

MLH
SP-24-00014

Upon Recording Return to:
Bill Mundy
116 Fairview Ave N., #704
Seattle, WA 98109



Kittitas County CDS

Real Estate Excise Tax
Exempt
Kittitas County Treasurer
By Mindy DeLozier
Affidavit No. 2026-0785
Date 05/18/2026

DOCUMENT TITLE:	AMENDED AND RESTATED GROUNDWATER MITIGATION CERTIFICATE
GRANTORS:	WILBUR H. MUNDY & MARY ANN MUNDY
GRANTEES:	MCGREGOR LAND HOLDINGS LLC, WAYNE W. GOTTS & KRISTINE L. GOTTS, BRIAN TOSCH, DEBRA THIEL & BILL MUNDY & ASSOCIATES, INC.
PARTIAL LEGAL DESCRIPTION:	SE1/4 SE1/4 OF SECTION 28, T. 20 N., R. 16 E.W.M.-SEE FULL LEGAL PG. 13
ASSESSOR'S TAX PARCEL NOS.:	504636, 17779, 17780 & 355035
RELATED DOCUMENT:	201503110012

AMENDED AND RESTATED GROUNDWATER MITIGATION CERTIFICATE

THE GRANTORS, Wilbur H. Mundy and Mary Ann Mundy, husband and wife, hereby agree to this Amended and Restated Groundwater Mitigation Certificate to McGregor Land Holdings LLC, Wayne W. Gotts and Kristine L. Gotts, Brian Tosch, Debra Thiel and Bill Mundy & Associates, Inc., Grantees, to amend and restate the use of the Groundwater Mitigation Certificate recorded on March 11, 2015, under Kittitas County Recording No. 201503110012 ("Original GMC"), attached hereto as Exhibit A and incorporated by reference. The GRANTORS agree to clarify the parcels that rely on this Amended and Restated Groundwater Mitigation Certificate after the recording of the Boundary Line Adjustment (Kittitas County Recording No. 202105110027, recorded on May 11, 2021) ("Boundary Line Adjustment"). This Amended and

Restated Groundwater Mitigation Certificate supersedes, in total, the Groundwater Mitigation Certificate recorded on March 11, 2015, under Kittitas County Recording No. 201503110012.

This Amended and Restated Groundwater Mitigation Certificate entitles the Grantees to mitigate for water use on the real property situated in the County of Kittitas, State of Washington, legally described in Exhibit B attached hereto and incorporated by reference as follows:

<i>Parcel</i>	<i>Residential Units</i>	<i>Total Annual Quantity (ac-ft/yr)</i>	<i>Mitigation (ac-ft/yr CU)</i>
Parcel A1 Parcel No. TBD McGregor Land Holdings LLC	One residential unit and irrigation of 500 s.f.	Indoor: 0.392 Outdoor: 0.02175 Total: 0.479	Indoor: 0.1175 Outdoor: 0.0195 Total: 0.137
Parcel C Parcel No. 355035 Gotts, Wayne & Kristine	One residential unit and irrigation of 500 s.f.	Indoor: 0.392 Outdoor: 0.02175 Total: 0.479	Indoor: 0.1175 Outdoor: 0.0195 Total: 0.137
Parcel D Parcel No. 17780 Bill Mundy & Associates	One residential unit and irrigation of 500 s.f.	Indoor: 0.392 Outdoor: 0.02175 Total: 0.479	Indoor: 0.1175 Outdoor: 0.0195 Total: 0.137
Parcel E Parcel No. 17779 Tosch, Brian and Thiel, Debra	One residential unit and irrigation of 500 s.f.	Indoor: 0.392 Outdoor: 0.02175 Total: 0.479	Indoor: 0.1175 Outdoor: 0.0195 Total: 0.137

In the Original GMC, Parcel 17781 was identified. At that time, Parcel 17781 was within Section 28, T. 20N., R. 16 E.W.M. However, after the Original GMC was recorded, the Boundary Line Adjustment re-allocated Parcel 17781 to an area located in Section 27, T. 20N., R. 16 E.W.M. Additionally, the current Parcel 17781 recorded a separate and unrelated Groundwater Mitigation Certificate on its property, recorded April 18, 2022, under Kittitas County Recording Number 202204180062. Therefore, Parcel 17781 is hereby expressly excluded from this Amended and Restated Groundwater Mitigation Certificate and shall have no right to rely upon, nor be subject to, the mitigation water rights described herein from and after the date of recording of this Amended and Restated Mitigation Certificate.

Arising under or related to Court Claim No. 01467 as confirmed in the Conditional Final Order Subbasin No. 3 (Teanaway River) on February 08, 2001, in State of Washington v. Acquavella et al., Yakima County Superior Court Cause No. 77-2-01484-5, Ecology Tracking No. S4-85183-J, more fully described in Exhibit A.

Grantees' water use will be consistent with and is authorized pursuant to the Washington State Department of Ecology's Request for Water Budget Neutrality No. G4-35730, more fully described in Exhibit A.

THIS GROUNDWATER MITIGATION CERTIFICATE shall become and remain appurtenant to the real property described in Exhibit B.

Dated this 14th day of April, 2026.

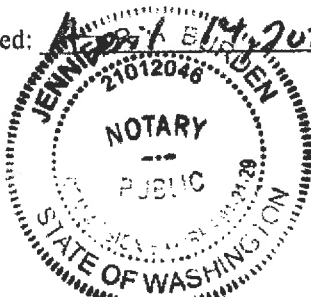
By: Wilbur H. Mundy
Name: Wilbur H. Mundy

By: Mary Ann Mundy
Name: Mary Ann Mundy

STATE OF WASHINGTON)
) ss.
COUNTY OF ~~KING~~ Clark)

On this 14th day of April, 2026, before me personally appeared **Wilbur H. Mundy** to me known to be the individual that executed the within and foregoing instrument, and acknowledged that he signed the same as his free and voluntary act and deed, for the uses and purposes therein mentioned.

Dated: April 14, 2026 Name: Jennifer A. Burden



Jennifer A. Burden
NOTARY PUBLIC for the State of Washington,
residing at Battle Ground, WA

My appointment expires: 1-21-29

STATE OF WASHINGTON)
) ss.
COUNTY OF ~~KING~~ Clark)

On this 14th day of April, 2026, before me personally appeared **Mary Ann Mundy** to me known to be the individual that executed the within and foregoing instrument, and acknowledged that she signed the same as her free and voluntary act and deed, for the uses and purposes therein mentioned.

Dated: April 14, 2026 Name: Jennifer A. Burden



Jennifer A. Burden
NOTARY PUBLIC for the State of Washington,
residing at Battle Ground, WA

My appointment expires: 1-21-29

EXHIBIT A

(Groundwater Mitigation Certificate)

Upon Recording Return to:

Wilber H. (aka Bill) and Mary Ann Mundy

Mundy Farms

1501 Masterson Rd. 2500 Canterbury Lane E # 301
 Cle Elum, WA 98922-9228 Seattle, WA 98112

RE EXCISE TAX PAID

Amount \$188.00

Date 3/11/15

Affidavit No. 2015-328

KITTITAS COUNTY TREASURER

By 

03/11/2015 02:03:04 PM

201503110012

Water Right KITTITAS TITLE
 Kittitas County Auditor

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KTE 36209 #78

(Space above this line for recorder's use only)

DOCUMENT TITLE:	GROUNDWATER MITIGATION CERTIFICATE
GRANTORS:	HARRY J. MASTERSON TESTAMENTARY TRUST
GRANTEE:	Wilbur H. (aka Bill) and Mary Ann Mundy
ABBREVIATED LEGAL DESCRIPTION:	SE1/4SE1/4 Section 28, T. 10 N., R. 16 E.W.M.
ASSESSOR'S TAX PARCEL NO(S).	Kittitas County Parcel Nos. 17779, 17780, 17781 and 355035

GROUNDWATER MITIGATION CERTIFICATE

THE GRANTOR, HARRY J. MASTERSON TESTAMENTARY TRUST, for and in consideration of mutual promises in hand paid, conveys and quit claims to BILL MUNDY, Grantees, all rights, title, and interest the Grantor may have in a portion of the following described water rights, not to exceed 0.548 acre-feet of water annually, arising under or related to Court Claim No. 01467 as confirmed in the Conditional Final Order Subbasin No. 3 (Teaaway River) on February 08, 2001, in State of Washington v. Acquavella, et al. Yakima County Superior Court Cause No. 77-2-01484-5, more fully described in Exhibit A attached hereto and incorporated herein by reference. The Groundwater Mitigation Certificate entitles the Grantees to mitigation for water use on to the real property situated in the County of Kittitas, State of Washington, legally described in Exhibit B attached hereto and incorporated herein by reference, as follows:

4

2003.76

Residential units, connected to an approved septic system

Square feet of lawn or noncommercial garden (0.046 acres)

as approved by the Washington State Department of Ecology on February 20, 2015, attached hereto as Exhibit C and incorporated herein by reference.

Remainder of this page intentionally left blank.

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THIS GROUNDWATER MITIGATION CERTIFICATE shall become and remain appurtenant to the real property described in Exhibit B, unless otherwise agreed to in writing by the Grantor.

Dated this 5 day of March, 2015

Harry Masterson Testamentary Trust
381 Masterson Road
Cle Elum, WA 98922

By:

Kathleen A. Masterson
Kathleen A. Masterson
Trustee

State of Washington
County of Kittitas

I certify that I know or have satisfactory evidence that Kathleen A. Masterson is the person who appeared before me, and acknowledged signing this instrument and acknowledged it to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated:

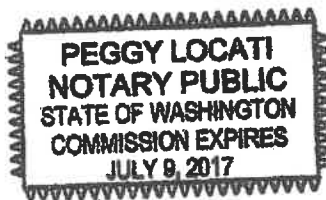
3/5/15

Name:

Peggy Locati
NOTARY PUBLIC for the State of WA

residing at Thorp

My appointment expires: 7-9-17



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Exhibit A

(Water Rights)

Name:	Estate of Harry Masterson
Water Right Number:	CS4-01467@11sb3a(A)
Total Consumptive Quantity Available for Mitigation:	36.77 acre-feet
Priority Date:	June 30, 1883
Source:	Teanaway River

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Exhibit B

**Kittitas County Parcel Nos. 17779, 17780, 17781 and 355035 located within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of
Section 28, T. 20 N., R. 16 E.W.M.**

Exhibit C:



**STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY**

15 W Yakima Ave, Ste 200 • Yakima, WA 98902-3452 • (509) 575-2490

February 20, 2015

Mundy Farms
Attn: Bill Mundy
1501 Masterson Rd.
Cle Elum, WA 98922-9228

Re: Request for Determination of Water Budget Neutrality No. G4-35730

Dear Mr. Mundy:

Thank you for submitting a Request for Determination of Water Budget Neutrality, which was received by the Department of Ecology (Ecology) office on November 21, 2014.

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 ^a)	Proposed Mitigation (ac-ft/yr ^a)
Indoor	1.568	.470
Outdoor	.087	.078
Total	1.655	.548

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

Consumptive use, totaling 0.548 ac-ft/yr, is proposed to be offset with Trust Water Right No. CS4-01467@11sb3a(A). 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 Water Budget Neutral Determination and the accompanying materials, your proposed use of groundwater will be Water Budget Neutral as follows:

1. Water use is to be made within Kittitas County Parcel Nos. 17779, 17780, 17781, and 355035 located within the SE¼SE¼ of Section 28, T. 20 N., R. 16 E. W.M. In-home water use is for four connections, each using 350 gallons per day, resulting in a consumptive use of 0.470 ac-ft/yr.
2. Outdoor irrigation water use for 0.046 acres results in a consumptive use of 0.078 ac-ft/yr.

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Bill Mundy
February 20, 2015
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3. Water will be obtained from wells planned to be located in Parcel Nos. 17779, 17780, 17781, and 355035 located within the SE $\frac{1}{4}$ SB $\frac{1}{4}$ of Section 28, T. 20 N., R. 16 E.W.M.
4. Water use shall be recorded and reported as required under WAC 173-539A-070, and as described in the Advisory Letter enclosure.
5. 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 Nos. 17779, 17780, 17781, and 355035.
6. You will record with the Kittitas County Auditor an appropriate conveyance instrument under which the applicant obtains an interest in Trust Water Right No. CS4-01467@11sb3a(A) to offset consumptive use as described in this letter.
7. You will pay to Ecology the sum of \$221.76, 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 0.288 acre-feet from September 1 through March 31, is subject to the terms and conditions in the Water Storage and Exchange Contract No. 09XX101700.
8. Any valid priority calls against Trust Water Right No. CS4-01467@11sb3a(A) based on local limitations in water availability, will result in temporary curtailment of the use of water until the priority call for water ends.

YOUR RIGHT TO APPEAL

You have a right to appeal this decision to the Pollution Control Hearings Board (PCHB) within 30 days of the date of receipt of this decision. The appeal process is governed by chapter 43.21B RCW and chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal you must do the following within 30 days of the date of receipt of this decision:

- File your appeal and a copy of this decision with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this decision on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.

You must also comply with other applicable requirements in chapter 43.21B RCW and chapter 371-08 WAC.

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

The website is located: http://www.ccy.wa.gov/programs/wr/crofinances/pdf/exchangecontract_012909.pdf

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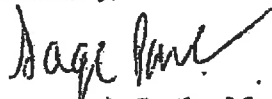
Bill Mundy
February 20, 2015
Page 3 of 3

ADDRESS AND LOCATION INFORMATION	
Street Addresses	Mailing Addresses
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey WA 98503 Pollution Control Hearings Board 1111 Israel Road SW, Ste 301 Tumwater WA 98501	Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia WA 98504-7608 Pollution Control Hearings Board PO Box 40903 Olympia WA 98504-0903

For additional information visit the Environmental Hearings Office Website: <http://www.eho.wa.gov>
To find laws and agency rules visit the Washington State Legislature Website: <http://www.leg.wa.gov/CodeReviser>

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

Sincerely,



Sage Hark, Section Manager
Water Resources Program

SP:SL:SS/150210
WR ID# 6360865

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

By Certified Mail: 7010 0290 0000 7127 1269

cc: Suzanne Blakeney, Project Manager, WWT
Holly Duncan, Kittitas County Public Health Department (email pdf)
Kathleen Masterson, Masterson Ranch Water Bank (email pdf)
Philip Rigdon, Director, Natural Resources Division, Yakama Nation
William Ferry, USBR, Columbia-Cascades Area Office

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Parcels 3, 4, 5 and 6 of that certain Survey as recorded November 15, 2001, in Book 27 of Surveys at Pages 29 and 30, under Auditor's File No. 200111150026, records of Kittitas County, Washington, being a portion of the Southeast Quarter of the Southeast Quarter of Section 28, Township 20 North, Range 16 East, W.M., in the County of Kittitas, State of Washington

on which the Grantors are permitted to own and operate an onsite septic system on each parcel pursuant to state administrative rule or county ordinance.

EXHIBIT B

Parcel A1 (Parcel No. TBD)

THAT PORTION OF PARCEL A OF THAT CERTAIN SURVEY RECORDED MAY 11, 2021, IN BOOK 43 OF SURVEYS, AT PAGES 201-204, UNDER AUDITOR'S FILE NO. 202105110027, RECORDS OF KITTITAS COUNTY, WASHINGTON, LYING NORTHWESTERLY OF A LINE DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID PARCEL A; THENCE S 00°05'52" E, ALONG THE WEST BOUNDARY OF SAID PARCEL A, 1023.55 FEET TO THE TRUE POINT OF BEGINNING FOR SAID DESCRIBED LINE; THENCE N 29°36'52" E, 303.50 FEET; THENCE N 45°22'41" E, 330.02 FEET; THENCE N 00°03'42" E, 31.55 FEET; THENCE N 44°59'29" E, 70.00 FEET; THENCE S 44°48'21" E, 71.37 FEET TO A POINT ON THE EASTERLY BOUNDARY OF SAID PARCEL A AND THE END OF SAID DESCRIBED LINE.

BEING A PORTION OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 20 NORTH, RANGE 16 EAST, W.M., IN THE COUNTY OF KITTITAS, STATE OF WASHINGTON.

SAID DESCRIBED PARCEL BEING LOT A1 OF THE MLH SHORT PLAT, KITTITAS COUNTY SHORT PLAT NO. SP-24-00014.

Parcel C (Parcel No. 355035)

PARCEL C OF THAT CERTAIN SURVEY RECORDED MAY 11, 2021, IN BOOK 43 OF SURVEYS, AT PAGES 201-204, UNDER AUDITOR'S FILE NO. 202105110027, RECORDS OF KITTITAS COUNTY, WASHINGTON; BEING A PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 20 NORTH, RANGE 16 EAST, W.M., IN THE COUNTY OF KITTITAS, STATE OF WASHINGTON.

Parcel D (Parcel No. 17780)

PARCEL D OF THAT CERTAIN SURVEY RECORDED MAY 11, 2021, IN BOOK 43 OF SURVEYS, AT PAGES 201-204, UNDER AUDITOR'S FILE NO. 202105110027 RECORDS OF KITTITAS COUNTY, WASHINGTON; BEING A PORTION OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 27, AND OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 28, ALL IN TOWNSHIP 20 NORTH, RANGE 16 EAST, W.M., IN THE COUNTY OF KITTITAS, STATE OF WASHINGTON.

Parcel E (Parcel No. 17779)

PARCEL E OF THAT CERTAIN SURVEY RECORDED MAY 11, 2021, IN BOOK 43 OF SURVEYS, AT PAGES 201-204, UNDER AUDITOR'S FILE NO. 202105110027, RECORDS OF KITTITAS COUNTY, WASHINGTON; BEING A PORTION OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 20 NORTH, RANGE 16 EAST, W.M., IN THE COUNTY OF KITTITAS, STATE OF WASHINGTON.