



STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

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

June 4, 2001

Charles Rattray  
3451 Bethany Rd  
Sunnyside WA 98944

**Re: Emergency Drought Authorization G4-32973**

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 drought emergency 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.

Earlier this year, an emergency drought authorization was issued under G4-32973 authorizing supplemental water for orchard crops. **This drought authorization supersedes the earlier authorization.**

This authorization is conditioned by the following provisions and limitations:

This authorization is for an existing well located within the NE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 8, T. 10 N., R. 23 E.W.M.

The total quantity of water to be withdrawn under this emergency drought authorization is limited to 400 gpm, 123.5 acre-feet per year. The instantaneous quantity is based on the amount requested in the application.

The annual quantity authorized is based on the crop type. The applicant has described the crop type on the land as 14 acres of juice grapes, 14 acres of apples, and 60 acres as asparagus. Based on a supplemental crop duty of 2.0 acre-feet for orchard, 1.25 acre-feet for juice grapes, and 1.3 acre-feet for asparagus, a total of 123.5 acre-feet per year is authorized under this emergency authorization.



The place of use is described as follows:

That portion of the S½ of Section 8, T. 10 N., R. 23, E. W. M., lying Easterly of the centerline of Sulpher Creek Canyon and Westerly of the Westerly right of way line of the Sulpher Creek Wasteway, EXCEPT the South 25 feet for road conveyed to Yakima County by deed recorded under Auditor's File No. 1082273; And EXCEPT portion conveyed to Yakima County for road by deed recorded under Auditor's File No. 2016251.

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

PC:gg  
010610

cc: Yakama Nation