



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
Central Region Office

1250 West Alder St., Union Gap, WA 98903-0009 • 509-575-2490

_____, 2023

North Outlook Ranch, LLC
Attn: Matt Haak
840 Kellum Road
Outlook, WA 98938

Email: matt@priceapples.com

Re: Emergency Drought Authorization No. G4-33317-23

Dear Matt Haak:

In accordance with the provisions of RCW 43.83B.405, on July 24, 2023, the Director of the Department of Ecology (Ecology) ordered and determined that the Yakima River Basin is under drought conditions. Pursuant to WAC 173-166-070, Ecology is issuing this EMERGENCY DROUGHT AUTHORIZATION. The intent of this authorization is to alleviate hardships and reduce the burdens on water users arising from the drought conditions by getting them to 75% of a normal year's water supply.

In a normal year, Roza Irrigation District (Roza) delivers 3.0 acre-feet of water per acre. At the United States Bureau of Reclamation's (USBR) adopted July forecast prorationing level of 72%, Roza is expected to deliver approximately 2.16 acre-feet of water. This authorization will allow an additional 0.05 acre-feet of water per acre for irrigation.

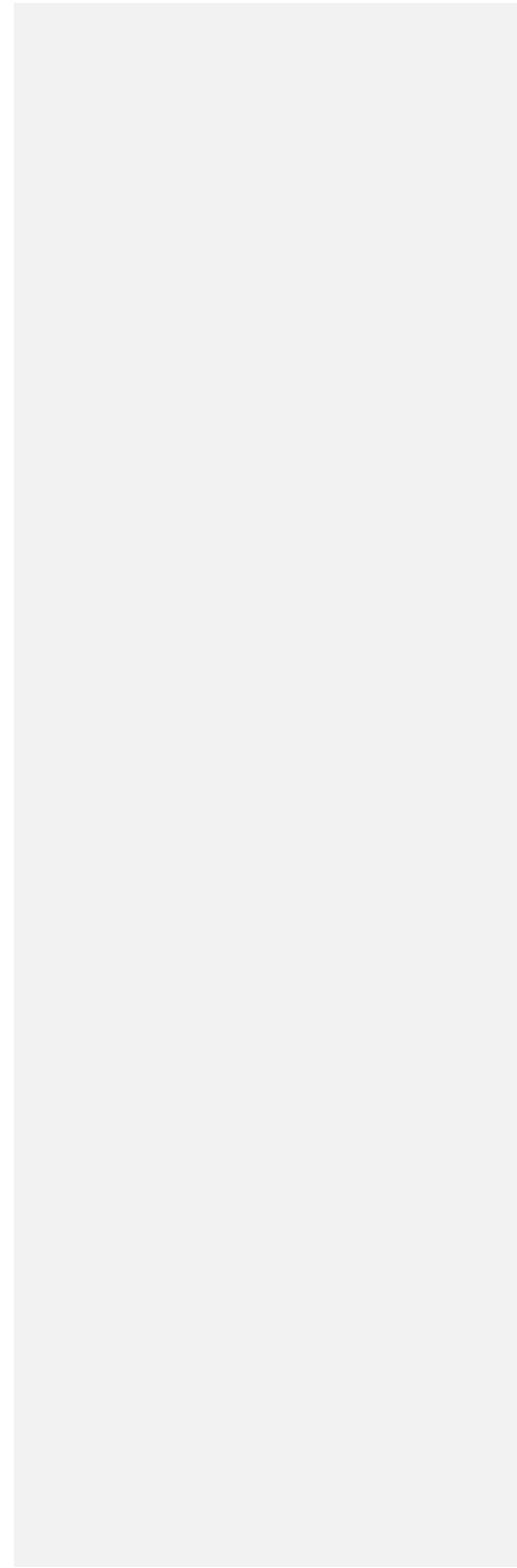
THIS AUTHORIZATION SHALL IN NO MANNER BE CONSTRUED TO GUARANTEE OR IMPLY THAT A FINAL (REGULAR) PERMIT WILL ISSUE FOR THE FUTURE USE OF WATER HEREIN AUTHORIZED.

The terms of your authorization are as follows:

Total Quantity in gpm:	150
Total Quantity in acre-feet:	7.5
Total Acres	147.60
Place of Use:	147.6 acres within Yakima County: Yakima County Parcel No. 22113211001, located within the NE¼NE¼ of Section 32, Township 11 North, Range 22 E.W.M.
Well Tag I.D.	Location of Well:
TBD	Yakima County Parcel No. 22113211001, located within the NE¼NE¼ of Section 32, Township 11 North, Range 22 E.W.M.

This Temporary Emergency Drought Authorization expires October 31, 2023.

DRAFT



Provisions:

1. Use of water under this authorization must be mitigated. The applicant has obtained temporary interest in 7.5 ac-ft of consumptive mitigation held in trust through the Selah-Moxee Irrigation District. This water authorization will expire on October 31, 2023 or when the temporary interest expires, whichever comes first.
2. Water may be used under this authorization only in relation to previously established activity as defined by Chapter 173.166 WAC. This authorization only authorizes a supplemental water supply to the applicant's normal source of water. The total amount withdrawn under this authorization cannot exceed 7.5 acre-feet.
3. This authorization may be terminated, in whole or in part, whenever withdrawals conflict with the flows protected by RCW 43.83B.410(1)(a)(iii), or whenever the provisions of this authorization are violated.
4. The proposed well must comply with the following construction requirements and restrictions:
5. An approved measuring device must 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, which describes the requirements for data accuracy, device installation and operation, and information reporting.
6. An Initial reading, final reading, and weekly readings of the flow meter shall be recorded and maintained by the applicant. These readings shall be documented by time, date, withdrawal rate, and cumulative amount withdrawn. Copies of these records shall be submitted to Ecology by November 15, 2023. Recorded water use data may also be submitted via the Internet. To set up an Internet reporting account, contact the Central Region Office at (509) 575-2597.
 - a. To ensure compliance with this authorization and the mitigation agreement, water use from the proposed Blackhawk well must be recorded by an automated system and reported to Ecology via cellular-based telemetry. Ecology shall have full access to this data via the Internet. Data shall, at a minimum, record peak instantaneous (Qi) and total (Qa) diversions on a daily basis, and at a minimum, transmit data daily. Refer to Ecology's publication 19-11-083: "Telemetered Metering Options" for meter selection:
<https://apps.ecology.wa.gov/publications/documents/1911083.pdf> a. If the telemetry system is installed after Ecology's initial site visit is conducted, the water user shall arrange for Ecology staff to inspect the telemetered metering device.
7. A site visit shall be scheduled with Department of Ecology personnel to ensure each measuring device is installed properly and in good working order within two (2) weeks from the date of this authorization for the point of withdrawal.
8. Department of Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the project location, and to inspect at reasonable times,

Commented [KC(1)]: Ecology is still finalizing the well construction requirements but the source for this authorization will be the Ellensburg formation.

records of water use, wells, diversions, measuring devices and associated distribution systems for compliance with water law.

9. All wells shall be tagged with a Department of Ecology unique well identification number. If you have an existing well and it does not have a tag, please contact the well-drilling coordinator at the regional Department of Ecology office issuing this decision. This tag shall remain attached to the well. If you are required to submit water measuring reports, reference this tag number.
10. Water may be used under this authorization only in relation to previously established activity as defined by Chapter 173.166 WAC. This authorization only authorizes a supplemental water supply to the applicant's normal source of water. The total amount withdrawn under this authorization cannot exceed 148.7 acre-feet.
11. This authorization may be terminated, in whole or in part, whenever withdrawals conflict with the flows protected by RCW 43.83B.410(1)(a)(iii), or whenever the provisions of this authorization are violated.

Contact information

Please direct all questions about this letter to:

Jolee Ramos
Permit Writer
Water Resources Program
Central Region Office

Phone: (509) 406-4692
Email: jolee.ramos@ecy.wa.gov

Your right to appeal

You have a right to appeal this decision to the Pollution Control Hearings Board (PCHB) within 30 days of the date of receipt. The appeal process is governed by RCW 43.21B and WAC 371-08. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal, you must do all of the following within 30 days of the date of receipt of this decision:

- File your notice of appeal and a copy of this decision with the PCHB (see filing information below). "Filing" means actual receipt by the PCHB during regular business hours as defined in WAC 371-08-305 and -335. "Notice of appeal" is defined in WAC 371-08-340.
- Serve a copy of your notice of appeal and this decision on the Department of Ecology by mail, in person, or by email (see addresses below).

You must also comply with other applicable requirements in RCW 43.21B and WAC 371-08.

Filing an appeal

Filing with the PCHB

For the most current information regarding filing with the PCHB, visit: <https://eluh.wa.gov/> or call: 360-664-9160.

Service on Ecology

Street Address:

Department of Ecology
Attn: Appeals Processing Desk
300 Desmond Drive SE
Lacey, WA 98503

Mailing Address:

Department of Ecology
Attn: Appeals Processing Desk
PO Box 47608
Olympia, WA 98504-7608

E-Mail Address:

ecologyappeals@ecy.wa.gov

More information

- **Pollution Control Hearings Board Website**
<https://eluh.wa.gov/>
- **Chapter 43.21B RCW – Environmental Hearings Office – Pollution Control Hearings Board**
<http://apps.leg.wa.gov/RCW/default.aspx?cite=43.21B>
- **Chapter 371-08 WAC – Practice And Procedure**
<http://apps.leg.wa.gov/WAC/default.aspx?cite=371-08>
- **Chapter 34.05 RCW – Administrative Procedure Act**
<http://apps.leg.wa.gov/RCW/default.aspx?cite=34.05>
- **Ecology's Laws, Rules & Rulemaking**
<https://www.ecology.wa.gov/About-us/How-we-operate/Laws-rules-rulemaking#ws>

Americans with Disabilities Act information

Accommodation Requests

To request ADA accommodation including materials in a format for the visually impaired, call Ecology at 360-407-7668 or visit <https://ecology.wa.gov/accessibility>. People with impaired hearing may call Washington Relay Service at 711. People with speech disability may call TTY at 877-833-6341.

Signature

North Outlook Ranch
_____, 2023
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Heather Simmons
Section Manager
Water Resources Program
Central Region Office

HS:JR:___/-----

CC: Philip Rigdon, Yakama Nation

