



STATE OF WASHINGTON  
**DEPARTMENT OF ECOLOGY**

Central Region Office

1250 West Alder St., Union Gap, WA 98903-0009 • 509-575-2490

**SENT VIA EMAIL**

December 9, 2022

Nelson Creek Visions LLC  
391 Nelson Creek Rd  
Cle Elum, WA 98922-9325  
Email: [nelsoncreek@gmail.com](mailto:nelsoncreek@gmail.com)

Re: Determination of Water Budget Neutrality for Request No. G4-36150

Dear Nelson Creek Visions LLC:

Thank you for submitting a Request for Determination of Water Budget Neutrality, which was received by the Department of Ecology (Ecology) office on April 05, 2022.

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	1.568	0.470
Outdoor	0.087	0.078
Total	1.655	0.548

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

Consumptive use, totaling 0.548 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.

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 Nos. 950787, 950788, 950789, 950790 located within the SE ¼ NW ¼ and SW ¼ NE ¼ of Section 26, T. 20 N., R. 16 E.W.M. In-home water use is for 4 connections, using 350 gallons per day, resulting in a consumptive use of 0.470 ac-ft/yr.
2. Outdoor irrigation water use for 0.046 acres results in a consumptive use of 0.078 ac-ft/yr.
3. Water will be obtained from four wells, located in Parcel Nos. 950787, 950788, 950789, 950790 located within the SE ¼ NW ¼ and SW ¼ NE ¼ of Section 26, T. 20 N., R. 16 E.W.M.
4. Water use shall be recorded and reported as required under WAC 173-539A-070.
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 Nos. 950787, 950788, 950789, and 950790.
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 **\$39.80**, 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 0.067 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.

## **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.

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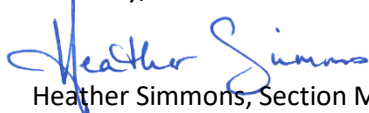
<sup>1</sup> Water Storage and Exchange Contract No. 09XX101700 between the U.S. Bureau of Reclamation and the State of Washington Department of Ecology.

ADDRESS AND LOCATION INFORMATION	
Street Addresses	Mailing Addresses
<b>Department of Ecology</b> Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey WA 98503  <b>Pollution Control Hearings Board</b> 1111 Israel Road SW, Ste. 301 Tumwater WA 98501	<b>Department of Ecology</b> Attn: Appeals Processing Desk PO Box 47608 Olympia WA 98504-7608  <b>Pollution Control Hearings Board</b> PO Box 40903 Olympia WA 98504-0903

For additional information visit the Environmental Hearings Office Website: <https://elaho.wa.gov/>

To find laws and agency rules visit the Washington State Legislature Website: <http://www.leg.wa.gov/CodeReviser>

Sincerely,



Heather Simmons, Section Manager  
Water Resources Program  
Central Regional Office

HS:AD:aa (221211)  
WRTS ID# 6804480

Enclosures: Your Right To Be Heard  
Invoice/USBR Contract

By certified mail: **Sent electronically with read receipt, delivery confirmation/notification**

ecc: Philip Rigdon, Yakama Nation  
Kerrie Mathews, Water Rights Specialists, USBR, Columbia-Cascades Area Office  
Traci Shallbetter, Attorney, Shallbetter Law