



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

September 23, 2005

Kennewick Irrigation District
Bill Pope
12 W Kennewick Ave
Kennewick WA 99336-3832

Re: Emergency Drought Permit No. S4-35067 – Kennewick Irrigation District

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.

The Kennewick Irrigation District (KID) has requested the use of Badger Mountain Irrigation District's (BMID) diversion and water transmission facilities to divert water from McNary Pool of the Columbia River to supplement its surface water diversion from the Yakima River. The application requests a new temporary drought authorization and does not request the use of existing BMID water rights.

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.

Diversions from the Columbia River are not being curtailed this year for instream flow purposes pursuant to WAC 173-563-050. This authorization is for a time period outside of the flow regime found in Appendix B of the NMFS 1995 Biological Opinion, "Basis for Flow Objectives for Operation of the Federal Columbia River Power System, February 1995."

Through the use of emergency water supply facilities, Ecology is authorizing up to 80% of the usual irrigation water supply. In a normal year, KID is prepared to deliver 3.5 acre-feet of water per acre. KID is expected to deliver approximately 1.75 acre-feet of water per acre. This authorization will allow an additional 274 acre-feet to irrigate the 20,201 irrigated acres within the KID.

This authorization is subject to the following limitations and provisions:

This authorization is for the use of an existing point of diversion at the following location:

1,325 feet north and 1,903 feet west of the southeast corner of Section 23, within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 23, Township 9 N., Range 28 E.W.M., Benton County Washington.

The instantaneous quantity of water to be withdrawn under this emergency drought permit is limited to 6.0 cubic feet per second (cfs).

A total of 273 acre-feet of water per year to irrigate various crops within the KID service area is authorized under this emergency permit.

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The place of use is described as follows:

Lands within the boundaries of the Kennewick Irrigation District, Benton County, Washington.

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 diverted, weekly 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.

The water sources and/or water transmission facilities may not be located entirely upon the land owned by the applicant. Therefore, the applicant is advised that issuance of a permit by this department for appropriation of the waters in question does not convey a right of access to, or other right to use, land which the applicant does not legally possess.

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 drought emergency authorization expires on October 15, 2005.

You have the right to appeal this decision to the Pollution Control Hearings Board. Pursuant to Chapter 43.21B RCW, your appeal must be filed with the Pollution Control Hearings Board, and served on the Department of Ecology, within thirty (30) days of the date of your receipt of this document.

To appeal this decision, your notice of appeal must contain a copy of the Ecology decision you are appealing.

Your appeal must be filed with:

The Pollution Control Hearings Board
4224 - 6th Avenue SE Rowe Six Bldg 2
PO Box 40903
Lacey WA 98504-0903

Your appeal must also be served on:

The Department of Ecology
Appeals Coordinator
PO Box 47608
Olympia WA 98504-7608

In addition, please send a copy of your appeal to:

Robert F. Barwin
Department of Ecology
15 W Yakima Ave Ste 200
Yakima WA 98902-3452

Sincerely,



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

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Enclosures: Flow Meter Requirements

cc: Philip Rigdon, Deputy Director, Natural Resources Division, Yakama Nation
Ray Newkirk, Department of Ecology