



STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

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

May 22, 2001

Urban Eberhart  
Eberhart Associates Inc.  
P.O. Box 877  
Ellensburg, WA 98926

**Re: Emergency Drought Permit G4-32994**

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 emergency drought authorizations. Ecology is attempting to meet the essential irrigation needs of farmers. 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 the use of an existing well located within the NE $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 2, T. 16 N., R. 19 E.W.M. The well is authorized under Ground Water Permit No. G4-29526P and an additional water duty is requested for lands irrigated under that permit as well as new lands.

The instantaneous quantity of water to be withdrawn is limited to 1435 gpm based upon the instantaneous quantity requested in the application.

The annual quantity authorized is based on the crop type and the underlying water right. Supplemental irrigation of 105 acres of orchard is authorized under Permit G4-29526P at a water duty of 1.3 acre-feet per acre. The applicant is requesting an additional 0.7 acre-feet per acre for these 105 acres in addition to supplemental irrigation on another 191 acres. Of these additional lands, 50 acres are in orchard and 141 acres are planted with hay. Based on a supplemental crop duty of 2.0 acre-feet for orchard and 1.5 acre-feet for hay, a total of 385 acre-feet per year is authorized under this emergency authorization. This includes the additional water duty for lands authorized for supplemental irrigation under ground water permit G4-29526P.

See Attachment A for the legal description under this authorization.



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.

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, 2001.

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

PC:gg  
010565

Enclosures: Flow Meter Requirements

cc: Yakama Nation

## ATTACHMENT A

### PARCEL 1

That portion of the N $\frac{1}{2}$ NW $\frac{1}{4}$  of Section 11, T. 16 N., R. 19 E.W.M., Kittitas County, State of Washington, described as follows:

A tract of land bounded by a line beginning at the NE corner of the NW $\frac{1}{4}$  of said section; thence S 88°52' W along the Northerly boundary line of the NW $\frac{1}{4}$  of said section 1250.00 feet, more or less, to the centerline of the canyon, said point being the true point of beginning; thence Southwesterly along the centerline of said canyon to the Northeasterly right of way boundary line of the Wippel Pump Lateral of the North Branch Canal of the Kittitas Reclamation District; thence S 54°00' E 35.00 feet to the centerline of said lateral; thence Southwesterly along the centerline of said lateral 37.6 feet along a 28.7 foot radius curve concave to the NW; thence N 68°47' W along the centerline of said lateral 26.5 feet; thence Northwesterly along the centerline of said lateral 39.5 feet along a 28.7 foot radius curve concave to the NE; thence N 10°12' E along the centerline of said lateral 37.5 feet; thence N 03°13' W along the centerline of said lateral 217.00 feet; thence N 16°11' E along the centerline of said lateral 138.00 feet; thence N 00°00' E along the centerline of said lateral 75.00 feet; thence N 14°51' E along the centerline of said lateral 65.1 feet; thence Northwesterly along the centerline of said lateral 64.6 feet on a 57.3 foot radius curve concave to the SW; thence N 49°45' W along the centerline of said lateral 64.0 feet; thence Northwesterly along the centerline of said lateral 55.4 feet along a 143.3 foot radius curve concave to the SW; thence N 71°55' W along the centerline of said lateral 6.6 feet; thence Westerly along the centerline of said lateral 51.3 feet along a 114.6 foot radius curve concave to the S; thence S 82°23' W 11.6 feet to the Northerly boundary line of the NW $\frac{1}{4}$  of said section; thence N 88°52' E along the Northerly boundary line of the NW $\frac{1}{4}$  of said section 352.8 feet to the true point of beginning.

AND that portion of Farm Unit "F", according to Farm Unit Plat, or the E $\frac{1}{2}$ SW $\frac{1}{4}$  of Section 2, T. 16 N., R. 19 E.W.M., lying W of the centerline of a canyon contained therein.

AND that portion of Farm Unit "D", according to Farm Unit Plat, or that portion of the SE $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 2, T. 16 N., R. 19 E.W.M., lying S of and above the Turbine Lateral of the Kittitas Reclamation District of the North Branch Canal of the Kittitas Reclamation District.

AND that portion of Farm Unit "E", according to Farm Unit Plat, or the W $\frac{1}{2}$ SW $\frac{1}{4}$  of Section 2, T. 16 N., R. 19 E.W.M., lying S and Easterly of the centerline of the canyon contained therein.

AND that portion of Farm Unit "C", according to Farm Unit Plat, or that portion of the SW $\frac{1}{4}$ NW $\frac{1}{4}$  which lies E of the center of the canyon and S and above the Turbine Lateral of the Kittitas Reclamation District, being more particularly described as follows:

A tract of land bounded by a line beginning at the SE corner of the SW $\frac{1}{4}$ NW $\frac{1}{4}$  of said section, said point being the true point of beginning; and running thence W, on the S boundary line of the SW $\frac{1}{4}$ NW $\frac{1}{4}$  of said section 455.00 feet to the center of the canyon; thence Northeasterly along the center of said canyon 305.00 feet, more or less, to the Southerly boundary line of the right of way of the Turbine Lateral of the Kittitas Reclamation District; thence Northeasterly along the Southerly boundary line of said right of way to the intersection thereof with the E boundary line of the SW $\frac{1}{4}$ NW $\frac{1}{4}$  of said section; thence S along the E boundary line of the SW $\frac{1}{4}$ NW $\frac{1}{4}$  of said section 336.00 feet to the true point of beginning.

EXCEPTING from the entire Parcel 1 herein described the rights of way for the Kittitas Reclamation District Turbine Lateral, Wippel Pump Lateral, and Gravity Lateral of the North Branch Canal.

PARCEL 2

All of Farm Unit "D", according to Farm Unit Plat, or the SE $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 2, T. 16 N., R. 19 E.W.M., Kittitas County, State of Washington; EXCEPT

1. All of that portion thereof which lies S of and above the Turbine Lateral of the Kittitas Reclamation District.
2. A tract of land bounded by a line beginning at the NW corner of said quarter of quarter, and running thence S 89°40' E along the Northerly boundary line of the SE $\frac{1}{4}$ NW $\frac{1}{4}$  of said section 470.0 feet; thence S 48°40' W 412.3 feet; thence S 26°04' W 353.6 feet to the Westerly boundary line of the SE $\frac{1}{4}$ NW $\frac{1}{4}$  of said section; thence N along the W boundary line of the SE $\frac{1}{4}$ NW $\frac{1}{4}$  of said section 586.00 feet to the point of beginning.
3. The rights of way for Kittitas Reclamation District's Turbine Lateral and Gravity Lateral of the North Branch Canal.

AND that portion of Farm Unit "F" lying S and E of the center of the canyon contained therein.

AND that portion of the N $\frac{1}{2}$ NW $\frac{1}{4}$  of Section 11, T. 16 N., R. 19 E.W.M., described as follows: A tract of land bounded by a line beginning at the NE corner of the NW $\frac{1}{4}$  of said section, said point being the true point of beginning; thence S 39°18' W 339.8 feet, more or less, to the Northeasterly right of way boundary line of the right of way of Wippel Pump Lateral of the North Branch Canal of the Kittitas Reclamation District; thence S 31°28' W 35.0 feet to the centerline of said lateral; thence Northwesterly along the centerline of said lateral 92.5 feet on a 286.5 foot radius curve concave to the SW; thence N 77°02' W along the centerline of said lateral 349.5 feet; thence Westerly along the centerline of said lateral 151.5 feet on a 286.5 foot radius curve concave to the S; thence S 72°38' W along the centerline of said lateral 82.2 feet; thence S 62°03' W along the centerline of said lateral 109.5 feet; thence Southwesterly along the centerline of said lateral 54.0 feet along a 114.6 foot radius curve concave to the SE; thence S 35°03' W along the centerline of said lateral 89.5 feet; thence S 51°40' W along the centerline of said lateral 111.3 feet; thence Southwesterly along the centerline of said lateral 61.1 feet on a 191.0 foot radius curve concave to the SE; thence S 32°49' W along the centerline of said lateral 49.6 feet; thence S 21°33' W along the centerline of said lateral 107.0 feet; thence S 44°24' W along the centerline of said lateral 76.0 feet; thence S 36°00' W along the centerline of said lateral 49.9 feet; thence N 54°00' W 35.0 feet to the Northwesterly right of way boundary line of said canal; thence Northeasterly along the centerline of the canyon to a point that is S 88°52' W along the Northerly boundary line of the NW $\frac{1}{4}$  of said section 1250.00 feet, more or less, from the NE corner of the NW $\frac{1}{4}$  of said section; thence N 88°52' E along the Northerly boundary line of the NW $\frac{1}{4}$  of said section 1250.00 feet, more or less, to the NE corner of the NW $\frac{1}{4}$  of said section and the true point of beginning.

EXCEPTING from the entire Parcel 2 herein described the rights of way for the Kittitas Reclamation District Turbine Lateral, Wippel Pump Lateral and Gravity Lateral of the North Branch Canal.

PARCEL 3

Farm Unit "G", according to Farm Unit Plat, or the W $\frac{1}{2}$ SE $\frac{1}{4}$  of Section 2, T. 16 N., R. 19 E.W.M., Kittitas County, State of Washington,

AND that portion of the NW $\frac{1}{4}$ NE $\frac{1}{4}$  and the NE $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 11, T. 16 N., R. 19 E.W.M., Kittitas County, State of Washington, which lies N and E of and below the N boundary line of the right of way of Wippel Pump Lateral of the North Branch of the Kittitas Reclamation District, said parcel being described as follows:

A tract of land bounded by a line beginning at the NW corner of the NE $\frac{1}{4}$  of said section, said point being the true point of beginning; thence N 88°52' E along the Northerly boundary line of the NW $\frac{1}{4}$ NE $\frac{1}{4}$  of said section 1323.50 feet, more or less, to the NE corner of the NW $\frac{1}{4}$ NE $\frac{1}{4}$  of said section; thence Southwesterly along the Southeasterly boundary line of an existing field to a point that is S 46°29' W 1235.8 feet, said point being on the Easterly right of way boundary line for the Wippel Pump Lateral of the North Branch Canal of the Kittitas Reclamation District; thence N 86°02' W 35.00 feet to the centerline of said lateral; thence N 03°58' E along the centerline of said lateral 66.6 feet; thence Northerly along the centerline of said lateral 67.9 feet along an 81.9 foot radius curve concave to the W; thence N 43°32' W along the centerline of said lateral 87.1 feet; thence Northwesterly along the centerline of said lateral 76.7 feet on a 191.0 foot radius curve concave to the SW; thence N 66°32' W along the centerline of said lateral 163.3 feet; thence Northwesterly along the centerline of said lateral 69.2 feet on a 286.5 foot radius curve concave to the NE; thence N 52°42' W along the centerline of said lateral 211.6 feet; thence N 58°32' W along the centerline of said lateral 126.3 feet; thence N 31°28' E 35.00 feet to the Northeasterly right of way boundary line of said lateral; thence N 39°18' E 339.8 feet, more or less, to the NW corner of the NE $\frac{1}{4}$  of said section and the true point of beginning;

EXCEPTING from the entire Parcel 3 herein described the right of way for the Wippel Pump Lateral of the North Branch Canal of the Kittitas Reclamation District and the right of way for the Gravity Lateral of the Kittitas Reclamation District.

#### PARCEL 4

That portion of the SE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 2, T. 16 N., R. 19 E.W.M., Kittitas County, State of Washington, which lies S of and above the S boundary line of the right of way of the Gravity Lateral of the Kittitas Reclamation District, described as follows:

Beginning at a point on the S line of said Section 2, 3.3 feet S 88°52' W of the SE corner of said section said point being the true point of beginning, and running thence N 16°34' W 156.8 feet; thence to the left on the arc of a curve having radius of 286.5 feet, 154.2 feet; thence N 47°24' W 21.0 feet; thence to the left on the arc of a curve having a radius of 191.0 feet, 174.4 feet; thence S 80°16' W 211.3 feet; thence to the right on the arc of a curve having a radius of 191 feet, 53.9 feet; thence N 83°34' W 210.4 feet; thence to the left on the arc of a curve having a radius of 143.3 feet, 137.9 feet; thence S 41°16' W 74.7 feet; thence to the left on the arc of a curve having a radius of 95.5 feet, 53.1 feet; thence S 9°26' W 100.4 feet; thence to the left on the arc of a curve having a radius of 191.0 feet, 62.8 feet; thence S 9°26' E 33.8 feet, more or less, to the S boundary line of said section; thence N 88°52' E along the Southerly boundary line of the SE $\frac{1}{4}$  of said section 985.0 feet, more or less, to the true point of beginning.

AND that portion of the NE $\frac{1}{4}$  of Section 11, T. 16 N., R. 19 E.W.M., which lies N and E of and below the N boundary line of the right of way for the Wippel Pump Lateral for the North Branch of the Kittitas Reclamation District, described as follows:

A tract of land bounded by a line beginning at the NE corner of the NE $\frac{1}{4}$  of said Section 11, said point being the true point of beginning; thence S 01°14' E along the Easterly boundary line of the NE $\frac{1}{4}$  of said section 1558.3 feet to the centerline of the Kittitas Reclamation District Lateral known as the Wippel Pump Lateral; thence N 52°31' W along the centerline of said lateral 86.4 feet; thence N 62°07' W along the centerline of said lateral 75.1 feet; thence Northwesterly along the centerline of said lateral 59.4 feet along a curve concave to the NE having a radius of 143.3 feet; thence N 38°23' W 79.4 feet; thence Northwesterly along the centerline of said lateral 62.7 feet along a curve concave to the SW having a radius of 114.6 feet; thence N 69°43' W 39.6 feet; thence Northwesterly along the centerline of said lateral 65.0 feet along a curve concave to the SW having a radius of 191.0 feet; thence N 89°13' W along the centerline of said lateral 132.4 feet; thence Westerly along the centerline of said lateral 60.0 feet along a curve

concave to the S having a radius of 143.3 feet; thence S 66°47' W along the centerline of said lateral 28.9 feet; thence Southwesterly along the centerline of said lateral 61.9 feet along a curve concave to the SE having a radius of 71.6 feet; thence S 19°17' W along the centerline of said lateral 130.1 feet; thence Westerly along the centerline of said lateral 100.5 feet along a curve concave to the N having a radius of 38.02 feet; thence N 09°57' W along the centerline of said lateral 104.2 feet; thence Northwesterly along the centerline of said lateral 58.9 feet along a curve concave to the W having a radius of 191.0 feet; thence N 27°37' W along the centerline of said lateral 57.8 feet; thence N 43°10' W along the centerline of said lateral 60.5 feet; thence Northwesterly along the centerline of said lateral 68.3 feet along a curve concave to the SW having a radius of 191.0 feet; thence N 63°40' W along the centerline of said lateral 157.0 feet; thence Northwesterly along the centerline of said lateral 158.3 feet along a curve concave to the S having a radius of 286.5 feet; thence S 84°40' W along the centerline of said lateral 26.0 feet; thence Southwesterly along the centerline of said lateral 166.7 feet along a curve concave to the SE having a radius of 234.6 feet; thence S 44°40' W along the centerline of said lateral 129.8 feet; thence Southwesterly along the centerline of said lateral 58.3 feet along a curve concave to the SE having a radius of 191.0 feet; thence S 27°10' W along the centerline of said lateral 34.3 feet; thence Southwesterly along the centerline of said lateral 85.0 feet along a curve concave to the SE having a radius of 286.5 feet; thence S 10°10' W along the centerline of said lateral 42.8 feet; thence S 07°27' E along the centerline of said lateral 110.1 feet; thence Westerly along the centerline of said lateral 76.0 feet along a curve concave to the NW having a radius of 28.7 feet; thence N 35°27' W along the centerline of said lateral 81.9 feet; thence N 24°32' W along the centerline of said lateral 228.3 feet; thence Northwesterly along the centerline of said lateral 164.6 feet along a curve concave to the SW having a radius of 234.6 feet; thence N 64°02' W along the centerline of said lateral 89.6 feet; thence Northwesterly along the centerline of said lateral 135.4 feet along a curve concave to the SW having a radius of 358.1 feet; thence N 85°42' W along the centerline of said lateral 65.1 feet; thence S 85°28' W along the centerline of said lateral 54.6 feet; thence Southwesterly along the centerline of said lateral 70.7 feet along a curve concave to the SE having a radius of 57.3 feet; thence S 14°48' W along the centerline of said lateral 95.1 feet; thence Westerly along the centerline of said lateral 102.8 feet along a curve concave to the N having a radius of 38.2 feet; thence N 10°52' W along the centerline of said lateral 225.2 feet; thence Northeasterly along the centerline of said lateral 45.0 feet along a curve concave to the SE having a radius of 57.3 feet; thence N 34°08' E along the centerline of said lateral 79.8 feet; thence Northeasterly along the centerline of said lateral 60.3 feet along a curve concave to the NW having a radius of 114.6 feet; thence S 86°02' E 35.0 feet to the Northeasterly right of way boundary line of said lateral; thence along the Southeasterly boundary line of an existing field to a point that is N 46°29' E 1235.8 feet, more or less, to the NW corner of the NE¼NE¼ of said section; thence N 88°52' E along the Northerly boundary line of the NE¼NE¼ of said section 1323.5 feet, more or less, to the true point of beginning;

EXCEPTING from the entire Parcel 4 herein described, the right of way for the Wippel Pump Lateral of the North Branch of the Kittitas Reclamation District AND EXCEPT the right of way for the Gravity Lateral of the North Branch Canal of the Kittitas Reclamation District.