STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
15 West Yakima Avenue, Suite 200 • Yakima, Washington 98902-3452 • (509) 575-2490

April 1, 2005

Wyckoff Farms Inc
PO Box 249
Grandview WA 98930-0249

Re: Emergency Drought Permit No. G4-32957-05

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. In a normal year, Roza Irrigation District (the 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. The District is expected to deliver approximately 0.84 acre-foot of water. This authorization will allow an additional 1.8 acre-feet of water per acre for the apple and apricot orchards and hay fields. The emergency drought authorization for wine grapes is based on 80% of the Wyckoff use of 20 inches per acre minus 25% expected delivery from the District. This calculation will allow 0.50 acre-feet of water per acre for wine grapes.

This authorization is subject to the following provisions and limitations:

> This authorization is for the use of an existing well located within the SE¼NE¼ of Section 4, T. 9 N., R. 24 E.W.M.
>
> The instantaneous quantity of water to be withdrawn is limited to 1239 gallons per minute. There are a number of emergency drought applications to pump water from the same well. The well is only authorized to pump a maximum of 1420 gallons per minute under all rights.
>
> A total of 61.95 acre-feet of water per year to irrigate 123.9 acres of grapes is authorized under this emergency permit.

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The place of use is described as follows:

PARCEL 1: That portion of the SW¼ lying south of canal, less that portion lying west of the following described line: Commencing at the SW corner of said Section 3, thence N 89°05'04" E, along the south line thereof, for 991.00 feet to the true point of beginning of said line; thence N 04° 55'20" E for 2450 feet more or less to the Roza Irrigation District Canal within Section 3, T. 9 N., R. 24 E.W.M., Parcel N0. 1-0394-300-0004-000 (88.9 acres).

PARCEL 2: The east 657.52 feet of the NW¼ of Section 3, T. 9 N., R. 24 E.W.M., Parcel No. 1-0394-200-0003-000 (40.2 acres).

All other provisions of Chapter 173-160 WAC apply:

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

RFB:PNK:gg/050407
Enclosures: Flow Meter Requirements
Your Right To Be Heard
cc: Carroll Palmer, Director, Natural Resources Division, Yakama Nation
Curt Hart, Water Resources Program, HQ