



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

March 30, 2005

WACO Orchards LLC
490 Vista Ridge Rd
Wapato WA 98951

Re: Emergency Drought Permit No. G4-32988-05 – WACO Orchards LLC

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.

This authorization is subject to the following limitations and provisions:

This authorization is for two existing wells 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 700 feet south and 50 feet west from the NE corner of Section 32, T. 12 N., R. 20 E.W.M.

The instantaneous quantity of water to be withdrawn is limited to 1,000 gallons per minute.

The annual quantity authorized is based on 80% of the District contracted delivery. 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 is expected to deliver approximately 0.8 acre-feet of water. This authorization will allow an additional 1.8 acre-feet of water per acre. A total of 330 acre-feet of water is authorized under this emergency permit to irrigate 183.2 acres.

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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. 201228-22003 and 201229-14001, 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 N $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 33, T., 12 R. 20 E.W.M., and that portion of the south 417.5 feet of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ 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.

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 Chapter 173-160 WAC apply.

The new well shall be constructed by August 1, 2005. If the new well is not completed by August 1, 2005, you must notify Ecology and provide us with an estimated completion date and a statement describing how the well will be used to provide supplemental water this year. If the well cannot be completed in sufficient time to provide water this year, the authorization to construct the new well will be cancelled.

All water wells constructed within the state shall meet the minimum standards for construction and maintenance as provided under Chapter 18.104 RCW (Washington Water Well Construction Act of 1971) and Chapter 173-160 WAC (Minimum Standards for Construction and Maintenance of Water Wells).

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A suitable flow meter approved by the Department of Ecology shall be installed and maintained for each point of withdrawal 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.

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.

This Order may be appealed pursuant to Chapter 43.21B RCW. Any person wishing to appeal this Order 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, PO Box 40903, Olympia, Washington 98504-0903. At the same time, a copy of the appeal **must** be sent to: Department of Ecology, Water Resources Appeals Coordinator, PO Box 47600, Olympia, Washington 98504-7600.

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