Mike Neuffer
2065 Delmont Place
Walla Walla, WA 99362

WASHINGTON STATE DEPARTMENT OF ECOLOGY

STATE OF WASHINGTON
SUPERSEDING CERTIFICATE OF WATER RIGHT

Document Title: Superseding Certificate of Water Right

Agency: Department of Ecology
Eastern Regional Office
4601 North Monroe
Spokane, WA 99205-1295

Applicant: Mike Neuffer
2065 Delmont Place
Walla Walla, WA 99362

Reference Number:

THIS CERTIFICATE SUPERSEDES WALLA WALLA ADJUDICATED CERTIFICATE NO. 76
ISSUED APRIL 19, 1929

PRIORITY DATE	APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
1869 (Class 9)			WW Adj. Cert. No. 76(A)

This is to certify that the herein named applicant has made proof to the satisfaction of the Department of Ecology of a right to the use of the public waters of the State of Washington as herein defined, and under and specifically subject to the provisions contained in the Report of Examination issued by the Department of Ecology, and that said right to the use of said waters has been perfected in accordance with the laws of the State of Washington, and is hereby confirmed by the Department of Ecology and entered of record as shown, but is limited to an amount actually beneficially used.

PUBLIC WATERS TO BE APPROPRIATED

SOURCE	TRIBUTARY OF (IF SURFACE WATERS)
Yellowhawk Creek	Walla Walla River

MAX. CUBIC FEET PER SECOND	MAX. GALLONS PER MINUTE	MAX. ACRE-FEET PER YEAR
0.27		54

QUANTITY/TYPE OF USE/PERIOD OF USE

0.214 cubic feet per second from April 1 to July 1; 0.135 cubic feet per second from April 1 to July 1; 0.270 cubic feet per second from October 1 to April 1; for the seasonal irrigation of 13.5 acres.

LEGAL DESCRIPTION OF LOCATION OF DIVERSION/WITHDRAWAL

1/4 1/4	SECTION	TOWNSHIP N.	RANGE (E. OR W.) W.M.	W.R.I.A.	COUNTY
(2) SE¼SE¼	22	7	36 E.	32	Walla Walla

PARCEL # 36-07-22-44-0012

ADDITIONAL LEGAL IS ON PAGE 2

LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED

1/4 1/4	SECTION	TOWNSHIP N.	RANGE (E. OR W.) W.M.	W.R.I.A.	COUNTY
E½NE¼	27	7	36 E.	32	Walla Walla

PARCEL # 36-07-22-44-0012

ADDITIONAL LEGAL IS ON PAGE 2

CONTINUED LEGAL DESCRIPTION FOR LOCATION OF DIVERSION/WITHDRAWAL

#1) 455 feet North and 650 feet West from the SE corner of Sec. 22

#2) 450 feet North and 650 feet West from the SE corner of Sec. 22

CONTINUED LEGAL DESCRIPTION FOR PROPERTY ON WHICH WATER IS TO BE USED

*See Page 3 for Legal Description

PROVISIONS

All conditions and requirements contained in reports of examination or permits previously issued apply to this superseding certificate unless specifically noted below.

This authorization adds a point of diversion and changes the place of use of the subject certificate as provided by RCW 90.03.380, and supersedes Certificate of Water Right recorded in Volume 4 of Water Right Certificates at Page 76, dated April 19, 1929. Said Certificate 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.

When the supply of water for irrigation purposes is insufficient in the Walla Walla Valley to fill any right in the above mentioned decree, the owner of such 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.

The total number of acres that may be irrigated under Walla Walla Adjudicated Certificate Nos. 44, 76(A) and 202 within the area herein described as the place of use shall not exceed 66 acres in any one irrigation season. The total number of acres that may be irrigated under the above described Adjudicated Certificates and Surface Water Certificate No. 6802 shall not exceed 237 acres.

An approved measuring device shall be installed and maintained for each of the sources identified herein in accordance with the rule "Requirements for measuring and Reporting Water Use", Chapter 173-173 WAC. Water use data shall be recorded biweeklyand shall be submitted monthly to Ecology by January 31st of each calendar year typically or more frequently if necessary.

The rule above describes the requirements for data accuracy, device installation and operation, and information reporting. It also allows a water user to petition Ecology for modifications to some of the requirements.

At a minimum, the following information shall be included with each submittal of water use data: owner, contact name if different, mailing address, daytime phone number, WRIA, Permit or Certificate No., source name, annual quantity used including units, maximum rate of diversion including units, and period of use.

In the future, Ecology may require additional parameters to be reported or more frequent reporting.

The right to use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, except as provided in RCW 90.03.380, 90.03.390, and 90.44.100.

This superseding certificate of water right is specifically subject to relinquishment for non-use of water as provided in Chapter 90.14 RCW.

Given under my hand and the seal of this office at Spokane, Washington, this 6th day of May, 2003.

Tom Fitzsimmons
Department of Ecology

By Cindy A. Christian
Cindy A. Christian, Acting Section Manager

DATA REVIEW
OK CAC
ECY 040-1-2 (Rev. 8-97)

Ecology prefers web based data entry, but does accept hard copies. Ecology will provide forms and electronic data entry information.

Department of Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the records of water use that are kept to meet the above conditions, and to inspect at reasonable times any measuring device used to meet the above conditions.

The amount of water granted is a maximum limit that shall not be exceeded and the water user shall be entitled only to that amount of water within the specified limit that is beneficially used and required for the actual crop grown on the number of acres and the place of use specified.

This authorization to make use of public waters of the State is subject to existing rights, including any existing rights held by the United States for the benefit of Indians under treaty or otherwise.

This superseding certificate shall be issued subject to Washington State Department of Fish and Wildlife screening criteria as outlined in a Hydraulic Project Approval. Please contact the Washington State Department of Fish and Wildlife, 600 Capitol Way North, Olympia, Washington 98501-1091, Attention: Habitat Management Division, Phone (360) 902-2534, to obtain specific requirements for your project.

Use of water under this authorization shall be contingent upon the water right holder's utilization of up to date water conservation practices and maintenance of efficient water delivery systems consistent with established regulation requirements and facility capabilities.

***Legal Description**

That part of the SE¼SE¼ of Sec. 22, T. 7 N., R. 36 E.W.M., lying Southeasterly of the Southeast bank of Yellowhawk Creek.

ALSO, the W½SW¼ of Sec. 23, T. 7 N., R. 36 E.W.M. EXCEPTING THEREFROM the following described tract, to wit:

Beginning at a point on the North line of the SW¼ of Sec. 23 in T. 7 N., R. 36 E.W.M., which point is S 89°45' W 12.12 chains from the NE corner of the NW¼SW¼ of said Sec. 23; thence S 00°15' W 5.60 chains; thence S 52°30' W 9.80 chains, more or less, to a point which is 0.45 chains East of the West line of said Sec. 23; thence North 6.74 chains; thence East 0.15 chains; thence North 0.75 chains; thence West 0.60 chains; thence North along the West line of Sec. 23 to the NW corner of the SW¼ of said Sec. 23; thence N 89°45' E along the North line of said SW¼ to the point of beginning.

ALSO, EXCEPTING THEREFROM the following described tract, to-wit:

Beginning at a point in the North line of the SW¼ of Sec. 23 in T. 7 N., R. 36 E.W.M., which point is 429 feet West, measured along the said North line, from the NE corner of the NW¼SW¼ of said Sec. 23; and running thence North 81 feet; thence N 72°17' W 118.3 feet; thence S 79°17' W 37.65 feet; thence S 42°46' W 108.97 feet; thence S 56°45' W 36.74 feet; thence S 84°40' W 107.46 feet to a point in the aforesaid North line; thence West, along the said North line, a distance of 9.72 feet more or less to a point which is 799.92 feet West of the NE corner of said NW¼SW¼; thence S 0°15' W 192.5 feet; thence N 49°15' E 149 feet; thence N 70°24' E 284.3 feet more or less to the point of beginning.

ALSO, the W½NW¼ of Sec. 26, T. 7 N., R. 36 E.W.M.

ALSO, the E½NE¼ of Sec. 27, T. 7 N., R. 36 E.W.M., EXCEPTING THEREFROM, the following described tract, to wit:

Beginning at a point in the West line of the NE¼NE¼ of Sec. 27, T. 7 N., R. 36 E.W.M., said point being 402.34 feet South 00°23' East, measured along said West line from the NW corner of said subdivision; thence N 48°14' E 122.47 feet; thence S 61°54'40" E 174.0 feet; thence S 26°00'50" W 58.10 feet; thence S 62°11'30" E 90.31 feet; thence S 40°12'23" E 167.29 feet; thence S 38°41'55" W 79.51 feet; thence S 70°06'55" W 401.85 feet to a point in the center line of the county road known as Berney Drive; thence N 18°22'55" W, along said county road, 327.48 feet to a point in the easterly line of said county road; thence N 48°14' E 165.74 feet to the point of beginning. Being tract "A" as designated on Short Plat filed August 15, 1977, in Volume 1, Page 76 of Short Plats under Auditor's File No. 567838. Subject to easements and servitudes of record.