



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

4601 N Monroe Street • Spokane, Washington 99205-1295 • (509)329-3400

July 25, 2005

Mr. George Dormaier & Sons, Inc.  
P.O. Box 117  
Hartline, Washington 99135-0117

COPY

Dear Mr. Dormaier:

Re: Emergency Drought Permit for 2005 (WRIA 43 - Grant/Lincoln County)

Your request for an Emergency Drought Permit for the 2005 irrigation season under RCW 43.83B.410 has been received and is granted conditionally as follows:

**BACKGROUND**

George Dormaier and Sons have multiple Surface and Ground Water Right Claims on file with the department. Several of the surface water right claims are for the diversion of Wilson Creek for the purposes of irrigation and stockwater in both Grant/Lincoln Counties. The point(s) of diversion are within Sections 7 and 18 in T. 24 N., R. 31 E.W.M. Lincoln County and Sections 13, 24 and 25 within T. 24 N., R. 30 E.W.M. The place of use of these claims is located within Sections 7 and 18, T. 24 N., R. 31 E.W.M. and Sections 13, 24, and 25 in T. 24 N., R. 30 E.W.M.

Ground Water Certificate G3-26291C is also appurtenant to the same land as described in the Surface Water Right Claims from Wilson Creek. Ground Water Certificate G3-26291C authorizes 450 gallons per minute, 363 acre-feet per year for the seasonal irrigation of 450 acres. The authorized well is located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 13, T. 24 N., R. 30 E.W.M. The certificate was issued as a supplemental water right to the existing surface water claims. This certificate and the well capacities are not adequate to supplement the surface water claims under these drought conditions.

Due to the drought conditions that have been declared statewide and the low to non-existent flows in Wilson Creek currently occurring, the applicant is unable to exercise the existing surface water right claims. In past years, the flows in this reach of Wilson Creek drop to where the applicant can not exercise all of the surface water claims, however, the flows in this 2005



irrigation season have rapidly diminished earlier than previous years. The existing ground water certificate is not adequate to cover the irrigation project under these drought conditions. The applicant proposes to pump a well that is adjacent to Wilson Creek, into the creek to convey water to existing pump facilities. This emergency permit is issued to prevent loss of alfalfa, grain and hay. Additionally, approximately 150 cattle will be watered from existing facilities.

Emergency drought permits may be authorized RCW 43.83B.410 if the following conditions are met:

- The waters proposed for withdrawal are to be used for a beneficial use involving a previously established activity or purpose;
- The previously established activity or purpose was furnished water through rights applicable to the use of a public body of water that cannot be exercised due to the lack of water arising from natural drought conditions; and
- The proposed withdrawal will not reduce flows or levels below essential minimums necessary (A) to assure the maintenance of fisheries requirements, and (B) to protect federal and state interests including, among others, power generation, navigation, and existing water rights.

## DECISION

**For the remainder of the 2005 irrigation season you are authorized to withdraw 350 gallons per minute, 155 acre-feet for the irrigation of 450 acres from a well located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 13, T. 24 N., R. 30 E.W.M. The place of use shall be within Sections 7 and 18 in T. 24 N., R. 31 E.W.M. Lincoln County and Sections 13, 24 and 25 within T. 24 N., R. 30 E.W.M. The place of use of these claims is located within Sections 7 and 18, T. 24 N., R. 31 E.W.M. and Sections 13, 24, and 25 in T. 24 N., R. 30 E.W.M.**

**This drought permit authorization will be exercised for only the remainder of the irrigation season or at the termination of the statewide drought order issued under RCW 43.83B.405, which ever comes first.**

**The total quantity of water to be withdrawn under this drought permit authorization shall not exceed 350 gallons per minute, 155 acre-feet for the irrigation of 450 acres and stockwater.**

**The well used under this temporary drought authorization shall be metered for instantaneous and for cumulative quantities. 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.**

Mr. George Dormaier & Sons Inc.

Emergency Drought Permit

Page 3

July 25, 2005

You are advised that the issuance of this drought permit 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.

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

Violation of any of the terms and/or conditions of this emergency drought permit 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 permit 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.

This decision may be appealed pursuant to RCW Chapter 43.21B. Any person wishing to appeal this decision must file an appeal with the Pollution Control Hearings Board **within thirty (30) days of receipt of this decision**. 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, Water Resources Appeals Coordinator, P.O. Box 47600, Olympia, Washington 98504-7600.

Sincerely,



Keith L. Stoffel  
Section Supervisor  
Water Resource Program

KLS/HS:md

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Enclosure

I certify that I mailed this letter or an identical copy thereof, postage prepaid, to the above addressee(s) this 25<sup>th</sup> day of July, 2005.

Water Resources Program, Secretary Senior, Molly A. Davis 