Sent Via Electronic Mail

**MEMO**

To: Greg Silbernagel, OWRD Watermaster

 Chris Kowitz, OWRD Region 5 Manager

 Dwight French, Water Rights Service Division Administrator

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-1661)

Proof of Valid Instream Lease for 2021 (CS4-CV1-4P246@6)

RE: Permit #S-55262 (2020 Annual Report and 2021 water use forecast)

**Introduction**

Pursuant to Condition 16 of Permit #S-55262, 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-55262 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-55262, was subscribed to and utilized by the JSH Take-Off, Golden Valley and Agri-Northwest. This water right was used in combination with S-55114 and S-55263 to total 55.35 mitigated cfs.[[1]](#footnote-1) This right was utilized, in addition to all other rights available to the JSH Take-Off, Golden Valley and Agri-Northwest to irrigate 11,879 acres.

The 39.3 cfs was mitigated by 39.3 cfs of legally leased and protected in-stream water via Instream lease (IL-1661). IL-1661 is attached to this report.

**Condition 16 (a)**

The following summary is required by and consistent with Condition 16(a) of Permit S-55262:

1. Maximum total used of the approved use: JSH Take Off, Golden Valley and AgriNorthwest only used mitigation water for irrigation purposes in 2020. The total irrigation water use for the 2020 irrigation season was 18,752 acre-feet
2. Maximum rate of diversion at the authorized Columbia River Points of Division utilized are as follows:
	1. JSH: 26,700 gpm
	2. EID: 12,090 gpm
	3. Stahl: 5,252 gpm
3. Total mitigation water utilized was:
	1. JSH Take Off: 3,265 acre-feet
	2. Golden Valley: 211 acre-feet
	3. AgriNorthwest: 387 acre-feet
4. Total water used per acre:
	1. JSH Take Off: 2.4 acre-feet
	2. Golden Valley: 2.4 acre-feet
	3. AgriNorthwest: 1.3 acre-feet
5. Map of Primary and Supplemental water use, including acreage (Attached)
6. Proof of Mitigation is attached (IL-1661)

**Condition 16 (b)**

The following summary is required by and consistent with Condition 16(b) of Permit S-55262:

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 the JSH Take-Off, Golden Valley and AgriNorthwest, four additional farms have been included by the Commission as farms that propose to potentially 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-1661 to Washington Trust Right #CS4-CV1-4P246@6 (10 cfs). Proof of mitigation and documentation of 1-year temporary test using Washington Trust Rights referenced in (c) above 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.

**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-55114 and #S-55263 submitted separately to comply with permit conditions but volumes have been totalized for reporting purposes [↑](#footnote-ref-1)