



WASHINGTON STATE DEPARTMENT OF ECOLOGY

RECEIPT 204922

DATE 3/29/06

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DOLLARS 50.00

FUND:

General . . . . . UST . . . . . WWD . . . . . Other . . . . . Cash . . . . .

LOCATION:

Check # 2273

PURPOSE: Division of NR

MO #

By

Robb Thank You

## Memorandum

To: File for Superseding Certificate 55-A(A) and Superseding Certificate 55-A(B)  
From: Deb Hunemuller  
Date: March 27, 2006  
Subject: Request for Administrative Confirmation of Division of Water Right 55-A

On March 9, 2006, Tom McDonald, on behalf of Access Golf Management LLC, filed a request for division of water right 55-A. The request is to divide the water right between Access Golf Management for 60 acres of domestic supply and irrigation of the golf course and the City of Lacey for domestic with irrigation. Concurrently, the City of Lacey filed a Request for Conforming Document, per RCW 90.03.560, to amend the City's superseding document to ensure that the water rights are for municipal supply.

An item of note is that this certificate was changed in 1973 via Certificate of Change Vol. I-2, pp. 19. This Certificate of Change changed a portion of 55-A to the City of Lacey for municipal supply. The change did not result in a documentation dividing the original certificate. Therefore, the original certificate still shows the full Qa and Qi as 2400 gallons per day and 693 acre-feet per year from three wells for domestic supply and irrigation of 346 2/3 acres. The purpose of this request is to divide the water right into two superseding documents, as provided by Water Resource Policy 1070.

Confirmation of division of water rights are administrative in nature, and will not include an evaluation of the extent and validity of the water right to be divided.

In summary, this division of water right and conforming document will reflect the following:

### **Superseding Certificate 55-A(A)**

Water Right Holder: Access Golf Management  
Share of Qi: 600 gpm  
Share of Qa: 70 afy  
Share of Acreage: 60 acres  
Points of Withdrawal: Wells 1 and 2  
Authorized Purpose: Domestic supply and irrigation  
Place of Use: Parcel No. 38740060000

### **Superseding Certificate 55-A(B)**

Water Right Holder: City of Lacey  
Share of Qi: 1,800 gpm  
Share of Qa: 623 afy

Share of Acreage: 286 2/3 acres  
Point of Withdrawal: Well 3  
Authorized Purpose: domestic w/irrigation  
Place of Use: Area served by the City of Lacey, Thurston County, Washington

**Conforming Document 55-A(B)**

Conforms the purpose to: Municipal Supply

Attached are:

- Request for Administrative Confirmation of Division of Water Right form, filled out and signed by both parties.
- Copy of original water right Certificate 55-A (and corresponding Permit 304) and Certificate of Change Vol. I-2, pp. 19
- Parcel numbers of wells
- Parcel number, map, and legal description from County records of golf course
- Letter dated March 17, 2006, from Tom McDonald with information regarding contacts and parcel number and legal description of golf course.
- Documentation of ownership of golf course

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Washington State Department of Ecology



Request for Administrative Confirmation of Division of a Water Right

Instructions: Complete the information required, attach referenced documents, and forward to the appropriate regional office address shown on the back of this form.

WATER RIGHT INFORMATION

Water Right Number: 55-A, owned by Capitol City Golf, amend for City of Lacey municipal supply (Vol I-2, p.19)

Name on Certificate: W.R. Rowe assigned to Wilder in 1956

- Attach a copy of subject water right.
Attach a map of the authorized place of use.
Attach a list of all property owners and property owner contact information, including name, address, and telephone number.
Provide tax parcel identification numbers and acreages for each property owner within the authorized place of use.
Attach a copy of property transfer deed, contract, or other documentation indicating division of land and appurtenant water rights.

PROPERTY OWNER AGREEMENT

- Signatories agree to the division of the subject right consistent with the apportioning presented herein. Agreement of this apportioning reflects the historic beneficial use of water on the property.
It is the responsibility of each property owner to verify that his or her "share" of the original right reflects the historic beneficial use of water on his property.
The division of the original right into superseding documents shall not be construed as validation as to the extent and validity of the original right.
Each property owner shall be responsible for payment of fees associated with the issuance of superseding documents.

DESCRIPTION OF DIVISION OF THE WATER RIGHT AMONG PROPERTY OWNERS

(Note: For more than 2 property owners, attach additional pages as necessary).

(1) Property Owner Name: Access Golf Management LLC

Tax Parcel Numbers Owned within Authorized Place of Use: well 2-38740080000; well 1-11833310000

Share of Qi, (gpm or cfs): 600 Share of Qa, (acre-feet): 70 acre feet

Share of acreage irrigated: 60 acres

Authorized purpose(s) of use: irrigation

Check one of the following:

- The authorized point of diversion is on my property and will continue to be used. Well No. 2
The authorized point of diversion is not on my property, but ~~Rowe~~ will as necessary entered into a shared use agreement with the owner of the authorized diversion point. Well No. 1
The authorized point of diversion is not on my property, and I plan to construct a new diversion point on my property.

Property Owner Signature

ECY 070-88 (9/04)

Ecology is an equal opportunity employer.



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Washington State  
Department of Ecology

Perkins  
Coie

111 Market Street N.E., Suite 200

Olympia, WA 98501-1008

PHONE: 360.956.3300

FAX: 360.956.1208

www.perkinscoie.com

Tom McDonald  
PHONE: 360.956.3300  
EMAIL: tmcDonald@perkinscoie.com

March 17, 2006

Ms. Deb Hunemuller  
Department of Ecology  
Water Resources Program  
P.O. Box 47775  
Olympia, WA 98504-7775

**Re: Capitol City Golf Course/City of Lacey**

Dear Deb:

I am attaching the following information that hopefully responds to your questions.

The golf course is Parcel No. 38740060000. The attached map from Thurston County shows the parcel in the pink-shaded area.

The attached records from the Thurston County Assessor show Access Golf Management as the owner of Parcel No. 38740060000.

The attached Assignment and Assumption of Water Rights provide the evidence of transfer of Water Right No. 55 from the previous owners, NGP Realty, sub to Access Golf.

Contact information is:

Brian Patton  
Access Golf Management LLC  
10402 Willows Road NE  
Redmond, WA 98052

[34213-0003/SL060760.225]

ANCHORAGE · BEIJING · BELLEVUE · BOISE · CHICAGO · DENVER · HONG KONG · LOS ANGELES  
MENLO PARK · OLYMPIA · PHOENIX · PORTLAND · SAN FRANCISCO · SEATTLE · WASHINGTON, D.C.

Perkins Coie LLP and Affiliates

Ms. Deb Hunemuller  
March 17, 2006  
Page 2

Dennis Ritter, Director  
Public Works Department  
P.O. Box 3400  
420 College St. SE  
Lacey, WA 98509-3400

Hope this information is responsive. Please call if you have any questions.

Very truly yours,

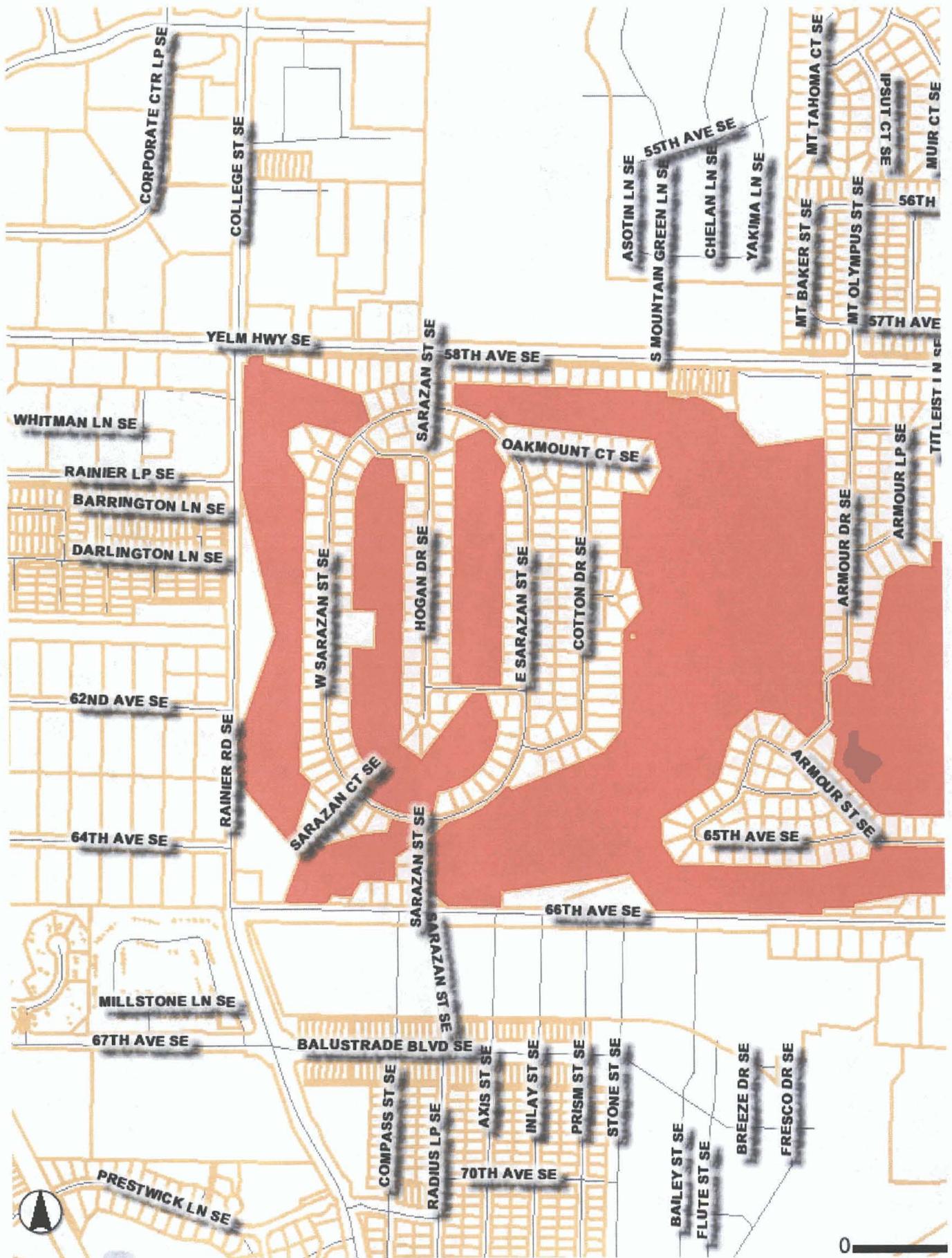
A handwritten signature in cursive script that reads "Tom McDonald". The signature is written in dark ink and is positioned above the printed name.

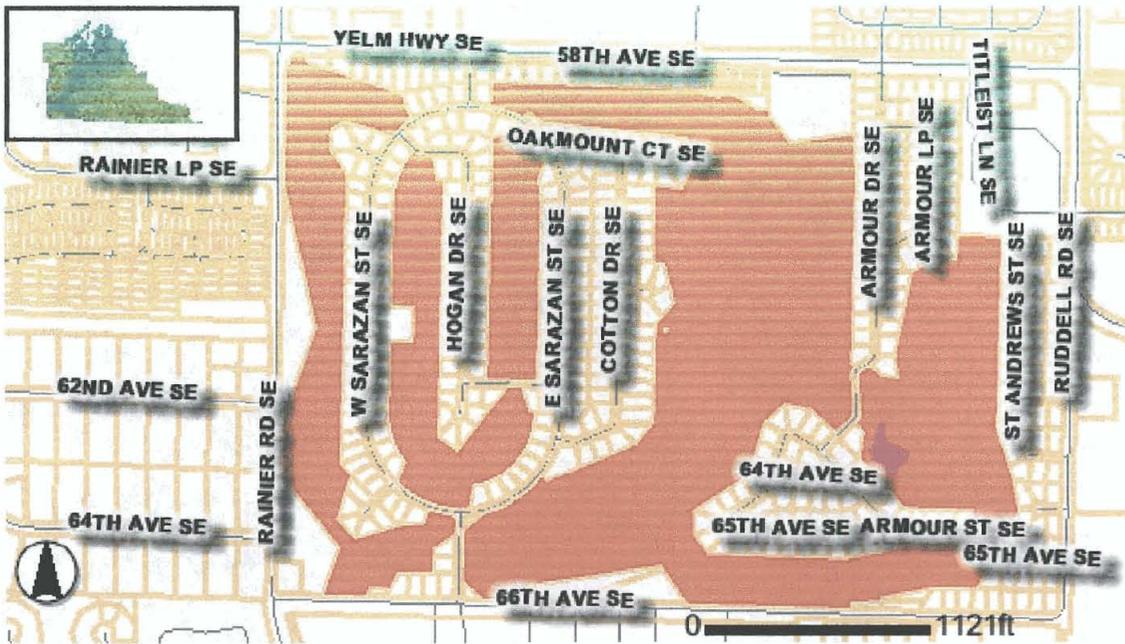
Tom McDonald

TM:nh

Enclosures

cc: Dennis City, City of Lacey





*Colored portion is Parcel No. 38740060000  
owned by Access Golf Management LLC*



# Thurston County Assessor

**Basi  
Propert**

Use these buttons to display different information for this property

- New Search
- Basic Info
- Values
- Structures
- Permits
- Sales
- Feedback
- Map Info

### Owner/Taxpayer Information

Role	Pct	Name Street	City	State	Country	Zip
Owner	100%	ACCESS GOLF MANAGEMENT LLLC 10402 WILLOW RUN RD NW	REDMOND	WA		98052
Taxpayer	100%	ACCESS GOLF MANAGEMENT LLLC 10402 WILLOW RUN RD NW	REDMOND	WA		98052

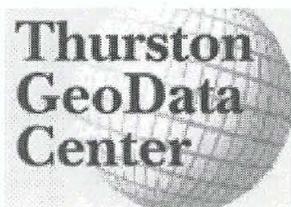
### Parcel Information

**Situs Address:** 5225 YELM HWY SE  
**Legal Description:** Section 04 Township 17 Range 1W Plat CAPITOL CITY GOLF CLUB ESTATES - AMENDED BLA980208 TR A Document 3151269 (OTHER PTN 60001)  
**Sect/Town/Range:** 04 17 1W  
**Size:** 119.93 Acres  
**Use Code:** 94 Cur - Use - Open  
**TCA Number:** 239  
**Neighborhood:** 69S2  
**Property Type:** AGRICULTURAL  
**Taxable:** YES  
**Fire District:** FIRE DISTRICT #03  
**School District:** NORTH THURSTON S.D. #3  
**Associations:** 99000506900 CAPITOL CITY GOLF

**Office of the Assessor  
Patricia Costello, Assessor**

2000 Lakeridge Drive SW - Olympia, WA 98502

**Customer Service (360)786-5410 -- Fax (360)754-2958 -- TDD (360)754-2933**

**Data for Parcel No. 38740060000**

Zoom Map to Parcel

## View Assessor's Data for Parcel

Owner: ACCESS GOLF MANAGEMENT LLLC  
 Address: 10402 WILLOW RUN RD NW  
 City: REDMOND  
 State: WA, 98052

Parcel No.: 38740060000  
 Site Address: 5225 YELM HWY SE  
 Site City: OLYMPIA  
 Site Zip: 98503

Section: s04171W  
 Legal Description: Section 04 Township 17 Range 1W Plat CAPITOL CITY GOLF CLUB ESTATES - AMENDED BLA980208 TR A Document 3151269 (OTHER PTN 60001)  
 Usecode: 94 - CUR-USE-OPEN  
 Tax Code Area: 239  
 Taxable: Yes  
 Annual Tax: \$18,605.42  
 Property Type: AGR  
 Total Acres: 119.93  
 Land Value: \$186,810.00  
 Building Value: \$1,357,600.00  
 Total Value: \$1,544,410.00  
 Current Use: Y  
 Exemptions: None

Wetlands: Palustrine, Emergent, ;  
 Palustrine, Open Water/Unknown Bottom,  
 Excavated  
 Floodzone: NO  
 Flood of 1999: Unknown  
 Winter Flooding of 1996: Unknown  
 High Groundwater Flood Hazards: Unknown

Zoning: LD 0-4, Low-Density Residential  
 Historic Site: No  
 Permitting Jurisdiction: COUNTY  
 Jurisdiction of Influence: LACUGA

Stormwater Rate:	Yes
No Shooting Zone:	No
Animal Control:	Ordinance No. 12989. Contact Animal Services (360-352-2510).

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Weed Containment Zone:	No
Steep Slopes:	Unknown
Ground Water Sensitive Areas:	LAKES
DNR Natural Heritage Data:	Unknown
Critical Buffers:	200' Wetland
Shoreline Management Areas:	No
Waterbody & Wetland Buffers:	Yes
FEMA Panel No.:	310,325

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Wellhead Protection Area:	Yes
Area of Groundwater Concern:	No
Elevated Nitrates:	No
Soil Type:	Nisqually loamy fine sand, 0 to 3 % slopes
Hydric Soil:	No
Watershed:	BUDD/DESCHUTES,HENDERSON INLET
Water Service Area:	LACEY WATER DEPARTMENT
School District:	NORTH THURSTON
Elementary School:	HORIZONS
Middle School:	KOMACHIN
High School:	TIMBERLINE
Fire Response District:	LACEY
Medic Response District:	Medic 3
Residential Outdoor Burning:	Residential Outdoor Burning is banned within the city limits and urban growth areas of Lacey, Olympia, and Tumwater.
Planning Region:	2
Census Tract:	011620
Radio or Cell Tower:	No

**ASSIGNMENT AND ASSUMPTION OF WATER RIGHTS  
(Capitol City Golf Club)**

1. **Identification and Parties.** This Assignment and Assumption of Water Rights (this "Assignment") is entered into this 11<sup>th</sup> day of December 2004 between NGP Realty Sub, L.P., a Delaware limited partnership ("Seller"), American Golf Corporation, a California corporation ("Operator"), and Access Golf Management LLC, a Washington limited liability company ("Buyer").

2. **Recitals.**

2.1 Seller, Operator and Buyer entered into that certain Sale Agreement and Joint Escrow Instructions dated as of November 10, 2004 (the "Agreement").

2.2 Under the Agreement, Seller and Operator agreed to sell to Buyer, and Buyer agreed to purchase from Seller and Operator, the Property (as defined in the Agreement).

2.3 All terms used but not defined in this Assignment are defined in the Agreement.

2.4 The Agreement requires the execution and delivery of this Assignment.

In order to consummate the transaction contemplated by the Agreement, and for other valuable consideration, the receipt and sufficiency of which are acknowledged, Seller, Operator and Buyer desire to enter into this Assignment.

3. **Assignment and Assumption.**

3.1 Seller and Operator assign to Buyer (a) Seller's and Operator's entire interest in all water rights, riparian rights, appropriative rights, water allocations and water stock associated with irrigating the Golf Course, and (b) Seller's and Operator's entire interest under the Water Documents, if any, listed on Exhibit A (collectively, the "Water Rights").

3.2 Buyer accepts the assignment of the Water Rights and assumes and agrees to perform the obligations, duties, undertakings and liabilities of Seller and Operator with regard to the Water Rights relating to any period on or after the Closing.

3.3 Seller and Operator convey the Water Rights to Buyer without warranty of any kind or nature whatsoever, express or implied, except as may otherwise be expressly set forth in the Agreement. Without in any way limiting the generality of the preceding sentence, the first paragraph of Article 8 of the Agreement is incorporated in this Assignment by this reference as though set forth in full in this Assignment.

4. **Miscellaneous.**

4.1 **Entire Agreement.** This Assignment and the Agreement are the entire agreement between the parties with respect to the subject matter of this Assignment, and supersede all prior agreements between the parties concerning the same subject.

4.2 **Exhibits.** All attached exhibits are incorporated by this reference.

4.3 **Successors and Assigns.** This Assignment binds, and inures to the benefit of, the successors and assigns of Seller, Operator and Buyer.

4.4 **Amendments in Writing.** No amendment or modification of this Assignment will be valid unless the amendment or modification is in writing and signed by Buyer, Seller and Operator.

4.5 **Counterparts.** This Assignment may be executed in one or more counterparts, each of which will be deemed an original, but all of which, when taken together, will constitute one and the same instrument.

*[SIGNATURE PAGE FOLLOWS IMMEDIATELY]*

Seller, Operator and Buyer have executed this Assignment effective as of the date first written above.

**SELLER:**

NGP REALTY SUB, L.P.,  
a Delaware limited partnership

By: NGP REALTY SUB GP, LLC,  
a Delaware limited liability company  
Its: General Partner

By: Paul Major  
Name: Paul Major

Position: Executive Vice President

**BUYER:**

ACCESS GOLF MANAGEMENT, LLC  
a Washington limited liability company

By: \_\_\_\_\_

Name: \_\_\_\_\_

Position: \_\_\_\_\_

**OPERATOR:**

AMERICAN GOLF CORPORATION,  
a California corporation

By: Paul Major  
Name: Paul Major

Position: Executive Vice President

Seller, Operator and Buyer have executed this Assignment effective as of the date first set forth above

**SELLER:**

NGP REALTY SUB, L.P.,  
a Delaware limited partnership

By: NGP REALTY SUB GP, LLC,  
a Delaware limited liability company  
Its: General Partner

By: \_\_\_\_\_

Name: \_\_\_\_\_

Position: \_\_\_\_\_

**BUYER:**

ACCESS GOLF MANAGEMENT LLC,  
a Washington limited liability company

By: X 

Name: BRIAN PATTON

Position: MANAGING MEMBER

**OPERATOR:**

AMERICAN GOLF CORPORATION,  
a California corporation

By: \_\_\_\_\_

Name: \_\_\_\_\_

Position: \_\_\_\_\_

## EXHIBIT A

### List of Water Documents

1. Certificate of Ground Water Right, #55A, dated July 11, 1947 to W.R. Rowe, and all related documents thereto.
2. Certificate of Change of Purpose and Place of Use of Water, issued to the City of Lacey, dated August 10, 1973.
3. All interests and rights in Agreement between City of Lacey and Thurston County Development Company, with attachments, dated February 14, 1989.
4. Letter from Paul Major to Cory Corbin, dated May 20, 1994, with Cory Corbin acknowledgment concerning the 1989 Agreement between City of Lacey and Thurston County Development Company.

- The Rowe water right should be conformed for municipal use under RCW 90.03.560 based on the definition of municipal purposes of RCW 90.03.015.
- The right was issued for both domestic and irrigation.
- The wells were drilled in 1946 and 1948.
- The Department of Ecology amended the water right in 1973 to include portion of water right for City of Lacey municipal use.
- The entire water system, including Well No. 3 authorized under the water right and a/k/a City of Lacey Well SO4, is owned and operated by Lacey. Lacey does not own, but is the certified operator, for Well No. 2, also authorized under the water right.
- City of Lacey withdraws water from Well Nos. 3 (SO4) and 2 directly into the City's water system and then serves Capitol City with water pursuant to agreements dating back to 1963, if not before.

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Water Right No. 55-A as administrative split WRIA \_\_\_\_\_

Washington State  
Department of Ecology

**Request for a Conforming Document**

**Water Resources Program**

Chapter 90.03 RCW was revised by Second Engrossed Second Substitute House Bill (2E2SHB) 1338 which became effective on September 9, 2003. Changes to the water code mean that for public water systems that are in compliance with the terms of a water system plan that has been approved by the Washington State Department of Health (DOH), the place of use of the municipal supply water right includes the place of use on the water right and the service area approved by DOH. This is done as a matter of law and thus, a water right application is not necessary.

RCW 90.03.015 defines municipal water supply as a beneficial use of water meeting one of several criteria, including for fifteen or more residential connections, or providing residential use of water for a non-residential population that is on average, at least 25 people for at least 60 days a year.

RCW 90.03.560 states that when requested by a municipal water supplier, the department shall amend the water right documents and related records to ensure that water rights that are for municipal water supply purposes, as defined in RCW 90.03.015, are correctly identified as being for municipal water supply purposes.

In order to process the Superseding Certificate or Permit, we need the following information:

- 1. Water Right Certificate or Permit Number 55-A(2) as divided per Administrative Confirmation of Division
- 2. Name and Address of Water Right Holder City of Lacey  
420 College Street SE  
Lacey, WA 98509
- 3. Names of Point of Withdrawal/Diversion (i.e., Well 7, or Madrona Well) Lacey Well No. 4
- 4. Purpose of use listed on Certificate/Permit Municipal, domestic, and irrigation
- 5. Unique Well ID Number(s) SO4
- 6. DOH Water System ID Number 43500Y
- 7. Parcel Numbers of the Points of Withdrawal or Diversion Well 3 - 38750300200

In filing this request for a conforming document form, I understand that I am requesting the Department of Ecology to issue a Superseding Water Right document that reflects the municipal status of my water right.

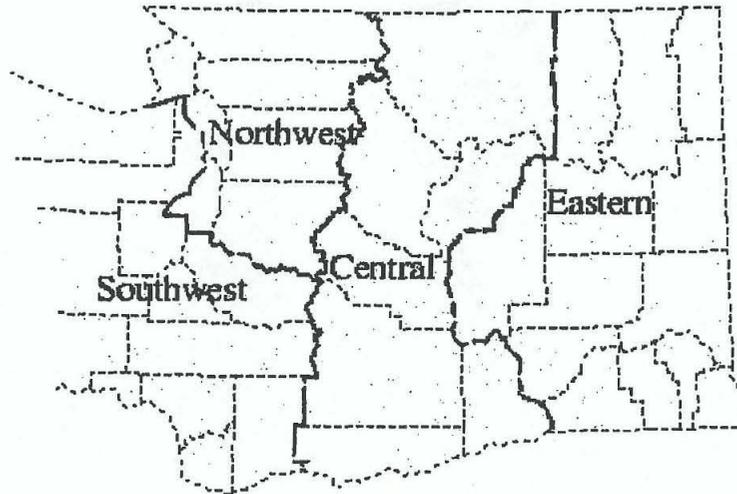
City of Lacey  
Name of person filing request

491-5600  
Phone number

Partial owner plus transferee of portion by administrative division  
Title or Interest in Water Right Document

[Signature] "ACA"  
Signature

The Department of Ecology will prepare a Superseding Document. Superseding Permits will be sent to you directly from the Regional Office, Superseding Certificates will be sent to appropriate County Auditor's Office for recording and forwarded to you. Ecology will contact you with the appropriate recording fees or if additional information is required.



**ECOLOGY OFFICES**

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**Northwest Region Office**  
3190 - 160<sup>th</sup> Avenue SE  
Bellevue WA 98008-5452

**Information and Receptionist:** (425) 649-7000

**Central Region Office**  
15 West Yakima Avenue, Suite 200  
Yakima WA 98902-3452

**Information and Receptionist:** (509) 575-2490

**Southwest Region Office**  
**Mailing Address:** PO Box 47775  
Olympia WA 98504-775  
**Physical Address:** 300 Desmond Drive  
Lacey WA 98503

**Information and Receptionist:** (360) 407-6300

**Eastern Region Office**  
North 4601 Monroe  
Spokane WA 99205-1295

**Information and Receptionist:** (509) 329-3400

**TTY (for hearing impaired):** 711 and 1-800-833-6388 (for all Ecology Offices)

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