

CHUCK CLARKE  
Director



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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

July 17, 1992

Merton G Raine  
20710 N Wenas Road  
Selah WA 98942

Re: Emergency Drought Authorization - Merton G. Raine  
(see Ground Water Application No. G4-31161)

In accordance with the provisions of RCW 43.83B.405, it was ordered and determined by the Director of the Department of Ecology on June 29, 1992, that the Yakima River basin is under drought conditions. The Yakima River basin is comprised of Water Resource Inventory Areas 37, 38, and 39. Wenas Creek is a tributary of the Yakima River.

Merton G. Raine owns that part of the S $\frac{1}{2}$ SE $\frac{1}{4}$  of Section 19, T. 16 N., R. 17 E.W.M. described as follows:

Beginning at the northwest corner of said subdivision; thence east along the north line of said subdivision 373 feet; thence southeasterly and parallel with the County Road 600 feet; thence south and parallel with the west line of said subdivision 308 feet, more or less, to the center line of the County Road; thence northwesterly along the center line of said County Road 1036 feet, more or less, to the west line of said subdivision; thence north along the west line of said subdivision to the point of beginning.

The only water right of record that may be appurtenant to this property is a Class 13 adjudicated water right, Wenas Creek Adjudicated Certificate No. 26. This water right grants water for irrigation of 69.76 acres within the E $\frac{1}{2}$ SE $\frac{1}{4}$  and a portion of the SW $\frac{1}{4}$  of Section 19, T. 16 N., R. 17 E.W.M., and was confirmed by the general adjudication of the waters of Wenas Creek, Superior Court Decree No. 12935.

The applicant's property is located above the old gravity flow irrigation ditch which delivered Wenas Creek water to the actual irrigated lands authorized by Adjudicated Certificate No. 26. Therefore, I must conclude that this property does not enjoy creek rights under Certificate No. 26.

The applicant reports that this property has been irrigated for many years with water from the subject well. The applicant wants to deepen the well and increase the pumping rate to 70 gallons per minute.

There is no ground water right of record for the applicant's historic irrigation use from the subject well.

In accordance with the guidance of Chapter 173-166 Washington Administrative Code (WAC) and the Drought Declaration Order, the Washington State Department of Ecology can only issue an Emergency Drought Authorization for lands which have existing water rights and for

FILE COPY

EMERGENCY AUTHORIZATION

Page 2

supplemental supply to existing crops. No water right exists for the applicant's property. Therefore, Mr. Merton G. Raine's application for an Emergency Ground Water Permit is denied.

This denial shall in no manner imply or be construed to impact the (regular) permit decision which will be made in the future. Ground Water Application No. G4-31161 was submitted to the Department of Ecology on February 11, 1992. A formal permit decision will be made at a future undetermined date. That decision will evaluate the need for a primary water right for the applicant's property, described above, in the S $\frac{1}{2}$ SE $\frac{1}{4}$  of Section 19, T. 16 N., R. 17 E.W.M., Yakima County.

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,



Darlene M. Frye  
Technical Unit Supervisor  
Water Resources Program

DMF:gh  
920733.ep