



STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

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

May 29, 2001

WACO Orchards LLC  
490 Vista Ridge Rd  
Wapato WA 98951

**Re: Emergency Drought Permit G4-32988**

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.

The applicant submitted an Emergency Drought Application which is the subject of this report and assigned second application No. G4-32988. The applicant has an initial water right from the Rosa Irrigation District (RID) to irrigate 183.7 of orchard.

**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 orchard crops, grapes and hops where the loss of irrigation water would permanently damage trees and vines. 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 two existing and one new well. The first well was authorized under Ground Water Certificate No. G4-24568C and is located approximately 1500 feet south and 300 feet west from the NE $\frac{1}{4}$  corner of Section 32, T. 12 N., R. 20 E.W.M. The second well is authorized under Ground Water Certificate No. G4-29536C and is located approximately 3100 feet north and 100 feet east from the S $\frac{1}{4}$  corner of Section 33, T. 12 N., R. 20 E.W.M. The third well is proposed to be located approximately 100 feet south and 100 feet west from the NE corner of Section 32, T. 12 N., R. 20 E.W.M.



Wells one and two are constructed adequately to be used as drought emergency wells under this authorization. The proposed well 3 must be constructed as follows:

- (a) The well depth shall terminate at or above a depth corresponding to the top of the Pamona Flow (basalt layer) of the Saddle Mountains Formation, which should be encountered at a depth of approximately 650 feet.
- (b) Installation of an airline and access port for water level measurement is required.

All other provisions of WAC 173-160 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 Chapter 173-160 WAC (Minimum Standards for Construction and Maintenance of Water Wells).

The quantity of water to be withdrawn is limited to 753 gallons per minute (gpm) and 367.4 acre-feet per year to irrigate 183.7 acres of orchard. This is based upon the instantaneous quantity requested and an annual quantity of 2 acre-feet per acre for orchard.

Water is to be used for supplemental irrigation of 183.7 acres of orchard from May 1 to October 31, 2001. The place of use is described as follows:

Parcel A- That portion of the W $\frac{1}{2}$ NW $\frac{1}{4}$  of Section 28, lying south and west of the Roza Irrigation District P5L Lateral; and the SE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 29, T. 12 N., R. 20 E.W.M., Yakima County, known as Tax Parcel Nos. 201239-14001 and 201228-22003, respectively.

Parcel B- All that portion of the SE $\frac{1}{4}$  of Section 29, T. 12 N., R.20 E.W.M., lying northeasterly of the northeasterly right-of-way line of the Roza Canal, EXCEPT right-of-way for Roza laterals and wasteways. Parcel No. 201229-41001.

Parcel C- That part of the W $\frac{1}{2}$ SW $\frac{1}{4}$  of Section 28, T. 12 N., R. 20 E.W.M., lying northerly of the Roza Canal and westerly of the following described line; beginning at a point on the North boundary of said subdivision situate N 88°54'30" E, 761.65 feet from the NW corner thereof, then S 1°05'25" E 1051.87 feet, thence S 88°54'30" W 48.21 feet, then S 1°44'00" W 227.88 feet, thence S 1°05'25" E 70.50 feet to point "A", then continuing S 1°05'25" E 1323.51 feet to the S boundary of said subdivision and terminus of said line. Parcel No. 201228-32004.

Parcel D- That portion of the SE $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 33, T. 12 N., R. 20 E.W.M., lying westerly of the (Sunnyview) County Road; EXCEPT a strip conveyed to Yakima County for road purposes by deed recorded under Auditor's File No. 988377, 1911466 and 1911467, records of Yakima County, Washington.. Parcel No 201233-24002.

Parcel E- That portion of the N½SE¼ of Section 33, T., 12 R. 20 E.W.M., lying west of the Roza Canal, and that portion of the south 417.5 feet of the SW¼NE¼ of said section lying west of the Roza Canal, EXCEPT for road right-of way along west boundary.  
Parcel Nos. 201233-13001 and 201233-42001.

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.

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

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.

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

RFB:PNK:gg  
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Enclosures: Flow Meter Requirements  
cc: Yakama Indian Nation