



STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

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

September 18, 2001

Cervantes Orchards
5881 Bethany Rd
Sunnyside WA 98944

Re: Emergency Drought Permit G4-34520

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 173-166-060, 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 (G4-30627) 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 an existing well drilled under Emergency Drought Application No. G4-30627. The well is thought to be 650 feet deep and located approximately 200 feet north and 2500 feet W from the SE corner of Section 14, within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 14, T. 10 N., R. 23 E.W.M.

There is no Water Well Report for the existing well to show critical construction data, therefore, the well cannot be approved or used as an irrigation well as it may impact existing water users. A new irrigation well must be drilled or the existing well repaired to 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 (Pomona flow) occurring at or below 225 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;

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- (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) Member of the Wanapum Formation, which should be encountered, at a depth of approximately 600 feet.
- (e) Installation of an airline and an access port for water level measurement is required.
- (f) If the well is repaired, a down hole video scan will be done to insure proper repair.

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 well may not be able to produce the requested quantity of water due to the geology and water availability in the aquifer.

The quantity of water to be withdrawn is limited to a total of 600 gpm and 211.2 acre-feet per year to irrigate a 105.6 acre orchard. This is based upon the instantaneous quantity requested in the application and an annual quantity of 2 acre-feet per acre for orchard.

Water is to be used for supplemental irrigation of 105.6 acres of orchard from May 1 to October 31, 2001. The place of use is described as follows:

That part of the SW $\frac{1}{4}$ of Section 14 lying W of the Roza Canal, EXCEPT the NW $\frac{1}{4}$ SW $\frac{1}{4}$; That part of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ lying Southwesterly of Roza Canal; AND that part of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ lying W of Roza Canal; ALL within T. 10 N., R. 23 E.W.M.

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.

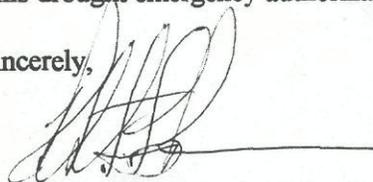
Withdrawal of water under this right may be limited or otherwise regulated in favor of senior rights.

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.

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This drought emergency authorization expires on October 31, 2001.

Sincerely,

A handwritten signature in black ink, appearing to be 'R. Barwin', written over a horizontal line.

Robert F Barwin, Section Manager
Water Resources Program

PK:RFB:gg
010921

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 18, 2001

To: Carroll Palmer, Yakama Nation

RE: Emergency Drought Permit Authorizations re: G4-34518 and G4-34520

Enclosed are copies of the Department of Ecology's Emergency Drought Permit Authorization(s), which constitutes our determination and order regarding the above-referenced application(s). 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

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Enclosures: Emergency Drought Change Authorization(s)

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