



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

1250 W Alder St • Union Gap, WA 98903-0009 • (509) 575-2490

January 28, 2019

Clark & Mary Potter  
22645 83<sup>rd</sup> Ave. S., Bldg. D  
Kent, WA 98032-1990

Re: Determination of Water Budget Neutrality for Request No. G4-36026

Dear Clark & Mary Potter:

Thank you for submitting a Request for Determination of Water Budget Neutrality, which was received by the Department of Ecology (Ecology) office on October 22, 2018.

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	0.392	0.118
Outdoor	0.022	0.019
Total	0.414	0.137

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

Consumptive use, totaling 0.137 ac-ft/yr, is proposed to be offset with Trust Water Right No. CS4-02255(A)CTCL@2. 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. 11330 located within the SE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 34, T. 20 N., R. 16 E.W.M. In-home water use is for 1 connection, using 350 gallons per day, resulting in a consumptive use of 0.118 ac-ft/yr.
2. Outdoor irrigation water use for 0.011 acres results in a consumptive use of 0.019 ac-ft/yr.
3. Water will be obtained from a well, located in Parcel No. 11328 located within the SE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 34, T. 20 N., R. 16 E.W.M.



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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 No. 11330.
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. CS4-02255(A)CTCL@2 to offset consumptive use as described in this letter.
7. You will pay to Ecology the sum of \$11.22, 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, 2009<sup>1</sup>. The consumptive use of 0.017 acre-feet from September 16 through October 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. CS4-02255(A)CTCL@2 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:CK:SS/190120  
WRTS ID# 6801741

Enclosures: Your Right To Be Heard  
Water Measuring Requirement and Form 1  
Invoice & Return Envelope

By Certified Mail: 91 7199 9991 7037 9073 0972

cc: Traci Shallbetter, Attorney, Shallbetter Law (ecc)  
Erin Moore, Kittitas County Public Health Department (ecc)  
Philip Rigdon, Director, Natural Resources Division, Yakama Nation  
Kerrie Mathews, Water Rights Specialists, USBR, Columbia-Cascades Area Office

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



**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.

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