STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
15 W Yakima Ave, Ste 200 • Yakima, WA 98902-3452 • (509) 575-2490

September 18, 2013

Mark and Jane Rattray
8720 Talbot Rd
Edmonds, WA 98026

Re: AMENDED Determination of Water Budget Neutrality for Request No. G4-35585

Dear Mark & Jane Rattray:

Thank you for submitting a Request for Determination of Water Budget Neutrality, which was received by the Department of Ecology (Ecology) office on September 28, 2012.

This letter corrects the errors in items No. 1 and 4 below.

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(B)CTCL@2. The total consumptive use does not exceed the amount of water available under the subject trust water right during the irrigation season nor does it exceed the availability of unused storage capacity to retain the subject portion of the trust water right for later release during the non-irrigation season. Please refer to the enclosed Advisory Letter for additional information on consumptive use.

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 Parcel No. 121136, located within SE¼ of Section 26, T. 20 N., R. 16 E.W.M.

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2. In-home water use is 1 connection(s), resulting in a consumptive use of 0.118 ac-ft/yr.
3. Outdoor irrigation use is 0.011 acres, resulting in a consumptive use of 0.019 ac-ft/yr.
4. The proposed well(s) will be located in SW1/4 of Section 25, or SE¼ of Section 26, T. 20 N., R. 16 E.W.M.
5. Water use shall be recorded and reported as required under WAC 173-539A-070 and as described in the Advisory Letter enclosure.
6. 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 a septic drain field on Parcel No. 121136.
7. 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(B)CTCL@2 to offset consumptive use as described in this letter.
8. You will pay to Ecology the sum of $13.46 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 Bureau of Reclamation and the State of Washington Department of Ecology, Yakima Project, Washington, dated January 29, 2009[1]. 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.
9. Any valid priority calls against Trust Water Right No. CS4-02255(B)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.

YOUR RIGHT TO APPEAL

You have a right to appeal this decision to the Pollution Control Hearing 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 Bureau of Reclamation and the State of Washington Department of Ecology.

The website is located: http://www.ecy.wa.gov/programs/wr/cro/images/pdfs/exchangecontract_012909.pdf

ADDRESS AND LOCATION INFORMATION

Street Addresses	Mailing Addresses
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey WA 98503	**Department of Ecology** Attn: Appeals Processing Desk PO Box 47608 Olympia WA 98504-7608
Pollution Control Hearings Board 1111 Israel Road SW, Ste 301 Tumwater WA 98501	**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 Teresa Mitchell at (509) 575-2597.

Sincerely,

Mark Kemner, LHG, Section Manager
Water Resources Program

MK:SPL:ss/130922

Enclosures: Your Right To Be Heard
Advisory Letter
Water Measuring Requirements & Form 1

By Certified Mail: 7010 0290 0000 7131 3181

cc: Erin Moore, Kittitas County Public Health Department (email pdf)
David Gleason, SwiftWater Ranch Water Bank (email pdf)
Philip Rigdon, Director, Natural Resources Division, Yakama Nation
Traci Shallbetter, Attorney, Shallbetter Law (email pdf)

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
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September 18, 2013

William Ferry, USBR
Columbia-Cascades Area Office
1917 March Rd
Yakima WA 98901-2058

Re: AMNEDED Assignment of Trust Water Right to USBR-Ecology Contract

Dear Mr. Ferry:

Enclosed is one AMNEDED proposed assignment of trust water right to the USBR-Ecology Exchange Contract (Contract No. 09XX101700).

The attached sheet describes how the assignment meets the terms of the storage contract.

Please call me at (509) 454-4258 if you have any questions.

Sincerely,

Mark Kemner, LHG
Section Manager
Water Resources Program/CRO

MK:ss
130922b

Enclosures: Proposed Assignment (Exchange Contract)
Copy of No. G4-35585

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AMENDED
SwiftWater Ranch LLC Exchange Contract Assignment
Mark and Jane Rattray
WBN Request No. G4-35585

The Department of Ecology (Ecology) has determined the use of groundwater described below will be water budget neutral with respect to Total Water Supply Available (TWSA). The reach of the Yakima River affected by the groundwater appropriation can be mitigated by release of stored water from a U.S. Bureau of Reclamation (USBR) storage facility upstream from the affected reach. Supplemental consultation under Endangered Species Act (ESA) is, therefore, not required pursuant to Article 18.b of the contract.

1. The groundwater use that will be offset by the trust water right is for domestic supply and 500 square feet of lawn and garden irrigation. The use of water will be located within the SE¼ of Section 26, T. 20 N., R. 16 E.W.M. (Parcel No. 121136). The consumptive water use will be 0.072 acre-feet (ac-ft) from April 1 through September 15, and 0.017 ac-ft from September 16 through October 31.

1. The trust water right (No. CS4-02255(B)CTCL@2) was placed into the Trust Water Right Program by SwiftWater Ranch LLC.

2. The Trust Water Agreement between Ecology and SwiftWater Ranch LLC can be found at the following website:
http://www.ecy.wa.gov/programs/wr/cro/mrwb.html

3. Ecology assigns 0.017 ac-ft of Trust Water Right Certificate CS4-02255(B)CTCL@2 to the USBR-Ecology Exchange Contract (Contract No. 09XX101700). The term of the assignment is from August 12, 2013 to January 29, 2049.

4. The total payment for 36 years, based on the rate of $22/ac-ft/yr in Article 15.a, is $13.46.

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