WASHINGTON STATE DEPARTMENT OF ECOLOGY

APPLICATION FOR PERMIT

TO APPROPRIATE PUBLIC WATERS OF THE STATE OF WASHINGTON

RECEIVED OCT 13 1994 DEPARTMENT OF ECOLOGY CENTRAL REGION

☐ SURFACE WATER ☒ GROUND WATER

$10.00 MINIMUM STATUTORY EXAMINATION FEE REQUIRED WITH APPLICATION

(GRAY BOXES FOR OFFICE USE ONLY)

CK #42973 $10.00 10/13/94

APPLICATION NO.	W.R.I.A.	COUNTY	PRIORITY DATE	TIME	ACCEPTED
G 432225	44	Douglas	10/13/94		RC

APPLICANT'S NAME — PLEASE PRINT

Morrill Asphalt Paving Company, Inc.

Bus. Tel. 509/663-2605
Home Tel.
Other Tel.

ADDRESS (STREET)	(CITY)	(STATE)	(ZIP CODE)
3515 Chelan Highway, P.O. Box 99,	Wenatchee	WA	98807-0099

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)	SOURCE (WELL, TUNNEL, INFILTRATION TRENCH, ETC. Well
TRIBUTARY	SIZE AND DEPTH 16 inch, 150-300 feet

2. USE

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

Mining - Washing of sand & gravel products

ENTER QUANTITY OF WATER REQUESTED USING UNITS OF:	CUBIC FEET PER SECOND (CFS)	OR	GALLONS PER MINUTE (GPM)	ACRE FEET PER YEAR
			2,000	

TIMES DURING YEAR WATER WILL BE REQUIRED

March through November

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	DATE PROJECT WAS OR WILL BE COMPLETED
Upon receipt of permit	12-18 months

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
1-24	71	Plat of the Town of Columbia River	9	21N	22E	

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

Montgomery Trust

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 Attacjed

WHAT IS YOUR INTEREST IN THE PROPERTY ON WHICH THE WATER IS TO BE USED (PROPERTY OWNER, LESSEE, CONTRACT PURCHASER, ETC.)
Morrill Asphalt is in the process of purchasing said property with the contingency of being able to obtain water.

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

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.
Turbine pump, 400 hp, 12" steel pipe. Water will be pumped for use on-site through a wash plant for the purpose of washing sand and gravel products. Captured in a settling pond, recycled or allowed to filter back down to the ground water. A portion of the water will also be used for manufacturing ready-mix concrete, dust control (on-site) and miscellaneous other needs.

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

Gregg Lucas
APPLICANT'S SIGNATURE

BERNIECE L. MONTGOMERY
LEGAL LANDOWNERS NAME (PLEASE PRINT)

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

1224 W. Baker St
LEGAL LANDOWNER'S ADDRESS
E. Wenatchee, WA 98802

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*.....

.....
Department of Ecology

ECY 040-1-14
Rev. 8/91 F

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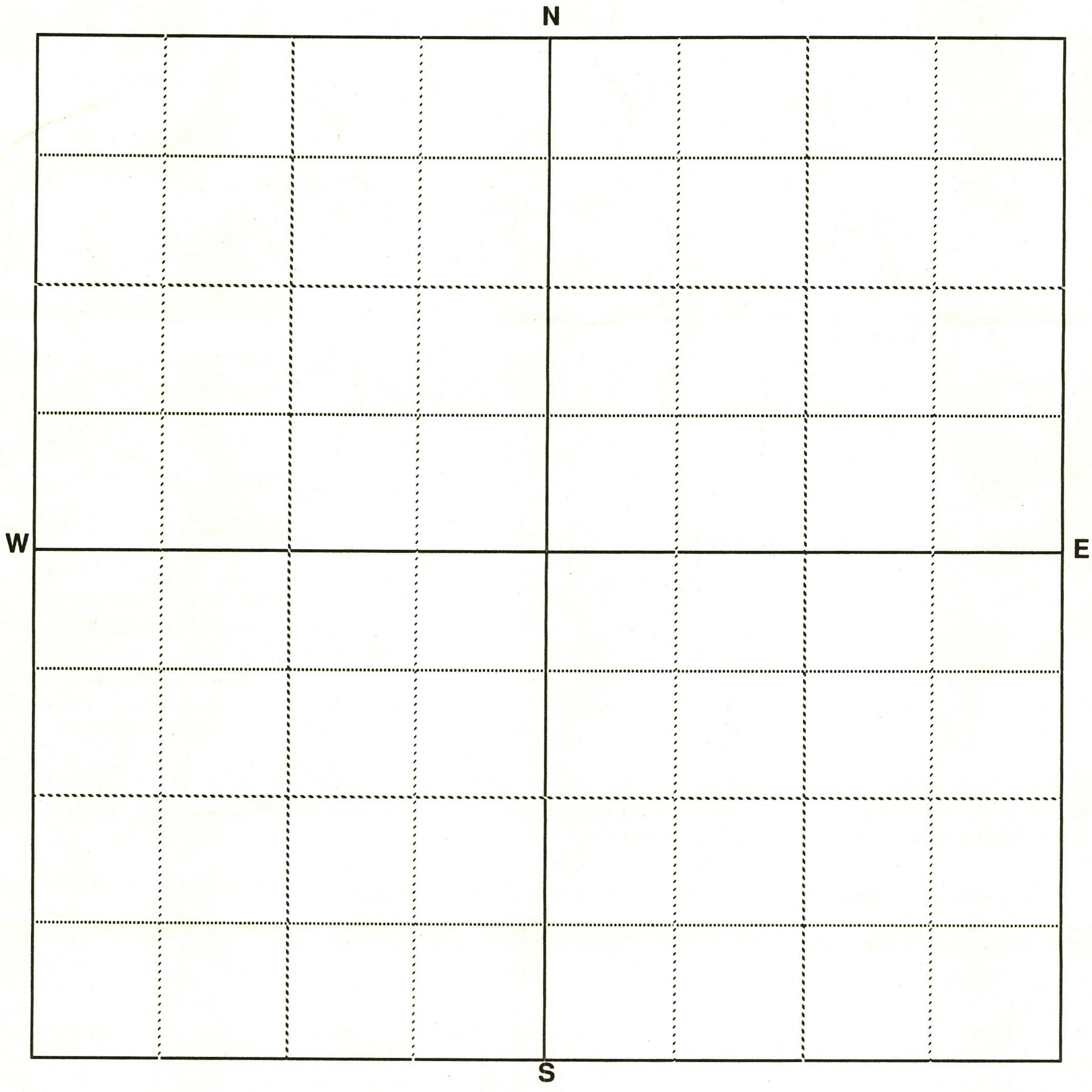
SECTION MAP

See Attached Map

Sec. ..... **Twp.** ..... **N. R.** .....



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

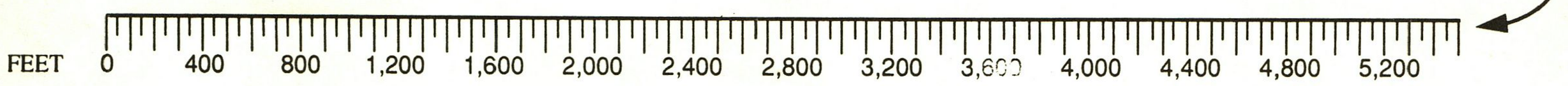
Show by a cross (X) the location of point of diversion (surface water source) or point of withdrawal (ground water source). For ground water applications, show by a circle (O) the locations of other wells or works within a quarter of a mile.

Indicate traveling directions from nearest town in space below.

See Attached

Detach here

Fold along scale



Detach this scale at the performation, 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.

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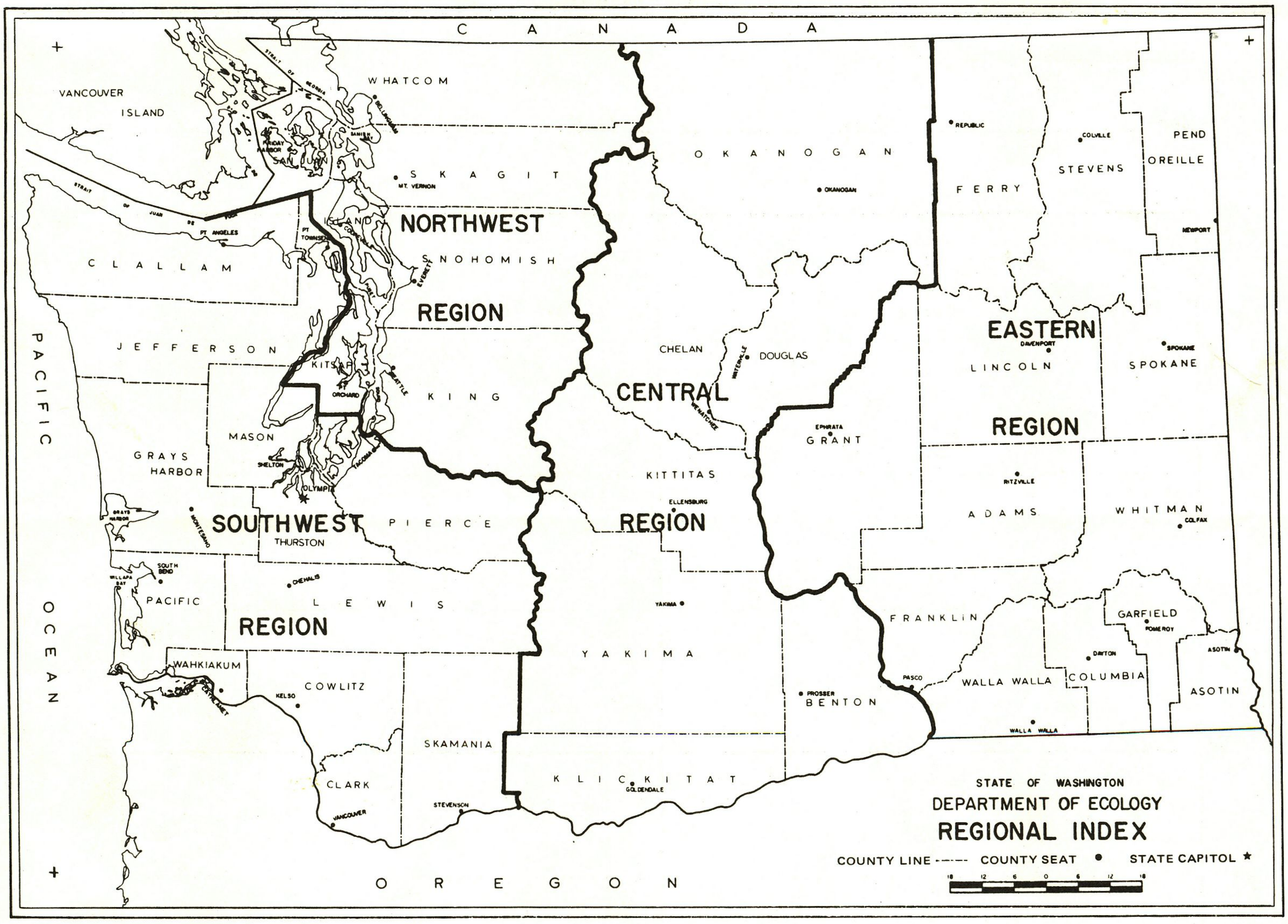
Rev. 8/91 F



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.

EXHIBIT A

In The County of Douglas, State of Washington

PARCEL "A"

Lots 13 to 24, inclusive, Block 2; Lots 3 to 12, inclusive, Block 5 and Blocks 6 and 7, EXCEPT that portion of Blocks 5, 6 and 7 and of Lincoln Street and Kentucky Street, all in the Town of Columbia River, Douglas County, Washington, according to the plat thereof recorded in Volume A of Plats, Page 271, more particularly described as follows:
Beginning at the Northerly corner of said Block 7, said point being also the intersection of the West line of Riverside Avenue and the Easterly margin of the existing right of way of the grantee; thence Southwesterly along said Easterly right of way margin, said margin being also the Westerly boundary of said plat, to the South line of Lot 3 in said Block 5, said point being the Southwesterly corner of said Lot 3; thence Easterly along the Southerly line of said Lot 3 to a point 50 feet Easterly, measured at right angles from said Easterly right of way margin; thence Northeasterly along a line parallel with and 50 feet Easterly measured at right angles from said Easterly right of way margin to an intersection of said line and the West line of Riverside Avenue in said Block 7; thence Northerly along said West line of Riverside Avenue to the Point of Beginning,
All of Blocks 8, 9, 10 and 11; Lot 1 and Lots 3 to 24, inclusive, Block 12; Lots 1 to 12 inclusive and Lots 15 to 24, inclusive, Block 13; all of Blocks 14 to 17, inclusive; Lots 3 and 4 and Lots 6 to 24, inclusive, Block 18; all of Block 19; Lots 1 to 6, inclusive, Lots 9 to 12, inclusive and Lots 14 to 24, inclusive, Block 20; all of Block 21, 22 and 23; all of Block 24; all of Block 25, EXCEPT Lots 1 and 2; all of Block 26; all of Blocks 27 through 39, inclusive; all of Blocks 40, 41, 42, 43 and 44; Lots 1 to 20, inclusive, Block 45; Lots 1 to 9, inclusive and Lots 12 to 24, inclusive, Block 46; all of Block 47; Lots 1 to 12 and 17 to 24, inclusive, Block 48; all of Blocks 49 to 54, inclusive; Lots 1 to 4, inclusive, Lots 7 to 12, inclusive and Lots 17 to 24, inclusive, Block 55; all of Blocks 56 to 72, inclusive; Lots 1 to 11, inclusive, Block 73; all of Blocks 74 to 76, inclusive; Lots 1 to 7, inclusive, Block 77; all of Block 78; Lots 1 to 22, inclusive, Block 79; all of Blocks 80 to 87, inclusive; Lots 1 to 12, inclusive and Lots 17 to 24, inclusive, Block 88; Lots 1 and 2, Lots 5 to 16, inclusive and Lots 19 to 24, inclusive, Block 89; all of Blocks 90 to 98, inclusive; Lots 1 to 12 and Lots 17 to 22, inclusive, Block 99; Lots 1 to 21, inclusive, Block 100; all of Blocks 101 to 105, inclusive; Lots 1 to 16 and Lots 20 to 24, inclusive, Block 106; all of Blocks 107 to 115, inclusive; Lots 1 to 4 and Lots 7 to 24, inclusive, Block 116; all of Blocks 117 to 120, inclusive; Lots 5 to 16 and Lots 19 to 22, inclusive, Block 121; all of Blocks 122 and 123; Lots 1, 2 and 3 and Lots 7 to 24, inclusive, Block 124; all of Blocks 125 to 129, inclusive; all in Town of Columbia River, Douglas County, Washington, according to the plat thereof recorded in Volume A of Plats, Page 271,
TOGETHER with vacated streets that attach upon operation of law,
EXCEPT those portions thereof conveyed to State of Washington for highway purposes by deeds recorded March 14, 1956, under auditor's no. 120811 and April 12, 1957, under auditor's no. 123410.

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EXHIBIT A

PARCEL "B"

Lots 13 and 14, Block 13; Lots 1 and 2, Block 18; Lots 3 and 4, Block 89; Lots 17 through 19, Block 106; Lots 1 through 4, 17, 18, 23 and 24, Block 121; Lots 4 through 6, Block 124, all in the Town of Columbia River, Douglas County, Washington, according to the plat thereof recorded in Volume A of Plats, Page 271.

PARCEL "C"

Lot 5, Block 18; Lot 2, Block 12; Lots 13 through 16, Block 55; Lot 12, Block 73; Lots 7 and 8, Block 20, all in the Town of Columbia River, Douglas County, Washington, according to the plat thereof recorded in Volume A of Plats, Page 271.

PARCEL "D"

That part of Lots 5 and 6, Block 116, Town of Columbia River, lying Easterly of a line drawn parallel with and 200 feet Easterly when measured at right angles and/or radially from the SR 28 Line Survey of SR 28, Rock Island Dam to Vulcan,
ALSO that part of Lots 22, 23 and 24, Block 100, Town of Columbia River, lying Westerly of a line drawn parallel with and 230 feet Westerly when measured at right angles and/or radially from said SR 28 Line Survey;
ALSO Lots 13, 14, 15 and 16, Block 88, Town of Columbia River, Douglas County, Washington, according to the plat thereof recorded in Volume A of Plats, Page 271.

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EXHIBIT B

Melba K. Montgomery Senecal, as Successor Trustee upon the death of Patricia Montgomery Witte Trustee of the Homer P. Montgomery Trust dated June 2, 1977 and modified August 10, 1977, as to Parcel "A",

AND

Bernice Montgomery, as her separate estate, as to Parcel "B"

AND

Douglas County, a Municipal Corporation of the State of Washington, as to Parcel "C"

AND

Bernice Montgomery, as her separate estate, as to an undivided 1/2 interest and Bernice Montogmery, as Trustee of the H.P. Montgomery Trust dated June 20, 1977 and modified August 10, 1977, as to an undivided 1/2 interest, as to Parcel "D"

CONTINUED ON PAGE 5

SCHEDULE B

Schedule B of the policy or policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the Company.

GENERAL EXCEPTIONS:

A. Rights or claims disclosed only by possession, or claimed possession, of the premises.

B. Encroachments and questions of location, boundary and area disclosed only by inspection of the premises or by survey.

C. Easements, prescriptive rights, rights-of-way, streets, roads, alleys or highways not disclosed by the public records.

D. Any lien, or right to a lien, for contributions to employee benefit funds, or for state workers' compensation, or for services, labor, or material heretofore or hereafter furnished, all as imposed by law, and not shown by the public records.

E. Taxes or special assessments which are not yet payable or which are not shown as existing liens by the public records.

F. Any service, installation, connection, maintenance, tap, capacity or construction charges for sewer, water, electricity, natural gas or other utilities, or garbage collection and disposal.

G. Reservations and exceptions in United States Patents or in Acts authorizing the issuance thereof.

H. Indian tribal codes or regulations, Indian treaty or aboriginal rights, including easements or equitable servitudes.

I. Water rights, claims, or title to water.

J. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records, or attaching subsequent to the effective date hereof but prior to the date the proposed Insured acquires of record for value the estate or interest or mortgage thereon covered by this Commitment.

SPECIAL EXCEPTIONS:

1. Easement including its terms, covenants and provisions thereof for electric transmission and/or distribution line, together with necessary appurtenances, as granted by instrument;
   Recorded : DECEMBER 23, 1960
   Auditor's No. : 132781
   In Favor of : Public Utility District No. 1 of Douglas County
   Affects : Portion of Parcel "A"

CONTINUED ON PAGE 6

SCHEDULE B

2. Relinquishment of all existing, future or potential easements for access, light, view and air, and all rights of ingress, egress and regress to, from and between said premises and the highway or highways constructed on lands conveyed by Deed;
Recorded : MARCH 14, 1956 APRIL 12, 1957 and DECEMBER 21, 1993
Auditor's No. : 120811, 123410 and 291538
To : The State of Washington
Affects : Portion of Parcel "A"

3. Rights and liabilities under customary agreement for water right in WENATCHEE RECLAMATION DISTRICT including the restriction of the use of said water to irrigation stock and domestic purposes, the granting of an easement for lateral ditches and pipelines used in connection therewith, and the creation of a lien upon the land for assessments therein, as disclosed by various instruments of record.

4. Easement, or quasi-easement, dedicated in the said plat:
For : Slopes for cuts and fills

5. Terms and conditions of the trust under which title is vested.

A condition to the issuance of the policy of title insurance for which application was made, this company will require further documentation clarifying or confirming the trustee(s) powers to enter and complete the subject transaction. This documentation must include written evidence from the beneficiary of the trust that confirms authority of the present trustee.

6. Right, title and interest of the Trustee and/or Successor Trustee of the Homer P. Montgomery Trust dated June 20, 1977 and modified August 10, 1977. The legal descriptions affecting Parcel "C" as shown on Exhibit "A" were all deeded to the Trust instead of the Trustee of the Homer P. Montgomery Trust. A new conveyance to the Trustee and/or Successor Trustee with the former record owner (Douglas County) should be obtained and duly recorded to insure that title is held by a legal entity capable of holding title.

7. Any question as to the validity of Bernice Montgomery, as Trustee of the Homer P. Montgomery Trust, to an undivided 1/2 interest, as noted on that Quit Claim Deed recorded December 21, 1993, under auditor's no. 291538. The Testamentary Trust of Homer P. Montgomery dated June 20, 1977 names Patricia Montgomery Witte, as Trustee and the Codicial to the Trust dated August 10, 1977 so states that the beneficiary of said Trust (Bernice L. Montgomery) shall not be named as Trustee of said Homer P. Montgomery Trust. We reserve further opinion pending submission of material facts.

8. Lien of real estate excise sales tax upon any sale of said premises, if unpaid.

A surcharge has been added to said excise tax, thus establishing the tax rate at 1.53% of the sales price.

General taxes for 1994, which have been paid;
Amount : $353.65
Affects : Parcels "A" through "D"

CONTINUED ON PAGE 7

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SCHEDULE C

The following are the requirements to be complied with:

1. Instruments necessary to create the estate or interest or mortgage to be insured must be properly executed, delivered, and duly filed for record.

END OF REPORT

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MORRILL ASPHALT PAVING COMPANY, INC.

3515 CHELAN HWY WENATCHEE WA 98807-0099 509 663-2606 FAX 509 663-2713 **1 800 733-3617** 2 SO. MAIN OMAK WA 509 826-1261

P.O. BOX 99 — WASHINGTON STATE CONTRACTOR REGISTRATION NUMBER CCBB-MO-RR-IA-P323-P8

TRAVELING DIRECTIONS

Travel approximately 10 miles east on Highway 28 from Rock Island. Turn right at the Palisades exit (milepost 14). Nelson's Fruitstand will be on your right. Travel approximately 400 feet, turn right on gravel road. Continue on this road until you cross the railroad tracks. Turn right on the first dirt road past the tracks. Travel 3-tenths of a mile north parallel with the railroad tracks (tracks will be on your right). The point of diversion will be approximately 150 feet east of the tracks and marked with a red flag. It would be best if you called to make arrangements to meet at Nelson's Fruitstand on Highway 28 and Palisades Road.

Garry Kneedler
Superintendent

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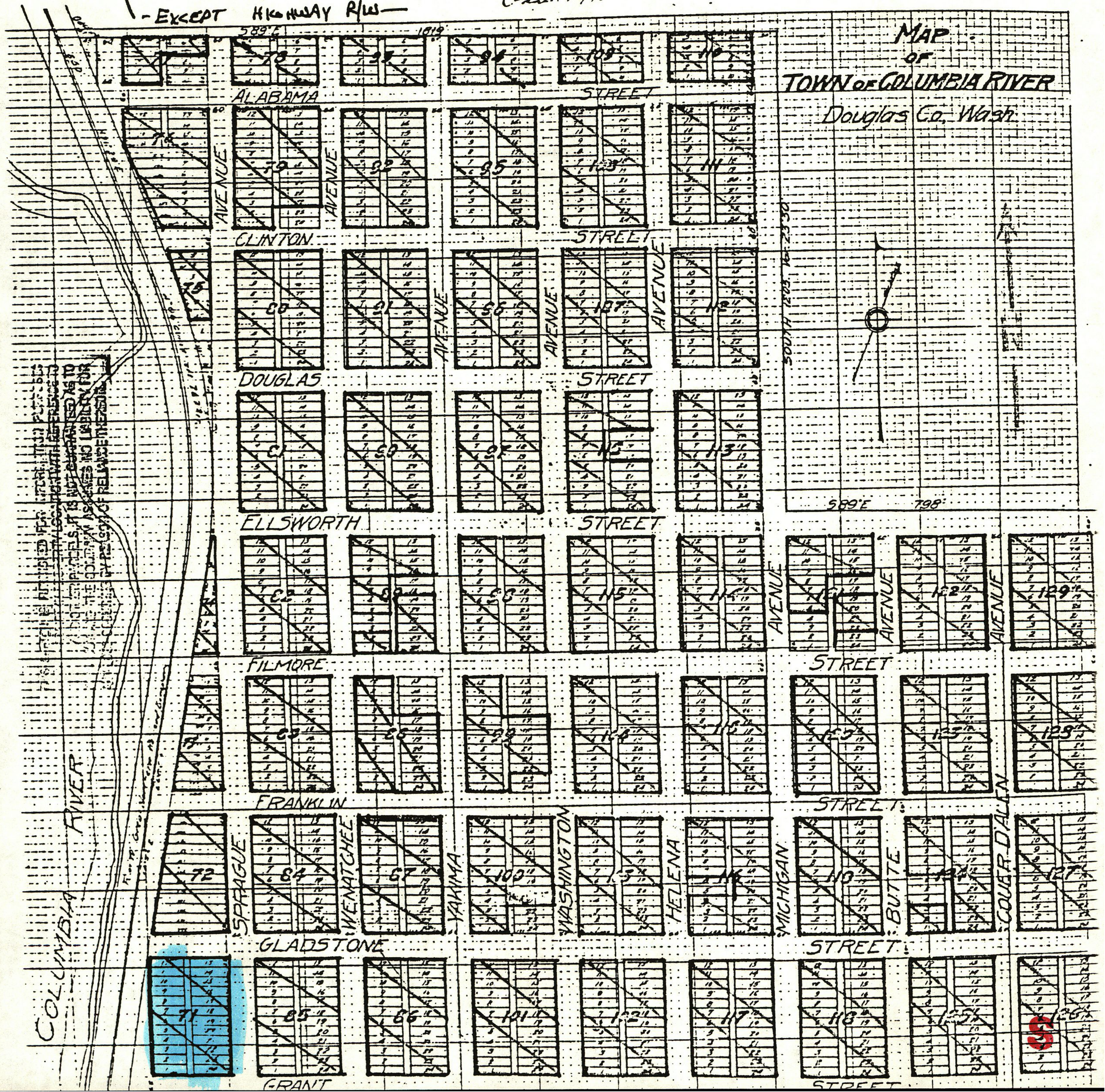
Parcel "A" A-271

- EXCEPT HIGHWAY R/W —

Final Order of Vacation of Streets, Avenues & Alleys Within Part of Town of Columbia River Petitioned for by Great Northern Railway Co. by Co. Road of Douglas County Commissioners, signed by the Board of Douglas Co. Commissioners on Dec. 29, 1962. Recorded in Vol. D Page 141.



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Parcel "A"

-Except Highway R/W-

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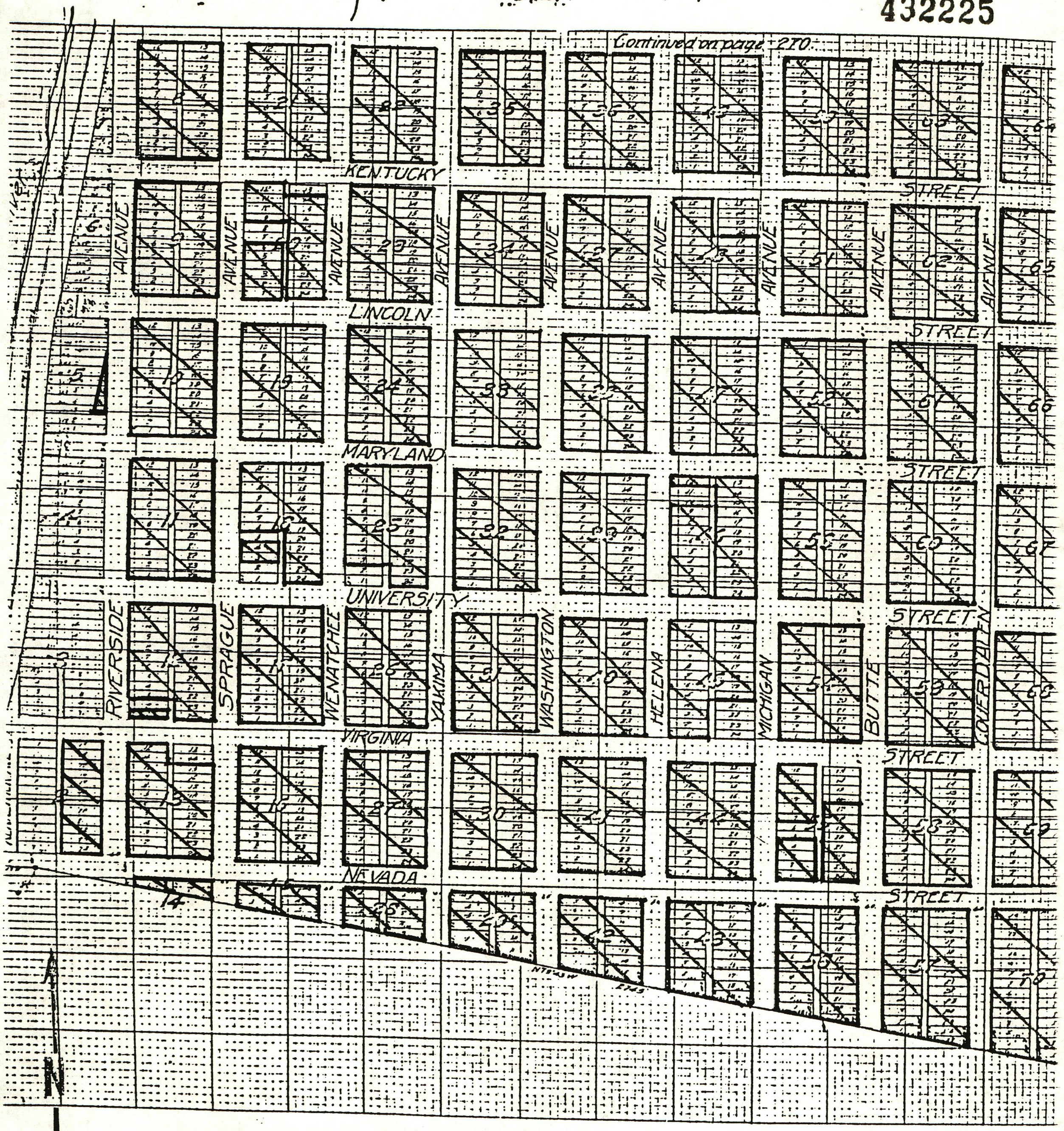

THIS SKETCH IS FURNISHED FOR INFORMATION PURPOSES ONLY TO ASSIST IN PROPERTY LOCATION WITH REFERENCE TO STREETS AND OTHER PARCELS, IT IS NOT GUARANTEED AS TO ACCURACY AND THE COMPANY ASSUMES NO LIABILITY FOR ANY LOSS OCCURING BY REASON OF RELIANCE THEREON.

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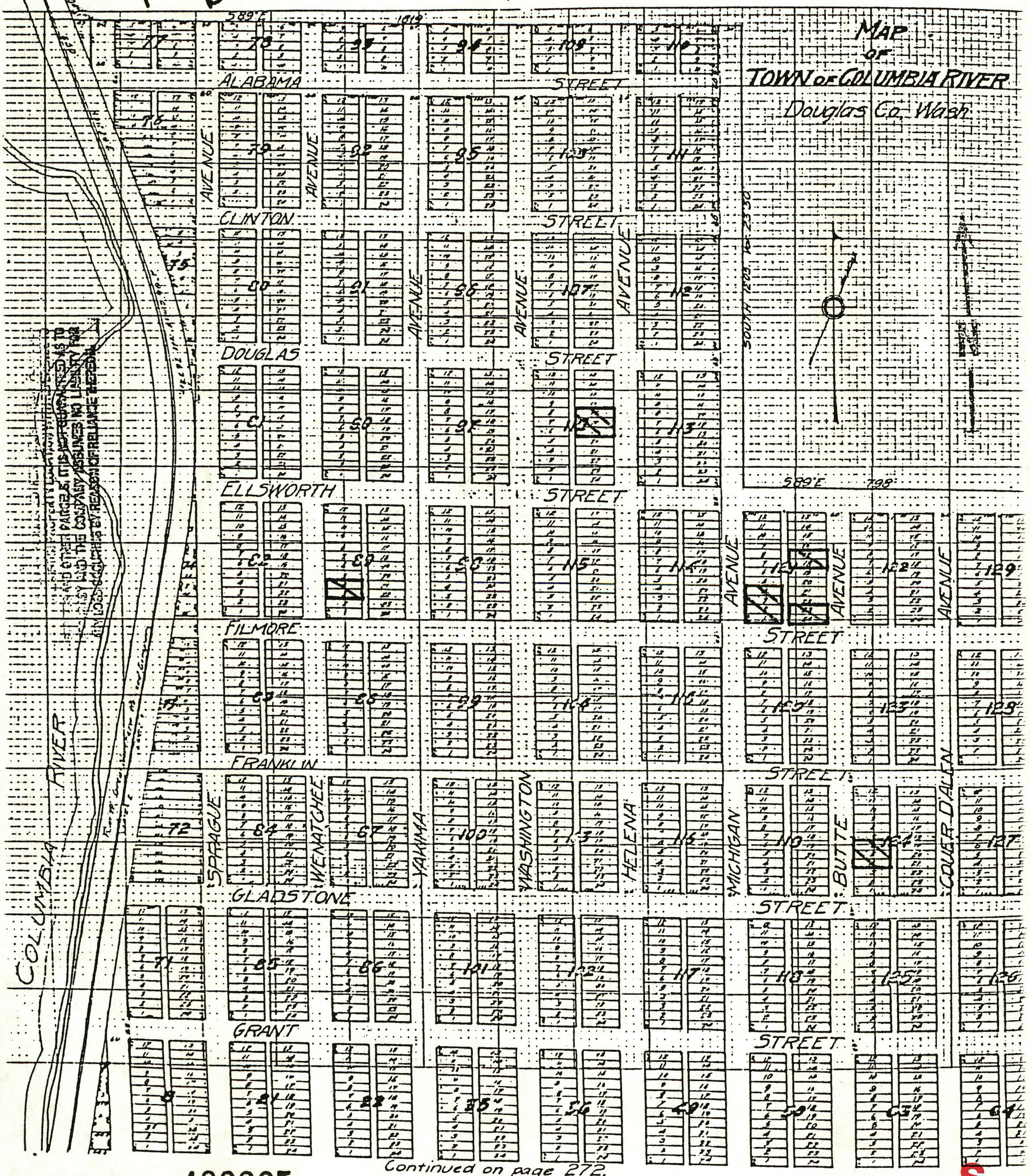
Parcel "B" A-271

Final Order of Vacation of Streets, Avenues & Alleys, Section Part of Town of Columbia River Petitioned for by Great Northern Railway & by Board of Douglas Co. Commissioners, signed by the Board of Douglas Co. Commissioners on Dec. 10, 1962. Recorded in Vol. 7 Page 141.



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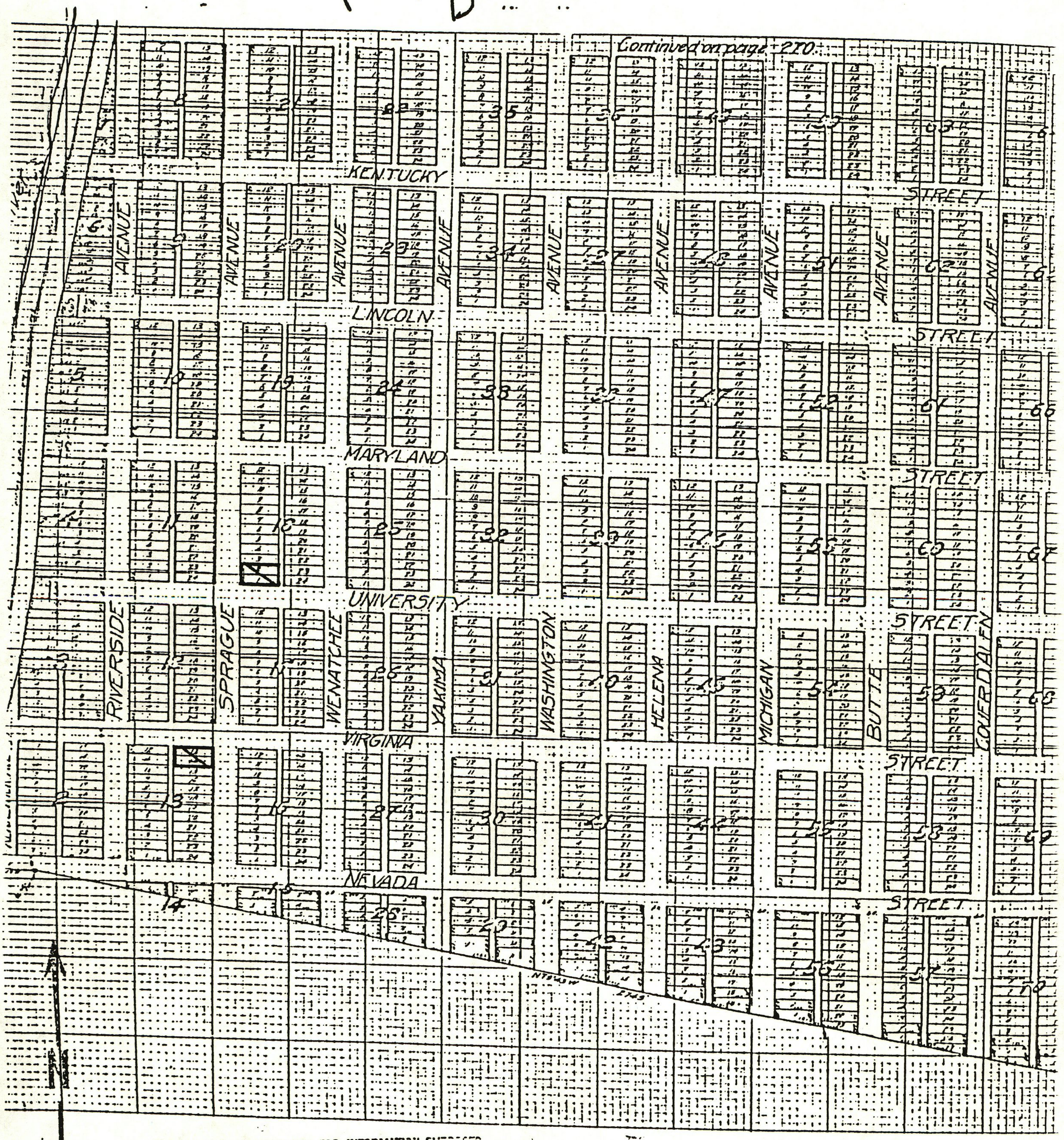
Parcel "B"



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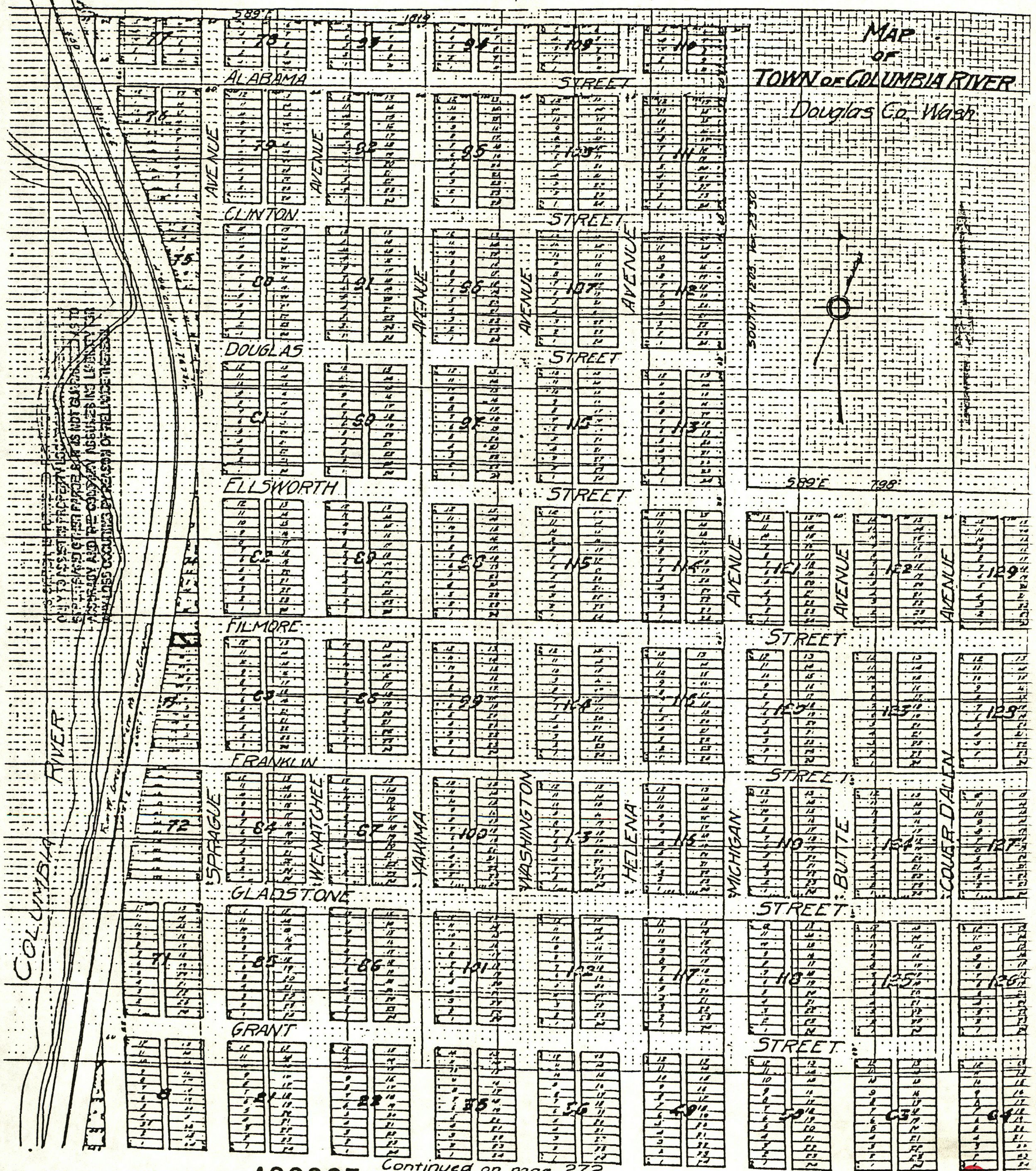
Parcel "C" A-271

Final Order of Vacation of Streets, Avenues & Alleys Within Part of Town of Columbia River Petitioned for in Cause Number 1 by the Board of Douglas County Commissioners, signed by the Board of Douglas Co. Commissioners on Dec. 20, 1962. Recorded in Vol. 7 Page 141.



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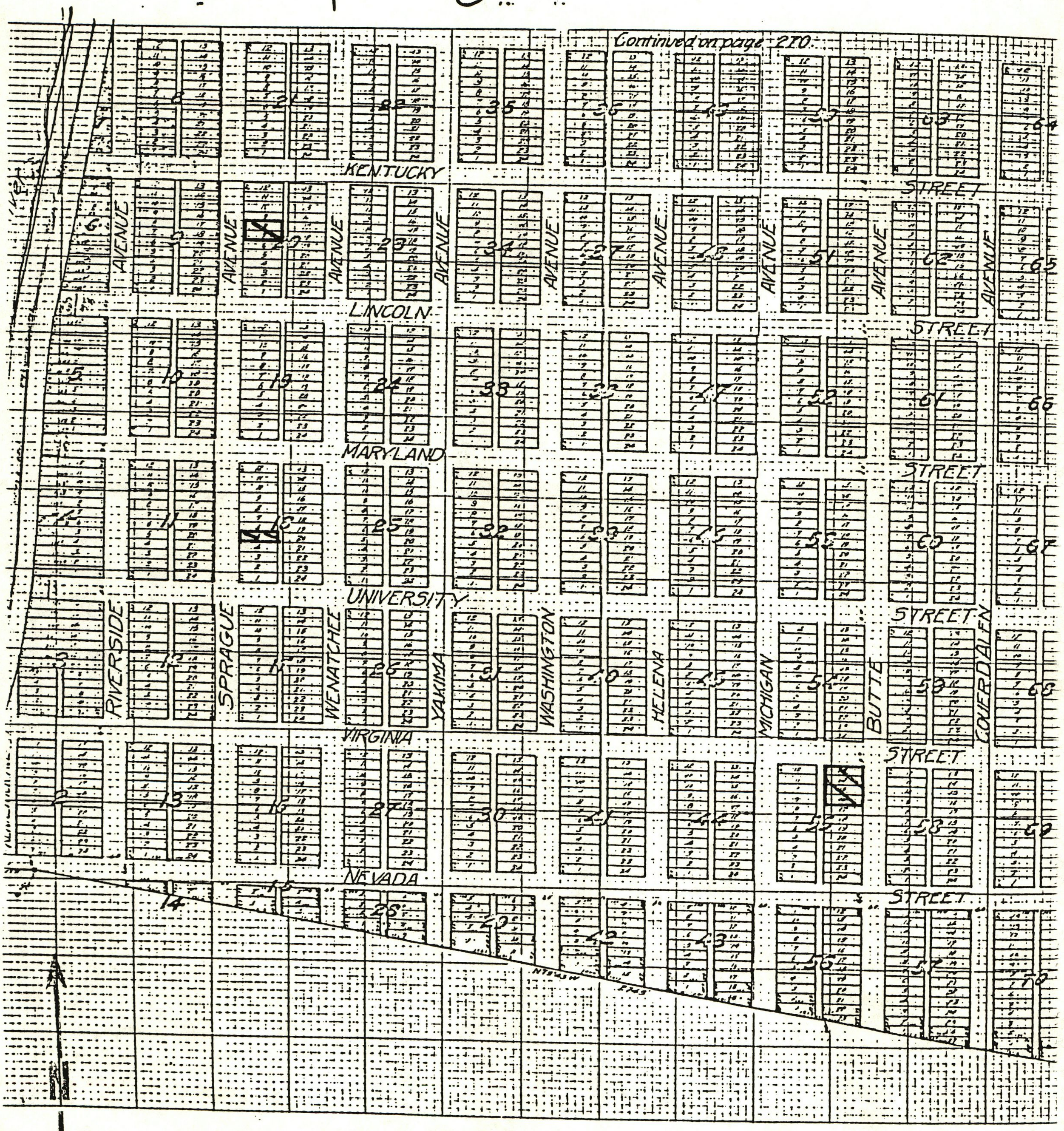
Parcel "C"



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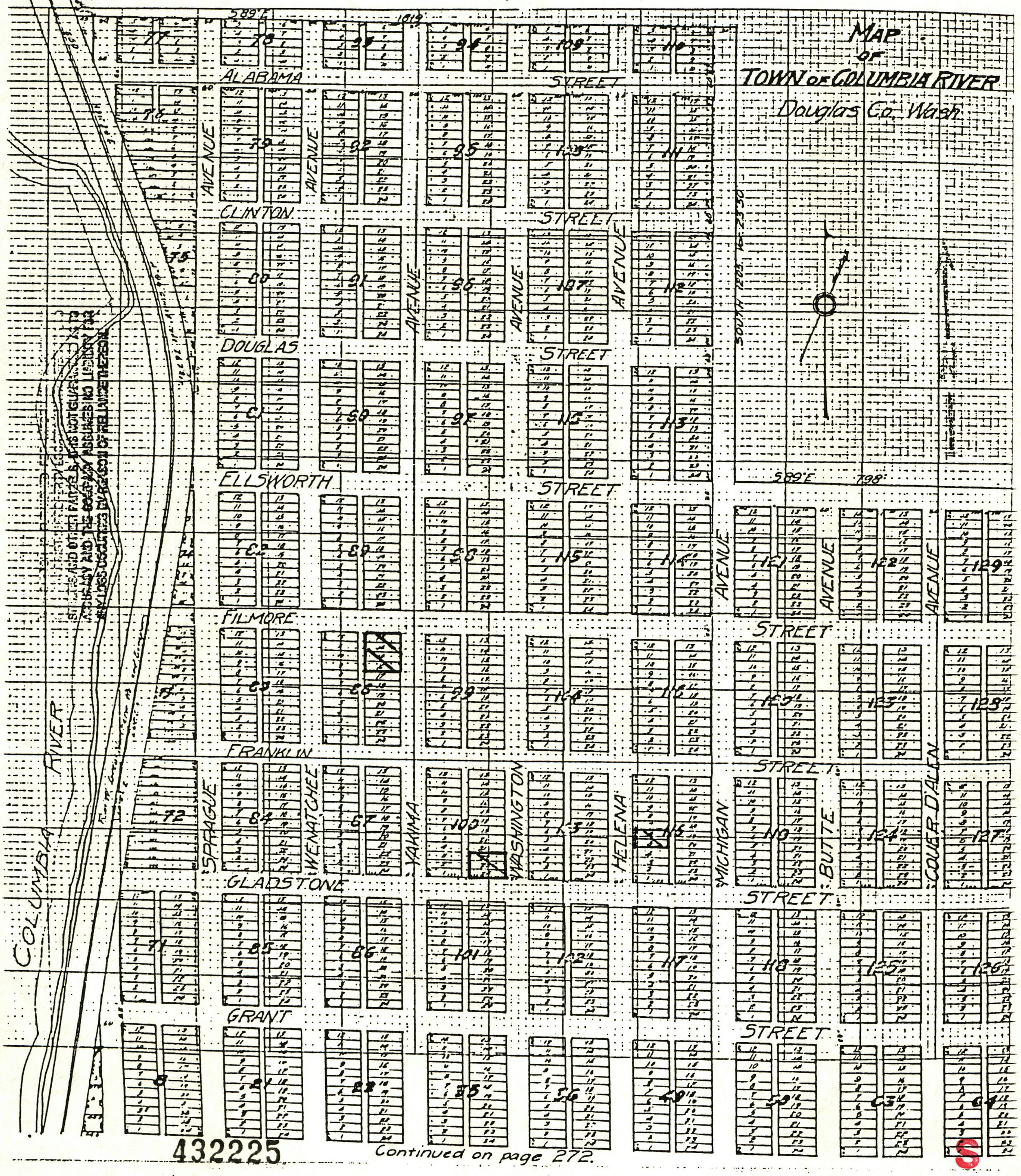
Parcel "D" A-271

Final Order of Vacation of Streets, Avenues & Alleys Within Part of Town of Columbia River Petitioned for by Bert Nelson Pursuant to Resolution of the Board of Douglas County Commissioners, signed by the Board of Douglas Co. Commissioners on Dec. 20, 1962. Recorded in Vol. 7 Page 141.



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