

State of Washington
Department of Ecology

In the Matter of Compliance by
«FirstorOrgNM1»
with
Curtailement Order, Docket #12345

To: «FirstorOrgNM1»
«Add1»
«City» «State» «Zip»

1. Order to Curtail

In accordance with the May 2019 Final Decree In the Matter of the Determination of the Rights to the Use of Surface Waters of the Yakima River Drainage Basin, No. 77-2-01484-5 (Final Decree), the Department of Ecology (Ecology) is implementing the regulation and curtailement of surface water rights due to forecasted low flows in the Yakima River that indicate that 1855 irrigation rights will not be satisfied.

Surface Water Right Certificate Number(s) «File__NR1» has a priority date junior to 1855, therefore the owner of this water right, shall, upon receipt of this order, take appropriate action in accordance with the following instructions. Failure to comply with this order may result in further enforcement action.

- **Stop diverting water from the identified source on said Surface Water Right Certificate starting October 6, 2025, ending on October 31, 2025, unless conditions change.**

2. Findings of Fact

In 2025, the Yakima Basin is experiencing its third consecutive year of drought because of inadequate snowpack and below average precipitation. This has caused historically low natural flow levels and reservoir storage in the Yakima River Basin. Once the US Bureau of Reclamation (USBR) ends releases from its reservoirs, forecasts show that stream flows will not satisfy the senior most 1855 irrigation rights and the minimum target flows to sustain fish and other aquatic life (as assessed at USBR's gage at Parker, Washington).

Ecology is issuing this Curtailement Order pursuant to Paragraph 9 of the Final Decree and requiring that all surface water rights with priority dates junior to 1855 no longer divert starting on October 6, 2025. This order is in place through October 31, 2025, unless conditions change. Ecology will communicate with the River Operator at the Bureau of Reclamation daily to

monitor flows at the Parker gaging station to determine if water is available to lift curtailments throughout October.

Pursuant to the Final Decree, senior water right holders must receive their full amount before junior water right holders receive any of theirs. In this case, surface water rights dated after 1855 are curtailed until the most senior 1855 irrigation rights are fully satisfied. These rights were adjudicated by the Yakima County Superior Court¹, which established who has water rights and their order of seniority.

3. Your Right to Appeal

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

To appeal you must do both of the following within 30 days of the date of receipt of this Order:

- File your notice of appeal and a copy of this Order with the PCHB (refer to filing information below). “Filing” means actual receipt by the PCHB during regular business hours as defined in WACs 371-08-305 and -335. The required contents of a Notice of Appeal can be found in WAC 371-08-340.
- Serve a copy of your notice of appeal and this Order on Ecology by mail, in person, or by email (addresses provided below).

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

4. Filing an Appeal

Filing with the PCHB

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

Service on Ecology

Street Addresses:

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

¹ Ecology’s Yakima Adjudication Website: <https://ecology.wa.gov/water-shorelines/water-supply/water-rights/adjudications/ecology-v-acquavella>

Mailing Addresses:

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

Email Address:

ecologyappeals@ecy.wa.gov

5. Contact Information

For all questions about this Order, please leave a message on the Customer Service line at 509-575-2597 or email WRCRO@ecy.wa.gov. Please provide your affected water right number(s) to help us assist you more quickly.

6. Americans With Disabilities Act Information

Ecology is committed to providing people with disabilities access to information and services by meeting or exceeding the requirements of the Americans with Disabilities Act (ADA), Section 504 and 508 of the Rehabilitation Act, and Washington State Policy #188.

To request an ADA accommodation, contact Ecology by phone at 360-407-6872 or email at WRpubs@ecy.wa.gov. For Washington Relay Service or TTY call 711 or 877-833-6341. Visit Ecology's website for more information.

7. More Information

- **Chapter 90.03 RCW – Water Code**
<https://app.leg.wa.gov/rcw/default.aspx?cite=90.03>
- **Pollution Control Hearings Board**
<https://eluhho.wa.gov>
- **Chapter 43.21B RCW – Environmental and Land Use Hearings Office – Pollution Control Hearings Board**
<http://app.leg.wa.gov/RCW/default.aspx?cite=43.21B>
- **Chapter 371-08 WAC – Practice and Procedure**
<http://app.leg.wa.gov/WAC/default.aspx?cite=371-08>
- **Chapter 34.05 RCW – Administrative Procedure Act**
<http://app.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>

8. Signature



Heather Simmons
Section Manager
Central Regional Office
Water Resources Program

HS:vl/251002

WRTS No(s). «WR_DOC_ID1»

October 2, 2025

Date