DEPARTMENT OF ECOLOGY
State of Washington

Application for a Water Right Permit

For Ecology Use
(Date Stamp)

DEPT OF ECOLOGY Received APR 23 2012 CENTRAL REGION OFFICE

Follow the attached instructions. Attach additional sheets as necessary.

☒ **GROUND WATER** ☐ **SURFACE WATER**

☐ **PERMANENT** ☐ **SHORT TERM** ☐ **TEMPORARY**

☐ **DROUGHT**

***A NON-REFUNDABLE MINIMUM FEE OF $50.00 MUST ACCOMPANY THIS APPLICATION.**

Section 1. APPLICANT

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

Applicant/Business Name: **Tessenderlo Kerley, Inc. ("TKI")** **Dawn Kominski, Directory of Regulatory Affairs**	Phone No: **602-889-8300**	Other No: **602-899-8401**
Address: **2255 N 44th Street, Suite 300**		
City: **Phoenix**	State: **AZ**	Zip:**85008**
Email Address (if available): **dkominski@tkinet.com**		

Contact Name (if different from above): **Adam Gravley**	Phone No: **206-382-9540**	Other No:
Relationship to Applicant: **Attorney**		
Address: **Van Ness Feldman GordonDerr, 2025 First Avenue, Suite 500**		
City: **Seattle**	State: **WA**	Zip: **98121**
Email Address (if available): **awg@vnf.com**		

Legal Land Owner or Part Owner Name of the Proposed Place of Use: **TKI – same as above**	Phone No:	Other No:
Address:		
City:	State:	Zip:
Email Address (if available):		

For Ecology Use	APPLICATION NO: G4-33063 SEPA: Exempt/Not Exempt Fee Paid: 04-19-2012 Check No: ECY Coding: 001-001-WR1-0285-000011
Date Returned ___ By ___	Priority Date 04-19-2012 By ___ WRIA: 31 BOUTON
Pre-application interviewer:	

Section 2. STATEMENT OF INTENT

Do you own the land on which the proposed point of diversion/withdrawal is located? ☒ YES ☐ NO
If no, do you have legal authority to make this application for use of another's land? ☐ YES ☐ NO

Briefly describe the purpose of your proposed project: **TKI owns and operates an existing industrial and agricultural product and chemical manufacturing plant and distribution center near Kennewick, Benton County. There are 2 existing on-site wells that will be used.**

Anticipated length of time to complete your project: **5 years.**

Water Use List all purposes for which water will be applied to a beneficial use and list quantity required for each.

Purpose(s) of Use	Rate (check one box only) ☐ Cubic Feet per Second (CFS) ☒ Gallons per Minute (GPM)	Acre-Feet per Year (AF/YR) (If known)	Period of Use (Continuously or Seasonal)
Commercial and Industrial	**350 GPM**	**91 AF/YR**	**Year Round**
TOTAL:			

Short Term/Temporary Water Use

Is this a request for a short term project (less than four months and non-recurring)? ☐ YES ☒ NO

Is this request for a temporary permit? ☐ YES ☒ NO

If yes to either question above, indicate the dates that the water will be needed:

FROM: ____/____/____ TO: ____/____/____

Section 3. POINT OF DIVERSION OR WITHDRAWAL

(Complete A or B, and C below)

A.) If Surface Water Source	B.) If Ground Water Source
☐ Spring ☐ Creek ☐ River ☐ Lake ☐ Other: _____ Source Name: _____ Tributary to: _____ Number of proposed diversion points: _____ Do you have an existing diversion? ☐ YES ☐ NO	☒ Well(s) ☐ Other: 2 on-site wells will be used, the Plant Well and the Riek Well. Well diameter & depth: Plant Well: 12" and 40' Riek Well: 24" and 30' Number of proposed points of withdrawal: **2** Do you have an existing well? ☒ YES ☐ NO If available, attach Water Well Report and pump test. Well Tag ID No. _____

C.) Point of Diversion/Withdrawal – Legal Description

Parcel No.	¼	¼	Section	Township	Range	County
125803000003000	SW	SW	25	8	30E	Benton

Lot(s)	Block(s)	Subdivision	

If known, enter the distances in feet from the point of diversion or withdrawal to the nearest section corner:

_____ Feet (☐ North/☐ South) and _____feet (☐ East/☐ West)

from the (☐NW ☐SW ☐NE ☐SE ☐ ____) corner of Section_____.

Parcel No.	¼	¼	Section	Township	Range	County
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Lot(s)	Block(s)	Subdivision	

If known, enter the distances in feet from the point of diversion or withdrawal to the nearest section corner:

_____feet (☐ North/☐ South) and _____feet (☐ East/☐ West)

from the (☐NW ☐SW ☐NE ☐SE ☐____) corner of Section_____

NOTE: If more than two points of diversion/withdrawal attach additional information on a separate sheet of paper.

Section 4. PLACE OF USE

Attach a copy of the legal description of the property (on which the water will be used) taken from a real estate contract, property deed or title insurance policy, or copy it carefully in the space below.

The South ½ of the SW ¼ of the SW ¼ of Section 25, less the portion lying southwesterly of the railway right of way.

¼	¼	Section	Twp.	Range	County	Parcel No.
		25	8	30E	Benton	125803000003000

Do you own all the lands on which the proposed place of use is located? ☒ YES ☐ NO.

If no, do you have legal authority to make this application for use of another's land? ☐ YES ☐ NO
Provide owner name(s), address, and phone number:_____

_____

Are there any other water rights or claims associated with this property or water system? ☒ YES ☐ NO

If yes, provide the water right and/or claim numbers: Water right claim no. 093744 and water right certificate

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Attach a map of your project showing the point of diversion/withdrawal and place of use. If platted property, be sure to include a complete copy of the plat map.

Section 5. WATER SYSTEM DESCRIPTION

Describe your proposed water system (include type and size of devices used to divert or withdraw water from source): Two wells withdraw groundwater from the shallow aquifer, as described in Section 3. The water well report and well log are attached. Well water is conveyed to three 30,000 gallon tanks. Water is then piped to process water facilities and sanitary and safety water locations. A water system flow chart is attached.

Section 6. DOMESTIC WATER SUPPLY SYSTEM INFORMATION

(Complete A or B, and C below)

A.) Domestic Water Systems only	**B.) Municipal Water Systems only** *(defined under RCW 90.03.015)*
Projected number of connections to be served: _____	Present population to be served water: _____
Type of connections: _____ *(e.g., home, recreational cabin)*	Estimate future population to be served: _____ (20 year projection)

C.) Water System Planning

Do you have a Water System Plan approved by the Washington State Department of Health, Drinking Water Division? ☐ YES ☐ NO

If yes, date plan was approved ____/____/____ Water System Number: _____

Name of water system: _____

Are you within the service area of an existing water system? ☐ YES ☐ NO

If yes, explain why you are unable to connect to the system: _____

Section 7. IRRIGATION/STOCKWATER/OTHER FARM USES

Irrigation

Total number of acres requested to be irrigated under this application = _____ ACRES
NOTE: Outline the area to be irrigated on your attached map.

Stockwater

List number and kind of stock: _____

_____

_____

Is the proposed project for a dairy farm? ☐ YES ☐ NO

Other Proposed Farm Uses

Describe all proposed uses: _____

_____

_____

_____

Family Farm Water Act (RCW 90.66):

Calculate the acreage in which you have a controlling interest, including only:

- Acreage irrigated under water rights acquired after December 8, 1977,
- Acreage proposed to be irrigated under this application, and
- Acreage proposed to be irrigated under other pending application(s).

Is the combined acreage under existing rights greater than 6000 acres? ☐ YES ☐ NO

Do you have a controlling interest in a Family Farm Development Permit? ☐ YES ☐ NO

If yes, enter Permit No: _____

Section 8. OTHER WATER USES

Hydropower

Indicate total feet of head _____ and proposed capacity in kilowatts: _____

Describe works: _____

_____

_____

Indicate all uses to which power is to be applied: _____

FERC License No: _____

Mining/Industrial Use

Describe use, method of supplying and utilizing water: _____

_____

_____

Other Use

Section 9. WATER STORAGE

Will you be using a dam, dike, or other structure to retain or store water? ☐ YES ☒ NO

Are you proposing to store more than 10 acre-feet of water? ☐ YES ☒ NO

Will the water depth be 10 feet or more? ☐ YES ☒ NO

If you answered yes to any of the above questions, please describe:

NOTE: If you will be storing 10 acre-feet or more of water and/or if the water depth will be 10 feet or more at the deepest point and some portion of the storage will be above grade, you must also complete an Application for Permit to Construct a Reservoir and a Dam Construction Permit and Application.

Section 10. DRIVING DIRECTIONS

Provide detailed driving directions to the project site: Take Interstate 82 (I82) to exit 114, highway 397. Turn east at the bottom of the ramp, right if coming from the south and left if coming from the north. Go approximately 10 miles on 397, you will come to an railroad overpass. As you start to descend down the overpass the intersection for 397 and East Straightbank will be on your right. Turn right on E Straightbank. As you descend down the hill after turning you come to another set of railroad tracks. As soon as you cross over the tracks the entrance to the TKI plant is to the left.

Site Address: 233808 East Straightbank Road, in southeast Kennewick, Washington

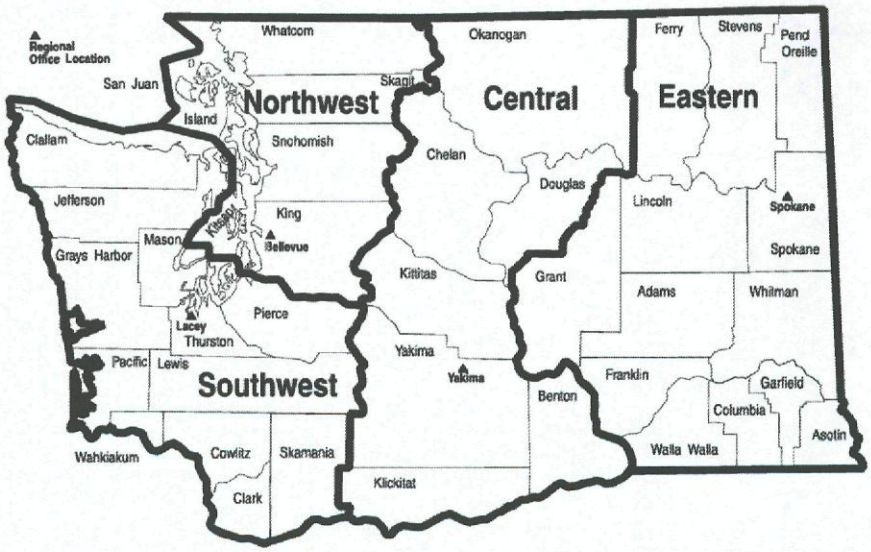
Section 11. REQUIRED SIGNATURES

I certify that the information provided in this application 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 site for inspection and monitoring purposes. Even though the employees of the Department of Ecology may have assisted me in the preparation of the above application, all responsibility for the accuracy of the information rests with me, the applicant.

Print Name	Signature	Date
DAWN KOMINSKI	Dawn Kominski	4-9-12
(Applicant or authorized representative)		
DAWN KOMINSKI	Dawn Kominski	4-9-12
(Legal Owner or Part Owner Place of Use)		
(Legal Owner or Part Owner Place of Use)		

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	☒ Central Regional Office 15 W Yakima Avenue, Suite 200 Yakima, WA 98902 (509) 575-2490	☐ Eastern Regional Office 4601 N. Monroe Spokane, WA 99205-1295 (509) 329-3400
	☐ Northwest Regional Office 3190 – 160th Avenue SE Bellevue, WA 98008-5452 (425) 649-7000	☐ Southwest Regional Office PO Box 47775 Olympia, WA 98504-7775 (360) 407-6300

If you need this document in an alternate format, please call the Water Resources Program at 360-407-6872.
Persons with hearing loss can call 711 for Washington Relay Service. Persons with a speech disability can call 877-833-6341.

If you have questions about your application, contact the Water Resources program at the regional office in which your project is located.