



FILED FOR RECORD AT REQUEST OF/RETURN TO:

Paul C. Dempsey
Halverson Northwest Law Group P.C.
P.O. Box 22550

RE EXCISE TAX PAID

Amount 234.50
Date 5-18-2018
Affidavit No. 2018-981
KITTITAS COUNTY TREASURER
By Jedger Jelladay

DOCUMENT TITLE: MITIGATION WATER ALLOCATION
GRANTOR: BIG CREEK WATER RIGHT, L.L.C.
GRANTEE: MARK WENGER and DARCY WENGER, husband and wife
ABBREV LEGAL: Mitigation Water Rights for the benefit of:
CD. 5954-A; SEC. 29; TWP. 20; RGE. 14 (Ptn. of NE ¼ NE ¼ SEC. 29, TWP. 20, RGE. 14)
ASSESSOR TAX PARCEL NO(s): Ptn. of 479134

MITIGATION WATER ALLOCATION

The GRANTOR, BIG CREEK WATER RIGHT, L.L.C., a Washington limited liability company, (hereinafter "Big Creek"), for and in consideration of Ten Dollars (\$10.00) and other valuable consideration in hand paid, and of the issuance of the Determination of Water Budget Neutrality attached as Exhibit "A" and incorporated herein by reference, does hereby irrevocably allocate, release, and convey to GRANTEE, MARK WENGER and DARCY WENGER, husband and wife (hereinafter "Grantee") only such portion of the retained beneficial interest of Big Creek under that certain Trust Water Agreement dated June 25, 2015, between Big Creek and the Washington State Department of Ecology (the "Trust Water Rights Agreement"), which equates to **0.252 acre-feet per year (0.076 acre-feet consumptive use)** of the water rights set forth in Water Right Authorization No. CS4-00756sb2@3, which was placed into the Yakima River Basin Trust Water Rights Program as authorized under Chapter 90.38 RCW.

Such allocation is being made specifically to off-set and fully mitigate the groundwater withdrawal and use authorized by the attached Determination of Water Budget Neutrality, for the benefit of a portion of the real property located in Kittitas County, Washington and legally described as follows:

CD. 5954-A; SEC. 29; TWP. 20; RGE. 14; PTN. NE ¼ (10.45 acres)

The portion of the above-described real property to which mitigation water is being allocated hereunder comprises "Lot 1" of Wenger Short Plat, SP-07-00007 (Preliminary), Kittitas County, Washington, which remains pending as of the date of this Mitigation Water Allocation, and which is depicted on attached Exhibit "B" and incorporated herein by reference.

The herein allocation shall be:

SUBJECT TO: Terms and conditions in the Trust Water Right Agreement between Big Creek and the Washington State Department of Ecology, dated June 25, 2015;

SUBJECT TO: Terms and conditions in the Mitigation Water Purchase Agreement between Big Creek and Grantee dated September 6, 2017;

SUBJECT TO: Terms and Conditions in the Water Storage and Exchange Contract No. 09XX101700 between the United States Bureau of Reclamation and the State of Washington Department of Ecology, Yakima Project, dated January 29, 2009; and

SUBJECT TO: Any valid priority calls against Trust Water Right Authorization No. CS4-00756sb2@3 based on local limitations in water availability.

Dated this 20th day of APRIL, 2018.

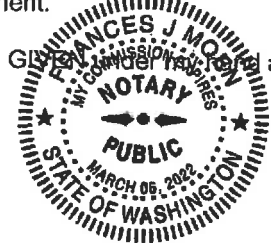
GRANTOR:

BIG CREEK WATER RIGHT, L.L.C.

By: 
Patrick Deneen, Manager/Member

STATE OF WASHINGTON)
) ss.
County of Kittitas)

I certify that I know or have satisfactory evidence that PATRICK DENEEN is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the Manager/Member of BIG CREEK WATER RIGHT, L.L.C., a Washington limited liability company, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.



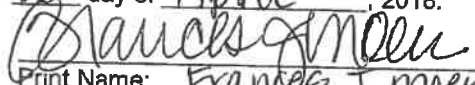
GIVEN UNDER MY HAND and official seal this 20th day of April, 2018.

Print Name: Frances J. moen
Notary Public in and for the State of Washington
My commission expires: 3-6-22



EXHIBIT A

STATE OF WASHINGTON
 DEPARTMENT OF ECOLOGY
 1250 W Alder St • Union Gap, WA 98903-0009 • (509) 575-2490

March 29, 2018

BCWR Water Bank
 Attn: Patrick Deneen
 304 W. 1st St.
 Cle Elum, WA 98922-1074

Re: Determination of Water Budget Neutrality for Request No. G4-35962

Dear Mr. Deneen:

Thank you for submitting a Request for Determination of Water Budget Neutrality, which was received by the Department of Ecology (Ecology) office on October 2, 2017.

In accordance with Washington Administrative Code (WAC) 173-539A, Ecology has determined your proposed appropriation of groundwater, as mitigated by the trust water right identified in your request, will be water budget neutral with respect to Total Water Supply Available (TWSA) at Parker.

The information in the table below was based on the documents you provided.

Proposed Uses and Mitigation Offered:

Use	Proposed Total Annual Quantity (ac-ft/yr.)	Proposed Mitigation (ac-ft/yr.)
Indoor	0.252	0.076
Outdoor		
Total	0.252	0.076

*ac-ft/yr = acre-feet per year (1 acre-foot = 325,851 gallons)

Consumptive use, totaling 0.076 ac-ft/yr, is proposed to be offset with Trust Water Right No. CS4-00756sb2@3. The total consumptive use does not exceed the amount of water available under the subject trust water right during the irrigation season. Please refer to the enclosed Advisory Letter for additional information.

Ecology has determined, based on review of your Request for Determination of Water Budget Neutrality and the accompanying materials, your proposed use of groundwater will be Water Budget Neutral as follows:

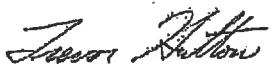
1. Water use is to be made within Parcel No. 479134 located within the E $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 29, T. 20 N., R. 14 E.W.M. In-home water use is for 1 connection, using 225 gallons per day, resulting in a consumptive use of 0.076 ac-ft/yr.
2. Water will be obtained from a well, located in Parcel No. 479134 located within the E $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 29, T. 20 N., R. 14 E.W.M.

BCWR Water Bank
March 29, 2018
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3. Water use shall be recorded and reported as required under WAC 173-539A-070, and as described in the Advisory Letter enclosure.
4. You will record with the Kittitas County Auditor a property covenant as required under WAC 173-539A-050 that restricts or prohibits trees or shrubs over septic drain fields on Parcel No. 479134.
5. You will record with the Kittitas County Auditor an appropriate conveyance instrument under which the applicant obtains an interest in Trust Water Right No. CS4-00756sb2@3 to offset consumptive use as described in this letter.
6. You will pay to Ecology the sum of \$30.01, which represents a proportionate amount of the payment due and owing to the United States for storage and delivery of water under Paragraph 15(a) of Water Storage and Exchange Contract No. 09XX101700, between the U.S. Bureau of Reclamation and the State of Washington Department of Ecology, Yakima Project, Washington, dated January 29, 2009¹. The consumptive use of 0.044 acre-feet from September 2 through March 31, is subject to the terms and conditions in the Water Storage and Exchange Contract No. 09XX101700.
7. Any valid priority calls against Trust Water Right No. CS4-00756sb2@3 based on local limitations in water availability, will result in temporary curtailment of the use of water until the priority call for water ends.

If you have any questions, please contact the Help Desk at (509) 575-2597.

Sincerely,


Trevor Hutton, Section Manager
Water Resources Program
Central Regional Office

TH:CP:SS/180334
WRTS ID# 6800713

Enclosures: Your Right To Be Heard
Advisory Letter (white sheet)
Water Measuring Requirement and Form 1
Invoice & Return Envelope

By Certified Mail: 91 7199 9991 7037 9104 1091

cc: Paul Dempsey, Halverson NW Law Group
Holly Duncan, Kittitas County Public Health Department (ecc)
Philip Rigdon, Director, Natural Resources Division, Yakama Nation
Water Right Specialist, USBR, Columbia-Cascades Area Office

¹ Water Storage and Exchange Contract No. 09XX101700 between the U.S. Bureau of Reclamation and the State of Washington Department of Ecology.

