

RECEIVED  
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# Application for a New Water Right Permit

Form No. ECY 040-1-14 (Rev 01-2020)



- Refer to accompanying guidance to complete this form.
- We strongly encourage applicants to seek pre-application consultation prior to applying.
- Incomplete applications will be returned.
- All fees are non-refundable (RCW 90.03.470(13)).

## Processing option you are choosing:

<input checked="" type="checkbox"/> <b>Standard Processing</b> (Department of Ecology)	<input type="checkbox"/> <b>Cost Reimbursement Agreement Processing</b> (Ecology Contractor)
A minimum \$50 fee is required to apply. Additional fees may apply. Drought applications are exempt.	Contact Department of Ecology to obtain information on this option.

### Submit all applications and fees to:

DEPARTMENT OF ECOLOGY  
CASHIERING SECTION  
PO BOX 47611  
OLYMPIA, WA 98504-7611

Check the box for the region where your project is located.

- ☒ Central Region  
☐ Eastern Region  
☐ Northwest Region  
☐ Southwest Region



### ADA Requests

To request ADA accommodation including materials in a format for the visually impaired, call Ecology Water Resources Program at 360-407-6872. People with impaired hearing may call Washington Relay Service at 711. People with speech disability may call TTY at 877-833-6341.



# WATER RESOURCES PROGRAM

## Application for a New Water Right Permit

For Ecology Use  
(Date Stamp)

### I am applying for a:

- ☒ New groundwater right permit  
☐ New surface water right permit
- ☐ Short-term water right permit (less than 4 months, non-recurring)  
Dates the water will be needed:  
FROM: \_\_\_\_ / \_\_\_\_ / \_\_\_\_  
TO: \_\_\_\_ / \_\_\_\_ / \_\_\_\_
- ☐ Cost reimbursement  
☐ Drought (see Attachment A)

### Required submittals:

- A \$50 filing fee. This fee is not required for drought or cost reimbursement applications.
- A map showing the proposed point(s) of diversion/withdrawal and place(s) of use.
- A copy of the legal description of property where the water will be used (taken from a real estate contract, property deed, or title insurance policy).
- If platted property, a complete copy of the plat map.

Date of pre-application consultation with Ecology: N/A

## 1. Applicant Information (Complete all applicable boxes)

APPLICANT/BUSINESS NAME: Justin Rarden; Nelson View, LLC	PHONE NO: 509-674-8176	OTHER NO:
ADDRESS: 800 Pioneer Trail		
CITY: Cle Elum	STATE: WA	ZIP: 98922
EMAIL ADDRESS (IF AVAILABLE): jtrarden@gmail.com		

CONTACT NAME (IF DIFFERENT FROM ABOVE): Tyson Carlson	PHONE NO: (509) 895-5923	OTHER NO: (206) 696-1525
RELATIONSHIP TO APPLICANT: Consultant		
ADDRESS: 1106 N 35th Ave		
CITY: Yakima	STATE: WA	ZIP: 98902
EMAIL ADDRESS (IF AVAILABLE): tyson.carlson@aspectconsulting.com		

FOR ECOLOGY USE	ECY CODING: 001-001-WR1-0285-000011		
	APPLICATION NO: _____	DOC ID NO. _____	SEPA: EXEMPT/NOT EXEMPT
	FEE PAID: _____	CHECK NO: _____	
DATE RETURNED _____ BY _____ PRIORITY DATE _____ BY _____			
WRIA: _____			
PRE-APPLICATION INTERVIEWER: _____			

## 2. Project Description

Attach a report with responses to the following required information, and reference the section number in your responses.

Section	Required information	Reference(s)
2.1	Provide a brief narrative explaining the general nature and intent of the proposed water use.	See attached
2.2	If the proposed water use will include a diversion from a new or permitted reservoir, list any associated water rights, and the means of withdrawal.	N/A
2.3	Attach a copy of any SEPA checklists or environmental analyses related to this project with this application.	N/A
2.4	Describe how you will measure and control the rate and volume of your diversion or withdrawal.	meter

## 3. Purpose(s) and Period of Use

List all purposes for which water will be applied to a beneficial use, and provide the quantity required for each.

Purpose(s) of Use	Rate (check one box only) <input type="checkbox"/> Cubic Feet per Second (CFS) <input checked="" type="checkbox"/> Gallons per Minute (GPM)	Acre-Feet per Year (AF/YR)	Number of acres proposed to be irrigated	Period of Use (Continuous, or identify dates of proposed use)
Single Domestic	10	0.092 (CU)		Continuous
Irrigation (500 sq. ft)	10	0.019 (CU)	0.464	Seasonal
<b>TOTAL:</b>	20	0.111 (CU)		

Section	Required information	Reference(s)
3.1	For domestic water supply systems proposals with fewer than 15 residential connections, provide: <ul style="list-style-type: none"> <li>Projected number of connections to be served</li> <li>Type of connections (e.g., home, recreational cabin)</li> </ul>	N/A
3.2	For domestic water supply systems proposals with more than 15 residential connections, provide: <ul style="list-style-type: none"> <li>Present population to be served water</li> <li>Estimated future population to be served (20 year projection)</li> <li>Whether you have a Water System Plan approved by the Washington State Department of Health, Drinking Water Division, and the date of plan approval.</li> <li>Water System Identification Number</li> <li>Name of water system</li> </ul>	RCW 90.03.015

Section	Required information	Reference(s)
3.3	<b>For stockwater purposes</b> , provide the number of animals and type of stock, and daily water requirements per animal.	N/A
3.4	<b>For other farm uses</b> , describe all proposed uses.	N/A
3.5	<b>For agricultural irrigation</b> , calculate the acreage in which you have a controlling interest, including only: <ul style="list-style-type: none"> <li>• Acreage irrigated under water rights acquired after December 8, 1977,</li> <li>• Acreage proposed to be irrigated under this application, and</li> <li>• Acreage proposed to be irrigated under other pending application(s).</li> <li>• Is the combined acreage under existing rights greater than 6,000 acres?</li> <li>• Do you have a controlling interest in a Family Farm Development Permit?</li> </ul> If yes, provide the permit number.	RCW 90.66
3.6	<b>For hydropower uses</b> , indicate: <ul style="list-style-type: none"> <li>• Total feet of head</li> <li>• Proposed capacity in kilowatts</li> <li>• Describe works</li> <li>• Indicate all uses to which power is to be applied</li> <li>• FERC License Number</li> </ul>	RCW 90.03.260
3.7	<b>For industrial/mining uses</b> , describe the type of industrial/mining operations, and the method of supplying and utilizing water.	N/A
3.8	<b>For other uses</b> , describe your use in detail.	N/A

## 4. Point of Diversion/Withdrawal (complete A or B)

### A) Points of Diversion (SURFACE WATER ONLY – Legal Descriptions)

<input type="checkbox"/> SPRING <input type="checkbox"/> CREEK <input type="checkbox"/> RIVER <input type="checkbox"/> LAKE <input type="checkbox"/> OTHER:								
SOURCE	TRIBUTARY TO:	QTR QTR	QTR	SEC	TWP	RGE	PARCEL NO.	GPS/ LAT-LONG

DO YOU OWN THE POINT OF DIVERSION? ☐ YES ☐ NO

**B) Points of Withdrawal (GROUNDWATER ONLY-- Legal Descriptions)**

SOURCE: <input checked="" type="checkbox"/> WELL <input type="checkbox"/> OTHER									
EXISTING WELL: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO									
SOURCE	WELL NO.	WELL TAG NO.	QTR QTR	QTR	SEC	TWP	RGE	PARCEL NO.	GPS/ LAT-LONG
Well	1	N/A	-	SE	20	20	14	963647	Pending

DO YOU OWN THE POINT OF WITHDRAWAL? ☒ YES ☐ NO**5. Water Storage**

Section	Required information	Reference(s)
5.1	If you will be storing 10 acre-feet or more of water and/or if the water depth will be 10 feet or more at the deepest point and some portion of the storage will be above grade, you must also complete an "Application for Permit to Construct a Reservoir," and a "Dam Construction or Decommissioning Permit Application."	WAC 173-175 WAC 508-12-260
5.2	If applicable, describe your proposed impoundment, including the volume and maximum depth.	N/A
5.3	If you are proposing an Aquifer Storage and Recovery project, complete Attachment B.	N/A

**6. Place of Use**

QTR QTR	QTR	SEC	TWP	RGE	COUNTY	PARCEL NO.	NO. OF IRRIGATED ACRES
-	SE	20	20	14	Kittitas	963647	0.464

Outline the area to be irrigated on your attached map, if applicable.

LEGAL LANDOWNER OF PROPOSED PLACE OF USE (IF DIFFERENT THAN APPLICANT) Same	PHONE NO.	ALT PHONE NO.
ADDRESS		
CITY	STATE	ZIP CODE
EMAIL ADDRESS (IF AVAILABLE)		

Attach additional sheets as necessary.



## 7. Related Water Rights (if applicable)

Section	Required information	Reference(s)
7.1	List any other water rights (applications, permits, certificates, or claims) related to this application. Include any rights that overlap the place of use.	See attached Water Right Certificate for Mitigation Water
7.2	Explain how the water rights listed above have been exercised.	See above

## 8. System Design and Operation

Section	Required information	Reference(s)
8.1	Provide a description of the proposed water supply system from the point of diversion or withdrawal to the proposed place of use.	N/A
8.2	Provide preliminary design plans and specifications for the proposed use, including diversion or withdrawal and conveyance facilities, if applicable, and the proposed flow rate and volume design capacity.	N/A
8.3	Provide the projected system efficiency.	N/A
8.4	<b>For surface water diversions</b> , describe how your plans comply with WDFW fish screening requirements.	RCW 77.57

## DEVELOPMENT SCHEDULE

Section	Required information	
8.5	Provide a general timeline that includes the steps needed to begin the project, complete the project, and put the water to full beneficial use.	See Attached
8.6	Identify and discuss other land-use or environmental permits required and the timeline to obtain those permits.	See Attached

## 9. Hydrogeologic Analysis

We strongly recommend that applicants consult with Ecology in a pre-application meeting prior to conducting any hydrogeologic work, to determine the scope of data required for processing this application.

Section	Required information	Reference(s)
9.1	Describe the hydrogeologic setting. Identify all groundwater bodies and surface water bodies involved.	See attached 2018 Ecology Hydrogeologic Memo

Section	Required information	Reference(s)
9.2	Describe geographic recharge and discharge areas, seasonal variations, and interrelationships between surface water and groundwater, and between aquifers. Identify barriers to flow and hydrologic boundaries, if known.	See attached 2018 Ecology Hydrogeologic Memo
9.3	If available, attach Water Well Report, well diameter and depth, and any pump test data.	
9.4	Describe, if available, the following characteristics of the aquifer and cite the source of that information: <ul style="list-style-type: none"> <li>• Aquifer transmissivity</li> <li>• Aquifer storage coefficient and specific yield</li> <li>• Saturated thickness</li> <li>• Aquitard leakage</li> <li>• A detailed description of groundwater-flow boundaries</li> <li>• Water-level hydrographs for wells</li> <li>• Associated water-quality information</li> </ul>	

If your proposed water use impacts or impairs a protected water source or an existing water right, you will need to discuss mitigation options in **Attachment C** with the appropriate regional office.

## 10. Driving Directions

Section	Required information	Reference(s)
10.1	Site address, and detailed driving directions to the project site.	See attached

## 11. Maps and Other Documentation

Section	Required information	
11.1	Attach detailed map(s) clearly indicating the following: <ul style="list-style-type: none"> <li>• The proposed places of use for all rights related to this application. If any overlapping water rights for the place of use, or multiple rights that share the same point(s) of diversion/withdrawal exist, provide one map depicting all of the historic points of diversion, means of conveyance, and places of use. Identify related rights as such by water right number.</li> <li>• The county parcel numbers for the proposed place of use, unless the place of use is for a large service area such as that served by an irrigation district or municipal water system. Identify the name of the irrigation district or the water system, if applicable.</li> <li>• The proposed locations of the point(s) of diversion/withdrawal.</li> <li>• The names, informal or formal, used to identify each point of diversion/withdrawal (e.g., Well No. 1, River Well, S01, Smith Dam, etc.).</li> <li>• A grid layer referencing Section, Township, and Range of the area.</li> </ul>	See attached

Section	Required information	
	<ul style="list-style-type: none"> <li>The location of the water delivery system and other such features relevant to your proposed application (e.g., mainlines, reservoirs, booster pumps, etc.)</li> </ul>	

## 12. 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 application, I grant staff from the Department of Ecology access to the site for inspection and monitoring purposes. Even though the employees of the Department of Ecology may have assisted me in the preparation of the above application, all responsibility for the accuracy of the information rests with me, the applicant.

Justin Rarden  
 Print Name  
 (Applicant or authorized representative)

  
 Signature

12/9/24  
 Date

Justin Rarden, Nelson View LLC  
 Print Name  
 (Legal Owner or Part Owner Place of Use)

  
 Signature

12/9/24  
 Date

\_\_\_\_\_  
 Print Name  
 (Legal Owner or Part Owner Place of Use)

\_\_\_\_\_  
 Signature

\_\_\_\_\_  
 Date

For additional information, contact the Ecology regional office where your project is located:

Region	Counties served	Mailing Address	Phone
Central	Benton, Chelan, Douglas, Kittitas, Klickitat, Okanogan, Yakima	1250 W Alder St Union Gap, WA 98903	509-575-2490
Eastern	Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman	4601 N Monroe Spokane, WA 99205	509-329-3400
Northwest	Island, King, Kitsap, San Juan, Skagit, Snohomish, Whatcom	3190 160th Ave SE Bellevue, WA 98008	425-649-7000
Southwest	Clallam, Clark, Cowlitz, Grays Harbor, Jefferson, Mason, Lewis, Pacific, Pierce, Skamania, Thurston, Wahkiakum	PO Box 47775 Olympia, WA 98504	360-407-6300

### ADA Requests

To request ADA accommodation including materials in a format for the visually impaired, call Ecology Water Resources Program at 360-407-6872. People with impaired hearing may call Washington Relay Service at 711. People with speech disability may call TTY at 877-833-6341.



## Attachment A: Drought Authorizations

Complete this attachment and the following sections of the Application for a New Water Right:

- Sections 1 through 5
- Section 11. Maps and other Documentation

**Note:** In order to apply for a new temporary drought permit, applicants must be conducting a previously established activity under a valid water right permit, certificate, or water right claim within an area covered by a formal drought declaration. (WAC 173-166).

Section	Required information	Reference(s)
A.1	Describe the specific circumstances pertaining to your water shortage. Describe how existing water rights are insufficient to address these impacts due to the drought.	N/A
A.2	Describe how the water right proposed will address these impacts.	N/A
A.3	Have you had any previous drought-specific authorizations for the subject parcels? If yes: <ul style="list-style-type: none"><li>• What are the Drought Authorization numbers?</li><li>• Did those former authorizations cause impairment to other water users?</li></ul>	RCW 43.83B.410

## Attachment B: Aquifer Storage and Recovery

Section	Required information	Reference(s)
B.1	<p><b>Application requirements:</b></p> <ol style="list-style-type: none"> <li>1. A description (conceptual model) of the hydrogeologic system (see WAC <a href="#">173-157-120</a>) prepared by a hydrogeologist licensed in the state of Washington.</li> <li>2. A project operation plan (see WAC <a href="#">173-157-130</a>) with a description of the pilot and operational phases of the ASR project prepared by an engineer or geologist licensed in the state of Washington.</li> <li>3. A description of the legal framework (see WAC <a href="#">173-157-140</a>) for the proposed project.</li> <li>4. An environmental assessment and analysis (see WAC <a href="#">173-157-150</a>) of any potential adverse conditions or potential impacts to the surrounding ecosystem(s) that might result from the project, along with a plan to mitigate such conditions or impacts.</li> </ol> <p>The environmental assessment will establish whether a determination of nonsignificance or an environmental impact statement is required per SEPA regulations.</p> <ol style="list-style-type: none"> <li>5. A project mitigation plan (see WAC <a href="#">173-157-160</a>), if required.</li> <li>6. A project monitoring plan (see WAC <a href="#">173-157-170</a>).</li> </ol>	WAC 173-157

## Attachment C: Mitigation Plan

Section	Required information	Reference(s)
C.1	Identify the source of supply for the proposed mitigation water.	See attached Groundwater Mitigation Agreement
C.2	Estimate the consumptive quantity of water for the proposed use. Describe the methodology used to support your estimate.	.0111 (CU) af
C.3	Describe how the proposed mitigation would offset the impacts of the proposed withdrawal or diversion.	See attached Groundwater Mitigation Agreement
C.4	Describe the measures that will be taken to ensure mitigation will be maintained for the duration of the water right authorization.	See attached Groundwater Mitigation Agreement
C.5	Provide copies of any agreements between you and other parties regarding mitigation for impacts, if applicable.	See attached Groundwater Mitigation Agreement
C.6	Describe the benefits and costs, including environmental effects, of any water impoundment or other resource management technique that is included as a component of the application.	RCW 90.03.255 RCW 90.44.055
C.7	<b><u>For surface water</u></b> , analyze whether there will be any increased water supply from the impoundment or technique, including recharge of groundwater, as a means of making water available or otherwise offsetting diversion impacts.	
C.8	<b><u>For groundwater</u></b> , analyze whether there will be any increased water supply from the impoundment or technique, including recharge of groundwater, as a means of making water available or otherwise offsetting the impact of the diversion of surface water.	N/A
C.9	If you intend to offset your new use, describe how and when non-consumptive water returns to groundwater or surface water, and explain how this volume was estimated. Specifically describe how the quantity, timing and location of return flow would change if the proposed permit is approved.	WAC 173-500-050(5) WAC 173-500-050(9) POL 1020

## ECOLOGY APPLICATION SECTIONS 2-11

Application for a New Water Right Permit - Form No. ECY 040-1-14 (Rev 01-2020)

### 2. Project Description

<b>2.1</b>	<b>Provide a brief narrative explaining the general nature and intent of the proposed water use.</b>
The applicant is buying one share of domestic water mitigation from the Bourne Water Bank to be used for a private well to be constructed on Kittitas County Parcel 963647. Permitting of this parcel is not WBN eligible due to project-specific Campbel & Gwinn concerns and therefore requires a water right permit.	
<b>2.2</b>	<b>If the proposed water use will include a diversion from a new or permitted reservoir, list any associated water rights, and the means of withdrawal.</b>
Not Applicable	
<b>2.3</b>	<b>Attach a copy of any SEPA checklists or environmental analyses related to this project with this application.</b>
See Attached SEPA checklist from proposed land use action with Kittitas County	
<b>2.4</b>	<b>Describe how you will measure and control the rate and volume of your diversion or withdrawal.</b>
The well will be metered	

### 3. Purpose(s) and Period of Use

<b>3.1</b>	<b>For domestic water supply systems proposals with fewer than 15 residential connections, provide:</b>
<ul style="list-style-type: none"> <li>• Projected number of connections to be served</li> <li>• Type of connections (e.g., home, recreational cabin).</li> </ul>	
One domestic connection (indoor and outdoor) served by a private well	

3.2	<p><b>For domestic water supply systems proposals with more than 15 residential connections, provide:</b></p> <ul style="list-style-type: none"> <li>• Present population to be served water</li> <li>• Estimated future population to be served (20 year projection)</li> <li>• Whether you have a Water System Plan approved by the Washington State Department of Health, Drinking Water Division, and the date of plan approval.</li> <li>• Water System Identification Number</li> <li>• Name of water system.</li> </ul>
Not Applicable	
3.3	<p><b>For stockwater purposes, provide the number of animals and type of stock, and daily water requirements per animal.</b></p>
Not Applicable	
3.4	<p><b>For other farm uses, describe all proposed uses.</b></p>
Not Applicable	
3.5	<p><b>For agricultural irrigation, calculate the acreage in which you have a controlling interest, including only:</b></p> <ul style="list-style-type: none"> <li>• Acreage irrigated under water rights acquired after December 8, 1977,</li> <li>• Acreage proposed to be irrigated under this application, and</li> <li>• Acreage proposed to be irrigated under other pending application(s).</li> <li>• Is the combined acreage under existing rights greater than 6,000 acres?</li> <li>• Do you have a controlling interest in a Family Farm Development Permit?</li> </ul> <p>If yes, provide the permit number.</p>
Not Applicable	
3.6	<p><b>For hydropower uses, indicate:</b></p> <ul style="list-style-type: none"> <li>• Total feet of head</li> <li>• Proposed capacity in kilowatts</li> <li>• Describe works</li> <li>• Indicate all uses to which power is to be applied</li> <li>• FERC License Number.</li> </ul>
Not Applicable	
3.7	<p><b>For industrial/mining uses, describe the type of industrial/mining operations, and the method of supplying and utilizing water.</b></p>
Not Applicable	



<b>3.8</b>	<b>For other uses, describe your use in detail.</b>
Not Applicable	

## 5. Water Storage

<b>5.1</b>	<b>If you will be storing 10 acre-feet or more of water and/or if the water depth will be 10 feet or more at the deepest point and some portion of the storage will be above grade, you must also complete an "Application for Permit to Construct a Reservoir," and a "Dam Construction or Decommissioning Permit Application."</b>
Not Applicable	

<b>5.2</b>	<b>If applicable, describe your proposed impoundment, including the volume and maximum depth.</b>
Not Applicable	

<b>5.3</b>	<b>If you are proposing an Aquifer Storage and Recovery project, complete Attachment B.</b>
Not Applicable	

## 7. Related Water Rights

<b>7.1</b>	<b>List any other water rights (applications, permits, certificates, or claims) related to this application. Include any rights that overlap the place of use.</b>
See Water Right CS4-01863sb3@27	

<b>7.2</b>	<b>Explain how the water rights listed above have been exercised.</b>
CS4-01863sb3@27 is the water right providing mitigation to Total Water Supply Available in the Yakima River basin for the proposed use.	

## 8. System Design and Operation

<b>8.1</b>	<b>Provide a description of the proposed water supply system from the point of diversion or withdrawal to the proposed place of use.</b>
Well will be drilled and plumbed to house.	

<b>8.2</b>	<b>Provide preliminary design plans and specifications for the proposed use, including diversion or withdrawal and conveyance facilities, if applicable, and the proposed flow rate and volume design capacity.</b>
20 gallons per minute (gpm) capacity	

<b>8.3</b>	<b>Provide the projected system efficiency.</b>
Standard for new home construction	

<b>8.4</b>	<b>For surface water diversions, describe how your plans comply with WDFW fish screening requirements.</b>
Not Applicable	

### ***Development Schedule***

<b>8.5</b>	<b>Provide a general timeline that includes the steps needed to begin the project, complete the project, and put the water to full beneficial use.</b>
5 years for housing development and full beneficial use/TBD.	

<b>8.6</b>	<b>Identify and discuss other land-use or environmental permits required and the timeline to obtain those permits.</b>
Short plat land division application currently pending with Kittitas County.	

## **9. Hydrogeologic Analysis**

<b>9.1</b>	<b>Describe the hydrogeologic setting. Identify all groundwater bodies and surface water bodies involved.</b>
See Ecology's 2018 Hydrogeologic Investigation Technical Memorandum (attached) for Large Area Groundwater Permit Applications, Upper Kittitas County Nos. G4-35799(A), G4-35799(F), G4-35799(G), G4-35799(H), G4-35799(I), G4-35799(J), G4-35799(K), G4-35799(L), G4-35799(M), and G4-35799(N).	

<b>9.2</b>	<b>Describe geographic recharge and discharge areas, seasonal variations, and interrelationships between surface water and groundwater, and between aquifers. Identify barriers to flow and hydrologic boundaries, if known.</b>
See attached HG memo (Ecology, 2018)	

<b>9.3</b>	<b>If available, attach Water Well Report, well diameter and depth, and any pump test data.</b>
Well has not been drilled	

<b>9.4</b>	<p><b>Describe, if available, the following characteristics of the aquifer and cite the source of that information:</b></p> <ul style="list-style-type: none"> <li>• <b>Aquifer transmissivity</b></li> <li>• <b>Aquifer storage coefficient and specific yield</b></li> <li>• <b>Saturated thickness</b></li> <li>• <b>Aquitard leakage</b></li> <li>• <b>A detailed description of groundwater-flow boundaries</b></li> <li>• <b>Water-level hydrographs for wells</b></li> <li>• <b>Associated water-quality information.</b></li> </ul>
See attached HG memo (Ecology, 2018)	

## 10. Driving Directions

<b>10.1</b>	<b>Site address, and detailed driving directions to the project site.</b>
NELSON SIDING ROAD, CLE ELUM 98922. Driving Direction from I90: Head southwest on Golf Course Rd toward Nelson Siding Road; Turn right onto Nelson Siding Road	

## 11. Maps and Other Documentation

<b>11.1</b>	<p><b>Attach detailed map(s) clearly indicating the following:</b></p> <ul style="list-style-type: none"> <li>• <b>The proposed places of use for all rights related to this application. If any overlapping water rights for the place of use, or multiple rights that share the same point(s) of diversion/withdrawal exist, provide one map depicting all of the historic points of diversion, means of conveyance, and places of use. Identify related rights as such by water right number.</b></li> <li>• <b>The county parcel numbers for the proposed place of use, unless the place of use is for a large service area such as that served by an irrigation district or municipal water system. Identify the name of the irrigation district or the water system, if applicable.</b></li> <li>• <b>The proposed locations of the point(s) of diversion/withdrawal.</b></li> <li>• <b>The names, informal or formal, used to identify each point of diversion/withdrawal (e.g., Well No. 1, River Well, S01, Smith Dam, etc.).</b></li> <li>• <b>A grid layer referencing Section, Township, and Range of the area.</b></li> <li>• <b>The location of the water delivery system and other such features relevant to your proposed application (e.g., mainlines, reservoirs, booster pumps, etc.)</b></li> </ul>
See attached map	

## GROUNDWATER MITIGATION AGREEMENT

THIS GROUNDWATER MITIGATION AGREEMENT (the "Agreement") is made and entered into effective the 21 day of October, 2024, between:

Seller: BOURNE WATER BANK, LLC	Buyer: Justin Rarden
Address: 3715 SHORE AVE EVERETT, WA 98203-1230	Address: 800 Pioneer Trail, Cle Elum CLE ELUM WA 98922-8086

### 1. RECITALS

1.1. Bourne Water Bank, LLC ("Seller") owns the beneficial interest of a surface water right from the Teanaway River, which is described in Exhibit A and referred to in this Agreement as the "Trust Water Right". Seller has received approval from the Washington State Department of Ecology ("Ecology") to use the Trust Water Right for water banking purposes under Chapter 90.38 RCW, and Seller has deeded the water right to Ecology for placement in the State Trust Water Right Program. The Trust Water Right can be used to provide mitigation for consumptive water uses associated with domestic indoor and outdoor water use ("Consumptive Water Use"). The rules of the water bank are established in that certain Trust Water Right Agreement entered into between Seller and Ecology as of July 23, 2015.

1.2. Justin Rarden ("Buyer") owns real property in Kittitas County, Washington, described in Exhibit B and referred to in this Agreement as "Buyer's Property". Buyer desires to obtain mitigation to offset Consumptive Water Use impacts associated with the development of Buyer's Property.

1.3. Seller is willing to provide mitigation for Consumptive Water Use on Buyer's Property, as provided in this Agreement.

### 2. AGREEMENT

*IN CONSIDERATION* of the foregoing and the performance of mutual covenants herein, the parties agree as follows:

2.1. **Mitigation.** Seller agrees to sell to Buyer, and Buyer agrees to purchase from Seller, a beneficial interest in a portion of the Trust Water Right, to offset Consumptive Water Use impacts associated with development of Buyer's Property ("Mitigation"), under the terms and conditions provided under this Agreement and consistent with the Trust Water Right Agreement. The Mitigation requested by Buyer is for one residential unit(s) connected to an approved septic system. The Seller will provide mitigation for Consumptive Water Use in the following quantities:

2.1.1.1. 0.092 acre-feet per year for indoor use; and

2.1.1.2. 0.019 acre-feet per year for outdoor use

2.2. **Purchase Price.** As consideration for the Groundwater Mitigation provided to Buyer under this Agreement, Buyer agrees to pay to Seller the sum of Four Thousand Five Hundred Dollars (\$4,500.00) ("Purchase Price").

2.3. **Processing Fee.** Buyer will pay a Four Thousand Dollar (\$4,000) processing fee ("Processing Fee") to cover costs of County and State permit processing fees (if applicable). The

Processing Fee will also include all costs associated with seeking a Water Budget Neutral Determination for "Likely Suitable" zones as determined by Ecology's Suitability Map for this water bank, a Water Availability Determination, and a Well Site Inspection/Well Site Review from Kittitas County, if required. The Buyer will be responsible for escrow fees, document preparation and recording fees, the \$500 mitigation fee to Kittitas County Conservation Trust for Mitigation issued inside the Teanaway River basin (if applicable), and the Water Storage and Exchange fee charged by Ecology. Upon mutual execution of this Agreement, Buyer shall provide escrow with fifty (50) percent of the Processing Fee, which is non-refundable, with the remaining fifty (50) percent due no later than seven (7) days prior to closing.

**2.4. Permit Processing Scope.** The Processing Fee is intended to cover costs normally associated with obtaining from Ecology a decision on an application for a Water Budget Neutral Determination for a property in a "Likely Suitable" zone as set forth above in paragraph 2.3. The Processing Fee does not cover, and Seller's scope of permit processing work does not include, extraordinary issues or requirements, including opposition or challenges to or appeals of a Water Budget Neutral Determination or other permit or approval. Similarly, the Processing Fee does not cover costs incurred for, and Seller's scope of permit processing work does not include additional site-specific study or analysis for property in a "Need Addition Information" or "Unsuitable" zone. Buyer bears the risk of any challenge or appeal of Ecology's Water Budget Neutral Determination.

**2.5. Application for Water Budget Neutral Determination.** No later than fourteen (14) days after the Buyer and Seller enter into this Agreement, Seller shall provide to Buyer a completed Water Budget Neutral Determination Application ("Application") for signature. After Buyer signs the Application, Buyer will submit the application to Ecology. Buyer and Seller shall cooperate in good faith to seek Ecology approval of the Application.

**2.6. Groundwater Mitigation Certificate.** If Ecology approval is secured, Seller shall provide the Groundwater Mitigation Certificate at Closing. The Groundwater Mitigation Certificate will remain appurtenant to the Buyer's Property and title to the Groundwater Mitigation Certificate will run with the land. Written notice must be given to the Seller before transferring the Groundwater Mitigation Certificate to another place of use or point of withdrawal.

**2.7. Septic Covenant.** As required by Kittitas County, a Septic Covenant precluding trees and shrubs on the septic drainfield shall be recorded on the Buyer's Property. At Closing, the Seller will provide the Buyer a Septic Covenant, which is to be signed by the Buyer and recorded in Kittitas County, Washington.

**2.8. Closing.** Closing of the transaction ("Closing") shall take place in the offices of AmeriTitle (in Ellensburg, Washington), no later than fourteen (14) days from the date Ecology approves Buyer's application for a Water Budget Neutral Determination. At Closing, the Groundwater Mitigation Certificate and Septic Covenant will be delivered from escrow to Buyer, and the balance of the Purchase Price, after costs, shall be delivered from escrow to Seller. The Groundwater Mitigation Certificate and Covenant will be in a form that is suitable for recording with the County Auditor. Promptly after the closing, escrow company shall cause the Groundwater Mitigation Certificate and Septic Covenant to be recorded in Kittitas County and after recording, the recorded Groundwater Mitigation Certificate and Septic Covenant shall be forwarded to Buyer and Seller. Purchase and sale of the Mitigation is final and without recourse after Closing.



2.9. **Closing Costs.** Buyer will pay all Closing costs including but limited to all Washington State and Kittitas County real estate excise taxes, escrow fees and charges, and document preparation and recording fees and costs.

2.10. **Buyer's Independent Investigation.** Buyer agrees and confirms that, as of the execution of this Agreement and as of Closing, Buyer has familiarized itself with the Mitigation, has full access and opportunity to undertake its own independent investigation and review of relevant documentation, including but not limited to the Trust Water Right, the Trust Water Right Agreement, and other documents held by Ecology to determine the suitability, fitness, or adequacy of the Mitigation for Buyer's intended water use on Buyer's property. Buyer is relying solely upon its own inspection, investigation and analysis of the foregoing matters in accepting the Mitigation and is not relying upon any other representations, statements, or other information or material furnished by Seller or its agents, whether oral or written, express or implied, of any nature whatsoever regarding any of the foregoing matters.

2.11. **Representations and Warranties.** Buyer and Seller represent and warrant that the individuals signing below have full authority to execute and deliver this Agreement and that no other action is necessary to authorize entry into this Agreement. Seller makes no representation or warranty whatsoever as to the timing, result, or outcome of any applications provided for in this Agreement; the terms or conditions of any permit or approval issued by Ecology, Kittitas County, or other agency; the extent and validity of the Trust Water Right; or as to physical or legal availability of Mitigation or the efficacy of the Groundwater Mitigation Certificate in the event of drought, aquifer decline, other water shortage, governmental enforcement or regulatory action, water rights priority call or other litigation.

### 3. GENERAL PROVISIONS

3.1. **Entire Agreement.** This Agreement contains the entire agreement between Seller and Buyer with respect to the subject matter contained herein. There are no agreements, promises, assurances, representations, warranties, undertakings or understandings, either written or oral, between the parties other than those set forth in this Agreement; provided, however, that this Agreement will be construed or interpreted together and consistent with the Trust Water Rights Agreement.

3.2. **Severability.** The provisions of this Agreement are severable. If any provision is held to be invalid or unenforceable, it shall be enforced to the fullest extent allowed by law in that and other contexts, and the validity and force of the remainder of this Agreement shall not be affected thereby.

3.3. **Indemnification.** The Parties agree to indemnify and hold each other and their respective officers, employees and agents harmless for any claims of third parties for acts or omissions of either party arising under or related to this Agreement.

3.4. **Assignment.** This Agreement is binding on and accrues to the benefit of Seller and Buyer and their respective successors and assigns. The Buyer may not assign its interest in this Agreement without prior written consent from Seller.

3.5. **Default.** If, after expiration of any rescission right period provided by law, Buyer breaches any covenant or condition contained in this Agreement, fifty (50) percent of the Processing Fee shall be forfeited to Seller as the sole and exclusive remedy available to Seller for the default.

3.6. **Notice.** Notice under this Agreement shall be in writing directed to the other party at the address shown above, and shall be effective, unless otherwise provided by law, (i) if mailed, on the third day after deposit as registered or certified mail, postage prepaid, (ii) if sent by overnight delivery

using a nationally recognized courier service, one business day after deposit with such courier, or (iii) if sent by personal delivery, upon receipt by the addressee. Either party may change its address for notices with five days' advance written notice to the other.

3.7. **Survival.** All warranties and representation contained in this Agreement shall survive closing and the execution and delivery of the Groundwater Mitigation Certificate or other documents at Closing, and shall not be merged into any document delivered by Seller or Buyer at Closing. All provisions which contemplate performance after Closing, shall survive termination of this Agreement and Closing, and shall not be so merged.

3.8. **Amendment.** This Agreement may be amended in writing with the signature of both parties.

3.9. **Waiver.** If either party fails to exercise its rights under this Agreement, it shall not be precluded from subsequent exercise of its rights. A failure to exercise rights shall not constitute a waiver of any other rights under this Agreement.

3.10. **Governing Law.** This Agreement shall be governed and enforced under the laws of the State of Washington. Venue for any action arising under or related to this Agreement shall lie in Kittitas County, Washington.

*In witness of the foregoing provisions, the parties have signed this Agreement below:*

Buyer:

Name: Justin Borden

Date:

10/8/24

Seller:

Name: Bourne Water Bank, LLC

Date:

10-21-24