State of Washington
Department of Ecology
Yakima Washington

IN THE MATTER OF APPLICATIONS FOR CHANGE BY	)	
ROZA IRRIGATION DISTRICT	)	
REQUESTING A CHANGE IN THE PLACE OF USE	)	Emergency Drought
AND POINT OF DIVERSION OF WATER USE UNDER	)	Change Authorization
COURT CLAIM NOS. 01021 AND 00862,	)	
CAUSE NO. 77-2-01484-5	)	

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) May 1 forecast of Total Water Supply Available (TWSA) predicts that the Yakima Project's pro-ratable water right holders are likely to receive only 29% 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.

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.

Court Claims 01021 and 00862, Thomas and Delores Rupel

On May 5th, 2001, RID filed an application to transfer water from Wenas Creek to the Roza Irrigation District (RID) for the 2001 irrigation season. The Rupels, through Court Claim Nos. 01021 and 00862, have been confirmed rights from Wenas Creek totaling 0.314 cubic feet per second (cfs) and 47.1 acre-feet per year for the irrigation of 15.7 acres from April 1 through October 15 each year. These rights are senior in priority to other rights in the Wenas Creek watershed and are expected to receive a full duty of water this year.

The determination of the amount of water allowed for change is based on adjusting the Washington Irrigation Guide (WIG) Crop Irrigation Requirement (CIR) to account for the crop type and an agreed-upon adjustment of "WIG + 4" (the CIR for a particular crop, plus four inches of water). The adjusted 2001-year CIR quantity is 38.63 inches per acre. With 15.7 acres being left fallow this year, theoretically, 50.5 acre-feet are available for transfer to RID. However this amount is slightly more (due to the adjustment) than the maximum limit of the water right confirmed in the Adjudication. Therefore, only the maximum limit of the right, 47.1 acre-feet will be available for transfer to RID and a return flow adjustment is not applicable.

The Bureau of Reclamation has reviewed this proposal and concluded that reservoir and project operations would not be negatively impacted by the proposed transfer.

Trust Water Right

In conjunction with the transfer of this water right to RID, a Trust Water Right as defined in RCW 90.38 shall be established for the reach between the original point of diversion and the confluence of Wenas Creek and the Yakima River.

Placement of water into trust in accordance with Ecology's Trust Water Guidelines requires, among other parameters of the trust water right, determinations of the total and consumptive water use and the "primary" and "secondary" reaches affected. An emergency decision does not provide the time necessary to evaluate all aspects of the guidelines. Therefore, the analysis leading to the trust water recommendations in this report is simplified and conservative and there will be no primary reach defined.

As described above, approximately 47.1 acre-feet of consumptive use of water will be saved by not irrigating the Rupels' fields this year. Pro-rated at a continuous rate for the period April 1 through October 15 gives an amount of 0.12 cfs for transfer to a Trust Water Right for the secondary reach.

The secondary reach is defined as the original point of diversion on Wenas Creek to the confluence of Wenas Creek and the Yakima River.

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 47.1 acre-feet for the period from May 24, 2001 to September 30, 2001 for irrigation of lands within the RID under Adjudication Court Claim No. 01863:

The point of diversion shall be located within the NE¼NE¼ 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: 5/23/2001
Robert F. Barwin, Section Manager

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