STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
15 West Yakima Avenue, Suite 200 • Yakima, Washington 98902-3452 • (509) 575-2490

August 16, 2005

Eberhart Associates Inc.
1601 Lawrence Road
Ellensburg WA 98926-9790

Re: Emergency Drought Permit No. G4-32994-05

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. The Kittitas Reclamation District normally delivers water from April 20 through October 15, but stopped delivering water on August 11, 2005. New water use issued under this authorization will be based on 80 percent of the Crop Irrigation Requirements (CIR) listed in the State of Washington Irrigation Guide for the month of August through October 15.

The applicant irrigates 25 acres of apples, and 166 acres of hay. 80 percent of the CIR, for the remainder of the season, for apples with cover plus a seventy percent efficiency factor equals 1.43 acre-feet per acre. 80 percent of the CIR, for the remainder of the season, for alfalfa plus a seventy percent efficiency factor equals 1.07 acre-feet per acre.

This authorization is subject to the following limitations and provisions:

This authorization is for an existing well located 1190 feet south and 100 feet west of the north quarter corner of Section 2, being within the NE¼NW¼ of Section 2, T. 16 N., R. 19 E.W.M. The well is authorized under Ground Water Permit No. G4-29526P.

The instantaneous quantity of water to be withdrawn is limited to 1435 gpm.

A total of 213.37acre-feet of water is authorized under this emergency permit for the supplemental irrigation of 25 acres of fruit orchard and 166 acres of hay.

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The place of use is described as follows:

Kittitas County Parcel Nos. 16-19-02010-0009, 16-19-02020-0013, 16-19-02030-0005, 16-19-02030-0007, 16-19-02030-0013, 16-19-02030-0014, 16-19-02030-0015, 16-19-02030-0016, 16-19-02040-0014, 16-19-02040-0015, 16-19-02040-0016, 16-19-02040-0017, 16-19-02040-0018, 16-19-02040-0019, 16-19-02040-0020, 16-19-02040-0021, 16-19-02040-0022, 16-19-02040-0023, 16-19-02040-0024, 16-19-02040-0027, 16-19-02040-0028, 16-19-02040-0029 being within Section 2, T. 16 N., R. 19 E.W.M., AND Kittitas County Parcel Nos. 16-19-11000-0001, 16-19-11000-0002, 16-19-11000-0003, 16-19-11000-0004, 16-19-11000-0005, 16-19-11000-0006, 16-19-11000-0007, 16-19-11000-0008, 16-19-11000-0009, 16-19-11000-0010, 16-19-11000-0011, 16-19-11000-0012, 16-19-11000-0013, 16-19-11000-0014, 16-19-11000-0015, 16-19-11000-0017, 16-19-11000-0022, being within Section 11, T. 16 N., R. 19 E.W.M.

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 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, Dept. of Ecology

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Enclosures: Flow Meter Requirements
Your Right To Be Heard

cc: Philip Rigdon, Deputy Director, Natural Resources Division, Yakama Nation
Curt Hart, Water Resources Program, HQ