



STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

15 West Yakima Avenue, Suite 200 • Yakima, Washington 98902-3452 • (509) 575-2490

September 7, 2001

Cervantes Orchards
5881 Bethany Rd
Sunnyside WA 98944

Re: Emergency Drought Permit G4-34521

In accordance with the provisions of RCW 43.83B.405, on March 14, 2001, it was ordered and determined by the Director of the Department of Ecology that the State of Washington is under drought conditions. In accordance with the provisions of WAC 176-166-060, the Department of Ecology is under the terms of this Order, issuing an EMERGENCY DROUGHT PERMIT. 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 THE WATER USE HEREIN AUTHORIZED.

The Department of Ecology has agreed to fund the cost of the mitigation or offsets for the impacts associated with the drought emergency authorizations. Ecology is attempting to meet the essential irrigation needs of farmers growing orchard crops, grapes and hops where the loss of irrigation water would permanently damage trees and vines. Essential needs have been defined as 75% to 80% of a usual irrigation water duty delivered by the irrigation districts.

This authorization is conditioned by the following provisions and limitations:

This authorization request is for one existing domestic well said to be approximately 200 feet deep and located approximately 1900 feet N and 100 feet E from the S $\frac{1}{4}$ corner of Section 7 within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 7, and a proposed irrigation well to be located approximately 1320 feet North and 300 feet East from the S $\frac{1}{4}$ corner of Section 7, within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 7, BOTH in T. 10 N., R. 23 E.W.M.

Critical construction data on the existing well is not available and therefore the well cannot be approved or used as an irrigation well as it may impact existing water users. A new irrigation well would have to be drilled and comply with the following construction requirements and restrictions:

- (a) The casing shall be set or placed (not driven) twenty (20) feet into the first solid, unfractured, nonporous, non-vesicular solid basalt flow occurring at or below 440 feet;
- (b) The well annulus shall be sealed with a bentonite slurry, neat cement, or 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. Active solid content of the bentonite shall be twenty percent by weight or greater in all bentonite slurries;
- (c) The well annulus shall be at least four (4) inches greater in diameter than the permanent casing and;
- (d) The well depth shall terminate at or above a depth corresponding to the top of the Priest Rapids (basalt) approximately 850 feet deep (Mabton may be clay rich in this area – uncertain).
- (e) Installation of an airline and an access port for water level measurement is required.

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Further, 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 below the 200-foot depth every 20 feet 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 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 arrange for X-Ray Fluorescence Analysis. As soon as the drilling schedule is established, the applicant shall notify Anna Hoselton [(509) 454- 7887] at Department of Ecology, Yakima, WA, to go over any questions and arrange for site access by Ecology staff.

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 quantity of water to be withdrawn is limited to a total of 300 gpm and 53.41 acre-feet per year to irrigate 76.3 acres of wine grapes. This is based upon the instantaneous quantity requested in the application and an annual quantity of 0.7 acre-feet per acre for wine grapes.

Water is to be used for supplemental irrigation of 76.3 acres of wine grapes from May 1 to October 31, 2001. The place of use is described as follows:

The W $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 7, T. 10 N., R. 23 E.W.M.; EXCEPT the West 25 feet thereof for County Road; AND EXCEPT the South 30 feet thereof for county Road; AND EXCEPT an irregular shaped parcel of land described as follows:

Beginning at a point 60 feet N and 30 feet East of the S $\frac{1}{4}$ corner of Section 7, T. 10 N., R. 23 E.W.M.; thence Westerly parallel to the south line of said Section a distance of 5 feet; thence Southerly parallel to the North-South centerline of said Section a distance of 30 feet; thence Easterly parallel to the South line of said Section a distance of 35 feet; thence Northwesterly in a straight line to the point of beginning. Yakima County Parcel No. 231007-43002 and 42001.

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 2001 irrigation season.

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

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Department of Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the records of water use that are kept to meet the above conditions, and to inspect at reasonable times any measuring device used to meet the above conditions.

This drought emergency authorization expires on October 31, 2001.

Sincerely,

A handwritten signature in black ink, appearing to read 'RFB', with a long horizontal line extending to the right.

Robert F Barwin
Section Manager

PK:RFB:gg
010903

Enclosures: Flow Meter Requirements
cc: Yakama Nation



STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

15 West Yakima Avenue, Suite 200 • Yakima, Washington 98902-3452 • (509) 575-2490

September 7, 2001

To: Carroll Palmer, Yakama Nation

RE: Emergency Drought Permit Authorizations re: G4-34517, G4-34521, G4-34522

Enclosed are copies of the Department of Ecology's Emergency Drought Permit Authorizations, which constitutes our determination and order regarding the above-referenced applications. If you have any questions or concerns about any of this information, please call Carol Mortensen of the Department of Ecology at (509) 575-2597.

This Order may be appealed pursuant to RCW Chapter 43.21B. The person to whom this Order is issued must file an appeal with the Pollution Control Hearings Board within thirty (30) days of receipt of this Order. Send the appeal to: Pollution Control Hearings Board, P.O. Box 40903, Olympia, Washington 98504-0903. At the same time, a copy of the appeal must be sent to: Department of Ecology, Fiscal Office, P.O. Box 47615, Olympia, Washington 98504-7615. All others receiving notice of this Order must file an appeal with the Pollution Control Hearings Board within thirty (30) days of the date the Order was mailed in the same manner described above.

Sincerely,

Robert F. Barwin, Section Manager
Water Resources Program

RFB:gg
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Enclosures: Emergency Drought Change Authorization(s)

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