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STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

August 15, 2005

CERTIFIED MAIL (7003 1680 0007 1554 5004)

Mr. Don Schwerin
711 East Main Street
Dayton, WA 99328

Re: Emergency Drought Permit: Seneca Foods Corporation (G3-30471)

Dear Mr. Schwerin:

In accordance with the provisions of RCW 43.83B.405, on March 10, 2005, it was ordered and determined by the Director of the Department of Ecology that the State of Washington is under drought conditions. On August 9th, 2005, the Department received your complete Application for a Drought Permit. 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 PERMIT. The intent of this authorization is to alleviate hardships and reduce the burdens on water users arising from the drought conditions.

THIS AUTHORIZATION SHALL IN NO MANNER BE CONSTRUED TO GUARANTEE OR IMPLY THAT A FINAL (REGULAR) PERMIT WILL ISSUE FOR THE FUTURE USE OF THE WATER USE HEREIN AUTHORIZED.

This authorization is conditioned by the following provisions and limitations:

- This authorization is for (1) withdrawal of water from an existing basalt aquifer well located within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 19, T. 10 N., R. 39 E.W.M., and (2) diversion of water from an existing pumping station on the Touchet River located within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 3, T. 9 N., R. 38 E.W.M.
- **The instantaneous quantity of water to be withdrawn from the well and discharged into the Touchet River is limited to no less than 220 gallons per minute based upon the instantaneous quantity requested in the application. The instantaneous quantity to be diverted downstream from the Touchet River is limited to 175 gallons per minute (0.39 cubic feet per second).**

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- The annual quantity authorized is based on the requirements outlined in your application. This authorization shall be limited to a total withdrawal of 12 acre-feet from the subject well and a total diversion from Touchet River of 7.7 acre-feet for the irrigation of 2.4 acres of winter squash/pumpkins and 0.1 acres of green beans (2.5 acres total).
- **Water withdrawn from the subject well and discharged to the Touchet River shall begin at least 3.5 hours prior to water being diverted from the Touchet River at the downstream point authorized herein.** Discharge into the Touchet River may cease any time after the diversion of water from the Touchet River ceases.
- The place of use is described for the 2.5 acres to be irrigated is within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 3, T. 9 N., R. 38 E.W.M., Columbia County.
- An approved measuring device shall be installed and maintained for each of the sources identified herein (the well discharge into the Touchet River and the irrigation diversion authorized for use downstream) in accordance with the rule "Requirements for measuring and Reporting Water Use", Chapter 173-173 WAC. Water use data shall be recorded weekly by the landowner and shall be submitted to Ecology by October 31st, 2005.

The rule above describes the requirements for data accuracy, device installation and operation, and information reporting. It also allows a water user to petition Ecology for modifications to some of the requirements. Installation, operation and maintenance requirements are enclosed as a document entitled "Water Measurement Device Installation and Operation Requirements".

At a minimum, the following information shall be included with each submittal of water use data: owner, contact name if different, mailing address, daytime phone number, WRIA, Permit or Certificate No., source name, annual quantity used including units, maximum rate of diversion including units, and period of use. In the future, Ecology may require additional parameters to be reported or more frequent reporting.

Department of 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.

- Withdrawal of water under this authorization may be limited or otherwise regulated in favor of senior rights.
- Per the request submitted with the application, this drought emergency authorization shall expire on October 15, 2005.

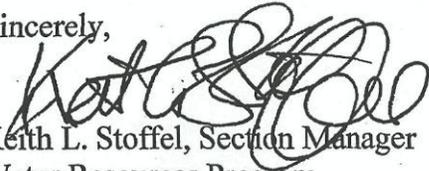
This decision may be appealed pursuant to RCW Chapter 43.21B. Any person wishing to appeal this decision must file an appeal with the Pollution Control Hearings Board **within thirty (30) days of receipt of this decision.** Send the appeal to: Pollution Control Hearings Board, P.O. Box 40903, Olympia, Washington 98504-0903. At the same time, a copy of the appeal must be sent to:

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Department of Ecology, Water Resources Appeals Coordinator, P.O. Box 47600, Olympia,
Washington 98504-7600.

Sincerely,



Keith L. Stoffel, Section Manager
Water Resources Program
Eastern Regional Office

KLS:BN:mjw

Mydocumnts/word/NEVE/Seneca Emergency Permit final 8-15-05.doc

Enclosure: *"Your Right to be Heard"* Information Sheet