STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
APPLICATION FOR CHANGE

REPORT OF EXAMINATION

TO APPROPRIATE PUBLIC WATERS OF THE STATE OF WASHINGTON

[X] **Surface Water** (Issued in accordance with the provisions of Chapter 117, Laws of Washington for 1917, and amendments thereto, and the rules and regulations of the Department of Ecology.)

[ ] **Ground Water** (Issued in accordance with the provisions of Chapter 263, Laws of Washington for 1945, and amendments thereto, and the rules and regulations of the Department of Ecology.)

PRIORITY DATE	APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
1863			Vol. 4, Page 14 (A)

NAME
ROBERT FAULTERSACK

ADDRESS (STREET)	(CITY)	(STATE)	(ZIP CODE)
Route 4, Box 243	Walla Walla	Washington	99362

PUBLIC WATERS TO BE APPROPRIATED

SOURCE
Titus Creek

TRIBUTARY OF (IF SURFACE WATERS)
Walla Walla River

MAXIMUM CUBIC FEET PER SECOND	MAXIMUM GALLONS PER MINUTE	MAXIMUM ACRE-FEET PER YEAR
0.24		60

QUANTITY, TYPE OF USE, PERIOD OF USE
0.156 cubic feet per second from April 1 to July 1; 0.12 cubic feet per second from July 1 to October 1 and 0.24 cubic feet per second from October 1 to April 1 for the irrigation of 12 acres with the following exception (see Provision No. 2).

LOCATION OF DIVERSION/WITHDRAWAL

APPROXIMATE LOCATION OF DIVERSION–WITHDRAWAL
250 feet north and 425 feet east from the N¼ corner of Sec. 18
W1/4

LOCATED WITHIN (SMALLEST LEGAL SUBDIVISION)	SECTION	TOWNSHIP N.	RANGE, (E. OR W.) W.M.	W.R.I.A.	COUNTY
SW¼NW¼	18	7	37 E	32	Walla Walla

RECORDED PLATTED PROPERTY

LOT	BLOCK	OF (GIVE NAME OF PLAT OR ADDITION)

LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED

The following described real estate situated in the 36 County of Walla Walla, State of Washington: Beginning at a point in the line between Sec. 13, T. 7 N., R. 37 E.W.M. and Sec. 18, T. 7 N., R. 37 E.W.M., which point is 193.1 feet south of the quarter section corner on the line between said Secs 13 and 18; thence north along the range line a distance of 193.1 feet to said quarter section corner; thence continuing north along said range line a distance of 767.2 feet to a point in the center of the Mill Creek Road; thence along the center of said Mill Creek Road by the following courses and distances: N 83°47' E 177.0 feet; thence N 88°45' E 200.0 feet; thence S 85°11' E 420.0 feet; thence leaving said road, S 6°26' E 820.0 feet to a point in the northerly line of the U.S. Military Timber Reserve; thence S 81°26' W along the northerly line of said Timber Reserve a distance of 896.0 feet, more or less, to the point of beginning, except that portion thereof lying within the Mill Creek Road; situate in the County of Walla Walla, State of Washington. Subject to existing easements and servitudes.

DESCRIPTION OF PROPOSED WORKS

Pump, pipeline and sprinklers.

DEVELOPMENT SCHEDULE

BEGIN PROJECT BY THIS DATE:	COMPLETE PROJECT BY THIS DATE:	WATER PUT TO FULL USE BY THIS DATE:
Started	Completed	Completed

REPORT

BACKGROUND

An application for change of water right was submitted by James F. Ferrel and accepted by Department of Ecology on February 15, 1990. The applicant proposes to change the place of use and add points of diversion to Walla Walla River Adjudication Certificate No. 14. The proposed additional points of diversion are to be located within the SE¼NW¼ of Sec. 18, T. 7 N., R. 37 E.W.M.

A notice of application for change was duly published in accordance with RCW 90.03.280; no protests or objections were received.

This application is categorically exempt from the provisions of the State Environmental Policy Act (SEPA) of 1971, Chapter 43.21C RCW.

INVESTIGATION

Walla Walla River Adjudication Certificate No. 14 authorizes the diversion of water from Titus Creek (0.397 cubic feet per second from April 1 to July 1; 0.298 cubic feet per second from July 1 to October 1 and 0.596 cubic feet per second from October 1 to April 1) for the irrigation of 29.8 acres. The three authorized points of diversion are within the SW¼NW¼, the SE¼NW¼ and the SW¼NE¼ of Sec. 18, T. 7 N., R. 37 E.W.M. The place of use of this certificate encompasses 202.6 acres.

The purpose of this application for change is to determine the division of Adjudicated Certificate No. 14 among the three parties with property appurtenant to the place of use, and to record the points of diversion that are being used.

The three landowners involved are ~~Jim~~ James F. and Barbara Ferrel, Seafirst National Bank (trustee for the Henry J. and B. Laurine Copeland Trusts) and Vern and Lois Riggert. The Riggerts later sold their property to Robert and Josephine Faultersack and Keith and Janice Walters.

Several visits with the concerned parties were made by Bill Neve during 1990 and 1991. The investigation revealed that the extent of beneficial use of water under Adjudicated Certificate No. 14 is as follows:

The Riggerts have irrigated 12 acres of their property on a regular basis from a point in the SW¼NW¼ of Sec. 18, T. 7 N., R. 37 E.W.M. They were growing wheat on this ground at the time of the initial investigation.

The Ferrels have been irrigating approximately 2.5 acre of lawn and garden surrounding their home from a point in the SE¼NW¼ of said Sec. 18. On a separate property located west of their home, the Ferrels own a rental house with one (1) acre of lawn and garden that has been irrigated from Titus Creek at a separate point of diversion also located within the SE¼NW¼ of said Sec. 18. This is one of the additional points being applied for.

The remainder of the water right has not been put to beneficial use for a period of time in excess of five (5) years. The Henry J. and B. Laurine Copeland Trusts control most of the 202.6 acre place of use under Adjudicated Certificate No. 14, and have contracted with Mr. Ferrel to farm the property. This land has not been irrigated from Titus Creek, nor is there any evidence of a point of diversion having existing for this portion of the right.

Discussions with Mr. John Sharpe and Mr. Jim Piche' (Trust Officers with Seafirst National Bank) confirmed that no irrigation from Titus Creek on the Trusts' lands has taken place for a period well in excess of five years. A relinquishment order regarding the remaining 14.3 acres of water right under Adjudicated Certificate No. 14 was sent to Jim Piche' at the Seafirst-Richland Office in October of 1991; no appeal was taken. The second additional point of diversion that was applied for herein was to be used for the Trusts' portion of the water right; this additional point will be denied.

There is an authorized point of diversion within the SW¼NE¼ of Sec. 18, T. 7 N., R. 37 E.W.M. that is no longer in use. This point will be deleted from the water right certificates.

CONCLUSIONS AND RECOMMENDATIONS

It is the conclusion of the examiner that: the additional point of diversion and the division of Adjudicated Certificate No. 14 will not enlarge the right conveyed by the original certificate and that existing rights will not be impaired.

It is recommended that Adjudicated Certificate No. 14 be divided into three (3) superseding certificates (A, B and C) which reflect the use of water and points of diversion confirmed through this investigation. The amounts of water will remain proportional to the number of acres irrigated in conformity with the duty adopted in the Walla Walla River Adjudication Decree.

(A) Faultersack - 0.156 cubic feet per second from April 1 to July 1; 0.12 cubic feet per second from July 1 to October 1; 0.24 cubic feet per second from October 1 to April 1 for the irrigation of 12 acres (see Provision No. 2). Point of diversion - SW¼NW¼ of Sec. 18.

(B) Ferrel - 0.033 cubic feet per second from April 1 to July 1; 0.025 cubic feet per second from July 1 to October 1; 0.05 cubic feet per second from October 1 to April 1 for the irrigation of 2.5 acres (see Provisions No. 2). Point of diversion - SE¼NW¼ of Sec. 18.

(C) Ferrel - 0.013 cubic feet second from April 1 to July 1; 0.01 cubic feet per second from July 1 to October 1; 0.02 cubic feet per second from October 1 to April 1 for the irrigation of 1 acre. (see Provision No. 2). Point of diversion - ~~SW¼NW¼~~ SE1/4 of Sec. 18 - NEW point. CAO

It is further recommended that the second additional point of diversion applied for herein within the SE¼NW¼ be denied.

These changes are subject to the following provisions:

(1) This superseding certificate changes the point of diversion and place of use as provided by Chapter 90.03.380 RCW and supersedes Certificate of Water Right recorded in Vol. 4 of Water Right Certificates at Page 14 dated June, 1929 which was issued by a decree of the Superior Court of the State of Washington in and for Walla Walla County, made and entered on the 12th day of September, 1928 and recorded in Vol. 16 of the Superior Court Journal of said County at Page 1. The decree determined the rights of all known claimants to the use of the waters of Titus Creek, a tributary of the Walla Walla River.

(2) When the supply of water for irrigation purposes from April 1 to October 1 is insufficient in the Walla Walla Valley to fill any right in the above-mentioned decree, the owner of such a right is entitled to divert water during the period of October 1 to April 1. The total diversion shall not exceed 5 acre feet per acre for any year beginning October 1.

(3) The above-mentioned decree establishes this right in Class 4.

Signed at Spokane, Washington
this 13th day of March, 1992

WILLIAM L. NEVE
Water Resources Program
Department of Ecology