



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

March 31, 2005

John Bosma
1291 Kellum Rd
Outlook WA 98938

Re: Emergency Drought Permit No. G4-32983-05

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.

This authorization is subject to the following provisions and limitations:

This authorization is for an existing well located within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 5, T. 10 N., R. 22 E.W.M. The well is authorized under Ground Water Permit No. G4-30241P.

The instantaneous quantity of water to be withdrawn is limited to 400 gallons per minute.

The annual quantity authorized is based on 80% of the Roza Irrigation District (the District) contracted delivery. In a normal year, the District is prepared to deliver 3 to 3.3 acre-feet of water per acre. 80% of 3.3 acre-feet is 2.64 acre feet. The District is expected to deliver approximately 0.84 acre-foot of water. The applicant has described the crop type on the land as 15 acres of cherries, and 135 acres of corn. After looking at the District's 2003 assessment maps the applicant was assessed for a total of 149.2 acres. This authorization will allow an additional 1.8 acre-feet of water per assessed acre for cherries and 1.04 acre feet per assessed acre for corn. A total of 166.57 acre-feet of water is authorized under this emergency permit.

FILE COPY



The place of use is described as follows:

Parcel "A"

The SW $\frac{1}{4}$ SW $\frac{1}{4}$, and the W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 32, T. 11 N., R. 22 E.W.M.;
EXCEPT the South 38 feet thereof for County road;
EXCEPT the West 30 feet of the South 125 thereof for County Road;
AND EXCEPT right of way for road along the West side, thereof.
Assessor's Parcel No.: 221132-33001.

Parcel "B"

Government Lots 3 and 4 (The N $\frac{1}{2}$ NW $\frac{1}{4}$) of Section 5, T. 10 N., R. 22 E.W.M.,
EXCEPT the North 25 feet; the West 25 feet and the East 30 feet;
EXCEPT the East 5 feet of the West 30 feet of the North 112 feet of said NW $\frac{1}{4}$ for roads;
EXCEPT right of way for laterals conveyed to The United States of America, under
Auditor's File No. 983040, records of Yakima Co. WA;
TOGETHER WITH that portion of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 5,
T. 10 N., R. 22 E.W.M., described as follows;
Beginning at a point on the S line of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 5, 462.5 feet East of the
SW corner of said SW $\frac{1}{4}$ NW $\frac{1}{4}$; thence North 20°10' East along a certain ravine a distance of
524 feet; thence North 17°08' East along the ravine a distance of 633.5 feet; thence North
7°53' East along said ravine a distance of 210 feet, more or less, to the North line of the said
SW $\frac{1}{4}$ NW $\frac{1}{4}$; thence West along the said North line of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ to the NW corner
thereof; thence South along the West line of said Section 5, a distance of 1429.9 feet, more
or less, to the point of intersection of the said West line and the North right of way line of
the Outlook Irrigation District Supply Lateral; thence Easterly and Southerly along said
North right of way line to its intersection with the ravine aforesaid ; thence North 13°04'
East along said ravine a distance of 316 feet, more or less, to the place of the beginning;
EXCEPT the West 25 feet for road.

Assessor's Parcel No.: 221005-21001.

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.

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

RFB:EH:gg
050326

Enclosures: Flow Meter Requirements
Your Right To Be Heard

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