



# Application for Change/Transfer of Water Right

For Ecology Use  
(Date Stamp)

13 AUG 29 18:34

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: See Cover Letter

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



FOR OFFICIAL USE ONLY	
DATE APPLICATION RECEIVED	08-29-2013
CHECK NO.	513172 FEE \$ 50.00
DATE ACCEPTED	09-20-2013 BY CS
CHANGE NO.	64-26063C
COUNTY	BENTON WRIA 31
SPECIAL AREA	
SEPA: <input type="checkbox"/> EXEMPT <input type="checkbox"/> NOT EXEMPT	
ECY CODING: 001-002-WR10285-000011	
APP NO. _____	PERMIT NO. _____
CERT NO. _____	CERT OF CHG NO. _____

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

## 1. Applicant Information

APPLICANT/BUSINESS NAME <b>Tessenderlo Kerley, Inc. ("TKI")</b> <b>Dawn Kominski, Directory of Regulatory Affairs</b>	PHONE NO. <b>602-889-8401</b>	FAX NO. <b>602-899-6377</b>
ADDRESS <b>2255 N 44th Street, Suite 300</b>		
CITY <b>Phoenix</b>	STATE <b>AZ</b>	ZIP CODE <b>85008 - 3279</b>
EMAIL ADDRESS (IF AVAILABLE) <b>dkominski@tkinet.com</b>		
CONTACT (IF DIFFERENT FROM ABOVE) <b>Adam Gravley</b>	PHONE NO. <b>206-623-9372</b>	FAX NO. <b>206-623-4986</b>
ADDRESS <b>719 Second Avenue, Suite 1150</b>		
CITY <b>Seattle</b>	STATE <b>WA</b>	ZIP CODE <b>98104</b>
EMAIL ADDRESS (IF AVAILABLE) <b>awg@vnf.com</b>		
LEGAL LAND OWNER or PART OWNER OF PROPOSED PLACE OF USE <b>TKI - same as above</b>	PHONE NO.	FAX NO.
ADDRESS		
CITY	STATE	ZIP CODE
EMAIL ADDRESS (IF AVAILABLE)		

## 2. Water Right Information

WATER RIGHT OR CLAIM NUMBER <b>G4-26063C</b>	RECORDED NAME(S) <b>Kerley Industries, Inc. DBA Kerley Chemical Company</b>
DO YOU OWN THE RIGHT TO BE CHANGED? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
IF NO, PROVIDE OWNER(S) NAME and ADDRESS: _____	
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.

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

**A. Existing**

SOURCE	NO.	¼	¼	SEC.	TWP.	RGE.	PARCEL #	WELL TAG #
Well 1		SE	SW	25	8	30 E		
Well 2		SE	SW	25	8	30 E		
Well 3	S ½	S ½	SE	26	8	30 E		
Well 4		SE	SE	26	8	30 E		

**B. Proposed**

SOURCE	NO.	¼	¼	SEC.	TWP.	RGE.	PARCEL #	WELL TAG #
Plant Well		SW	SW	25	8	30E	125803000003000	
Riek Well		SW	SW	25	8	30E	125803000003000	

DO YOU OWN THE EXISTING AND PROPOSED POINT(S) OF DIVERSION/WITHDRAWAL?  
 EXISTING:  YES  NO PROPOSED:  YES  NO - IF NO, PROVIDE OWNER(S) NAME: \_\_\_\_\_

*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
Manufacturing and Cooling Water	1150	1029	Continuously
Irrigation of 50 acres		215	April 1 to October 31

**B. Proposed**

PURPOSE OF USE	GPM or CFS	ACRE-FT/YR	PERIOD OF USE
Manufacturing and Cooling Water	350 GPM	91	Year Round

**5. Place of Use:**

**A. Existing**

LEGAL DESCRIPTION OF LANDS WHERE WATER IS PRESENTLY USED:							
The existing certificate states: That portion of the SE ¼ SE ¼ SE ¼ of Section 25 lying NE of Burlington Northern Railway right-of-way and that portion of the S ½ SE ¼ of Sec. 26 lying SW of the Burlington Northern Railway right-of-way and the W 226 feet of the N 239.82 feet of the S ½ SW ¼ SW ¼ of Sec. 25, all in T. 8 N., R. 30 E.W.M.							
¼	¼	SEC.	TWP.	RGE.	COUNTY	PARCEL #	# OF ACRES
		25/26	8	30E	Benton		
DO YOU OWN ALL THE LANDS IN THE EXISTING PLACE OF USE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF NO, PROVIDE OWNER(S) NAME: TKI owns the lands in Section 25 where water is presently used for manufacturing. Section 26 parcel owners own the lands where irrigation water may be used.							

**B. Proposed**

LEGAL DESCRIPTION OF LANDS WHERE NEW USE IS PROPOSED:							
That portion of the S ½ SW ¼ SW ¼ of Section 25 Township 8 Range 30 lying northeasterly of the railway right of way, except the west 30 feet (also known as Benton County Parcel #125803000003000).							
The south 340 feet of the N ½ SW ¼ SW ¼ of Section 25 Township 8 Range 30, except the west 266 feet thereof (also known as the south 340 feet of Benton County Parcel #125803000001000).							
The W ½ SE ¼ SW ¼ of Section 25 Township 8 Range 30, except the south 700 feet, the north 300 feet and the dike right-of-way (also known as a portion of Benton County Parcel #125803000005000).							
¼	¼	SEC.	TWP.	RGE.	COUNTY	PARCEL #	# OF ACRES
SW	SW	25	8	30E	Benton	125803000003000; 125803000001000; 125803000005000	
DO YOU OWN ALL THE LANDS IN THE PROPOSED PLACE OF USE? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF NO, PROVIDE OWNER(S) NAME: _____							

*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.*

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): Water right claim no. 093744 and water right certificate Vol. 8, page 769-D.

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

The existing water right certificate states legal descriptions for point of withdrawal and place of use that are mistaken. The errors arise from clerical errors when the original application was processed. This application seeks to separate the manufacturing - purpose portion of the right and to correct the point of withdrawal and place use descriptions to match actual beneficial use by TKI.

IF FOR SEASONAL OR TEMPORARY, START DATE \_\_\_/\_\_\_/\_\_\_ END DATE \_\_\_/\_\_\_/\_\_\_

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.

<u>DAWN KOMINSKI -Dir. of Reg Affairs</u> Applicant Printed Name - Title	<u>Dawn Kominski</u> Applicant Signature	<u>8/26/2013</u> (Date)
<u>DAWN KOMINSKI</u> Water Right Holder Printed Name	<u>Dawn Kominski</u> Water Right Holder Signature	<u>8/26/2013</u> (Date)
<u>DAWN KOMINSKI</u> Land Owner of Existing Place of Use Printed Name	<u>Dawn Kominski</u> Land Owner of Existing Place of Use Signature	<u>8/26/2013</u> (Date)
<u>DAWN KOMINSKI</u> Land Owner of Proposed Place of Use Printed Name	<u>Dawn Kominski</u> Land Owner of Proposed Place of Use Signature	<u>8/26/2013</u> (Date)

Please check the region in which the project is located:

<p><b>*Submit your application to:</b></p> <p>DEPARTMENT OF ECOLOGY CASHIERING SECTION PO BOX 47611 OLYMPIA, WA 98504-7611</p>	<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: \_\_\_/\_\_\_/\_\_\_