



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

15 W Yakima Ave, Ste 200 • Yakima, WA 98902-3452 • (509) 575-2490

May 27, 2009
CERTIFIED MAIL
[7007 2560 0001 9534 5583]

William G Evans
c/o Howard R Powell
100 N 56th Ave Apt 1
Yakima WA 98908-3103

RE: Seasonal Authorization for Water Use Under Application No. CG3-00975C

On February 24, 2009, William G. Evans in Yakima, Washington, filed an application to seasonally change the place of use (POU) for Ground Water Certificate No. G3-00975C. Irrigation of 170 acres is authorized under the water right, with an April 28, 1970, priority date. The application was accepted as complete and assigned identifier No. CG3-00975C.

Ground Water Certificate No. G3-00975C authorizes a maximum of 1750 gallons per minute (gpm), 646 acre-feet per year (ac-ft/yr) for irrigation of 170 acres between March 1 and October 31 annually. This equates to 3.8 ac-ft/acre/yr. The authorized POU is that portion of the S $\frac{1}{2}$ N $\frac{1}{2}$ and the S $\frac{1}{2}$ of Section 26, T. 11 N., R. 22 E.W.M., lying north of the Roza Canal. The point of withdrawal is authorized as being in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 26, T. 11 N., R. 22 E.W.M., all in Yakima County.

The amended proposed POU of Ground Water Seasonal Change Application No. CG3-00975C is 70 acres located in Section 25, T. 11 N., R. 22 E.W.M., which is the number of acres currently not served by Roza Irrigation District. The source of water is an existing well as authorized under the certificate, located within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ in Section 26, T. 11 N., R. 22 E.W.M.

Aerial photographs from 1993, 2005, 2006, and 2008 were reviewed, which historically indicate at least 70 acres of agricultural irrigation within the authorized POU.

Since no metering records were submitted, the Department of Ecology (Ecology) will calculate water quantities by using the 3.8 ac-ft/acre/yr calculation used to derive the historical authorization. Thus, 3.8 ac-ft multiplied by 70 acres equals to 266 ac-ft/yr to irrigate 70 acres of apples.

All of the statutory tests for change under RCW 90.03.390 have been met to approve this seasonal application. The transfer to change the place of use will not impair existing water rights. Irrigating 70 acres of apples is not detrimental to the public welfare. This change does not authorize an enlargement of those quantities in gpm, ac-ft/yr, or total irrigated acres as described under Ground Water Certificate No. G3-00975C.



This Seasonal Authorization is granted in accordance with RCW 90.03.390 until October 31, 2009, at which time it shall revert back to that land described under Ground Water Certificate No. G3-00975C.

This authorization is subject to the following conditions:

1. The duration of this Seasonal Authorization is May 27-October 31, 2009, unless sooner revoked for cause.
2. The seasonal POU under this temporary authorization will be limited to 70 acres of irrigation located within the N $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 25, T. 11 N., R. 22 E.W.M. The originally authorized 70 acres in that portion lying with the N $\frac{1}{2}$ SW $\frac{1}{4}$ and N $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 26 lying north of Roza Canal and south of Roza Irrigation District boundary line, T. 11 N., R. 22 E.W.M. will remain fallow during this seasonal change unless proof is provided to Ecology that Roza Irrigation District shares have been purchased or water has been leased for said lands. This approval will not take effect until such proof has been submitted.
3. Irrigation of any lands in excess of 70 acres within the place-of-use under this Seasonal Authorization for the 2009 irrigation season will constitute an enlargement of the right and this Seasonal Authorization shall be immediately terminated.
4. The source of the water is an existing well located within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 26, T. 11 N., R. 22 E.W.M., Yakima County.
5. Withdrawal from the well is limited to 720 gpm, 266 ac-ft/yr.
6. Violation of any of the terms and/or conditions of this seasonal change will result in this authorization being immediately terminated, issuance of administrative orders to Cease and Desist, may also subject the violator to civil penalties.
7. The Department of Ecology assumes no liability for the purchase and/or construction of any permanent facilities in conjunction with this Seasonal Authorization. Applicants for seasonal change should not construe that a seasonal change will result in the granting of a permanent change of water right.
8. The issuance of this Seasonal Authorization does not convey a right of access to or other right to use land, which you do not legally possess. Obtainment of such a right is a private matter between the applicant and owner of that land.
9. The applicant shall have a copy of this Seasonal Authorization at or near the well when pumping water.
10. An approved measuring device shall be installed and maintained for each of the sources identified by this water right in accordance with the rule "Requirements for Measuring and Reporting Water Use," WAC 173-173.

11. Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the records of water use that are kept to meet the above conditions, and to inspect at reasonable times any measuring device used to meet the above conditions.

You have the right to appeal this decision to the Pollution Control Hearings Board. Pursuant to RCW 43.21, your appeal must be filed with the Pollution Control Hearings Board, and served on the Department of Ecology, within thirty (30) days of the date of your receipt of this document.

To appeal this decision, your notice of appeal must contain a copy of the Ecology decision you are appealing.

Your appeal must be mailed to:

The Pollution Control Hearings Board
PO Box 40903
Lacey WA 98504-0903

OR Hand Deliver your appeal to:

The Pollution Control Hearings Board
4224 – 6th Ave SE Rowe Six, Bldg 2
Lacey WA 98503

Your appeal must also be served on:

The Department of Ecology
Appeals Coordinator
PO Box 47608
Olympia WA 98504-7608

In addition, send a copy to:

Mark Schuppe, Acting Section Manager
Department of Ecology
15 W Yakima Ave Ste 200
Yakima WA 98902-3452

Sincerely,

Mark Schuppe, Acting Section Manager, by Melissa Downes

Mark Schuppe, Acting Section Manager
Water Resources Program

MCS:CG:gg/090506

cc: Philip Rigdon, Director, Natural Resources Division, Yakama Nation

Enclosures: Your Right to be Heard
Water Measurement Requirements