File NR S4-32804
WR Doc ID 2032519

State of Washington
Department of Ecology
Office Of Columbia River
Report of Examination for Lake Roosevelt Incremental Storage Releases Water Permit

PRIORITY DATE	APPLICATION NUMBER
September 22, 1998	S4-32804

MAILING ADDRESS	SITE ADDRESS (IF DIFFERENT)
MERCER CANYONS INC 46 SONOVA RD PROSSER, WA 99350-9312	

Quantity Authorized for Withdrawal or Diversion

WITHDRAWAL OR DIVERSION RATE	UNITS	ANNUAL QUANTITY (AF/YR)
1.5	CFS	1071

Purpose

	WITHDRAWAL OR DIVERSION RATE			ANNUAL QUANTITY (AF/YR)		
PURPOSE	ADDITIVE	NON-ADDITIVE	UNITS	ADDITIVE	NON-ADDITIVE	PERIOD OF USE (mm/dd)
Commercial and Industrial	1.5		CFS	1071		01/01 - 12/31

Source Location

COUNTY	WATERBODY	TRIBUTARY TO	WATER RESOURCE INVENTORY AREA
BENTON	COLUMBIA RIVER		31-ROCK-GLADE

SOURCE FACILITY/DEVICE	PARCEL	WELL TAG	TWP	RNG	SEC	QQ Q	LATITUDE	LONGITUDE
COLUMBIA RIVER	106444000000000		04N	24E.W.M.	06	NENE	45.86511 Datum: NAD83	-119.84982

Place of Use (See Attached Map and Attached)

PARCELS (NOT LISTED FOR SERVICE AREAS)

LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE

The N½ of Section 26, the S½ of Section 23, and the NW¼ of Section 35, all in T.5N. R.23E.W.M., Klickitat County.

Proposed Works

The proposed water use is associated with a planned industrial agriculture processing complex. This project will utilize water permitted under applications S4-30052, S4-31148, and S4-32804. Potential facilities include vegetable wash and transload, vegetable processing, bulk wine production, and

potato processing. These facilities and associated infrastructure would be developed sequentially over the next six to seven years and are expected to utilize a combined total of 1,162.7 acre-feet.

Development Schedule

BEGIN PROJECT	COMPLETE PROJECT	PUT WATER TO FULL USE
March 1, 2013	March 1, 2019	March 1, 2020

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 or cfs)

Provisions

Water Service Contract

Use of water under this permit or certificate is contingent upon the applicant's compliance with a water service contract with Ecology for recovery of costs associated with the Lake Roosevelt Incremental Storage Releases Program. Failure to comply with the terms of the water service contract will result in cancellation of the permit or revocation of the certificate.

Measurements, Monitoring, Metering and Reporting

An approved measuring device must 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 Central Regional Office. If you do not have Internet access, you can still submit hard copies by contacting the Central Regional Office for forms to submit your water use data.

Department of Fish and Wildlife Requirement(s)

The intake(s) shall be screened in accordance with Department of Fish and Wildlife screening criteria (pursuant to RCW 77.57.010, RCW 77.57.070, and RCW 77.57.040). Contact the Department of Fish and Wildlife, 600 Capitol Way N, Olympia, WA 98501-1091. Attention: Habitat Program, Phone: (360) 902-2534 if you have questions about screening criteria. http://wdfw.wa.gov/about/contact/

Water Use Efficiency

The water right holder is required to maintain efficient water delivery systems and use of up-to-date water conservation practices consistent with RCW 90.03.005.

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.

Your Right To Appeal

You have a right to appeal this Order to the Pollution Control Hearings Board (PCHB) within 30 days of the date of receipt of this Order. 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 the following within 30 days of the date of receipt of the Order.

File your appeal and a copy of this Order with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.

- Serve a copy of your appeal and this Order on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.

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

Street Addresses	Mailing Addresses
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503 **Pollution Control Hearings Board** 1111 Israel RD SW, Ste 301 Tumwater, WA 98501	**Department of Ecology** Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608 **Pollution Control Hearings Board** PO Box 40903 Olympia, WA 98504-0903

Signed at Yakima, Washington, this 19th day of October 2012.

Mark C. Schuppe, Operations Manager

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.

INVESTIGATOR'S REPORT
Application for Water Right -- Mercer Canyons Inc
Water Right Control Numbers S4-30052, S4-31148, and S4-32804
Trevor Hutton, Department of Ecology

BACKGROUND

Description and Purpose of Application

The Washington State Department of Ecology (Ecology) accepted Water Right Application Numbers S4-30052, S4-31148, and S4-32804, submitted by Mercer Ranches, Inc (now Mercer Canyons, Inc.) Attributes of the applications are presented below in Table 1. Mercer Canyons, Inc. (Mercer) submitted an amendment to applications S4-30052, S4-31148, and S4-32804 pursuant to this permitting process that expanded the place of use to include nearby lands. Application S4-32639(A) was initially considered under the Program, but was later withdrawn from processing due to uncertainties arising from the sale of Bolthouse Farms , an associate of Mercer Canyons, Inc., to Campbell's, Inc.

On February 26, 2010, the applicant was notified of the availability of mitigation water for these applications, developed by the Office of Columbia River as part of the Lake Roosevelt Incremental Storage Releases Program (Program). On March 19, 2010, the applicant indicated his intent to receive water under the Program.

Lands covered by the proposed place of use are owned by Mercer and other parties, though planned facilities will only be located on lands owned by the applicant. The lands upon which the proposed point of diversion is located are owned by the United States and used through an easement for Mercer's Carma pump station.

The proposed water use is associated with a planned industrial agriculture processing complex. This project will use water permitted under applications S4-30052, S4-31148, and S4-32804. Potential facilities include vegetable wash and transload, vegetable processing, bulk wine production, and potato processing. These facilities and associated infrastructure would be developed sequentially over the next six to seven years and are expected to use a combined total of 1,162.7 acre-feet.

Table 1 Application Summary

Application	Priority Date	Instantaneous Rate	Annual Quantity	Purpose of Use	Period of Use	Place of Use
S4-30052	7/27/1989	0.016 cfs	8.7 af/yr	Commercial and Industrial Supply	January 1-December 31	The N½ of Section 26, the S½ of Section 23, and the NW¼ of Section 35, all in T.5N. R.23E.W.M.
S4-31148	2/2/1992	0.45 cfs	83 af/yr			
S4-32804	9/22/1998	1.5 cfs	1071 af/yr			

Table 2 Proposed Sources of Withdrawal or Diversion

Source Name	Parcel	Twp	Rng	Sec	QQ Q	Latitude	Longitude
COLUMBIA RIVER	106444000000000	04N	24E.W.M.	06	NE¼NE¼	45.86513	-119.84989

Legal Requirements for Approval of Appropriation of Water

Chapters 90.03 and 90.44 RCW authorize the appropriation of public water for beneficial use and describe the process for obtaining water rights. Laws governing the water right permitting process are contained in RCW 90.03.250 through 90.03.340 and RCW 90.44.050. In accordance with RCW 90.03.290, determinations must be made on the following four criteria in order for an application for a water right 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

Public Notice

RCW 90.03.280 requires that notice of a water right application be published once a week, for two consecutive weeks, in a newspaper of general circulation in the county or counties where the water is to be stored, diverted and used. Notices for these applications were published in the following manner:

Application	Publication	Publication dates
S4-30052	Goldendale Sentinel	January 11 & 18, 1990
	Tri-City Herald	January 8 & 15, 1990
S4-31148	Prosser Record-Bulletin	April 29 & May 6, 1992
	Goldendale Sentinel	June 20 & 27, 2012
S4-32804	Prosser Record-Bulletin	April 25 & May 2, 2012
	Goldendale Sentinel	April 25 & May 2, 2012

No protests were made regarding these applications.

Consultation with the Washington Department of Fish and Wildlife

Ecology must give notice to the Washington Department of Fish and Wildlife (WDFW) of applications to divert, withdraw or store water (RCW 77.57.020).

On November 18, 2011, WDFW indicated in writing that it had reviewed applications S4-30052 and S4-31148, stating their support for issuing the new rights for the proposed beneficial use. WDFW was informed of our intent to process S4-32804, but Ecology has received no comments to date.

Consultation under WAC 173-563-020

Under WAC 173-563-020(4), consultation is required before issuance of new Columbia River water right permits:

> *The instream flows established and implemented by this chapter for instream and out-of-stream uses, and the average weekly flows applied by this chapter to out-of-stream uses do not apply to any application for water from the main stem Columbia River on which a decision is made by the department of ecology on or after July 27, 1997. Any water right application considered for approval or denial after that date will be evaluated for possible impacts on fish and existing water rights. The department will consult with appropriate local, state, and federal agencies and Indian tribes in making this evaluation. Any permit which is then approved for the use of such waters will be, if deemed necessary, subjected to instream flow protection or mitigation conditions determined on a case-by-case basis through the evaluation conducted with the agencies and tribes.*

On December 14, 2009, Ecology contacted local, state, and federal agencies and Indian tribes requesting consultation and comments on issuing new municipal and industrial permits from the Columbia River mitigated by 13,527 acre-feet of water under the Program. On November 5, 2010, Ecology consulted with local, state, and federal agencies and Indian tribes again to update the quantity of water released, to 37,500 acre-feet of water released for municipal/industrial uses and associated instream releases.

From these consultations, Ecology received written responses from the WDFW, Bonneville Power Administration, U.S. Fish and Wildlife Service, Confederated Tribes of the Colville Reservation, the Confederated Tribes of the Umatilla Indian Reservation, and the United States Forest Service. Ecology also had several meetings with stakeholders, including the Columbia River Policy Advisory Group (PAG) where it received oral comments.

Copies of the written comments received are available in the file and PAG meeting notes are available on-line at: http://www.ecy.wa.gov/programs/wr/cwp/cr_pag.html. The comments generally identified that the Program was adequate mitigation for up to 37,500 acre-feet of water for new municipal, multiple domestic, and industrial permits and associated instream releases.

State Environmental Policy Act (SEPA)

Pursuant to the State Environmental Policy Act (SEPA) (Chapter 43.21C RCW) and the SEPA Rules (Chapter 197-11 WAC), the Program was addressed in the Final Programmatic Environmental Impact Statement (FPEIS) for the Columbia River Management Plan. A Final Supplemental Environmental Impact Statement (FSEIS) was released on August 29, 2008 and an Addendum to the FSEIS was released on December 29, 2009; both documents address the Program in detail. On June 12, 2009, the United States Bureau of Reclamation (Reclamation) issued an Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) for the project under the National Environmental Policy Act (NEPA).

The above described SEPA Documents are available online:
FPEIS - http://www.ecy.wa.gov/programs/wr/cwp/eis.html
FSEIS & FSEIS Addendum - http://www.ecy.wa.gov/programs/wr/cwp/cr_lkroos.html
EA & FONSI - http://www.ecy.wa.gov/programs/wr/cwp/cr_lkroos_envirostudies.html.

Project specific SEPA compliance

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 foot per second (cfs). If the project is for agricultural irrigation, the threshold is increased to 50 cfs, so long as the project will not receive public subsidies;
- It is a groundwater right application for more than 2,250 gallons per minute (gpm);
- It is an application combined with other water right applications for the same project and exceeds 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, considered together, trigger the need to do a threshold determination, as defined under WAC 197-11-305.

The proposed project as a whole exceeds the 1 cfs threshold for SEPA compliance. As a part of this project, permits will be required at the county level for construction related activities. As such, Klickitat County will be SEPA lead entity. Discussions with the Klickitat County Planning Department and an E-mail from Planning Director Curt Dreyer dated July 11, 2012 express the County's knowledge of this project and that our issuance of permit decisions will not preclude them from further SEPA related activities.

INVESTIGATION

As a part of this permitting process, the author of this report initially visited the site to discuss the Program with the applicant on June 23, 2010. Subsequent visits, E-mails and phone calls were made related to these applications. Early communication was focused on our initial contact letter in order to ascertain if the applicant was interested in pursuing water under the Program. Correspondence was exchanged regarding the actual intent of the applications, as considerable time had elapsed between when the application was submitted and the present day. As the investigation progressed, more specific information was gathered regarding the scope of their proposal and necessary amendments and splits were made to existing applications, as well as addressing other existing applications that were deemed unnecessary at the present time.

Water Availability

For water to be available for appropriation, it must be both physically and legally available.

Legal Availability

The Program involves releases of water stored in Lake Roosevelt under the Reclamation's 1938 storage right (Reservoir Certificate Number 11793) to provide municipal, domestic and industrial water supply; provide water to replace some ground water in the Odessa Subarea; enhance stream flows in the Columbia River to benefit fish; and provide drought relief for interruptible water right holders.

Surface Water Permit Number S3-30556 was issued on December 1, 2008 to the USBR, authorizing a maximum of 305 cfs, 37,500 acre-feet per year for instream purposes in Lake Roosevelt and below Grand Coulee Dam with a priority date of May 16, 1938. Surface Water Permit Number S3-30556 is considered the "secondary" water use permit authorizing use of water stored under Reservoir Certificate Number 11793.

On December 21, 2010, Ecology issued Superseding Certificate of Trust Water Right S3-30556, accepting 305 cfs, 37,500 acre-feet per year to the Washington State Trust Water Right Program (TWRP) for the purpose of instream flow. Under Superseding Certificate of Trust Water Right S3-30556, water is held in the TWRP to mitigate the impacts of 25,000 acre-feet of new state water rights issued under the Program's municipal, domestic and industrial water right permitting; the remaining 12,500 acre-feet is reserved exclusively for instream flows. In June 2011, Ecology provided notice under RCW 90.42.040(5) that it would modify Superseding Certificate of Trust Water Right S3-30556 to allow for mitigation of domestic uses as well as municipal and industrial uses. No comments from this notification were received, and Ecology issued a second Superseding Certificate of Trust Water Right S3-30556 on August 17, 2011.

Physical Availability

Municipal, domestic, and industrial water uses associated with the Program will divert or withdraw water from the Columbia River or tributary groundwater on a continuous, year-round basis. In the preferred Alternative 1C, identified in the SEIS, mitigation releases from Lake Roosevelt will occur during

time periods that will provide the greatest benefit to fish populations. These releases will occur during the months in which increased flow in the Columbia River will benefit fish the most, generally during April through September. The exact quantities and timing of the mitigation releases will be determined annually by the Fish Flow Releases Advisory Group (FFRAG). The membership of the FFRAG agrees that mitigation releases should be scheduled to help restore normative flows in the Columbia River. Since flows in October through March are higher than normative, mitigation for diversions and withdrawals under the Program during this time period are not seen as critical by FFRAG, leaving water available for release during the critical April through September period. This strategy was also supported in the consultations for the Program.

The subject application is being investigated under the mitigation framework established under the Program. In order to mitigate the impacts of any new appropriation of water on the Columbia River, hydrologic evidence must indicate that impacts on the Columbia River associated with the proposed water use would be successfully mitigated by the Lake Roosevelt mitigation releases. Additionally, it must be possible to manage the impacts on the Columbia River of proposed pumping in a manner that avoids carry-over of impacts across mitigation cycles.

Impairment Considerations

Columbia River Water Rights

An investigation of a water right application includes an analysis of whether the proposed water use will impair other existing water rights. The impairment analysis involves identifying how the proposed water use may impact the current water rights regime.

In considering impacts to existing water right holders and the instream flow rule, an analysis must consider actual river operation, particularly in drought years when water availability issues are most acute. In the context of this application, there are four classes of water uses that must be considered:

- Water right holders with priority dates senior to May 16, 1938.[1]
- Uninterruptible water rights with priority dates junior to May 16, 1938.
- Interruptible water rights with priority dates junior to May 16, 1938.
- The June 24, 1980 Instream Flow Rule (WAC 173-563).

A detailed analysis of the current water rights regime on the Columbia River was issued in the Report of Examination (ROE) for S3-30556.

Under the Program, 37,500 acre feet per year of mitigation water is held in the TWRP for instream purposes under Superseding Trust Water Certificate S3-30556 with a priority date of May 16, 1938, 25,000 acre-feet of which may be used for mitigation of new out-of-stream uses. Under the State's priority system, the mitigation water is senior to all water rights issued after May 16, 1938. The mitigation water rights are specifically exempted from the Columbia River instream flow rule (WAC 173-563-020(5)). Additionally, the mitigation water is protected under the TWRP from diversion by junior water right holders who may be curtailed during low-flow years. These junior users total approximately 379 interruptibles who are curtailed based on a forecast methodology outlined in WAC 173-563. Although junior to the mitigation that is available for this application, no conflict is expected between

[1] Although the priority dates of these applications are based on the date of filing with Ecology, the applications are backed by mitigation with a priority date of May 16, 1938, which is how they will be managed if regulation of Columbia River water rights is required.

the applicant's diversions or withdrawals and interruptible water users because of the mitigation provided by the Program.

Water Rights in the Vicinity

There are scores of other water rights in the vicinity of the proposed project, many with overlapping places of use and purposes. The project location is encompassed by industrialized agriculture related to land put into production by Mercer Canyons. The area is largely served by a principal diversion facility operated by Mercer Canyons. This facility, known as the Carma Pumping Plant, delivers water to irrigate lands surrounding the proposed project location, as well as supplying water to the nearby Bolthouse Farms processing facilities (formerly owned by Mercer Canyons). The diversion facility serves water to Mercer's lands as well as many other private lands in the vicinity under a host of water rights. As many of these water rights have been administratively divided or assigned, much study would be needed to determine and document the relationships between all existing water rights in the vicinity. However, it is safe to assume that because the proposed project is a new use by the same party holding the bulk of the nearby water rights, and mitigated by water out of Lake Roosevelt, it will have no impact on the existing water rights in the area. It is unclear at this point if Mercer will need to expand the Carma Pumping Plant in order to supply the water necessary to the proposed facilities. It is very unlikely that any other existing diversions located in the John Day pool will be negatively impacted by the proposed new use.

Beneficial Use

The use of water for commercial and industrial purposes is defined in statute as a beneficial use (RCW 90.54.020(1)). Beneficial use encompasses two principal elements of a water right:

1. Beneficial use refers to the purpose for which water may be used.
2. Beneficial use determines the measure of a water right. The owner of a water right is entitled to the amount of water necessary for the purpose to which it has been used.

To determine the amount of water necessary for a beneficial use, courts have developed the principle of "reasonable use". Reasonable use of water is determined by analysis of the factors of water duty and waste.

Currently, Mercer Canyons does not exercise any rights for commercial and industrial use since the sale of their former processing facilities to Bolthouse Farms and an associated water right change completed by the Benton County Water Conservancy Board under CS4-01344C(B). Mercer desires to build infrastructure to process additional crops and provide additional revenue. The proposed project is not directly related to any other existing water rights, facilities, or entities, and will be accounted separately from Mercer's existing rights for other purposes. Initial planning figures provided by Mercer delineate water use anticipated for each phase of the potential new facilities. Due to the cost associated with this supply of water, it is in the water user's best interest to ensure that their use of water is reasonably efficient. The actual quantity put to beneficial use will be determined at the Proof of Appropriation examination phase, but estimated use was outlined in correspondence between Mercer and the author.

Public Interest Considerations

Analysis of whether this application meets the requirements of RCW 90.03.290, that the proposed use of water will not be detrimental to the public welfare, involves investigation of how the approval of the proposed use of water will affect the range of values that are encompassed by the public interest.

Several sections of statute list the legislative policies that guide the consideration of the public interest during the allocation of water, including sections of the 1971 Water Resources Act (Chapter 90.54 RCW) and Chapter 90.90 RCW titled "Columbia River Basin Water Supply".

An analysis of the public interest considerations for the Program is contained in the Report of Examination for Application Number S3-30556, the "secondary use" permit for the Lake Roosevelt releases.

The public interests associated with the Program's municipal, domestic and industrial permitting are specifically cited in several sections of Chapter 90.90 RCW.

- RCW 90.90.005(1) states "The legislature finds that a key priority of water resource management in the Columbia river basin is the development of new water supplies that includes storage and conservation in order to meet the economic and community development needs of people and the instream flow needs of fish".

- RCW 90.90.005(2) directs Ecology to "aggressively pursue the development of water supplies to benefit both instream and out-of-stream uses".

- RCW 90.90.020(3)(b) instructs Ecology to focus on "Sources of water supply for pending water right applications".

- RCW 90.90.020(3)(d) instructs Ecology to focus on "New municipal, domestic, industrial, and irrigation water needs within the Columbia river basin".

- RCW 90.90.060(3) states that Lake Roosevelt releases "will bolster the state economy and will meet the following critical needs" including "new water supplies for municipalities with pending water right applications".

The Program's municipal, domestic and industrial permitting achieves the statutorily mandated public interest requirements by allowing new state water rights to be issued while mitigating the impacts to fish.

If the subject application is approved, the public welfare may be affected in several ways:

- Economic activity is likely to result from the use of water for commercial and industrial purposes, as the associated construction and operation activities generate increased economic and social opportunities.

- The use of water for commercial and industrial purposes is not expected to affect local cultural, recreational, or environmental resources.

- The adaptive management strategy for mitigation releases will ensure releases occur at times that are most beneficial for Endangered Species Act-listed salmon and steelhead species in the Columbia River, thus assuring effective mitigation for this appropriation of water.

Consideration of Protests and Comments

On September 22, 1997, The Center for Environmental Law & Policy (CELP) submitted written comment to Ecology requesting that Ecology "either deny or continue in hold status all applications for new water rights from the Columbia River, its tributaries and from any ground water source in continuity with

them." Major concerns cited by CELP include impacts to Endangered Species Act listed fish stocks, water availability, and reduced revenue from hydropower facilities as a result of increased diversions. CELP asserted that issuance of new water rights would violate the four statutory criteria for issuance of a water right because water is not available, and issuance of new rights would lead to impairment of existing rights and would not be in the public interest.

The Office of Columbia River has addressed these concerns in the Final Supplemental Environmental Impact Statement for the Lake Roosevelt Incremental Storage Releases Program[2] (FSEIS) and the Addendum to the FSEIS[3] (Addendum). Under the Program, issuance of new water rights for pending applications is mitigated by existing water rights held by Reclamation for water releases from Grand Coulee Dam. Ecology has placed this water into the TWRP to supply water for out-of-stream and in-stream purposes as outlined in the FSEIS.

This Program will have a beneficial impact on ESA-listed fish by providing additional instream flow in the quantities of 37,500 acre-feet each year and an additional 17,000 acre-feet per year during drought years. Water will be released from Lake Roosevelt to maximize fish benefits on a schedule as agreed upon each year by the FFRAG (FSEIS 2.3.2.3 and FSEIS 2.3.3.2.). The timing of the releases would be constrained by the instantaneous flow limit of Reclamation's secondary water use permit as described in FSEIS section 2.3.

Program water will be released from storage in Lake Roosevelt in addition to water that is currently released. The Program is designed so no diminishment of water available to other appropriators throughout the Columbia River system will occur. Program water will only be used to supply water to surface water users or groundwater users who are capable of directly capturing water released from Lake Roosevelt or those groundwater users who can demonstrate that their withdrawals, if pumping ceased, would be fully attenuated within a single mitigation cycle (Addendum section II).

Under the Program, water is allocated to supply industrial and domestic/municipal development. As described in the public interest section, the project will generate new jobs, revenue and other economic benefits to individuals and communities throughout the Columbia River Basin, while providing mitigation for fisheries.

Conclusions

Beneficial Use
The proposed use of water for commercial and industrial use is considered to be a beneficial use. Therefore this application meets the first criterion of RCW 90.03.290 that the requested water be put to beneficial use.

Water Availability
The analysis provided above demonstrates that water is physically and legally available for the proposed use of water.

Impairment
The proposed beneficial use of water will not impair any existing water rights.

[2] http://www.ecy.wa.gov/programs/wr/cwp/images/pdf/finalseis/seis_final.pdf
[3] http://www.ecy.wa.gov/programs/wr/cwp/images/pdf/lkroos_seis_adden.pdf

Public Interest
The proposed use of water would not be detrimental to the public welfare.

RECOMMENDATIONS

Based on the above investigation and conclusions, I recommend that this request for a water right be approved in the amounts and within the limitations listed below and subject to the provisions listed above.

Purpose of Use and Authorized Quantities

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

S4-30052
0.016 cfs
8.7 acre-feet per year

S4-31148
0.45 cfs
83 acre-feet per year

S4-32804
1.5 cfs
1,071 acre-feet per year

Purpose of Use
Continuous commercial and industrial use

Point of Diversion
NE¼, NE¼, Section 6, Township 4 North, Range 24 E.W.M.

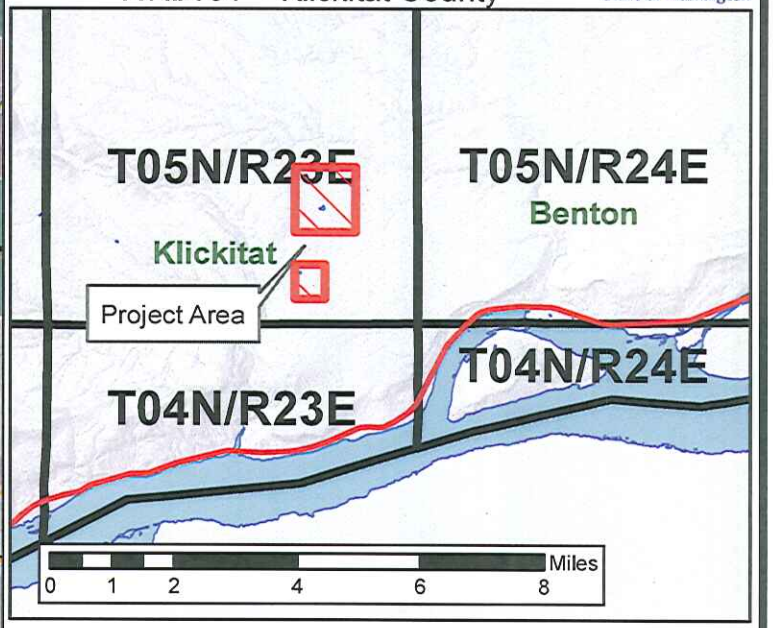
Place of Use
As listed in Table 1 above.

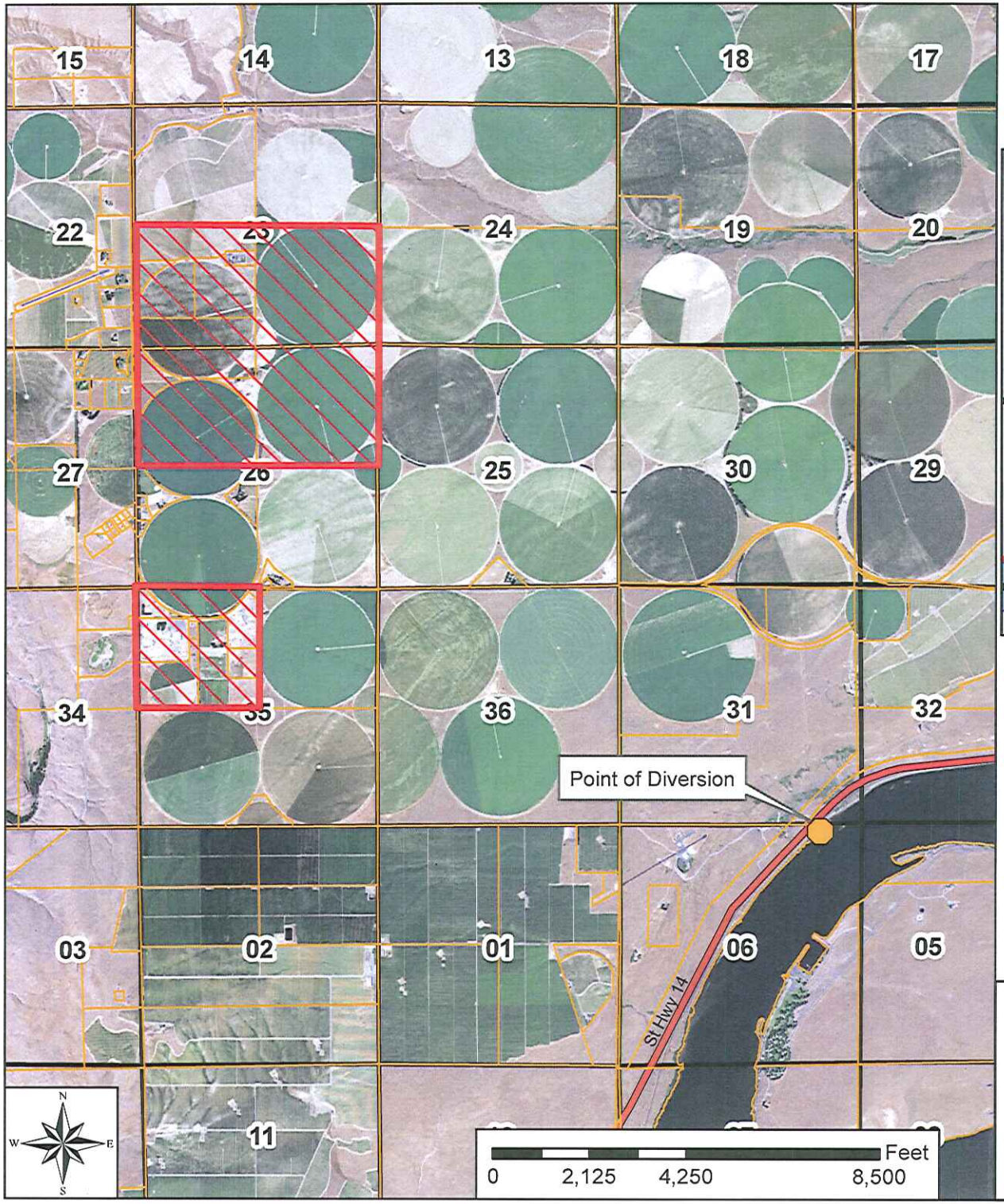
Report Writer *Date* 10/19/2012

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.

Mercer Canyons, Inc.
Application #s S4-30052,
S4-31148, and S4-32804
T. 5 N., R. 23 E.W.M.
WRIA 31 - Klickitat County

DEPARTMENT OF ECOLOGY
State of Washington





Point of Diversion
Place of Use
Parcels
Roads
Sections
City
County

Attachment 1

Comments:
Map is for reference only. Place of use, points of withdrawal/diversion are as defined on the cover sheet of the Report of Examination.
Image is 2011 NAIP airphoto.