Sent Via Electronic Mail

**MEMO**

To: Greg Silbernagel, OWRD Watermaster

Chris Kowitz, OWRD Region 5 Manager

From: J.R. Cook & Gibb Evans, Commission Contract Staff

CC: Jake Madison, Commission Chair

Mid-Columbia Water Commission

NOWA Board of Directors

Attachments: 2020 Use Map and 2021 Water Use Forecast Map

Proof of Valid Instream Lease for 2020 (IL-1536)

Proof of Valid Instream Lease for 2020 (IL-1741)

Proof of Valid Instream Lease for 2021 (IL-1741 &CS4-01337(B)C@3)

RE: Permit #S-54633 (2020 Annual Report and 2021 water use forecast)

**Introduction**

Pursuant to Condition 16 of Permit #S-54633, the water rights holder is required to provide an annual water use report by February 14 of each year, including a forecast for the expected use of Permit #S-54633 for the upcoming irrigation season. In November 2020 the Mid-Columbia Water Commission was legally formed and has assumed administrative responsibilities for all Mid-Columbia Mitigation Use Rights currently in use. The following report includes information to comply with reporting Sub-Conditions a, b, c and d of Condition 16.

**2020 Irrigation Season Water Use**

All mitigation use water under Permit #S-54633, was subscribed to and utilized by Madison Ranches, Inc., Hale Brothers, and Windy River. This water right was used in combination with S-55061 and S-55190 to total 74.35 mitigated cfs.[[1]](#footnote-1) This right was utilized, in addition to all other rights available to Madison Ranches, Windy River, and Hale Brothers to irrigate 13,264 acres.

The 38.75 cfs was mitigated by 38.75 cfs of legally leased and protected in-stream water via two Instream leases (IL-1536 & IL-1741). IL-1741 and IL-1536 are attached to this report.

**Condition 16 (a)**

The following summary is required by and consistent with Condition 16(a) of Permit S-54633:

1. Maximum total used of the approved use: Madison Ranches, Inc, Hale Brothers and Windy River only utilized water supplies for irrigation purposes. The total irrigation water use for the 2020 irrigation season was 33,705 acre-feet
2. Maximum rate of diversion at the Columbia River Point of Division utilized (CID Point of Diversion) was 166,000 gallons-per-minute.
3. Total mitigation water utilized was:
   1. Madison Ranches Inc: 5,944 acre-feet
   2. Hale Brothers: 2,182 acre-feet
   3. Windy River: 460 acre-feet
4. Total water used per acre:
   1. Madison Ranches Inc: 2.7 acre-feet
   2. Hale Brothers: 3.4 acre-feet
   3. Windy River: 2.1 acre-feet
5. Map of Primary and Supplemental water use, including acreage (Attached)
6. Proof of Mitigation is attached (IL-1536 & IL-1741)

**Condition 16 (b)**

The following summary is required by and consistent with Condition 16(b) of Permit S-54633:

1. Planned activity for 2021 irrigation season:
   1. The Commission plans to utilize water in 2021 consistent with the place of use boundary proposed in the attached map.
   2. This water right will now be administered by the Commission and all reporting and permit compliance requirements will be assumed by the Commission.
   3. In addition to Madison Ranches Inc, L&L Farms and Hale Brothers, two additional farms have been included by the Commission as farms that propose to utilize mitigated irrigation water from these permits for 2021. Those farms have been added to the attached proposed place of use map for 2021.
   4. Mitigation source water for this mitigation use water right has changed from IL-1741 and IL-1536 to IL-1741 (16.8 cfs), an additional 1.4 cfs of water under application to be leased instream using Port of Umatilla Certificate #94987 and Washington Trust Right #CS4-01337(B)(C)@3 (9.18cfs). Proof of active mitigation under IL-1741 is attached. Proof of Instream Lease application for Certificate #94987 is pending. Proof of mitigation and documentation of 1-year temporary test using Washington Trust Right #CS4-01337(B)(c)@3 and documenting use of water that has received a form of extent and validity review yet remains temporary (as opposed to water capable of being permanently transferred to Oregon) to ensure test and coordination with Washington is attached via an email from the water right owner.
   5. This right is being temporarily diminished from the full 38.75 permitted rate to 27.38 cfs due to a temporary loss of mitigation water. The Commission intends to re-secure water to mitigate the full rate of this permit by the 2022 irrigation season.
   6. Subscriptions to mitigation water users have been diminished to ensure that no more than 25.98 cfs of this mitigation use right will be utilized during the 2021 irrigation season. This ensures that should the pending instream lease of 1.4 cfs under Certificate #94987 not be approved that all current water subscriptions can be kept intact. This also ensures that the Basin will remain in full compliance with the maximum rate of all mitigation sources secured for the 2021 irrigation season(i.e. by not subscribing any rate over and above the mitigated rate, the users know in advance of the irrigation season what their max rate is for the upcoming season).

**Condition 16(c**)

Mitigation water rights users formed the Mid-Columbia Water Commission (Commission) in 2020 to administer both temporary mitigation and begin working on programmatic mitigation necessary to certificate mitigation use rights in the future. The Commission has begun discussions with the State of Washington and congressional representatives on the possibility of a one-time permanent acquisition of enough “non-treaty” storage water owned in Canada by BC Hydro to permanently mitigate all water rights associated with the Mid-Columbia mitigation effort. These discussions are preliminary and will require Sovereign negotiation between the State of Washington, State of Oregon and affected tribal governments. The Commission has placed a volumetric target on programmatic mitigation of 170,000 acre-feet which is enough water to mitigate the 500 cfs of targeted mitigation demand in the Mid-Columbia region of Oregon.

1. Report for #S-55061 and #S-55192 submitted separately to comply with permit conditions but volumes have been totalized for reporting purposes [↑](#footnote-ref-1)