



May 1, 2026

Electronic Transmission

Director, Casey Sixkiller
Department of Ecology
P.O. Box 47600
Olympia, WA 98504-7600

Re: Delivery Call by Yakima Basin Senior Diverters

Dear Director Sixkiller:

In accordance with the May 2019 Final Decree in the *Acquavella* Yakima Basin surface water rights adjudication, Yakima County Superior Court No. 77-2-01484-5 (“Final Decree”), the [four] undersigned senior water delivery entities request that the Washington Department of Ecology (“Ecology”) exercise its water rights administration authority under the Final Decree and Washington Water Code, Ch. 90.03 RCW, to protect senior water rights in 2026 and beyond.¹

Ecology’s water rights regulatory authority includes not only the power, but also the obligation, to limit, reduce and curtail pro-ratable and junior water rights as necessary to ensure senior water rights are available throughout their entire, authorized periods of use – which, in many cases, includes all or a portion of the month of October. Of immediate concern, forecasted low water supplies in the Yakima Basin indicate that senior water rights will not be satisfied through the end of the 2026 irrigation season, including October, without priority administration and curtailment being ordered and implemented by Ecology.

The Yakima Basin is currently experiencing its fourth straight drought year. This extremely low water supply necessitates issuance of water right curtailment orders by Ecology pursuant to Paragraph 9 of the Final Decree, in order to satisfy senior water rights in the Basin throughout the 2026 irrigation season. This administration of water rights must be consistent with the orders issued during the course of the adjudication leading up to the Final Decree – including those confirming the 1945 Consent Decree and Limiting Agreements – as well as applicable settlement agreements. In connection therewith, we emphasize that the Consent Decree and later authorities established the October 1st through September 30th “water year,” including the companion Total Water Supply Available metric, solely as operational constructs to guide the Bureau of Reclamation in its operation of the Yakima Project. This did NOT create a “second class” or otherwise less enforceable category of October water entitlements for senior diverters. Past management and administration during the entirety of the irrigation season have factored in the

¹ The impacted senior water rights are listed in the Final Decree and the curtailment orders issued to the undersigned senior delivery entities by Ecology during October, 2025.

need to satisfy senior water rights during October through the October Water Supply Available metric. Ecology has a duty under the law to ensure that this occurs during 2026 and future years.

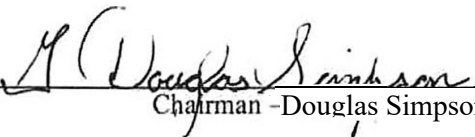
Ecology's failure during the 2025 season to regulate Basin water rights consistent with the Final Decree and the Washington Water Code directly resulted in curtailment of the October portion of numerous water rights, including rights held by the undersigned senior diverters. It is apparent that senior water rights will not be satisfied during the entirety of the current irrigation season without active, priority regulation and curtailment of junior rights by Ecology. Indeed, Ecology has already made it clear that it expects that curtailment orders may be issued to senior water right owners later this year. To avoid such shortages from occurring to senior rights again this year (and in future years), active regulation and curtailment of junior water rights is required, as needed to fully satisfy senior water rights.

The Final Decree requires that senior water rights be satisfied in their full amounts before more junior water rights receive any water. Simply stated, all rights carrying May 10, 1905 and later priority dates (including both pro-ratable and junior rights holders) must be reduced and, as necessary, curtailed to fully satisfy senior rights, including the provision of water to satisfy those senior rights during the October portion of the irrigation season. These water rights – and their priorities – were fully and finally adjudicated by the Yakima County Superior Court in *Acquavella*. We hereby request that they be enforced during times of shortage, including the entirety of the 2026 irrigation season and in all subsequent years.

Sincerely,

SUNNYSIDE VALLEY IRRIGATION DISTRICT




Chairman - Douglas Simpson

YAKIMA TIETON IRRIGATION DISTRICT




President/Director – Ron Smith

NACHES-SELAH IRRIGATION DISTRICT



A handwritten signature in black ink, appearing to read "Thomas Allan", is written above a horizontal line.

Board President – Thomas Allan

SELAH-MOXEE IRRIGATION DISTRICT



Serving the Yakima Valley Since 1917

A handwritten signature in black ink, appearing to read "Mike McGree", is written above a horizontal line.

Board President – Mike McGree

Cc: Ria Burns, Water Resources Program Manager

Heather Simmons, Section Manager, Water Resources Program Central Office