



COPY

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

4601 N. Monroe, Suite 202 • Spokane, Washington 99205-1295 • (509) 456-2926

May 31, 2001

Mr. Tom Paulus
Ice Harbor Farms
PO Box 178
Bow, WA 98232-0178

Dear Mr. Paulus:

Re: Emergency Drought Change for 2001 under Surface Water Certificate No. 11862
(WRIA 33 - Walla Walla County)

Your request for an Emergency Drought Change in the place of use and point of diversion/withdrawal for the 2001 irrigation season under the above-referenced Certificate has been received and is granted conditionally as follows:

The above-referenced Certificate authorizes a total of 62.54 cubic feet per second, 15916 acre-feet per year for the irrigation of 3979 acres, each year, from January 1 to December 31. The point of diversion is within Government Lot 6 in Sec. 19, T. 9 N., R. 32 E.W.M. The place of use is located as follows; In T. 8 N., R. 31 E.W.M.: Sec. 1; Sec. 2, LESS the SW¹/₄ thereof; that part of Sec. 3 lying southeasterly of U.P. Railroad right of way; LESS the south 1083.8 feet thereof; Sec. 11; and Sec. 12; AND: In T. 8 N., R. 32 E.W.M.; Sec. 6 and Sec. 7; AND in T. 9 N., R. 31 E.W.M.: That part of Sec's. 24, 25, 26, and 35 Lying southwesterly of the U.P. Railroad right of way, LESS that part of said Sec. 35 described as follows; Beginning at the intersection of the north right of way of State Highway 124 (3-D) and the easterly right of way line of the U.P. Railroad; thence northeasterly along said railroad right of way 2000 feet; thence southeasterly, at right angles to said railroad right of way 500 feet; thence south 1232.93 feet to said highway right of way; thence west along said highway right of way to point of beginning.

Certificate No's. G3-28146C and G3-28683C are subject to minimum flows on the Columbia River under WAC 173-563-040 and WAC 173-563-050.

The Boise Cascade Corporation has signed up for and been accepted into the temporary trust water program for the 2001 irrigation season. The program will allow Certificate G3-28146C and G3-28683C to be exercised when the flows of the Columbia River are above the minimum flow and during the availability of water under the temporary trust water program. They are limited to no greater than 3.1 acre-feet per acre under this program.

Boise Cascade has an established cottonwood tree plantation that requires more than 3.1 acre-feet per acre. The applicant will take 869 acres out of production and transfer 17.38 cubic feet

Mr. Tom Paulus
Ice Harbor Farms
Page 2
May 31, 2001

per second, 1136 acre-feet of water from Surface Water Certificate 11862 to five (5) wells that are authorized under Certificate No's. G3-28146C and G3-28683C.

The place of use that will not be irrigated in the 2001 irrigation season is all of irrigation block No. 506 and the N½ of irrigation block No. 509 of Ice Harbor Farms within T. 8 N., R. 32 E.W.M. and T. 8 N., R. 31 E.W.M. The place of use that will be irrigated is 757 acres located within the S½ of Sec. 2 and all of Sec. 11, both in T. 7 N., R. 31 E.W.M.

This change does not authorize an enlargement of those quantities in cubic feet per second, acre-feet per year, or total irrigated acres as described under Surface Water Certificate No. 11862.

Irrigation of any lands removed from irrigation under this authorization for the 2001 season will constitute an enlargement of the right and this authorization shall be immediately terminated.

The diversions used under this authorization and any other temporary drought authorization shall be metered for instantaneous and/or for cumulative quantities as per conditions under the original water right. With proper consent, Ecology officials shall have right of access to the meter(s) at all times. In the event the meter(s) or measuring device(s) should become damaged or inoperable, all diversion of water under this authorization should cease until such time as the meter or measuring device is restored to proper working order.

You are advised that the issuance of this drought change/transfer by the Department 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 the owner of the land.

This drought change/transfer is granted in accordance with WAC 173-166-085 until the end of the 2001 irrigation season, at which time it shall automatically revert back to that described under Surface Water Certificate No. 11862.

The Department assumes no liability for the purchase and/or construction of any permanent facilities in conjunction with this drought change authorization. Applicants for drought change/transfer should not construe that a drought change will result in the granting of a permanent change of water right.

Violation of any of the terms and/or conditions of this drought change/transfer will result in this authorization being immediately terminated, issuance of administrative orders to Cease and Desist, and may also subject the violator to civil penalties.

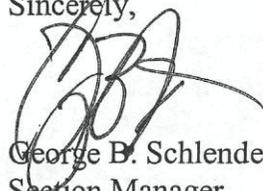
The Department may field-verify this drought change/transfer at any time for compliance with the terms and/or conditions of this authorization.

Nothing in this authorization shall be construed as satisfying other applicable federal, state, or local statutes, ordinances or regulations.

Mr. Tom Paulus
Ice Harbor Farms
Page 3
May 31, 2001

This Action may be appealed. **Your appeal must be filed with the Pollution Control Hearings Board, P.O. Box 40903, Olympia, WA 98504-0903 within thirty (30) days of the date of mailing of this Action.** At the same time, your appeal must also be sent to the Department of Ecology c/o the Appeals Coordinator, P.O. Box 47600, Olympia, WA 98504-7600. Your appeal alone will not stay the effectiveness of this Action. Stay requests must be submitted in accordance with RCW 43.21B.320. These procedures are consistent with Chapter 43.21B RCW.

Sincerely,



George B. Schlender
Section Manager
Water Resource Program

GBS:HS:mjw

cc: Boise Cascade
c:/word/Drought/BoiseCascadeDrought2001.doc

I, Mary Jane Willey, certify that I mailed this letter or an identical copy thereof, postage prepaid, to the above addressee(s) this 31st day of May, 2001.


(Signature)