



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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

May 19, 2005

Jose J. Guzman  
PO Box 576  
Tieton WA 98942-0576

**Re: Emergency Drought Permit No. G4-35013**

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, Roza Irrigation District is prepared to deliver 3 to 3.3 acre-feet of water per acre. 80% of 3.3 acre-feet is 2.6 acre feet. Roza Irrigation District is expected to deliver approximately 0.84 acre-foot of water. This authorization will allow an additional 1.8 acre-feet of water per acre for apple orchards.

This authorization is subject to the following limitations and provisions:

This authorization is for the use of a proposed well to be located within the NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 16, T. 12 N., R. 20 E.W.M.

The instantaneous quantity of water to be withdrawn under this emergency permit is limited to 200 gallons per minute.

A total of 72 acre-feet of water per year to irrigate 40 acres of apples is authorized under this emergency permit.

The place of use is described as follows:

The NE $\frac{1}{2}$ NE $\frac{1}{4}$  of Section 16, T. 12 N., R. 20 E.W.M. records of Yakima County, Washington: EXCEPT that portion conveyed to Yakima County for roads by deeds recorded under Auditor's File Numbers 1846946 and 1846947.(Parcel No. 201216-11001)

**FILE COPY**



To develop a well in the Ellensburg Aquifer, the well must comply with the following construction requirements and restrictions:

- (a) The well must terminate at or above the first occurrence of basalt. At the proposed well location the basalt is estimated to occur at approximately 1,000 feet below the ground surface. In order to protect known domestic wells in the area unperforated casing shall be set or placed (not driven) to a depth of 250 feet.
- (e) Installation of an airline and an access port for water level measurement is required.

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 other provisions of Chapter 173-160 WAC apply.

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 WAC Chapter 173-160-075 through 173-160-305 (Minimum Standards for Construction and Maintenance of Water Wells).

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, 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 season.

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 31, 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

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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

RFB:gg  
050527

Enclosures: Flow Meter Requirements  
Your Right To Be Heard

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