

APPLICATION FOR PERMIT SEP 22 1995

SI 9-22-95

TO APPROPRIATE PUBLIC WATERS OF THE STATE OF WASHINGTON

SURFACE WATER  GROUND WATER

CR# 1156

\$10.00 MINIMUM STATUTORY EXAMINATION FEE REQUIRED WITH APPLICATION

(GRAY BOXES FOR OFFICE USE ONLY) 9/22/95 P.D.

APPLICATION NO. <b>S432367</b>	W.R.I.A. <b>40</b>	COUNTY <b>CHELAN</b>	PRIORITY DATE <b>9-22-95</b>	TIME	ACCEPTED <b>4PM</b>
APPLICANT'S NAME — PLEASE PRINT <b>WENATCHEE HEIGHTS RECLAMATION DIST.</b>				Bus. Tel. <b>NONE</b>	
ADDRESS (STREET) <b>330 E. SCHOOL ROAD</b>				Home Tel. <b>662-2255</b>	
(CITY) <b>WENATCHEE,</b>				Other Tel. <b>662-8894</b>	
(STATE) <b>WA.</b>				(ZIP CODE) <b>98801-9754</b>	
DATE & PLACE OF INCORPORATION IF APPLICANT IS A CORPORATION					

**1. SOURCE OF SUPPLY**

IF SURFACE WATER	IF GROUND WATER
SOURCE (NAME OF STREAM, LAKE, SPRING, ETC.) (IF UNNAMED, SO STATE) <b>COLUMBIA RIVER</b>	SOURCE (WELL, TUNNEL, INFILTRATION TRENCH, ETC.)
TRIBUTARY <b>PACIFIC OCEAN</b>	SIZE AND DEPTH

**2. USE**

USE TO WHICH WATER IS TO BE APPLIED (DOMESTIC SUPPLY, IRRIGATION, MINING, MANUFACTURING, ETC.)  
**IRRIGATION, LIVESTOCK WATERING, FROST CONTROL**

ENTER QUANTITY OF WATER REQUESTED USING UNITS OF: <b>11.5 CFS</b>	CUBIC FEET PER SECOND (CFS) <b>OR</b>	GALLONS PER MINUTE (GPM)	ACRE FEET PER YEAR
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TIMES DURING YEAR WATER WILL BE REQUIRED  
**1 APRIL THROUGH 15 OCTOBER EACH YEAR**

IF IRRIGATION, NUMBER OF ACRES <b>APPROX 450</b>	IF DOMESTIC USE, NUMBER OF UNITS BY TYPE, E.G. 1-HOME, 1-MOBILE HOME, 2-CAMPSITES, ETC.	IF MUNICIPAL USE, ESTIMATED POPULATION 20 YEARS FROM TODAY
DATE PROJECT WAS OR WILL BE STARTED <b>when permit issues.</b>	DATE PROJECT WAS OR WILL BE COMPLETED	

**3. LOCATION OF POINT OF DIVERSION/WITHDRAWAL**

**3A. IF IN PLATTED PROPERTY**

LOT	BLOCK	OF (GIVE NAME OF PLAT OR ADDITION)	SECTION	TOWN	RANGE	ALSO, PLEASE ENCLOSE A COPY OF THE PLAT AND MARK THE POINT(S) OF WITHDRAWAL OR DIVERSION

**3B. IF NOT IN PLATTED PROPERTY**

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.  
**1400 FEET WEST & 1000 FEET NORTH OF THE S.E. CORNER OF SEC 19**

LOCATED WITHIN (SMALLEST LEGAL SUBDIVISION) <b>SW 1/4 OF S.E. 1/4</b>	SECTION <b>19</b>	TOWNSHIP N. <b>22</b>	RANGE (E. OR W.) W.M. <b>21E</b>	COUNTY <b>CHELAN</b>
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**4. DO YOU OWN THE LAND ON WHICH THIS SOURCE IS LOCATED. IF NOT, INSERT NAME & ADDRESS OF OWNER**  
**PACK RIVER COMPANY - (SEE EASEMENT - COPY ATTACHED)**

**5. LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED**

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 CAREFULLY IN THE SPACE BELOW.

(SEE MAP ATTACHED)

existing district boundaries noted in yellow on map. Place of use for this application would be lands highlighted in blue lying northerly of the yellow line\* (Narrative description of individual properties comprising place of use will be submitted later)\* and lands highlighted in yellow lying northerly of the north line of Sections 34, 35, and 36 — [the lower portion of the WARD].

T-22N., R. 20E. W.M.

WHAT IS YOUR INTEREST IN THE PROPERTY ON WHICH THE WATER IS TO BE USED (PROPERTY OWNER, LESSEE, CONTRACT PURCHASER, ETC.)

IRRIGATION DIST. / WATER PURVEYOR

ARE THERE ANY EXISTING WATER RIGHTS RELATED TO THE LAND ON WHICH THE WATER IS TO BE USED (INCLUDING WATER PROVIDED BY IRRIGATION DISTRICTS OR DITCH COMPANIES.)

YES  NO

IF YES, FROM WHAT SOURCE (i.e. SURFACE OR GROUND WATER) AND UNDER WHAT AUTHORITY

STEMILT CREEK RIGHTS OF W.H.R.D., SPRING HILL IRR., STEMILT CK.

ADJUDICATED RIGHTS, SUPPLEMENTAL COLUMBIA RIVER RIGHT S4-24785C  
6. DESCRIPTION OF SYSTEM PROPOSED OR INSTALLED

(FOR EXAMPLE: SIZE OF PUMP, CAPACITY OF PUMP, PUMP MOTOR HORSE POWER, PIPE DIAMETER, NUMBER OF SPRINKLERS, ETC.)

WILL UTILIZE EXISTING COLUMBIA RIVER PUMP PLANT & PIPE LINE SYSTEM. AN EQUALIZING RESERVOIR WILL BE BUILT AT THE TOP OF THE HILL. PUMPS INCLUDE dual pumps @ the river and three booster pump stations along the pipeline as utilized for the emergency system authorized by S4-24785C - see file.

REMARKS

7. A CONCURRENT CHANGE OF WATER RIGHTS TO MOVE EXISTING WATER TO LANDS TO THE SOUTH & UTILIZE RIVER WATER TO THE NORTH. See concurrently - filed change applications.

8. COMPLETE THIS SECTION ONLY IF THIS APPLICATION INCLUDES IRRIGATION AS A USE

IN ORDER TO IMPLEMENT THE PROVISIONS OF INITIATIVE MEASURE NUMBER 59, THE FAMILY FARM WATER ACT WHICH WAS PASSED BY THE VOTERS ON NOVEMBER 3, 1977, WE MUST ASK THE FOLLOWING QUESTIONS:

DOES THE TOTAL NUMBER OF ACRES IN WHICH YOU HAVE CONTROLLING INTEREST IN THE STATE OF WASHINGTON EXCEED 2000 ACRES FOR THE FOLLOWING THREE CATEGORIES:

- |   |                              |  |
|---|------------------------------|--|
| 1. LANDS THAT ARE BEING IRRIGATED UNDER WATER RIGHTS ACQUIRED AFTER DECEMBER 8, 1977.         | YES <input type="checkbox"/> | NO <input checked="" type="checkbox"/> |
| 2. LANDS THAT MAY BE IRRIGATED UNDER APPLICATIONS NOW ON FILE WITH THE DEPARTMENT OF ECOLOGY. | YES <input type="checkbox"/> | NO <input checked="" type="checkbox"/> |
| 3. LANDS THAT MAY BE IRRIGATED UNDER THIS APPLICATION.  | YES <input type="checkbox"/> | NO <input checked="" type="checkbox"/> |

IF 10 ACRE-FEET OR MORE OF WATER IS TO BE STORED AND/OR IF THE WATER DEPTH WILL BE 10 FEET OR MORE AT THE DEEPEST POINT, A STORAGE PERMIT MUST BE FILED IN ADDITION TO THIS PERMIT. THESE FORMS CAN BE SECURED, TOGETHER WITH INSTRUCTIONS, FROM THE DEPARTMENT OF ECOLOGY.

SIGNATURES

*Dennis L. Berlan*  
PRESIDENT W.H.R.D.  
APPLICANT'S SIGNATURE

LEGAL LANDOWNERS NAME (PLEASE PRINT)

LEGAL LANDOWNER'S SIGNATURE (OWNER OF PROPERTY DESCRIBED IN ITEM NUMBER 5)

LEGAL LANDOWNER'S ADDRESS

FOR OFFICE USE ONLY

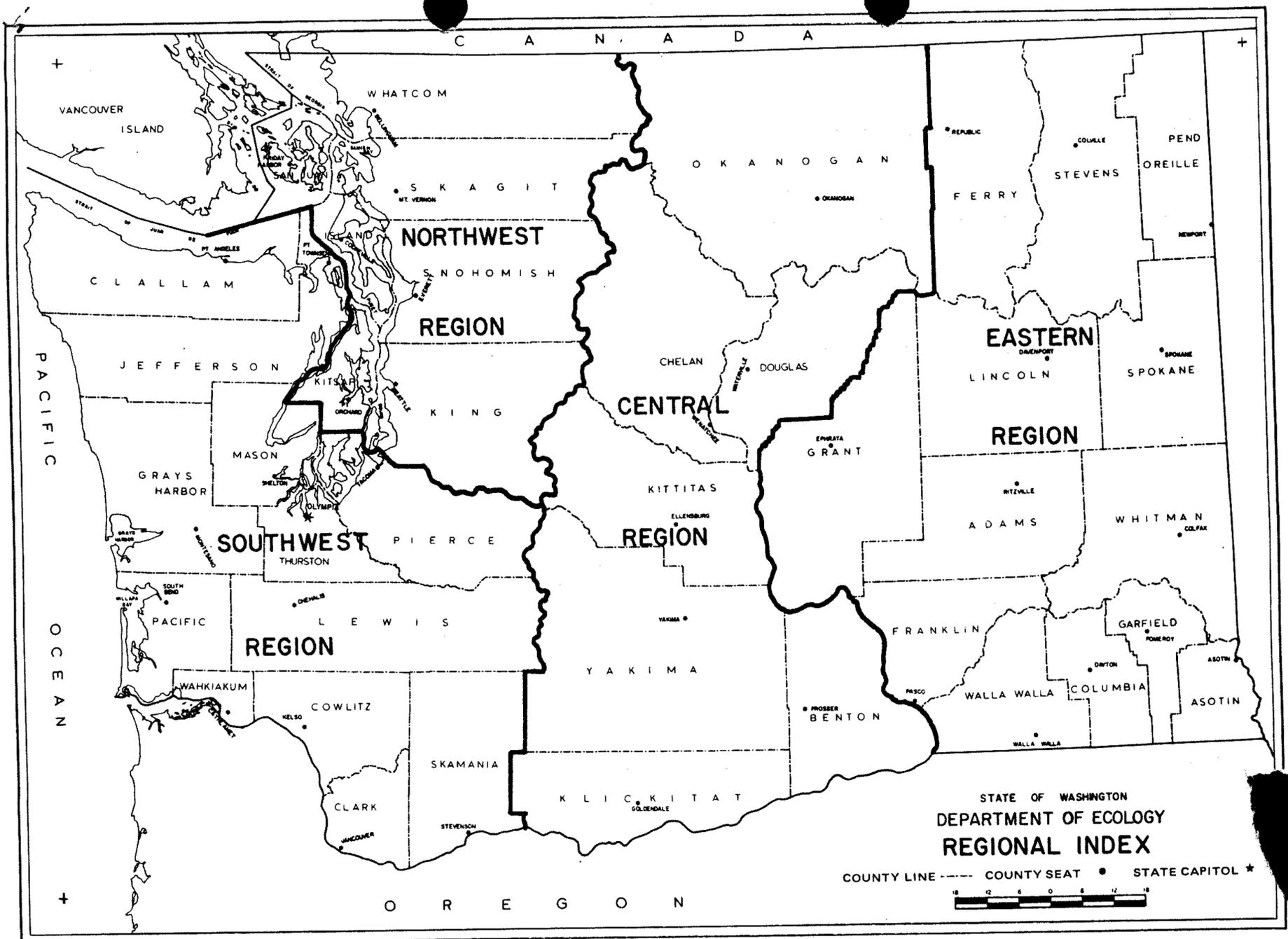
STATE OF WASHINGTON }  
DEPARTMENT OF ECOLOGY } SS.

This is to certify that I have examined this application together with the accompanying maps and data, and am returning it for correction or completion as follows: .....

.....  
.....

In order to retain its priority date, this application must be returned to the Department of Ecology, with corrections, on or before ....., 19.....

Witness my hand this ..... day of ....., 19.....



Your water right application will be processed by the Regional Office of the Department of Ecology having jurisdiction in the area in which your water works are located. **Please submit your completed application form, maps, sketches, and \$10.00 examination fee to the appropriate Regional Office.**

Northwest Regional Office  
 3190 - 160th Avenue S.E.  
 Bellevue, WA 98008-5452  
 Tel. (206) 649-7000

Central Regional Office  
 3601 West Washington  
 Yakima, Washington 98903-1164  
 Tel. (509) 575-2800

Southwest Regional Office  
 7272 Cleanwater Lane  
 Olympia, Washington 98504-6811  
 Tel. (206) 586-6380

Eastern Regional Office  
 N. 4601 Monroe, Suite 100  
 Spokane, Washington 99205-1295  
 Tel. (509) 456-2926

The appropriate Regional Office will be happy to answer any further questions you may have.

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## APPLYING FOR A WATER RIGHT

### General Information

The State Water Code of 1917 prescribes that all water is publicly owned and no public water may be appropriated (taken from its natural source and used) except as specified in the code.

The water code makes an exception to the otherwise mandatory procedure of obtaining a water right to use public water. This exception allows withdrawal of public water from a well for the following uses: stock watering, single or group domestic supply, irrigation of lawn and/or garden not greater than 1/2 acre, and industrial uses—PROVIDED, that the water used shall not exceed 5,000 gallons per day. This exception is principally used to provide single family dwellings with wells for their domestic needs without requiring a formal water right.

The following information is not intended to answer all the questions you may have in applying for a water right, but it should help with some of the more common problems people frequently encounter. If you need further help, contact the regional office of the Department of Ecology which serves your area. Regional office addresses are provided elsewhere in this package.

### STEPS NECESSARY TO OBTAIN A WATER RIGHT

#### PLEASE READ CAREFULLY

1. The applicant applies for a permit to construct works for the diversion or withdrawal of water. The application must be accompanied by the minimum examination fee of \$10.00. This minimum examination fee covers the appropriation of up to five cubic feet per second or 2,250 gallons per minute. If an additional examination fee is required the applicant will be notified.
2. The Department of Ecology reviews the application with respect to form and, if it is complete, processes the application. If the application is incomplete, it is returned to the applicant.
3. The Department of Ecology provides the applicant with a notice of intent to divert or withdraw water which the applicant is responsible for publishing in an appropriate newspaper(s).
4. The Department of Ecology examines the specifics of the application and reports its findings and conclusions. This action may require a field examination of the project site.
5. The report of findings and conclusions is forwarded to the applicant for his concurrence accompanied by a request for the permit filing fee. The amount of the fee is based on the use(s) of the water as authorized by the permit. The minimum filing fee is \$5.00. This minimum fee covers uses such as a single domestic supply or the irrigation of up to 12 acres. Other uses will cause the permit filing fee to exceed the minimum.
6. If the applicant concurs with the report of findings and conclusions and submits the statutory permit filing fee, the Department of Ecology will issue a permit granting authority to the applicant (now a permittee) to develop a water works and begin appropriating water. NOTE: A permit to appropriate public waters does not convey the right to trespass on lands of others for access to the water source. Rights of way or easements to such source must be obtained by the permittee.
7. The permittee develops his water works and applies the water to the authorized uses. During this period the permittee must submit progress reports as required by the Department of Ecology. Extensions may be granted when, for good reasons, the permittee is unable to comply with the construction schedule.
8. Upon completion of the works and application of the water to the uses allowed in the permit, the Department of Ecology issues the permittee a certificate of water right. The permittee pays the certificate recording fee of \$5.00 payable to the Department of Ecology plus a County Auditor's recording fee.
9. Please retain the above schedule for reference until a certificate is issued.

## THE APPLICATION FORM

An initial examination fee of \$10.00 must accompany each application. If additional examination fees are required, you will be notified. Care should be taken to answer all the questions that pertain to your circumstance. An incomplete application will likely be returned to you for completion and delay your water right.

### APPLICATION FORM ITEMS NEEDING SPECIAL ATTENTION

#### Item No. 2 of the Application:

The specific use or uses to which the water is to be applied must be entered here. Examples of such uses are irrigation, heat and frost control, single and multiple domestic supply, stock water, power generation, mining, industrial, fish propagation, wildlife refuge, recreation, heat exchange, commercial, municipal, etc.

Next, estimate the maximum quantity of water you will need for your water use. Normally, surface water is figured in cubic feet per second and ground (well) water is figured in gallons per minute. However, you may use either unit and we will convert if necessary. One cubic foot per second is equal to 450 gallons per minute. As a general guideline, a single domestic supply, which includes up to 1/2 acre of lawn and garden irrigation, requires 0.01 to 0.02 cubic feet per second or five to ten gallons per minute. The average requirement per acre of irrigation is 0.02 cubic feet per second or ten gallons per minute. If you require assistance in completing this item of your application, please contact the appropriate regional office of the Department of Ecology.

#### Item No. 3A of the Application:

If your point of diversion or withdrawal is on platted property, please enter the lot and block numbers, the name of the plat or addition, and the related section, township and range. Please also attach an official (as recorded) copy of the plat on which is marked your point of diversion or withdrawal and the boundaries of the property on which the water is to be used. Finally, please send in any additional maps or drawings you may have which will help pinpoint your point of diversion or withdrawal and your place of water use.

#### Item No. 3B of the Application:

If your point of diversion or withdrawal is not on platted property, refer to a detailed map or sketch of the property or turn to the **SECTION MAP** provided in this package. Here you should sketch the boundaries of the property on which the water is to be used. Next, show by an "X" your point of diversion or withdrawal and indicate the north/south, east/west distances from the nearest section corner or property corner—whichever is more convenient. Below the map, indicate traveling directions from the nearest town to the vicinity of your point of diversion or withdrawal. Be certain to send in this map and any others which may help pinpoint your point of diversion or withdrawal and your place of use.

Returning to the application form, please enter the distances from your point of diversion or withdrawal to the nearest section corner or property corner as you have already indicated on the **SECTION MAP** or other map. Finally, enter the smallest legal subdivision in which your point of diversion or withdrawal can be found (normally a quarter of a quarter section) and enter the corresponding section, township, range and county in their appropriate boxes.

#### Item No. 5 of the Application:

Attach two copies of the legal description of the property on which the water is to be used, taken either from a real estate contract, property deed or title insurance policy. If the property is large and water will not be applied to the entire piece, please highlight on the **SECTION MAP**, or other maps you have enclosed, those portions which will receive water. If you are unable to enclose copies of your legal description, please copy it carefully on the application or on a separate piece of paper and attach it to the application. Particular attention should be paid to insuring that the exact legal description of the property on which the water is to be used is submitted with the application. Errors in the legal description, such as omissions or transpositions, will result in a delay and/or an error in your water right.

Please submit your completed application form, maps or sketches, and \$10.00 examination fee to the appropriate regional office of the Department of Ecology (see reverse of center page).

3. A right of way easement for an irrigation system over and across the following lands; in Government Lot 7, Section 19, Township 22 North, Range 21 East of the Willamette Meridian, and the NW 1/4 of the NE 1/4, Section 30, Township 22 North, Range 21 East of the Willamette Meridian, further situated in Chelan County, Washington, said right of way easement more particularly described as follows;

A strip of land 25 feet wide, being 12 1/2 feet on either side of the following described center line. Beginning at the quarter corner common to Sections 19 and 30, Township 22 North, Range 21 East of the Willamette Meridian, a found stone with a chiseled cross; thence N 89° 26' 31" E, 434.15 feet along the south section line of said Section 19, said line being the south line of Government Lot 7 of said Section 19 to the TRUE POINT OF BEGINNING; thence N 26° 23' 44" E, 476.34 feet; thence N 14° 24' 52" E, 171.37 feet, thence N 12° 59' 22" W, 231.66 feet; thence a strip of land 100 feet wide, being 50 feet on either side of center line N 13° 03' 05" E, 256.73 feet to the end of this description, said point bearing N 13° 41' 35" E, 1099.73 feet from the Point of Beginning.

Also a strip of land 25 feet wide, 12 1/2 feet on either side of the following described center line. Beginning at the quarter corner common to Sections 19 and 30, Township 22 North, Range 21 East of the Willamette Meridian, a found stone with a chiseled cross; thence N 89° 26' 31" E, 434.15 feet along the North line of said Section 30, said section line being common with Section 19 and 30 to the TRUE POINT OF BEGINNING; thence S 26° 23' 44" W, 50.86 feet; thence S 23° 11' 04" W, 757.47 feet; thence S 61° 04' 21" E, 193.35 feet; thence a strip of land 30 feet wide, 15 feet on either side of center line, S 27° 53' 04" W, 971.54 feet to the end of this description, said point bearing S 19° 40' 55" W, 1799.24 feet to the point of beginning.

Along with the right of ingress and egress for construction and maintenance of said system.

Exhibit "A"

S432367

*Kell*  
*Wenatchee Heights*

*Copy to Jerry when complete*

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EASEMENT

THE GRANTOR, PACK RIVER COMPANY, a Washington Corporation, for and in consideration of the sum of FORTY DOLLARS (\$40.00), receipt of which is hereby acknowledged, does hereby grant and convey to Grantee, WENATCHEE HEIGHTS RECLAMATION DISTRICT, a perpetual easement and right-of-way over along and across the following described real property situated in Chelan County, Washington:

LEGAL DESCRIPTION ATTACHED HERETO MARKED EXHIBIT "A" AND MADE A PART HEREOF BY REFERENCE AS THOUGH FULLY SET FORTH

Said easement is granted for construction, maintenance, repair, operation and replacement of water pipes to be placed upon said real property by Grantee, WENATCHEE HEIGHTS RECLAMATION DISTRICT.

Said easement is granted upon the additional consideration of the payment of the sum of TWENTY-FIVE DOLLARS (\$25.00) per year by Grantee to Grantor payable on or before April 1, 1978, and the sum of TWENTY-FIVE DOLLARS (\$25.00) payable on or before April 1st of each and every year thereafter.

As further consideration for the granting of this easement, Grantee, WENATCHEE HEIGHTS RECLAMATION DISTRICT, does hereby agree to hold harmless and indemnify Grantor herein from all actions, causes of action, injuries and/or damages resulting from the construction, maintenance, repair and operation of the water pipes placed upon said real property by Grantee.

DATED this 13 day of April, 1977.

THE PACK RIVER COMPANY, a Washington corporation

By *John D. Payne*  
Vice-President - Grantor

JEFFERS & DANIELSON, P.S.  
ATTORNEYS AT LAW  
Professional Centre, P.O. Box 1688  
Telephone (509) 662-2146  
Wenatchee, Washington 98801

**S432367**

1 ATTEST:

2

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Secretary

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STATE OF WASHINGTON )

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COUNTY OF ) ss.

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On this 13 day of April, 1977, before me personally

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appeared John Dyme, to me known to be

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the <sup>vice</sup> President and ~~Secretary~~ of the corporation that executed the

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within and foregoing instrument, and acknowledged the said

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instrument to be the free and voluntary act and deed of said

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corporation for the uses and purposes therein mentioned, and on

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oath stated that they were authorized to execute said instrument.

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IN WITNESS WHEREOF, I have hereunto set my hand and

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affixed my official seal the day and year first above written.

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Nancy C. Newell  
NOTARY PUBLIC in and for the State  
of Washington, residing at  
Perbasta

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WENATCHEE HEIGHTS RECLAMATION  
DISTRICT

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By [Signature]  
President - Grantee

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23 ATTEST:

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25 Secretary

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STATE OF WASHINGTON )

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COUNTY OF CHELAN ) ss.

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On this 13 day of April, 1977, before me personally

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appeared Dale Grubb, to me known to be

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the President and Secretary of the corporation that executed the

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**S432367**

JEFFERS & DANIELSON, P.S.  
ATTORNEYS AT LAW  
Professional Centre, P.O. Box 1688  
Telephone (509) 662-2146  
Wenatchee, Washington 98801

1 within and foregoing instrument, and acknowledged the said  
2 instrument to be the free and voluntary act and deed of said  
3 corporation for the uses and purposes therein mentioned, and on  
4 oath stated that they were authorized to execute said instrument.

5 IN WITNESS WHEREOF, I have hereunto set my hand and  
6 affixed my official seal the day and year first above written.

7  
8 Nancy C. Newell  
9 NOTARY PUBLIC in and for the State  
10 of Washington, residing at  
11 Peshastin

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S432367

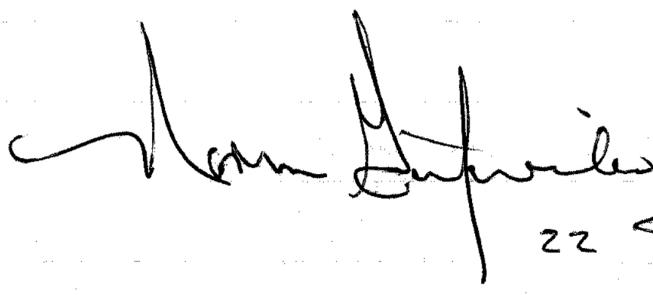
JEFFERS & DANIELSON, P.S.  
ATTORNEYS AT LAW  
Professional Centre, P.O. Box 1688  
Telephone (509) 662-2146  
Wenatchee, Washington 98801

THE WENATCHEE HEIGHTS RECLAMATION DISTRICT  
REQUESTS A DATE OF MAY 1991 BE ASSIGNED  
TO THIS APPLICATION, AS PER A PREVIOUS  
APPLICATION.

YOUR EXPEDIANCE IN APPROVAL OR DENIAL  
OF THIS APPLICATION WILL BE GREATLY  
APPRECIATED

THE DISTRICT FILED AN APPLICATION IN MAY  
OF 1991 WHICH WAS LOST IN THE MAILINGS  
BACK AND FORTH TO GET THE PROPER  
PAPERWORK DONE

IT IS IMPERATIVE THAT THE DISTRICT GET  
THE DATE OF MAY, 1991, AS THIS DATE IS  
PRIOR TO THE 1<sup>ST</sup> MORATORIUM ON PERMITS  
BEING ISSUED FROM THE COLUMBIA RIVER

  
22 Sept 95

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