

File NR: G4-35605
WR Doc ID: 5648013

State of Washington
WATER RIGHT PERMIT

PRIORITY DATE
March 12, 2013

WATER RIGHT NUMBER
G4-35605P

MAILING ADDRESS
NEWPORT HILLS LAND COMPANY INC
PO BOX 687
ROSLYN WA 98941-0687

SITE ADDRESS (IF DIFFERENT)

UNKNOWN

Quantity Authorized for Withdrawal or Diversion

WITHDRAWAL OR DIVERSION RATE	UNITS	ANNUAL QUANTITY (AF/YR)
49	GPM	8.96

Total withdrawals from all sources must not exceed the total quantity authorized for withdrawal listed above.

Purpose

PURPOSE	WITHDRAWAL OR DIVERSION RATE			ANNUAL QUANTITY (AF/YR)		PERIOD OF USE (mm/dd)
	ADDITIVE	NON-ADDITIVE	UNITS	ADDITIVE	NON-ADDITIVE	
Domestic Multiple	49	0	GPM	8.96	0	01/01 - 12/31

REMARKS

The instantaneous quantity is a maximum shared equally between the four authorized sources. Multiple domestic use for up to 32 recreational residences.

Irrigation, including incidental lawn and/or garden is not authorized by this water right.

IRRIGATED ACRES		PUBLIC WATER SYSTEM INFORMATION		
ADDITIVE	NON-ADDITIVE	WATER SYSTEM ID		CONNECTIONS
0	0	Anna Bell (AC239) 3 additional systems pending		14

SOURCE FACILITY/DEVICE	PARCEL	WELL TAG	TWP	RNG	SEC	QQ Q	LATITUDE	LONGITUDE
Well #1 (Anna Bell Water Club)	951652	APG953	21N	14E	21	NENW	47.30360	-121.09772
Well #2 (Newport Creek Plat)	20542	APE751	21N	14E	21	SENW	47.29869	-121.09512
Well #3 (Eagles Nest Plat)	957154	APE780	21N	14E	21	NWSW	47.29613	-121.09978
Well #4 (Hex Mountain Plat)	956697	APG996	21N	14E	21	NESW	47.29506	-121.09405

Datum: NAD83/WGS84

FILE COPY

HITE COLA

Place of Use

PARCELS (NOT LISTED FOR SERVICE AREAS)

12045, 12046, 12047, 18548, 18549, 18550, 18551, 20540, 20542, 951650, 951651, 951652, 951653, 951654, 951655, 951656, 951658, 951659, 951660, 951661, 951662, 956692, 956693, 956694, 956695, 956696, 956697, 956698, 956699, 956700, 956701, 956702, 956703, 956704, 956705, 956706, 956707, 957142, 957143, 957144, 957145, 957146, 957147, 957148, 957149, 957150, 957151, 957152, 957153, 957154, AND 957155.

LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE

The place of use is owned by various private landowners. A mix of individual and small, public water supply systems will be developed.

A portion of the W½ of Section 21, T. 21 N., R. 14 E.W.M.:

Lot 10* of that certain record of survey filed on September 10, 2007, in Book 34 of Surveys at Page 136 under Kittitas County auditor's File No. 200709100070, being a portion of the west half of Section 21, T. 21 N., R. 14 E.W.M., Kittitas County, state of Washington (*Currently being subdivided into 10 lots, commonly referred to as Sasse Ridge Plat).

Lots 1-14* of that certain record of survey filed on April 7, 2011, in Book 12 of Plats at Page 19, under Kittitas County Auditor's File No. 201104070042, being a portion of the west half of Section 21, T. 21 N., R. 14 E.W.M., Kittitas County, state of Washington. (*Commonly referred to as Eagle Nest Plat).

Lots 1-8* of that certain record of survey filed on June 21, 2010, in Book 11 of Page 247, under Kittitas County Auditor's File No. 201007210063, being a portion of the west half of Section 21, T. 21 N., R. 14 E.W.M., Kittitas County, state of Washington. (*Commonly referred to as Hex Mountain Plat).

Lots 1-8* of that certain record of survey filed on June 7, 2010, in Book 11 of Plats at Page 245, under Kittitas County auditor's File No. 201006070057, being a portion of the west half of Section 21, T. 21 N., R. 14 E.W.M., Kittitas County, state of Washington. (*Commonly referred to as Cedar Grove Plat).

Lots 2-5, 7, and 9-11,* of that certain record of survey filed on September 22, 2006, in Book 10 of Plats at Page 164 under Kittitas County Auditor's file No. 200609220067, being a portion of the west half of Section 21, T. 21 N., R. 14 E.W.M., Kittitas County, state of Washington. (*Commonly referred to as Anna Bell Plat).

Lots 1, 6, 12, and 14 of that certain boundary line adjustment filed on September 10, 2007, in Book 34 of Surveys at Page 136 under Kittitas County Auditor's File No. 200709100070, being a portion of the west half of Section 21, T. 21 N., R. 14 E.W.M., Kittitas County, State of Washington.

Lots 1-8 of that certain lot line adjustment filed on May 20, 2005, in Book 31 of Surveys at Page 89 under Kittitas County Auditor's File No. 200505200021, being a portion of the west half of Section 21, T. 21 N., R. 14 E.W.M., Kittitas County, state of Washington.

Proposed Works

Subject Well #1 (APG-953) was drilled in 2006 to a depth of 245 feet with a 4-inch liner and a 6-inch casing. This existing water system, Anna Bell Water System, is a pressurized pump system utilizing 2-inch mainlines at the source meter, a booster pump, and an 85-gallon capacity storage tank. All 14 parcels to be connected to this system are individually metered at the parcel level.

Subject Well #2 (APE-751) was drilled in 2004 to a depth of 140 feet with a 4-inch PVC liner and a 6-inch casing. It is to be determined whether this future Department of Health (DOH)-approved system, Sasse Ridge LLC, will use either a pressurized pump system or a gravity flow delivery system. Meters have not been installed.

Subject Well #3 (APE-780) was drilled in 2008 to a depth of 620 feet with a 4-inch liner and a 6-inch casing. It is to be determined whether this future DOH-approved system, Jolly Mountain, will use either a pressurized pump system or a gravity flow delivery system to serve parcels within the Eagle Nest Plat. A booster pump and a 25,000-gallon capacity storage tank, which is partially buried, will also be utilized. Meters have not been installed.

Subject Well #4 (APG-996) is an artesian well and was drilled in 2006 to a depth of 345 feet with a 4-inch liner and a 6-inch casing. It is to be determined whether this future DOH-approved system, Hex Mountain, will use either a pressurized pump system or a gravity flow delivery system. Meters have not been installed.

Domestic wastewater will be discharged to an individual or group on-site septic system, pursuant to the *Declarations of Covenant*, which will be signed and recorded by individual or group parcel owners.

Development Schedule

BEGIN PROJECT	COMPLETE PROJECT	PUT WATER TO FULL USE
Begun	October 31, 2030	October 31, 2033

Measurement of Water Use

How often must water use be measured?	Bi-Weekly
How often must water use data be reported to Ecology?	Annually (Jan 31)
What volume should be reported?	Total Annual Volume (acre-feet_
What rate should be reported?	Annual Peak Rate of Withdrawal (gpm)

Provisions

A. Wells, Well Logs and Well Construction Standards

1. Subject Wells #1-4 are authorized for groundwater withdrawal from the Swauk Formation Aquifer.
2. All wells constructed in the state shall meet the construction requirements of WAC 173-160 titled "Minimum Standards for the Construction and Maintenance of Wells" and RCW 18.104 titled "Water Well Construction." Any well which is unusable, abandoned, or whose use has been permanently discontinued, or which is in such disrepair that its continued use is impractical or is an environmental, safety or public health hazard shall be decommissioned.

3. All wells shall be tagged with a Department of Ecology unique well identification number. If you have an existing well and it does not have a tag, please contact the well-drilling coordinator at the regional Department of Ecology office issuing this decision. This tag shall remain attached to the well. If you are required to submit water measuring reports, reference this tag number.
4. Flowing wells shall be constructed and equipped with valves to ensure that the flow of water can be completely stopped when not in use. Likewise, the well shall be continuously maintained to prevent the waste of water through leaky casings, pipes, fittings, valves, or pumps -- either above or below land surface.
5. Installation and maintenance of an access port as described in WAC 173-160- 291(3) is required.
6. In accordance with WAC 173-160, wells shall not be located within certain minimum distances of potential sources of contamination. These minimum distances shall comply with local health regulations as appropriate. In general, wells shall be located at least 100 feet from sources of contamination. Wells shall not be located within 1,000 feet of the boundary of a solid waste landfill.

B. Measurements, Monitoring, Metering and Reporting

1. An approved measuring device must be installed and maintained for each of the sources identified by this water right in accordance with the rule "Requirements for Measuring and Reporting Water Use," WAC 173-173.
2. You must measure and report your water use in accordance with the "Upper Kittitas Groundwater Rule," WAC 173-539A-070, <http://www.ecy.wa.gov/biblio/wac173539A.html>. Water-us-data shall be recorded bi-weekly and maintained by the property owner for a minimum of five years and made available to Ecology upon request. The maximum, individual and combined rates of withdrawal and the annual total volume from each source shall be submitted to Ecology by January 31st of each calendar year.
3. Recorded water use data shall be submitted via the Internet. To set up an Internet reporting account, contact the Central Regional Office. If you do not have Internet access, you can still submit hard copies by contacting the Central Regional Office for forms to submit your water-use data.
4. WAC 173-173 describes the requirements for data accuracy, device installation and operation, and information reporting. It also allows a water user to petition the Department of Ecology for modifications to some of the requirements.

C. Water Level Measurements

1. In order to maintain a sustainable supply of water and ensure that your water source is not impaired by future withdrawals, static water levels **should** be measured and recorded monthly using a consistent methodology. Static water level is defined as the water level in a well when no pumping is occurring and the water level has fully recovered from previous pumping. Static water level data **should** include the following elements:
 - Unique Well ID Number.
 - Measurement date and time.
 - Measurement method (air line, electric tape, pressure transducer, etc.).
 - Measurement accuracy (to nearest foot, tenth of foot, etc.).

- Description of the measuring point (top of casing, sounding tube, etc.).
- Measuring point elevation above or below land surface to the nearest 0.1 foot.
- Land surface elevation at the well head to the nearest foot.
- Static water level below measuring point to the nearest 0.1 foot.

D. Department of Health Requirements

1. Prior to any new construction or alterations of a public water supply system, the State Board of Health rules require public water supply owners to obtain written approval from the Office of Drinking Water of the Washington State Department of Health. Please contact the Office of Drinking Water prior to beginning (or modifying) your project at:

DOH/Division of Environmental Health
16201 E. Indiana Avenue, Suite 1500
Spokane Valley, WA 99216
(509) 329-2100

E. Easement and Right-of-Way

1. The water source and/or water transmission facilities are not wholly located upon land owned by the applicant. Issuance of a water right authorization by this department does not convey a right of access to, or other right to use, land which the applicant does not legally possess. Obtaining such a right is a private matter between applicant and owner of that land.

F. Water Use Efficiency

1. The water right holder is required to maintain efficient water delivery systems and use of up-to-date water conservation practices consistent with RCW 90.03.005.

G. Proof of Appropriation

1. Final beneficial use calculations for each connection to the 4-different water systems, either independently or combined, shall be determined during the investigation at the Proof of Appropriation stage.
2. The water right holder shall file the notice of Proof of Appropriation of water (under which the certificate of water right is issued) when the permanent distribution system has been constructed and the quantity of water required by the project has been put to full beneficial use. The certificate will reflect the extent of the project perfected within the limitations of the permit. Elements of a proof inspection may include, as appropriate, the source(s), system instantaneous capacity, beneficial use(s), annual quantity, place of use, and satisfaction of provisions.

H. Schedule and Inspections

1. Department of Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the project location, and to inspect at reasonable times, records of water use, wells, diversions, measuring devices and associated distribution systems for compliance with water law.

I. General Conditions

1. This authorization shall in no way excuse the permittee from compliance with any federal, state, or local statutes, ordinances, permits, or regulations including those required and administered by other programs of Ecology.
2. You (applicant) will pay the sum of **\$1,236.31**, which represents a proportionate amount of the payment due and owing to the United States Bureau of Reclamation for storage and delivery of water under Paragraph 15(a) of Water Storage and Exchange Contract No. 09XX101700, between the United States Bureau of Reclamation and the State of Washington Department of Ecology, Yakima Project, Washington, dated January 29, 2009.¹ The consumptive use of 1.561 acre-feet (ac-ft) from September 1 through March 31 is subject to the terms and conditions in the Water Storage and Exchange Contract No. 09XX101700.
3. You (applicant) 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 a septic drain field on each Parcel as follows:

12045, 12046, 12047, 18548, 18549, 18550, 18551, 20540, 20542, 951650, 951651, 951652, 951653, 951654, 951655, 951656, 951658, 951659, 951660, 951661, 951662, 956692, 956693, 956694, 956695, 956696, 956697, 956698, 956699, 956700, 956701, 956702, 956703, 956704, 956705, 956706, 956707, 957142, 957143, 957144, 957145, 957146, 957147, 957148, 957149, 957150, 957151, 957152, 957153, 957154, and 957155.
4. You (applicant) will also record with the Kittitas County Auditor a property covenant that restricts water use to indoor domestic and prohibits water for outdoor irrigation on the following parcels:

12045, 12046, 12047, 18548, 18549, 18550, 18551, 20540, 20542, 951650, 951651, 951652, 951653, 951654, 951655, 951656, 951658, 951659, 951660, 951661, 951662, 956692, 956693, 956694, 956695, 956696, 956697, 956698, 956699, 956700, 956701, 956702, 956703, 956704, 956705, 956706, 956707, 957142, 957143, 957144, 957145, 957146, 957147, 957148, 957149, 957150, 957151, 957152, 957153, 957154, and 957155.
5. You (applicant) will record with the Kittitas County Auditor an appropriate conveyance instrument under which the applicant obtains an interest in Trust Water Right Nos. CS4-02316sb8(a1) to offset consumptive use.
6. The approved quantity of water shall not exceed the amount of water available under Trust Water Right Nos. CS4-02316sb8(a1), nor shall it exceed the availability of unused storage capacity.
7. Any valid priority calls against the source Trust Water Right Nos. CS4-02316sb8(a1), based on local limitations in water availability, will result in temporary curtailment of the use of water under the permit until the priority call for water ends.

¹ "Long-Term Water Storage and Exchange Agreement between the U.S. and the State of Washington, Department of Ecology, (Contract No. 09XX101700)", http://www.ecy.wa.gov/programs/wr/cro/images/pdfs/exchangecontract_012909.pdf, accessed on May 9, 2013.

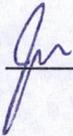
J. This Permit Subject to Cancellation

1. This permit shall be subject to cancellation should the permittee fail to comply with the above development schedule and/or to give notice to the Department of Ecology on forms provided by the Department documenting such compliance.

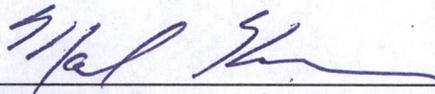
Given under my hand and the seal of this office at

Yakima, Washington this 9 day of APRIL, 2014.

OK



by



Mark Kemner, LHG
Section Manager