



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Central Region Office

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

June 6, 2025

Congdon Orchards
Attn: Matt Paul
P.O. Box 2725
Yakima, WA 98907-2725
Email: mpaul@sagefruit.com

Re: Emergency Drought Authorization No. G4-36223

Dear Michael Quijano:

In accordance with the provisions of RCW 43.83B.405, on April 8, 2025, 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.

In a normal year, Roza Irrigation District (Roza) delivers 3 acre-feet of water per acre. At the United States Bureau of Reclamation's (USBR) adopted June forecast prorationing level of 43%, Roza is expected to deliver approximately 1.44 acre-feet of water per acre.

This authorization will allow for 68 acre-feet of water to be withdrawn for supplemental irrigation.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:		130	
Total Quantity in acre-feet:		68	
Acres		76.9	
Place of Use:		The N½ NE¼ of Section 31, Township 11 N., Range 22 E.W.M., in Yakima County	
Well Name:	Well Tag I.D.	Description of Well Location:	Place of use Parcels:
Congdon Orchards Well	ABI870	The NE¼ NE¼ of Section 31, Township 11 N., Range 22 E.W.M., in Yakima County	221131-11002, 221131-12001

This Temporary Emergency Drought Authorization expires October 31, 2025.

Provisions:

1. Use of water under this authorization must be mitigated. Prior to using water, the applicant must provide proof of interest in Trust Water Right No. CS4-84594-J to offset the total acre-feet described in this authorization. The Trust Water Right was placed into the Trust Water Right Program under the water bank name of Selah-Moxee Irrigation District.
2. 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.
3. **Prior to putting the water to use**, a site visit must be completed by Ecology personnel to ensure each measuring device is installed properly and in good working order.
4. 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, 2025. 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.

5. Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the project location, and to inspect at reasonable times, records of water use, wells, diversions, measuring devices and associated distribution systems for compliance with water law.
6. All wells constructed in the state shall meet the "Minimum Standards for the Construction and Maintenance of Wells" (WAC 173-160) and "Water Well Construction" (RCW 18.104). In general, wells shall be located at least 100 feet from sources of contamination and at least 1,000 feet of the boundary of a solid waste landfill. Any well which is unusable, abandoned, or is an environmental, safety, or public health hazard shall be decommissioned.
7. 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 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.
8. 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 68 acre-feet.
9. 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:

Anthony DeJesus

Permit Writer

Water Resources Program

Central Region Office

Phone: (509) 454-7297

Email: Anthony.dejesus@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://elaho.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

E-Mail Address:

ecologyappeals@ecy.wa.gov

Mailing Address:

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

More information

- **Pollution Control Hearings Board Website**
<https://elaho.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

Sincerely,



Heather Simmons
Section Manager
Water Resources Program
Central Region Office

HS:NL:jw (250616)

CC: Teresa Hauser, US Bureau of Reclamation, thauser@usbr.gov
Philip Rigdon, Yakama Nation, prigdon@yakama.com

Sent by Certified Mail: 9489009000276564412989