State of Washington
Department of Ecology
Yakima Washington

IN THE MATTER OF APPLICATIONS FOR CHANGE BY THE CITY OF ROSLYN REQUESTING A CHANGE IN THE PURPOSE OF USE AND PLACE OF USE OF WATER USE UNDER COURT CLAIM NO. 01475, 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) 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.

On June 14, 2001, Roza Irrigation District (RID) filed a Motion before the Yakima County Superior Court requiring water right holders listed in Exhibit 1 of the Motion, to appear in Court on June 28, 2001 and Show Cause why they should not be regulated in favor of RID's senior water right. The Motion was amended to exempt indoor domestic use for human health and sanitation.

The City of Roslyn has a water right junior in priority to the RID. The proposal under this application will offset a portion of the City of Roslyn's impact on the Yakima River and TWSA.

Court Claim 01475, Pat and Mary Burke

On June 23rd, 2001, the City of Roslyn filed an application to transfer a portion of a water right from Swauk Creek to the Yakima River Trust Water Right Program for the 2001 irrigation season. The City of Roslyn has leased a portion of a water right on Swauk Creek from Pat and Mary Burke. This right, through Court Claim No.01475, has been confirmed natural flow right from the Swauk Creek, for 1.69 cfs, 150 acre-feet per year for the irrigation of 39.6 acres. The priority date of this right is 1878. The Burkes will retain 8.2 acres of irrigation under this right, and transfer 31.4 acres of irrigation water to the Yakima River Trust Water Right program.

The amount of water allowed for transfer is based on a calculation of the consumptive use. Consistent with an earlier decision, the drought year adjusted crop irrigation requirement (CIR) for Swauk Creek is just under 99% (98.37104%) of the normal year CIR for Ellensburg for pasture. The July through September CIR is 20.64 inches per acre.

The 1878 priority date right ensures this right full season availability due to it's seniority. The City of Roslyn has leased the water rights to 31.4 acres for a total of 54.0 acre-feet to transfer to the state trust water program in Swauk Creek. This water is also intended to offset 54.0 acre-feet of consumptive water use by the City of Roslyn.

The instantaneous flow rate that would deliver 54 acre-feet of water, calculated on a continuous flow basis, over the course of 92 days from July 1st through September 30th, is 0.298 cfs. This amount can be applied to continuous instream flow enhancement in Swauk Creek from July 1 through September 30, 2001.

The Bureau of Reclamation has reviewed this proposal and concluded that reservoir and project operations would not be negatively impacted by the proposed transfer provided that the City of Roslyn limits its use of water on a daily basis to that amount actually available on Swauk Creek under the Burke's claim.

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Conclusions and Decision

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

This **DROUGHT EMERGENCY CHANGE DECISION** authorizes 54.0 acre-feet of consumptive water use for mitigation of impacts of indoor consumptive water use by the City of Roslyn.

This drought emergency authorization expires on September 30, 2001.

APPROVED BY: _____ DATE: 7/25/2001
Robert F. Barwin, Section Manager

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