State of Washington
Department of Ecology
Yakima Washington

IN THE MATTER OF APPLICATIONS FOR CHANGE BY ROZA SUNNYSIDE BOARD OF JOINT CONTROL REQUESTING A CHANGE IN THE PLACE OF USE AND POINT OF DIVERSION OF WATER USE UNDER COURT CLAIM NO. 1752, CAUSE NO. 77-2-01484-5	)))))	Emergency Drought Change Authorization

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 CHANGE AUTHORIZATION. The intent of this authorization is to alleviate hardships and reduce the burdens on water users arising from the drought conditions.

Background

Governor Locke authorized the Director of the Department of Ecology to declare a statewide Drought Emergency on March 14, 2001. The Yakima Valley is experiencing severe drought impacts in this 2001 water year. The US Bureau of Reclamation's (Reclamation) April 1 forecast of Total Water Supply Available (TWSA) predicts that the Yakima Project's pro-ratable water right holders are likely to receive only 28% of their full water supply amount this irrigation season.

Roza Irrigation District's (RID's) drought response plan attempts to provide the district members with water supply greater than only relying upon forecasted pro-ratable supplies. It will be accomplished through a combination of intra-district land fallowing and transfers and transfers from the Sunnyside Division (SDIV) arising from land fallowing and water recovery and reuse systems. Individual water users will use supplemental and emergency irrigation wells as permitted but this is outside the jurisdiction of RID.

On May 3, 2001, Roza-Sunnyside Board of Joint Control (RSBOJC) filed an application to change an existing water right. Sunnyside Division, through Court Claim No. 1752, claims a right from the Yakima River and its tributaries in the amounts of 1,316 cubic feet per second (cfs) and 498,576 acre-feet per year from March 1 through October 31. Of the 498,576 acre-feet, the Sunnyside Division claims 458,520 acre-feet per year from April 1 through October 31, and a flood water right in the amount of 40,056 acre-feet per year from March 1 through storage control. Sunnyside claims a right for the irrigation of 103,570 irrigable acres within its service area and other related uses. Sunnyside claims the following four priority dates: July 1, 1878, September 3, 1890, July 18, 1893 and May 10, 1905. The flood water right would have a May 10, 1905 priority date.

The point of diversion for the SDIV water rights (main canal) is located at RM 103.8, in the NW¼NW¼ of Section 28, T. 12 N., R. 19 E.W.M., Yakima County.

A 5.0 cfs and 1491 ac-ft portion of this water right claim is proposed to be changed to the Roza Irrigation District and would be diverted at Roza Dam, if approved, and then serve irrigated lands within the RID.

The RID water rights are the subject of Adjudication Court Claim No. 0802. The Court's conditional final order for RID was issued on June 1, 1994. RID water rights are entirely pro-ratable rights, and are subject to a predicted severe shortfall in supply in the 2001 irrigation season. The point of diversion for the RID water rights is located at RM 127.9, within the NE¼NE¼ of Section 32, T. 15 N., R. 19 E.W.M., Yakima County.

The RSBOJC proposes to transfer water from the Sunnyside Division (SDIV) to the Roza Irrigation District (RID) for the 2001 irrigation season. The proposed transfer period is from May 24, 2001 through September 30, 2001. The actual quantity of water saved within SDIV by fallowing 752 acres of irrigated land is 1491 acre-feet. This amount will be debited from the year-2001 annual allocation for SDIV and will be added to the year-2001 annual allocation for RID. In this way, RSBOJC believes this transfer will extend the irrigation season for RID water users without negatively impacting the basin's TWSA. Reclamation reviewed this proposal and concluded that reservoir and project operations would not be negatively impacted by the transfer.

The locations and quantities associated with specific lands to be fallowed for the 2001 irrigation season are identified in Appendix 1 to this report.

Conclusions and Decision

The proposed change of point of diversion and place of use will not impair existing water rights and is not contrary to the public interest.

This **DROUGHT EMERGENCY CHANGE DECISION** authorizes the transfer of 5.0 cfs and 1491 acre-ft for the period from May 24, 2001 to September 30, 2001 for of irrigation lands within the RID under Adjudication Court Claim No. 1752:

The point of diversion shall be located within the NE ¼ NE ¼ of Section 32, T.15 N., R.19 E.W.M.

A measuring device as required by Order Pendente Lite Regarding Metering, Measurement, and Reporting Requirements, dated October 13, 1994 must be installed prior to use of the water.

This drought emergency authorization expires on September 30, 2001.

APPROVED BY: _____ DATE: 5/21/2001
Robert F. Barwin, Section Manager

PK:gg
010559
Enclosure(s): Appendix 1