DEPARTMENT OF ECOLOGY
State of Washington

STATE OF WASHINGTON
DRAFT
REPORT OF EXAMINATION
FOR WATER RIGHT APPLICATION

WR Doc ID 2143946

PRIORITY DATE	WATER RIGHT APPLICATION NUMBER
February 10, 1992	S3-29151

NAME AND MAILING ADDRESS	SITE ADDRESS (IF DIFFERENT)
J.R. Simplot Company P.O. Box 27 Boise, ID 83707	

DENIED

Findings of Fact and Order

Upon reviewing the investigator's report, I find all facts, relevant and material to the subject application, have been thoroughly investigated.

Therefore, I ORDER **DENIAL** of Application No. S3-29151, subject to existing rights and the provisions specified above.

Your Right To Appeal

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

- File your notice of appeal and a copy of this decision with the PCHB (see filing information below). "Filing" means actual receipt by the PCHB during regular business hours as defined in WAC 371-08-305 and -335. "Notice of appeal" is defined in WAC 371-08-340.
- Serve a copy of your notice of appeal and this decision on the Department of Ecology by mail, in person, or by email (see addresses below).

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

Filing An Appeal

Filing with the PCHB

For the most current information regarding filing with the PCHB, visit: https://eluho.wa.gov/ or call: 360-664-9160.

Service on Ecology

Street Address:

Department of Ecology
Attn: Appeals Processing Desk
300 Desmond Drive SE
Lacey, WA 98503

Mailing Address:

Department of Ecology
Attn: Appeals Processing Desk
PO Box 47608
Olympia, WA 98504-7608

E-mail Address:

ecologyappeals@ecy.wa.gov

More Information

- **Pollution Control Hearings Board Website**
  https://eluho.wa.gov/
- **Chapter 43.21B RCW – Environmental Hearings Office – Pollution Control Hearings Board**
  http://apps.leg.wa.gov/RCW/default.aspx?cite=43.21B
- **Chapter 371-08 WAC – Practice And Procedure**
  http://apps.leg.wa.gov/WAC/default.aspx?cite=371-08
- **Chapter 34.05 RCW – Administrative Procedure Act**
  http://apps.leg.wa.gov/RCW/default.aspx?cite=34.05
- **Ecology's Laws, Rules & Rulemaking**
  https://www.ecology.wa.gov/About-us/How-we-operate/Laws-rules-rulemaking#ws

Authorizing Signature

Signed at Spokane, Washington, this _____ day of _____, 2026.

_____

Jaime Short, Section Manager
Water Resources Program/Eastern Region Office
Department of Ecology

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INVESTIGATOR'S REPORT

Water Right Application No.: S3-29151
Applicant: J.R. Simplot Company
Investigator: Shannon Adams

BACKGROUND

This report serves as the written findings of fact concerning Water Right Application No. S3-29151.

The applicant proposes diverting 4.84 cubic feet per second, an annual quantity of 940 acre-feet per year for seasonal irrigation of 235 acres from January 1 to December 31.

Table 1. Summary of Requested Water Right

Applicant Name	J.R. Simplot Company
Priority Date	February 10, 1992
County	Walla Walla
WRIA	32 – Walla Walla Watershed
Water Source	Columbia River, McNary Pool
Tributary to	Pacific Ocean
Place of Use	The W½ of Sec. 30, T. 8 N., R. 32 E.W.M., in Walla Walla County, Washington.

Purpose	Instantaneous Rate (cfs)	Annual Quantity (ac-ft/yr)	Begin Season	End Season
Irrigation	4.48	940	1/1	12/31

Source Name	Parcel	Township	Range	Section	QQ Q	Latitude	Longitude
Columbia River, McNary Pool		7 N.	31 E.W.M.	31	SW½SW¼		

Datum: NAD83/WGS84

INVESTIGATION

Ecology initiated a Targeted Application Processing (TAP) for WRIA 32. The Applicant was notified and requested processing of the application. Ecology's Water Resources preliminary review of the watershed indicated likely denial of the pending application.

In considering the proposed application, the investigation included, but was not limited to, research and review of: (1) Appropriate rules and statutes; (2) Ecology water right file; (3) Other water rights, permits and claims; (4) USGS topographic maps, aerial photographs, and other GIS data; (5) Proposed point of diversion; (6) Proposed place of use; (7) Processing of Water Right Applications in the Snake River Basin, Washington State letter from Ecology sent to National Oceanic and Atmospheric Administration August 19, 2014; (8) Processing of Water Right Applications in Southeastern Washington State letter from United States Department of Commerce National Oceanic and Atmospheric Administration sent to Ecology October 1, 2014; (9)Letters from State of Washington Department of Fish and Wildlife dated December 15 and 16, 2026; (10) Chapter 173-563 WAC Instream Resources Protection Program for the Main Stem Columbia River; and (11) Chapter 173-531A WAC Water Resources Program for the John Day-McNary Pools Reach of the Columbia River, WRIA 31 and parts of WRIAs 32, 33, 36, And 37; and 12) Discussions with Department of Ecology regional program staff.

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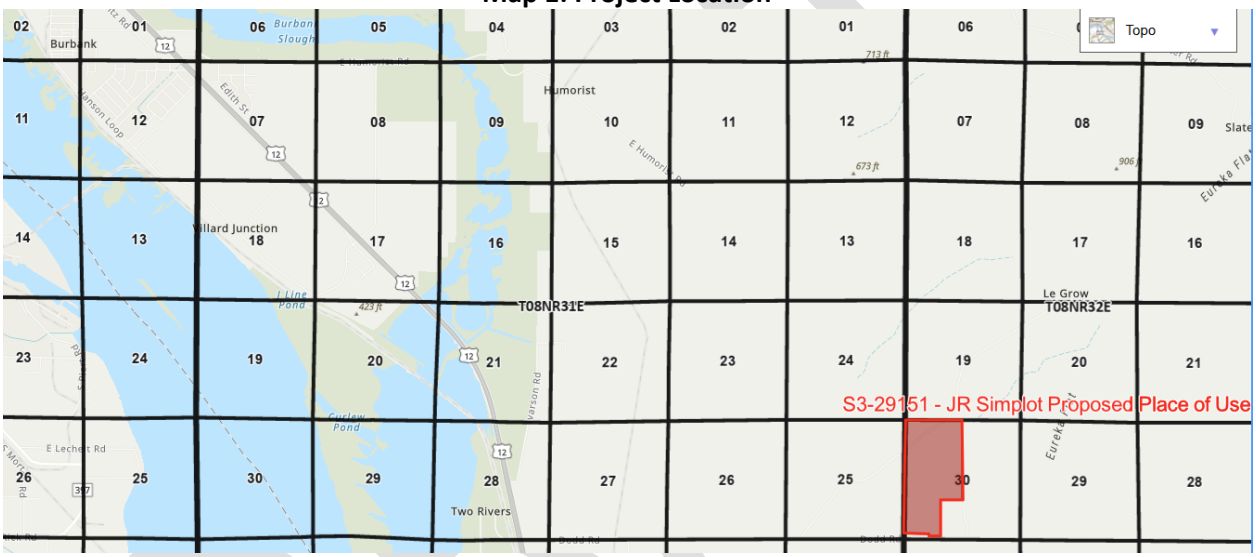
The Investigator attempted to visit the site on May 27, 2026, but was restricted by “No Trespassing” signs. Because road access was limited, a remote exam was conducted via aerial photos. This remote review was determined to be sufficient for the project’s exam requirement.

The project is located approximately eight (8) miles southeast of Burbank, Washington in Walla Walla County, within WRIA 32 – Walla Walla Watershed. Although the project location is within the Walla Walla Basin managed under Chapter 173-532 WAC Water Resources Program for the Walla Walla River Basin, WRIA 32, the proposed point of withdrawal is from the Columbia River. The Columbia River in Washington State is protected by Chapter 173-563 WAC Instream Resources Protection Program For The Main Stem Columbia River In Washington State and Chapter 173-531A WAC Water Resources Program for the John Day-Mcnary Pools Reach of the Columbia River, WRIA 31 and parts of WRIAs 32, 33, 36, And 37.

Map 1: Project Location



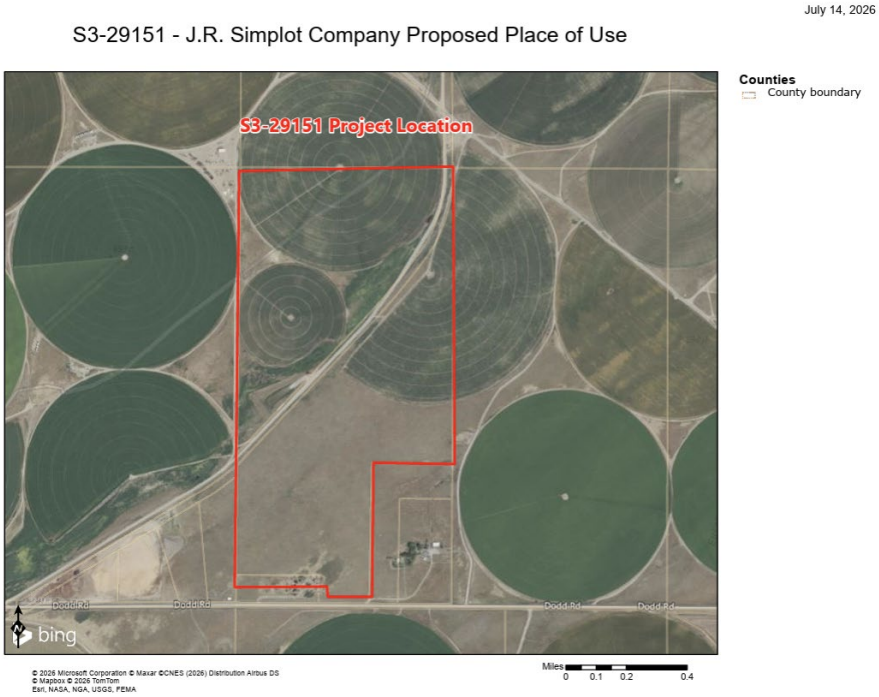
Proposed Use and Basis of Water Demand

Site Description

The Applicant proposes year-round irrigation of 235 acres within four parcels of land that totals 256.86 acres in size. The topography consists of rolling hills, developed with three partial pivots in the proposed place of use. The developed pivots cover an area of approximately 121 acres. According to OpenET, crops grown in the last five years have included alfalfa, sweet corn, corn, potatoes, and winter wheat. The land outside the pivots is undeveloped shrubland.

According to this application, there are no existing water rights on the land for the proposed place of use, including water provided by an irrigation district or ditch company. Seasonal changes for the J.R. Simplot Company were submitted to Ecology and approved from 2008 to 2014. After 2014, the J.R. Simplot Company ceased submitting Seasonal change requests. The proposed place of use continues to be irrigated without authorization.

Map 2: Aerial photo of proposed place of use.



Proposed Use and Water Quantities

The Applicant proposes diverting surface water from the Columbia River at an instantaneous quantity of 4.84 cfs (2172.192 gpm), an annual quantity of 940 acre-feet per year for seasonal irrigation of 235 acres. The standard water duty in this area for alfalfa, sweet corn, corn, potatoes, and winter wheat is around 3.0 to 4.5 acre-feet per acre depending on the irrigation system. The applicant requests 4 acre-feet per acre which is reasonable. Consumptive use calculations were not completed as this application is being denied.

A typical instantaneous recommendation when filing an application for irrigation is 10 gallons per minute per acre. The request for 4.84 cfs (2172.192 gpm) is reasonable.

Water System Description

J.R. Simplot Company proposes diverting water from an existing pump station on Lake Wallula. The pumps, mainline, and distribution infrastructure system already serve their nearby water rights.

Other Rights Associated with Project or Place of Use

Ecology records were reviewed for existing water right certificates, permits, and claims within the project and the surrounding area. The search focused primarily in Section 30 within T. 8 N., R. 32 E.W.M.

The review of Ecology records shows Groundwater Certificate No. 7114-A overlaps a small portion of the proposed place of use. The overlapping portion is undeveloped shrubland and is likely not part of this project. J.R. Simplot Company has a water right portfolio with several water rights surrounding the proposed place of use, but do not overlap the place of use.

Although one water right is appurtenant to the land, it may not be part of this project. The validity and extent of the above listed overlapping water right is not determined in this report.

ANALYSIS

Under Washington State law (RCW 90.03.290), each of the following four criteria must be met for an application for a new water right permit to be approved:

- Water use must not be detrimental to public interest (public welfare).
- Water must be available for appropriation.
- Water diversion and use must not cause impairment of existing water rights.
- The proposed water use must be beneficial.

Public Interest

The diversion and associated use must not be detrimental to the public interest. At a minimum, the following are considered when making this assessment.

Notification to the Washington Department of Fish and Wildlife

Per RCW 90.03.280 and 77.57.020, Ecology must give notice to the Washington Department of Fish and Wildlife (WDFW) of applications to divert, withdraw, use, or store water.

WDFW was provided notice of this water right application on July 7, 2026. WDFW did not respond to this specific application. However, WDFW recently responded to several applications proposing to divert surface water from the lower Snake River within the McNary Pool in letters dated both December 15 and 16, 2025. Those applications were within McNary Pool, below Ice Harbor Dam, and close to the confluence of the Snake and Columbia Rivers. WDFW opposed the issuance of new water rights without mitigation. Below is an excerpt from the letters:

> *"Based on impacts to fish and/or wildlife and the habitat they rely on, and pursuant to 77.57.020 RCW, WDFW recommends denial of this water right. Surface Water Source Limitation (SWSL) lists Snake River mainstem and tributaries as having low flow recommendations or concerns expressed by WDFW predecessor agencies in at least eight letters in 1952, 1956, 1968, 1969, 1971, 1972 (2), and 1974. A letter from Roger A. Will, Department of Fisheries, dated July 1, 1993, also recommended denial."* (Washington, Department of Fish and Wildlife, 2025).
>
> *"More recent WDFW comments have requested that new surface water diversions comply with the 2000 FCRPS BiOp flows. Target flows in the Snake River are often not met. Migration downstream through the dams is compromised by slow water and delayed arrival to saltwater. The presence of endangered sockeye salmon and threatened Chinook and Steelhead elevate the concern and indicates that fish are already impaired by low flows. Increasing diverted water for out-of-stream uses will only make conditions for fish worse."* (Washington, Department of Fish and Wildlife, 2025).

State Environmental Policy Act (SEPA)

Under Chapter 197-11 WAC, a water right application is subject to a SEPA threshold determination (i.e., an evaluation of whether there will be significant adverse environmental impacts) if any of the following conditions are met:

- It is a surface water right application for more than 1 cfs, unless that project is for agricultural irrigation, in which case the threshold is increased to 50 cfs, 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.

This application is being denied and therefore a SEPA determination is not required. Additionally, this application would be categorically exempt from a SEPA threshold determination.

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 stored, diverted, and used. Notice of this application was published in the Walla Walla Union Walla Walla Daily Bulletin on May 18, 1993, and May 25, 1993. No protests were received regarding this notice.

Letter of Concern

On September 22, 1997, Ecology received a letter of concern from the Center for Environmental Law & Policy. Rachel Paschal wrote the letter requesting Ecology either deny or continue in hold status all applications for new water rights from the Columbia River, its tributaries, and groundwater sources in direct continuity, until new instream flows for the Columbia were established. Additionally, she requested habitat conservation measures be in place.

Other Public Interest Concerns

Chapter 90.90 RCW[1] tasks Ecology's Office of Columbia River (OCR) with the aggressive pursuit of water solutions to meet water needs in the Columbia River. This includes mitigation water to offset new out of stream uses for new water rights. New consumptive uses from the Columbia River without mitigation is not in the public interest as it undermines the purpose of OCR.

On August 19, 2014, Ecology requested National Marine Fisheries Service (NMFS) input on new water appropriations. A response was received in a letter dated October 1, 2014, regarding the Snake River, the upper Columbia River, the middle Columbia River, and their tributaries. They indicated the presence of fish within these basins listed under the Endangered Species Act (ESA). These basins have limited flows and often poor-quality habitat affecting these ESA listed species. NMFS stated they had a draft and final plan for recovery of these basins and indicated new consumptive water uses should be denied unless they have appropriate mitigation. The fisheries recommendation for denial of new consumptive uses affects all surface water applications for new water rights within the watershed.

NOAA Fisheries website states that once a species is ESA listed, they evaluate and identify areas that meet the definition of critical habitat. Through a rule making process, critical habitat is designated. NOAA Fisheries defines critical habitat as follows:[2] "1) Specific areas within the geographical area occupied by the species at the time of listing that contain physical or biological features essential to conservation of the species and that may require special management considerations or protection; and 2) Specific areas outside the geographical area occupied by the species if the agency determines that the

[1] https://app.leg.wa.gov/rcw/default.aspx?cite=90.90

[2] https://www.fisheries.noaa.gov/national/endangered-species-conservation/critical-habitat#definition-of-critical-habitat

area itself is essential for conservation." According to NOAA's NMFS (2020), many stream reaches designated as critical habitat in the Interior Columbia Recovery Domain are over-allocated. Surface Water diversions for agricultural purposes generally occur during low-flow periods in the summer. The increase in summer stream temperatures results in blocking salmon migration, stranding fish, and altering sediment transport. These elevated surface water temperatures restrict salmonids' use of historically suitable habitat areas.

"Thirteen species of salmon and steelhead listed as threatened or endangered under the Endangered Species Act use the Columbia River Basin to swim to the Pacific Ocean as juveniles and to return to spawning grounds as adults. A portion of the seasonal migratory runs of most of these 13 species occurs when Columbia and Snake River temperatures exceed 20°C, and these elevated temperatures have been identified by NOAA Fisheries as a limiting factor in the recovery of the listed species (NOAA, 2020)." (EPA p.4, 2021)[3].

Ecology's Columbia River & Lower Snake River temperature TMDL[4] states the Columbia and Lower Snake Rivers are listed on the state's polluted waters list for high water temperatures. On May 10, 2022, the U.S. Environmental Protection Agency Region 10 (EPA) published the revised Columbia and Lower Snake Rivers Temperature Total Maximum Daily Load[5]. The total maximum daily load (TMDL) is a calculation that identifies the amount of a pollutant (in this case, heat) that a river or waterbody can receive and still meet specific standards to protect water quality. Under the federal Clean Water Act (CWA), the development of a TMDL[6] is required when a waterbody does not meet identified standards for certain pollutants and is considered "impaired" for those pollutants.

Federally owned and operated dams in Washington State are regulated under a National Pollutant Discharge Elimination System (NPDES) permit issued by the U.S. Environmental Protection Agency (EPA). Dams owned and operated by Public Utility Districts are licensed by the Federal Energy Regulatory Commission (FERC). Prior to the issuance of these permits or licenses, Ecology is tasked with the issuance of Section 401 water quality certifications that become conditions of the federal license or permit (Clean Water Act: Section 401 Water Quality Certifications).

[3] https://www.epa.gov/system/files/documents/2022-06/tmdl-columbia-snake-temperature-errata-update-05102022.pdf
[4] https://ecology.wa.gov/water-shorelines/water-quality/water-improvement/total-maximum-daily-load-process/directory-of-improvement-projects/columbia-snake-river-tmdl
[5] https://www.epa.gov/columbiariver/tmdl-temperature-columbia-and-lower-snake-rivers
[6] https://ecology.wa.gov/water-shorelines/water-quality/water-improvement/total-maximum-daily-load-process

Table 3 below lists each dam on the Columbia and Snake River with links to NPDES permits or FERC licenses.

Table 3 List of Dams, owners, and links to documents.

Name	Owner
Columbia River	
Grand Coulee Dam[7]	U.S. Bureau of Reclamation
Chief Joseph Dam[8]	U.S. Army Corp of Engineers
Wells Dam[9]	*Douglas County Public Utility District[10]
Rocky Reach Dam[11]	*Chelan County Public Utility District[12]
Rock Island Dam[13]	*Chelan County Public Utility District[14]
Wanapum Dam and Priest Rapids Dam[15]	*Grant County Public Utility District[17]
McNary Lock and Dam[16]	U.S. Army Corp of Engineers
Snake River	
Ice Harbor[18]	U.S. Army Corp of Engineers
Lower Monumental[19]	U.S. Army Corp of Engineers
Little Goose[20]	U.S. Army Corp of Engineers
Lower Granite[21]	U.S. Army Corp of Engineers

* 401 Water Quality Certification. Link in table or written link below.

[7] https://www.epa.gov/system/files/documents/2025-01/r10-npdes-grand-coulee-dam-wa0026867-final-permit-mod-2024.pdf
[8] https://www.epa.gov/system/files/documents/2025-01/r10-npdes-chief-joseph-dam-wa0026891-final-permit-mod-2024.pdf
[9] https://douglaspud.org/wp-content/uploads/attachments/Final_%20License_Order.pdf
[10] https://www.ezview.wa.gov/Portals/_1962/images/FERC%20401s/Wells401Cert.pdf
[11] https://www.chelanpud.org/docs/default-source/default-document-library/31813.pdf
[12] https://www.ezview.wa.gov/Portals/_1962/images/FERC%20401s/rockyreach.pdf
[13] https://www.chelanpud.org/docs/default-source/default-document-library/31793-rock-island.pdf
[14] https://www.ezview.wa.gov/Portals/_1962/images/FERC%20401s/RockIsland401cert1974.pdf
[15] https://www.chelanpud.org/docs/default-source/default-document-library/31813.pdf
[16] https://www.epa.gov/system/files/documents/2024-02/r10-npdes-usace-mcnary-wa0026824-final-permit-mod-2024.pdf
[17] https://www.ezview.wa.gov/Portals/_1962/images/FERC%20401s/priest_rapids-final_cert040307.pdf
[18] https://www.epa.gov/system/files/documents/2024-02/r10-npdes-usace-ice-harbor-wa0026816-final-permit-mod-2024.pdf
[19] https://www.epa.gov/system/files/documents/2024-02/r10-npdes-usace-lower-monumental-wa0026808-final-permit-mod-2024.pdf
[20] https://www.epa.gov/system/files/documents/2024-02/r10-npdes-usace-little-goose-wa0026786-final-permit-mod-2024.pdf
[21] https://www.epa.gov/system/files/documents/2024-02/r10-npdes-usace-lower-granite-wa0026794-final-permit-mod-2024.pdf

Map 3. Location of Columbia Basin dams listed in Table 3.

NPDES permitted federal dams are required to monitor temperature, report monthly, implement temperature control strategies to meet the load and waste load allocation in the Columbia and Snake River TMDL, as well as develop a Watter Quality Attainment Plan (WQAP) with a detailed strategy for achieving Washington's water quality standards for temperature (Chapter 173-201A WAC)[22]. The facility must not exceed the monthly average heat load listed in the NPDES permit between June 1 to October 31.

The Public Utility District dams licensed by FERC have 401 water quality certifications. Since 2008, four of these dams have been relicensed. They include Wanapum/Priest Rapids relicensed in 2008, Rocky Reach – 2009, and Wells Dam – 2012. These four referenced the future temperature TMDL issuance. Rock Island Dam will be relicensed in 2029 with conditions that should comply with the Temperature TMDL. The Wanapum/Priest Rapids Dams and Rocky Reach Dams stated that if the TMDL were more protective than the 401 water quality certification, the temperature TMDL would supersede Ecology's certification. The Wells Dam stated that they may reissue the certification based on the temperature TMDL. The Rock Island Dam's current 401 states water must be adequately treated before discharge to ground or surface water. Regardless, all dams in Washington State are required to comply with WAC 173-201A-510(5)[23] for the purpose of not causing or contributing to violating water quality standards, that includes temperature.

The survival of the threatened or endangered salmon and steelhead in the Columbia and Snake River require clean flowing water with an optimal species-specific temperature. The Columbia and Lower Snake River Temperature TMDL[24] recommends that Federal Hydroelectric Facilities parter with the states, and tribes, while the EPA is to work with National Oceanic and Atmospheric Administration (NOAA) Fisheries, U.S. Army Corps of Engineers, Bureau of Reclamation and Bonneville Power Administration on the development and implementation of water temperature reduction actions as part of their water quality plans.

[22] https://app.leg.wa.gov/wac/default.aspx?cite=173-201A&full=true
[23] https://app.leg.wa.gov/wac/default.aspx?cite=173-201A-510
[24] https://www.epa.gov/system/files/documents/2022-06/tmdl-columbia-snake-temperature-errata-update-05102022.pdf

Based on the combined efforts of the agencies/entities regarding the preservation of threatened or endangered species in the Columbia and Snake Rivers, goals for improving water quality parameters, and the purpose of OCR, the proposed consumptive appropriation is not in the public interest.

Water Availability

For any new appropriation, water must be both physically and legally available.

Physical Availability

For water to be physically available for appropriation, water must be present in quantities and quality and on a sufficiently frequent basis to provide a reasonably reliable source for the requested beneficial use or uses.

The physical availability of water for this proposed appropriation is based on the combined flows from the Walla Walla, Snake, Yakima, and Upper Columbia Rivers that supply water to Lake Wallula (McNary Dam Reservoir or McNary pool). According to the "Lakes of Washington, Volume 2 of Eastern Washington[25]", the storage capacity of Lake Wallula (McNary Dam Reservoir or McNary pool) is approximately 1,350,000 acre-feet. Given the listed storage capacity of the lake, water is physically available.

Legal Availability

To meet the legal availability test, the proposed appropriation may not divert and use water that is already "spoken for", such as water from sources that are protected by administrative rule or court order.

The Applicant proposes to divert water from an existing surface water diversion located on the Columbia River within the McNary Pool (Lake Wallula). The McNary pool in the Columbia River extends up the lower portion of the Snake River and is regulated by Chapter 173-563 WAC. Applications considered for approval or denial after July 27, 1997, are to be evaluated for possible impacts on fish and existing water rights. Any permit that is approved will be subjected to instream flow protection or mitigation conditions if deemed necessary. Additionally, Chapter 173-531A WAC[26] Water Resources Program for the John Day-McNary Pools Reach of the Columbia River, WRIA 31 and parts of WRIAs 32, 33, 36, and 37 had "reservation" water that was designated for specific beneficial uses. This reservation water for irrigation projects was to be developed by the year 2020. Permit conditions in Chapter 173-531A-040(1) WAC state that approval or denial of applications after July 27, 1997, will be evaluated for possible impacts on fish and existing water rights. This evaluation would be based on consultation with local, state, and federal agencies, and Indian Tribes.

Ecology consulted with Washington Department of Fish and Wildlife (WDFW) in 2025 on applications proposing to divert water from the Snake River within the McNary Pool. WDFW recommended denying all the applications that proposed to divert water from the McNary Pool due to impacts on fish (see Public Interest above). Ecology consulted with National Marine Fisheries Service (NMFS) in 2014. NMFS recommended denial of water right applications without mitigation from the Snake and Columbia Rivers (see Public Interest above).

[25] https://apps.ecology.wa.gov/publications/SummaryPages/WSB14b.html
[26] https://app.leg.wa.gov/WAC/default.aspx?cite=173-531A&full=true

Given the storage capacity of Lake Wallula (McNary pool), water is physically available. Undeveloped reservation water expired in 2020. Consultation with WDFW (2025) on applications diverting surface water from the McNary Pool, and NMFS (2014) occurred. These consultations resulted in denial of this application due to Public Interest. The comprehensive evaluation required by WAC 173-531A-060 to determine legal availability was not performed due to the denial of this application based on Public Interest.

Impairment

In analyzing impairment, Ecology must make a determination as to whether existing water rights, including adopted instream flows, may be impaired by the diversion and proposed use.

Applications for appropriations are subject to Chapter 90.03.290 RCW which states new water uses cannot impair existing water rights or be detrimental to public welfare. New consumptive uses of surface water from the Columbia River (McNary Pool) can affect downstream users by reducing the amount of water available to meet existing rights, including those with the minimum flow provision. Current estimates suggest there are approximately 123 senior water right diverters in the McNary Pool, extending to the McNary Dam. Of these, roughly 46 diverters are subject to the minimum flow provision per Chapter 173-563-040 WAC. New uses from the Columbia River will reduce the amount of water available downstream, impairing senior water right holders by interrupting their existing water rights when less water is available, curtailing their water use earlier. Preventing senior water right holders from exercising their existing water right to its full extent is impairment. Appropriating a new consumptive surface water right could impair downstream users.

Although new consumptive surface water rights may impair downstream uses, this application is denied based on public interest.

Beneficial Use

Irrigation is considered beneficial use of water under RCW 90.54.020(1).

Conclusions

I find that:

- Approval of this application will be detrimental to the public interest.
- Water is available.
- The appropriation could impair existing senior rights.
- The proposed irrigation is a beneficial use.

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RECOMMENDATIONS

Based on the above investigation and conclusions, I recommend this request for a water right be **DENIED**. Numerous agencies/entities are working together towards the preservation of threatened or endangered species on the Columbia and Snake Rivers, and the issuance of this water right is not in the public interest to approve. This appropriation will likely impair downstream senior water rights.

Report Writer *Date*

To request ADA accommodation including materials in a format for the visually impaired, call Ecology Water Resources Program at 360-407-6872. Persons with impaired hearing may call Washington Relay Service at 711. Persons with speech disability may call TTY at 877-833-6341.

References

Columbia River Basin Water Supply. "Chapter 90.90 RCW." https://app.leg.wa.gov/rcw/default.aspx?cite=90.90. Accessed June 11, 2026.

Instream Resources Protection Program for the Main Stem Columbia River in Washington State. "Chapter 173-563 WAC." https://app.leg.wa.gov/WAC/default.aspx?cite=173-563. Accessed June 11, 2026.

National Marine Fisheries Service (2020). Endangered Species Act (ESA) Section 7(a)(2) Biological Opinion and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Response Continued Operation and Maintenance of the Columbia River System NMFS No. WCRO 2020-00113.

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[Add map at end of document