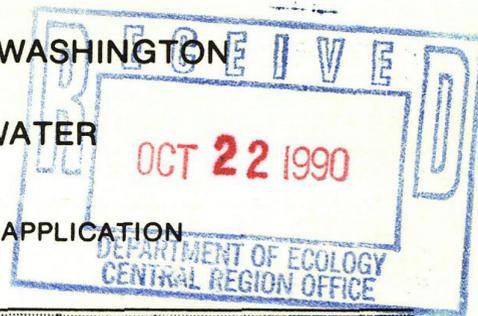




APPLICATION FOR PERMIT  
TO APPROPRIATE PUBLIC WATERS OF THE STATE OF WASHINGTON

SURFACE WATER

GROUND WATER



\$10.00 MINIMUM STATUTORY EXAMINATION FEE REQUIRED WITH APPLICATION  
(GRAY BOXES FOR OFFICE USE ONLY)

|  |                |                  |                           |                        |                |
|--|----------------|------------------|---------------------------|------------------------|----------------|
| APPLICATION NO.<br>S 430465  | W.R.I.A.<br>31 | COUNTY<br>Benton | PRIORITY DATE<br>10/22/90 | TIME                   | ACCEPTED<br>MV |
| APPLICANT'S NAME - PLEASE PRINT<br>(Kennewick Irrigation District)<br>Attn: Gary Weatherly |                |                  |                           | Bus. Tel. 509-586-9111 | Home Tel.      |
| ADDRESS (STREET)<br>214 West First Avenue, P.O. Box 6900                                   |                |                  |                           | (CITY)<br>Kennewick    | (STATE)<br>WA  |
| DATE & PLACE OF INCORPORATION IF APPLICANT IS A CORPORATION<br>Title 87, RCW 1917          |                |                  |                           | (ZIP CODE)<br>99336    |                |

1. SOURCE OF SUPPLY

| IF SURFACE WATER   | IF GROUND WATER  |
|--|--|
| SOURCE (NAME OF STREAM, LAKE, SPRING, ETC.) (IF UNNAMED, SO STATE)<br>(Columbia River) | SOURCE (WELL, TUNNEL, INFILTRATION TRENCH, ETC.)<br>-- |
| TRIBUTARY<br>--  | SIZE AND DEPTH<br>--                                   |

2. USE

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

|  |   |
|--|---|
| ENTER QUANTITY OF WATER REQUESTED USING UNITS OF:<br>CUBIC FEET PER SECOND (CFS) OR GALLONS PER MINUTE (GPM)<br>82 CFS | ACRE FEET PER YEAR<br>18548   |
| TIMES DURING YEAR WATER WILL BE REQUIRED<br>March 15 to October 15   |   |
| IF IRRIGATION, NUMBER OF ACRES<br>4637   | IF DOMESTIC USE, NUMBER OF UNITS BY TYPE, E.G. 1-HOME, 1-MOBILE HOME, 2-CAMPSITES, ETC. |
| DATE PROJECT WAS OR WILL BE STARTED  | 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.  
2540'W and 1500'N of SE corner Sec. 28, T. 9 N., R. 29 E., W.M.

|   |               |                  |                                |                  |
|---|---------------|------------------|--------------------------------|------------------|
| LOCATED WITHIN (SMALLEST LEGAL SUBDIVISION)<br>SW 1/4, NW 1/4, SE 1/4 | SECTION<br>28 | TOWNSHIP N.<br>9 | RANGE (E. OR W.) W.M.<br>29 E. | COUNTY<br>Benton |
|---|---------------|------------------|--------------------------------|------------------|

4. DO YOU OWN THE LAND ON WHICH THIS SOURCE IS LOCATED. IF NOT, INSERT NAME & ADDRESS OF OWNER  
United States, Army Corp of Eng., Walla Walla District, Walla Walla, WA

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 Attached Exhibit A

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

The land is within the Irrigation District.

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

Water is currently delivered via the KID main canal from the Yakima River. USBR 1790

Rights Permit.

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.)

Project will involve the installation of 8, 400 HP pumps to pump 82 cfs with 280 feet TDH. 4820 feet of 42" pipe, 3060 feet of 36" pipe and 2860 feet of 30" pipe would be installed to deliver the water into the District's existing distribution system.

REMARKS

7. Water made available in the Districts main canal will be used to irrigate new lands within the District.

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

*Paul Chasco*  
APPLICANT'S SIGNATURE

KENNEWICK Irrigation District  
LEGAL LANDOWNERS NAME  
(PLEASE PRINT)

SEC/MGR.

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

KENNEWICK Irrigation District  
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: .....

.....  
.....

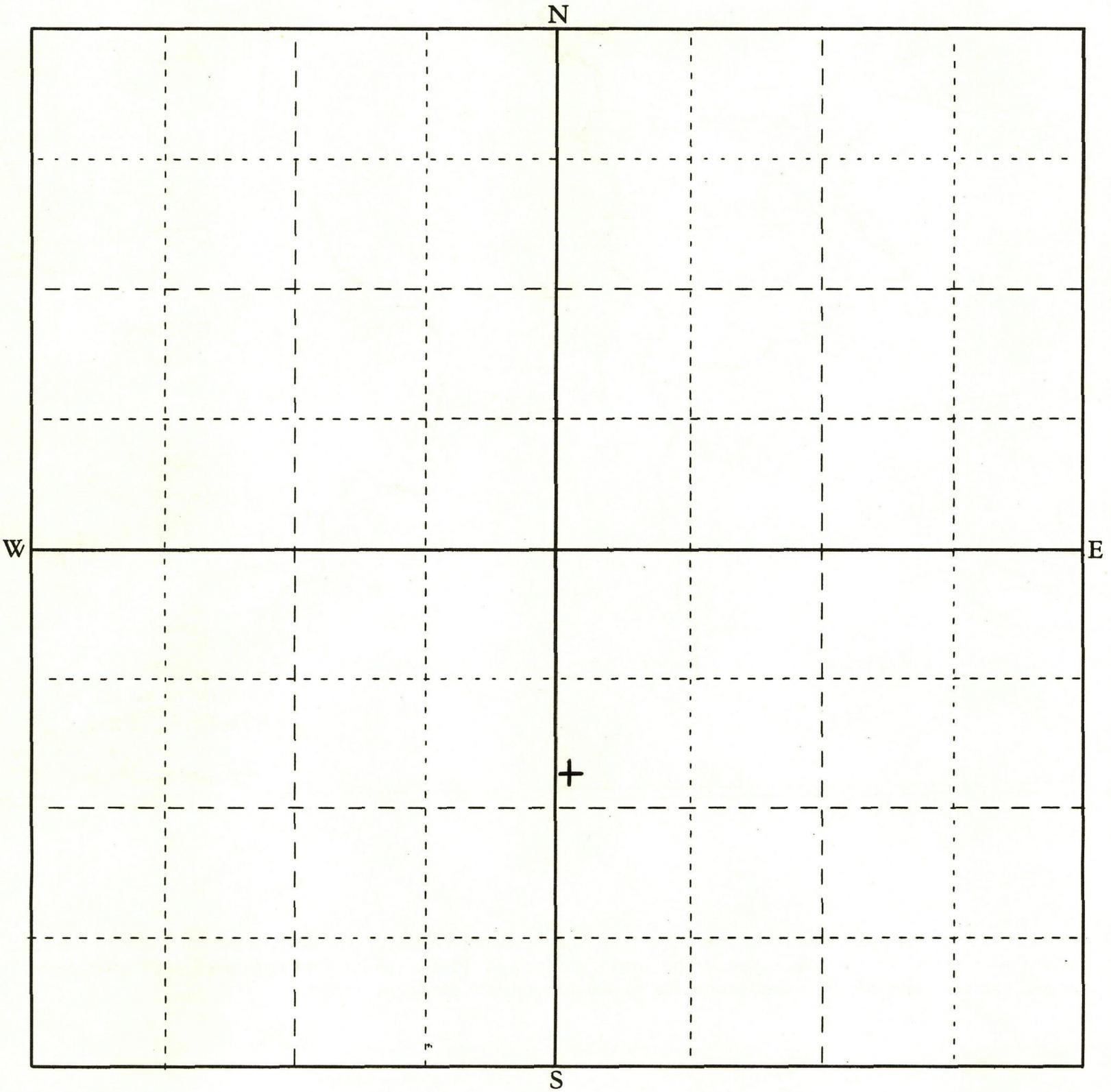
In order to retain its priority date, this application must be returned to the Department of Ecology, with corrections, on or before....., 19.....

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



SECTION MAP

Sec. 28 Twp. 9 N. R. 29 E.



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.

The City of Kennewick is immediately adjacent to the site.

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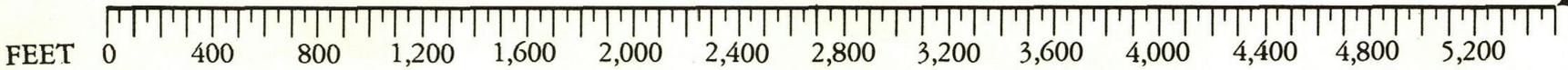
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Detach here

Fold along scale



S 430465

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.

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COMPLETE THIS FORM 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 question:

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.
2. Lands that may be irrigated under applications now on file with the Department of Ecology.
3. Lands that may be irrigated under this application.

YES

NO

Please sign and return

Paul Chasco, Manager  
(Signature of Landowner)

October, 19, 1990  
(Date)

S 430465

EXHIBIT A

APPLICATION FOR PERMIT TO APPROPRIATE PUBLIC WATERS

KENNEWICK IRRIGATION DISTRICT

That portion of Sec. 29, T. 9 N., R. 29 E., W.M., lying south of the O.W.R. & N. Co. (Union Pacific Railroad) right-of-way;

AND

that portion of Sec. 28, T. 9 N., R. 29 E., W.M., lying south of the O.W.R. & N. Co. right-of-way;

AND

that portion of Sec. 32, T. 9 N., R. 29 E., W.M., lying south of the Northern Pacific Railroad (Burlington Northern Railroad) right-of-way;

AND

that portion of Sec. 33, T. 9 N., R. 29 E., W.M., lying south of the O.W.R. & N. Co. right-of-way;

AND

that portion of Sec. 34, T. 9 N., R. 29 E., W.M., lying south of the Northern Pacific Railroad right-of-way;

AND

Lampson Acre Tracts, according to the Plat thereof recorded in Volume 3 of Plats, Page 3, records of Benton County, Washington;

AND

W 1/2, Sec. 35, T. 9 N., R. 29 E., W.M., lying south of the Northern Pacific Railroad right-of-way;

AND

W 1/2, E 1/2, Sec. 35, T. 9 N., R. 29 E., W.M., lying south of the Northern Pacific Railroad right-of-way;

AND

S 1/2, Sec. 2, T. 8 N., R. 29 E., W.M.;

AND

S 1/2, N 1/2, Sec. 2, T. 8 N., R. 29 E., W.M.;

AND

W 1/2, N 1/2, N 1/2, Sec. 2, T. 8 N., R. 29 E., W.M.;

AND

Sec. 3, T. 8 N., R. 29 E., W.M.;

AND

that portion of Sec. 4, T. 8 N., R. 29 E., W.M., lying north and east of the Kennewick Irrigation Districts Highlift Canal right-of-way;

AND

that portion of the E 1/2, Sec. 5, T. 8 N., R. 29 E., W.M., lying north of the Kennewick Irrigation Districts West Extension Canal right-of-way;

AND

that portion of Sec. 9, T. 8 N., R. 29 E., W.M., lying north and east of the Kennewick Irrigation Districts Highlift Canal right-of-way;

AND

that portion of Sec. 10, T. 8 N., R. 29 E., W.M., lying north of the Kennewick Irrigation Districts Highlift Canal right-of-way;

S 430465

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AND

that portion of Sec. 11, T. 8 N., R. 29 E., W.M., lying north and east of the Kennewick Irrigation Districts Highlift Canal right-of-way;

AND

W 1/2, Sec. 12, T. 8 N., R. 29 E., W.M.;

AND

W 1/2, E 1/2, Sec. 12, T. 8 N., R. 28 E., W.M., lying west of the Columbia Irrigation District Main Canal right-of-way;

AND

that portion of Sec. 13, T. 8 N., R. 29 E., W.M., lying North and East of the Districts Highlift Canal right-of-way,

AND

that portion of Sec. 14, T. 8 N., R. 29 E., W.M., lying north and east of the Kennewick Irrigation Districts Highlift Canal right-of-way;

AND

that portion of the NE 1/4, NE 1/4, Sec. 24, T. 8 N., R. 29 E., W.M., lying north of the Kennewick Irrigation Districts Highlift Canal right-of-way;

AND

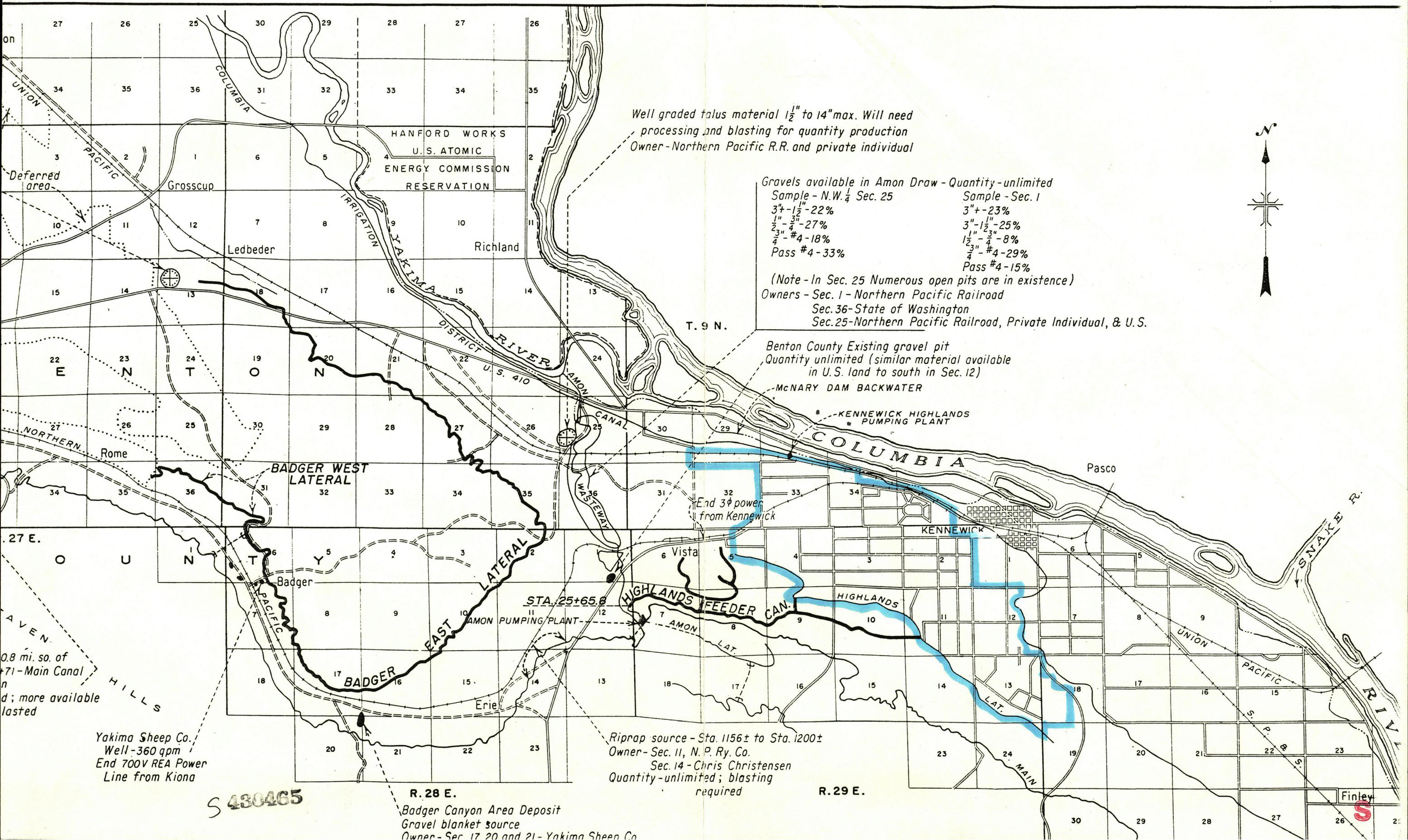
SW 1/4, NW 1/4, Sec. 18, T. 8 N., R. 30 E., W.M.;

AND

SW 1/4, Sec. 18, T. 8 N., R. 30 E., W.M.

S 430465

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Well graded talus material 1 1/2" to 14" max. Will need processing and blasting for quantity production  
 Owner - Northern Pacific R.R. and private individual

Gravels available in Amon Draw - Quantity - unlimited  
 Sample - N.W. 1/4 Sec. 25  
 3" - 1 1/2" - 22%  
 1 1/2" - 3/4" - 27%  
 3/4" - #4 - 18%  
 Pass #4 - 33%  
 Sample - Sec. 1  
 3" - 23%  
 3" - 1 1/2" - 25%  
 1 1/2" - 3/4" - 8%  
 3/4" - #4 - 29%  
 Pass #4 - 15%  
 (Note - In Sec. 25 Numerous open pits are in existence)  
 Owners - Sec. 1 - Northern Pacific Railroad  
 Sec. 36 - State of Washington  
 Sec. 25 - Northern Pacific Railroad, Private Individual, & U.S.

Benton County Existing gravel pit  
 Quantity unlimited (similar material available in U.S. land to south in Sec. 12)  
 McNARY DAM BACKWATER

End 3φ power from Kennewick

Riprap source - Sta. 1156± to Sta. 1200±  
 Owner - Sec. 11, N. P. Ry. Co.  
 Sec. 14 - Chris Christensen  
 Quantity - unlimited; blasting required

Deferred area

0.8 mi. so. of +71 - Main Canal  
 and; more available  
 listed

Yakima Sheep Co.  
 Well - 360 gpm  
 End 700V REA Power  
 Line from Kiona

S 430465

R. 28 E.  
 Badger Canyon Area Deposit  
 Gravel blanket source  
 Owner - Sec. 17, 20 and 21 - Yakima Sheep Co.

R. 29 E.

Finley

**RCW 90.03.430 Partnership ditches—Action for reimbursement for work done.** In all cases where irrigating ditches are owned by two or more persons and one or more of such persons shall fail or neglect to do his, her or their proportionate share of the work necessary for the proper maintenance and operation of such ditch or ditches or to construct suitable headgates or measuring devices at the points where water is diverted from the main ditch, such owner or owners desiring the performance of such work as is reasonably necessary to maintain the ditch, may, after having given ten days' written notice to such owner or owners who have failed to perform his, her or their proportionate share of such work, necessary for the operation and maintenance of said ditch or ditches, perform his, her or their share of such work, and recover therefor from such person or persons so failing to perform his, her or their share of such work in any court having jurisdiction of the matter the expense or value of such work or labor so performed: *Provided*, That no improvement involving an expenditure in excess of one hundred dollars shall be made without the written approval of the department having first been obtained. [1987 c 109 § 96; 1919 c 71 § 3; RRS § 7395. Formerly RCW 90.28.110.]

**Purpose—Short title—Construction—Rules—Severability—Captions—1987 c 109:** See notes following RCW 43.21B.001.

**RCW 90.03.440 Partnership ditches—Procedure for division of water between joint owners.** When two or more persons, joint owners in an irrigation ditch or reservoir, not incorporated, or their lessees, are unable to agree relative to the division or distribution of water received through their ditch or from their reservoir, and where there is no disagreement as to the ownership of said water, it shall be lawful for any such owner or owners, his or their lessee or lessees, or either of them, to apply to the department, in writing, setting forth such fact and giving such information as shall enable the department to estimate the probable expense of such service, asking the department to appoint some suitable person to take charge of such ditch or reservoir for the purpose of making a just division or distribution of the water from the same to the parties entitled to the use thereof. The department shall upon the receipt of such application notify the applicant of the probable expense of such division and upon receipt of certified check for said amount, the department shall appoint a suitable person to make such division. The person so appointed shall take exclusive charge of such ditch or reservoir for the purpose of dividing the water therefrom in accordance with the established rights of the diverters therefrom, and continue the said work until the necessity therefor shall cease to exist. The expense of such investigation and division shall be a charge upon all of the co-owners and the person advancing the payment to the department shall be entitled to recover in any court of competent jurisdiction from his co-owners their proportionate share of the expense. [1987 c 109 § 97; 1919 c 71 § 4; RRS § 7396. Formerly RCW 90.28.130.]

(1987 Laws)

**Purpose—Short title—Construction—Rules—Severability—Captions—1987 c 109:** See notes following RCW 43.21B.001.

**RCW 90.03.450 Partnership ditches—Lien for labor performed.** Upon the failure of any co-owner to pay his proportionate share of such expense as mentioned in RCW 90.03.430 within thirty days after receiving a statement of the same as performed by his co-owner or owners, such person or persons so performing such labor may secure payment of said claim by filing an itemized and sworn statement thereof, setting forth the date of the performance and the nature of the labor so performed, with the county auditor of the county wherein said ditch is situated, and when so filed it shall constitute a valid lien against the interest of such person or persons who shall fail to perform their proportionate share of the work requisite to the proper maintenance of said ditch, which said lien when so taken may be enforced in the same manner as provided by law for the enforcement of mechanics' and builders' liens. [1919 c 71 § 5; RRS § 7397. Formerly RCW 90.28.120.]

Mechanics' and materialmen's liens: Chapter 60.04 RCW.

**RCW 90.03.460 Inchoate rights not affected.** Nothing in this chapter contained shall operate to effect an impairment of any inchoate right to divert and use water while the application of the water in question to a beneficial use is being prosecuted with reasonable diligence, having due regard to the circumstances surrounding the enterprise, including the magnitude of the project for putting the water to a beneficial use and the market for the resulting water right for irrigation or power or other beneficial use, in the locality in question. [1917 c 117 § 43; RRS § 7398. Formerly RCW 90.28.140.]

**RCW 90.03.470 Schedule of fees.** The following fees shall be collected by the department in advance:

(1) For the examination of an application for permit to appropriate water or on application to change point of diversion, withdrawal, purpose or place of use, a minimum of ten dollars, to be paid with the application. For each second foot between one and five hundred second feet, two dollars per second foot; for each second foot between five hundred and two thousand second feet, fifty cents per second foot; and for each second foot in excess thereof, twenty cents per second foot. For each acre foot of storage up to and including one hundred thousand acre feet, one cent per acre foot, and for each acre foot in excess thereof, one-fifth cent per acre foot. The ten dollar fee payable with the application shall be a credit to that amount whenever the fee for direct diversion or storage totals more than ten dollars under the above schedule and in such case the further fee due shall be the total computed amount less ten dollars.

Within five days from receipt of an application the department shall notify the applicant by registered mail of any additional fees due under the above schedule and any additional fees shall be paid to and received by the department within thirty days from the date of filing the application, or the application shall be rejected.

[Ch. 90.03 RCW—p 11]

S 430465

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