 Mohar Road
Grandview WA 98930-9638

Re: Emergency Drought Authorization under Applications No. G4-31347 and No. G4-32054

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 July 5, 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. This authorization is for a single well located within the S½NW¼ of Section 1, T. 9 N., R. 23 E.W.M.

   Following the public notice of the original application, G4-31347, two protests were received. One protest was from Hugh Carlson, with a water right and well located in Section 2. Mr. Carlson's well is 177 feet deep and completed into the Rattlesnake Ridge interbed above the Pomona member of the Saddle Mountain Basalt formation. Casing and sealing the proposed well into the Saddle Mountain Basalt formation will protect this right from possible interference. The second protest was from Washington Fruit and Produce Company which has a water right and well located to the northwest in Section 35. Their well is 926 feet deep and completed into the Wanapum Basalt formation. Restricting the proposed well to the Saddle Mountain formation will protect this well from interference.

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

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 200 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 Mabton Interbed, which should be encountered at a depth of approximately 550 feet.

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).

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. These readings shall be documented by time, date, withdrawal rate, and the person conducting the measurements. 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 445 gallons per minute (gpm) and 47.4 acre-feet per year. This is based upon the instantaneous quantity requested in the application and an annual quantity of 0.8 acre-feet per acre.

6. Water is to be used for supplemental irrigation of 59.2 acres from May 15 to December 1, 1994. The place of use is described as follows:

   Lot 2, short plat 80-8, within the S½NW¼ of Section 1 (Yakima County parcel #230901-23402), and Yakima County parcel #230901-23401, within the SW¼NW¼ of Section 1, and Yakima County parcel #230901-14001, within the SE¼NE¼ of Section 1, all within T. 9 N., R. 23 E.W.M.

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:PC:ska
940709.wr4

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

cc: Yakama Indian Nation
Dale Bambrick
Wendell Hannigan