

MEMO

To: Christopher Kossik
Water Resources Program
Washington State Department of Ecology

From: Phil Hull
Zirkle Fruit Company

Date: June 10, 2025

RE: Application for Emergency Authorization to Use Supplemental Water in the Yakima Basin

Attached is an Application for an Emergency Drought Authorization for G4-33226 (Ellensburg Area).

In the application, Section 5, *Proposed Use and Water Quantity Under This Application*, there is not a place to state the quantity of water we are requesting. For **G4-33226** (Ellensburg Area) we are requesting that Ecology authorize us to withdraw **280 acre feet of water**. Included in the application is a Draft Water Mitigation Allotment from Selah-Moxee Irrigation District.

Call or email me if you have any questions: 509-969-7832, philh@zirklefruit.com



For Ecology Use
(Date Stamp)

Application for Emergency Authorization to use Supplemental Water in the Yakima River Basin

Follow the attached instructions. Please attach additional sheets if necessary.

Section 1. APPLICANT

| | | |
|---|----------------------------------|----------------------|
| Applicant/Business Name: Zirkle Fruit Company, Inc. | Phone No: 509-697-6101 | Other No: |
| Address: P.O. Box 190 | | |
| City: Selah | State: WA | Zip: 98942 |
| Email Address (if available): philh@zirklefruit.com | | |

| | | |
|---|----------------------------------|----------------------|
| Contact Name (if different from above): Phil Hull | Phone No: 509-969-7832 | Other No: |
| Relationship to Applicant: Facilities Manager | | |
| Address: P.O.Box 190 | | |
| City: Selah | State: WA | Zip: 98942 |
| Email Address (if available): philh@zirklefruit.com | | |

| | | |
|---|---|--|
| For Ecology Use | APPLICATION NO: _____ SEPA: Exempt/Not Exempt | |
| | Fee Paid: _____ Check No: _____ ECY Coding: 001-001-WR1-0285-000011 | |
| Date Returned _____ By _____ Priority Date _____ By _____ WRIA: _____ | | |

Section 2. CURRENT WATER RIGHT INFORMATION AND PREVIOUS DROUGHT AUTHORIZATIONS

A. Primary Water Right information (required information)

| Primary Water Right Number or Irrigation District | Parcel Number | Number of Irrigated Acres | Crop Type | Irrigation Type (Drip, sprinkler, etc.) |
|---|---------------|---------------------------|------------------|---|
| Kittitas Reclamation Distr. | See Attached | 1,052 | Apples, Cherries | Drip |
| | | | | |

B. Supplemental (Standby/Reserve) Water Right Information (if applicable):

Do you have a permanent supplemental (standby/reserve) water right for the above mentioned property? Please identify the water right document(s): No

C. Previous Emergency Drought Authorization information (if applicable):

If applicable, please identify authorizations from previous drought or proration years:

G4-33142-15, G4-33146-15, G4-33226-19, G4-33226-23, G4-33226-24

Section 3. WELL INFORMATION

A) Location - Legal Description

| | | | | | | |
|--------------|----------|---|-------------|----------|-------|--------|
| Parcel No. | ¼ | ¼ | Section | Township | Range | County |
| See Attached | | | | | | |
| Lot(s) | Block(s) | | Subdivision | | | |
| | | | | | | |

If known, enter the distances in feet from the point of withdrawal (well) to the nearest section corner:

_____ Feet (☐ North/☐ South) and _____ feet (☐ East/☐ West)

from the (☐NW ☐SW ☐NE ☐SE ☐ _____) corner of Section _____.

NOTE: If more than two points of withdrawal (wells), please attach additional information on a separate sheet of paper.

B) General information

Do you have an existing well? ☒ YES ☐ NO If so, how many? 5

If available, attach Water Well Report and Pump Test.

Well Tag ID No(s): See Attached

Well diameter(s) & depth(s): See Attached

Section 4. PLACE OF USE

Provide or attach a copy of the legal description of the property (on which the water will be used).

See Attached

| 1/4 | 1/4 | Section | Twp. | Range | County | Parcel No. |
|-----|-----|---------|------|-------|--------|------------|
| | | | | | | |

Do you own all the lands on which the proposed place of use is located? ☒ YES ☐ NO

If no, do you have legal authority to make this application for use of this land? ☒ YES ☐ NO

Provide owner name(s), address, and phone number: See Attached

Section 5. PROPOSED USE AND WATER QUANTITY UNDER THIS APPLICATION

| Parcel Number | Proposed Irrigated Acres | Crop Type | Irrigation Type (drip, sprinkler, etc.) |
|---------------|--------------------------|-----------|---|
| See Attached | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| Total | | | |

Section 6. DRIVING DIRECTIONS

Please provide the site address and detailed driving directions to the well and the proposed place of use:

See Attached

Section 7. REQUIRED SIGNATURES

I certify that the information provided in this application is true and accurate to the best of my knowledge. I understand that in order to process my application, I grant staff from the Department of Ecology access to the site for inspection and monitoring purposes. Even though the employees of the Department of Ecology may have assisted me in the preparation of the above application, all responsibility for the accuracy of the information rests with me, the applicant.

Phil Hull
Printed Name
Applicant or Authorized
Representative

[Signature]
Signature

5-28-25
(Date)

Printed Name
Applicant or Authorized
Representative

Signature

(Date)

x Scott C. Cluff, CEO
Printed Name
Legal Owner or Proposed place of use

[Signature]
Signature

5-27-25
(Date)

Mail the application to:

Central Regional Office
1250 W. Alder Street
Union Gap, WA 98903-0009
(509) 575-2490

Section 7. REQUIRED SIGNATURES

I certify that the information provided in this application is true and accurate to the best of my knowledge. I understand that in order to process my application, I grant staff from the Department of Ecology access to the site for inspection and monitoring purposes. Even though the employees of the Department of Ecology may have assisted me in the preparation of the above application, all responsibility for the accuracy of the information rests with me, the applicant.

*Printed Name
Applicant or Authorized
Representative*

Signature

(Date)

*Printed Name
Applicant or Authorized
Representative*

Signature

(Date)

X William M. Zirkle
*Printed Name
Legal Owner or Proposed place of use*

William M Zirkle
Signature

5-27-25
(Date)

Mail the application to:

Central Regional Office
1250 W. Alder Street
Union Gap, WA 98903-0009
(509) 575-2490

P.O. Box 190
SELAH, WA 98942

Section 7. REQUIRED SIGNATURES

I certify that the information provided in this application is true and accurate to the best of my knowledge. I understand that in order to process my application, I grant staff from the Department of Ecology access to the site for inspection and monitoring purposes. Even though the employees of the Department of Ecology may have assisted me in the preparation of the above application, all responsibility for the accuracy of the information rests with me, the applicant.

Printed Name
Applicant or Authorized
Representative

Signature

(Date)

Printed Name
Applicant or Authorized
Representative

Signature

(Date)

x Gary M Diefenbach
Printed Name
Legal Owner or Proposed place of use

Gary M Diefenbach
Signature

5/20/25
(Date)

Mail the application to:

Central Regional Office
1250 W. Alder Street
Union Gap, WA 98903-0009
(509) 575-2490

820 PAYNE RD
ELLENBURG, WA 98926

Section 7. REQUIRED SIGNATURES

I certify that the information provided in this application is true and accurate to the best of my knowledge. I understand that in order to process my application, I grant staff from the Department of Ecology access to the site for inspection and monitoring purposes. Even though the employees of the Department of Ecology may have assisted me in the preparation of the above application, all responsibility for the accuracy of the information rests with me, the applicant.

Printed Name
Applicant or Authorized
Representative

Signature

(Date)

Printed Name
Applicant or Authorized
Representative

Signature

(Date)

X ERIC STEPHEN MOE
Printed Name
Legal Owner or Proposed place of use


Signature

5/21/25
(Date)

Mail the application to:

Central Regional Office
1250 W. Alder Street
Union Gap, WA 98903-0009
(509) 575-2490

906 E. 4TH AVE
ELLENSBURG, WA 98926

Attachment

Application for Emergency Authorization to use Supplemental Water in the Yakima River Basin

Zirkle Fruit Company
PO Box 190
Selah, WA 98942

Section 2. CURRENT WATER RIGHT INFORMATION AND PREVIOUS DROUGHT AUTHORIZATIONS

A. Primary Water Right Information

Badger Pocket

| Parcel Number | Irrigated Acres | Crop Type | Irrigation Type |
|--|-----------------|---------------------|-----------------|
| 714433, 573036, 523036, 513036, 533036, 10182 704433 | 116 | Apples, Cherries | Drip |

Denmark

| Parcel No. | Irrigated Acres | Crop Type | Irrigation Type |
|--|-----------------|-----------|-----------------|
| 240433, 949879, 949877, 954362, 954363, 954360, 954361 | 139 | Apples | Drip |

West Wildcat

| Parcel No. | Irrigated Acres | Crop Type | Irrigation Type |
|---|-----------------|-----------|-----------------|
| 054433, 14801, 390433 870433, 064433, 168836 | 322 | Apples | Drip |

East Wildcat

| Parcel No. | Irrigated Acres | Crop Type | Irrigation Type |
|--|-----------------|---------------------|-----------------|
| 850433, 880433, 870433 084433, 244433, 184433 | 345 | Apples, Cherries | Drip |

Blackhawk

| Parcel No. | Irrigated Acres | Crop Type | Irrigation Type |
|--|-----------------|---------------------|-----------------|
| 951516, 135636, 174433 184433, 816236 | 130 | Apples, Cherries | Drip |

Section 3. WELL INFORMATION

Ranch Name: Badger Pocket
Existing well: Yes
Well tag ID: BLR 173 (this is a replacement tag for BUI 817, which was lost)
Parcel: 533036 (Kittitas)
Coordinates: NE $\frac{1}{4}$ NW $\frac{1}{4}$ S12 T16N R19E
From section corner: 560' south, 2,015' east of NW corner of S12 T16N R19E
Well log: Yes (see attached)
Diameter and depth: 10" x 760'

Ranch Name: Denmark
Existing well: Yes
Well tag ID: BLR 174 (this is a replacement tag for BUI 818, which was lost)
Parcel: (Kittitas) 240433 (Kittitas)
Coordinates: SW $\frac{1}{4}$ SW $\frac{1}{4}$ S35 T17N R19E
From section corner: 250' east, 1,115' north from the SW corner of S35 T17N R19E
Well log: Yes (see attached)
Diameter and depth: 12" x 900'

Ranch Name: West Wildcat
Existing well: Yes
Well tag ID: BLG 409
Parcel: 390433 (Kittitas)
Coordinates: SW $\frac{1}{4}$ SE $\frac{1}{4}$ S33 T17N R19E
From section corner: 2,775' east, 55' north from SW corner of S33 T17N R19E
Well log: Yes (see attached)
Diameter and depth: 12" x 610'

Ranch Name: East Wildcat
Existing well: Yes
Well tag ID: BLG 410
Parcel: 244433 (Kittitas)
Coordinates: NE $\frac{1}{4}$ NE $\frac{1}{4}$ S4 T16N R19E
From section corner: 1,300' west, 60' south from NE corner of S4 T16N R19E
Well log: Yes (see attached)
Diameter and depth: 12" x 880'

Ranch Name: Blackhawk
Existing well: Yes
Well tag ID: BPF 439
Parcel: 951516 (Kittitas)
Coordinates: SE $\frac{1}{4}$ NE $\frac{1}{4}$ S3 T16N R19E
From section corner: 2,345' south, 85' west from NE corner of S3 T16N R19E
Well log: Yes (see attached)
Diameter and depth: 10" x 780'

Section 4. PLACE OF USE

| | |
|--------------------|---|
| Ranch Name: | Badger Pocket |
| Legal Description: | See attached |
| Coordinates: | S12 T16N R19E; S1 T16N R19E |
| Parcel(s): | 533036, 573036, 523036, 714433, 513036, 10182, 704433 (Kittitas) |
| Own Land: | Yes |
| Authorization: | Yes |
| Owner(s): | Zirkle Fruit Company, Inc. |
| Ranch Name: | Denmark |
| Legal Description: | See attached |
| Coordinates: | S34 T17N R19E; S35 T17N R19E; S3 T16N R19E |
| Parcel(s): | 240433, 949877, 949879, 954362, 954363, 954360, 954361 (Kittitas) |
| Own Land: | Yes |
| Authorization: | Yes |
| Owner(s): | Zirkle Fruit Company, Inc. |
| Ranch Name: | West Wildcat |
| Legal Description: | See attached |
| Coordinates: | S33 T17N R19E; S34 T17N R19E; S4 T16N R19E |
| Parcel(s): | 390433, 054433, 14801, 870433, 064433, 168836 (Kittitas) |
| Own Land: | Yes/No |
| Authorization: | Yes |
| Owner(s): | 390433-Eric S. Moe & Sydney A. Moe and Molly B. Nisbet & Peter B. Nisbet All others-Zirkle Fruit Company, Inc. |
| Ranch Name: | East Wildcat |
| Legal Description: | See attached |
| Coordinates: | S34 T17N R19E; S4 T16N R19E; S3 T16N R19E |
| Parcel(s): | 880433, 084433, 870433, 244433, 850433, 184433 (Kittitas) |
| Own Land: | Yes |
| Authorization: | Yes |
| Owner(s): | 184433-Zirkle, William M All others-Zirkle Fruit Company, Inc. |
| Ranch Name: | Blackhawk |
| Legal Description: | See attached |
| Coordinates: | S3 T16N R19E |
| Parcel(s): | 135636, 951516, 184433, 174433, 816236 (Kittitas) |
| Own Land: | No |
| Authorization: | Yes |
| Owner(s): | 135636-Diefenbach, Gary M 951516-Diefenbach, Gary M All others Zirkle, William M |

Section 5. PROPOSED USE AND WATER QUANTITY UNDER THIS APPLICATION

| | |
|------------------|---|
| Ranch Name: | Badger Pocket |
| Parcel(s): | 533036, 573036, 523036, 714433, 513036, 10182, 704433 (Kittitas) |
| Irrigated acres: | 116 |
| Crop type: | Apples, cherries |
| Irrigation type: | Drip |
| Ranch Name: | Denmark |
| Parcel(s): | 240433, 949877, 949879, 954362, 954363, 954360, 954361 (Kittitas) |
| Irrigated acres: | 139 |
| Crop type: | Apples |
| Irrigation type: | Drip |
| Ranch Name: | West Wildcat |
| Parcel(s): | 390433, 054433, 14801, 870433, 064433, 168836 (Kittitas) |
| Irrigated acres: | 322 |
| Crop type: | Apples |
| Irrigation type: | Drip |
| Ranch Name: | East Wildcat |
| Parcel(s): | 880433, 084433, 870433, 244433, 850433, 184433 (Kittitas) |
| Irrigated acres: | 345 |
| Crop type: | Apples, cherries |
| Irrigation type: | Drip |
| Ranch Name: | Blackhawk |
| Parcel(s): | 13563, 951516, 184433, 174433, 816236 (Kittitas) |
| Irrigated acres: | 130 |
| Crop type: | Apples |
| Irrigation type: | Drip |

Section 6. DRIVING DIRECTIONS

| | |
|-------------|---|
| Ranch Name: | Badger Pocket |
| Directions: | 1555 Harold Road, Ellensburg: From Yakima take I-82 westbound, take Exit 3, WA-821/Thrall Rd. Turn left (east) on Thrall Rd, right on Badger Pocket Rd, left on 4 th Parallel RD, right on Harold Rd to the orchard. Turn right (west) and travel along the canal 600' to the site. |
| Ranch Name: | Denmark |
| | 121 Krystal Skye Drive, Ellensburg: From Yakima take I-82 westbound, take Exit 3, WA-821 S/Thrall Rd. Turn left (east) on Thrall RD, turn right on Denmark Rd, turn right (west) on Krystal Skye Dr, travel 800' and turn right (north) on an orchard access road, travel 650', turn left (west) travel 500', turn right (north) and travel 425' to the site. |

| | |
|-------------|--|
| Ranch Name: | West Wildcat |
| Directions: | 11643 Perry Road, Ellensburg: From Yakima take I-82 westbound, take Exit 3, WA-821 South/Thrall Road. Turn left (east) on Thrall Road, then right on Orchard Road/Tozer Road, bear left on Orchard Road, then turn right on Perry Road and travel to the end of the pavement. Turn right (west) on an orchard access road and travel 550' to the site. |
| Ranch Name: | East Wildcat |
| Directions: | 1191 Payne Road, Ellensburg: From Yakima take I-82 westbound, take Exit 3, WA-821 South/Thrall Road, turn left (east) on Thrall Road, then right (south) on Dodge Rd to the end of the county road. Turn left (east) on an orchard access road and travel 0.25 miles to the site. |
| Ranch Name: | Blackhawk |
| Directions: | 1051 Vanderbilt Rd, Ellensburg: From Yakima take I-82 westbound, take Exit 3, WA-821 S/Thrall Rd. Turn left (east) on Thrall RD, turn right on Denmark Rd, Denmark Rd turns left and becomes 4 th Parallel Rd, turn right on Vanderbilt, travel 0.4 miles to the site. |



DRAFT Water Mitigation Allotment CS4-84594-J

Applicant Address

Zirkle Fruit Company
P.O. Box 190
Selah, WA 98942

| | | | |
|--|---|---|---------|
| Grantor: | Selah-Moxee Irrigation District (SMID) | Certificate Number: | 2025-12 |
| Grantee: | Zirkle Fruit Company | Date Issued: | 6-10-25 |
| Parcel Number(s): | See Abbreviated Legal Description below | | |
| Site Address: | See Ecology Application G4-33226-25 | | |
| Proposed Project Description: | 2025 Emergency Drought Well Lease is offered at 5 years @20% of mitigation quantity | | |
| Water use on these parcels is from: | | Mitigation Quantity: <u>280</u> AF | |
| <input type="checkbox"/> groundwater well(s) | | Duration: <input type="checkbox"/> Purchase | |
| <input type="checkbox"/> surface water | | <input checked="" type="checkbox"/> Lease: <u>1</u> years | |

Abbreviated Legal Description: (see page 2 for full legal description, if needed)

Badger Pocket: 533036, 573036, 523036, 714433, 513036, 10182, 704433, 064433, 168836
Denmark Ranch: 2404033, 949877, 949879, 954362, 954363, 954360, 954361
West Wild Cat: 390433, 054433, 14801, 870433 East Wild Cat: 880433, 084433, 244433, 850433, 184433
Blackhawk Ranch: 951516, 135636, 174433, 184433, 816236

Terms and Conditions:

1. This Mitigation Allotment is for use on the above-mentioned parcel(s) and legal description only and is not transferable for use at other locations or for any other uses without SMID concurrence.
2. Grantee is required to independently develop its source of water and obtain permit approval from Ecology.
3. SMID agrees it will reserve water authority for this Draft Mitigation Allotment for the time period allotted in the "2025 Water Right Short-Term Lease Agreement"
4. SMID may cancel this Draft Mitigation Allotment if the applicant is unable to obtain the Permit Authorization or any other Ecology approvals.
5. If Ecology grants permit authority for this project, then following payment of remaining required fees, SMID will issue a Final Mitigation Allotment to Grantee.
6. Grantee shall provide the Final Mitigation Allotment to Ecology and record it with the County Auditor.
7. If Ecology or a Court determines that any water use authorized by this Mitigation Allotment has been abandoned, relinquished, cancelled, or otherwise forfeited, then such quantity of water reverts to SMID without compensation to the Grantee. The applicant has a duty to use and protect such water for its own use.
8. SMID is pledging senior water rights held in the Ecology Trust Water Right Program to offset the Grantee's project. However, all water rights, even senior water rights held by SMID to offset this mitigation allotment, may be subject to curtailment due to drought, lack of water, or other reasons. SMID makes no guarantee against such future curtailment or of any future Department of Ecology regulation, Court adjudication, or other legal action as to the validity or use of the water right.

Issued By

SMID

Nathan Draper
District Manager

[Signature]
Manager Signature