

**FOWLER CREEK GUEST RANCH**  
**EXHIBIT 9A**  
**WATER MANAGEMENT PLAN**

1. Initial Application Mitigations

- a. We have eliminated plans to construct ten short-term rental cabins.
- b. We have removed the residential habitats within the wetlands and wetland investigation areas (buffers).
- c. We have eliminated personal fire pits from the plan and have replaced this with community fire pits that will be managed and monitored by staff.
- d. We have made "quiet hours" to span from 10:00 p.m. to 8:00 a.m.
- e. We have reserved the secondary exit on Forest Service Road 4517 as a gated emergency route.

2. Mitigated Water Management Plan Included Facilities

- a. Ranch House – Existing residence with seven bedrooms and three bathrooms
- b. Recreational Vehicle Park – 30-Unit RV Park
- c. Ranch Barn – Small-Scale Event Center
- d. Bed and Breakfast – Five bedrooms with en suite bathrooms

3. Types of Water Needed

- a. Fire Protection Water
- b. Domestic Water
- c. Residential irrigation water

4. Fire Protection Water

- a. Amount: Kittitas County Fire District 7 is requesting that we have 21,000 gallons of water stored on site and dedicated to fire protection. The water would have two uses as follows:
  - i. Stored water from tanker truck fill and refill. We will store the 21,000 gallons of water in the southwest corner of the property. See Exhibit 11 for the Fire Management Plan. The following are the types of storage to be explored:
    - 1. Pond Storage
    - 2. Buried Tank Storage

### 3. Aboveground Storage

- ii. Stored water for building protection. See Exhibit 11 for more information.

#### b. Initial Delivery System:

- i. Intake. The intake would be located in the southwest corner of the property as shown in Exhibit 11.
- ii. The ground elevation of this site is approximately 2,395 feet.
- iii. Delivery Pipe and Facility. A 6" Pipe would run approximately 1,750 feet to the entrance road where a delivery device approved by Kittitas County Fire District 7 would be installed. This delivery device would either be a draft system or a hydrant. The approximate elevation of the delivery device would be 2,310 feet. This would supply fire water at the delivery point with a pressure of approximately 35 pounds per inch.
- iv. Forest Service Road 4517. As requested by Kittitas County Fire District 7, a draft point for the stored fire water will be placed near the gated emergency exit onto Forest Service Road 4517.

#### c. Extended Delivery System:

- i. Extension 1 to Ranch Barn. At the time of the construction of the Ranch Barn, the delivery line would be extended to this facility to provide fire protection water. See Exhibit 11.
- ii. Extension 2 to Bed and Breakfast: At the time of the construction of the Bed and Breakfast, the delivery line would be extended to this facility to provide fire protection water. See Exhibit 11.

#### d. Source of water to fill storage:

- i. The non-potable water storage facility will be filled from legally available off-site sources.
- ii. The non-potable water will be transported to the site using a tanker truck.

### 5. Domestic Water Plan

- a. Ranch House – Existing residence with seven bedrooms and three bathrooms.
  - i. Served by Existing Water Use and Water Right described as follows: The building that will be used for the main ranch house was constructed in the late 1990s and is currently occupied. This building has both a well and water right established through the exempt well process. This well, with

the well tag number ABL 232, was drilled on September 27, 1994, and has been in constant use since that date. This well has used and is currently using the maximum allowed usage of 5,000 gallons per day as provided for in the Revised Code of Washington chapter 90.44.050. This well is, has been, and continues to be used for domestic residential uses, stock-watering for horses pastured on the property during the spring, summer, and fall periods of the year, and irrigation that does not exceed one-half acre. This well has a water right with a priority date of November 11, 1994. For the location of the Ranch House see Exhibit 4 – Mitigated Site Plan.

b. Recreational Vehicle Park – 30-Unit RV Park

- i. For the location of the Recreational Vehicle Park see Exhibit 4 – Mitigated Site Plan.
- ii. Phase 1: Initial development as dry park.
  1. Phase one of the development of the recreational vehicle park will not include the delivery of domestic water to any of the 30 proposed recreational vehicle sites.
  2. During Phase 1 of the development and operation of the RV park, all users will be required to supply their own water with the freshwater tanks that are located in all recreational vehicles.
  3. Guests that need additional potable water will be directed a legally filling site to refill their tanks.
- iii. Phase 2: Conversion to wet park.
  1. When domestic water becomes available for use in the park, water will be made available to all 30 RV sites. Simultaneously, sewer collection services will be provided to each of the sites. Sewer services may be provided to the RV sites prior to domestic water services. For more information on sewer collection services, please see the Sewage Management Plan attached as Exhibit 10.

c. Ranch Barn – Small-Scale Event Center

- i. For the location of the Ranch Barn see Exhibit 4 – Mitigated Site Plan.
- ii. Phase 1: Development as dry event center.

1. Applicant has gained initial approval from the Kittitas County Health Department for the operation of the Ranch Barn as a small-scale event facility with commercially available water as follows:

- a. Drinking Water:

- i. Small Bottled Water. See Exhibit 9.1
    - ii. Large Bottled Water. See Exhibit 9.1
    - iii. Hand Washing Station. See Exhibit 9.1

- b. Restrooms:

- i. Restrooms will use commercially available water. See Exhibit 9.2
    - ii. Water needed for the portable restrooms will be transported to the portable restrooms from a legally available source.
    - iii. Dump Station will be constructed near the Ranch Barn building site.
    - iv. Restrooms may be permanently constructed separately or as part of the Ranch Barn for immediate use when served by commercially available stored water from a legal source.
    - v. The Ranch Barn may be provided with sewer/septic connections prior to piped domestic water as needed.

- iii. Fire Protection Water for Ranch Barn

1. Building fire protection water will be supplied as described in the fire protection plan according to Kittitas County Code 14.04.10.

- d. Bed and Breakfast – Five bedrooms with en suite bathrooms

- i. The Bed and Breakfast will not be built until legally available water is present on site.

- e. Acquisition of legal water for site.

- i. Piped water from Green Zone – There are various methods of taking water from the Green Zone to use within the parcels as follows:

1. Piping water from the Green Zone directly to a domestic water tank for distribution throughout the proposed Fowler Creek Guest Ranch.
2. With the approval of the Department of Ecology and the Department of Fish and Wildlife, the piping of water from the Green Zone to be used to recharge the Peterson Creek aquifer, thereby allowing the use of an existing well located on site.
3. Working with the Department of Ecology to allow withdrawal of onsite water by designating the area as a Green Zone with additional study.

## EXHIBIT 9.1

### Small Bottled Water



### Large Bottled Water

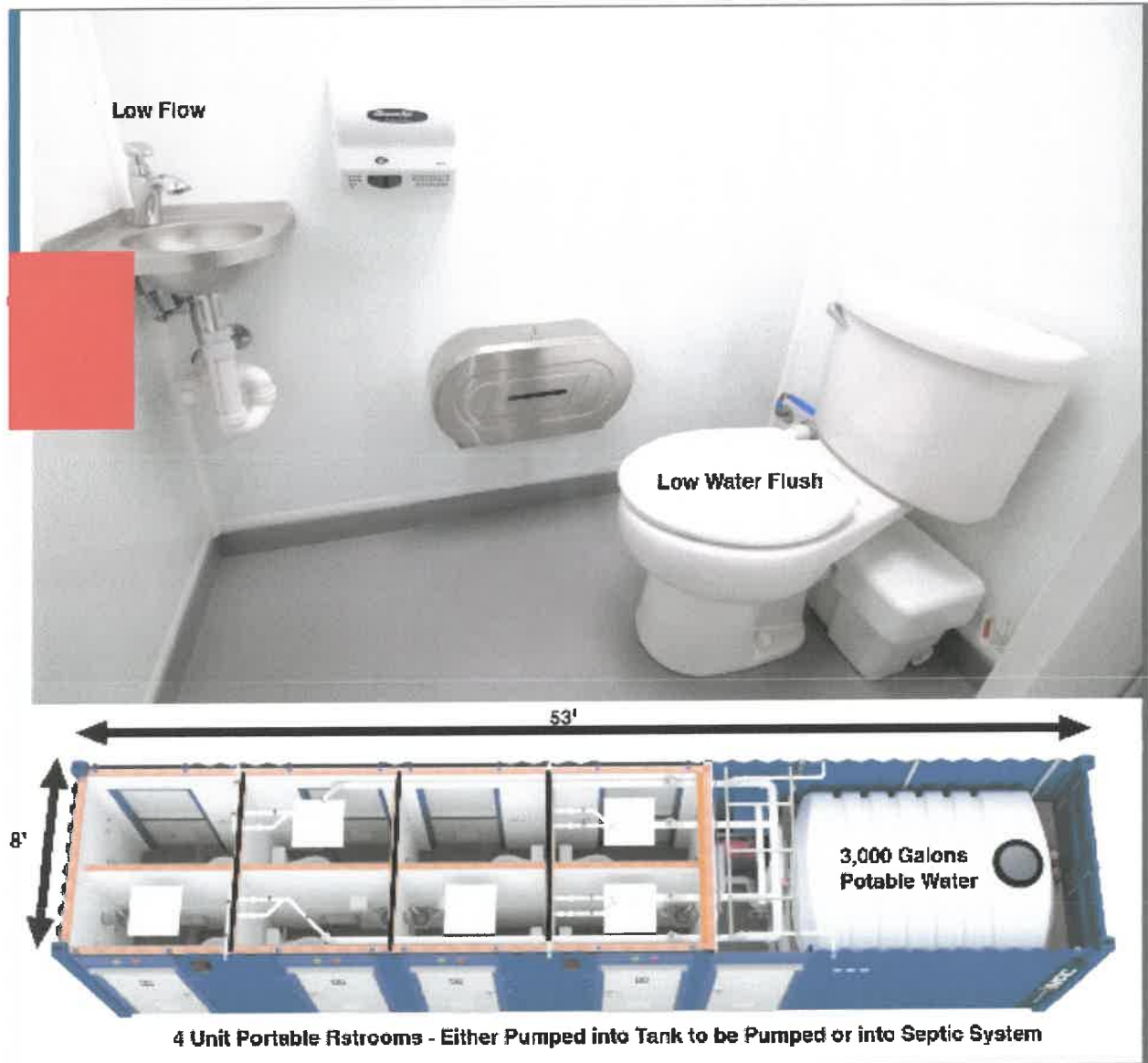


### Hand Washing Station



## EXHIBIT 9.2

### Portable Restrooms



The building holding the restrooms may be portable as shown above, built as a portion of the Ranch Barn, or permanently constructed as a separate building. Prior to piped water being available, the restrooms will be provided with potable water from commercially available source(s) and stored on site.

**FOWLER CREEK GUEST RANCH  
EXHIBIT 9B  
WATER RESTRICTIVE COVENANT AGREEMENT**



Return to: Fowler Creek Trails, LLC  
1890 Nelson Siding Road  
Cle Elum, WA. 98922

Name of Document: Restrictive Covenant

Date of Document: \_\_\_\_\_

Grantor: Fowler Creek Trails, LLC

Grantee: Fowler Creek Trails, LLC

Parcel Numbers: 17435, 382736, 949851, 949854, 949855, 949861, 949862, 949863, 949864,,  
949865, 949866, 949867, 949868, 949869, 949870, 949871, 949873, 949874, 949875, 954540,  
954541, 954542, 954543, 954544, 954545, 954546, 954547, 95454, 954549, 954550, 95455,  
954552, 954553

Abbreviated Legal: Northeast Quarter Section 3, Township 19 N., Range 14 E. WM. See Exhibit  
1 for full description.

### **RESTRICTIVE COVENANT**

**Agreement Effective Date:** [Insert Date]

**Parties:**

- **Fowler Creek Trails, LLC** (hereby referred to as “Company”) as Grantor
- **Patrick Deneen, Manager** (hereby referred to as “Executive”) as Manager

**Background:**

1. The Company is in the process of applying for a Conditional Use Permit identified by Kittitas County as application number CU 23-00003 for the creation of a recreational facility with lodging and event facilities known as Fowler Creek Guest Ranch, hereby referred to as the "Project."
2. The Project is located at 981 Fowler Creek Road, Cle Elum, Washington and is further legally described in Exhibit 1, attached hereto.
3. The Project seeks approval through the Conditional Use Permit process as authorized by Kittitas County Code (KCC) 17.60A and in accordance with KCC 17.30A R-5 Rural Residential zone.
4. The purpose of the Conditional Use Permit for the Project is to establish a multifaceted location that serves various lodging, recreational, social, and event needs including a 30-Unit Recreational Vehicle Park, a Ranch House for short-term residential rental use, a five-room Bed and Breakfast as a short-term lodging facility, a Ranch Barn as a small-scale event facility, and various onsite recreation opportunities.

**Project Overview:**

1. The Project is designed to provide a distinctive and sustainable destination for outdoor recreation enthusiasts, tourists, and local residents.
2. Nestled on an expansive 84.3-acre property with over 33 parcels of largely undeveloped land, the Project harmoniously integrates with the existing landscape, which includes pastures, wildlife habitats, meadows, wetlands, and forested areas. There is one residential home site on the property.
3. The Project site currently accommodates various land uses, including a private residence, equestrian pastures, and diverse recreational opportunities.

**Purpose and Scope:**

1. The primary purpose of the Project is to offer a versatile guest ranch that caters to a wide range of guests, activities, and gatherings.
2. The Project aims to serve as a hub for:
  - 2.1. Vacationing: Providing a serene and rejuvenating environment for travelers seeking respite.
  - 2.2. Recreation: Offering outdoor recreational opportunities for guests and visitors.
  - 2.3. Family Gatherings: Creating memorable spaces for families to come together.
  - 2.4. Bed and Breakfast Facilities: Furnishing comfortable accommodations for short-term stays.
  - 2.5. Celebrations: Hosting small-scale events, such as weddings, family reunions, and other special occasions.

- 2.6. Lodging: Providing bed and breakfast rooms and a residential short-term private rental home currently referred to as the Ranch House.
- 2.7. Recreational Vehicle Camping: Offering 30 recreational vehicle parking spots.
- 2.8. Events: Constructing a small-scale event facility currently referred to as the Ranch Barn for gatherings and special functions.

**Environmental Considerations:**

1. A Critical Areas Report has been prepared for the Project. The Company agrees to follow all recommendations of the report.
2. The Project embraces sustainable practices and adheres to wetland and wetland buffer protection guidelines as provided for in the Critical Areas Report. By preserving natural features, the Project contributes to the overall well-being of the ecosystem.
3. The Project bridges the gap between recreation and responsibility, providing guests with the opportunity to experience the rural beauty of upper Kittitas County while promoting its responsible use and protection.

**Purpose of Restrictive Covenants:**

The purpose of these restrictive covenants is to acknowledge the restrictions on water rights and water usage within the boundaries of the proposed Project as described in Exhibit 1.

1. The Project is located within the Yellow Zone as shown on the Kittitas County Water Mitigation Suitability Map.
2. All new water uses within the boundaries of the Project require either a water right or water budget neutral mitigation of the new use with the exception of legally purchased water from off-site water purveyors, commercially available water such as bottled water, and/or the collection of rainwater as provided for in the Department of Ecology policy and interpretation statement POL-1017 attached as Exhibit 2.
3. Fowler Creek Trails, LLC has access to established water banks and may pipe water from a well mitigated by an established water bank with water availability in the Green Zone to the Project upon such approval.

The existing well serving the existing residence will continue to serve the same uses as the residence becomes available as a residential short-term rental. These uses include domestic potable water, stock water, and irrigation water of up to one-half acre.

**Restrictive Covenants:**

This Restrictive Covenant Agreement outlines the terms and conditions governing water usage within the boundaries of the Project as described in Exhibit 1 and will not prove to be more

restrictive than the terms and conditions outlined in Chapter 173-539A of the Washington Administrative Code.

**Phase One Development and Operations:**

- a) During Phase One, the Company and Executive agree not to develop any unauthorized on-site water sources for the Recreational Vehicle Park, Ranch Barn, and Bed and Breakfast without approval from the Department of Ecology.
- b) The Company may use legally purchased water from off-site water purveyors and/or commercially available water such as bottled water or as allowed by the Department of Ecology interpretation statement POL-1017 during Phase One to allow and support development and operations of the facilities.
- c) The Company and Executive acknowledge that water for personal use by the recreational vehicle guests will be brought on site by holding tanks located within each vehicle.
- d) The existing well serving the existing residence will continue to serve the same uses as the residence becomes available as a residential short-term rental. These uses include domestic potable water, stock water, and irrigation water of up to one-half acre.

**Phase Two Development and Operations:**

- a) Upon obtaining legally available water for the Project, or portions thereof, this restrictive covenant shall be self-extinguishing for that water legally attained.
- b) Upon obtaining legally available water, the Company may connect each site and facilities to the legally obtained domestic potable water.
- c) The Company agrees to facilitate the transition from Phase One to Phase Two by cooperating with the necessary infrastructure upgrades.

**Restrictive Covenants Additional Conditions:**

- a) Metering is required for all new uses of domestic water, for new well connections, and usage must be recorded in a manner consistent with Kittitas County Code chapter 13.35.027 and Department of Ecology regulations.
- b) The approval of Conditional Use application CU 23-00003 provides no guarantee that the use of water under the groundwater exemption (RCW 90.44.050) for this Conditional Use will not be subject to curtailment by the Department of Ecology or a court of law.

**IN WITNESS WHEREOF**, the undersigned knowledge the significance of the Project's commitment to the responsible development of the property legally identified in Exhibit 1 and further agree to file these restrictive covenants. Fowler Creek Trails, LLC, by its manager Patrick Deneen, does hereby agree, upon approval of the Conditional Use Permit for the Fowler Creek Guest Ranch, to place these restrictive covenants on that property identified in Exhibit 1.

Agreed to this \_\_\_\_\_ Day of February, 2024

\_\_\_\_\_  
Patrick Deneen, Manager  
Fowler Creek Trails, LLC

State of Washington  
County of Kittitas

I certify that I know or have satisfactory evidence that Patrick Deneen, as Manager of Fowler Creek Trails, LLC, is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: \_\_\_\_\_

Name: \_\_\_\_\_  
Notary Public in and for the State of Washington  
Residing at: Cle Elum  
My appointment expires: \_\_\_\_\_

**EXHIBIT 1**  
**FOWLER CREEK GUEST RANCH**  
**LEGAL DESCRIPTION**

Legal Description based on that document filed under Kittitas County AFN 587827. Starting at the True Point of Beginning being the southeast corner of Government Lot 1, Section 3, Township 19 N., Range 14 E. WM; as shown on that document filed under Kittitas County AFN 587827; thence 2605.71' S89°19'23"W; thence 1399.32' N00°48'35"W; thence 49.02' N89°52'35"E; thence 2595.28' N89°24'56"E to the Northeast Corner of Section 3 Section 3, Township 19 N., Range 14 E. WM; as shown on that document filed under Kittitas County AFN 587827; thence 1395.10' S00°46'27"E as shown on that document filed under Kittitas County AFN 587827 and to the True Point of Beginning



## EXHIBIT 2

POL-1017

DEPARTMENT OF ECOLOGY WATER RESOURCES PROGRAM  
POLICY AND INTERPRETIVE STATEMENT

**COLLECTION OF RAINWATER FOR BENEFICIAL USE**

Effective Date: 10/09/2009

Contact: Policy and Planning Section

References: *Statute:* Chapters 90.03 and 90.54 RCW


Purpose: To (1) clarify that a water right is not required for on-site storage and use of rooftop or guzzler collected rainwater, and (2) identify the Department of Ecology's intent to regulate the storage and use of rooftop or guzzler collected rainwater if and when the cumulative impact of such rainwater harvesting is likely to negatively affect instream values or existing water rights.

Application: This Interpretive Statement applies to the water right permit requirement in RCW 90.03 and the authority to regulate rainwater harvesting systems.

**This policy supersedes any previous policy statement with which it conflicts.**

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**The on-site storage and/or beneficial use of rooftop or guzzler collected rainwater is not subject to the permit process of RCW 90.03.** If and when the department determines that rooftop or guzzler rainwater harvesting systems are likely to negatively affect instream values or existing water rights, local restrictions may be set in place to govern subsequent new systems. To qualify as rooftop collected rainwater, the roof collecting the rainwater must be part of a fixed structure above the ground with a primary purpose other than the collection of rainwater for beneficial use. A guzzler is a device used to catch and store rainwater to provide drinking water for wildlife, livestock or birds.

  
Jay J. Manning, Director  
Department of Ecology

**Note:** These policies and procedures are used to guide and ensure consistency among water resources program staff in the administration of laws and regulations. These policies and procedures are not formal administrative regulations that have been adopted through a rule-making process. In some cases, the policies may not reflect subsequent changes in statutory law or judicial findings, but they are indicative of the department's practices and interpretations of laws and regulations at the time they are adopted. If you have any questions regarding a policy or procedure, please contact the department.

**FOWLER CREEK GUEST RANCH  
EXHIBIT 9C  
KCC 13.35.020(2) RESPONSE**

**Chapter 13.35  
ADEQUATE WATER SUPPLY DETERMINATION**

([Ord. 2015-007](#), 2015)

**Sections**

[13.35.010](#) Authority.

[13.35.020](#) Applicability.

[13.35.025](#) Repealed.

[13.35.027](#) Permanent Measures.

[13.35.028](#) Applicability Outside Yakima River Drainage.

[13.35.030](#) Group A Public Water System Requirements.

[13.35.040](#) Group B Water System Requirements.

[13.35.050](#) Individual Water System Requirements.

[13.35.060](#) Shared Water System Requirements.

[13.35.070](#) Cistern System.

**13.35.010 Authority.**

The Health Officer of the Kittitas County Public Health Department has the authority, on behalf of the County, to ascertain whether there is evidence of an adequate water supply per [Section 19.27.097 RCW](#), including whether proposed water systems comply with all state and local engineering, design and construction standards as set forth in the Joint Plan of Responsibility between the State of Washington Department of Health and the Kittitas County Public Health Department. ([Ord. 2011-006](#), 2011)

**13.35.020 Applicability.**

All new uses of water must comply with KCC [13.35.027](#) Permanent Measures. An Adequate Water Supply Determination is required of all persons who are:

1. Applying for a building permit with either:
  - a. A proposed new structure which will have potable water or
  - b. A proposed change in the number of dwelling units for any existing structures (such as making a single family structure into a duplex); or
  - c. A replacement or rebuild of a building with potable water; or
  - d. Changes to a pre-existing water system that adds fixtures; or
2. Making applications for land uses that require water, including but not limited to, long plats, short plats, binding site plans, large lot subdivisions, or conditional uses. However, an adequate water supply determination is not required for long plats, short plats, binding site plans and/or large lot subdivisions when applications for such are being submitted by a government or quasi-government agency or by another party when the property being utilized to create new parcels as part of the long plat, short plat, binding site plan or large lot subdivision is included in a purchase contract between the party and a government or quasi-government agency and the new parcels will not require water. Evidence that the new parcels will not require water may be provided in the form of a conservation easement, plat notes which do not allow development which requires water, or another form satisfactory to the county health officer and planning official that water will not be required for the



resulting land use. Adequate water supply determinations made for land uses application does not replace requirements for AWSD prior to submitting a building permit application.

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### **13.35.020 Applicability.**

All new uses of water must comply with KCC [13.35.027](#) Permanent Measures. An Adequate Water Supply Determination is required of all persons who are:

2. Making applications for land uses that require water, including but not limited to, long plats, short plats, binding site plans, large lot subdivisions, or conditional uses.

*Understood, as we are applying for a conditional use permit.*

However, an adequate water supply determination is not required for long plats, short plats, binding site plans and/or large lot subdivisions when applications for such are being submitted by a government or quasi-government agency or by another party when the property being utilized to create new parcels as part of the long plat, short plat, binding site plan or large lot subdivision is included in a purchase contract between the party and a government or quasi-government agency and the new parcels will not require water.

*Does not apply.*

Evidence that the new parcels will not require water may be provided in the form of a conservation easement, plat notes which do not allow development which requires water, or another form satisfactory to the county health officer and planning official that water will not be required for the resulting land use.

*No new parcels are being created by the proposed conditional use permit.*

Adequate water supply determinations made for land uses application does not replace requirements for AWSD prior to submitting a building permit application.

*Understood. We will comply with all building permit codes and standards and will meet with Water Resources for approval when necessary.*

# WATER MANAGEMENT SITE PLAN MAP - FOWLER CREEK GUEST RANCH

2594.93'

