

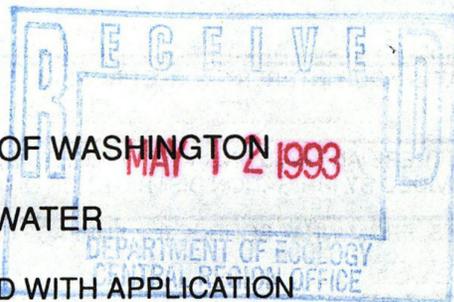
APPLICATION FOR PERMIT

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)



WASHINGTON STATE DEPARTMENT OF ECOLOGY

APPLICATION NO. **G431776** W.R.I.A. **40** COUNTY **Chelan** PRIORITY DATE **5/12/93** TIME _____ ACCEPTED **mja**

APPLICANT'S NAME - PLEASE PRINT
(KB ALLOYS, INC.) div HARBOUR GROUP
 WENATCHEE WORKS
 KENNETH A. MACHTLEY- MANAGER ENGINEERING

Bus. Tel. (509) 664-2807
 Home Tel. _____
 Other Tel. _____

ADDRESS (STREET) **4400 KAWECKI ROAD** (CITY) **MALAGA** (STATE) **WA** (ZIP CODE) **98828**

DATE & PLACE OF INCORPORATION IF APPLICANT IS A CORPORATION
DECEMBER 1986/DELAWARE

1. SOURCE OF SUPPLY

IF SURFACE WATER	IF GROUND WATER
SOURCE (NAME OF STREAM, LAKE, SPRING, ETC.) (IF UNNAMED, SO STATE)	SOURCE (WELL, TUNNEL, INFILTRATION TRENCH, ETC.)
TRIBUTARY	EXISTING WELL
	SIZE AND DEPTH
	6" X 80'
	(A well)

2. USE

USE TO WHICH WATER IS TO BE APPLIED (DOMESTIC SUPPLY, IRRIGATION, MINING, MANUFACTURING, ETC.)
ORCHARD (IRRIGATION during irrigation season)

ENTER QUANTITY OF WATER REQUESTED USING UNITS OF: CUBIC FEET PER SECOND (CFS) **OR** GALLONS PER MINUTE (GPM) **75 GPM** ACRE FEET PER YEAR **4.095**

TIMES DURING YEAR WATER WILL BE REQUIRED
APRIL 1st THROUGH OCTOBER 31st

IF IRRIGATION, NUMBER OF ACRES 8.5 A	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 5 MARCH 1993	DATE PROJECT WAS OR WILL BE COMPLETED 15 MAY 1993	

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
1	2	GULICK'S ORCHARD TRACTS	27	T22N	R21E	

Being within the S 1/2 NE 1/4 of

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.

LOCATED WITHIN (SMALLEST LEGAL SUBDIVISION)	SECTION	TOWNSHIP N.	RANGE (E. OR W.) W.M.	COUNTY

4. DO YOU OWN THE LAND ON WHICH THIS SOURCE IS LOCATED. IF NOT, INSERT NAME & ADDRESS OF OWNER
YES

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.

BLOCK #1 OF GULICK'S ORCHARD TRACTS AND LOT #1 OF BLOCK #2, THE WEST 630 FEET

N 1/2, SE 1/4, SW 1/4 SECTION 27, T22N, R21EWM

WHAT IS YOUR INTEREST IN THE PROPERTY ON WHICH THE WATER IS TO BE USED (PROPERTY OWNER, LESSEE, CONTRACT PURCHASER, ETC.)
PROPERTY 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.) UNDETERMINED (*) YES NO

IF YES, FROM WHAT SOURCE (i.e. SURFACE OR GROUND WATER) AND UNDER WHAT AUTHORITY
PROPOSE TO REACTIVATE AN EXISTING WELL KNOWN TO BE IN OPERATION PRIOR TO 1943.

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.)
EXISTING WELL 80 FEET DEEP, RETRO FITTED WITH 6" SCH40PVC LINER. PUMP TO BE 1 EA GOULDS
MODEL #70LG7534 PUMP RATED AT 75 GPM/250 TDH, 7 1/2 HP 4" SUBMERSIBLE STYLE WITH SAND SCREEN.

REMARKS

7.

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 NO
- 2. LANDS THAT MAY BE IRRIGATED UNDER APPLICATIONS NOW ON FILE WITH THE DEPARTMENT OF ECOLOGY. YES NO
- 3. LANDS THAT MAY BE IRRIGATED UNDER THIS APPLICATION. YES NO

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

KB ALLOYS, INC.
LEGAL LANDOWNERS NAME
(PLEASE PRINT)

Kenneth A. Mactley m&e ENGINEERING
APPLICANT'S SIGNATURE
Kenneth A. Mactley for KB Alloys Inc.
KENNETH A MACTLEY for KB ALLOYS, INC.
LEGAL LANDOWNER'S SIGNATURE (OWNER OF PROPERTY DESCRIBED IN ITEM NUMBER 5)
2917 WINDMILL ROAD
SINKING SPRINGS, PA 19608
LEGAL LANDOWNER'S ADDRESS

FOR OFFICE USE ONLY

STATE OF WASHINGTON }
DEPARATMENT 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:

.....
.....

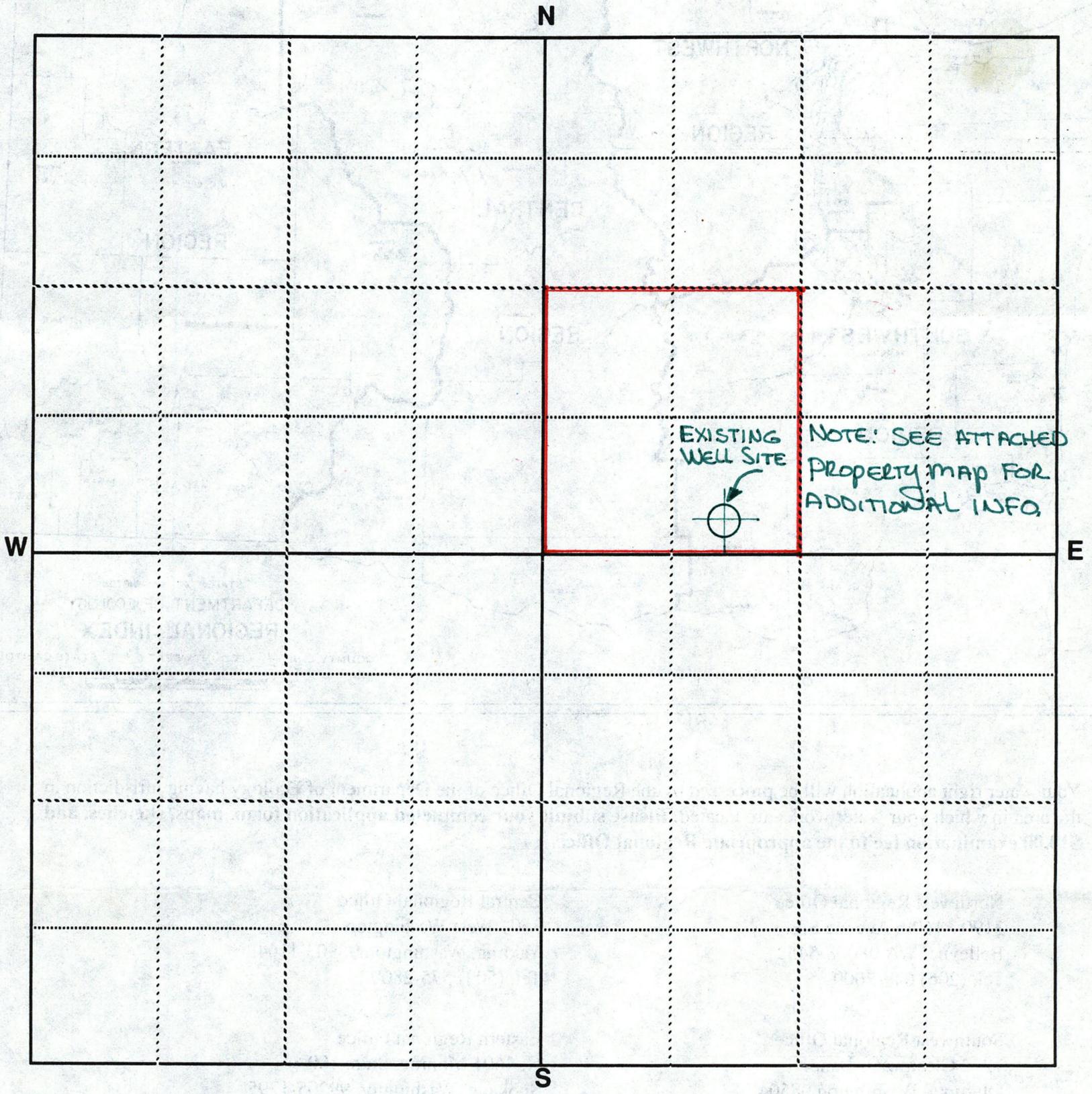
In order to retain its priority date, this application must be returned to the Department of Ecology, with corrections, on or before, 19.....

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



SECTION MAP

Sec. 27 Twp. 22N N. R. 21E WM



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

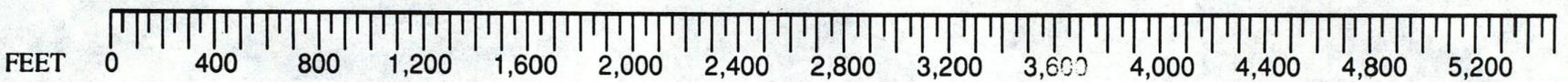
Show by a cross (X) the location of point of diversion (surface water source) or point of withdrawal (ground water source). For ground water applications, show by a circle (O) the locations of other wells or works within a quarter of a mile.

Indicate traveling directions from nearest town in space below.

1/2 S. OF MALAGA, WA. ON ALCOA/MALAGA HWY THEN LEFT ON KAWECKI RD. TO GRADE CROSSING
AT BURLINGTON NORTHERN RAIL LINE: APPROXIMATELY 1100 FEET SOUTH ON RIGHT SIDE
OF GRAVEL ORCHARD ROAD CONNECTED WITH KAWECKI ROAD GRADE CROSSING.

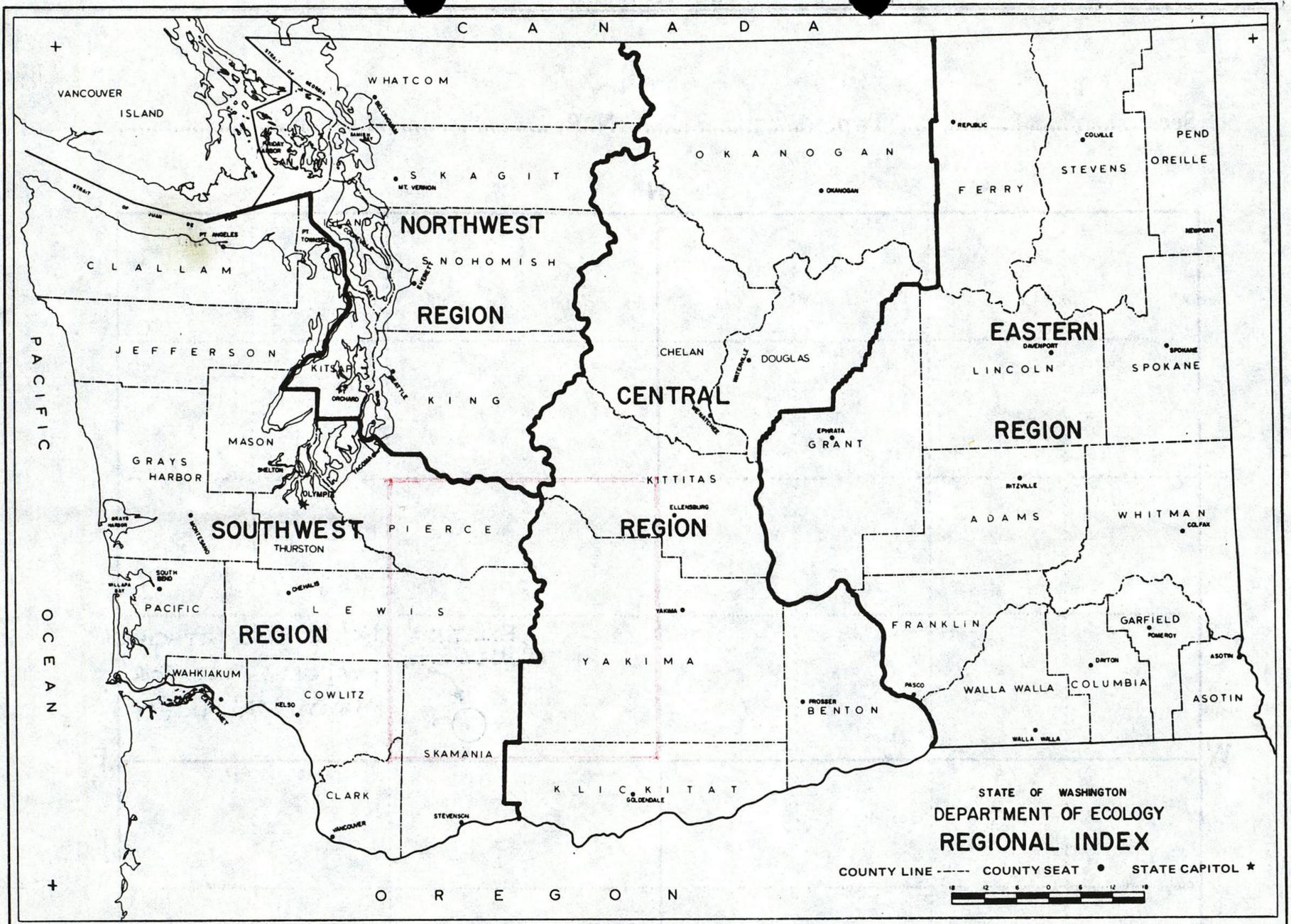
Detach here

Fold along scale



9431776

Detach this scale at the performance, 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.



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

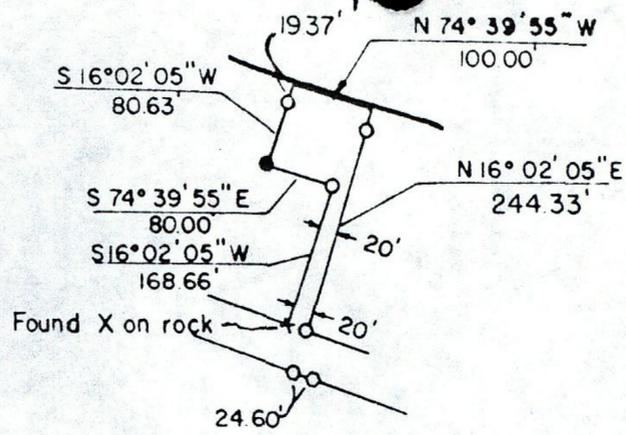
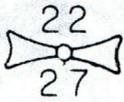
Southwest Regional Office
7272 Cleanwater Lane
Olympia, Washington 98504-6811
Tel. (206) 586-6380

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

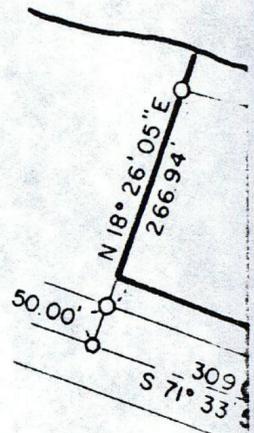
The appropriate Regional Office will be happy to answer any further questions you may have.

COPY

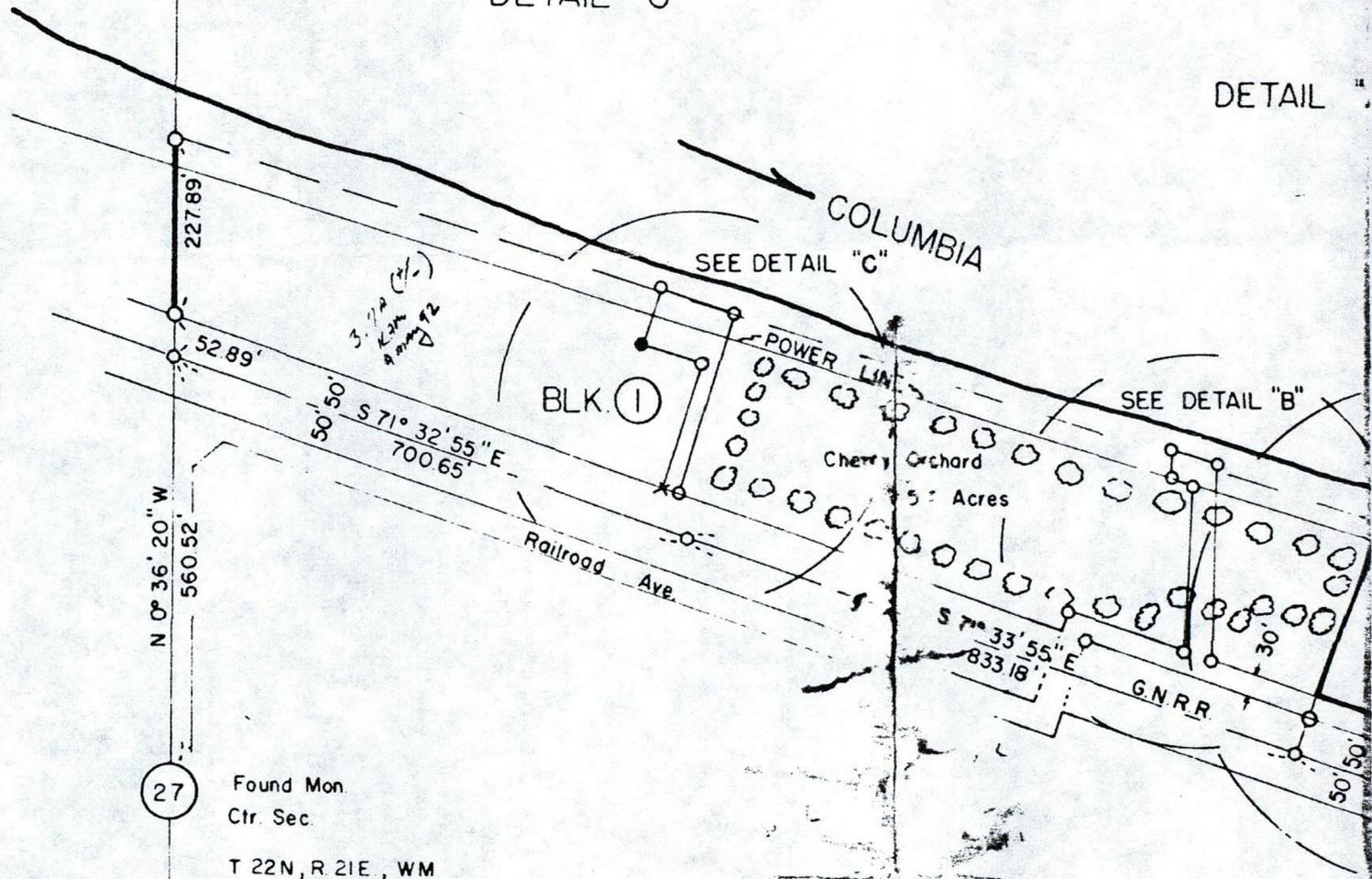
MATCH LINE



DETAIL "C"



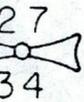
DETAIL "



27

Found Mon. Ctr. Sec. T 22N, R 21E, WM

N-S Ctr. Sec. Line



MATCH LINE

NOTE

- Set 3/4" Iron Pipe
- Set Nail
- Found Iron Pipe

Bearings from Rock Island Dam

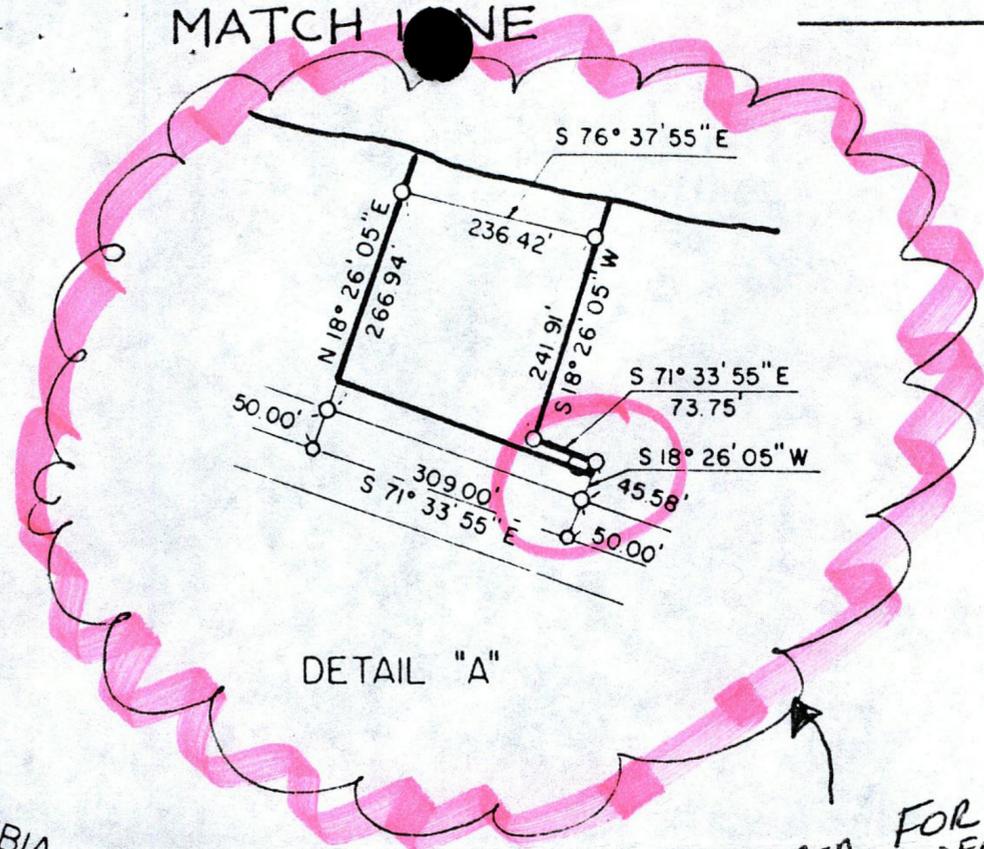
9491776

PAGE 2 of 4 8

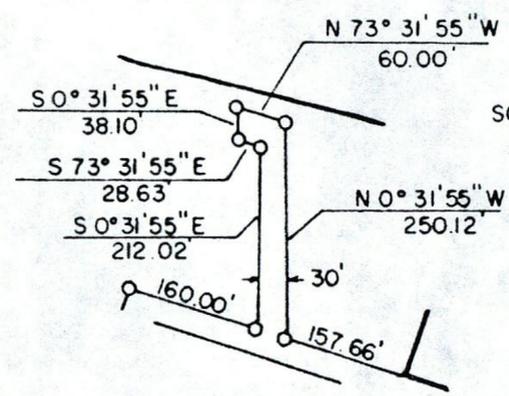
MATCH LINE

N 74° 39' 55" W
100.00'

N 16° 02' 05" E
244.33'



DETAIL "A"



DETAIL "B"

SCALE 1" = 200'

AREA FOR WHICH I NEED DOCUMENTATION

COLUMBIA
SEE DETAIL "C"

POWER LINE

Cherry Orchard
5.7 Acres

SEE DETAIL "B"

SEE DETAIL "A"

RIVER

S 71° 33' 55" E
833.18'

G.N.R.R.

RANDEE MC
PLANT SITE

6' Sq. Conc. Well No. 1

Apple Orchard
9.9 Acres

2

50.50'

309.00'

162.80'

S 71° 39' 10" E
367.18'

Railroad Ave.

S 78° 45' 10" E
1108.40'

NOTE

- Set 3/4" Iron Pipe
- Set Nail
- Found Iron Pipe

Bearings from Rock Island Dam Project

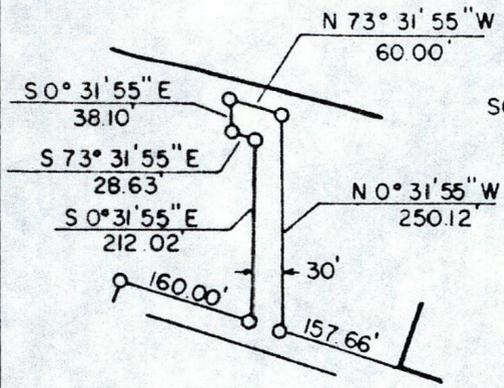
MATCH LINE

PAGE 3 of 4

SURVEY OF
BLK. 1 & LOTS 1, 2 & 3 B
GULICK'S ORCHARD TRACT
MALAGA, WASH.
FOR

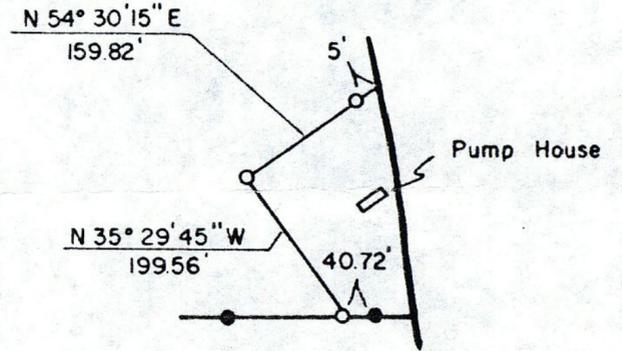
SULLIVAN PROS

MATCH LINE



SCALE 1" = 200'

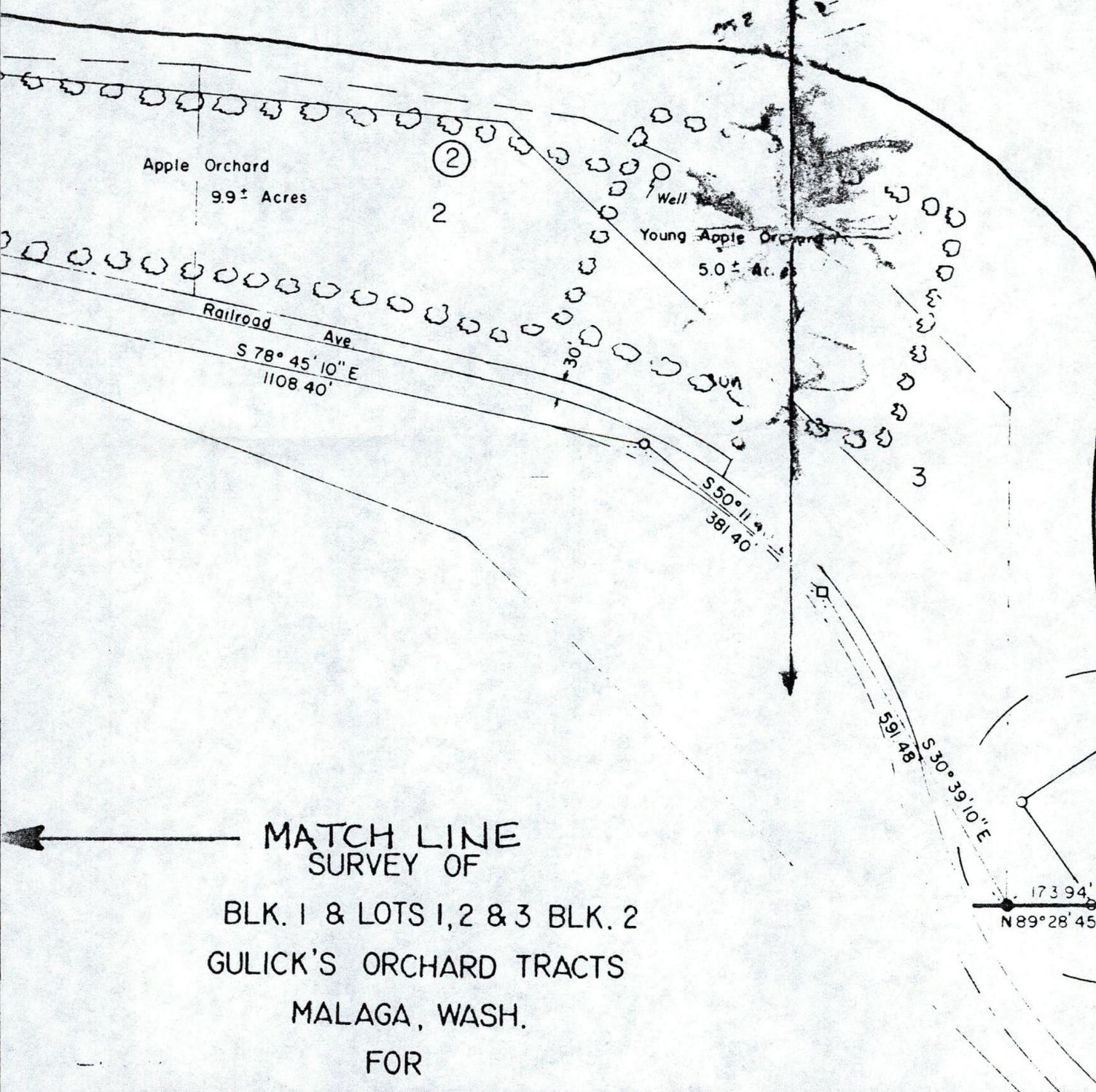
DETAIL "B"



DETAIL "D"

Bearings of deed lines are indefinite

RIVER



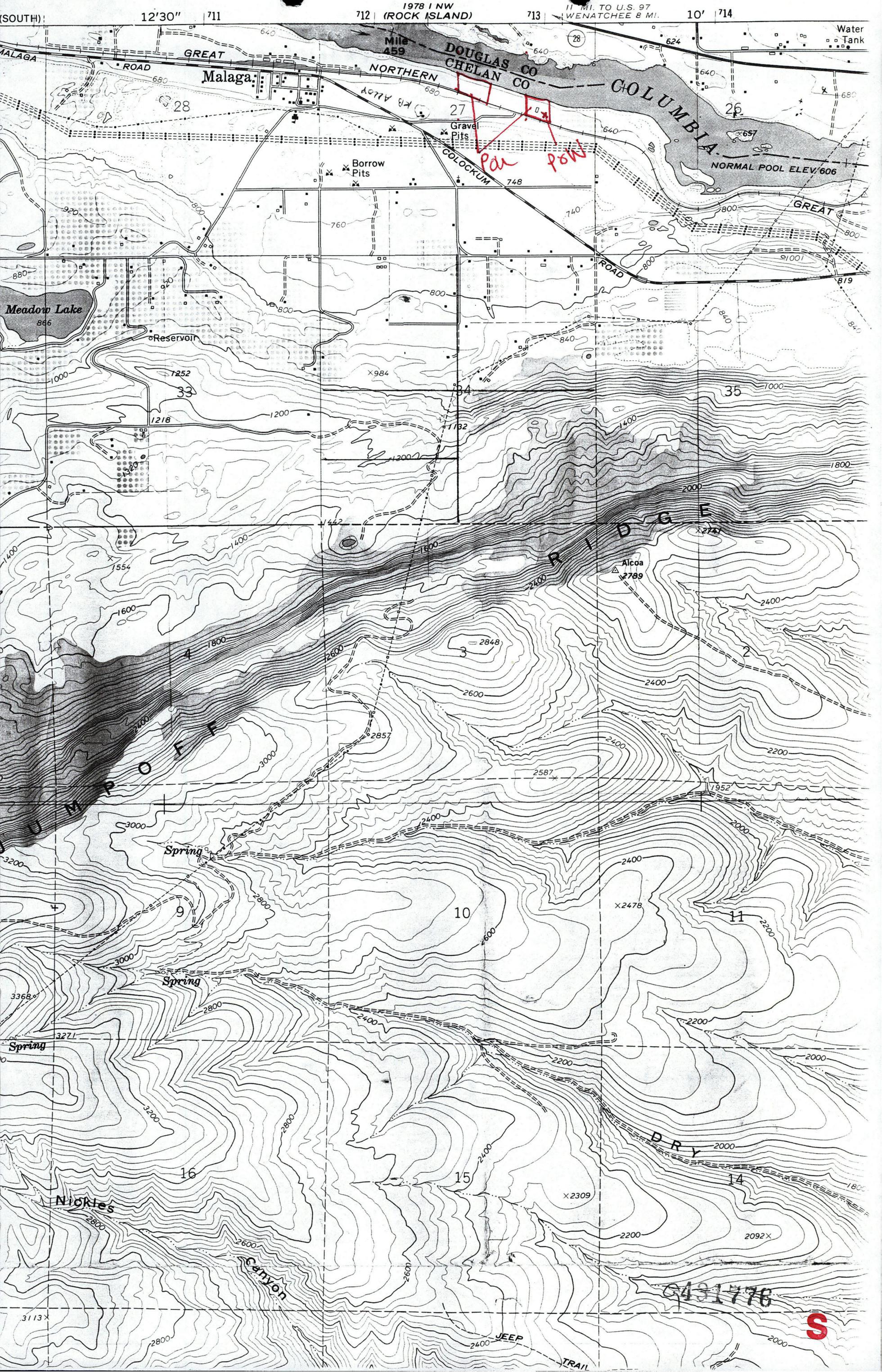
MATCH LINE SURVEY OF

BLK. 1 & LOTS 1, 2 & 3 BLK. 2
GULICK'S ORCHARD TRACTS
MALAGA, WASH.
FOR
SULLIVAN PROS

SEE DETAIL "D"

PAGE 4 of 4

S



12'30" 711 1978 1 NW (ROCK ISLAND) 712 713 11 MI. TO U.S. 97 WENATCHEE 8 MI. 10' 714

Malaga

DOUGLAS CO CHELAN CO COLUMBIA

NORTHERN COLOCKUM

NORMAL POOL ELEV. 606

Meadow Lake 866

Reservoir

Alcoa 2789

JUMP OFF RIDGE

Spring

Spring

Spring

Nickles

Canyon

0431776

S

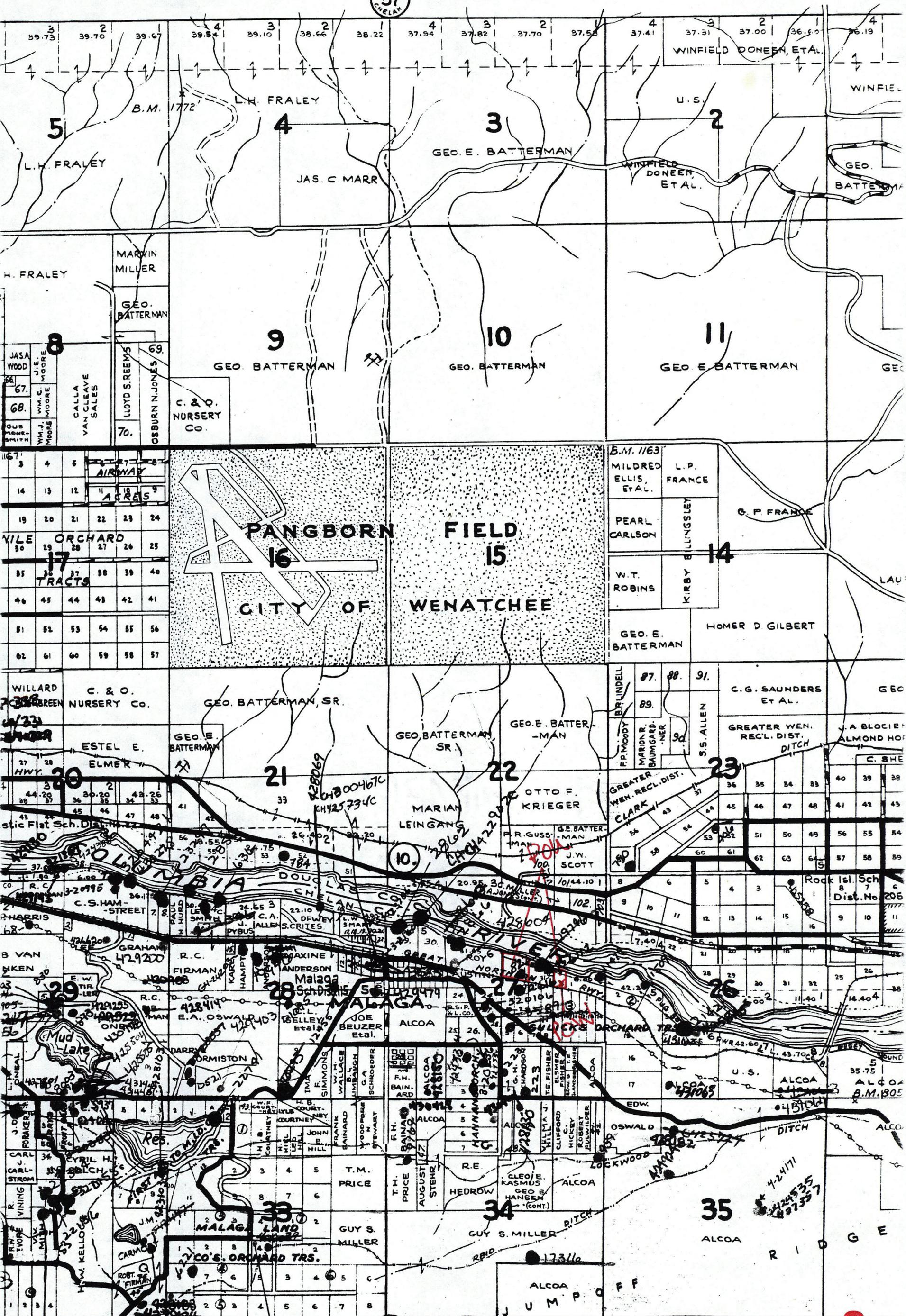
JEEP TRAIL

TOWNSHIP 22 N., RANGE 21 E. W. 1/4

CHELAN & DOUGLAS CO.'S.

02
02

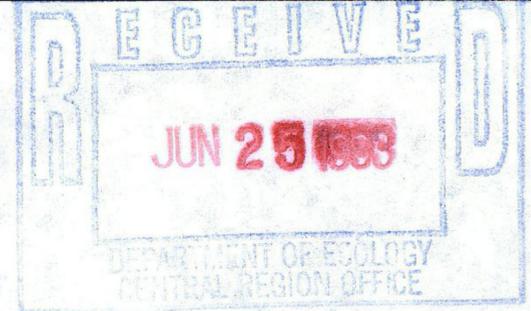
57
CHELAN



55

6431776

S



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

3601 W. Washington • Yakima, Washington 98903-1164 • (509) 575-2800

June 11, 1993

COPY

Kenneth A Machtley
KB Alloys Inc
Wenatchee Works
440 Kawecki Road
Malaga WA 98828

Re: Ground Water Application

Your application and check No. 2298 in the amount of \$10.00 are being returned for the following reasons:

1. You still need to highlight the property legal description on the Chelan County Assessor's map you submitted.

You will retain your priority date of May 12, 1993, if you return your application, check and all the above-requested information by June 25, 1993.

You may contact this office at (509) 575-2800 if you have any questions.

Sincerely,

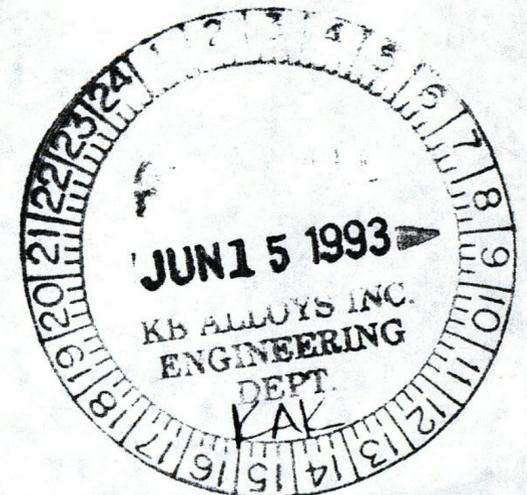
Myria J. Autrey Johnson
Water Resources Program

MJAJ:vw

Enclosure(s): Application
Check No. 2298 - \$10.00

930606

ap-1a:Form



G431776





STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

3601 W. Washington • Yakima, Washington 98903-1164 • (509) 575-2800

May 24, 1993

Kenneth A Machtley
KB Alloys Inc
Wenatchee Works
440 Kawecki Rd
Malaga WA 98828



Re: Ground Water Application

Your application and check No. 2298 in the amount of \$10.00 are being returned for the following reasons:

1. You will need to supply a copy of a Chelan County Assessor's map of your property. You will need to highlight the boundaries of your property and mark with an X where your source is located. You will need to provide enough detail so that we will be able to locate section corners. The map you submitted does not provide enough detail.

You will retain your priority date of May 12, 1993, if you return your application, check and all the above-requested information by June 14, 1993.

You may contact this office at (509) 575-2800 if you have any questions.

Sincerely,

Myria J. Autrey Johnson
Water Resources Program

MJAJ:gh
930591

Enclosure(s): Application
Check No. 2298 - \$10.00

ap-1a:Form

COPY

9431776





STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

3601 W. Washington • Yakima, Washington 98903-1164 • (509) 575-2800
December 9, 1992

Kenneth Machtley
KB Alloys Inc
4400 Kawecki Road
Malaga WA 98828

COPY



Dear Mr. Machtley:

Re: Correspondence of November 30, 1992, to Vicki Potts

I am responding to your letter of November 30, 1992, because Ms. Potts was taking care of my job while I was out for surgery. She is no longer with the Department. I tried to call you to address your concerns but was not able to contact you.

I am sending you an information sheet on Water Right Claims which should confront a lot of the misunderstanding you appear to have about what a claim is and is not. Water Right Claims could only be filed between 1969 and 1974. If no claim was filed the water use is forfeited. The only way a water right can subsequently be established is through the appropriation by certification process as set forth in Chapter 90.44 RCW which I am also including.

Another problem with the history of the property as set forth in your letter is the fact that the operation of the well was discontinued in 1986. According to Chapter 90.14 RCW, a water right relinquishes through non-use for a period of 5 consecutive years. You have documented a non-use period of over six years.

In answer to your last question, "Which document is preeminent as related to the irrigation of our orchard property", the answer is the certificate of ground water right. The permit is the basic Ecology issued document authorizing development of a new water use. It includes maximum limitations regarding instantaneous and annual water appropriations, specifies point water is taken from, season of use, and limitations as to place and purpose of use.

The certificate issues to reflect the actual usage that was in affect at the time of the proof exam and reflects the amount the applicant claimed on the Proof of Appropriation form. The Proof Of Appropriation form is notarized in testimony of the fact by the applicant that all facts laid forth in the document are accurate.

9431776

Kenneth Machtley

Page 2

December 9, 1992

It is the water user's responsibility to confirm that a water use is made under authority of a valid water right. Since it would appear that you may desire to use or are using water in the State of Washington that is not under the auspices of a valid water right, I am inclosing an application.

Since I do not know what transpired between you and Ms. Potts in the past, I hope I have not reiterated too much of the information she gave you or failed to clarify some point I assumed she had covered. That is why I would have preferred to talk to you personally.

If you do have any other questions or requests, please feel free to call me at (509) 575-2800 or write the office at 3601 W. Washington in Yakima.

Sincerely,

Carol Mortensen

Carol Mortensen
Water Resources Program

CM:gh
921235

Enclosure: Water Right Claim Information Sheet
Chapter 90.44 RCW (copy)
Application For Permit



S



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

3601 W. Washington • Yakima, Washington 98903-1164 • (509) 575-2800

October 30, 1992

COPY

Mr. Ken Machtley, Manager
KB Alloys
Engineering Department
4400 Kawecki Road
Malaga WA 98828

Dear Mr. Machtley:

Re: Water Rights Research, WRIA 40



In response to your inquiry concerning water rights, I am sending copies of the following records retrieved through the information that you provided concerning property located within Block 1 and Lots 1, 2, and 3, Block 2, Gulick's Orchard Tracts, Malaga:

Ground Water Certificate #5959A issued to Kawecki Bertlco Industries, Inc. with an August 1, 1966, priority date for withdrawal of 200 gpm/320 afy from a well for continuous industrial supply and continuous domestic supply.

Surface Water Certificate #081 issued to The Prowell Company with a June 6, 1929, priority date for diversion of 1.5 cfs from the Columbia River for irrigation of 65 acres.

Ground Water Certificate No. G3-00546C issued to Kawecki Bertlco Industries, Inc. with a January 8, 1971, priority date for withdrawal of 270 gpm from a well for seasonal irrigation of 22 acres.

Canceled Surface Water Permit #14496 issued to Kawecki Chemical Company for diversion of 1.1 cfs from the Columbia River for manufacturing purposes.

Water Right Claim #000762 submitted by Claude and Carle Sullivan dba Sullivan Bros to document the withdrawal of 442 gpm/ 285 afy from a well since 1961 for irrigation of an apple orchard. Please note that this does not represent a valid claim as the date of first putting the water to use does not predate the ground water code of 1945.

9431776

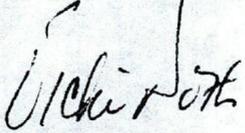
S

Ken Machtley
Page 2
October 30, 1992

It is the water user's responsibility to confirm that a water use is made under authority of a valid water right. Since we have attempted to provide information based solely upon the description of the property or water use as provided by the inquirer, we have not determined with certainty that the attached documents represent all appurtenant, valid water rights or that this is likely to be all the water right documents which might pertain to the property.

For your information I have included a brochure on water rights and an information sheet explaining the water right claims. If you should have any other requests or questions, please feel free to call me at (509) 575-2800 or come into the office at 3601 W. Washington in Yakima.

Sincerely,



Vicki Potts
Water Resources Program

VP:gh
9210160

Enclosure(s): Ground Water Certificate 5759A
Surface Water Certificate 981
Ground Water Certificate G3-00546C
Canceled Surface Water Permit 14496
Water Right Claim #000762
Water Rights Information Sheets



THE MATERIAL FOLLOWING THIS SHEET

WAS NOT OF FILMABLE QUALITY

**(WE HAVE INCLUDED IT IN THIS FILMING ONLY TO KEEP
ALL DOCUMENTS IN THIS FILE TOGETHER AND COMPLETE)**

COPY

BOOK 437 PAGE 216

WARRANTY DEED

THIS DEED, Made this 5th day of January 1948 by and between WEN TOFF PENDING COMPANY, a Corporation duly organized and existing under the laws of the State of Washington, of the 1st part, and WAYNE SULLIVAN and CLAUDE SULLIVAN, Grantees,

WITNESSETH: That the Grantor, for and in consideration of the sum of (\$100) dollar and as a partial liquidating dividend to terminate Grantor's capital stock liability to Grantees, sole and several of Grantor, conveys, and warrants to Grantees the following described real estate situated in the County of Chelan, State of Washington, to-wit:

Lot 1 and Lot 2, 1/2 and 3/4 in Block 2, Gulick's Orchard Tract, excepting a tract in Lot 3, Block 2, measuring 1 acre more or less from the center of well known as the Wilson Pump Well, also a tract of 1 square acre joining the above on the south and extending in a southerly direction to be used as a pump site, together with the perpetual right of Wilson Gulick, his heirs and assigns, and Sam Gulick, his heirs and assigns, to free and undisturbed ingress and egress over and across the said Lot 3 in Block 2 for the purpose of looking over and maintaining a water pumping plant now being operated or which may be operated by said Wilson Gulick and Sam Gulick, their heirs and assigns, together with an easement for pipe lines across the above mentioned Lot 3 in Block 2, all subject to existing rights of Great Northern Railway and Washington Water Power Company, and further excepting therefrom the following described tracts of land, to-wit: Commencing at the one-fourth section corner between sections 26 and 27, Township 22, Range 21, E.P.M., thence from a back site on the corner of Sec. 26, 27, 34 and 35, Twp. 22, Range 21, turn an angle of 122° 19' to the right and run on a course of south 37° 41' east and run thence a distance of 1644.7 ft. to a point; thence on a course S. 70° 14' E. 208.71 ft. to point of beginning; thence S. 70° 14' E. 208.71 ft.; thence N. 52° 46' E. 208.71 ft.; thence N. 37° 14' W. 208.71 ft. to point of beginning, containing 1 acre.

Together with the appurtenances thereunto belonging and water rights.
EXCEPT, A (TPI) of land 125 ft. wide off the south and southerly end of Lot 3 in Block 2, Gulick Orchard Tract, Malaga, Chelan County, Washington, according to the recorded plat thereof, said strip of land extending out to extend from the boundary of the Great Northern Railway right of way at the westerly end to a line at an altitude of 672 ft. above sea level on the bank of the Columbia River at the other, or easterly end, together with any and pumping plant thereon.

Also, all of the real estate owned by Grantor and whether in fee simple or in lesser estate and wheresoever the same may be situated in the State of Washington.

6481776

