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BEFORE THE
DEPARTMENT OF ECOLOGY
STATE OF WASHINGTON

IN THE MATTER OF APPLICATION FOR CHANGE UNDER SURFACE WATER CERTIFICATE NO. 176-A	)))	FINDINGS OF FACT AND ORDER

Upon review of the Examiner's report, I find that all facts relevant and material to the subject application have been thoroughly investigated. Furthermore, in accordance with the Examiner's conclusions and recommendations, I find that said change will not impair existing rights or be detrimental to the public welfare.

IT IS ORDERED that a change of points of diversion be made under the aforesaid application authorizing appropriation of public waters in the amount, and for the use, and subject to the provisions set forth in the Examiner's report.

Any person feeling aggrieved by this order may obtain review thereof by application, within thirty (30) days of receipt of this order, to the Washington Pollution Control Hearings Board, Olympia, Washington 98504; with a copy to the Director, Department of Ecology, Olympia, Washington 98504, pursuant to the provisions of Chapter 43.21B RCW and the rules and regulations adopted thereunder.

Signed at Yakima, Washington this 12 day of May, 1982.

Russell K. Taylor, Regional Manager

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STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
YAKIMA, WASHINGTON

IN THE MATTER OF APPLICATION FOR CHANGE OF POINTS OF DIVERSION REQUESTED BY RULON K. LINTON UNDER SURFACE WATER CERTIFICATE NO. 176-A THE AHTANUM CREEK ADJUDICATION	REPORT FOR FINDINGS OF FACT AND ORDER

REPORT

Background:

Rulon K. Linton of Yakima, Washington, filed an application to change a point of diversion for Surface Water Certificate No. 176-A Ahtanum Creek Adjudication Decree No. 18279.

An affidavit of publication has been received by this office. Said publication established a protest period ending July 11, 1981. No protests were received.

Investigation:

Certificate No. 176-A issued to Myrtle L. Marks, individually and as Executrix of the estate of Elmer B. Marks, deceased, establishes a priority of Class 7 (1870) in the amount of 0.8 cubic feet per second (cfs) for irrigation of 40 acres from April 1 to October 15 of each year and for domestic and stockwater continuously. The points of diversion are described as being within the NW¼NW¼ of Section 15 and NW¼NW¼ of Section 16, T. 12 N., R. 17 E.W.M. The ditch that served the applicant's property was replaced by a ditch constructed by the Ahtanum Irrigation District as a result of an agreement entered into by the previous owners in 1952. This agreement in part required the signers to initiate the required changes under state law. This was not done until the instant application was submitted. The ditch that diverted in the NW¼NW¼ of Section 16 has now been plowed in as provided for in the 1952 agreement. The diversion in the NW¼NW¼ of Section 15 was from a portion of Stanton Creek which does not exist anymore. Currently the diversion from Ahtanum Creek at a point 1800 feet south and 500 feet west from the northeast corner of Section 16 within the SE¼NE¼ of Section 16 feeds into the distribution system serving the lands referenced here. This change makes the legal diversion agree with the actual diversion. All referenced locations are within T. 12 N., R. 17 E.W.M.

Applicant owns 10 acres of the 40 acre tract described on Certificate No. 176-A.

Conclusions:

I conclude from the foregoing that this change will not be detrimental to existing water rights and will not be contrary to public interest, nor will it enhance the water right.

Recommendations:

I recommend that favorable considerations be given this request and that the diversion points be changed from the NW¼NW¼ of Section 15 and the NW¼NW¼ of Section 16, T. 12 N., R. 17 E.W.M. to a point 1800 feet south and 500 feet west from the northeast corner of said Section 16, being within the SE¼NE¼ in the amount of 0.20 cfs being 25 percent of total water right as identified by Certificate No. 176-A.

REPORT BY: A. Herb King DATE: 5-13-81
A. Herb King

APPROVED BY: Doug Clausing DATE: 5/14/81
Doug Clausing, Regional Supervisor

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