STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
15 W Yakima Ave, Ste 200 • Yakima, WA 98902-3452 • (509) 575-2490

February 12, 2013

Ms. Lorri J. Lee, Regional Director
United States Bureau of Reclamation
Pacific Northwest Region
1150 North Curtis Road, Suite 100
Boise, ID 83706-1234

RE: Extension of Withdrawal of Water of the Yakima River Basin

Dear Ms. Lee:

Enclosed is the Order and Determination of the Department of Ecology granting extension of the withdrawal of waters of the Yakima River Basin until January 18, 2018. This withdrawal is in connection with the Yakima River Basin Water Enhancement Project and was initiated in 1981.

If the Bureau of Reclamation contemplates requesting a further extension of time to complete the project(s), I recommend the extension request be made before September 1, 2017 in order to allow sufficient time for the publication of notices and processing of the request.

If you or your staff has any questions regarding the Department's decision or the withdrawal generally, please call me at (509) 454-4258.

Sincerely,

Mark Kemner, LHG
Section Manager
Water Resources Program

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Enclosure: Order and Determination

cc: Peter J. Goldmark, Washington State Commissioner of Public Lands
Gerald Kelso, BOR Columbia-Cascades Area Office Manager, Yakima
Tom Loranger, Ecology Program Manager, Water Resources, Lacey

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DEPARTMENT OF ECOLOGY
OLYMPIA, WASHINGTON

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

On August 13, 2012, the United States requested 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 (RCW).

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 XII 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, 2013 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 August 13, 2012 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.

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, the notice of this application included information on how and where to respond with comments to Ecology, and no comments 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 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, including water storage projects currently authorized or which may be authorized in the future; and

WHEREAS, water rights for various elements of the YRBWEP 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, 2018.

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 the Department of Ecology, Water Resources Program at Yakima, Washington on this date of February 12, 2013.

DEPARTMENT OF ECOLOGY
STATE OF WASHINGTON

Mark Kemner, LHG
Central Region Section Manager
Water Resources Program

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