

STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

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BUREAU OF RECLAMATION
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March 10, 2003

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ACTION TAKEN:			
FOLDER #: 574			
CONTROL #: 300059B			

Mr. Eric Glover
Area Manager
United States Bureau of Reclamation
P.O. Box 1749
Yakima, Washington 98907

Dear Mr. Glover:

Enclosed is the Order and Determination of the Department of Ecology granting extension of the withdrawal of waters of the Yakima River and tributaries. The withdrawal is now extended to January 18, 2008.

If you have any questions regarding the department's decision, please call me at (253) 407-6603.

Sincerely,

Kenneth O. Slattery
Senior Policy Analyst

KS:ja
Enclosure

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DEPARTMENT OF ECOLOGY
OLYMPIA, WASHINGTON

IN THE MATTER OF THE REQUEST)
OF THE SECRETARY OF THE) ORDER AND DETERMINATION
INTERIOR OF THE UNITED STATES)
FOR AN EXTENSION OF THE PERIOD) GRANTING APPLICATION
OF WITHDRAWAL OF THE)
UNAPPROPRIATED WATERS OF)
THE YAKIMA RIVER AND ITS)
TRIBUTARIES IN BENTON, YAKIMA)
AND KITTITAS COUNTIES,)
WASHINGTON)

On April 9, 2002 the United States applied for a five year extension of the period of withdrawal of all of the unappropriated water of the Yakima River and its tributaries, pursuant to Section 90.40.030 of the Revised Code of Washington.

The subject withdrawal was initiated by notice filed by the United States Secretary of Interior on February 17, 1981, stating that the United States intended to make examinations and surveys for the utilization of such waters for multiple purposes under the Yakima River Basin Water Enhancement Study. On January 15, 1982, the Secretary of Interior certified that several projects appeared to be feasible and that investigations would be made in detail, causing the waters to be withdrawn from appropriation until January 1985.

In 1984, the United States Congress enacted section 109 of Public Law 98-381, authorizing construction of fish passage and protective facilities in the Yakima River basin utilizing portions of the withdrawn waters. In 1994, the United States Congress enacted Title 12 of PL 103-434, authorizing implementation of the Yakima River Basin Water Enhancement Project (YRBWEP). Since 1994, the United States Congress has annually appropriated funds to the United States Department of the Interior, Bureau of Reclamation for implementation of the YRBWEP. Work is progressing in such implementation through the development of a basin water conservation plan, individual irrigation district plans, specific project feasibility studies, and

the acquisition of water rights through purchase and lease.

At the request of the United States Secretary of Interior the period of withdrawal was previously extended until January 18, 1998 so that the United States could continue its examinations, surveys and investigations.

Section 90.40.030 of the Revised Code of Washington provides that a withdrawal may be further extended after proper publication of notice has been made. Notice of the April 9, 2002 application for further extension has been published once a week for four consecutive weeks in weekly newspapers published and of general circulation in Yakima, Kittitas and Benton counties, and copies of said notices and affidavits of their publications are on file in the office of the Department of Ecology. No protests were received.

WHEREAS, the United States has made a timely application for a further extension to allow for continued examinations, surveys and investigations related to the Yakima River Basin water Enhancement Project; and

WHEREAS, notice of this application for further extension has been published once a week for four consecutive weeks in weekly newspapers published and of general circulation in Benton, Kittitas and Yakima Counties, the same being the counties where the works for the utilization of such waters are to be constructed, and copies of said notices and affidavits of the publication are on file in the office of the Department of Ecology; and

WHEREAS, no protests or objections against the further extension were received; and

WHEREAS, the United States Congress has passed legislation authorizing fish passage improvements and the Yakima River Basin Water Enhancement Project and has consistently provided funding to the Bureau of Reclamation for the purpose of implementing the project; and

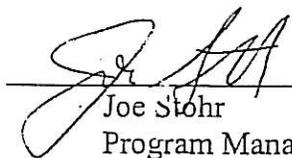
WHEREAS, the United States Department of the Interior Bureau of Reclamation, the State of Washington, the Yakama Indian Nation, and Yakima basin irrigation districts continue to diligently work toward implementation of the Yakima River Basin Water Enhancement Project, including the development of comprehensive water management and conservation plans and feasibility studies of specific betterment projects; and

WHEREAS, water rights for various elements of the Yakima River Basin Water Enhancement Project will be required as these elements are implemented in the future, it is therefore

ORDERED AND DETERMINED that the time within which the United States is required to complete plans for the utilization of the withdrawn waters of the Yakima River and its tributaries and file applications for permits for the appropriation thereof be and is hereby extended to the 18th day of January, 2008.

It is further provided that should applications for water right be filed on behalf of the United States for completion of this project under the provisions of Chapter 90.03 RCW within a period of time short of the time for which this extension is granted, this order shall be of no force and effect after the date of filing.

GIVEN UNDER MY HAND AND SEAL of this office at Olympia Washington on this date of March 7, 2003.



Joe Stohr
Program Manager
Water Resources Program