WASHINGTON STATE DEPARTMENT OF ECOLOGY

State of Washington
Application for a Water Right

Please follow the attached instructions to avoid unnecessary delays.

RECEIVED AUG 24 1995

For Ecology Use
Fee Paid 46
Date 7/17/95
CK # 1472

CK#2459-5.00 PD. 8/24/95

Section 1. APPLICANT - PERSON, ORGANIZATION, OR WATER SYSTEM

Name Frank and Barney Berg Home Tel:(509) 786-3752

Mailing Address P.O. Box 127 Work Tel:( ) -

City Paterson State WA Zip+4 99345 + FAX:( ) -

Section 2. CONTACT - PERSON TO CALL ABOUT THE APPLICATION

☐ Same as above

Name Columbia Appraisal & Real Estate Home Tel:( ) -

Mailing Address 1103 W. Sylvester St., Suite 9 Work Tel:(509) 545-6935

City Pasco State WA Zip+4 99302 +3654 FAX:(509) 545-1689

Relationship to applicant Irrigation consultant

Section 3. STATEMENT OF INTENT

The applicant requests a permit to use not more than 10,000 (☒ gallons per minute or ☐ cubic feet per second) from a ☒ surface water source or ☐ ground water source (check only one) for the purpose(s) of irrigated crop production. Attach a "legal" description of the place of use. (**See instructions**.) *NOTE: A tax parcel number or a plat number is not sufficient.*

Estimate a maximum annual quantity to be used in acre-feet per year: 4,750

☐ Check if the water use is proposed for a short-term project. Indicate the period of time that the water will be needed:

From ___/___/___ to ___/___/___

Section 4. WATER SOURCE

If SURFACE WATER	If GROUNDWATER
Name the water source and indicate if stream, spring, lake, etc. If unnamed, write "unnamed spring," "unnamed stream," etc.: Columbia River Number of diversions: one	A permit is desired for _____ well(s).
Source flows into (name of body of water): Pacific Ocean	Size & depth of well(s):

LOCATION

Enter the north-south and east-west distances in feet from the point of diversion or withdrawal to the nearest section corner: 50' south and 600' east from NE corner S18, T5N, R26E, W.M.

¼ of	¼ of	Section	Township	Range(E/W)	County	If location of source is platted, complete below: Lot	Block	Subdivision
NW	NW	18	5N	26	Benton			

For Ecology Use Date Received: July 17, 1995 Priority Date: July 17, 1995

SEPA: Exempt/Not Exempt FERC License # Dept. Of Health #

Date Accepted As Complete August 7, 1995 By JM Date Returned By WRIA: 31

ECY 040-1-14
Rev. 12/94 F

APPLICATION

Appl. No.: S 432330

Section 5. GENERAL WATER SYSTEM INFORMATION

A. Name of system, if named: St. Michelle River pump station

B. Briefly describe your proposed water system. (See instructions.)

Buried distribution pipeline system from St. Michelle pipeline throughout south portion of Berg Farm, in Sections 1,2,3,10,11,12,13,14,15 and N ½ Sections 22 and 23, all in T6N, R25EWM, and Sections 6,7,and 18 T6N R26EWM; except portion of SE ¼ Section 12, T6N R25EWM (described in Permit S4030834P).

C. Do you already have any water rights or claims associated with this property or system? ☒ YES ☐ NO
PROVIDE DOCUMENTATION. Permit S4-30834P for 750 acres irrigated.

Section 6. DOMESTIC / PUBLIC WATER SUPPLY SYSTEM INFORMATION
(Completed for all domestic/public supply uses.)

A. Number of "connections" requested:_____ Type of connection _____
(Homes, Apartment, Recreational, etc.)

B. Are you within the area of an approved water system? ☐ YES ☐ NO
If yes, explain why you are unable to connect to the system. *Note: Regional water systems are identified by your County Health Department.*

Complete C. and D. only if the proposed water system will have fifteen or more connections.

C. Do you have a current water system plan approved by the Washington State Department of Health? ☐ YES ☐ NO
If yes, when was it approved? _____ Please attach the current approved version of your plan.

D. Do you have an approved conservation plan? ☐ YES ☐ NO
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Section 7. IRRIGATION/AGRICULTURAL/FARM INFORMATION
(Complete for all irrigation and agriculture uses.)

A. Total number of acres to be irrigated: 1,250

B. List total number of acres for other specified agricultural uses:

Use_____Acres_____
Use_____Acres_____
Use_____Acres_____

C. Total number of acres to be covered by this application: 1,250

D. Family Farm Act (Initiative Measure Number 59, November 3, 1977)
Add up 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;
‡ Acreage proposed to be irrigated under other pending application(s).

1. Is the combined acreage greater than 2000 acres? ☐ YES ☒ NO
2. Do you have a controlling interest in a Family Farm Development Permit? ☒ YES ☐ NO
If yes, enter permit no: S4-30834P

E. Farm uses:
Stockwater - Total # of animals _____ Animal type _____ (If dairy cattle, see below)
Dairy - # Milking _____ # Non-milking _____

Section 8. WATER STORAGE

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

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 apply for a reservoir permit. You can get a reservoir permit application from the Department of Ecology.

Section 9. DRIVING DIRECTIONS

Provide detailed driving instructions to the project site.

Go south on State Highway 221 from Prosser to Lenzie Road (gravel), turn right and go one mile to Berg headquarters.

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A. Attach a map of the project. **(See instructions.)**

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A. Does the applicant own the land on which the water will be used? ☒ YES ☐ NO
If no, explain the applicant's interest in the place of use and provide the name(s) and address(es) of the owner(s):

B. Does the applicant own the land on which the water source is located? ☐ YES ☒ NO
If no, submit a copy of agreement:

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

Frank Berg — July 10, 1995

X Barry Berg — July 10, 1995

Applicant (or authorized representative) — Date

Landowner for place of use (if same as applicant, write "same") — Date

432330

East Branch

LENZIE ROAD

Lenzie Ranch

Fire Sta

Well 606

Well 697

Well 740

BM 757

PATERSON 4¼ MI.
PLYMOUTH 18 MI.

2 230 000 FEET

ed, edited, and published by the Geological Survey

l by USGS and USC&GS

aphy by photogrammetric methods from aerial
raphs taken 1963. Field checked 1965

nic projection. 1927 North American datum
)-foot grid based on Washington coordinate system,
:one
neter Universal Transverse Mercator grid ticks,
1, shown in blue

d dashed lines indicate selected fence lines

GN MN
1°51'
33 MILS
21°
373 MILS

UTM GRID AND 1965 MAGNETIC NORTH
DECLINATION AT CENTER OF SHEET

FO

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PERMIT

TO APPROPRIATE PUBLIC WATERS OF THE STATE OF WASHINGTON

[X] Surface Water (Issued In accordance with the provisions of Chapter 117, Laws of Washington for 1917, and amendments thereto, and the rules and regulations of the Department of Ecology.)

[ ] Ground Water (Issued In accordance with the provisions of Chapter 263, Laws of Washington for 1945, and amendments thereto, and the rules and regulations of the Department of Ecology.)

PRIORITY DATE	APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
July 24, 1980	S4-30834	S4-30834P	

NAME
Frank and Barney Berg

ADDRESS (STREET)	(CITY)	(STATE)	(ZIP CODE)
PO Box 127	Paterson	Washington	99345

The applicant is, pursuant to the Report of Examination which has been accepted by the applicant, hereby granted a permit to appropriate the following described public waters of the State of Washington, subject to existing rights and to the limitations and provisions set out herein.

PUBLIC WATERS TO BE APPROPRIATED

SOURCE
Columbia River (John Day)

TRIBUTARY OF (IF SURFACE WATERS)
Pacific Ocean

MAXIMUM CUBIC FEET PER SECOND	MAXIMUM GALLONS PER MINUTE	MAXIMUM ACRE-FEET PER YEAR
13.37	(6000)	2850

QUANTITY, TYPE OF USE, PERIOD OF USE

2850 acre-feet per year for the irrigation of 750 acres from April 1 to October 31.

LOCATION OF DIVERSION/WITHDRAWAL

APPROXIMATE LOCATION OF DIVERSION--WITHDRAWAL

50 feet south and 600 feet east from the northwest corner of Section 18.

LOCATED WITHIN (SMALLEST LEGAL SUBDIVISION)	SECTION	TOWNSHIP N.	RANGE, (E. OR W.) W.M.	W.R.I.A.	COUNTY
NW¼NW¼	18	5 N.	26 E.	31	Benton

RECORDED PLATTED PROPERTY

LOT	BLOCK	OF (GIVE NAME OF PLAT OR ADDITION)

LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED

All of Sections 1, 2, 3, 10, 11, 12, 13, 14, and 15 AND the N½ of Section 22 and the N½ of Section 23, ALL in T. 6 N., R. 25 E.W.M.; and ALL of Sections 6, 7, and 18, ALL in T. 6 N., R. 26 E.W.M., ALL in Benton County, State of Washington, EXCEPT that portion of said Section 12 described as follows:

Commencing at the northeast corner of said Section 12; thence south along the east line thereof 3461.00 feet, more or less, to a point on the centerline of existing Benton County road (Lenzie Road); thence westerly along said centerline 680.00 feet to the true point of beginning; thence northerly and parallel with the east line of said Section 12 a distance of 625 feet; thence westerly and parallel with said Benton County road 1400.00 feet; thence southerly and parallel with said east line 1400.00 feet; thence easterly and parallel with said county road 1400.00 feet; thence northerly and parallel with said east line 775.00 feet to the true point of beginning. AND EXCEPT roads AND EXCEPT portion deeded to State of Washington for highway by Auditor's File No. 867323.

FRANK BERG
BARNEY BERG
P.O. box 127
Paterson Wa. 99345

May 22, 1995

RECEIVED
MAY 30
DEPARTMENT OF ECOLOGY
CENTRAL REGION OFFICE

CK#465
#5 5/30/95
CK# 2459
8/24/95
$5.00

Darlene Frye
Section Supervisor
Department of Ecology
3601 W. Washington Ave.
Yakima, Wa. 98903

Re: Water permit #S4-30834p, Frank & Barney Berg, Benton County, Wa.

Mrs. Frye:

This letter comprises our request for a two year extension of time to complete irrigation development and application of water for beneficial use under referenced permit.

To date, we have made the following efforts to complete this project.

1. 41 acres are irrigated and water applied for center pivot farming, in S1/2 SW 1/4 of section 18, T 6 N, R 26 EWM.
2. Negotiated water delivery agreement with Stimpson Lane, which is verbal at this point, with details and cost pending outcome of drawdown /Salmon issues.
3. In 1992 and 1994, we negotiated with farm tenants to operate and develop an irrigation distrubition system. After a agreement was reached in 1992, the tenant's crop contracts (potatoes) were not granted as he had planned. Different tenant was involved in 1994, but he filed bankruptcy and negotiations were dropped. Development has been delayed, due to tentants lack of crop acreage contracts and financial problems of tenant.
4. Bergs and tenants have paid $500 in cash expenses for feasibility efforts, plus own time, travel expenses, etc. for this development. Bergs presently have retained professional consultant firm, Columbia Appraisal & Real Estate Co. to assist in planning, designing, negotiating agreements, and completing irrigation development.

We believe the above described efforts comprise due dilligence for development progress, for your granting extension of time to complete development.

INFO. ONLY FROM RELATED FILE

If there are any additional requirements or questions, you may contact us at the above adress, or Mr. Robert Greeno at Columbia Appraisal & Real Estate Co. (509) 545-6935.

Sincerely,

Frank Berg

Frank Berg

INFO. FROM : [illegible] FILE

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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NAME
Frank and Barney Berg

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RELATED FILE

DESCRIPTION OF PROPOSED WORKS

Pump water from Columbia Water & Power District through 15 to 18-inch distribution lines to center pivot irrigation systems. The junction with the Columbia Water & Power District will be approximately 1760 feet west from northeast corner of Section 24, T. 6 N., R. 25 E.W.M.

DEVELOPMENT SCHEDULE

BEGIN PROJECT BY THIS DATE:	COMPLETE PROJECT BY THIS DATE:	WATER PUT TO FULL USE BY THIS DATE:
Begun	June 1, 1994	June 1, 1995

PROVISIONS

A suitable measuring device approved by the Department of Ecology shall be installed and maintained in accordance with WAC 508-64-020 through WAC 508-64-040 in such a manner that the diversion herein authorized can be isolated and measured.

This authorization to use public waters of the state is classified as a FAMILY FARM PERMIT in accordance with Chapter 90.66 RCW (Initiative Measure No. 59). This means the land being irrigated under this authorization shall comply with the following definition: Family Farm - a geographic area including not more than 2,000 acres of irrigated agricultural lands, whether contiguous or noncontiguous, the controlling interest in which is held by a person having a controlling interest in no more than 2,000 acres of irrigated agricultural lands in the State of Washington which are irrigated under water rights acquired after December 8, 1977. Furthermore, the land being irrigated under this authorization must continue to conform to the definition of a family farm.

This authorization is subject to Washington Department of Fisheries juvenile salmon screening criteria (pursuant to RCW 75.20.040) and/or Washington Department of Wildlife gamefish screening criteria.

A proof inspection will be conducted prior to final certificate issuance. The certificate will reflect the extent of the project perfected within the limitations of the permit; including source(s), system instantaneous capacity, beneficial use(s), annual quantity, acreage, home services designed, place of use, and satisfaction of provisions.

Withdrawal of water under this right may be limited or otherwise regulated in favor of senior rights.

Provisions continued on page 3.

INFO. ONLY - RELATED FILE

This permit shall be subject to cancellation should the permittee fail to comply with the abov development schedule and/or fail to give notice to the Department of Ecology on forms provided by that Departmen documenting such compliance.

Given under my hand and the seal of this office at Yakima, Washington,

this 24th *day of November 1992.*

Department of Ecology

by Doug Clausing
Doug Clausing, Section nager

ENGINEERING DATA
K DJMonroe
22x101PNK:gh
IT

rovisions Continued

This authorization is subject to the following minimum flow provisions as specified in WAC 173-563-040 a WAC 173-563-050 and the following table. It is subject to regulation by the Department of Ecology protection of instream resources whenever the March 1 forecast of April-September runoff at The Dalles 60 MAF or less, and when gaged flow are predicted by the BPA 30-Day Power Operation Plan to violate t following minimum flow provisions at:

Primary Control Station(s): John Day
River Mile(s): 215.6

Minimum Average Weekly Flows
Columbia River Projects
(1,000 cubic feet/second)

PRIMARY CONTROL STATION:	Chief Joseph*	Wells/ Rocky Reach*	Rock Island & Wanapum*	Priest Rapids	McNary	John Day	The Dalles
RIVER MILE:	(545.1)	(515.6) (473.7)	(453.4) (415.8)	(397.1)	(292.0)	(215.6)	(191.5)
Jan	30	30	30	70	60	60	60
Feb	30	30	30	70	60	60	60
Mar	30	30	30	70	60	60	60
Apr 1-15	50	50	60	70	100	100	120
Apr 16-25	60	60	60	70	150	150	160
Apr 26-30	90	100	110	110	200	200	200
May	100	115	130	130	220	220	220
Jun 1-15	80	110	110	110	200	200	200
Jun 16-30	60	80	80	80	120	120	120
Jul 1-15	60	80	80	80	120	120	120
Jul 16-31	90	100	110	110	140	140	140
Aug	85	90	95	95	120	120	120
Sep	40	40	40	40	60	85	90
Oct 1-15	30	35	40	40	60	85	90
Oct 16-31	30	35	40	70	60	85	90
Nov	30	30	30	70	60	60	60
Dec	30	30	30	70	60	60	60

* For the reach from Grand Coulee through Wanapum, minimum average weekly flows shall be as show above, or as necessary to maintain minimum flows (subject to low runoff and adjustment) at Priest Rapids whichever is higher. As provided in WAC 173-563-050(1), the minimum average weekly flows set forth in this subsection are subject to a reduction of up to 25 percent during low flow years, except that in no case shall the outflow from Priest Rapids Dam be less than 36,000 cfs.

Use of water under this authorization shall be contingent upon the water right holder's utilization of up-to date water conservation practices and maintenance of efficient water delivery systems consistent with established regulation requirements and facility capabilities.

Use of water under this authorization can be expected to be curtailed at least once in every 20 years.

The annual quantity herein allocated is a portion of the amount reserved by the adoption of the John Day/McNary Reservation. The priority date of this filing, as against other uses, is July 24, 1980.

INFO. ONLY - RELATED FILE

STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

[illegible]
15 West Yakima Avenue, Suite 200 • Yakima, Washington 98902-3401 • (509) 575-2800

August 10, 1995

Columbia Appraisal & Real Estate
1103 W Sylvester St., Suite 9
Pasco WA 99302-3654

RE: Surface Water Application No. S4-32330
for Frank and Barney Berg

The above described application has been provisionally accepted as complete by the Department of Ecology. However, additional information is needed to continue the application process. For this reason, a photocopy of the original application has been returned to you. Please respond to all information requests highlighted in green and yellow ink on the photocopy.

You will need to provide a legal description of the place where the water will be used. This legal description can be taken from a real estate contract, property deed, or title insurance policy. This information is to be attached to the application and returned to this office.

This application will retain a priority date of July 17, 1995 if the above requested information is returned to this office by September 15, 1995.

You may contact this office at (509)-575-2490 if you have questions.

Sincerely,

John T. Monahan

John T. Monahan
Shorelands and Water Resources Program
950812ska

FILE COPY

WASHINGTON STATE DEPARTMENT OF ECOLOGY

State of Washington
Application for a Water Right

Please follow the attached instructions to avoid unnecessary delays.

For Ecology Use
Fee Paid 46
Date 7/17/95
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Estimate a maximum annual quantity to be used in acre-feet per year: 4,750

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From ____/____/____ to ____/____/____

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10,000 gpm ÷ 448.7 = 22.28 cfs

If SURFACE WATER	If G
Name the water source and indicate if stream, spring, lake, etc. If unnamed, write "unnamed spring," "unnamed stream," etc.: Columbia River Number of diversions: one	A p
Source flows into (name of body of water): Pacific Ocean	Size & depth of well(s):

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C. Do you have a current water system plan approved by the
Washington State Department of Health? ☐ YES ☐ NO
If yes, when was it approved? _____ Please attach the current approved version of your plan.

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432330

APPLICATION

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B. Does the applicant own the land on which the water source is located? ☐ YES ☒ NO
If no, submit a copy of agreement:

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

X Frank Berg
X Barry Berg
Applicant (or authorized representative)

July 10, 1995
July 10, 1995
Date

Landowner for place of use (if same as applicant, write "same")

Date

432330