



# Application for Change/Transfer of Water Right

DEPT OF ECOLOGY  
Received  
MAR 27 2014  
CENTRAL REGION OFFICE

For Ecology Use  
(Date Stamp)

14 MAR 24 18:58

DEPT. OF ECOLOGY  
FISCAL & BUDGET

For filing with the Department of Ecology or with County Conservancy Boards

**A NON-REFUNDABLE MINIMUM FEE OF \$50.00 MUST ACCOMPANY THIS APPLICATION IF FILED WITH THE DEPARTMENT OF ECOLOGY**

(Check all that apply.)

- Change purpose(s) of use
- Add purpose(s) of use
- Change point(s) of diversion/withdrawal
- Add point(s) of diversion/withdrawal
- Change/transfer place of use
- Other (i.e. consolidation, intertie, trust water)

Explain: Temp/emergency change needed for 2014 season.

*Temporary change request - \$50 fee OK - E. Gutierrez 3-31-14*

**\*\*IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS (PLEASE PRINT OR TYPE CLEARLY)\*\***

FOR OFFICIAL USE ONLY	
DATE APPLICATION RECEIVED	03-24-2014
CHECK NO.	96452 FEE \$ 100.00
DATE ACCEPTED	04-02-2014 BY [Signature]
CHANGE NO.	CS4-SWC1086001
COUNTY	Douglas WRIA 44
SPECIAL AREA	
SEPA:	<input type="checkbox"/> EXEMPT <input type="checkbox"/> NOT EXEMPT
ECY CODING:	001-002-WR10285-000011
APP NO.	10144 PERMIT NO. 07341
CERT NO.	10860 CERT OF CHG NO.

I have participated in a pre-application conference with Ecology.

## 1. Applicant Information

APPLICANT/BUSINESS NAME <b>Zirkle Fruit Company</b>	PHONE NO. <b>(509) 697-6101</b>	FAX NO.
ADDRESS <b>PO Box 190</b>		
CITY <b>Selah</b>	STATE <b>WA</b>	ZIP CODE <b>98942</b>
EMAIL ADDRESS (IF AVAILABLE)		

CONTACT (IF DIFFERENT FROM ABOVE) <b>Bill Wangler, JR</b>	PHONE NO. <b>same</b>	FAX NO.
ADDRESS <b>same</b>		
CITY	STATE	ZIP CODE
EMAIL ADDRESS (IF AVAILABLE)		

LEGAL LAND OWNER or PART OWNER OF PROPOSED PLACE OF USE <b>Global Ag Properties USA LLC</b>	PHONE NO. <b>(217) 352-6000</b>	FAX NO.
ADDRESS <b>2004 Fox Drive Suite L</b>		
CITY <b>Champaign</b>	STATE <b>IL</b>	ZIP CODE <b>61820</b>
EMAIL ADDRESS (IF AVAILABLE)		

## 2. Water Right Information

WATER RIGHT OR CLAIM NUMBER <b>Certificate of Surface Water Right No. 10860</b>	RECORDED NAME(S) <b>Aluminum Company of America</b>
DO YOU OWN THE RIGHT TO BE CHANGED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
IF NO, PROVIDE OWNER(S) NAME and ADDRESS: <b>Global Ag Properties USA LLC owns, Zirkle manages, farms and operates.</b>	
HAS THE WATER BEEN PUT TO BENEFICIAL USE IN THE LAST FIVE (5) YEARS? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	

Please attach copies of any documentation that demonstrates consistent, historical use of water since the right was established. Also, if you have a water system plan or conservation plan, please include a copy with your application.

Long term orchard use of property.

*CS4-SWC1086001*

**3. Point(s) of Diversion/Withdrawal:**

**A. Existing**

SOURCE	NO.	¼	¼	SEC.	TWP.	RGE.	PARCEL #	WELL TAG #
Columbia River		GL	8	21	21N	22E	212228-20021	
Columbia River		GL	4	28	21N	22E	212228-20016,20006,ptn 20017, ptn 20015	

**B. Proposed (RETAIN EXISTING SOURCES AND ADD:)**

SOURCE	NO.	¼	¼	SEC.	TWP.	RGE.	PARCEL #	WELL TAG #
ADD south site: Columbia River and/or Two Wells (pump site for S4-24500C)		GL	4	33	21N	22E	ptn 212228-20008, ptn 20005	
ADD Well (at existing pump site for SWC 10860)		GL	4	28	21N	22E	212228-20016,20006,ptn 20017, ptn 20015	

DO YOU OWN THE EXISTING AND PROPOSED POINT(S) OF DIVERSION/WITHDRAWAL?

EXISTING:  YES  NO PROPOSED:  YES  NO - IF NO, PROVIDE OWNER(S) NAME: Global Ag Properties USA LLC.

*Please include copies of all water well reports involved with this proposal. Also, if you know the distances from the nearest section corner to the above point(s) of diversion/withdrawal, please include that information in Item No. 6 (remarks) or as an attachment.*

**4. Purpose of Use:**

**A. Existing**

PURPOSE OF USE	GPM or CFS	ACRE-FT/YR	PERIOD OF USE
irrigation of 630 acres	13.5 cfs	not specified	3/1-10/31

**B. Proposed**

PURPOSE OF USE	GPM or CFS	ACRE-FT/YR	PERIOD OF USE
no change			

**5. Place of Use:**

**A. Existing**

**LEGAL DESCRIPTION OF LANDS WHERE WATER IS PRESENTLY USED:**

In Sec. 22: that part of SW1/4SW1/4 lying southerly of the BPA spur track right of way; AND  
 In Sec. 27: N1/2, N1/2SW1/4 and SW1/4SW1/4; AND  
 ALL of fractional Sec. 28; AND  
 In Sec. 33: the west 2145 feet of the east 2805 feet of the N1/4; AND the west 1980 feet of the east 3300 feet of the N1/2S1/2N1/2; AND that part of said section lying southeasterly of the right of way of new State Highway 28 (10); AND  
 In Sec. 34: W1/2SW1/4; AND that part of W1/2NW1/4 lying southeasterly of new State Highway 28 (10) and northwesterly of Old State Highway 10; AND W1/2NE1/4NW1/4; AND NE1/4NE1/4NE1/4SW1/4NW1/4  
 ALL in T. 21 N., R. 22 E.W.M.; LESS rights of way.

Parcels: ptn 212228-20005, 20006-20019 incl., ptn 20020; ptn 212234-20001; 212227-10001,10002; ptn 212222-30001

¼	¼	SEC.	TWP.	RGE.	COUNTY	PARCEL #	# OF ACRES
					Douglas	see above	630 water right

DO YOU OWN ALL THE LANDS IN THE EXISTING PLACE OF USE?  YES  NO

IF NO, PROVIDE OWNER(S) NAME: Global Ag Properties USA LLC.

**B. Proposed**

**LEGAL DESCRIPTION OF LANDS WHERE NEW USE IS PROPOSED:**

Retain Current and Add Place of Use for adjacent S4-24500C (part of same farm):  
 240 Acres within the following described lands:  
 PARCEL 1: N 1139.2 feet of the N1/2 of Sec. 4, T. 20 N., R. 22 E.W.M. EXCEPT Government Lots 4 and 5.  
 PARCEL 2: SE1/4 of Sec. 28, T. 21 N., R. 22 E.W.M. lying SE of the S right-of-way of the Mansfield Branch line of the Burlington Northern Railroad, Inc.  
 PARCEL 3: All of Sec. 33, T. 21 N., R. 22 E.W.M.: EXCEPT (1) Government Lot 1, (2) E1/2 of Sec. 33 lying E of E right-of-way line of State Highway 10, and (3) NE1/4; [read "and"] SE1/4NW1/4 of Sec. 33 lying N of N right-of-way of the Mansfield Branch line.  
 PARCEL 4: W1/2NW1/4 of Sec. 34, T. 21 N., R. 22 E.W.M. lying W of the W right-of-way line of State Highway 10. All except designated rights-of-way and easements.

Parcels: 202004-10001, ptn 212228-20005, 212228-20008.

¼	¼	SEC.	TWP.	RGE.	COUNTY	PARCEL #	# OF ACRES
					Douglas	see above	630 water right

DO YOU OWN ALL THE LANDS IN THE PROPOSED PLACE OF USE?  YES  NO

IF NO, PROVIDE OWNER(S) NAME: Global Ag Properties USA LLC.

Attach a detailed map of your proposed change/transfer. The map should show existing and proposed point(s) of diversion/withdrawal, place of use and any other features involved with this application. If platted property, please include a certified copy of the plat map. A map is attached.

Are there any ADDITIONAL WATER rights OR CLAIMS RELATED to the same property as the ONE PROPOSED FOR CHANGE/TRANSFER?  
 YES  NO – IF YES, PROVIDE THE WATER RIGHT/CLAIM NUMBER(S): S4-24500C adjoins the place of use to the south, is supplied by a pump station to the south and is additive to Certificate of Surface Water Right No. 10860.

**6. Remarks and Other Relevant Information:**

Please see companion change request for S4-24500C. Lowering of the Wanapum pool due to damage to the dam has eliminated water available to the pumps. We need an immediate water source for our orchard on an emergency basis, and propose to drill a shallow well or wells at the two southern pump stations (we operate three pump stations under two rights). The river is shallow at south-most station (S4-24500C) and the lowering has moved the water's edge about 300 feet out, making a surface water pump impractical. Wells are requested there. Also request adding the place of use for the adjoining S4-24500C so we can supply water from the best source where needed. We may attempt a well site at the middle pump station (south station for SWC 10866). Shallow wells in connection with river will be drilled. Irrigated acres to remain the same.

IF FOR SEASONAL OR TEMPORARY, START DATE 03/01/2014 END DATE 10/31/ 2014

Certain applications may incur a Real Estate Excise Tax liability for the seller of the water rights. The Department of Revenue has requested notification of potential taxable water right related actions and therefore may be provided with a copy of this request. For further information, contact: Department of Revenue, Real Estate Excise Tax, PO Box 47477, Olympia, WA 98504-7477. Phone (360) 570-3265.

**7. Signatures:**

I certify that the information above is true and accurate to the best of my knowledge. I understand that in order to process my application, I hereby grant staff from the Department of Ecology or the County Conservancy Board access to the above site(s) for inspection and monitoring purposes. If assisted in preparing this above application, I understand that all responsibility for the accuracy of the information rests with me.

William W. Wangler, JR.,  
 Secretary of Zirkle Fruit Company  
 Applicant Printed Name – Title

William W. Wangler Jr.  
 Applicant Signature

03/18/14  
 (Date)

William W. Wangler, JR.,  
 Secretary of Zirkle Fruit Company  
 Water Right Holder Printed Name\*\*\*

William W. Wangler Jr.  
 Water Right Holder Signature \*\*\*

03/18/14  
 (Date)

William W. Wangler, JR.,  
 Secretary of Zirkle Fruit Company  
 Land Owner of Existing Place of Use Printed Name \*\*\*

William W. Wangler Jr.  
 Land Owner of Existing Place of Use Signature\*\*\*

03/18/14  
 (Date)

William W. Wangler, JR.,  
 Secretary of Zirkle Fruit Company  
 Land Owner of Proposed Place of Use Printed Name \*\*\*

William W. Wangler Jr.  
 Land Owner of Proposed Place of Use Signature\*\*\*

03/18/14  
 (Date)

\*\*\*Zirkle does not own but is authorized to file application for landowner, Global Ag Properties USA LLC. Landowner's signature to be provided separately.

Please check the region in which the project is located:

*Submit your application to:  DEPARTMENT OF ECOLOGY CASHIERING SECTION PO BOX 47611 OLYMPIA, WA 98504-7611	<input checked="" type="checkbox"/> Central Regional Office 15 W Yakima Avenue, Suite 200 Yakima, WA 98902 (509) 575-2490	<input type="checkbox"/> Eastern Regional Office 4601 N. Monroe Street Spokane, WA 99205-1295 (509) 329-3400
	<input type="checkbox"/> Northwest Regional Office 3190 – 160 <sup>th</sup> Avenue SE Bellevue, WA 98008-5452 (425) 649-7000	<input type="checkbox"/> Southwest Regional Office PO Box 47775 Olympia, WA 98504-7775 (360) 407-6300

**WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S):**

APPLICATION FEE NOT ENCLOSED       MAP NOT INCLUDED or INCOMPLETE

ADDITIONAL SIGNATURES REQUIRED       SECTION \_\_\_\_\_ IS INCOMPLETE

OTHER/EXPLANATION: \_\_\_\_\_

**STAFF:** \_\_\_\_\_ **DATE:** \_\_\_\_/\_\_\_\_/\_\_\_\_

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William W. Wangler, JR.,  
Secretary of Zirkle Fruit Company  
 Applicant Printed Name - Title

[signature being provided separately]  
 Applicant Signature

/ /  
 (Date)

Global Ag Properties USA LLC by  
Roderick T. Robertson for its manager  
Westchester Group Investment Management, Inc.  
 Water Right Holder Printed Name

Roderick T. Robertson  
 Water Right Holder Signature

4 / 17 / 2014  
 (Date)

Global Ag Properties USA LLC by  
Roderick T. Robertson for its manager  
Westchester Group Investment Management, Inc.  
 Land Owner of Existing Place of Use Printed Name

Roderick T. Robertson  
 Land Owner of Existing Place of Use Signature

4 / 17 / 2014  
 (Date)

Global Ag Properties USA LLC by  
Roderick T. Robertson for its manager  
Westchester Group Investment Management, Inc.  
 Land Owner of Proposed Place of Use Printed Name

Roderick T. Robertson  
 Land Owner of Proposed Place of Use Signature

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- SECTION \_\_\_\_\_ IS INCOMPLETE
- OTHER/EXPLANATION: \_\_\_\_\_

STAFF: \_\_\_\_\_ DATE: \_\_\_\_/\_\_\_\_/\_\_\_\_