

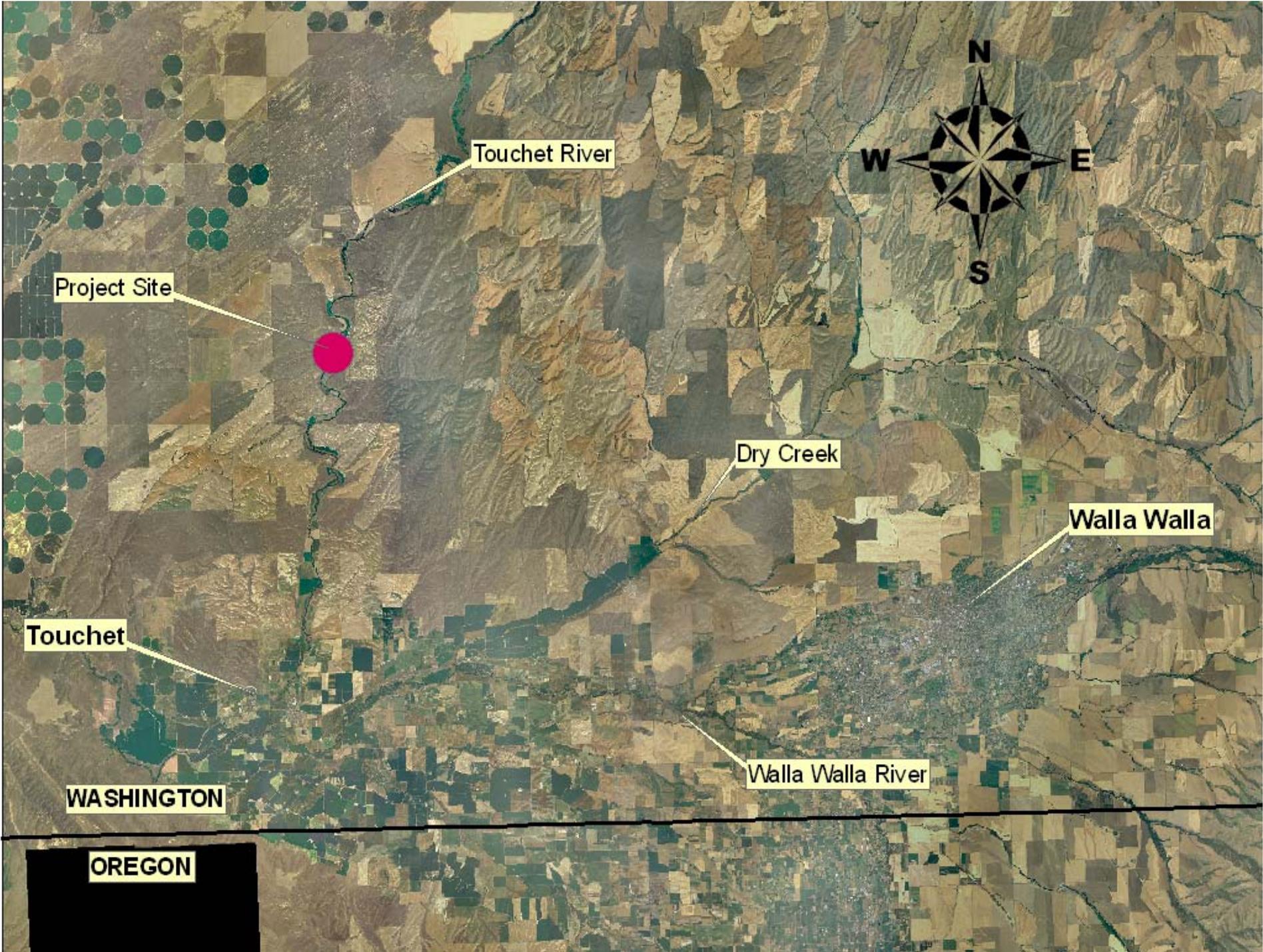
# ERO

## Trust Water Right Case Study

Applicant: Scott Plucker

Location: Touchet River

Walla Walla County



Touchet River



Project Site

Dry Creek

Walla Walla

Touchet

Walla Walla River

WASHINGTON

OREGON

# History of Water Rights

- 2 Overlapping Water Rights
  - 121.5 acres described within the Place of Use
  - Only **80.7** acres and 187.3 acre-feet have been historically used from both water rights
  - Part of one water right is in Conservation Reserve Enhancement Program (CREP) and protected from relinquishment under RCW 90.14
  - Change applications were submitted in 2005 to move portions of land with water rights enrolled in CREP to a new Place of Use
  - The Place of Use was redefined to separate the water rights

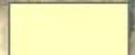
**Touchet River Adjudicated  
Certificate No. 176 with  
Change No. 543**



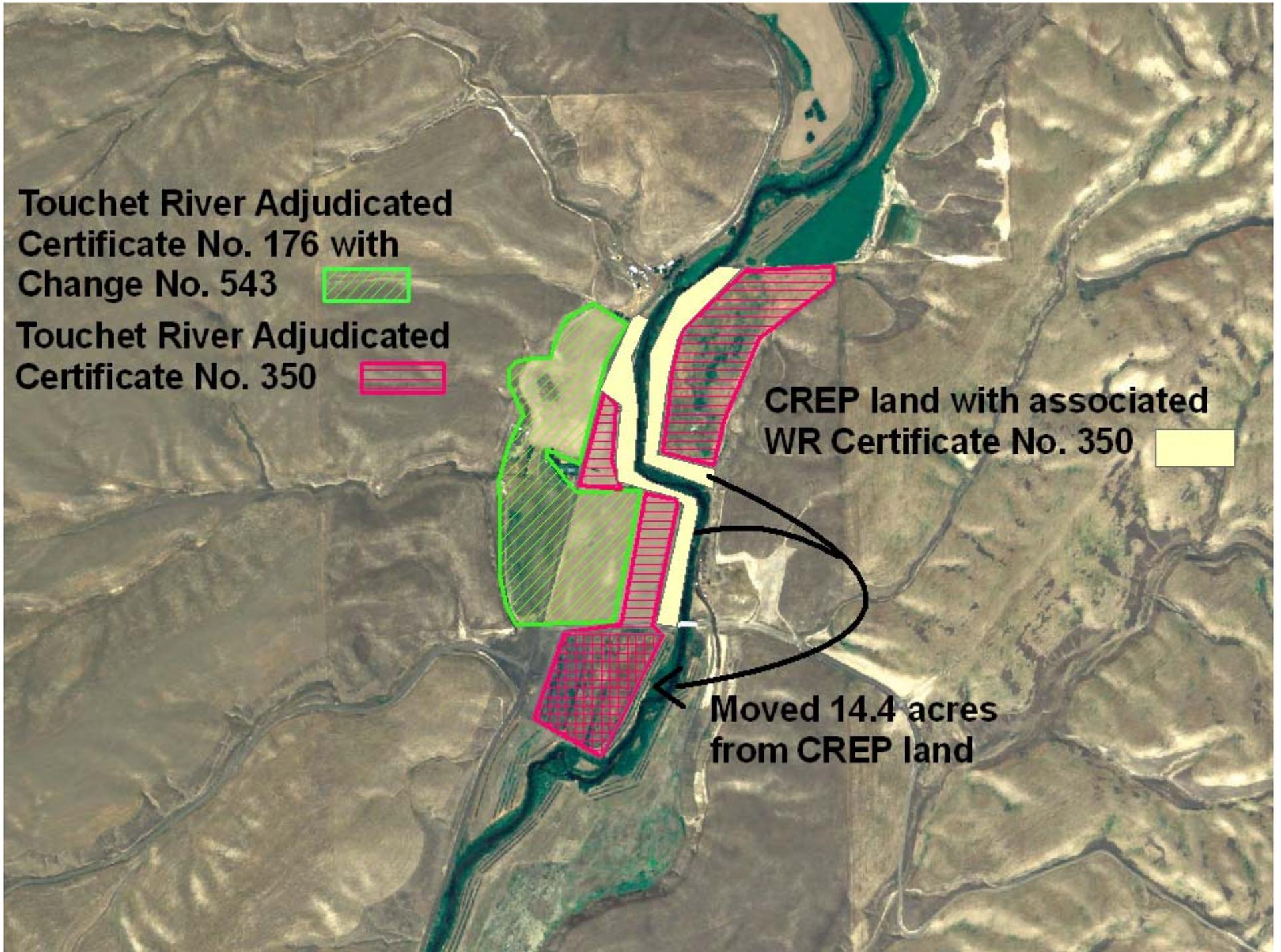
**Touchet River Adjudicated  
Certificate No. 350**

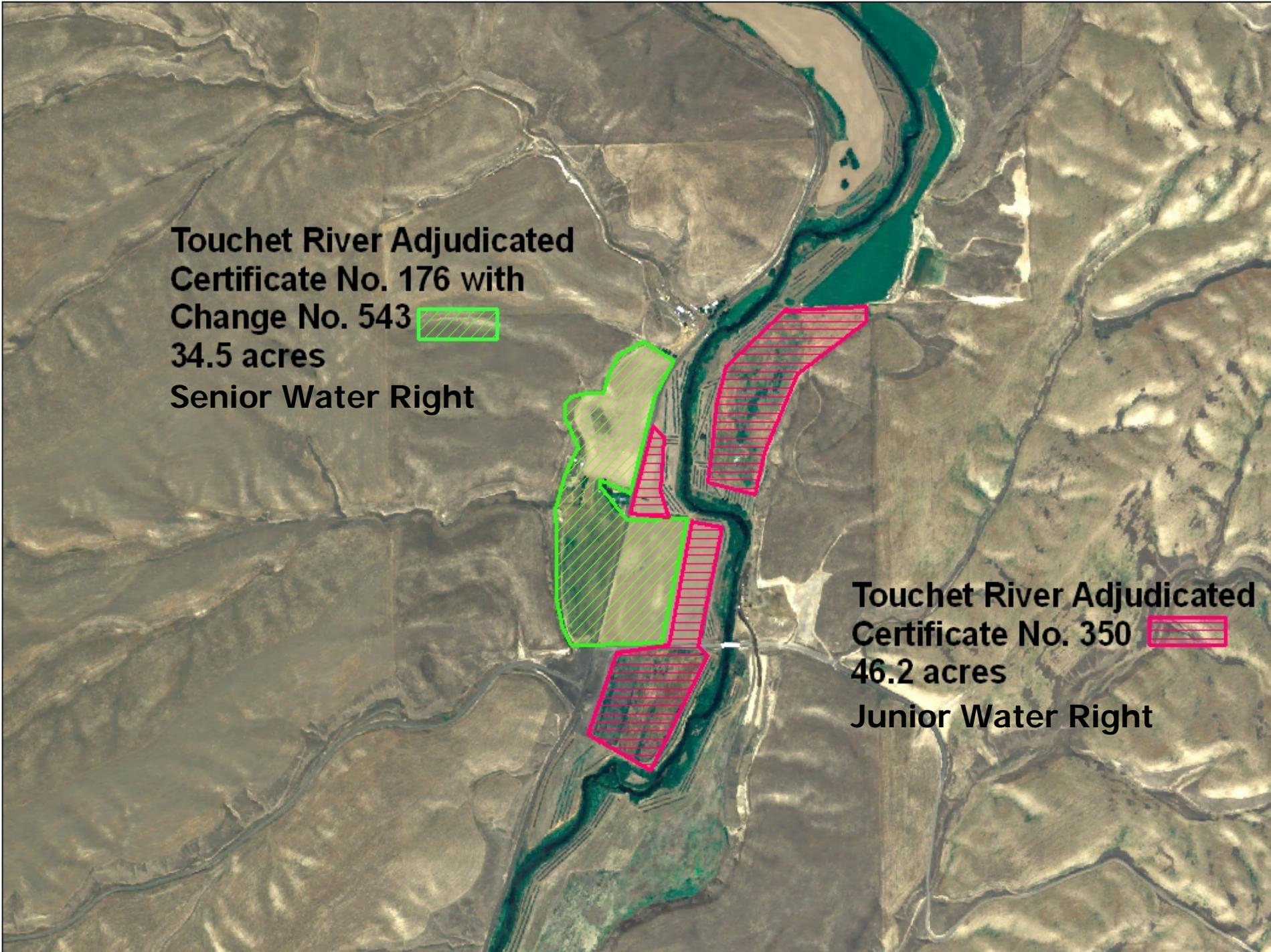


**CREP land with associated  
WR Certificate No. 350**



**Moved 14.4 acres  
from CREP land**





**Touchet River Adjudicated  
Certificate No. 176 with  
Change No. 543**   
34.5 acres  
Senior Water Right

**Touchet River Adjudicated  
Certificate No. 350**   
46.2 acres  
Junior Water Right

# Five Possible Scenarios for Placing Water into the Trust Program

1. Lease all of water rights
2. Partial lease of water rights
3. Permanent acquisition of all water rights
4. Permanent partial acquisition of water rights
5. Permanent partial acquisition and partial lease of water rights

# Lease All of Water Rights

- Look at the total amount of water beneficially used in the last 5 years (*RCW 90.42.080(8)*)
  - No beneficial water use = No water to lease
- In this case: 42.7 acres irrigated; 149 acre-feet total from both water rights were beneficially used in the last 5 years
  - Junior water right all leased – in trust
    - 24.45 acres; 85.3 acre-feet; 0.923 cfs 4/1 to 9/15
  - Senior water right all leased – in trust
    - 18.25 acres; 63.7 acre-feet; 0.531 cfs

# Partial Lease of Water Rights

- 42.7 acres irrigated; 149 acre-feet available
  - Junior water right all leased – in trust
    - 24.45 acres; 85.3 acre-feet; 0.923 cfs 4/1 to 9/15
  - Senior water right partially leased – in trust
    - 7.65 acres; 59.7 acre-feet; 0.197 cfs 4/1 to 9/15
  - Senior water right remaining for irrigation
    - 10.6 acres; 4.0 acre-feet; 0.334 cfs 4/1 to 9/15

# Acquisition of All Water Rights

- Look at the total amount of historical beneficial water use: average of the 2 highest of the last 5 consecutive years (*RCW 90.03.380*)
- In this case the last 5 consecutive years are prior to entering into CREP:
  - Junior water right – permanently in trust
    - 46.2 acres; 107.2 acre-feet; 0.923 cfs 4/1 to 9/15
  - Senior water right– permanently in trust
    - 34.5 acres; 80.1 acre-feet; 0.531 cfs

# Partial Acquisition of Water Rights

- Not proposed at this time, however the same criteria for total acquisition applies:
  - 90.03.380 – averaged 2 highest of the last 5 consecutive years prior to entering into CREP
- The remaining portion not acquired would still be available for irrigation and subject to re-evaluation of extent and validity or protected from relinquishment in CREP

# Permanent Partial Acquisition and Partial Lease of Water Rights

- Two steps:
  1. Process the permanent partial acquisition under RCW 90.03.380
    - a. Split the water right into an A and B portion based on the averaged 2 highest of the last 5 consecutive years
      - A-portion is what remains
      - B-portion will get a superseding certificate and go to archive
  2. Process the partial lease under RCW 90.42
    - a. Split the water into a trust portion and irrigation portion based on last 5 years of beneficial use

# Important!

- If land is in CREP, do the acquisition before the CREP contract is up and water is put back to use
- Reasons:
  - Need 5 consecutive years of beneficial use
  - Easier to do then recalculating and re-evaluating extent and validity.





# Summary

- Leases and partial leases are subject to RCW 90.42
- Permanent acquisition and partial acquisition are subject to RCW 90.03.380
- Permanent partial acquisition should be completed prior to partial lease of water rights