



STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

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

August 2, 2001

Tudor Hills Vineyard Inc.
PO Box 525
Grandview, WA 98930

Re: Emergency Drought Permit G4-34512

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 is for an existing well located on property owned by Terry K Mohar (Emergency Drought Permit No. G4-32967) approximately 1411 feet S and 1332 feet E from the NW corner of Section 1, within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 1, T. 9 N., R. 23 E.W.M. The well is 470 feet deep, 10 inches in diameter, air tested at 500 gpm, and had a static water level of 95 feet in 1994.

The quantity of water to be withdrawn is limited to 250 gpm and 110 acre-feet per year to irrigate 55 acres of orchard.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 55 acres of orchard from May 1 to October 31, 2001.



The place of use is described as follows:

All that part of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 1, T. 9 N., R. 23 E.W.M., lying S of the East Turbine Lateral right of way; EXCEPT right of way for County Road along the South line thereof; AND EXCEPT beginning at the SW corner of the NE $\frac{1}{4}$ of Section 1, T. 9 N., R. 23 E.W.M.; thence N 1°13'54" E along the subdivision line 1,173.4 feet, more or less to the South right of way line of the East Turbine Lateral and the true point of beginning; thence S 1°13'54" W 1,173.4 feet to the SW corner of the NE $\frac{1}{4}$ of said Section 1; thence S 89°45'45" E along the subdivision line 184.8 feet; thence N 1°34'15" E 1,251.2 feet, more or less, to the South right of way line of the East Turbine Lateral; thence Westerly along said right of way line to the true point of beginning. Situated in Yakima County, State of Washington. Parcel No. 230901-24001-3.

AND

Lot "B" of Short Plat No. 91-76, records of Yakima County, Washington.

SUBJECT TO easements, rights of way, reservations and restrictive covenants appearing in the chain of title or otherwise apparent, laws, contacts and proceedings relative to water, water rights, and drainage, and to taxes, assessments and charges falling due against the premises subsequent to the date hereof, and further subject to pending litigation for the determination of rights to use surface waters of the Yakima River Drainage Basin.

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.)

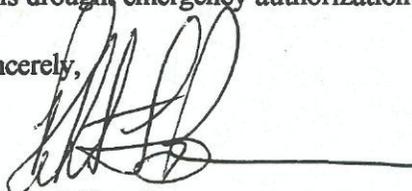
Whenever water is being diverted, bi-weekly (every two weeks) readings of the flow meter shall be recorded and maintained by the permittee. These readings shall be documented by time, date, withdrawal rate, and the person conducting the measurements. Copies of these records shall be submitted to the 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.

This drought emergency authorization expires on October 31, 2001.

Sincerely,



Robert F Barwin
Section Manager

PK:RFB:gg
010818

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

August 7, 2001

To: Carroll Palmer, Yakama Nation

RE: Emergency Drought Permit Authorization re: G4-34512

Enclosed is a copy 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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