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WR 88

- Complete items 1 and/or 2 for additional services.
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- Write *"Return Receipt Requested"* on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered. Cause# 77-2-01-01484-5

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

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3. Article Addressed to:

Kittitas Reclamation District
PO Box 276
Ellensburg WA 98926

4a. Article Number

2105-6047

4b. Service Type

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☐ Express Mail ☐ Insured
☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

4-26-01

5. Received By: *(Print Name)*

Keith Bender

6. Signature: *(Addressee or Agent)*

X Keith Bender

8. Addressee's Address *(Only if requested and fee is paid)*

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PS Form **3811,** December 1994

Domestic Return Receipt

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(Domestic Mail Only; No Insurance Coverage Provided)

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Kittitas Reclamation District

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PS Form 3800, February 2000 See Reverse for Instructions

STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

15 West Yakima Avenue, Suite 200 • Yakima, Washington 98902-3452 • (509) 575-2490

April 25, 2001

CERTIFIED MAIL

Kittitas Reclamation District
PO Box 276
Ellensburg WA 98926

RE: Kittitas Reclamation District Emergency Drought Change Authorization re:
Court Claim Nos. 1724, 00755, 02255, A04465, A04493, 00648, 01685, & 00908
Court Claim Nos. 00891, 01629 & 00465
Cause No. 77-2-01484-5

Enclosed please find a copy of the Department of Ecology's Emergency Drought Change Authorizations. This report constitutes our determination and order regarding the above-referenced applications for change. If you have any questions or concerns about any of this information, please call Carol Mortensen of the Department of Ecology at (509) 575-2597.

This Order may be appealed pursuant to RCW Chapter 43.21B. The person to whom this Order is issued 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, P.O. Box 40903, Olympia, Washington 98504-0903. At the same time, a copy of the appeal **must** be sent to: Department of Ecology, Fiscal Office, P.O. Box 47615, Olympia, Washington 98504-7615. All others receiving notice of this Order must file an appeal with the Pollution Control Hearings Board **within thirty (30) days of the date the Order was mailed** in the same manner described above.

Sincerely,

Robert F. Barwin, Section Manager
Water Resources Program

RFB:gg
010436a
Enclosures: Emergency Drought Change Authorization
cc: Yakama Nation

State of Washington
Department of Ecology
Yakima Washington

IN THE MATTER OF APPLICATIONS FOR CHANGE BY KITTITAS RECLAMATION DISTRICT REQUESTING A CHANGE IN THE POINT OF DIVERSION OF WATER UNDER COURT CLAIM NOs. 00891, 01629 & 00465 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.

Kittitas Reclamation District (KRD) plans to improve its projected water supply this summer through a series of water right acquisitions and agreements with other irrigation districts that serve lands adjacent to the KRD service area. KRD would utilize the water to help all landowners mitigate the anticipated severe impacts of the drought during the major portion of the irrigation season (estimated to be late April until mid July). After that point in time, KRD would utilize the balance of the water right for concrete canal liner protection and for the opportunity to attempt water service to meet some of the District and landowner needs later into the year.

KRD filed an application April 12 2001, requesting authorization to transfer water as follows:

1. Cascade Irrigation District (CID) -- 70 cfs, 10,413 acre-feet;
2. West Side Irrigating Company (WSIC) -- 30 cfs, 4462 acre-feet;
3. Wippel Power Plant water -- 70 cfs, 18,050 acre-feet; and
4. Taneum Creek flow enhancement water -- 20 cfs, 5157 acre-feet.

COURT CLAIM 00891 – Cascade Irrigation District

KRD proposes to transport up to 70 cfs, up to 10,413 ac-ft, of CID water for delivery to the same lands as would be served if the water had been diverted and conveyed by CID. A similar request for 50 cfs has been previously considered and approved by the court.(Order Pendente Lite #77-2-01484-5).

The change in point of diversion would be from the CID headworks within the SW¼NW¼ of Section 18, T. 18 N., R.18 E.W.M. to the KRD at main canal headworks at Easton Dam within the NW¼SW¼ of Section 11, T. 20 N., R.18 E.W.M.

The amount of CID water diverted at the KRD headworks would be up to 70 cfs per day, not to exceed the 150 cfs limit in CID's water right when added to the CID diversion. The water would be delivered to various points beginning at Dry Creek within the NE¼SW¼ of Section 34, T. 19 N., R.17 E.W.M. and ending near the Turbine Ditch Spill within the NE¼SE¼ of Section 3, T. 16 N., R. 19 E. W.M.

The period of diversion would be from May 3 until at least July 21, 2001, but no longer than September 30, 2001 in any case. After that point in time, CID will reassess the need for KRD to transport the water. This delivery (metered at Easton headworks, less system loss to the points of delivery) will only be at such times as would be convenient for both the KRD and CID.

COURT CLAIM 001629 -- West Side Irrigating Co.

KRD proposes to transport up to 30 cfs of West Side Irrigating Co. (WSIC) water for delivery to the same lands as would be served if the water had been diverted and conveyed by WSIC.

The change in point of diversion would be from the WSIC headworks at the SE¼SE¼ of Section 33, T.19 N., R. 17 E.W.M. to the KRD at main canal headworks at Easton Dam within the NW¼SW¼ of Section 11, T. 20 N., R. 18 E.W.M.

The amount of WSIC water diverted at the KRD headworks would be up to 30 cfs per day, the combined instantaneous diversion rate under this transfer plus WSIC's diversion at their headgate would not exceed WSIC's limit (defined in CFO dated January 13, 2000) of 105 cfs. The water would be delivered to various points beginning near Robinson Canyon Road in the NW¼ of Section 31, T. 18 N., R. 18 E.W.M. and ending near the South Branch Extension Spill in the NW¼ of Section 16, T. 17 N., R. 18 E.W.M.

The period of diversion would be from the date KRD turns on for the 2001 irrigation season until about mid July. After that point in time, WSIC will reassess the need for KRD to transport the water. This delivery (metered at Easton headworks, less system loss to the points of delivery) will only be at such times as would be convenient for both the WSIC and KRD.

By carrying the WSIC water in the KRD canal as a shared conveyance for both districts' patrons, the conveyance losses in the WSIC canal would be avoided, thus stretching the limited water supplies this year for both KRD and WSIC water users.

COURT CLAIM 00465-- Kittitas Reclamation District

The U.S. Bureau of Reclamation, as trustee for Kittitas Reclamation District (KRD) and its water users, holds a confirmed water right to divert water from the Yakima River in the amounts of 1,296.67 cfs and 336,000 acre-feet per year. The water may be used for irrigation of 59,122.29 acres, incidental domestic supply, which includes stock water, and power from April 1st to October 15. The priority date of the right is May 10, 1905.

KRD also holds a confirmed right to the Yakima River in the amounts of 70 cfs and 25,000 acre-feet for non-consumptive power generation at the Wippel Power Plant located in Section 33, T. 17 N., R. 20 E.W.M. from April 1st to October 15. The priority date is July 3, 1903. A maximum of 1,320 cfs is authorized for diversion at the Eatson dam, located within the SE¼NW¼ of Section 11, T. 20 N., R. 13 E.W.M.

During periods of normal irrigation operations, KRD normally carries this power water in its canal, delivering the water to the Wippel power plant.

KRD proposes no change to the point of diversion or the point of delivery for the City of Ellensburg Power Water. After about mid July, the City of Ellensburg Power Water would be metered at the Easton headworks. The point of delivery would remain at the Wippel Wasteway headworks within the NW¼SE¼ of Section 33, T. 17 N., R. 20 E.W.M. The period of diversion would be from the date KRD turns on for the 2001 irrigation season until the hottest part of the summer is past, but no later than September 1, 2001.

Finally, KRD is asking permission from the Bureau of Reclamation and Department of Ecology to allow KRD to transport up to 20 CFS per day of non-consumptive Taneum Creek instream flow enhancement fish water. KRD has delivered this same quantity of Taneum Creek instream flow enhancement water for the past several years (during periods when KRD had adequate carrying capacity in its canal) at the request of the US Bureau of Reclamation. This provides both river system operational benefits to the Bureau of Reclamation and fisheries habitat benefits in both the upper Yakima River mainstem (reducing flows) and lower Taneum Creek (enhancing flows).

The point of delivery at the Taneum Chute headworks is within the SW¼SW¼ of Section 32, T 19 N., R.17 E.W.M. The period of diversion would be based upon the needs of Taneum Creek and the need to protect the concrete lined canal sections during the hottest part of the summer, but no later than September 1, 2001.

Potential Effect on Yakima Project Operations

Yakima Project Operations staff analyzed the effects on Project operations and the Total Water Supply Available (TWSA) for WY 2001, of the following drought water transfer requests:

1. KRD conveyance of 20 cfs to Taneum Creek for the 2001 TWSA time period.
2. KRD conveyance of 70 cfs non-consumptive power water to the Wippel pumping plant for the 2001 TWSA time period.
3. KRD conveyance of up to 70 cfs of Cascade Irrigation District water for the 2001 TWSA time period.
4. KRD conveyance of up to 30 cfs of West Side Irrigating Co. water for the 2001 TWSA time period.

The requests involve only a change of diversion point. Their analysis considered the following factors:

1. Maximized delivery of water supply;
2. Maximized storage water use by September 30th; and
3. No negative effect to TWSA.

KRD requests a maximum of 120 cfs water demand that can currently be supplied by releases from three reservoirs. Approval of the transfers would move the diversion upstream to the Easton Dam, which can only be supplied by the two reservoirs (Keechelus and Kachess) located upstream of the Easton diversion dam. Reclamation's review concluded that the additional water demand at Easton can be operationally approved, provided that Reclamation may withdraw approval if the forecasted runoff conditions deteriorate, storage distribution changes, or the TWSA decreases significantly. Also, Reclamation has determined that the requested point of diversion changes would still allow reservoir operations above Easton Dam to support the operation of the Easton fish ladder during the TWSA period.

Conclusions and Decision

The proposed changes of point of diversion will not impair existing water rights and are not contrary to the public interest.

A change of point of diversion is not required for KRD to exercise its right associated with Court Claim 00465. This change of point of diversion was approved 30 years ago and has been incorporated into the Conditional Final Order for KRD. Similarly, Taneum Creek fisheries water has been provided at the request of Reclamation and a change of point of diversion does not appear applicable (no claim is identified).

This **DROUGHT EMERGENCY CHANGE DECISION** authorizes the transfer of up to 190 cfs, 38,082 acre-feet for conveyance in the KRD main canal from May 3, 2001 through the 2001 irrigation season.

The purposes for the water diverted at Easton Dam is irrigation of lands within CID, WSIC, and KRD, and for transportation of Taneum Creek fisheries water at the direction or request of Reclamation.

The point of diversion shall be located within the SE¼NW¼ of Section 11, T. 20 N., R. 13 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: 4/25/2001
Robert F. Barwin, Section Manager

PK:gg
010436