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 the fallowed land 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 April 4, 2001, Roza-Sunnyside Board of Joint Control (RSBOJC) filed an application to change an existing water right. The application was subsequently amended to reflect an additional water recovery project.

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.

The RSBOJC proposes to transfer 12.6 cfs and 3799 ac-ft of water from the Sunnyside Division to the Roza Irrigation District (RID) for the 2001 irrigation season. The water to be transferred will be derived from the capture and reuse of water in several irrigation drains within SDIV. RID participates in the funding of these facilities, and based upon agreement by the two districts, would serve lands within the RID in benefit of the joint project.

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 all pro-ratable rights, which 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.

Water draining from RID and SDIV irrigated lands will be captured from seven (7) drains, near their intersections with the SDIV main canal or laterals. This water would otherwise be used for irrigation water supply by SDIV. SDIV proposes to transfer 42% of this captured return flow water, estimated to total 3799 acre-feet of water, to RID for its use in this 2001 irrigation season. Rather than pump all of the RID portion of this return flow water back uphill to the RID main canal, the RSBOJC requests authorization for RID to divert this water (42% of the captured return flow water) at the Roza Dam for its use this irrigation season.

The proposed transfer period is from May 1, 2001 through September 30, 2001. The actual quantity of water captured at each of these seven (7) drains will be measured, quantified, and reported to Reclamation. The actual quantity of water that will be captured and transferred to RID, estimated now to be approximately 3799 acre-feet, 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 character of the drain water that would be captured and pumped into the Sunnyside Canal is generally poorer in quality than the water flowing in the Yakima River. Although flows downstream from Granger Drain, Sulphur Creek Wasteway, and Spring Creek Wasteway may be marginally lower than without the pump-backs, the general condition of the river will remain unaffected or possibly even be a little better. The Department of Ecology has agreed with the USBR and the Yakima Nation to provide offsets or mitigation for effects on water quality or flow in the Yakima River that may result from implementation of this project.

The locations and quantities associated with specific drains that will be affected by the capture and reuse project are as follows:

Project	**Place of Use**		**Purpose of Use**	**Transfer Period**		**Quantity to be Transferred**	
	FROM (RM 103.8)	**TO (RM 127.9)**		**FROM**	**TO**	**ANNUAL (AF)**	**INSTANTANEOUS (CFS)**
JD 32.0 Gay Basin	Sunnyside Division	Roza Irrigation District	Irrigation	5/1/01	9/30/01	63	0.2
JD 32.0 Peterson Basin	Sunnyside Division	Roza Irrigation District	Irrigation	5/1/01	9/30/01	380	1.3
Jt. DR 2	Sunnyside Division	Roza Irrigation District	Irrigation	5/1/01	9/30/01	127	0.4
DR 3 - Swan Road	Sunnyside Division	Roza Irrigation District	Irrigation	5/1/01	9/30/01	696	2.3
Sulphur Creek	Sunnyside Division	Roza Irrigation District	Irrigation	5/1/01	9/30/01	760	2.5
Spring Creek	Sunnyside Division	Roza Irrigation District	Irrigation	5/1/01	9/30/01	507	1.7
JD 26.6	Sunnyside Division	Roza Irrigation District	Irrigation	5/1/01	9/30/01	1266	4.2
TOTALS	Sunnyside Division	Roza Irrigation District		5/1/01	9/30/01	3799	12.6

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 12.6 cfs and 3799 acre-ft for the period from May 3, 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 NE¼NE¼ of Section 32, T.15 N., R.19E. 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 Emergency Drought Authorization expires on September 30, 2001.

APPROVED BY: _____ DATE: 4/25/2001
Robert F. Barwin, Section Manager

PK:gg
010434b