



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
REPORT OF EXAMINATION
 WRTS File No. G2-30470

Surface Water (Issued in accordance with the provisions of Chapter 117, Laws of Washington for 1917, and amendments thereto, and the rules and regulations of the Department of Ecology.)

Ground Water (Issued in accordance with the provisions of Chapter 263, Laws of Washington for 1945, and amendments thereto, and the rules and regulations of the Department of Ecology.)

| PRIORITY DATE | APPLICATION NUMBER | PERMIT NUMBER | CERTIFICATE NUMBER |
|----------------|--------------------|---------------|--------------------|
| April 28, 2008 | G2-30470 | | |

| NAME Swanson Bark & Wood Products, Inc. | | | |
|--|----------|-------|----------|
| ADDRESS (STREET) | CITY | STATE | ZIP CODE |
| 240 Tennant Way | Longview | WA | 98632 |

PUBLIC WATERS TO BE APPROPRIATED

| |
|----------------------------------|
| SOURCE Well |
| TRIBUTARY OF (IF SURFACE WATERS) |

| MAXIMUM CUBIC FEET PER SECOND | MAXIMUM GALLONS PER MINUTE | MAXIMUM ACRE FEET PER YEAR |
|-------------------------------|----------------------------|----------------------------|
| | 250 | 160 |

| | | |
|--------------------------------------|------------------------------|----------------------|
| QUANTITY, TYPE OF USE, PERIOD OF USE | | |
| 160 acre-feet | Industrial/Commercial Supply | Year-round as needed |

LOCATION OF DIVERSION/WITHDRAWAL

APPROXIMATE LOCATION OF DIVERSION—WITHDRAWAL
 To be Determined

| SMALLEST SUBDIVISION | SECTION | TOWNSHIP N. | RANGE, (E. OR W.) W.M. | W.R.I.A. | COUNTY |
|---|---------|-------------|------------------------|----------|---------|
| NENW Section 11 or SWSW Section 2 or SESW Section 2 | 2 or 11 | 7 N | 2 W.W.M. | 26 | Cowlitz |

| POINT OF WITHDRAWAL NAME | PARCEL NUMBER | LATITUDE | LONGITUDE | DATUM |
|--------------------------|---------------|----------|-----------|-------|
| | | | | |

RECORDED PLATTED PROPERTY

| LOT | BLOCK | OF (GIVE NAME OF PLAT OR ADDITION) |
|-----|-------|------------------------------------|
| | | |

LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED

[Attachment 1 shows location of the authorized place of use and point(s) of diversion or withdrawal]

ALL THAT PORTION OF PARCELS 1 AND 2 LYING NORTHERLY OF THE FOLLOWING DESCRIBED LINE:

A PORTION OF THE HARRY HUNTINGTON DONATION LAND CLAIM AND SECTIONS 2 AND 11, TOWNSHIP 7 NORTH, RANGE 2 WEST OF THE W.M., DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF CALIFORNIA WAY 242.93 FEET NORTH AND 269.77 FEET EAST OF LONG-BELL MONUMENT NO. 14 SET TO MARK THE CORNER COMMON TO SECTIONS 2,3,10 AND 11, TOWNSHIP 7 NORTH, RANGE 2 WEST OF THE W.M.;

THENCE SOUTH 52 18' EAST 500.00 FEET TO THE TRUE POINT OF BEGINNING;

THENCE NORTH 82 42' EAST, 1800 FEET, MORE OR LESS, TO THE WESTERLY BANK OF THE COWLITZ RIVER AND THE TERMINUS OF SAID LINE,

PARCEL 1:

A PORTION OF THE HARRY HUNTINGTON DONATION LAND CLAIM AND SECTIONS 2 AND 11, TOWNSHIP 7 NORTH, RANGE 2 WEST OF THE W.M., DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF CALIFORNIA WAY 242.93 FEET NORTH AND 369.77 FEET EAST OF LONG-BELL MONUMENT 14 SET TO MARK THE CORNER COMMON TO SECTIONS 2,3,10 AND 11, TOWNSHIP 7 NORTH, RANGE 2 WEST OF THE W.M.;

THENCE SOUTH 52 18 EAST 264.46 FEET TO THE TRUE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 52 18' 1340 FEET, MORE OR LESS, TO A POINT THAT IS NORTH 52 18' WEST 80 FEET FROM THE MOST WESTERLY CORNER OF WEYERHAEUSER COMPANY SHAKE MILL, PROPERTY AS DESCRIBED UNDER AUDITOR'S FILE NO. 581000;

THENCE NORTH 37 42' EAST 610 FEET;

THENCE SOUTH 52 18' 1054 FEET;

THENCE SOUTH 37 42' WEST 557 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF STATE HIGHWAY RIGHT OF WAY;

THENCE ALONG SAID RIGHT OF WAY LINE SOUTHEASTERLY 945 FEET, MORE OR LESS TO THE EASTERLY RIGHT OF WAY LINE OF CONSOLIDATED DIKING IMPROVEMENT DISTRICT NO. 1 DIKE RIGHT OF WAY;

THENCE ALONG SAID DIKE RIGHT OF WAY LINE NORTHERLY TO THE SOUTH LINE OF SECTION 2, TOWNSHIP 7 NORTH, RANGE 2 WEST OF THE W.M.;

THENCE EAST ON SAID SECTION LINE TO THE ORDINARY HIGH TIDE LINE OF THE COWLITZ RIVER;

THENCE ALONG THE COWLITZ RIVER NORTHWESTERLY 1320 FEET TO A POINT THAT IS NORTH 39 08'30" EAST 410.55 FEET, NORTH 7 18' WEST 187 FEET AND NORTH 82 42' EAST 1114.1 FEET FROM THE TRUE POINT OF BEGINNING;

THENCE SOUTH 39 08'30" WEST 410.55 FEET;

THENCE SOUTH 7 18' EAST 187 FEET;

THENCE SOUTH 82 42' WEST 1114.1 FEET FROM THE TRUE POINT OF BEGINNING;

TOGETHER WITH ALL TIDELANDS ABUTTING UPON THE ABOVE DESCRIBED PROPERTY AS DEFINED BY SECTION 1, CHAPTER 36, SESSION LAWS OF 1911.

EXCEPT PORTIONS CONVEYED TO THE STATE OF WASHINGTON FOR HIGHWAY PURPOSED BY INSTRUMENT RECORDED FEBRUARY 11, 1971 UNDER AUDITOR'S FILE NO. 709876.

AND ALSO EXCEPT PORTIONS CONVEYED TO THE CITY OF LONGVIEW BY DEEDS RECORDED FEBRUARY 9, 1973 UNDER AUDITOR'S FILE NOS. 740844 AND 740845.

PARCEL 2:

BEGINNING AT A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF CALIFORNIA WAY 242.93 FEET NORTH AND 369.77 FEET EAST OF LONG-BELL MONUMENT 14 SET TO MARK THE CORNER COMMON TO SECTIONS 2,3,10 AND 11, TOWNSHIP 7 NORTH, RANGE 2 WEST OF THE W.M.;

THENCE NORTH 82 42' EAST 1301.1 FEET;

THENCE SOUTH 7 18' EAST 187 FEET;

THENCE SOUTH 82 42' WEST 1114.1 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF CALIFORNIA WAY;

THENCE NORTH 52 18' WEST 264.46 FEET TO THE POINT OF BEGINNING.

SITUATED IN THE COUNTY OF COWLITZ, STATE OF WASHINGTON.

DESCRIPTION OF PROPOSED WORKS

A proposed well

DEVELOPMENT SCHEDULE

| BEGIN PROJECT BY THIS DATE: | COMPLETE PROJECT BY THIS DATE: | WATER PUT TO FULL USE BY THIS DATE: |
|-----------------------------|--------------------------------|-------------------------------------|
| July 1, 2011 | July 1, 2015 | July 1, 2025 |

PROVISIONS

Metering and Reporting Diversions

1. An approved measuring device shall be installed and maintained for each of the diversions authorized by this water right, in accordance with the rule "Requirements for Measuring and Reporting Water Use", WAC 173-173.
2. Water use data shall be recorded weekly and maintained by the property owner for a minimum of five years. The maximum rate of diversion/withdrawal and the annual total volume shall be submitted to the Department of Ecology by January 31st of each calendar year.
3. Reported water use data may be submitted via the Internet. To set up an Internet reporting account, access <https://fortress.wa.gov/ecy/wrx/wrx/Meteringx/>. If you do not have Internet access, contact the Southwest Region Office for forms to submit your data.
4. Chapter 173-173 WAC describes the requirements for data accuracy, device installation and operation, and information reporting. It also allows a water user to petition Ecology for modifications to some of the requirements. Installation, operation, and maintenance requirements are enclosed as a document entitled "Water Measurement Device Installation and Operation Requirements."
5. Department of Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the records of water use that are kept to meet the above conditions and may inspect, at reasonable times, any measuring device used to meet the above conditions.

Development Schedule

1. The development schedule shall be as follows:
 - Construction shall begin by July 1, 2011
 - Construction shall be completed by July 1, 2015.
 - Proof of Appropriation shall be filed by July 1, 2025.

The water user is advised that quantities recommended for the instantaneous and annual rates of withdrawal may be reduced at the time of issuance of a final water right commensurate with the amount of water put to beneficial use.

FINDINGS OF FACTS AND ORDER

Upon reviewing the investigator's report, I find all facts, relevant and material to the subject application, have been thoroughly investigated. Furthermore, I find water is available for appropriation and the appropriation as recommended is a beneficial use and will not be detrimental to existing rights or the public welfare.

Therefore, I ORDER that a permit be issued under Ground Water Application Number G2-30470, subject to existing rights and indicated provisions, to allow appropriation of public ground water for the amount and uses specified in this report.

You have a right to appeal this ORDER. To appeal this you must:

- File your appeal with the Pollution Control Hearings Board within 30 days of the "date of receipt" of this document. Filing means actual receipt by the Board during regular office hours
- Serve your appeal on the Department of Ecology within 30 days of the "date of receipt" of this document. Service may be accomplished by any of the procedures identified in WAC 371-08-305(10). "Date of receipt" is defined at RCW 43.21B.001 (2).

Be sure to do the following:

- Include a copy of this document that you are appealing with your *Notice of Appeal*.
- Serve and file your appeal in paper form; electronic copies are not accepted.

1. File your appeal with the Pollution Control Hearings Board

Mail appeal to:

The Pollution Control Hearings Board
PO Box 40903
Olympia, WA 98504-0903

OR

Deliver your appeal in person to:

The Pollution Control Hearings Board
4224 – 6th Ave SE Rowe Six, Bldg 2
Lacey, WA 98503

2. Serve your appeal to the Department of Ecology

Mail appeal to:

The Department of Ecology
Appeals Coordinator
PO Box 47608
Olympia, WA 98504-7608

OR

Deliver your appeal in person to:

The Department of Ecology
Appeals Coordinator
300 Desmond Dr SE
Lacey, WA 98503

3. Send a copy of your appeal to:

Thomas Loranger
Department of Ecology
Southwest Regional Office
PO Box 47775
Olympia WA 98504-7775

For additional information, visit the Environmental Hearings Office Website: <http://www.eho.wa.gov>. To find laws and agency rules visit the Washington State Legislature Website: <http://www1.leg.wa.gov/CodeReviser>.

Signed at Olympia, Washington, this 22nd day of July 2010.

Michael J. Gallagher for

Thomas Loranger, Section Manager
Water Resources Program
Southwest Regional Office

BACKGROUND

Description and Purpose

On April 28, 2008, John Leber on behalf of Swanson Bark and Wood Products filed an Application for Water Right Permit with the State Department of Ecology. The project site is Swanson Bark's wood product processing plant located in Longview, Washington in the Cowlitz River Watershed Inventory Area (WRIA 26).

Swanson Bark requested a water right permit for an estimated 250 gallons per minute (gpm) and an unspecified annual allocation adequate to supply their future industrial demands.

This application has been processed under Ecology's Cost Reimbursement Program. Based on the provisions of RCW 43.21A.690 and RCW 90.03.265, Pacific Groundwater Group (PGG) prepared this report under contract to Ecology. PGG reviewed all available documents pertaining to this and other related Applications for Water Right, including site conditions, hydrogeological considerations, historical water use, and standing of existing rights.

Swanson Bark currently obtains its industrial process water from the City of Longview's municipal water supply system; however Swanson does not require potable drinking water for its operation and has opted to construct its own supply source.

Under the provisions of RCW 90.03.290 and 90.44, a water right may be issued upon findings that water is available for appropriation for a beneficial use, that the appropriation will not impair existing rights or be detrimental to the public welfare. In accordance with these provisions, I recommend issuance of Permit G2-30470.

Legal Requirements for Issuance of a Water Right Permit

• Public Notice

A public notice of the proposed appropriation was published in the Daily News of Cowlitz County on September 12 and 19, 2009. No protests were received as a result of this notice.

• State Environmental Policy Act (SEPA)

A water right application is subject to a SEPA threshold determination (i.e., an evaluation whether there are likely to be significant adverse environmental impacts) if any one of the following conditions are met.

- It is a surface water right application for more than 1 cubic feet per second, unless that project is for agricultural irrigation, in which case the threshold is increased to 50 cubic feet per second, so long as that irrigation project will not receive public subsidies;
- It is a groundwater right application for more than 2,250 gpm
- It is an application that, in combination with other water right applications for the same project, collectively exceed the amounts above;
- It is a part of a larger proposal that is subject to SEPA for other reasons (e.g., the need to obtain other permits that are not exempt from SEPA);
- It is part of a series of exempt actions that, together, trigger the need to do a threshold determination, as defined under WAC 197-11-305.

None of these situations applied to the Swanson Bark application.

• Water Resources Statute and Case Law

Under the provisions of RCW 90.03.290 and 90.44.050, a water right shall be issued upon findings that water is available for appropriation for a beneficial use and that the appropriation, as proposed in the application, will not impair existing rights or be detrimental to the public welfare.

INVESTIGATION

Evaluation of this application included, but was not limited to, research and/or review of the following:

- Department of Ecology records of surface and ground water rights and claims, and well construction reports within the vicinity of the subject production wells.
- Documents and reports applicable to the area, as referenced in the conclusions of this report.

- A field visit conducted on September 1, 2009 by Jill Van Hulle and Linton Wildrick of Pacific Groundwater Group.
- Chapters 90.03, 90.44 and 90.54 Revised Code of Washington

LOCATION OF PROJECT SITE

Swanson Bark is located in Longview which is situated along the north bank of the Columbia River in southwest Washington and is bounded on the east by the Cowlitz River, which separates it from the City of Kelso, Washington.

Both Longview and Kelso are located in a topographic basin that is surrounded on all sides by bedrock uplands. Topography within the basin is predominantly flat with a shallow regional slope towards the Columbia River. Prominent surface features in the area include the Columbia River to the south, the Cowlitz River (which discharges to the Columbia between the two cities), and Mt. Solo, an isolated prominent bedrock feature located in the western portion of Longview.

The proposed point of withdrawal for Swanson Bark's application is located in an industrial area bounded by the Cowlitz River to the east and SR-432 to the west. The site is situated an approximate 2 miles upstream of the confluence of the Cowlitz River with the Columbia River (see **Figure 1**).

This proposed well will be located at one of three potential sites on the property – the NE ¼ NW ¼ of Section 11, the SW ¼ SW ¼ of Section 2, or the SE ¼ SW ¼ of Section 2 – All within Township 7 North, Range 2 West W.M. The well will be constructed with a 12-inch diameter casing to an approximate depth of 65 feet.

INTENT OF WATER RIGHT APPLICATION

The intent of these filing is to secure a new water right for the Swanson facility. Swanson Bark has historically been served water to meet its industrial needs by the City of Longview; however, the City has requested that Swanson explore other options for meeting its increasing demand. Swanson will continue to get water for domestic purposes from the City.

In 2007 approximately 16 acre-feet of water was purchased from the City of Longview for Swanson's operation. The primary use of water on the site is for dust control with peak water demand occurring during the summer. The current sprinkler and firefighting system was originally designed for a 20-acre operation, however Swanson is expanding its operation and now owns 68 acres and plans to install similar dust control devices and fire fighting apparatus over the entire site.

Swanson's operation is currently dominated by processing bark products and water use is primarily for dust control and to a limited extent for controlling the color of the bark. In addition to bark products, Swanson plans to increase its production of other soil products such as compost and also plans to develop a small scale Bio-Mass\Ethanol power project.

Making soil and compost are both water intensive processes and water is needed to support the biological conversion of wood waste to high quality soil amendments. Swanson's plans include expanding its soil making operation from the current one-acre footprint to approximately 10 acres. The composting portion of the project will encompass an additional 12 to 17 acres of the site.

The Bio-Mass power project is designed to take advantage of the heat generating capacity of the soil and composting operation and generate electricity and ethanol from onsite steam production.

Swanson estimates that within five years their total water usage could be approximately 160 acre-feet per year.

HYDROGEOLOGICAL ANALYSIS/GROUND-WATER FLOW SYSTEM

Geologic Framework

The Longview-Kelso Basin is a topographic and structural depression covering an area of approximately 17 square miles. The modern and ancestral Columbia and Cowlitz Rivers have played a major role in shaping the geologic history of the Longview area. The valley is surrounded by highlands that are primarily composed of basaltic and older sedimentary rocks. General subsurface conditions consist of a wide valley eroded into the underlying bedrock. Valley-fill materials include Pleistocene gravel deposits (laid during catastrophic flooding from Glacial Lake Missoula ice dam failures), coarse-grained alluvial sand and gravel deposits laid down by the Cowlitz and Columbia rivers, and more recent overbank flood deposits comprised of fine-grained silt, clay and fine sand.

The deeper coarse-grained alluvial deposits from the principal aquifer in the lowland. The fine-grained over bank deposits (where present) act to confine the deeper ground water zones. Many of the high capacity production wells in the Longview area are completed within the deeper underlying coarse-grained alluvial deposits. The alluvial aquifer is the targeted zone for water supply development at the Swanson Bark site.

Ground Water Occurrence

Nearby well logs indicate that ground water is first encountered at depths of between 10 and 15 feet below grade in the Swanson Bark vicinity. Fine-grained deposits that occur near ground surface act to confine ground water in the deeper supply aquifer.

Ground water elevations and movement vary with tidal patterns and seasonal recharge and runoff conditions in the two major river systems. Daily fluctuations (1 to 2 feet) and seasonal fluctuations (2 to 4 feet) in the Cowlitz River stage affect ground water flow near the Swanson site. Ground water flow would be towards or parallel to the Cowlitz River, except near active pumping centers where water levels are artificially lowered.

AVAILABILITY OF GROUNDWATER

Swanson Bark has not installed or tested any wells at the site. Nearby testing of other wells indicates that the alluvial aquifer is highly productive and appears capable of providing and sustaining the proposed withdrawal rates.

Lakeside Industries operates an 8-inch production well immediately to the northwest of the Swanson Bark site. This well was drilled to a depth of 78 feet and completed in a coarse sand and gravel formation between the depths of 49 and 58 feet. While pump-testing information is not available for this well, a one hour airlift test yielded over 150 gpm.

The City of Kelso has installed and tested a 12-inch test well about 0.6 miles east Swanson Bark site (Robinson and Noble, 2000¹). The well was completed at depths of 195 to 290 feet and produced over 1,100 gpm with about 29 feet of drawdown after one day of pumping. The testing indicated that the alluvial aquifer transmissivity is quite high, ranging between 230,000 and 330,000 gallons per day per foot (gpd/ft).

The Elks Lodge has installed several wells at the Three Rivers golf course which is located just north of the site on the opposite side of the Cowlitz River. Most of these wells are completed between 30 and 101 feet. Testing of two of these wells indicate well yields of about 500 gpm and specific capacities of between 38 and 57 gpm/ft.

Many other industrial wells in the lowland that tap the deeper alluvial aquifer can produce in excess of 1,000 gpm with only a few feet of drawdown (e.g. City of Longview, Port of Longview, Reynolds Metal).

POTENTIAL IMPACTS TO EXISTING GROUND AND SURFACE WATER RIGHTS

Five ground-water permits and certificates have been issued within a one-mile radius of the proposed Swanson Bark well locations. The existing water right holders obtain ground water from the alluvial sediments deposited along the lower Cowlitz River. Information on these permits and certificates is presented in Table 1. The table also includes water right information for other water users in the extend lowland vicinity.

The City of Kelso holds two permits (G2-29813 and G2-29813) that allow a combined withdrawal of 3,500 gpm and 5,600 ac-ft/yr for municipal uses. The Elks Lodge holds both a permit (G2-27265) and a certificate (G2-26125CWRIS) at the Three Rivers golf course that allow a combined withdrawal of 1,210 gpm and 720 ac-ft/yr for irrigation. The Cowlitz County Department of Public Works holds a certificate (G2-23674CWRIS) that allows 75 gpm and 2 ac-ft/yr for domestic uses. The combined totals for ground water rights issued within one-mile of the Swanson Bark site is 4,785 gpm and 6,322 ac-ft/yr.

Drawdown interference due to simultaneous pumping of nearby existing wells would not likely be significant due to the proximity of Cowlitz River which will serve as a aquifer recharge boundary. Measurable interference impacts to other existing wells would likely not propagate beyond the limits of the Swanson Bark property; therefore, operation of the well should not impair other senior ground water right holders.

There are no certificated surface water diversions within two miles of the project site. Furthermore, the lower reaches of the Cowlitz River are tidally influenced given its proximity to the Columbia River; therefore, operation of the Swanson Bark well should not impair any senior surface water right holders.

ASSESSMENT OF IMPACTS TO SURFACE WATER

The proposed groundwater source will draw from the sand and gravel aquifer beneath the Cowlitz River. Pumping from this confined aquifer will likely capture groundwater that would eventually discharge to the Cowlitz and Columbia Rivers. Both rivers are tidally influenced; therefore surface water capture should not produce adverse impacts.

¹ Robinson and Noble, 2000. City of Kelso Test Well Drilling and Construction, November 2000.

FISHERY CONSIDERATIONS

The Cowlitz River historically supported abundant runs of anadromous salmonids including spring and fall chinook, coho, steelhead and cutthroat. Most of the anadromous fish production occurred in the watershed upstream of Mayfield Dam. Harvest, habitat degradation and the construction of Mayfield and Mossyrock Dams contributed to the decline of these populations. The construction of the two dams effectively removed this area from wild fish production. The 1980 eruption of Mt. St. Helens also dramatically degraded the Toutle River system, and the mainstem Cowlitz River below the mouth of the Toutle.

Today the lower Cowlitz River has been managed primarily as a hatchery system and limited natural production occurs. The Cowlitz subbasin is managed for winter and summer steelhead, coastal cutthroat, fall and spring chinook, and coho. Chum salmon are also present, but in extremely low numbers. Sturgeon and pacific lamprey are present in the lower reaches in reduced numbers, and smelt runs still occur cyclically.

WATER QUALITY ISSUES

Swanson Bark does not require potable water for its industrial use. Furthermore, given the quantity of water requested at the Swanson site, the highly transmissive nature of the aquifer, and the presence of nearby surface water bodies, drawdown should be quite limited and unlikely to affect cleanup actions at nearby environmental sites.

CONSISTENCY WITH WATERSHED PLANNING

It is the Department of Ecology's goal that decisions on new water right applications in Cowlitz County be consistent with the watershed planning process.

The final Grays-Elochoman/Cowlitz Watershed Plan was approved by a unanimous vote of the Planning Unit on December 9, 2004. The plan includes water supply, water quality, instream flows, and habitat components. The habitat component of this plan was adopted from the Lower Columbia River Salmon and Steelhead Recovery Plan, which was the first regional recovery plan completed in the state.

The Watershed Management Plan addresses a range of issues related to water resources in the Cowlitz drainages, including water supply, stream flow management, water quality and fish habitat. The Plan reviews alternative approaches for managing water resources in the area and recommends strategies for implementation.

There are a number of elements and tools addressed in the Watershed Plan that have direct applicability to this application:

- Establishment of instream flows. The plan specifically provides that the Department of Ecology should adopt State Rules (WACs) under its Instream Resources Protection Program to restrict issuance of new water rights in WRIAs 25 and 26. The closures impact numerous creeks and streams, but identify certain exceptions. A primary exception being that for each stream that flows into the Columbia River, the zone where water levels are substantially affected by tidal influence and backwater from the Columbia River shall not be closed to issuance of new water rights. The location of the "lowermost extent of the closure" is identified in this Plan, and includes the Longview area.²

The Watershed Management plan stated that as the region continues to grow and develop, new or expanded water supplies will be needed for communities, businesses, and citizens. While diversion of water from streams or pumping from aquifers can deplete stream flows, the watershed planning effort provided an opportunity to explore strategies for striking a balance among the latter two principles, without impairing existing water rights.

In order to strike this balance, two policies for management of water supplies were developed.

These policies are:

Public and private water users throughout WRIAs 25 and 26 should have access to water resources to meet new or expanded needs for water supply consistent with adopted land use plans.

Water resource development to meet new or expanded needs should avoid or minimize effects on stream flows or aquatic habitat in stream reaches where flow conditions are an important factor for sustaining aquatic life, including fish populations in their various life stages.

Stream flow in the lower reaches of streams that flow into the Columbia River in WRIAs 25 and 26 are influenced by tides from the Pacific Ocean, as well as other changes in water level on the Columbia River. Whenever the water level in the Columbia River is higher than the water level of the tributary's natural flow, the tributary is backed up. At some times and places this can extend for miles upstream of the tributary's mouth. At these times and places, diversions for water supply do not influence flows or

² Appendix I of the Watershed Plan indicates that the lower 6.7 miles of the Cowlitz are open for additional water supply development.

water levels to any measurable degree. Because of this effect, the Planning Unit anticipates that water users needing new or expanded rights from tidally influenced reaches should be able to have access to water rights.

FINDINGS

Under the provisions of RCW 90.03.290 and 90.44, a water right shall be issued upon findings that water is available for appropriation for a beneficial use and that the appropriation thereof, as proposed in the application, will not impair existing rights or be detrimental to the public welfare.

Under state law the following four criteria must be met for a permit to be approved:

- Water must be available
- There must be no impairment of existing rights
- The water use must be beneficial
- The water use must not be detrimental to the public interest

Water Availability

Water is available for appropriation. The aquifer which the applicant intends to target is highly transmissive and productive and capable of supporting the withdrawal requested. The quantity appropriated reflects the amount needed to meet the needs of the applicant's intended use. Water is available for appropriation.

Impairment of Existing Rights

The approval of this application will not impair existing rights. A review of Ecology records indicates that no water right permits or certificates for conflicting surface or ground water sources were identified. Due to the high transmissivity and yield of the aquifer and the proximity of nearby recharge boundaries (Cowlitz River), the proposed groundwater withdrawal will not impair existing rights.

Beneficial Use

Industrial supply is a beneficial use of water.

Public Interest

No detriment to the public interest was identified during the investigation of the subject application. This permit will allow Swanson to develop the abundant water beneath their property for non-potable industrial uses which will reduce demand on the City's municipal water system. The project is consistent with the watershed planning process, and will not result in overall diminishment of water within the lower Cowlitz River basin and will not adversely affect stream flows.

RECOMMENDATIONS

I recommend approval of application G2-30470 and issuance of a permit authorizing the withdrawal of 250 gpm, and up to 160 acre-feet per year for industrial use. The period of use shall be year-round, as needed.

Reviewed by: Phil Crane Date 7/22/2010
Phil Crane
Water Resources Program

If you need this publication in an alternate format, please call Water Resources Program at (360) 407-6600. Persons with hearing loss can call 711 for Washington Relay Service. Persons with a speech disability can call 877-833-6341.

