



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

April 11, 2005

John A & Carol A Jaksch
2500 S Vancouver St
Kennewick WA 99337-3647

Re: Emergency Drought Permit No. G4-34985

In accordance with the provisions of RCW 43.83B.405, on March 10, 2005, 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 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 perennial crops (such as orchard crops, grapes, hops, etc.) where the loss of irrigation water would permanently damage the crops. Through the use of emergency supplemental wells, Ecology is authorizing up to 80% of the usual irrigation water supply delivered by the irrigation districts. In a normal year, Kennewick Irrigation District (KID) is prepared to deliver 3.5 acre-feet of water per acre. 80% of 3.5 acre-feet is 2.8 acre-feet. KID is expected to deliver approximately 1.75 acre-feet of water. This authorization will allow up to 1.05 acre-feet of water per acre.

This authorization is subject to the following limitations and provisions:

This authorization is for a new well located approximately 2,140 feet east and 860 feet north of the SW corner of Section 11, T. 8 N., R. 29 E.W.M.

The instantaneous quantity of water to be withdrawn is limited to 150 gallons per minute.

A total of 4.73 acre-feet of water is authorized under this emergency permit for the supplemental irrigation of 4.5 acres of cherry orchard.

The place of use is described as follows:

Short Plat No. 1412 Lot 2, together with Short Plat No. 205 Lot 2, together with Lot 1 except the North 98.69 feet of the East 156.0 feet of said Lot 1, within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 11, T. 8 N., R. 29 E.W.M., Benton County, Washington.

At the proposed well location the applicant may construct a well into either (1) the unconsolidated surficial sediments which drain directly to the Columbia River or (2) the Saddle Mountains Basalt.



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(1) If the well is developed into the **sediment aquifer**¹, the well must comply with the following construction requirements and restrictions:

- (a) The well shall be sealed in compliance with the minimum standards for sealing wells into an unconsolidated formation as described in WAC 173-160-231 and 173-160-241 and must terminate at the first occurrence of solid Basalt underlying the sediments. The basalt basement should be encountered at about 120 feet below the ground surface.
- (b) Installation of an airline and/or access port for water level measurement is required.

OR

(2) If the well is developed into the **Saddle Mountains aquifer**², the well must comply with the following construction requirements and restrictions:

- (a) Unperforated casing shall be set or placed (not driven) twenty (20) feet into the top of Ice Harbor Member (basalt) of the Saddle Mountain Formation, which is estimated to occur at or below a depth of approximately 120 feet.
- (b) The well shall be sealed in compliance with the minimum standards for sealing wells into a consolidated formation as described in WAC 173-160-241.
- (c) It is understood from the application that the intent is to drill a well approximately 300–400 feet in total depth. The proposed depth assures production from Saddle Mountains aquifer, however, if the applicant chooses to drill deeper than 400 feet, the well depth shall terminate at or above a depth corresponding to the top of the Priest Rapids Member of the Wanapum Formation. Since thickness of the Saddle Mountains aquifer is somewhat uncertain, chip samples and drilling notes shall be submitted during drilling of a deeper well (for sample submission see related information below). Well termination depth is dependant on this information, but is assumed to be around 1020 feet.
- (d) Installation of an airline and an access port for water level measurement is required.

If the well is drilled to a depth greater than the proposed depth of 400 feet, 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 starting with the first basalt encountered and every 20 feet thereafter 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 sixteen (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 may arrange for X-ray Fluorescence Analysis. As soon as the drilling schedule is established, the applicant shall notify Anna Hoselton (509) 454-7887 or Ron Dixon (509) 454-7897 at the Department of Ecology, Yakima, WA, to go over any questions and arrange for site access by Ecology staff.

¹ Area well logs suggest the sediment aquifer may yield less than the authorized instantaneous quantity of water (150 gpm).

² At the proposed well location, the total thickness of the Saddle Mountains Aquifer is uncertain; however projections from wells drilled to the northwest of this site and their corresponding well logs suggest a thickness around 900 feet.

When flowing artesian conditions are known or suspected, the operator shall have a written sealing plan prepared prior to initiation of construction. Flowing wells shall be so constructed and equipped with valves to ensure that the flow of water can be completely stopped when not being used. Likewise, the well shall be so maintained as to prevent the waste of water through leaky casings, pipes, fittings, valves, or pumps -- either above or below land surface.

All water wells constructed within the state shall meet the minimum standards for construction and maintenance as provided under Chapter 18.104 RCW (Washington Water Well Construction Act of 1971) and WAC 173-160-075 through 173-160-305 (Minimum Standards for Construction and Maintenance of Water Wells).

The new well shall be constructed by August 1, 2005. If the new well is not completed by August 1, 2005, you must notify Ecology and provide us with an estimated completion date and a statement describing how the well will be used to provide supplemental water this year. If the well cannot be completed in sufficient time to provide water this year, this emergency permit will be cancelled.

A suitable flow meter approved by the Department of Ecology shall be installed and maintained in accordance with Chapter 173-173 WAC. (Installation, operation and maintenance requirements attached hereto.)

Whenever water is being withdrawn, 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 by November 15, 2005.

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.

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

This authorization shall in no way excuse the applicant from compliance with any applicable federal, state, or local statutes, ordinances, or regulations including those administered by other programs of the Department of Ecology, those administered by local and state health departments for well site approvals, and those administered by local agencies regarding drilling wells within city limits.

This drought emergency authorization expires on October 31, 2005.

John A. and Carol A. Jaksch
April 11, 2005
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This Order may be appealed pursuant to Chapter 43.21B RCW. Any person wishing to appeal this Order 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, PO Box 40903, Olympia, Washington 98504-0903. At the same time, a copy of the appeal **must** be sent to: Department of Ecology, Water Resources Appeals Coordinator, PO Box 47600, Olympia, Washington 98504-7600.

Sincerely,



Robert F. Barwin, Section Manager
Water Resources Program
Central Region Office

RFB:gg
050460

Enclosures: Flow Meter Requirements
 Your Right To Be Heard

cc: Carroll Palmer, Director, Natural Resources Division, Yakama Nation
 Curt Hart, Water Resources Program, HQ