WATER TRANSFER WORKING GROUP PROJECT DESCRIPTION

APPLICATION NO./COURT CLAIM NO.

Water Budget Neutral Request – Kellogg-Smith (1 lot development) with mitigation from Sapphire Skies Water Exchange Instream Flow Water Rights per Superseding Trust Water Right Agreement and Trust Water Right No. CS4-00365CTCLsb5

APPLICANT NAME
Peter and Jennifer Kellogg-Smith

CONTACT NAME
Joseph Rehberger, Attorney

WATER RIGHT HOLDER'S NAME (if different)
Scatter Creek Resources L.L.C. a/k/a Green Canyon, LLC

TELEPHONE NO.
(360) 786-5057

DATE OF APPLICATION
October 29, 2012

PRIORITY DATE
June 5, 1886

WATER SOURCE:
Well(s)

CROP:
Lawn or noncommercial garden

INSTANTANEOUS QUANTITY:
50 gpm

ANNUAL QUANTITY:
0.5 acre-ft/yr; 0.21 consumptive

PERIOD OF USE:
Continuous

PLACE OF USE:
Parcel No. 21-14-09061-0004 (951349)

PURPOSE OF USE:
Domestic and irrigation

IRRIGATION METHOD:

CONSUMPTIVE USE CALCULATION:

October through April water uses for the 1 lot development are calculated at 0.0098 ac-ft/month consumptive use, or 0.069 ac-ft for wintertime, which will not impact the Yakima River during the irrigation season at Parker.

Indoor use: Maximum use for 1 residential connection at 350 gallons per day (gpd/resident) used continuously year round equates to 0.392 ac-ft/yr of water use, or:

(350 gpd per connection) x (365 days) x (1 connection) x (1 ac-ft/325,851gal) = 0.392 afy

Consistent with WAC 173-539A-050(3), 30% of domestic in-house use on a septic system is consumptively used, therefore:
Indoor consumptive use = (0.392 afy) x (0.30) = 0.118 ac-ft/yr

WWTG Project form - Page 1 of 2
Outdoor use: The requestor proposes to irrigate up to 1,815 ft$^2$ of lawn and garden for the 1 ERU project. Using a crop irrigation requirement of 24 in/yr (or 2.0 ft/yr) for grass near Cle Elum calculated using the ASCE Penman-Montith method and an application efficiency of 80%, the total outdoor irrigation water use is 0.104 ac-ft/yr, or:

$$[(2.0 \text{ ft/yr}) \times 0.80 \times (500 \text{ ft}^2 \div 43,560 \text{ ft}^2/\text{ac})] = 0.104 \text{ ac-ft/yr}$$

Consistent with WAC 173-539A-050(3), 90% of outdoor use is consumptively used, so:

Outdoor consumptive use = (0.104 ac-ft/yr) x (0.90) = 0.094 ac-ft/yr

As a result consumptive use (CU) for the project totals to 0.212 ac-ft/yr
(CU May through September is 0.143 ac-ft and CU October through April is 0.069 ac-ft)

Narrative Description of Project:

This proposal is for development of one residential home and ERU on an existing subdivided parcel owned by the applicant since 2006 and identified as Lot 4 of Plat of Timber Ridge (Parcel No. 951349). The WTWG and Ecology had previously approved a 12 lot ERU project on an adjoining parcel, Lot 10 of Plat of Timber Ridge, and on September 27, 2012 following a request, Ecology amended the Determination of Water Budget Neutrality to reduce the ERUs from 12 to 1. Following that reduction, the requestor here seeks to obtain water from the shared well on Lot 10 to serve Lot 4.

The requestor proposes to offset the 0.212 ac-ft/yr of consumptive use for the project (1 residential connection and 1,815 ft$^2$ of lawn and garden) with 0.212 ac-ft/yr of mitigation water acquired from Sapphire Skies Water Exchange Instream Flow Water Rights per Superseding Trust Water Right Agreement and Trust Water Right No. CS4-00365CTCLsb5. The requestor proposes that 0.069 ac-ft be assigned to under the Bureau-Ecology Water Storage and Exchange Contract no. 09XX101700 for the storage and delivery of water between October through April to ensure that the new exempt use is water budget neutral at Parker year round.
# Request for Determination Of Water Budget Neutrality

** SURFACE WATER  **
** GROUNDWATER **

## Section 1. APPLICANT

<table>
<thead>
<tr>
<th>Applicant/Business Name:</th>
<th>Peter and Jennifer Ann Kellogg-Smith</th>
<th>Phone No:</th>
<th>425-466-9643</th>
<th>Other No:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address:</td>
<td>20628 SE 136th Street</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>City:</td>
<td>Issaquah</td>
<td>State: WA</td>
<td>Zip: 98027</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Contact Name [if different from above]:</th>
<th>Joseph Rehberger</th>
<th>Phone No:</th>
<th>360-786-5057</th>
<th>Other No:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Relationship to Applicant:</td>
<td>Attorney</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Address:</td>
<td>Cascadia Law Group PLLC, 606 Columbia Street NW, Suite 212</td>
<td>State: WA</td>
<td>Zip: 98501</td>
<td></td>
</tr>
<tr>
<td>City:</td>
<td>Olympia</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Email Address (optional):</td>
<td><a href="mailto:jrehberger@cascadiaLaw.com">jrehberger@cascadiaLaw.com</a></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

## Section 2. STATEMENT OF INTENT

Briefly describe the purpose of your proposed project: The project is a single lot owned by applicant since 2006, utilizing less than 5,000 gallons per day (gpd). At completion, (1) single family residence equivalent residential unit (ERU) will be constructed on this lot. This ERU will be served by an existing offsite shared well located on Lot 10 of Plat of Timber Ridge, Parcel No. 951355, or an onsite well, and waste water will be discharged to an individual on-site septic system. Trust water in the Sapphire Skies Water Exchange, and pursuant to the Superseding Trust Water Right Agreement, will provide mitigation in a quantity equal to the total consumptive use for water budget neutrality.

Anticipated length of time to complete your project: 1-5 years

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If you need this document in an alternate format, please call the Water Resources Program at 360-407-6600. Persons with hearing loss can call 711 for Washington Relay Service. Persons with a speech disability can call 877-833-6341.
**Water Use** List all proposed uses and the quantity required for each.

Domestic with lawn and garden irrigation. Estimated total annual quantities are 0.5 acre feet per year (afy), and 0.21 afy consumptive for this ERU. The average daily demand is 300 gpd, with 150 gpd in-house, and the maximum daily demand will be between 320 to 415 gpd for this residence, which includes irrigation from June through September. Up to 1,815 square feet of lawn and garden in addition to the maximum 350 gpd/residence is included in the total annual quantities. October through April water use is calculated at 0.0098 af/month consumptive use, or 0.069 af for wintertime, which will not impact the Yakima River during the irrigation season at Parker.

<table>
<thead>
<tr>
<th>Purpose(s) of Use</th>
<th>Rate (check one box only)</th>
<th>Acre-Feet per Year (AF/yr) (if known)</th>
<th>Period of Use (Continuously or Seasonal)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Domestic with lawn and garden irrigation</td>
<td>Maximum 50 gpm</td>
<td>0.50 afy, 0.21 afy consumptive</td>
<td>Continuously</td>
</tr>
<tr>
<td>TOTAL:</td>
<td>Maximum 50 gpm</td>
<td>0.50 afy, 0.21 afy consumptive</td>
<td></td>
</tr>
</tbody>
</table>

**Section 3. POINT OF DIVERSION OR WITHDRAWAL**

Complete A or B, and C below

A.) If Surface Water Source

- Spring
- Creek
- River
- Lake

- Other: ____________________________

Source Name: ____________________________

Tributary to: ____________________________

Number of proposed diversion points: ____________________________

Do you have an existing diversion? [ ] YES [ ] NO

B.) If Groundwater Source

Do you have an existing well? [ ] YES [ ] NO

- Well(s) [ ] Other: See attached well log

Existing well diameter & depth:

- 6" and 833 feet

If available, attach Water Well Report and pump test.

- Well Tag ID No. BAH646

Number of proposed points of withdrawal: 1

C.) Point of Diversion/Withdrawal – Legal Description

<table>
<thead>
<tr>
<th>Parcel No.</th>
<th>%</th>
<th>%</th>
<th>Section</th>
<th>Township</th>
<th>Range</th>
<th>County</th>
</tr>
</thead>
<tbody>
<tr>
<td>20-15-13050-0002 (951355); or 21-14-09061-0004 (951349)</td>
<td>NW</td>
<td>9</td>
<td>Z1N</td>
<td>14E</td>
<td>Kittitas</td>
<td></td>
</tr>
<tr>
<td>Lot(s)</td>
<td>Block(s)</td>
<td>Subdivision</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lot 10; or Lot 4</td>
<td></td>
<td>Timber Ridge</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

If known, enter the distances in feet from the point of diversion or withdrawal to the nearest section corner:

- Feet ( [ ] North/ [ ] South) and _____ feet ( [ ] East/ [ ] West)

from the ( [ ] NW [ ] SW [ ] NE [ ] SE [ ] _____ ) corner of Section _____

**NOTE:** If more than one point of diversion/withdrawal, attach additional information on a separate sheet of paper.

**For Ecology Use**

APPLICATION NO: ____________________________ SEPA: Exempt/Not Exempt

Fee Paid: ____________________________ Check No: ____________________________ ECY Coding: 001-001-WR1-0285-00001

Date Returned ____________________________ By ____________________________ Priority Date ____________________________ By ____________________________ WR1A: ____________________________
Attach a map of your project showing the point of diversion/withdrawal and place of use. If platted property, be sure to include a complete copy of the plat map. See attached.

### Section 4. WATER SYSTEM INFORMATION

Complete A or B, C, D, E and F below

<table>
<thead>
<tr>
<th>A.) Domestic Water Systems only</th>
<th>B.) Municipal Water Systems only</th>
</tr>
</thead>
<tbody>
<tr>
<td>Projected number of connections to be served: <strong>1</strong></td>
<td>Present population to be served water:</td>
</tr>
<tr>
<td>Type of connections: <strong>home</strong> (e.g., home, recreational cabin)</td>
<td>Estimate future population to be served: (20 year projection)</td>
</tr>
</tbody>
</table>

#### C.) Water System Planning

Do you have a Water System Plan approved by the Washington State Department of Health, Drinking Water Division? □ YES ☒ NO

If yes, date plan was approved **__/__/___** Water System Number: __________________

Name of water system: __________________

Are you within the service area of an existing water system? □ YES ☒ NO

If yes, explain why you are unable to connect to the system: ______________________________________________________
__________________________________________________________________________________________________________
__________________________________________________________________________________________________________
__________________________________________________________________________________________________________

#### D.) On-Site Septic

Will there be an on-site septic system? ☒ YES □ NO

If yes, please provide a copy of the property covenant that restricts or prohibits trees or shrubs over the septic drain field. See attached.

#### E.) Sanitary Sewer System

Will domestic wastewater be discharged to a sanitary sewer system? □ YES ☒ NO

If yes, please provide a copy of the sewer utility agreement that serves the proposed project.

#### F.) Irrigation

Total number of acres requested to be irrigated under this application = .0417 ACRES (lawn and garden)

NOTE: Outline the area to be irrigated on your attached map.
Section 5. MITIGATION

To receive a new water right under Chapter 173-539A WAC, the applicant must identify an existing trust water right or pending application to place a water right in trust. The trust water right(s) must:

- Contribute an equal or greater amount to Yakima River flow during the irrigation season, as measured at Parker.
- Have a priority date earlier than May 10, 1905.
- Be eligible to be used for instream flow protection and mitigation of out-of-priority uses.

A) Existing Trust Water Right
Please identify existing trust water right(s) for use as mitigation.

<table>
<thead>
<tr>
<th>Water Right No.</th>
<th>Rate (check one box only)</th>
<th>Acre-Feet per Year (AF/yr) (if known)</th>
<th>Priority Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sapphire Skies Water Exchange</td>
<td>0.6 CFS</td>
<td>120.9 afy; 89 afy consumptive</td>
<td>June 5, 1886</td>
</tr>
<tr>
<td>Water Right CS4-00365CTCl5b5</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Cubic Feet per Second (CFS)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Gallons per Minute (GPM)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL:</td>
<td></td>
<td>120.9 afy; 89 afy consumptive</td>
<td></td>
</tr>
</tbody>
</table>

B) Proposed Trust Water Right Application
Please identify the pending application(s) to place a water right(s) into trust for use as mitigation.

<table>
<thead>
<tr>
<th>Water Right No.</th>
<th>Rate (check one box only)</th>
<th>Acre-Feet per Year (AF/yr) (if known)</th>
<th>Priority Date</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Cubic Feet per Second (CFS)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Gallons per Minute (GPM)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL:</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Section 6. PLACE OF USE

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 it carefully in the space below.

Lot 4, PLAT OF TIMBER RIDGE PLAT NO. P-04-07, in the County of Kittitas, State of Washington, as per plat thereof recorded in book 10 of Plats, pages 127 and 128, records of said County.

<table>
<thead>
<tr>
<th>¼</th>
<th>¼</th>
<th>Section</th>
<th>Twp.</th>
<th>Range</th>
<th>County</th>
<th>Parcel No.</th>
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<tr>
<td>NW</td>
<td>9</td>
<td>21N</td>
<td>14E</td>
<td>Kittitas</td>
<td>21-14-09061-0004 (951349)</td>
<td></td>
</tr>
</tbody>
</table>
Section 7. REQUIRED SIGNATURES

I certify that the information provided in this application is true and accurate to the best of my knowledge. I understand that in order to process my request, I grant staff from the Department of Ecology access to the site for inspection and monitoring purposes. Even though employees of the Department of Ecology may have assisted me in the preparing this application, I am fully responsible for the accuracy of the information provided.

[CORPORATE NAME – APPLICANT]

By: JOSEPH REHBERGER
Print Name: Joseph A. Rehberger, Attorney
(Applicant or authorized representative)

Signature

Date

[Land Owner, if seeking to use the groundwater exemption]

Submit this form to:
DEPARTMENT OF ECOLOGY
WATER RESOURCES PROGRAM
CENTRAL REGIONAL OFFICE
15 W. YAKIMA AVE, SUITE 200
YAKIMA, WA 98901

[5]

If you need this document in an alternate format, please call the Water Resources Program at 360-407-6600. Persons with hearing loss can call 711 for Washington Relay Service. Persons with a speech disability can call 877-833-6341.
WATER WELL REPORT

Construction/Decommission (X) in circle

X Decommission ORIGINAL INSTALLATION

Notice of Intent Number

PROPOSAL: [ ] Domestic [ ] Industrial [ ] Municipal
[ ] Irrigation [ ] Test Well [ ] Other

TYPE OF WORK: Owner's number of well if more than one
[ ] New well [ ] Reconditioned Method: [ ] Drill [ ] Bored [ ] Driven
[ ] Drilled [ ] Other

DIMENSIONS: Diameter of well = 6 in., length drilled = 833 ft.

CONSTRUCTION DETAILS:

Casing: [ ] Yes [ ] No
Perforation: [ ] Yes [ ] No

Type of perforator used: GRINDER

SIZE of perf: [ ] in. by [ ] ft. and nos. of perf: [ ] from [ ] to [ ] ft.

Screen: [ ] Yes [ ] No

Manufacturer's Name

Type: [ ] No

Model No.

Depth of soil

Type of casing

Method of sealing casing

PUMP: Manufacturer's Name

Type: [ ] H.P.

WATER LEVELS: Land-surface elevation above mean sea level

Static level = [ ] ft. below top of well

Date: 1/1/08

Ambient pressure: lbs. per square inch

Ambient water is corrected by:

(WELL TESTS:

Drawdown is amount water level is lowered below static level.

Yield = gal/min. with [ ] dr., drawdown after

Yield = gal/min. with [ ] dr., drawdown before

Recovery time taken as zero when pump turned off (water level measured from well top to water level)

Time = Water Level

Time = Water Level

Date of test

Boiler Test = gal/min. with [ ] dr., drawdown after

Airen = gal/min. with [ ] lbr. for 1 hr

Temperature of water

Was a chemical analysis made?

CURRENT

Notice of Intent No. WE0703

Unique Ecology Well ID Tag No. BAH646

Water Right Permit No. EXEMPT WEL.

Property Owner Name MCT TEN LLC

Well Street Address NIGHT SKY LANE

City CLE ELUM County KITTITAS

Location NW 1/4-1/4 NW 1/4 Sec 2

Lat. Min/Sec

Long Deg

Tax Parcel No. (Required) 951335

CONSTRUCTION OR DECOMMISSION PROCEDURE

Formation: Describe by color, character, size of material and structure, and the kind and nature of the material in each stratum penetrated, with at least one entry for each change of information.

MATERIAL

FROM TO

BROWN SILT GRAVEL WITH BOULDERS

TIGHT, DRY

TIGHT, DRY

BROWN SANDSTONE, MODERATE, DRY

BROWN BASALT, MODERATE, DRY

BROWN BASALT, SOFT, DRY

BLUE SANDSTONE, MODERATE, DRY

GRAY SANDSTONE, FRACTURED, DRY

BLUE SANDSTONE, MODERATE, DRY

GRAY SANDSTONE, DRY

GRAY SANDSTONE, FRACTURED, WET

BLACK BASALT, MODERATE, DRY

GRAY GRANITE, HARD, DRY

GRAY GRANITE, FRACTURED, DRY

GRAY GRANITE, MODERATE, DRY

GRAY GRANITE, MODERATE, DRY

GRAY GRANITE, MODERATE, DRY

GRAY GRANITE, FRACTURED, DRY

GRAY GRANITE, MODERATE, DRY

GRAY GRANITE, HARD, DRY

GRAY SANDSTONE, MODERATE, DRY

GRAY BASALT WITH QUARTZ, FRACTURED,

WEIGHT

BEGGAR PLATIAN

ARCADIA DRILLING INC.

PO BOX 1700

SHELTON WA 98584

1/1/08

ECOLOGY IS AN EQUAL OPPORTUNITY EMPLOYER

Washington State
Department of Ecology
WATER WELL REPORT

Construction/Decommission (\textit{*\textsuperscript{x}} in circle)

\textbf{ORIGINAL INSTALLATION}

\textbf{Notice of Intent Number}

\textbf{PROPOSED USE:}  
- Domestic
- Industrial
- Municipal
- Others

\textbf{TYPE OF WORK:} Owner's name of well (if more than one)
- New well
- Recirculating Method: None
- Other

\textbf{DIMENSIONS: Diameter of well} 8\,in. 
- Undeveloped: 8\,in.
- Developed: 8\,in.

\textbf{CONSTRUCTION DETAILS:}
- Diameter of well: 8\,in.
- Depth of completed well: 8\,ft.

\textbf{PERFORATION:}
- Yes
- No

\textbf{Type of perforation used:}
- GRINDER

\textbf{Casing:}
- Yes
- No

\textbf{Screen:}
- Yes
- No

\textbf{Locant:}
- Location

\textbf{INSTALLER:}
- Name

\textbf{MANUFACTURER:}
- Name

\textbf{WATER LEVELS:}
- Land surface elevation above mean sea level
- Static level
- Water level

\textbf{WELL TESTS:}
- Drawdown is amount water level is lowered below static level
- Was a pump test made?
- Yes
- No
- If yes, by whom?
- Y yield: gal/min with drawdown after hrs.
- Yield: gal/min with drawdown after hrs.
- Recovery data (time taken as zero when pump turned off) (water level measured from well top to water level)

\textbf{ANALYSIS:}
- Water test: 8\,in
- Temperature of water

\textbf{CONSTRUCTION OR DECOMMISSION PROCEDURE:}
- Formation: Describe by color, character, size of material, structure, and the kind and nature of the material in each drawn penetrated, with at least one entry for each change of information.

\textbf{MATERIAL:}
- FROM
- TO
- GRAY GRANITE, MODERATE, DRY
- BLACK BASALT, MODERATE, DRY
- GREEN BASALT, MODERATE, DRY
- BLACK BASALT, HARD, DRY
- GREEN & BLACK BASALT WITH PYRITE
- WEAK, DRY
- BLACK BASALT, HARD, DRY
- GRAY BASALT, MODERATE, DRY
- WHITE GRANITE, MODERATE, DRY
- GREEN & BLACK BASALT, HARD, DRY
- WEAK, DRY
- GREEN, BLACK, LAVENDER MIXED BASALT
- WEAK, DRY
- BLACK BASALT, MODERATE, DRY
- BLACK BASALT, FRACURED, WET
- GRAY DENSE GRANITE, HARD, DRY
- GREEN & BLACK BASALT, HARD, DRY
- WHITE GRANITE, MODERATE, DRY
- WHITE GRANITE, FRACURED, WATER

\textbf{FEB 1\,0 2008}

\textbf{Washington State Department of…}
**Return Address**

Joseph A. Rehberger  
Cascadia Law Group PLLC  
606 Columbia Street, Suite 212  
Olympia, WA 98501

**Document Title(s) (or transactions contained therein):**

1. DECLARATION OF RESTRICTIVE COVENANT

**Reference Number(s) of Documents assigned or released:**

N/A

**Grantor(s)/Declarant(s) (Last name first, then first name and initials):**

1. KELLOGG-SMITH, PETER  
2. KELLOGG-SMITH, JENNIFER ANN

**Grantee(s) (Last name first, then first name and initials):**

1. N/A

**Legal description:**

PTN Section 9, Township 21 N., Range 14 E., W.M.  
[ ] Full legals are on page(s) 1 of document.

**Assessor's Property Tax Parcel/Account Numbers:**

21-14-09061-0004 (951349)
DECLARATION OF RESTRICTIVE COVENANT

PETER KELLOGG-SMITH AND JENNIFER ANN KELLOGG-SMITH ("Declarants"), the owners in fee simple of the land described herein, hereby declare this covenant and place the same on record.

Declarants are the owners in fee simple of the following described real estate situated in Kittitas County, State of Washington, legally described as:

Lot 4, PLAT OF TIMBER RIDGE PLAT NO. P-04-07, in the County of Kittitas, State of Washington, as per plat thereof recorded in book 10 of Plats, pages 127 and 128, records of said County.

Situate in County of Kittitas, State of Washington.

(the "Property") on which the Declarants own, operate, and maintain (or intend to own, operate, and maintain) one or more septic drain fields serving the Property ("Septic Drain Field"), and Declarants are required to restrict or prohibit the placement of trees or shrubs on and over any designated Septic Drain Field.

It is the purpose of this grant and covenant to prevent certain practices hereinafter enumerated in the use of the Property and its Septic Drain Field(s) in support of the Property’s water supply.

NOW, THEREFORE, the DECLARANTS declare and covenant that said declarants, and their heirs, successors, and assigns will not plant, maintain, or suffer to be planted or maintained upon the said Property within or above a designated Septic Drain Field area, any trees or shrubs of any kind or description, so long as the Property receives water via an onsite well and is allowed an allowance for return flow to and through the Septic Drain Field(s) for purposes of showing water budget neutrality to the State of Washington Department of Ecology.

Declarants reserves to themselves, and to their heirs, successors, and assigns, the right to specifically identify or delineate the precise location of any Septic Drain Field upon the
filing of an amendment to this Declaration specifically identifying or delineating the same, whether by map, survey, written description, or otherwise, which amendment shall relate back and be incorporated herein.

This covenant shall run with the land and shall be binding to all parties having or acquiring any right, title, or interest in the land described herein or any part thereof, and shall inure to the benefit of each owner thereof.

DATED this _____ day of ______________ 2012.

DECLARANT:

__________________________  __________________________
Peter Kellogg-Smith          Jennifer Ann Kellogg-Smith

STATE OF WASHINGTON )
) ss.
COUNTY OF ____________)

I certify that I know or have satisfactory evidence that Peter Kellogg-Smith is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

__________________________
(Signature of Notary)

__________________________
(Print name of Notary)

NOTARY PUBLIC in and for the State of Washington, residing at ____________
My appointment expires: ____________
STATE OF WASHINGTON )
                     ) ss.
COUNTY OF __________ )

I certify that I know or have satisfactory evidence that Jennifer Ann Kellogg-Smith is the person who appeared before me, and said person acknowledged that she signed this instrument and acknowledged it to be her free and voluntary act for the uses and purposes mentioned in the instrument.

_____________________________________________________
(Signature of Notary)

_____________________________________________________
(Print name of Notary)

NOTARY PUBLIC in and for the State of Washington, residing at ____________________________
My appointment expires: ____________________________
October 29, 2012

Mark Kemner  
Water Resources Manager  
Central Regional Office  
Department of Ecology  
15 West Yakima Ave., Suite 200  
Yakima, WA 98902-3452  

Re: Requests for Determination of Water Budget Neutrality

Dear Mark:

Please find enclosed a Request for Determination of Water Budget Neutrality. This is a project (1 single family residence) that has a water demand under the quantities allowed for the ground water permit exemption. The project is to be mitigated as required under the Kittitas Rule, WAC 173-539A-050, that provides that “the proposed use would be water budget neutral.”

Under the rule, “water budget neutral project” means an appropriation or project where withdrawals of ground water of the state are proposed in exchange for discharge of water from other water rights that are placed into the trust water right program where such discharge is at least equivalent to the amount of consumptive use. Mr. and Mrs. Kellogg-Smith intend to provide the equivalent consumptive use of water from these projects from the Sapphire Skies Water Exchange, which currently has available trust water, and specifically from the water available under the Green Canyon/Henshaw water right, No. CS4-00365CTCLsb5, and pursuant to the Superseding Trust Water Right Agreement.

Enclosed you will find an original and signed Request for Determination of Water Budget Neutrality, with a copy of an unsigned Declaration of Restrictive Covenant referenced in response to Section 4.D On-Site Septic.

We are holding the Declaration of Restrictive Covenant for signature and recording with the Kittitas County Auditor until the request is approved.
Please do not hesitate to call if you have any questions.

Sincerely,

[Signature]

Joseph A. Rehberger  
Direct Line: (360) 786-5052  
Email: jrehberger@cascadialaw.com  
Office: Olympia

JR:en

Enclosures

cc: Sage Park, Department of Ecology  
    Peter and Jennifer Ann Kellogg-Smith