

State of Washington  
 Department of Ecology  
 Office of Columbia River  
 Report of Examination for  
 Trust Water Right

File NR CS4-629CTCL@1  
 WR Doc ID 5843148

Change Purpose of Use

<b>PRIORITY DATE</b> 5/10/1905 <sup>1</sup>	<b>WATER RIGHT NUMBER</b> CS4-629CTCL@1	<b>TRUST TERM</b> 10 years from issuance w/ automatic renewal
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**APPLICANT ADDRESS**  
 THE UNITED STATES BUREAU OF RECLAMATION ON  
 BEHALF OF THE KENNEWICK IRRIGATION DISTRICT  
 1917 MARSH RD  
 YAKIMA, WA 98901-2058

**Purpose and Quantity**

PURPOSE	WITHDRAWAL OR DIVERSION RATE			ANNUAL QUANTITY (AF/YR)		PERIOD OF USE (mm/dd)
	ADDITIVE	NON-ADDITIVE	UNITS	ADDITIVE	NON-ADDITIVE	
Instream Flow – Trust*	33.4		CFS	14,155		04/01 - 10/31

**REMARKS**

As described in the June 29, 2010 Memorandum of Understanding (MOU) for the Red Mountain AVA Pump Project, the term of the assignment into trust is defined as ten years with automatic renewals.

Quantities for each purpose of use are limited by the June 9, 2011 Amendment to the Kennewick Irrigation District (KID) Water Right Settlement Agreement.

\* This represents the peak annual quantity and average instantaneous flow that is to be placed in the State Trust Water Right Program under both long-term and short-term portions during the period of use. The peak flow during the period of use may be up to 44.1 cfs. See Investigator's Report section on Proposed Use for further explanation regarding quantity and benefitting reaches.

**Trust Water Right Place of Use**

WATERBODY	TRIBUTARY TO	COUNTY	WATER RESOURCE INVENTORY AREA
Yakima River	Columbia River	Benton	37 - Lower Yakima

<sup>1</sup> This change authorization does not address or affect KID's 1891 priority water right. See CFO in *State v. Acquavella*.

Purpose	Reach	Acre-feet/yr	Average CFS
Long-Term Trust - 50% of Red Mountain LID conveyance water savings	Prosser to Kiona	1,410	3.3
Long-Term Trust - Red Mountain LID drive water	Prosser to Chandler	3,347	7.9
Short-Term Trust - 50% of Red Mountain LID conveyance water savings	Prosser to Kiona	1,410	3.3
Short-Term Trust - Red Mountain LID conveyance water savings drive water	Prosser to Chandler	3,525	8.3
Short-Term Trust - Crop differential drive water	Prosser to Chandler	4,463	10.5
Short-Term Trust - Red Mountain LID conveyance water savings	Kiona to McNary Pool	2,820	6.7
Instream Flow Water - Not in Trust	Prosser to McNary	3,570	8.4

Location	River Mile
Prosser Dam	Yakima RM 47
Chandler Pumping Station	Yakima RM 35.8
Kiona Pump Station	Yakima RM 30
McNary Pool	Columbia RM 335

**PORTION OF RIGHT NOT CONVEYED INTO TRUST**

**PRIORITY DATE**  
5/10/1905

**WATER RIGHT NUMBER**  
CS4-629CTCL

**MAILING ADDRESS**  
THE UNITED STATES BUREAU OF RECLAMATION ON  
BEHALF OF THE KENNEWICK IRRIGATION DISTRICT  
1917 MARSH RD  
YAKIMA, WA 98901-2058

**Total Quantity Authorized for Withdrawal or Diversion**

<b>WITHDRAWAL OR DIVERSION RATE</b>	<b>UNITS</b>	<b>ANNUAL QUANTITY (AF/YR)</b>
724.1	CFS	209,670*

The cumulative total from all diversions and water in trust must not exceed 732 cfs or 213,017 acre-feet per year as identified in the 2001 Water Right Settlement Agreement between KID, United States, Washington Department of Ecology (Ecology) and the Yakama Nation.

\* This quantity is the maximum annual quantity for diversion after transfer of long-term trust drive water portion to the State Trust Water Rights Program. Actual diversions during most years will be lower when accounting for short-term trust and non-trust instream flow portions. See Investigator's Report for further details.

**Purpose**

PURPOSE	WITHDRAWAL OR DIVERSION RATE			ANNUAL QUANTITY (AF/YR)		PERIOD OF USE (mm/dd)
	ADDITIVE	NON-ADDITIVE	UNITS	ADDITIVE	NON-ADDITIVE	
Irrigation	301		CFS	84,674		04/01 - 10/31
Power	423.1		CFS	124,996		04/01 - 10/31
Instream Flow – Non Trust**		8.4	CFS		3,570	04/01 - 10/31

**REMARKS**

Quantities for each purpose of use are limited by the June 9, 2011 Amendment to the KID Water Right Settlement Agreement.

\*\* Exercised only in non-prorating years. Quantity used for instream flow purpose will be deducted from the total quantity used for irrigation and power generation purposes. Instantaneous flow rate is averaged over the period of use. Actual peak flow may be up to 19.4 cfs. See Investigator's Report section on Proposed Use for further details.

**IRRIGATED ACRES**

<b>ADDITIVE</b>	<b>NON-ADDITIVE</b>
20,201	

Source Limitations				
SOURCE FACILITY/DEVICE	A S	WITHDRAWAL OR DIVERSION RATE	ANNUAL QUANTITY (AF/YR)	PERIOD OF USE
YAKIMA RIVER - Prosser		Up to 724.1 cfs (less any withdrawal at Kiona and less any water to Short-term Trust)	206,992	04/01 – 10/31
YAKIMA RIVER - Kiona		Up to 14 cfs	2,678	04/01 – 10/31

A|S: A=Alternate; S=Standby/Reserve

Source Location			
COUNTY	WATERBODY	TRIBUTARY TO	WATER RESOURCE INVENTORY AREA
Benton	Yakima River	Columbia River	37-Lower Yakima

SOURCE FACILITY/DEVICE	PARCEL	WELL TAG	TWN	RNG	SEC	QQ Q	LATITUDE	LONGITUDE
YAKIMA RIVER- Prosser	102841000004000		08N.	24E.W.M.	02	N½NE	46.21336	-119.77398
YAKIMA RIVER- Kiona	117973000002002		09N.	27E.W.M.	17	SWSW	46.25865	-119.47190

Datum: NAD83

**Place of Use (See Attached Map)**  
 PARCELS (NOT LISTED FOR SERVICE AREAS)

- LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE
1. Chandler Pumping Plant – 2,450 feet west and 1,700 feet south, more or less, from the northeast corner of Section 17, being within the W ½ NW ¼ SW ¼ NE ¼ Section 17, T.9 N., R.26E.W.M.
  2. 20,201 acres within the boundaries of KID as designated by authority of the Secretary of the Interior and as described in KID exhibits 160 through 160-42 in *Ecology v Acquavella*, and as partially amended by Exhibit 1 and as described on Exhibit 2 to the June 9, 2011 Amendment to the KID Water Right Settlement Agreement.
  3. When water is used for an instream purpose, place of use is described as all or part of the river reach below Prosser diversion dam, River Mile (RM) 47, to the confluence of the Yakima River with the Mc Nary pool at RM 335 of the Columbia River.

**Proposed Works**

As a part of the KID's Red Mountain Pump Project, a previous change to this right added a water diversion site at Kiona for a portion of the existing 1905 Yakima River surface water right held by the United States Bureau of Reclamation (USBR) on behalf of KID. This application places water into the State Trust Water Rights Program consistent with the quantities and affected reaches set forth in the June 9, 2011 Amendment to the KID Water Right Settlement Agreement.

### Measurement of Water Use

How often must water use be measured?	Weekly
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 or cfs)

### Provisions

All provisions contained in the August 27, 2012 Amended Report of Examination for CS4-629CTCL remain in effect.

In addition, USBR/KID shall notify Ecology in writing when it determines Short-Term Trust water is to be used for irrigation or conveyance and will not be placed in Trust during identified periods of time.

### Your Right to Appeal

This Decision may be appealed pursuant to RCW 34.05.514(3), RCW 90.03.210(2), and Pretrial Order No. 12 entered in *State of Washington, Department of Ecology v. James Acquavella, et al.*, Yakima County Superior Court No. 77-2-01484-5 (the general adjudication of surface water rights in the Yakima River Basin). The person to whom this Decision is issued, if he or she wishes to file an appeal, must file the notice of appeal with the Yakima County Superior Court **within thirty (30) days of receipt of this Decision**. Appeals must be filed with the Superior Court Clerk's Office, Yakima County Superior Court, 128 North 2<sup>nd</sup> Street, Yakima, WA 98901, RE: Yakima River Adjudication. Appeals must be served in accordance with Pretrial Order No. 12, Section III ("Appeals Procedures"). The content of the notice of appeal must conform to RCW 34.05.546. Specifically, the notice of appeal must include:

- The name and mailing address of the appellant;
- Name and address of the appellant's attorney, if any;
- The name and address of Ecology;
- The specific application number of the decision being appealed;
- A copy of the decision;
- A brief explanation of Ecology's decision;
- Identification of persons who were parties in any adjudicative proceedings that led to Ecology's decision;
- Facts that demonstrate the appellant is entitled to obtain judicial review;
- The appellant's reasons for believing that relief should be granted; and
- A request for relief, specifying the type and extent of relief requested.

The "parties of record" who must be served with copies of the notice of appeal under RCW 34.05.542(3) are limited to the applicant of the decision subject to appeal, Ecology and the Office of the Attorney General.

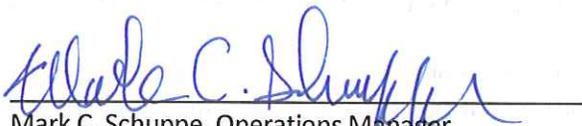
All others receiving notice of this Decision, who wish to file an appeal, must file the appeal with the Yakima County Superior Court **within thirty (30) days of the date the Order was mailed**. The appeal must be filed in the same manner as described above.

**Findings of Facts and Decisions**

Upon reviewing the investigator's report, I find all facts relevant and material to the subject application have been thoroughly investigated. Furthermore, I find the change of water right as recommended will not be detrimental to existing rights or detrimental to the public interest.

Therefore, I ORDER the requested change of purpose of use under Trust Water Right Application No. CS4-629CTCL@1, be approved subject to existing rights and the provisions specified above.

Signed in Yakima, Washington, this 5<sup>th</sup> day  
of June 2014.

  
Mark C. Schuppe, Operations Manager  
Office of Columbia River

## INVESTIGATOR'S REPORT

Application for Water Right – USBR/KID

Water Right Control Number CS4-629CTCL@1

Trevor Hutton, Department of Ecology

### **BACKGROUND**

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The Kennewick Irrigation District (KID) is a local public agency of the State of Washington organized in 1917 and operated as a political entity of the State under the Revised Code of Washington Title 87. KID is one of several irrigation districts served by the United States Bureau of Reclamation's (USBR) Yakima Project. The Yakima Project extends for 175 miles on both sides of the Yakima River in south-central Washington using water from the Yakima River and five storage reservoirs located in and around the Cascade Mountain Range.

In August 2012, USBR/KID was granted an authorization to change the existing USBR/KID 1905 Yakima River water right adjudicated under a Conditional Final Order (CFO) as a part of the *Acquavella* adjudication, by adding a new point of diversion along the Lower Yakima River at Kiona. Dubbed the Red Mountain Pump Project, the new point of diversion allows the KID to divert up to 14 cfs and 2,678 acre-feet per year to irrigate 1,785 acres on Red Mountain. The change also included adding an instream flow purpose (non-trust portion) to the right, with its associated place of use. A provision listed in the 2012 change authorization mandated the submittal of the subject application, as had been agreed to by all involved parties as a part of the planning process for the Red Mountain Pump Project. Further information on the history of this change can be found in the Report of Examination (ROE) for change under CS4-629CTCL.

#### Description and Purpose of Proposed Change

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Subsequent to the 2012 change authorization (which foreshadowed the filing of, and quantities listed in, this application), application CS4-629CTCL@1 was filed with the Department of Ecology (Ecology) on July 17, 2013.

The application proposes changes to the current operation of the KID distribution system, with inclusion of the new pumping station at Kiona, which will place water in the State Trust Water Rights Program (TWRP) and increase flows in the Lower Yakima River. As parties to the planning process for the Red Mountain Pump Project, this important environmental and water resource management feature has been recognized by letter by the Washington Department of Fish and Wildlife (WDFW) prior to engaging in application review.

## Attributes of the Existing Water Right and Proposed Change

Attributes	Existing	Proposed
<b>Name</b>	USBR on behalf of KID	USBR on behalf of KID
<b>Priority Date</b>	May 10, 1905	May 10, 1905
<b>Change Application Date</b>	10/29/2010	7/17/2013
<b>Instantaneous Quantity (total)</b>	732 cfs	732 cfs
<b>Annual Quantity (total)</b>	213,017 af/yr	213,017 af/yr
<b>Purpose of Use</b>	Irrigation - 301 cfs & 84,674 afy	Irrigation - up to 301 cfs & 84,674 afy
	Power - 431 cfs & 128,343 afy	Power - up to 423.1 cfs & 124,996 afy
	Instream Flow - 9 cfs & 3,570 afy*	Instream Flow - Non Trust – 8.4 cfs(avg) & 3,570 afy*
		Instream Flow - Trust – 33.4 cfs(avg) & 14,155 afy**
<b>Period of Use</b>	April 1 – October 31	April 1 – October 31
<b>Place of Use</b>	Chandler pump station and irrigation district boundary with lower reach of Yakima River for instream flow purpose	Chandler pump station and irrigation district boundary with lower reach of Yakima River for instream flow purpose

Quantities for each purpose of use are limited by the existing KID Water Right Settlement Agreement Amendment. Quantities shown for irrigation and power use include those portions which may be used for short-term trust.

\* Exercised only in non-prorating years. Quantity used for instream flow purpose will be deducted from the total quantity used for irrigation and power generation purposes. Instantaneous flow rate is averaged over the period of use. Actual peak flow may be up to 19.4 cfs. See Investigator's Report section on Proposed Use for further details.

\*\* This quantity represents the peak quantity to be placed in the State Trust Water Right Program under both long-term and short-term portions. Instantaneous flow rate is averaged over the period of use. Actual peak flow may be up to 44.1 cfs. See Investigator's Report section on Proposed Use for further explanation regarding quantity and benefitting reaches.

### Authorized Sources of Diversion

Source Name	Parcel	Twn	Rng	Sec	QQ Q	Latitude	Longitude
Yakima River - Prosser	102841000004000	08N.	24E.W.M.	02	N½NE	46.21336	-119.77398
Yakima River - Kiona	117973000002002	09N.	27E.W.M.	17	SWSW	46.25865	-119.47190

## Legal Requirements for Proposed Change

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### Pre-trial order 12 (Acquavella)

The Pre-trial order 12 documents were submitted to the court and were published in the November 2011 monthly notice, providing notice to the various parties of the changes proposed to the USBR/KID water right.

### Public Notice

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Notice of this application for change was published in the Tri-City Herald on 9/15/2013 and 9/22/2013. No protests or comments were received.

The notice has been distributed to several state resources agencies, tribes, and interested parties under the auspices of the Yakima Basin Water Transfers Working Group. No objections have been received from these parties concerning the application. The Water Transfers Working Group gave the KID proposed changes a 'thumbs-up' recommendation at its November 7, 2011 meeting.

### *State Environmental Policy Act (SEPA)*

As co-lead agency for the SEPA review, KID prepared a SEPA checklist and subsequently issued a Mitigated Determination of Non-Significance (MDNS) on July 12, 2012. This environmental review covers the water right changes in flow/diversions resulting from the new point of diversion within the Lower Yakima River, as well as general construction impacts for the pump station site.

The water use under the proposed project is water budget neutral in nature, and the new downstream diversion point provides additional flow in portions of the Lower Yakima River. There is no net increase in water use under this authorization relative to the existing CFO, and the flows for intervening reaches of the Yakima River are increased, due to the additional point of diversion.

Additionally, a component of the project includes the conversion of native shrub-steppe habitat to irrigated lands. Ecology has agreed to fund \$500,000 of a proposed mitigation plan agreed to by KID and WDFW in WDFW Interagency Agreement 11-1828.

### Key Technical Issues

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This investigation has included analysis of several issues related to changing instream flow quantities by placing water in the TWRP.

First, the new application meets the criteria for priority processing under the "Hillis Rule" (WAC 173-152-050). The proposed project will not increase consumptive use and provides for significant environmental benefits by increasing flow regimes in the Lower Yakima River. A letter in support of priority processing has been received from WDFW and this application is being priority processed under WAC 173-152-050 as noted in a Memorandum of Understanding (MOU) with WDFW, KID and USBR. This is also in keeping with the priorities outlined in WAC 173-152-035(6)(d)(iv).

Second, the existing pro-rationing stipulations for the existing USBR/KID water right confirmed in the CFO will remain in effect for the instream flow components per the new diversion sites. Flow targets at Prosser Dam will be increased based on the amount of water (flows) designated as instream flow or Trust Program water under this authorization.

## **INVESTIGATION**

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This ROE and Investigation was prepared by Ecology staff. Information was obtained from site inspections, technical reports and documents, research of KID and agency records, and discussions with the applicant's technical consultants and other interested parties; as well as discussions with staff from various state and federal agencies, Tribal staff, State Attorney General's office staff, and KID's legal counsel.

### **History of Water Use**

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Ecology previously conducted a thorough tentative determination of the water right, including investigation of the extent and validity and relinquishment exemptions which have occurred since the CFO was issued in 2001. In accordance with water resources program POL-1120, Ecology is conducting a simplified tentative determination due to the short timeframe since our last administrative action and is adopting the tentative determination found in the 2012 change authorization.

### **Proposed Use**

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Ecology's August 2012 Change Authorization CS4-629CTCL added a downstream water diversion site for a portion of USBR/KID's existing 1905 Yakima River surface water right<sup>2</sup>. This involved moving a portion of USBR/KID's water diversion from Prosser Dam to a new Kiona pump station site, for up to 14 cfs, 2,678 acre-feet per year, to irrigate up to 1,785 acres within the greater Red Mountain area (the Red Mountain LID). The deliveries into the KID Main Canal (from the Chandler Pump Station site) will be reduced from the currently-authorized 345 cfs (this is the maximum delivery allowed into the KID Main Canal under both the 1891 [44 cfs] and 1905 priority [301 cfs] USBR/KID water rights), reduced by whatever flow rate is diverted at Kiona, to ensure the total water deliveries from the two diversions do not exceed 345 cfs. With completion, the total allowed diversions at Prosser and Kiona will be 345 cfs, with no change to the maximum allowed diversion per KID's CFO under the *Acquavella* adjudication Court Claim No. 629.

Due to the disparity between water duties currently authorized in the majority of the district service area (3.5 acre-feet per acre) and the water needs for the Red Mountain lands to be put into production under this authorization (1.5 acre-feet per acre), a portion of the existing right was changed to the purpose of instream flow as 'crop differential water'. While not expressly placed into the TWRP, this water will serve to enhance stream flows from Prosser Dam to the McNary Pool of the Columbia River in non-prorating years. During years of less than normal water supply, this water will be used by the district to offset some of the effects of prorating.

The subject application, CS4-629CTCL@1, serves to change the purpose of use for another portion of the water right to instream flow and formally place those portions in the TWRP. A portion of the water will be placed into "long-term trust", meaning that the quantities are being placed into trust at all times, while other portions are deemed "short-term trust" and may be transferred between the TWRP and irrigation/conveyance use as deemed necessary by USBR/KID as the needs of the district change due to land use, water supply, or other pertinent factors. Ultimately, the portions being added to the TWRP are to be consistent with the quantities and locations set forth in the June 29, 2010 MOU and the June 9, 2011 Amendment to the KID Water Right.

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<sup>2</sup> This change authorization does not address or affect KID's 1891 priority water right. See CFO in *Ecology v. Acquavella*.

Settlement Agreement, summarized below and attached hereto:

Purpose	Reach	Acre-feet/yr	Average CFS
Long-Term Trust - 50% of Red Mountain LID conveyance water savings	Prosser to Kiona	1,410	3.3
Long-Term Trust - Red Mountain LID drive water	Prosser to Chandler	3,347	7.9
Short-Term Trust - 50% of Red Mountain LID conveyance water savings	Prosser to Kiona	1,410	3.3
Short-Term Trust - Red Mountain LID conveyance water savings drive water	Prosser to Chandler	3,525	8.3
Short-Term Trust - Crop differential drive water	Prosser to Chandler	4,463	10.5
Short-Term Trust - Red Mountain LID conveyance water savings	Kiona to McNary Pool	2,820	6.7
Instream Flow Water - Not in Trust	Prosser to McNary	3,570	8.4

Location	River Mile
Prosser Dam	Yakima RM 47
Chandler Pumping Station	Yakima RM 35.8
Kiona Pump Station	Yakima RM 30
McNary Pool	Columbia RM 335

Only the portion designated Long-Term Trust for the Red Mountain LID drive water has been subtracted from the annual quantity and flow rate allocated for power (3,347 acre-feet per year and 7.9 cfs) under the preceding change authorization. As KID has sought to maximize its operational flexibility in years of water shortage, the annual quantities listed on the cover sheet of this report for the purposes of irrigation and power are a maximum and still include the amounts added to short-term trust. However, whatever portions are credited as Short-Term Trust or non-trust instream flow during any given year will be deducted from the total quantity used for irrigation and power purposes that year, such that no enlargement of the right occurs and that the cumulative total of instream and out-of-stream portions of the right does not exceed the 732 cfs, 213,017 acre-feet per year limitation set forth in the CFO and 2001 Water Right Settlement Agreement for any reach included as a part of the place of use. See pages 7-9 of the June 9, 2011 Amendment to the KID Water Right Settlement Agreement (attached) for Net Water Savings and peak flow benefits in each reach as well as further details on the maximum water deliveries during normal and prorating years.

### Measuring and Reporting Water Use

RCW 90.03.360 requires that the owner of any water diversion maintain substantial controlling works and a measuring device. It must be constructed and maintained to permit accurate measurement and practical regulation of the flow of water diverted. Technical requirements for the measuring and reporting of water use are described in WAC 173-173. This decision contains provisions requiring the measuring and reporting of the quantities of water withdrawn or diverted. In addition, USBR/KID should notify Ecology in writing when it determines Short-Term Trust water is to be used for irrigation or conveyance and will not be placed in Trust during identified periods of time.

## Other Rights Appurtenant to the Place of Use

With a large place of use located in a heavily agricultural area, it is reasonable to expect a large number of water rights in the immediate vicinity. There are scores of other water rights that serve lands within and surrounding the district boundary. However, KID assesses and tracks the customers within its place of use, therefore, this allows KID a direct control on the fate of its water. As such, there is no indication of any direct relationship between adjacent water rights and this application.

Other applications and water rights are not likely to be directly, or indirectly, adversely affected by the proposed project.

## Hydrologic Evaluation

The application as proposed is consistent with beneficial use and return flow considerations contained in RCW 90.03.380 and other applicable statutes. The project will not result in an increase to consumptive use, and will allow water to remain in the lower Yakima River in the reach between Prosser and the McNary Pool of the Columbia River.

## Impairment Considerations

As proposed in the subject application, the applicant will be leaving water instream for aquatic benefit. This is not expected to produce any negative impacts on existing downstream water right holders.

## Public Interest Considerations

The Red Mountain Pump Project provides many opportunities for economic growth and environmental benefit. As a part of this project, the subject application requesting to place water into the TWRP will allow for increased flows in the lower Yakima River. The presence of additional instream flow is expected to enhance habitat and transit conditions for resident and anadromous aquatic species, including threatened Steelhead.

### *Consideration of Protests and Comments*

No protests were filed against this application.

## Conclusions

In conclusion, as a part of the Red Mountain Pump Project, approval of the subject application to place water in the TWRP will have no negative impacts on the source or other water users, and provides for increased operational use of the existing water right and economic growth in the Red Mountain area. This project represents years of collaborative work between state, federal, tribal and private interests to provide an opportunity to simultaneously enhance the environment and increase agricultural production.

## **RECOMMENDATIONS**

Based on the above investigation and conclusions, I recommend that the request for change to purpose of use be approved in the amounts and within the limitations listed below and subject to the provisions contained in the ROE.

## Purpose of Use and Authorized Quantities

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The amount of water recommended is a maximum limit and the water user may only use that amount of water within the specified limit that is reasonable and beneficial:

732 cfs

213,017 acre-feet per year

For the purposes of irrigation, power generation, and instream flows

### Point of Diversion

Source Name	Parcel	Tw	Rng	Sec	QQ Q	Latitude	Longitude
YAKIMA RIVER	102841000004000	08N.	24E.W.M.	02	N½NE	46.21336	-119.77398
YAKIMA RIVER	117973000002002	09N.	27E.W.M.	17	SWSW	46.25865	-119.47190

### Place of Use

1. Chandler Pumping Plant - 2450 feet west and 1700 feet south, more or less, from the northeast corner of Section 17, being within the W ½ NW ¼ SW ¼ NE ¼ Section 17, T.9 N., R.26E.W.M.
2. 20,201 acres within the boundaries of KID as designated by authority of the Secretary of the Interior and as described in KID exhibits 160 through 160-42 in *Ecology v Acquavella*, and as partially amended by Exhibit 1 and as described on Exhibit 2 to the June 9, 2011 Amendment to the KID Water Right Settlement Agreement.
3. When water is used for an instream purpose, place of use is described as all or part of the river reach below Prosser diversion dam at Yakima River Mile 47 to the confluence of the Yakima River with the Mc Nary pool at River Mile 335 of the Columbia River.



6/5/2014

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Report Writer

Date

*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.*

### Attachments:

June 29, 2010 Memorandum of Understanding

June 9, 2011 Amendment to the KID Water Right Settlement Agreement