

File No. G2-30614
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State of Washington
WATER RIGHT PERMIT

PRIORITY DATE February 7, 2013	PERMIT NUMBER G2-30614
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MAILING ADDRESS PanAmerican Berry Growers (Ty Powell) 212 Klickitat Creek Road Mossyrock, WA 98564	SITE ADDRESS (IF DIFFERENT)
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Quantity Authorized for Withdrawal or Diversion		
DIVERSION RATE	UNITS	ANNUAL QUANTITY (AF/YR)
450 additive and 700 non-additive	gpm	267.5 additive and 270 non-additive

Purpose						
PURPOSE	WITHDRAWAL OR DIVERSION RATE			ANNUAL QUANTITY (AF/YR)		PERIOD OF USE (mm/dd)
	ADDITIVE	NON-ADDITIVE	UNITS	ADDITIVE	NON-ADDITIVE	
Irrigation (76.5 acres)	450	700	gpm	157.5	270	April 1 to Oct. 1
Frost control, crop cooling, chemigation, and farm operations	same	0		110	0	Year-round, as needed

Source Location			
WATERBODY	TRIBUTARY TO	COUNTY	WATER RESOURCE INVENTORY AREA
Klickitat Prairie Aquifer	Cowlitz River	Lewis	26

SOURCE FACILITY/DEVICE	PARCEL	TWN	RNG	SEC	QQ Q	LATITUDE	LONGITUDE
	02845013002	12N	2E	10	N 2/3 SE ¼	TBD	TBD
Proposed Well #6	02845013002	12N	2E	11	N 2/3 W 1/2 W1/2 SW1/4	TBD	TBD

Datum: WGS84

WATER RIGHT PERMIT

Place of Use (See Map, Attachment 1)

PARCELS

028505002000, 028485013002, 028482002000, and 028489001002

LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE

135 acres of the 144.5 acres of parcel 028505002000, in Section 11, Township 12 North, Range 2 East W.M., the north 2080 feet of the east 880 feet of the E.L. Busey D.L.C. No. 37; less roads and 52 acres of the 52.54 acre parcel 028485013002, in Section 10, Township 12 North, Range 2 E. PT Busey DLC SE and Section 11 W ½ SW ¼ Lot 2 Short plat 98121 3293143, and 9.68 acres of Parcel 028482002000, in Section 10, Township 12 North, Range 2 E, West 453.75' East 1787.50' South 997.92 Busey DLC Sections 10 and 11 Except the South 156' West 140' and Co RD, and 14.82 acres of the 15.84 acres of Parcel 028489001002, in Section 11, Township 12 North, Range 2 E, SW ¼, NE ¼ East state property except the North 100'.

Proposed Works

A proposed well supplying expanded irrigation system. New well to be designated as Well 6. The new well will be constructed with variable speed pumps and capable of changing the flow. Wells 1 and 2 are authorized for use consistent with the **Mitigation and Monitoring Plan** and the discussion in this ROE. Additional wells may be constructed subject to the provisions of this recommended approval, and within the Potential Point-of-Withdrawal Area for New Well as identified in Attachment 1.

Development Schedule

BEGIN PROJECT	COMPLETE PROJECT	PUT WATER TO FULL USE
Started	Sept. 1, 2020	Sept. 1, 2022

Measurement of Water Use

How often must water use be measured?	Monthly
How often must water use data be reported to Ecology?	Annually (Jan 31)
What volume should be reported?	Total Annual Volume
What rate should be reported?	Annual Peak Rate of Withdrawal (gpm)

Provisions

Subject to Regulation

The issuance of this permit is subject to regulation in favor of senior water rights held by the Washington Department of Fish and Wildlife (WDFW) at their Mossyrock Hatchery facility.

Subject to Mitigation and Monitoring Plan

The issuance of this permit is subject to compliance with a Department of Ecology approved Mitigation and Monitoring Plan. This plan envisions that mitigation for impacts to existing rights held by the Washington Department of Fish and Wildlife (WDFW) at their Mossyrock Hatchery facility will be provided by shifting PanAmerican pumping exercised under existing rights away from the hatchery water supply sources (springs). The plan provides that once the proposed new PanAmerican well has

been constructed and tested that the model developed by a licensed hydrogeologist for the processing of the application will be revised and used to define the ratio of the compensating shift in production and that the compensation must be defined so as to result in zero net impact at the Hatchery Spring. Once the new well has been constructed and tested PanAmerican will provide Ecology with that analysis, accompanied by a report that details the construction and testing of the new well.

A report of pumping from all wells with a narrative description of mitigation offsets will be submitted to Ecology every two years in January during the permit phase with the first report due on January 15, 2016. A similar report will be provided to Ecology every 5 years once the right is certificated, to be revisited by mutual consent of Ecology and PanAmerican. WDFW has been consulted and concurs with this approach. WDFW retains their senior water right at the Mossyrock Hatchery and this does not relieve Pan American Berry Growers from potential impairment challenges that may need to be addressed in the future.

Operating Authorization

Under the terms of PanAmerican's Mitigation and Monitoring Plan withdrawals from Wells 1 and 2 will be shifted to Well 6 such that withdrawals under this permit do not reduce the discharge of water at the Mossyrock Hatchery facility.

When pumping from all 3 wells, the total shall not exceed 1150 GPM and the existing wells (Well 1 and 2) shall not exceed 250 GPM and 450 GPM, respectively. Total withdrawals from Well 6 will not exceed 1,150 gpm and 537.5 acre-feet per year less any water produced at Wells 1 and 2. In conjunction with the Mitigation and Monitoring Plan water may be distributed anywhere on the property.

Construction of Additional Wells

Additional wells may be constructed to the extent they are in compliance with RCW 90.44.100 AND located within the area designated on Figure 1. New sources must be tested and mitigation requirements calibrated as addressed in the Mitigation and Monitoring Plan.

Measurements, Monitoring, Metering and Reporting

An approved measuring device shall 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. It also allows a water user to petition the Department of Ecology for modifications to some of the requirements.

Recorded water use data shall be submitted via the Internet. To set up an Internet reporting account, contact the Southwest Regional Office. If you do not have Internet access, you can still submit hard copies by contacting the Southwest Regional Office for forms to submit your water use data.

Water Use Efficiency

Use of water under this authorization shall be contingent upon the water right holder's maintenance of efficient water delivery systems and use of up-to-date water conservation practices consistent with established regulation requirements and facility capabilities.

Proof of Appropriation

The water right holder shall file the notice of Proof of Appropriation of water (under which the certificate of water right is issued) when the permanent distribution system has been constructed and the quantity of water required by the project has been put to full beneficial use. The certificate will reflect the extent of the project perfected within the limitations of the permit. Elements of a proof inspection may include, as appropriate, the source(s), system instantaneous capacity, beneficial use(s), annual quantity, place of use, and satisfaction of provisions.

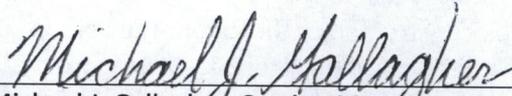
Schedule and Inspections

Department of 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.

This permit shall be subject to cancellation should the permittee fail to comply with the above development schedule and/or to give notice to the Department of Ecology on forms provided by the Department documenting such compliance.

Given under my hand and the seal of this office at Lacey, Washington this 28th day of March, 2014

Department of Ecology



Michael J. Gallagher, Section Manager
Water Resources Program
Department of Ecology

Attachment 1

