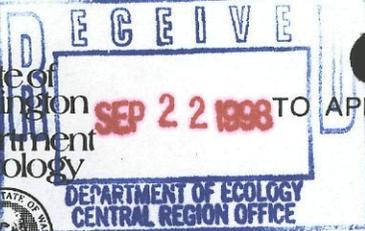


State of Washington
Department of Ecology



DEPARTMENT OF ECOLOGY
CENTRAL REGION OFFICE



Pd \$110.00 Cr # 7685

Application fee \$10.00
Surcharge \$100.00

APPLICATION FOR PERMIT

TO APPROPRIATE PUBLIC WATERS OF THE STATE OF WASHINGTON

SURFACE WATER

GROUND WATER

\$10.00 MINIMUM STATUTORY EXAMINATION FEE REQUIRED WITH APPLICATION

(GRAY BOXES FOR OFFICE USE ONLY)

APPLICATION NO. 54-32804	W.R.I.A. 31	COUNTY BENTON	PRIORITY DATE SEPTEMBER 23, 1998	TIME	ACCEPTED
APPLICANT'S NAME Mercer Ranches Inc.				BUSINESS TEL. 509/894-4773	HOME TEL. 509/894-4491
ADDRESS (STREET) 46 Sonova Road, Prosser, WA 99350		(CITY)	(STATE)	(ZIP CODE)	

DATE & PLACE OF INCORPORATION IF APPLICANT IS A CORPORATION
1959- Prosser, WA

1. SOURCE OF SUPPLY

IF SURFACE WATER	IF GROUND WATER
SOURCE (NAME OF STREAM, LAKE, SPRING, ETC.) (IF UNNAMED, SO STATE) Columbia River (John Day Pool)	SOURCE (WELL, TUNNEL, INFILTRATION TRENCH, ETC.)
TRIBUTARY	SIZE AND DEPTH

2. USE

USE TO WHICH WATER IS TO BE APPLIED (DOMESTIC SUPPLY, IRRIGATION, MINING, MANUFACTURING, ETC.)
Manufacturing

ENTER QUANTITY OF WATER REQUESTED USING UNITS OF: 1.5 CFS	CUBIC FEET PER SECOND	OR	GALLONS PER MINUTE 675 GPM	ACRE FEET PER YEAR 1071
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TIMES DURING YEAR WATER WILL BE REQUIRED
January through December

IF IRRIGATION, NUMBER OF ACRES	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 July 1986	DATE PROJECT WAS OR WILL BE COMPLETED December 2000	

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
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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.
225' S + 740' W FROM THE NE CORNER OF SEC 6.

LOCATED WITHIN (SMALLEST LEGAL SUBDIVISION) NE 1/4, NE 1/4 (Carma Pump Plant)	SECTION 6	TOWNSHIP N. 4	RANGE (E. OR W.) W.M. 24	COUNTY Benton
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4. DO YOU OWN THE LAND ON WHICH THIS SOURCE IS LOCATED. IF NOT, INSERT NAME & ADDRESS OF OWNER
Burlington Northern Railway

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.

E 1/2, NW 1/4, Section 35, T5N, Rge 23, Klickitat Co.

Owner

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

Surface water - John Day Pool, Carma Pump Plant Irrigation and Stock Water - #S4-01344C

and S4-30053P (A)

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.)

Portion of Carma Pump Plant pumping capacity.

Delivery through Irrigation pipelines within Mercer Ranch (Carma) project.

Combination of all applications would allow 1000 gpm total delivery to carrot, potato, and garlic processing facilities.

REMARKS

7.

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

Mercer Ranches Inc
President, [Signature]
APPLICANT'S SIGNATURE

Same
LEGAL LANDOWNER'S SIGNATURE

46 Sonoma Rd, Prosser WA 99350
LEGAL LANDOWNER'S ADDRESS

FOR OFFICE USE ONLY

STATE OF WASHINGTON }
DEPARTMENT OF ECOLOGY } SS.

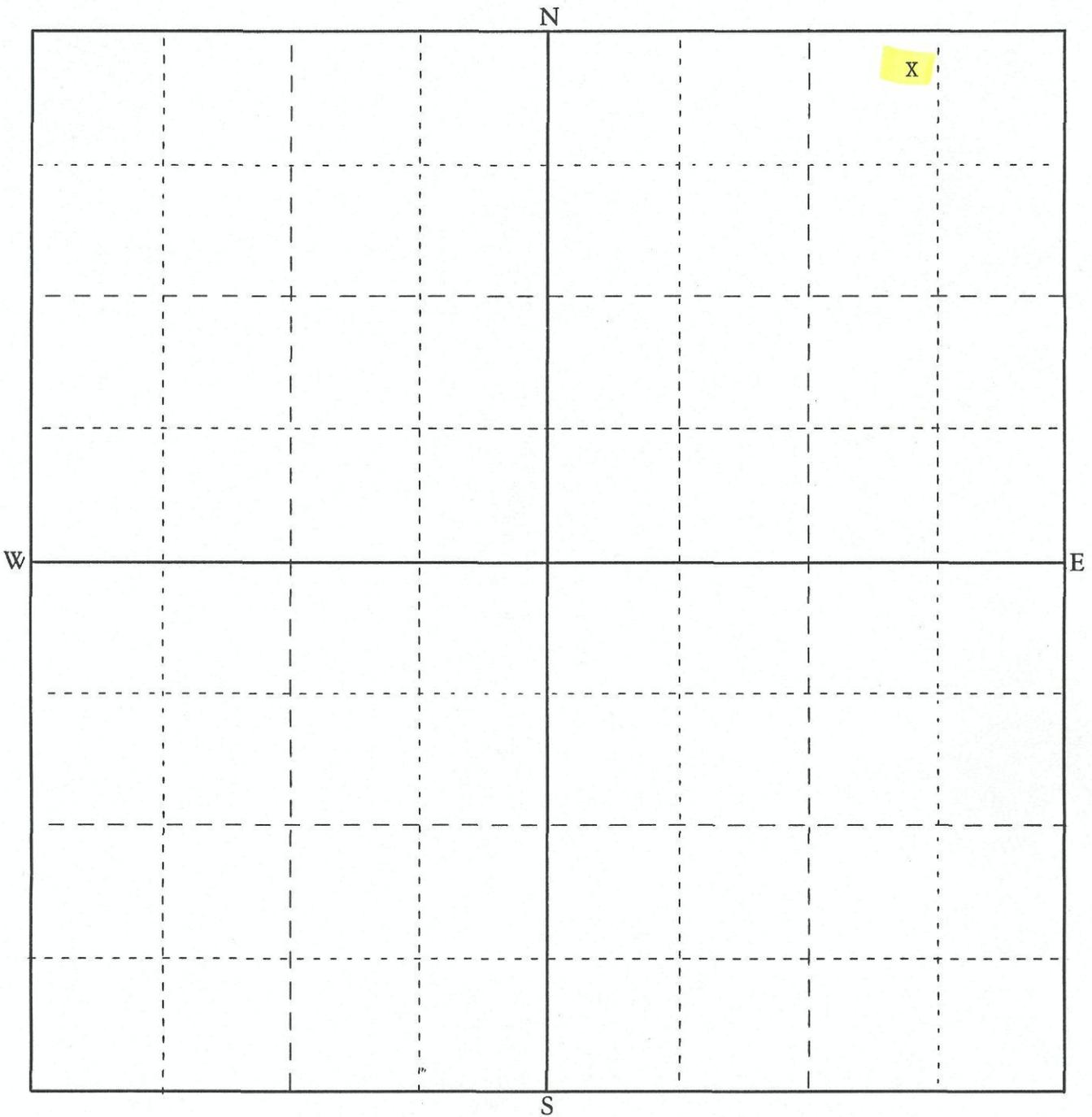
This is to certify that I have examined this application together with the accompanying maps and data, and am returning it for correction or completion as follows:

.....
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.....

.....
Department of Ecology

Sec. 6 Twp. 4 N. R. 24



Scale: 1 inch = 800 feet (each small square = 10 acres)

Show by a cross (X) the location of point of diversion (surface water source) or point of withdrawal (ground water source). For ground water applications, show by a circle (O) the locations of other wells or works within a quarter of a mile.

Indicate traveling directions from nearest town in space below.

From Paterson, proceed 15 miles west on SR 14 - Pump Plant is on South side of Highway on the riverbank.

Detach here

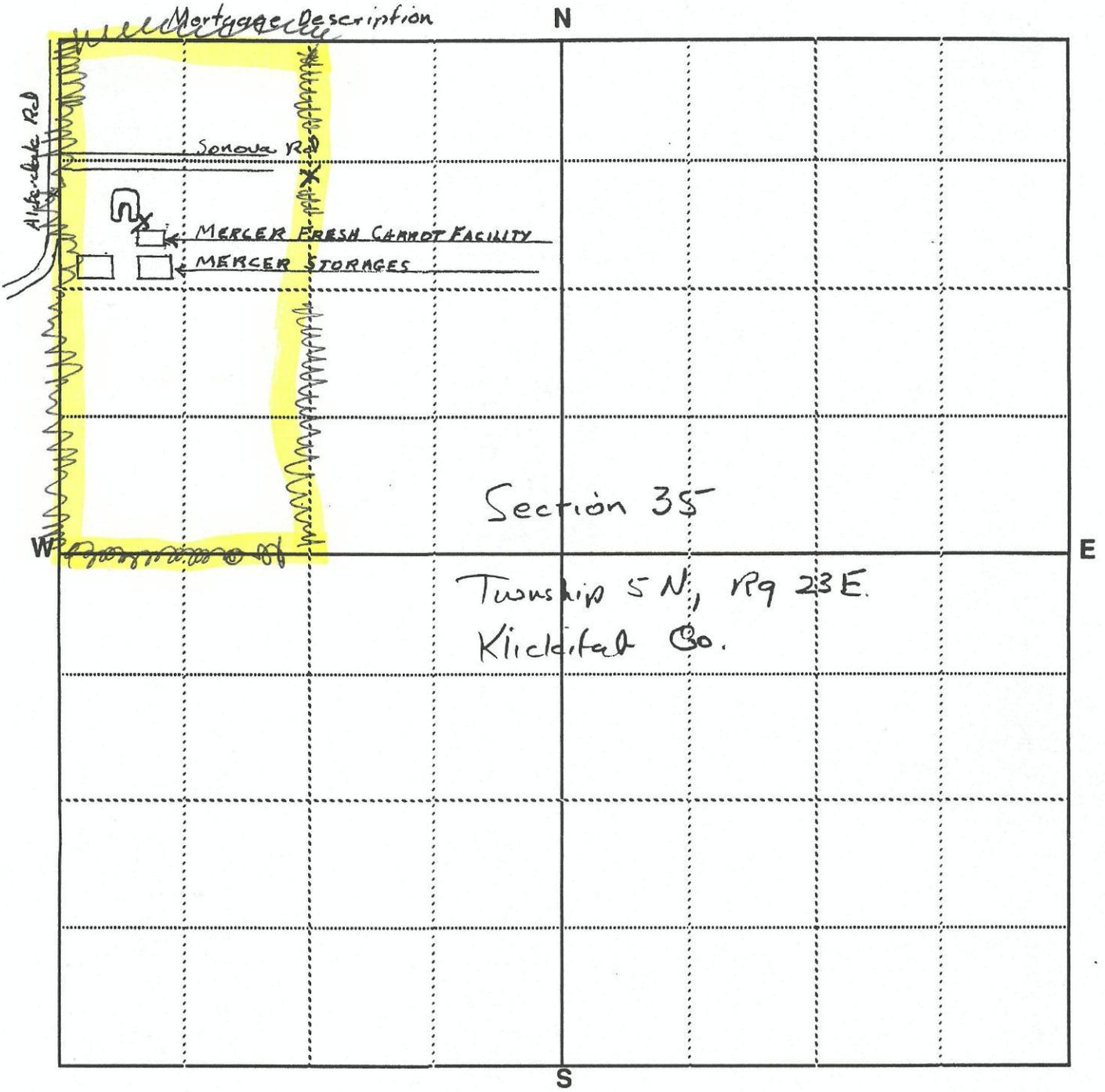
Fold along scale



Detach this scale at the perforation, fold excess paper under or cut off excess by cutting along the scale line. This scale corresponds to the SECTION MAP above. You can read feet directly from this scale to outline property and locate points of diversion or withdrawal on the SECTION MAP. Enclose this map along with the application and \$10.00 examination fee.

S 1/2, NW 1/4, NW 1/4

Sec. 35 Twp. 5 N. R. 23 E., Kitchitau Co.



Scale: 1 inch = 800 feet (each small square = 10 acres)

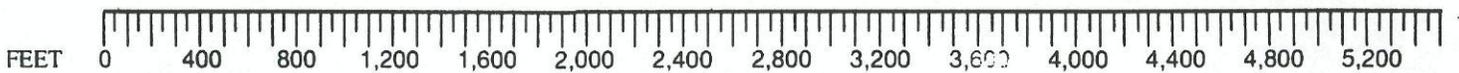
Show by a cross (X) the location of point of diversion (surface water source) or point of withdrawal (ground water source). For ground water applications, show by a circle (O) the locations of other wells or works within a quarter of a mile. Indicate traveling directions from nearest town in space below.

From Mabton, proceed South on Mabton/Bickleton Highway 9 miles
 To Alderdale Rd, Turn left (South) on Alderdale Rd, Proceed 20
 miles south to Sonova Rd, Turn left (East) on Sonova Rd,
 proceed 150 yards east and enter driveway on your right.

Detach here

S431148

Fold along scale



Detach this scale at the perforation, fold excess paper under or cut off excess by cutting along the scale line. This scale corresponds to the SECTION MAP above. You can read feet directly from this scale to outline property and locate points of diversion or withdrawal on the SECTION MAP. Enclose this map along with the application and \$10.00 examination fee.



QUALITY WASHINGTON GROWN VEGETABLES

46 SONOVA ROAD, PROSSER, WASHINGTON 99350 — 509/894-4773 FAX 509/894-4965

September 19, 1998

Thom Lufkin
Water Resources Program
Department of Ecology
P O Box 47600
Olympia, WA. 98504-7600

Dear Mr. Lufkin;

RE: your letter of 8/21/98. I apologize for taking so long in response.

I would like to provide you with an overview and history of DOE water permit application #S4-30052.

This application is related to use of water for crop preparation rather than irrigation. We installed a small Carrot packaging plant in 1986. In reviewing our authorities in 1988 we realized we did not have either manufacturing or extended season authority on our existing irrigation permits. We foresaw the time when we would need a limited amount of water for crop preparation (manufacturing) and for use during the winter months. Hence, we submitted the original application (#S4-30052) for these uses based on our perceived use of around 50 gpm during a day shift. This was modified down based on discussions with the Yakima office relative to actual needs to 10,000 gpm per day as indicated on permit application S4-30052.

During the next couple years we entered discussions with Phillip Kerr of your Yakima office on several aspects of our water permits. Also during that time we installed a peeled carrot operation requiring more water supply to each peeler (about 35gpm per peeler). As a result of the discussions with Mr. Kerr and our additional needs, in February 1992 we submitted another application (#S4-31148) for 200 gpm and winter use. This all occurred about the time DOE was feeling the first effects of the Idaho Salmon ESA listing, and apparently making a decision not to process permits. During the ensuing years, we added more processing capacity causing the plant to use more water for processing.

The first application we submitted is now approaching 10 years old and we have had no response from DOE. The second is 6 years old. Our Carrot Plant, which was a relatively small portion of our operation (and required relatively little water) has grown into the largest carrot plant in Washington, in fact, the only modern carrot packing and baby peel plant in Washington.

In addition, I understand our operation is the second largest business in Klickitat County. As it has grown, so has its consumption of sanitation and preparation water, that system being quite complex and permitted by DOE (Wastewater Division). The water consumption is now approaching 500 gpm and given the growth trends, we can expect it to increase at about 5 to 10% annually along with the plant expansion.

We have been continually frustrated by our inability to document our authority to operate this business except to indicate we have submitted the proper applications. This has been an issue every time we entered finance negotiations or business expansion plans with local authorities. We have completed our obligation as citizens and business owners and provided your agency with our applications and continue to operate essentially using the applications as our authority. Your letter has reminded me to continue our responsibility (even though we get no response) and once again send you an application for our updated needs. The original and notarized copy of the enclosed current application will be sent to DOE, Yakima office on Monday, Sept 21.

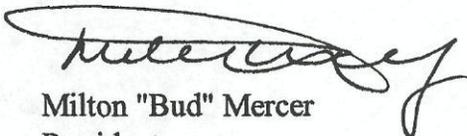
In summary, we would very much appreciate DOE processing all these applications, not just #S4-30052. We use additional gpm at this time for which I enclose an application. We also plan to operate much of the winter this season and really have no authority to withdraw water for manufacturing use. This business is very important to our operation, to Klickitat County, and to Washington State. In order for our business to continue to be viable, to acquire the necessary financing, to acquire permitting from local authorities, and for the owners of the business to operate within the law, we need your agency to approve these applications and move them to actual permits to give us legal authority.

In addition to the surface water applications we submitted, we also submitted application (#G4-31636) for ground water as we use well water for our final rinse. Again, we have had no response from DOE and continue to operate using the application as our authority.

We remain willing and able to perform the functions we are responsible for, and anticipate a timely response to our needs.

Best regards,

Mercer Ranches Inc.



Milton "Bud" Mercer
President

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