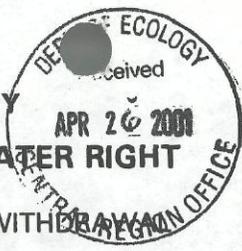


STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY



Accepted by <i>FM</i>
Date <i>4/26/01</i>
Is Field Exam. Required? <input type="checkbox"/> YES <input type="checkbox"/> NO
Determined By _____

APPLICATION FOR CHANGE OF WATER RIGHT

PURPOSE  DIVERSION OR WITHDRAWAL  
 PLACE  ADDITIONAL POINT OR POINTS

NAME c/o CHARLES B. ROE, JR., PERKINS COIE 1110 CAPITOL WAY SOUTH, SUITE 405 OLYMPIA, WA 98501-2251	Bus. Tel. 701-297-1547 (BRIAN MADSON) Home Tel. _____ Other Tel. 360-956-3300 (CHARLES ROE)
ACL COMPANY	
ADDRESS 1500 RADISSON TOWER, 201 - 5 <sup>TH</sup> ST. NORTH	(CITY) FARGO (STATE) ND (ZIP CODE) 58102
APPLICATION NUMBER	PERMIT NUMBER
	CERTIFICATE NUMBER (1) 22, PAGE NO. 10860 (SEE APPENDIX A ATTACHED); (2) S4-24500C (SEE APPENDIX B ATTACHED)

DECREED RIGHT (TITLE OF CASE)  
N/A

APPROPRIATIONS MADE (GIVE DATE IF PRIOR TO JUNE 7, 1917 IF SURFACE WATER, OR JUNE 7, 1945 IF GROUND WATER)  
N/A

IS THE WATER RIGHT RECORDED IN YOUR NAME?  
 YES  NO

IF NO, GIVE NAME RECORDED UNDER: Certificate  
1. ABOVE - ALUMINUM COMPANY OF AMERICA, AND  
2. ABOVE - COLUMBIA RIVER ORCHARDS FOUNDATION

*CK # 5099  
RECEIPT # 200192  
4/26/01  
60  
FM*

1. TWO RIGHTS CONSIST OF

WATERS USED FROM (STREAM, LAKE, WELL, OR TRENCH, ETC.) COLUMBIA RIVER	GALLONS PER MINUTE OR CUBIC FEET PER SECOND 1. ABOVE - 13.5 CFS FOR 630 ACRES, AND 2. ABOVE - 4.8 CFS FOR 240 ACRES
--	---

WATER CURRENTLY USED FOR AGRICULTURAL IRRIGATION - ORCHARD	TIME OF USE IRRIGATION SEASON, MARCH 1 - OCTOBER 31, 2001
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2. LOCATION OF PRESENT POINT OF DIVERSION OR WITHDRAWAL - See Appendix B attached.  
ENTER BELOW THE DISTANCES FROM THE NEAREST SECTION OR PROPERTY CORNER TO THE DIVERSION OR WITHDRAWAL.

LOCATED WITHIN (SMALLEST LEGAL SUBDIVISION) 900 FEET NORTH OF SOUTHWEST CORNER OF	SECTION 33	TOWNSHIP N. 21	RANGE (E. OR W.) W.M. 22E	COUNTY DOUGLAS
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IF THIS IS WITHIN THE LIMITS OF A RECORDED PLATTED PROPERTY, COMPLETE THIS SECTION

LOT GOV'T LOT 4	BLOCK	OF (GIVE NAME OF PLAT OR ADDITION)
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3. LEGAL DESCRIPTION OF LANDS WATER IS USED ON  
FOR CERTIFICATE 1) ABOVE, SEE APPENDIX A, AND FOR CERTIFICATE 2) ABOVE, SEE APPENDIX B.

THE ABOVE LANDS ABUT EACH OTHER AND THE ORCHARDS LOCATED ON SAID LANDS TAKEN TOGETHER ARE FARMED AS A SINGLE OPERATION.

NOTE: AT LEAST 819 ACRES OF THE ABOVE LANDS WERE IN MATURE APPLE ORCHARDS AND IRRIGATED THROUGH 1998 IN AN AMOUNT OF 5.1 ACRE FEET PER ACRE PER YEAR). APPLE TREES WILL NOT LIVE AND THRIVE AT THIS LOCATION WITHOUT BEING IRRIGATED BY ACTS OF HUMANS. 231 ACRES OF THE AFORENOTED ACRES WILL NOT BE IRRIGATED THIS YEAR. THE APPLICATION RELATES TO THE WATER SUPPLY AS TO SAID 231 ACRES.

SECTION	TOWNSHIP N.	RANGE, (E. OR W.) W.M.	COUNTY DOUGLAS
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(ATTACH SEPARATE SHEET IF NECESSARY.)

ARE YOU THE LEGAL OWNER OF THE ABOVE DESCRIBED LANDS  
 YES  NO

IF NO, EXPLAIN YOUR INTEREST:

REASONS FOR THE PROPOSED CHANGE:  
THESE TEMPORARY ONE-SEASON (2001) PROPOSED CHANGES, RELATING TO A PORTION OF THE TWO CERTIFICATED WATER RIGHTS NOTED ABOVE, ARE DESIGNED TO ASSURE A STABLE, UNINTERRUPTIBLE WATER SUPPLY TO ZIRKLE FRUIT COMPANY IN LIGHT OF FORECASTED DROUGHT CONDITIONS AND THE POTENTIAL INTERRUPTION FOR THE EXERCISABILITY OF CERTAIN WATER RIGHTS OF THE COMPANY ASSOCIATED WITH THE COLUMBIA RIVER.

A MINIMUM FEE OF \$10 MUST ACCOMPANY THIS APPLICATION.  
CONTINUED ON REVERSE SIDE

*PRIORITY DATE: APRIL 26, 2001  
OK OR 05-01-2001  
WR 1A 33 FRANKLIN  
CS424500C*

CHANGE  
*44 DOUGLAS*

4.

CHANGE REQUESTED

CHANGE WATER USE TO

TIME OF USE

GALLONS PER MINUTE OR CUBIC FEET PER SECOND

N/A

N/A

9.2 cfs (NOT TO EXCEED 1178.1 ACRE FEET)

5. LOCATION OF PROPOSED POINT OF DIVERSION OR WITHDRAWAL - SEE APPENDIX C AND D ATTACHED. (LOCATION IS ON SNAKE RIVER - MCNARY POOL)

ON ACCOMPANYING SECTION MAPS, ACCURATELY MARK AND IDENTIFY EACH POINT OF DIVERSION. SHOW NORTH-SOUTH AND EAST-WEST DISTANCES FROM NEAREST SECTION CORNER OR PROPERTY CORNER.

ALSO, ENTER BELOW THE DISTANCES FROM THE NEAREST SECTION OR PROPERTY CORNER TO THE DIVERSION OR WITHDRAWAL.

LOCATED WITHIN (SMALLEST LEGAL SUBDIVISION)

SECTION

TOWNSHIP N.

RANGE (E. OR W.) W.M.

COUNTY

6.

IF THIS IS WITHIN THE LIMITS OF A RECORDED PLATTED PROPERTY, COMPLETE THIS SECTION

LOT

BLOCK

OF (GIVE NAME OF PLAT OR ADDITION)

ARE YOU THE OWNER OF THE LAND ON WHICH THE PROPOSED POINT OF DIVERSION OR WITHDRAWAL IS TO BE LOCATED

YES

NO

LEGAL DESCRIPTION OF LANDS WATER IS TO BE USED ON - (OWNED BY ZIRKLE FRUIT COMPANY)

SEE APPENDIX C AND D.

SECTION

TOWNSHIP N.

RANGE (E. OR W.) W.M.

COUNTY

(ATTACH SEPARATE SHEET IF NECESSARY)

ARE YOU THE LEGAL OWNER OF THE ABOVE DESCRIBED LANDS

YES  NO

IF NO, EXPLAIN YOUR INTEREST:

LANDS ARE OWNED BY ZIRKLE FRUIT COMPANY.

\* PLEASE NOTE LEGAL LAND OWNER SIGNATURE AND APPLICANT SIGNATURE ARE BOTH REQUIRED. IF THE LEGAL LAND OWNER AND APPLICANT ARE THE SAME, PLEASE SIGN IN BOTH PLACES. THANK YOU.

ZIRKLE FRUIT COMPANY

LEGAL LANDOWNER (please print)

*Bruce Wangle*

LEGAL LANDOWNER'S SIGNATURE

(OWNER OF PROPERTY DESCRIBED IN ITEM NUMBER 3)

*Wayne D...*

APPLICANT'S SIGNATURE

For Ack Company

P.O. BOX 190, SELAH, WA 98942

LEGAL LANDOWNER'S ADDRESS

NOTE: THIS APPLICATION IS (1) FOR THE YEAR 2001 ONLY, AND (2) AT THE CONCLUSION OF THE YEAR THE WATER RIGHT WILL REVERT TO ITS CONDITION AS TO PLACE OF USE AND POINT OF DIVERSION PRIOR TO THE APPROVAL OF THIS CHANGE APPLICATION.