STATE OF WASHINGTON

SEASONAL CHANGE APPLICATION

WASHINGTON STATE DEPARTMENT OF ECOLOGY

12 MAR -2 A8:52

☐ GROUND WATER ☒ SURFACE WATER (OFFICIAL USE)WRIA_____

DEPT OF ECOLOGY FISCAL & BUDGET

A NON-REFUNDABLE $50.00 FILING FEE PAYABLE TO THE DEPARTMENT OF ECOLOGY MUST ACCOMPANY THIS APPLICATION

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

1. APPLICANT INFORMATION:

APPLICANT/BUSINESS NAME	PHONE NUMBER	FAX NUMBER
ConAgra Foods Lamb Weston, Inc	(509) 875-3154	( )
ADDRESS: PO Box 1900		
CITY: Pasco	STATE: WA	ZIP CODE: 99302

CONTACT NAME (IF DIFFERENT FROM ABOVE)	PHONE NUMBER	FAX NUMBER
Reagan Grabner	( ) same	( )
ADDRESS		
CITY	STATE	ZIP CODE

2. WATER RIGHT INFORMATION: (One water right per application)

WATER RIGHT OR CLAIM NUMBER	RECORDED NAME(S)
Portion of S4-01228C* *As changed by Ecology Order dated 12/15/1987 (attached); and including all rights in that portion of Certificate S4-01228C allocated to the Colbert party in that certain Order and Judgment dated July 19, 1994; Okanogan County Superior Court Cause No. 91-2-00227-6 (attached). Also note change approved by Water Board 10/25/2007 and Ecology 1/11/2008.	Lake Wallula Vineyards, LLC

DO YOU HOLD LEGAL TITLE TO THE RIGHT TO BE CHANGED? ☐ YES ☒ NO ConAgra Foods Lamb Weston, Inc. is leasing the water right from Lake Wallula Vineyards for the 2012 season.

IF NO, PROVIDE OWNER(S) NAME: Andy Den Hoed, Jr; managing member; Lake Wallula Vineyards, LLC; 63802 N Wilgus Rd, Grandview WA 98930.

3. POINT(S) OF DIVERSION/WITHDRAWAL:

A. EXISTING

SOURCE	#	¼	¼	SEC	TWP.	RGE.	PARCEL #	WELL TAG #
Okanogan River [1] (via two wells w/in the SE1/4NW1/4 Sec. 20)		GL	7	20	37N	27E	3727200150	
		GL	7	20	37N	27E	3727200150	
Columbia River [2] via pump diversion and two proposed well sites all within Benton County		Gov't Lot 4		27	6N	30E	127603000001000	(river)
		SENEorNESE		27	6N	30E	127603000001000	not yet drilled
		S1/2SE1/4		23	6N	30E	123604000000000	not yet drilled

[1] Ecology Order dated 12/15/1987; and that portion of Certificate S4-01228C allocated to the Colbert party in that certain Order and Judgment dated July 19, 1994; Okanogan County Superior Court Cause No. 91-2-00227-6.

[2] Change approved by Water Board 10/25/2007 and Ecology (with modification) 1/11/2008.

B. PROPOSED

SOURCE	#	¼	¼	SEC.	TWP.	RGE.	PARCEL #	WELL TAG #
Columbia River (for 2012 season)		SW1/4	NE1/4	8	5N	26E	108563000001000	

DO YOU OWN THE EXISTING AND/OR PROPOSED POINT(S) OF DIVERSION/WITHDRAWAL? No (Existing) and Yes (Proposed).

EXISTING ☐ YES ☒ NO PROPOSED ☒ YES ☐ NO – IF NO, PROVIDE OWNER(S) NAME: Existing owned by Wallula; Proposed owned by ConAgra with access by permission from USACE.

Please include copies of all water well reports involved with this proposal. Also, if you know the distances from the nearest section corner for the above point(s) of diversion/withdrawal, please include an attachment. See Item No. 5 for diversion location.

If you require this document in an alternate format, please contact the Water Resources Program at (360) 407-6600 or TTY (for the speech or hearing impaired) at 711 or 1-800-833-6388.

PARENT: CS4-01228C(A)
BENT-07-17 ChRoE MOD
DATED 01-11-2008

03-02-2012

CS4-01228C(A)@4

4. PLACE OF USE:

A. EXISTING

LEGAL DESCRIPTION OF LANDS WHERE WATER IS PRESENTLY USED:

12/15/87 Order and Superior Court:
SW1/4SE1/4 Sec. 7 and NW1/4NE1/4 Sec. 18; all within T. 37 N., R. 27 E.W.M. as per Okanogan County Superior Court July 19, 1994 order. For prior description see Ecology 12/15/1987 change order.
Change approved by Water Board 10/25/2007 and Ecology (with modification) 1/11/2008: See Attachment list. Parcel Nos. 3727072003,3727181004.

¼	¼	SEC.	TWP.	RGE.	COUNTY	TOTAL # OF IRRIGATED ACRES
					Okanogan	38

DO YOU OWN ALL THE LANDS IN THE EXISTING PLACE OF USE? ☐ YES ☒ NO – IF NO, PROVIDE OWNER(S) NAME:

Wallula owns all lands where 38 water right acres were located as determined by superior court order, and Wallula also owns land under change approved by Water Board 10/25/2007 and Ecology 1/11/2008.

B. PROPOSED

LEGAL DESCRIPTION OF LANDS WHERE WATER IS PROPOSED TO BE USED:

Within NW1/4 Sec. 34 and north 3000 feet of the E1/2 Sec. 33, T. 6 N., R. 26 E.W.M.
Zephyr Ridge Vineyard parcels: ptn 133662000002004, 134662000004000. ConAgra parcels: ptn 133662000002006, ptn 133661000001002; ptn 134661000002002, 1003; ptn 134662000002001.

¼	¼	SEC.	TWP.	RGE.	COUNTY	TOTAL # OF IRRIGATED ACRES
		33, 34	6N	26E	Benton	105 water right acres

DO YOU OWN ALL THE LANDS IN THE PROPOSED PLACE OF USE? ☒ YES ☒ NO – IF NO, PROVIDE OWNER(S) NAME:

Zephyr Ridge Vineyard LLC owns lands to be irrigated, ConAgra owns other lands within above description. ConAgra and Zephyr cooperate in the supply of water to these lands.

Attach a detailed map of your proposed seasonal change. The map should show existing and proposed point(s) of diversion/withdrawal, place of use and any other features involved with this application. Also, for irrigation purposes, you must indicate on the map those lands that will not be irrigated within the original place of use. Maps are Attached.

ARE THERE ANY PENDING APPLICATIONS, WATER RIGHTS OR CLAIMS RELATED TO THE SAME PROPERTY AS THE ONE PROPOSED FOR CHANGE? ☐ YES ☒ NO – IF YES, PROVIDE THE NUMBER(S): There are other permits at the ConAgra proposed site with partly overlapping places of use: SWP 16571(D) and (C), CS4-28590(B)C.

Please attach copies of any documentation that demonstrates consistent, historical use of water since the right was established. This may be included in your irrigation plan.

5. REMARKS AND OTHER RELEVANT INFORMATION:

This change request is identical to a seasonal change application filed for the 2011 season.

This change request is one of two change applications for the 2012 irrigation season that ConAgra is requesting in cooperation with Lake Wallula Vineyards. One application each for portions of Certificates S4-01228C and SWC 9974--portions owned entirely by Wallula. It is also noted that approved changes apply to both Certificates also owned entirely by Wallula. ConAgra is leasing these rights from Wallula for the 2012 irrigation season with the exception of 0.11 cfs and 16 af/yr from S4-01228C/change. Wallula is retaining these quantities to irrigate approx. 8 acres. ConAgra is filing these changes and seeking assistance from Ecology in pursuing the seasonal changes in the most expedient fashion that maximizes available rights.

In concert with this application, for the 2012 season each right is planned for participation in the trust water right program, expressly for instream flow within the benefited reaches, and as deemed necessary by Ecology.
Quantities requested for seasonal change:

WATER RIGHT NUMBER	PURPOSE OF USE	GPM or CFS	ACRE-FT/YR	PERIOD OF USE
SWC9974(A)	irrigation of up to 105 acres*	0.31 cfs	79 af/yr	3/1-11/30
S4-01228C	irrigation of up to 105 acres*	0.56 cfs**	138 af/yr**	3/1-11/30

*water to be applied to same 105 acres for both changes of rights under SWC9974 and S4-01228C.
** Lake Wallula Vineyards will retain 8 acres of irrigation, 0.11 cfs and 16 af/yr.

The proposed water source for both applications for 2012 will be via diversion from the Columbia River.
Existing station located approximately:
2100 feet S and 354 feet E from the N1/4 corner of Sec. 8, T. 5 N., R. 26 E.W.M., Benton County.

6. 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 grant staff from the Department of Ecology access to the above site(s) for inspection and monitoring purposes. If assisted in the preparation of the above application, I understand that all responsibility for the accuracy of the information rests with me.

CONAGRA - (Applicant) — (Date) 2/24/12

LAKE WALLULA - (Water Right Holder) — (Date) 12/27/11

LAKE WALLULA - (Land Owner(s) of Existing Place of Use) — (Date) 12/27/11

If you require this document in an alternate format, please contact the Water Resources Program at (360) 407-6600 or TTY (for the speech or hearing impaired) at 711 or 1-800-833-6388.

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DUPLICATE PAGES

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_____ ____/____/____

***** ADDITIONAL SIGNATURE FOR CS4-01228C(A)@3 *****

_____ ____/____/____

X _____ 2 / 24 / 12
ZEPHYR RIDGE VINEYARD LLC - (Land Owner(s) of Portion Transfer Place of Use) **(Date)**

If you require this document in an alternate format, please contact the Water Resources Program at (360) 407-6600 or TTY (for the speech or hearing impaired) at 711 or 1-800-833-6388.

Change Related to SWC S4-01228C(A)

Attachments to Year 2012 Seasonal Change Application
Lake Wallula Vineyards to ConAgra Foods Lamb Weston Inc

NOTE: Attachment Nos. 2, 3, 4 and 5 may be found in the Year 2011 Season Change Application under this same applicant and water right number. Due to number of pages they are not reproduced here but can be provided upon request.

1. Legal Description of Lake Wallula Vineyards Place of Use
2. Ecology 1987 Change Authorization. *(not reproduced here)*
3. Okanogan County Superior Court Ruling. *(not reproduced here)*
4. Benton County Water Conservancy Board Decision. *(not reproduced here)*
5. Ecology 2008 Modification Order. *(not reproduced here)*
6. Map Wallula Okanogan Site.
7. Map Wallula Columbia River Site.
8. Maps ConAgra Site.

Place of Use for Lake Wallula Vineyards LLC
Under Water Board 10/25/2007 and Ecology 1/11/2008 Change

Those portions of the following described lands lying northerly of railroad right of way, all within T. 6 N., R. 30 E.W.M.:

Within Section 24, Gov't Lots 1 and 2;
Within Section 23, Gov't Lots 1 and 2;
Within Section 26, Gov't Lots 1, 2 and 3; and
Within Section 27, Gov't Lot 1, Gov't Lot 2, and that portion of Gov't Lot 3 lying West of a line described as beginning at the West quarter corner of said Section 27, thence N 89°12'10" E 1783.01 feet to the true point of beginning, thence S 0°48'00" E 1156.00 feet to the N line of railroad right of way and terminus of said line.

Benton County Parcel Nos. 124602000001000, 123604000000000, 126602000000000, and portion 127603000001000.