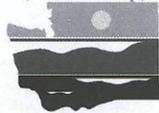


For Ecology Use
(Date Stamp)



DEPARTMENT OF
ECOLOGY
State of Washington



Water Resources Program
Request for Determination of Water Budget Neutrality
SURFACE WATER GROUND WATER

Please ensure that the form is completely filled out.
Incomplete forms will lead to longer processing times, and may be rejected.

Section 1. APPLICANT

Applicant/Business Name: Randy Berg	Phone No: 206-919-5769	Other No:
Address: 4201 55th Ave NE		
City: Seattle	State: WA	Zip: 98105
Email Address (optional): randyberg@qwest.com		

Contact Name (if different from above): Jessica Kuchan	Phone No: 206-838-7650	Other No:
Relationship to Applicant: Attorney for Seller of Mitigation Water		
Address: 315 Fifth Ave S., Ste 1000		
City: Seattle	State: WA	Zip: 98104
Email Address (optional): Kuchan@mentorlaw.com		

Section 2. STATEMENT OF INTENT

Briefly describe the purpose of your proposed project: To build one residence

Anticipated length of time to complete your project: 5-10 years

Is this for an existing use, established prior to July 16, 2009? Yes No

If yes, when was the water first regularly and beneficially used? _____

For Ecology Use	APPLICATION NO: <u>64-35614</u>	SEPA: Exempt/Not Exempt
	Fee Paid: <u>0</u> Check No: <u>17</u>	ECY Coding: 001-001-WR1-0285-000011
Date Returned _____	By _____	Priority Date <u>04-19-2013</u> By <u>[Signature]</u> WRIA: <u>Kitt</u>

Water Use: List all proposed uses and the quantity required for each. (For example: domestic, group domestic, lawn or commercial garden, municipal water supply, stock watering or industrial.)

Purpose(s) of Use	Rate (check one box only) Cubic Feet per Second (CFS) Gallons per Minute (GPM)	Total Water Use* in Acre-Feet per Year (AF/YR) (If known)	Period of Use (Continuously or Seasonal)
Domestic	TBD	0.392/ 0.118 (CU)	Continuously
Irrigation	TBD	0.022/ 0.019 (CU)	Seasonal
TOTAL:	TBD	0.414 0.137 (CU)	

SEE
AMENDMENT

Section 3. POINT OF DIVERSION OR WITHDRAWAL

Complete A or B, and C below

A.) If Surface Water Source	B.) If Ground Water Source
Spring Creek River Lake Other: _____ Source Name: _____ Tributary to: _____ Number of proposed diversion points: _____ Do you have an existing diversion? YES NO	Do you have an existing well? YES NO Well(s) Other: _____ _____ Existing well diameter & depth: _____ If available, attach Water Well Report and pump test Well Tag ID No. Number of proposed points of withdrawal: <u>1</u>

C.) Point of Diversion/Withdrawal – Legal Description

Parcel No.	¼	¼	Section	Township	Range	County
786635			7	21 N	15 E.W.M.	Kittitas
Lot(s)	Block(s)		Subdivision			
33			Kachess Ridge			

If available, GPS (Global Positioning System) device location:
 Latitude: _____ N Longitude: _____ W
 Datum and units (for example NAD83 and decimal degrees, etc): _____ (required for all GPS locations)
 If known, enter the distances in feet from the point of diversion or withdrawal to the nearest section corner:
 _____ Feet (North/ South) and _____ feet (East/ West)
 from the (NW SW NE SE _____) corner of Section _____.

NOTE: If more than one point of diversion/withdrawal, attach additional information on a separate sheet of paper. A map identifying the well location within the parcel is required for all existing wells proposed for use under this request (see below).

Attach a map of your project showing the point of diversion/withdrawal and place of use. If platted property, be sure to include a complete copy of the plat map. Please ensure that the well location and parcel number listed in Section 3 matches the well location on the site map and on the well log. If there are any differences please provide an explanation on a separate sheet of paper. Unclear well locations may cause delays in processing the request.

Section 4. WATER SYSTEM INFORMATION	
Complete A or B, C, D, E and F below	
A.) Domestic Water Systems only	B.) Municipal Water Systems only <i>(defined under RCW 90.03.015)</i>
Projected number of connections to be served: _____	Present population to be served water: _____
Type of connections: <u>Residential</u> <i>(e.g., home, recreational cabin)</i>	Estimate future population to be served: _____ (20 year projection)
C.) Water System Planning	
Do you have a Water System Plan approved by the Washington State Department of Health, Drinking Water Division? YES NO	
If yes, date plan was approved ___/___/___ Water System Number: _____	
Name of water system: _____	
Are you within the service area of an existing water system? YES NO	
If yes, explain why you are unable to connect to the system: _____	

D.) On-Site Septic	

Will there be an on-site septic system? YES NO

If yes, please provide a copy of the property covenant that restricts or prohibits trees or shrubs over the septic drain field.

E.) Sanitary Sewer System

Will domestic wastewater be discharged to a sanitary sewer system? YES NO

If yes, please provide a copy of the sewer utility agreement that serves the proposed project.

F.) Irrigation

Total number of acres requested to be irrigated under this application = 0.011 Acres

NOTE: Outline the area to be irrigated on your attached map. (1 acre = 43,560 square feet)

SEE AMENDMENT

Section 5. MITIGATION

To request a determination of Water Budget Neutrality under Chapter 173-539A WAC, the applicant must identify an existing trust water right or pending application to place a water right in trust. The trust water right(s) must:

- Contribute an equal or greater amount to Yakima River flow during the irrigation season, as measured at Parker.
- Have a priority date earlier than May 10, 1905.
- Be eligible to be used for instream flow protection and mitigation of out-of-priority uses.

Existing Trust Water Right

Please identify existing trust water right(s) for use as mitigation.

Water Right No.	Rate (check one box only) Cubic Feet per Second (CFS) Gallons per Minute (GPM)	Acre-Feet per Year (AF/YR) (If known)	Priority Date
Claim No. 5259	0.5 cfs	64.57	Oct 30, 1884
TOTAL:		64.57	

Proposed Trust Water Right Application

Please identify the pending application(s) to place a water right(s) into trust for use as mitigation.

Water Right No.	Rate (check one box only) Cubic Feet per Second (CFS) Gallons per Minute (GPM)	Acre-Feet per Year (AF/YR) (If known)	Priority Date
	4		
TOTAL:			

- **Quantity of Trust Water Right(s) listed in Section 5 (A) and (B) Acquired for Mitigation**

Please list the specific quantity in AFY of Trust Water Right(s) listed in Sections 5(A & B) that have been acquired to offset consumptive use associated with this proposed new use of groundwater: .137_AFY

Note: You may wish to refer to the online water use calculator for example consumptive use calculations:

<http://www.ecy.wa.gov/programs/wr/cro/wtrxchng.html>

Additional information regarding consumptive use can be found in Chapter 173-539(A)-050 (3) WAC.

Section 6. PLACE OF USE

Attach a copy of the legal description of the property (on which the water will be used) taken from a real estate contract, property deed or title insurance policy, or copy it carefully in the space below.

That portion of Lot 33, KACHESS RIDGE, in the County of Kittitas, State of Washington, as per plat thereof recorded in Book 7 of Plats, pages 21 through 26, records of said County, which is described as follows:

Beginning at the Northwest corner of said Lot 33 which point is the true point of beginning; thence South 2° 59' 14" East, along the West line of said Lot 33, 30.02 feet; thence North 89° 16' 41" East, parallel with and 30.0 feet South of the North line of said Lot 33, 447.11 feet; thence South 55° 59' 08" East, 178.12 feet; thence South 34° 50' 50" East, 152.40 feet; thence South 59° 25' 50" East, 80.56 feet, more or less, to the South line of said Lot 33; thence North 89° 16' 41" East, 336.60 feet, more or less, to the Southeast corner of said Lot 33; thence North 0° 43' 19" West, 300.00 feet to the Northeast corner of said Lot 33; thence South 89° 16' 41" West, 1085.62 feet, to the true point of beginning.

¼	¼	Section	Twp.	Range	County	Parcel No.
		7	21 N	13 E.W.M.	Kittitas	786635

Section 7. REQUIRED 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 request, I grant staff from the Department of Ecology access to the site for inspection and monitoring purposes. Even though employees of the Department of Ecology may have assisted me in the preparing this application, I am fully responsibility for the accuracy of the information provided.

Randy Berg

Print Name
Date 2-12-13
(Applicant or authorized representative)

Randy Berg

Print Name
Date 2-12-13
(Land Owner, if seeking to use the ground water exemption)

Randy Berg

Signature

Randy Berg

Signature

Submit this form to:

DEPARTMENT OF ECOLOGY
WATER RESOURCES PROGRAM
CENTRAL REGIONAL OFFICE
15 W. YAKIMA AVE, SUITE 200
YAKIMA, WA 98902-3452

SCAN 2132
SCAN 2133

Mentor Law Group PLLC

315 Fifth Avenue South, Suite 1000
Seattle, Washington 98104
TEL 206.838.7650 FAX 206.838.7655



Jessica Kuchan
kuchan@mentorlaw.com

April 17, 2013

Sent by Certified Mail

Water Resources Program
Central Regional Office
15 W. Yakima Ave., Ste 200
Yakima, WA 98902

RE: Amendment to Berg Application

Dear Water Resources Program:

Please accept this letter as an amendment to the enclosed Request for Determination of Water Budget Neutrality. The following changes are consistent with the applicant's contract with the seller, New Suncadia, LLC, also enclosed. The changes are as follows:

Section 2. Statement of Intent, Purpose of Use to read:

Purpose(s) of Use	Rate (check one box only)	Total Water Use* in Acre-Feet per Year (AF/YR) (If known)	Period of Use (Continuously or Seasonal)
	<input type="checkbox"/> Cubic Feet per Second (CFS) <input checked="" type="checkbox"/> Gallons per Minute (GPM)		
Domestic	TBD	0.392/ 0.118 (CU)	Continuously
Irrigation	TBD	0.217/ 0.195 (CU)	Seasonal
TOTAL:	TBD	0.609 0.312 (CU)	

April 17, 2013

Page 2

Section 4. Water System Information, Section F. to read:

F.) Irrigation

Total number of acres requested to be irrigated under this application = 0.115 Acres

NOTE: Outline the area to be irrigated on your attached map.

(1 acre = 43,560 square feet)

Section 5: Mitigation, Section C. to read:

C) Quantity of Trust Water Right(s) listed in Section 5 (A) and (B) Acquired for Mitigation

Please list the specific quantity in AFY of Trust Water Right(s) listed in Sections 5(A & B) that have been acquired to offset consumptive use associated with this proposed new use of groundwater: .312 AFY

Note: You may wish to refer to the online water use calculator for example consumptive use calculations: <http://www.ecy.wa.gov/programs/wr/cro/wtrxchn.html> Additional information regarding consumptive use can be found in Chapter 173-539(A)-050(3) WAC.

Please contact me if you have any questions.

Sincerely,

MENTOR LAW GROUP, PLLC



JESSICA C. KUCHAN

Enclosures