



# KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

411 N. Ruby St. Suite 2 Ellensburg WA 98926

cds@co.kittitas.wa.us

Office 509-962-7506

Fax 509-962-7682

Building Partnerships - Building Communities

PROPOSAL NAME: Wenger Short Plat SP-07-00007

NOTIFICATION OF: Notice of Application

NOTIFICATION MAIL DATE: Friday, 27 December, 2013

I certify that the following documentation:

- Notice of Application for the Wenger Short Plat SP-07-00007

has been mailed to the attached list of persons and participants, and that proper notification (as attached) has been published in the Legal Newspaper(s) of Record for Kittitas County.

Signature

Jeff Watson  
Community Development Services Planner  
County of Kittitas  
State of Washington



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Building Partnerships - Building Communities

## NOTICE OF APPLICATION

**Notice of Application:** Friday, December 27, 2013  
**Application Received:** Thursday, January 25, 2007  
**Application Complete:** Tuesday, October 7, 2008

**Project Name (File Number):** Wenger (SP-07-00007)

**Applicant:** Mark and Darcy Wenger

**Location:** 1 parcel, located approximately 7.5 miles west of Cle Elum at 4684 Nelson Siding Road, in a portion of Section 29, T20N, R14E, WM in Kittitas County, bearing Assessor's map number 20-14-29010-0010.

**Proposal:** Mark and Darcy Wenger, has submitted a preliminary short plat application to subdivide approximately 10.45 acres into one 3.36 acre parcel, one 3.52 acre parcel and one 3.53 acre parcel. The subject property has a vested zoning designation of Agriculture 3.

**Materials Available for Review:** The submitted application and related filed documents may be examined by the public at the Kittitas County Community Development Services (CDS) office at 411 N. Ruby, Suite 2, Ellensburg, Washington, 98926, or on the CDS website at <http://www.co.kittitas.wa.us/cds/current/short-plats.asp>. Phone: (509) 962-7506

**Written Comments** on this proposal can be submitted to CDS any time prior to 5:00 p.m. on Saturday, 11 January, 2014. Any person has the right to comment on the application and request a copy of the decision once made.

**Under Title 15A.03.080**, Short Plat Projects are processed in an abbreviated administrative format, which does not involve a public hearing. All comments will be considered in the decision making process, and any person has the right to comment on this application and receive notification of the Community Development Services administrative decision, once made. Appeals to an administrative land use decision may be filed within 10 working days with the board of county commissioners as outline in Chapter 15A.07 of the Kittitas County Code. The current appeal fee is \$500.

**Designated Permit Coordinator (staff contact):** Jeff Watson, Staff Planner: (509) 933-8274; email at [jeff.watson@co.kittitas.wa.us](mailto:jeff.watson@co.kittitas.wa.us)

  
\_\_\_\_\_  
Signature Planner of Record

12/27/2013  
Date

DAILY RECORD/KITTITAS PUB  
C/O IDAHO STATE JOURNAL RECEIVABLES  
PO BOX 1570  
POCATELLO ID 83204

ORDER CONFIRMATION

Salesperson: DANIELLE RENWICK

Printed at 12/23/13 11:06 by dde18

Acct #: 84329

Ad #: 1023321

Status: N

KC COMMUNITY DEVELOPMENT SERVICES  
411 N. RUBY ST, SUITE 2  
ELLENSBURG WA 98926

Start: 12/27/2013 Stop: 12/27/2013  
Times Ord: 1 Times Run: \*\*\*  
STD6 2.00 X 5.81 Words: 302  
Total STD6 11.62  
Class: 0001 LEGAL NOTICES  
Rate: LEG2 Cost: 99.93  
# Affidavits: 1

Contact: MANDY  
Phone: (509)962-7506  
Fax#:  
Email:  
Agency:

Ad Descrpt: N/APP SP-07-00007  
Given by: \*  
Created: dde18 12/23/13 10:55  
Last Changed: dde18 12/23/13 11:06

COMMENTS:

COPIED from AD 982159

PUB	ZONE	ED	TP	START	INS	STOP	SMTWTFSS
DR	A		97 S	12/27			
IN	A		97 S	12/27			

AUTHORIZATION

Under this agreement rates are subject to change with 30 days notice. In the event of a cancellation before schedule completion, I understand that the rate charged will be based upon the rate for the number of insertions used.

Quote from Daily Record/Kittitas County Publishing (509) 925-1414  
This ad will run as quoted unless cancellation is received. Please contact your sales rep 24 hours prior to first run date to cancel order.

Jeff Watson  
Name (print or type)

[Signature]  
Name (signature)

(CONTINUED ON NEXT PAGE)

DAILY RECORD/KITTITAS PUB  
C/O IDAHO STATE JOURNAL RECEIVABLES  
PO BOX 1570  
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ORDER CONFIRMATION (CONTINUED)

Salesperson: DANIELLE RENWICK

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**Notice of Application:** Friday, December 27, 2013  
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**Application Complete:** Tuesday, October 7, 2008  
**Publication Date:** Friday, December 27, 2013

## Jeff Watson

---

**From:** Jeff Watson  
**Sent:** Monday, December 23, 2013 10:50 AM  
**To:** legals@kvnews.com  
**Subject:** Publication Request  
**Attachments:** SP-07-00007 Wenger Notice of Application Legal.docx

Please publish the attached on: Friday 12/27/2013

Jeffrey A. Watson  
Planner II  
[Kittitas County Public Works/Community Development Services](#)  
411 North Ruby  
Ellensburg WA 98926  
[jeff.watson@co.kittitas.wa.us](mailto:jeff.watson@co.kittitas.wa.us)  
509-933-8274

## NOTICE OF APPLICATION

**Project Name (File Number):** Wenger (SP-07-00007)

**Applicant:** Mark and Darcy Wenger

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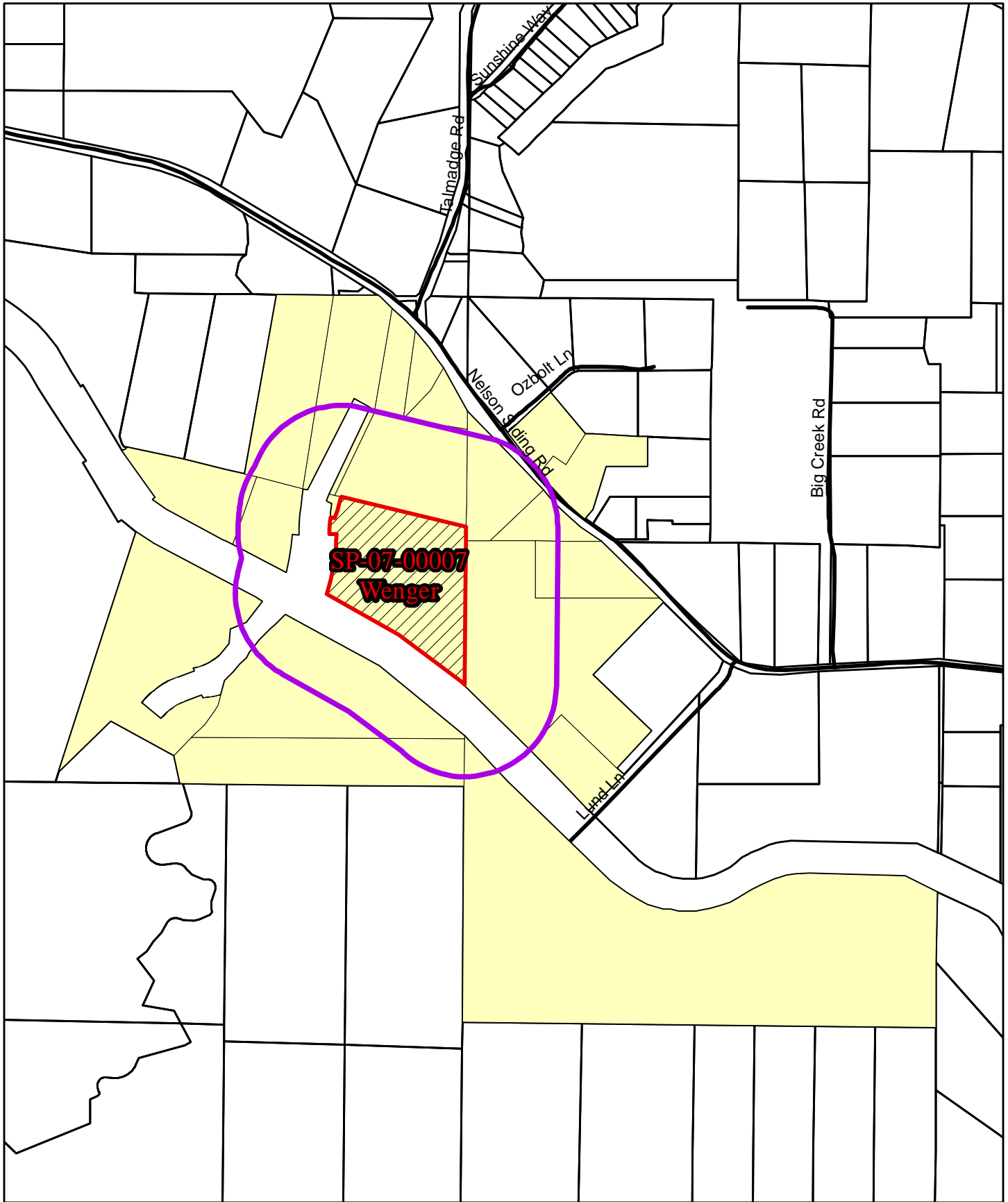
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**SP-07-00007**  
**Wenger**

Adjacent Properties  
for Notification

GIOVENALE, SUSAN  
1510 127TH AVE SE  
BELLEVUE WA -98005

JURIS, LOIS K  
4300 NELSON SIDING RD  
CLE ELUM WA -98922

RITTER, BRYAN G. ETUX  
24 LUND LN  
CLE ELUM WA -98922

BETTINGER, THOMAS J &  
55 VIA BARRANCA  
GREENBRAE CA 94904-1206

DARLING, DAVID  
5140 W NELSON SIDING RD  
CLE ELUM WA -98922

DARLING, GAYLE L  
189 EMERALD LOOP  
FREDERICKSBURG TX -78624

HYATT, JENNIFER M  
501 E 3RD ST  
CLE ELUM WA -98922

RANCH PROPERTIES, INC.  
12711 BEVERLY PARK RD  
LYNNWOOD WA 98087-1509

MUSSO, LOUIS JR.  
PO BOX 656  
NEWPORT WA 99156

WALLICK, TAMMY L  
321 LUND LANE  
CLE ELUM WA -98922

LAGO, CHRISTOPHER P  
4393 NELSON SIDING RD  
CLE ELUM WA -98922

FERGUSON, THOMAS L ETUX  
5692 NELSON SIDING RD  
CLE ELUM WA 98922

GIOVENALE, SUSAN  
1510 127TH AVE SE  
BELLEVUE WA -98005

SCHMIDT, MARK ETUX  
16016 234TH ST COURT E  
GRAHAM WA -98338

WENGER, MARK E ETUX  
4684 NELSON SIDING RD  
CLE ELUM WA -98922

GIAUDRONE, SUZANNE M &  
4912 NELSON SIDING RD  
CLE ELUM WA -98922

DITSWORTH, BRIAN ETUX &  
3118 216TH PL SE  
BOTHELL WA -98021

KORFUS, EDWARD P ETUX  
4682 NELSON SIDING RD  
CLE ELUM WA 98922

BETTINGER, THOMAS J &  
55 VIA BARRANCA  
GREENBRAE CA 94904-1206

BEAM, ROBERT S  
12603 HOLLYHILLS DR  
BOTHELL WA -98011

Fire District 7  
P.O. BOX 777  
S. CLE ELUM WA  
98943





## KITTTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

411 N. Ruby St. Suite 2 Ellensburg WA 98926

[cds@co.kittitas.wa.us](mailto:cds@co.kittitas.wa.us)

Office 509-962-7506

Fax 509-962-7682

Building Partnerships - Building Communities

December 23, 2013

Mark and Darcy Wenger  
4684 Nelson Siding Road  
Cle Elum WA 98922

Subject: Wenger Short Plat, SP-07-00007

Dear Applicant,

Your application for a 3 lot short plat on approximately 10.45 acres of land that is zoned Agriculture 3, located in a portion of section 29, township 20 N, range 14 E, WM in Kittitas County; Assessor's map number 20-14-29010-0010, was received on Thursday, January 25, 2007. **Your application has been determined complete as of October 7, 2008 as per the attached email from Mr. Valoff.**

Continued processing of your application will include, but is not limited to, the following actions:

1. A Notice of Application will be sent to all adjoining property owners, governmental agencies, and interested persons.
2. Consideration of written comments from all adjoining property owners, governmental agencies, and interested persons.
3. Conditional Preliminary Approval may be issued. The conditional Preliminary Approval will be final unless appealed within 10 working days following the date of issuance.

If you have any questions regarding this matter, I can be reached at (509) 933-8274, or by e-mail at [jeff.watson@co.kittitas.wa.us](mailto:jeff.watson@co.kittitas.wa.us)

Sincerely,

Jeff Watson  
Staff Planner

Attachments: Email from Dan Valoff 10/7/2008  
CC via email Encompass Engineering

SP-07-00007 Wenger Master File@T: \CDS\Projects\Short Plats\SP 2007\SP-07-00007 Wenger

**Ginger Weiser**

**From:** Dan Valoff [dan.valoff@co.kittitas.wa.us]  
**Sent:** Tuesday, October 07, 2008 3:24 PM  
**To:** Ginger Weiser  
**Subject:** RE: JOB#06305 WENGER SHORT PLAT

The short plat application was submitted in January 2007, so it is vested on the date the application was submitted. The file number is SP-07-07 and there was not SEPA checklist submitted since the project was categorically exempt from SEPA review.

*Dan Valoff*  
*Staff Planner*

Kittitas County Community Development Services  
411 N Ruby Street Suite 2  
Ellensburg, WA 98926  
[dan.valoff@co.kittitas.wa.us](mailto:dan.valoff@co.kittitas.wa.us)  
P: 509.962.7637  
F: 509.962.7682



"Building Partnerships-Building Communities"

*All e-mail sent to this address will be received by the Kittitas County e-mail system and may be subject to Public Disclosure under Chapter 42.56 RCW and is subject to archiving and review by someone other than the recipient.*

**From:** Ginger Weiser [mailto:GWeiser@encompasses.net]  
**Sent:** Tuesday, October 07, 2008 1:10 PM  
**To:** Dan Valoff  
**Cc:** Marc Kirkpatrick  
**Subject:** JOB#06305 WENGER SHORT PLAT

Dear Dan:

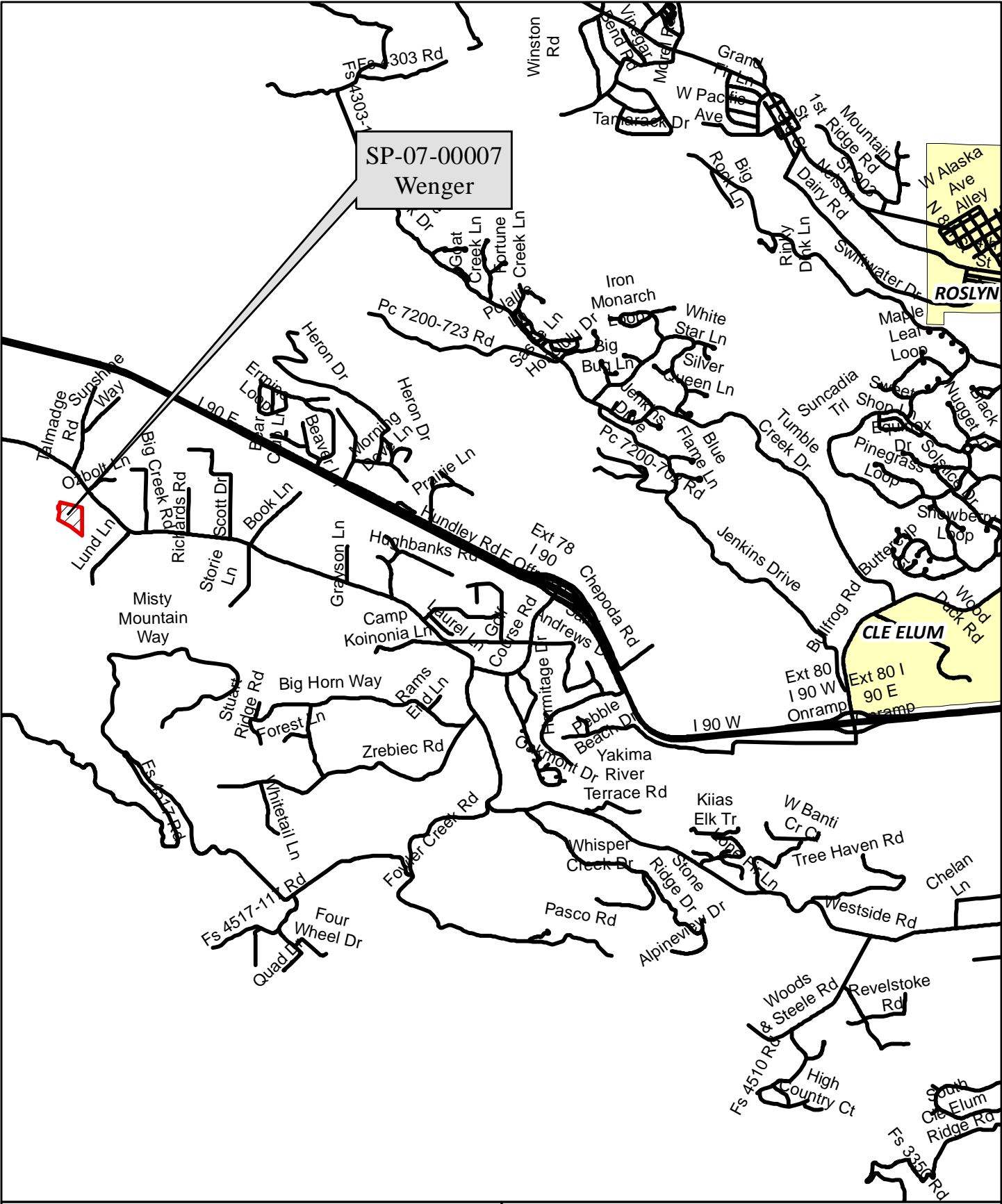
I have a couple questions in regards to the above short plat. We turned in a preliminary package January 2007. Per a letter from Christina in Public Works, she would not give conditional approval until some access issues were addressed. We have addressed those issues (I will send you updated copies) but my questions are, was this short plat vested? Does it have an assigned number and if it does not, do I need to change the various notes and also include a SEPA Checklist?

Please let me know at your earliest convenience.

Thanks for all your help,

Ginger :]

GINGER WEISER  
ENCOMPASS ENGINEERING AND SURVEYING  
108 EAST 2ND STREET  
CLE ELUM WA 98922  
(509) 674-7433 X-221  
(509) 674-7419 FAX



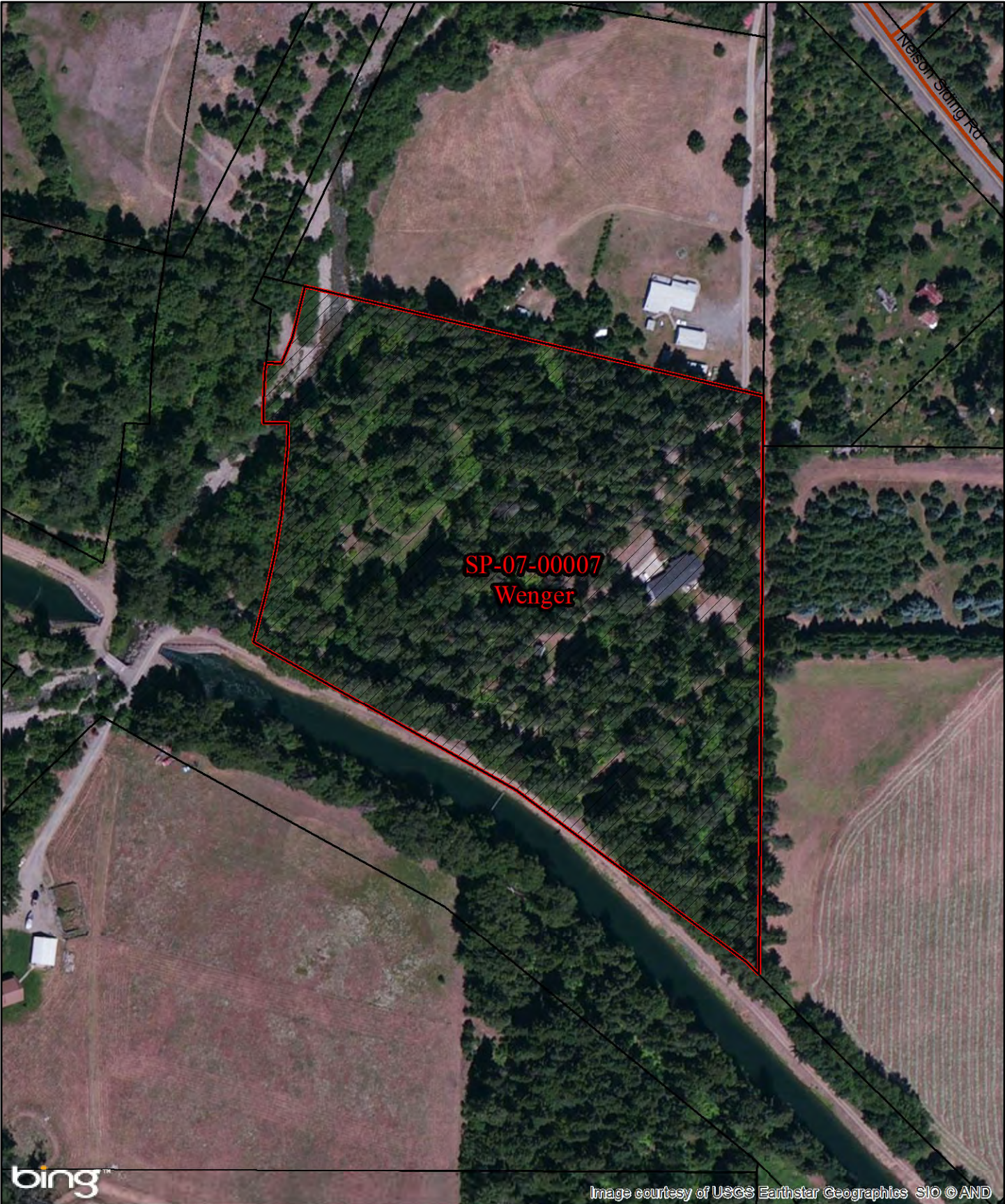
SP-07-00007  
Wenger

Area  
Map



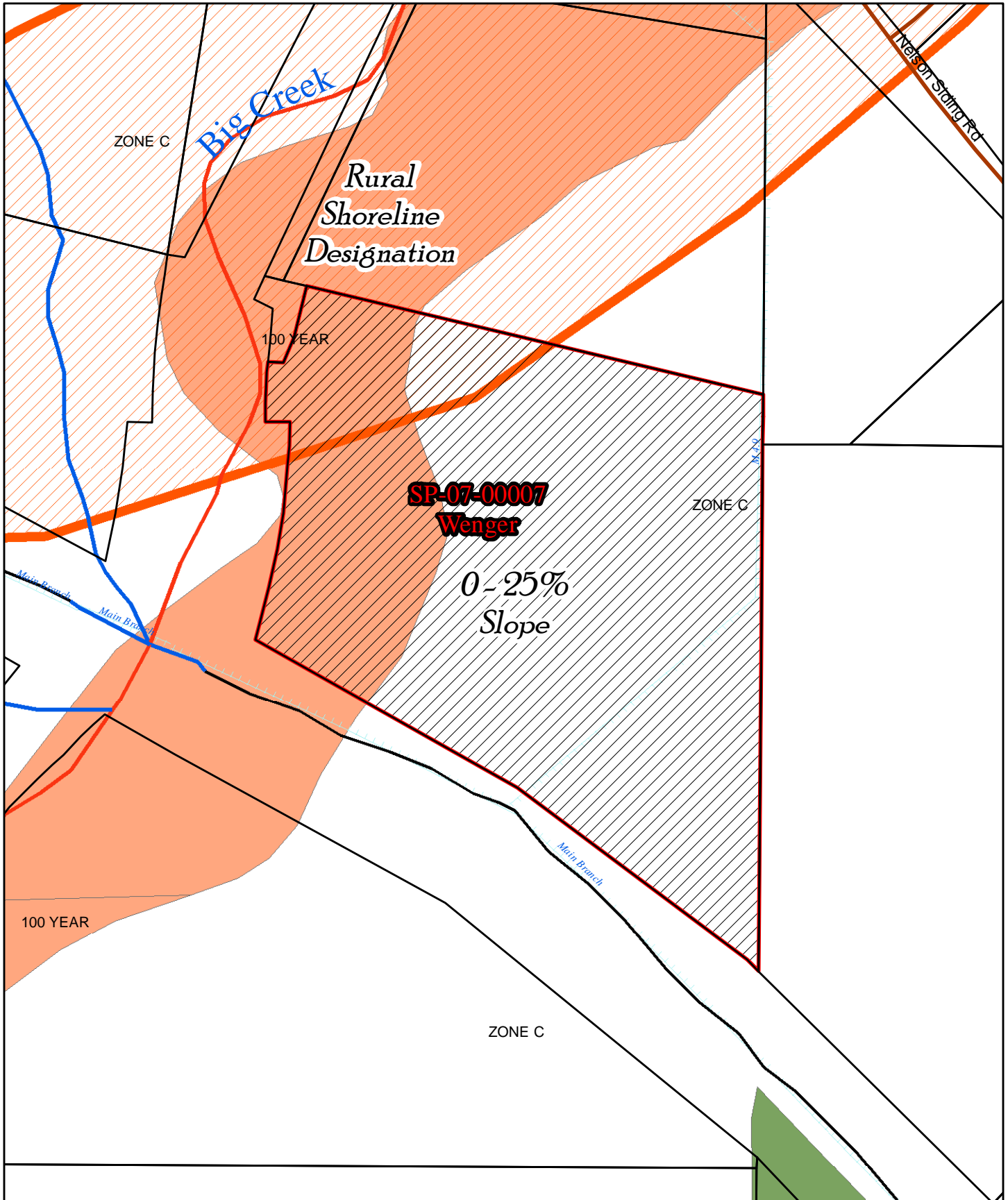
© 2013 Google

Google earth



**SP-07-00007**  
**Wenger**

Vertical  
Air Photo



**SP-07-00007**  
**Wenger**

**Critical Areas**  
**Map**

# Critical Areas Checklist

Monday, December 23, 2013

Application File Number



Planner

Is SEPA required  Yes  No



Is Parcel History required?  Yes  No

What is the Zoning?



Is Project inside a Fire District?  Yes  No

If so, which one?



Is the project inside an Irrigation District?  Yes  No

If so, which one?

Does project have Irrigation Approval?  Yes  No

Which School District?

Is the project inside a UGA?  Yes  No

If so which one?

Is there FIRM floodplain on the project's parcel?  Yes  No

If so which zone?

What is the FIRM Panel Number?

Is the Project parcel in the Floodway?  Yes  No

Does the project parcel contain a shoreline of the State?  Yes  No

If so what is the Water Body?

What is the designation?

Does the project parcel contain a Classified Stream?  Yes  No

If so what is the Classification?

Does the project parcel contain a wetland?  Yes  No

If so what type is it?

Does the project parcel intersect a PHS designation?  Yes  No

If so, what is the Site Name?

Is there hazardous slope in the project parcel?  Yes  No

If so, what type?

Does the project parcel abut a DOT road?  Yes  No

If so, which one?

Does the project parcel abut a Forest Service road?  Yes  No

If so, which one?

Does the project parcel intersect an Airport overlay zone ?  Yes  No

If so, which Zone is it in?

Does the project parcel intersect a BPA right of way or line?  Yes  No

If so, which one?

Is the project parcel in or near a Mineral Resource Land?  Yes  No

If so, which one?

Is the project parcel in or near a DNR Landslide area?  Yes  No

If so, which one?

Is the project parcel in or near a Coal Mine area?  Yes  No

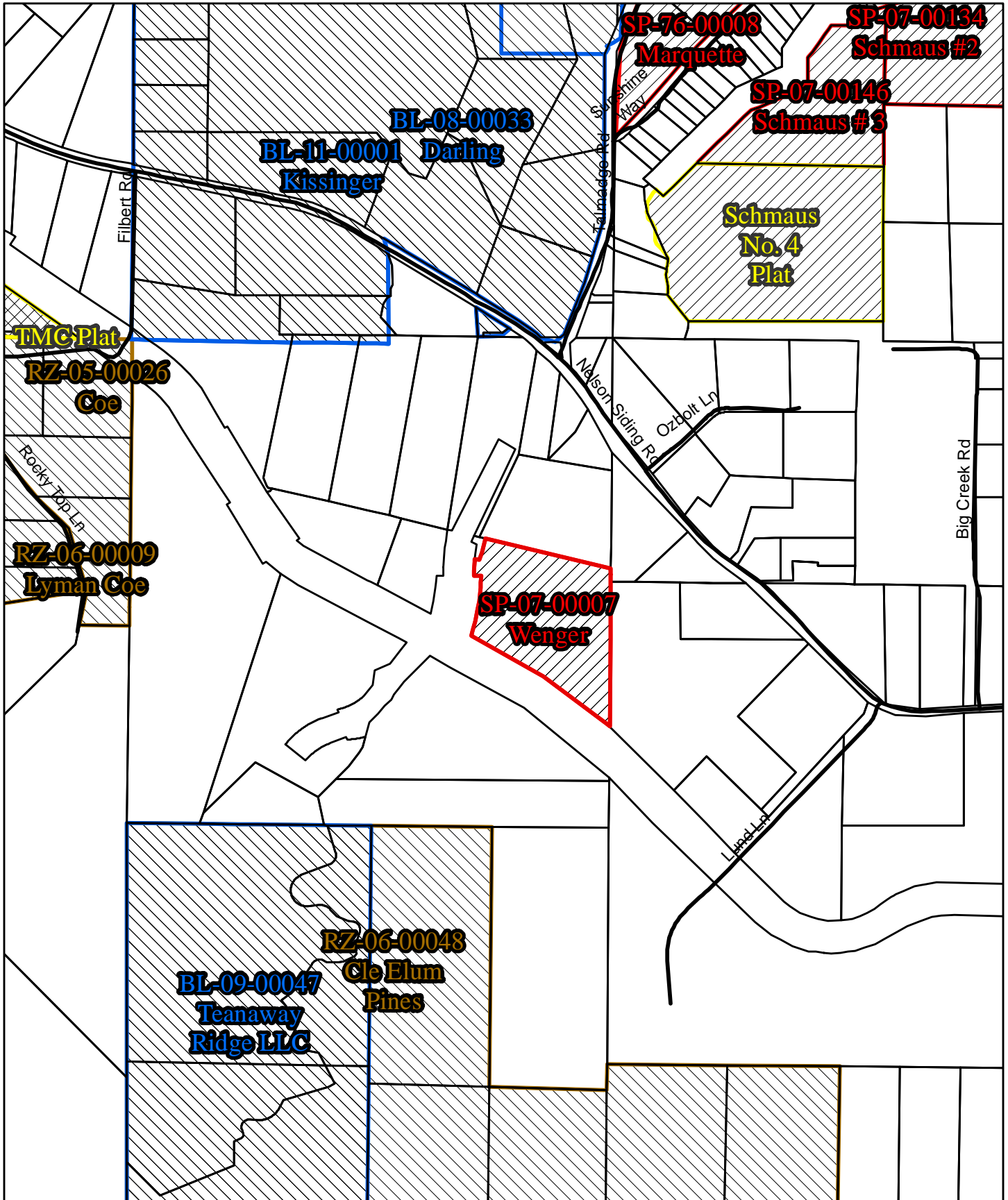
What is the Seismic Designation?

Does the Project Application have a Title Report Attached?

Does the Project Application have a Recorded Survey Attached?

Have the Current Years Taxes been paid?





**SP-07-00007**  
**Wenger**

Regional Land  
 Use Map

## Jeff Watson

---

**From:** Ginger Weiser <gweiser@encompasses.net>  
**Sent:** Saturday, September 28, 2013 7:48 AM  
**To:** Jeff Watson  
**Cc:** Marc Kirkpatrick  
**Subject:** RE: Wenger Short Plat (SP-07-07)  
**Attachments:** WENGER SHORT PLAT.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Dear Jeff:

I have attached an email from Dan dated October 7, 2008 with his response to me. Also, a Road Variance was approved for Mr. Wenger (Variance 08-36). There may be more information I can send you but I will go over it with Marc Monday.

Also, did Dave deliver the cookies I made for you or did he just eat them himself? :]

Have a great day,

Ginger :]

**Ginger Weiser**  
GWeiser@[EncompassES.net](mailto:EncompassES.net)

## Encompass Engineering & Surveying

**Western Washington Division** | 165 NE Juniper Street, Suite 201 | Issaquah, WA 98027 | Phone: (425) 392-0250 | Fax: (425) 391-3055

**Eastern Washington Division** | 108 East 2<sup>nd</sup> Street | Cle Elum, WA 98922 | Phone: (509) 674-7433 | Fax: (509) 674-7419

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**From:** Jeff Watson [mailto:[jeff.watson@co.kittitas.wa.us](mailto:jeff.watson@co.kittitas.wa.us)]  
**Sent:** Friday, September 27, 2013 12:34 PM  
**To:** 'Marc Kirkpatrick'; Ginger Weiser ([gweiser@encompasses.net](mailto:gweiser@encompasses.net))  
**Cc:** 'Mark Wenger'  
**Subject:** RE: Wenger Short Plat (SP-07-07)

Mark & Mark,

Due to the nature of your difficulties with B of R, we will continue processing this application. I will need to do some cleaning and assessment to see where go from here. There may also be some vesting questions due to the lack of a Deem Complete. Could you please send me some documentation regarding the easement for the record. Ginger were you able to find a response from Dan RE: the Email mentioned below? It would be most helpful if we had an indication of some sort from the county on the status of the application.

Jeffrey A. Watson

Planner II  
[Kittitas County Public Works/Community Development Services](#)  
411 North Ruby  
Ellensburg WA 98926  
[jeff.watson@co.kittitas.wa.us](mailto:jeff.watson@co.kittitas.wa.us)  
509-933-8274

---

**From:** Jeff Watson  
**Sent:** Friday, August 23, 2013 2:54 PM  
**To:** 'Marc Kirkpatrick'; Lindsey Ozbolt  
**Cc:** Mark Wenger; Doc Hansen  
**Subject:** RE: Wenger Short Plat (SP-07-07)

Mark,

We are going to have to run this by Doc and see if he is willing to keep it alive, the file is pretty sparse. I don't see anything in the way of a determination of complete application (which was not uncommon back then) but more concerning is the lack of a notice of application. This would indicate to me that the request for additional information issued by Ms. Wollman on 2/6/2007 (just under two weeks after the application was submitted) was issued following a Project Review Team meeting and that it would probably fall under the provisions of Title 15A.03.040 which reads:

**15A.03.040 Determination of complete application.**

1. Within 28 days after receiving a project permit application, the local permitting agency shall mail or provide in person a written determination to the applicant, stating either:
  - a. That the application is complete; or
  - b. That the application is incomplete and what is necessary to make the application complete. **An incomplete application shall expire after 180 calendar days unless the requested supplemental information is submitted in complete form.**

That being said the absence of a formal deem complete, or a deem incomplete for that matter, may leave some wiggle room. There are also a couple of emails (Ginger Weiser and yourself 10/7/2008) in the file to Dan Valoff inquiring as to the status of the file but no responses from him. If you can provide something from him giving an indication of the status it might help your cause... dig up what you can and we'll run this by Doc on Monday when he returns to see what he says.

Jeffrey A. Watson  
Planner II  
[Kittitas County Public Works/Community Development Services](#)  
411 North Ruby  
Ellensburg WA 98926  
[jeff.watson@co.kittitas.wa.us](mailto:jeff.watson@co.kittitas.wa.us)  
509-933-8274

**From:** Marc Kirkpatrick [mailto:[mkirkpatrick@encompasses.net](mailto:mkirkpatrick@encompasses.net)]  
**Sent:** Friday, August 23, 2013 2:24 PM  
**To:** Jeff Watson; Lindsey Ozbolt  
**Cc:** Mark Wenger  
**Subject:** Wenger Short Plat (SP-07-07)

Hi Jeff/Lindsey,

We have a short plat that has been on hold for awhile at the County. We would like to pick up where we left off. Public Works requested a variance and easement for adequate access to the project site. We received

variance approval back in April of 2009, but just recently acquired the easement from the Bureau of Reclamation. It took the client 5 years calling them every week to finally get this done. Please confirm the status of this project so I can engage my client on the next steps.

Thank you!

--

**Marc Kirkpatrick**

Principal

[mkirkpatrick@encompasses.net](mailto:mkirkpatrick@encompasses.net)

(509) 674-7433 x224



## Encompass Engineering & Surveying

**Western Washington Division** | 165 NE Juniper Street, Suite 201 | Issaquah, WA 98027 | Phone: (425) 392-0250 | Fax: (425) 391-3055

**Eastern Washington Division** | 108 East 2<sup>nd</sup> Street | Cle Elum, WA 98922 | Phone: (509) 674-7433 | Fax: (509) 674-7419



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message id: 38eb45916c6dcbdac24bb8719d004a14

Return to:  
Carron Helberg  
U.S. Bureau of Reclamation  
1917 Marsh Road  
Yakima, WA 98901

ORIGINAL  
E1/2NE1/4, Sec 29, T. 20 N, R. 14E WM  
Tax Parcel No. 479134 & Map No. 201429-29010-0010  
Kittitas County, Washington  
Contract No. 12-07-13-L1149

**UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF RECLAMATION  
Yakima Project, Kittitas Division, Washington**

**LICENSE AGREEMENT**

**THIS LICENSE AGREEMENT** is made this 23<sup>rd</sup> day of July, 2013, pursuant to the Act of Congress approved June 17, 1902 (32 Stat. 388; 43 U.S.C. § 391), and all acts amendatory thereof or supplementary thereto, collectively referred to as the Federal Reclamation Laws, specifically authorized under Section 10 of the Reclamation Project Act of August 4, 1939 (53 Stat. 1187; 43 U.S.C. § 485) as amended, and provisions of 43 C.F.R. § 429, between the **UNITED STATES OF AMERICA**, hereinafter referred to as the United States, acting by and through the Department of the Interior, Bureau of Reclamation, hereinafter referred to as Reclamation, and **MARK E. WENGER AND DARCY L. SPENCER-WENGER, Husband and Wife**, hereinafter referred to as the Licensee.

**WITNESSETH, THAT:**

**WHEREAS**, the United States, through Reclamation and pursuant to Federal Reclamation Laws, acquired certain lands for that irrigation facility and its appurtenant works known as the Kittitas Main Canal Lateral 4.9, a feature of the Yakima Project, Kittitas Division, Washington; and,

**WHEREAS**, the Kittitas Reclamation District, hereinafter referred to as the District, under contractual obligation to the United States, operates and maintains the Kittitas Main Canal Lateral 4.9, hereinafter referred to as Lateral 4.9, as transferred works of the Yakima Project; and,

**WHEREAS**, the Licensee seeks this License Agreement from Reclamation to widen their access route, over and across the westerly 10-foot portion of the Lateral 4.9, of which only the westerly 2-foot will be graveled. The United States acquired this land from the District by Warranty Deed dated February 5, 1929; and,

**WHEREAS**, granting of this License Agreement by the United States for use of portions of said United States land as sought by the Licensee, will not, under the terms and conditions hereinafter provided, be incompatible with the purposes for which the Lateral 4.9 and its associated lands are administered by Reclamation.

**NOW, THEREFORE**, the parties hereto do mutually agree as follows and by accepting this License Agreement, a use authorization, the Licensee agrees to comply with and be bound by the following terms and conditions during all operation, maintenance, use and termination activities:

1. **USE**. United States hereby grants the following use authorization to the Licensee, subject to the terms and conditions of this license, a ten (10) foot access road, upon, over, and across land owned in fee by the United States, all located in the east one-half of the northeast quarter (E1/2NE1/4), Section Twenty-nine (29), Township Twenty (20) North, Range Fourteen (14) East, Willamette Meridian, Kittitas County, State of Washington, more particularly described in attached Exhibit 'A' and depicted on Exhibit 'B' and which is made a part hereof.

2. **FEES**. In compliance with Federal regulations as set forth at 43 CFR § 429, the Licensee shall compensate Reclamation as follows:

a. The Licensee, has paid a nonrefundable application fee in the amount of \$100.00, the receipt of which is hereby acknowledged.

b. The Licensee has paid initially estimated administrative processing costs for processing, execution, and management of this License Agreement. The receipt of initial administrative processing costs in the amount of \$690.00 is hereby acknowledged.

c. The Licensee shall compensate Reclamation for a requisite use fee as set forth at 43 CFR § 429.23. The receipt of a use fee for the term of this License Agreement in the amount of \$310.00 is hereby acknowledged.

3. **TERM**. The term of this license is for a ten (10) year period, starting from the date of execution of this document by both parties.

4. **EXTENSION**. This license may be renewed, for additional consecutive 10-year extensions at the option of the United States, its successors and assigns, if the Licensee has met all requirements of this license. This license may be renewed based on the following conditions:

a. The Licensee shall notify the United States of its desire to renew this license by written notice according to Article fifteen (15) herein. Said written notice must be received by the United States not less than forty-five (45) days prior to the termination of this license. The Licensee shall pay to the United States, their successors and assigns, complete compensation and consideration for the above license renewal(s).

b. Reclamation shall reevaluate the current license and evaluate the proposed license extension based upon the following criteria:

- i. The premises authorized for use have been used and maintained in accordance with the provisions of this license.
- ii. The premises will continue to be used for the purposes previously authorized in order to fulfill the intent of this license.
- iii. The Licensee has shown previous good faith compliance with the terms and conditions of the existing license and has not engaged in any activity or transaction contrary to Federal contracts, leases, permits, laws, or regulations.

5. **SUBLEASES AND ASSIGNMENTS.** No assignment or transfer of this license or Licensee's rights hereunder or any part or interest therein shall be valid without written authorization from Reclamation. The form of assignment or transfer to be used shall be approved by Reclamation.

6. **LAND USE STIPULATION.** There is reserved to the United States, their successors and assigns, the prior right to use any of the access road herein described to construct, operate, and maintain all structures and facilities, including, but not limited to canals, wasteways, laterals, ditches, roadways, electrical transmission lines, communication structures generally, substations, switchyards, power plants, fish screens, fish ladders and other appurtenant irrigation and power structures and facilities, without any payment made by the United States, or their successors for such rights.

7. **UNRESTRICTED ACCESS.** The United States reserves the right of its officers, agents, and employees at all times to have unrestricted access and ingress to, passage over, and egress from all of said lands, to make investigations of all kinds, dig test pits and drill test holes, and to survey for and construct reclamation and irrigation works and other structures incident to Federal Reclamation Projects, or for any purpose whatsoever. Reclamation will make every reasonable effort to keep damages to a minimum.

8. **HOLD HARMLESS.** The Licensee hereby agrees to indemnify the United States for, and hold the United States and all of its representatives harmless from, all damages resulting from suits, actions, or claims of any character brought on account of any injury to any person or property arising out of any act, omission, neglect, or misconduct in the manner or method of performing any construction, care, operation, maintenance, supervision, examination, inspection, or other activities of the Licensee.

9. **TERMINATION.** This license will terminate and all rights of the Licensee hereunder will cease, and the Licensee will quietly deliver to the United States possession of the premises in like

condition as when taken, should any of the following occur:

a. The United States reserves rights to construct, operate, and maintain public works now or hereafter authorized by the Congress without liability for termination of this license or other damage to the Licensee's activities or facilities.

b. Reclamation may, at any time and at no cost or liability to the United States, terminate this license in the event of a natural disaster, a national emergency, a need arising from security requirements, or an immediate and overriding threat to public health and safety.

c. Reclamation may, at any time and at no cost or liability to the United States, terminate this license for activities other than existing authorized private exclusive recreational or residential use as defined under § 429.2 if Reclamation determines that any of the following apply:

- (i) The use has become incompatible with authorized Project purposes, project operations, safety, and security;
- (ii) A higher public use is identified through a public process described at § 429.32(a)(1); or
- (iii) Termination is necessary for operational needs of the Project.

d. Reclamation may, at any time and at no cost or liability to the United States, terminate this license if Reclamation determines that the Licensee has failed to use the license for its intended purpose. Further, failure of use within the timeframe specified in the terms of this license may constitute a presumption of abandonment of the requested use and cause termination of the license.

e. Reclamation may, at any time and at no cost or liability to the United States, terminate this license if the Licensee fails to comply with all applicable Federal, State, and local laws, regulations, ordinances, or terms and conditions of any use authorization, or to obtain any required permits or authorizations.

f. Any activity deemed to be illegal on Federal lands will be cause for immediate termination of this license.

g. At the option of Reclamation upon discontinuance by the Licensee of the use of the lands and Project facilities of the United States covered by this license for the purposes herein stated for a period of twelve (12) consecutive months.

h. At the option of the Licensee by providing written notice to Reclamation.

If this license is terminated under Article 9(f), the United States reserves the right to bar the Licensee from the authorization to use acquired or withdrawn public land on the Yakima Project



for a period of time, as determined by the Area Manager.

10. **PROTECTION OF UNITED STATES INTERESTS.** The Licensee shall use said premises for the purposes stated herein and agrees that in the use of said premises it shall conduct its operations and maintain its facilities in a good and workmanlike manner; and, shall ensure compliance with all Federal, State, and local laws and Regulations, Executive Orders, and Reclamation Policies and Directives and Standards. The failure of the Licensee, after due notice, to abide by any of the terms and conditions of any of such applicable laws, rules, and regulations shall cause this license to be subject to immediate termination at the option of the United States.

11. **WAIVER OF LIABILITY.** The Licensee agrees that the United States, their successors and assigns, shall not be liable for any damage to the access road, including loss of service, which may result from the construction, operation, or maintenance by Reclamation or the District, upon lands or Project facilities, including, but not limited to damage to the access road that may occur as the result of seepage, floodage, or erosion from works constructed by the United States. Nothing contained in this paragraph shall be construed as in any manner limiting other reservations in favor of the United States contained in this license.

12. **ADDITIONAL STIPULATIONS.** The Licensee agrees to adhere to the following requirements for all repairs, operation, and maintenance performed under the authority of this license.

a. The access road shall not be blocked at any time for any reason. The Licensee shall not dig, blade, or cause any disturbance of the soil adjacent to the wasteway facility. The access road shall be maintained in a manner that will not interfere with the United States use of the access road along the Project Facility. The Licensee shall maintain and may gravel the westerly 2-feet of the 10-foot access road, but no soil or earthen material will be allowed to be taken from United States land.

b. The Licensee agrees that the United States, their successors and assigns, shall not be liable for any damage to the access area, including loss of service, which may result from the construction, operation, or maintenance by Reclamation, upon United States lands, Project waters or Project facilities of the United States, including, but not limited to damage to the access road, which may occur as the result of seepage, floodage, or erosion from works constructed by the United States.

c. The access road shall be operated, and maintained by the Licensee without cost to the United States or its assigns, and in such a manner as to cause no interference with the normal operation of project facilities. All repair, operation, and maintenance work performed by the Licensee within the lands of the United States shall be undertaken only at times, according to plans, and in a manner satisfactory to Reclamation.

d. No structures, including power poles or woody plants shall be allowed within the Project facilities access road area.

e. No blasting or use of explosives of any kind will be allowed on Reclamation land or the Project Facility.

f. The Licensee shall minimize the disturbance of vegetation and soil resources consistent with good land management practices and shall be liable for any and all damages to the premises caused by their activities. Acceptable land management practices include but are not limited to (1) maintaining the fertility of the soil, (2) protecting the land from erosion and (3) controlling weeds. In addition, the Licensee is responsible for the prevention of the infestation and spread of noxious weeds in accordance with State and local weed regulation.

13. **HAZARDOUS MATERIALS.** The Licensee agrees to perform this license in accordance with the following hazardous material requirements:

a. The Licensee may not allow contamination or pollution of United States lands, Project waters or Project facilities for which Licensee has the responsibility for care, operation, and maintenance and shall take reasonable precautions to prevent such contamination or pollution by third parties. Substances causing contamination or pollution include but are not limited to hazardous materials, thermal pollution, refuse, garbage, sewage effluent, industrial waste, petroleum products, mine tailings, mineral salts, misused pesticides, pesticide containers, or any other pollutants.

b. Licensee shall comply with all applicable United States, State, and local laws and regulations, and Reclamation Policies and Directives and Standards, existing or hereafter enacted or promulgated, concerning any hazardous material that will be used, produced, transported, stored, or disposed of on or in United States lands, Project waters or Project facilities.

c. "Hazardous material" means any substance, pollutant, or contaminant listed as hazardous under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. § 9601, et seq., and the regulations promulgated pursuant to that Act.

d. Upon discovery of any event which may or does result in contamination or pollution of United States lands, waters or facilities, Licensee shall initiate any necessary emergency measures to protect health, safety and the environment and shall report such discovery and full details of the actions taken to Reclamation's Environmental Protection Specialist located in the Columbia-Cascades Area Office. Reporting may be within a reasonable time period. A reasonable time period means; within twenty-four (24) hours of the time of discovery if it is an emergency, or by the first working day if it is a non-emergency. An emergency is any situation that requires immediate action to reduce or avoid endangering public health and safety or the environment.

e. Violation of any of the provisions of this Article 13, as determined by Reclamation's Environmental Protection Specialist, may constitute grounds for termination of this license. Such violations require immediate corrective action by the Licensee and shall make the Licensee liable

for the cost of full and complete remediation and/or restoration of any United States resources or facilities that are adversely affected as a result of the violation.

f. The Licensee agrees to include the provisions contained in paragraphs (a) through (e) of this Article 13 in any subcontract or third party contract it may enter into pursuant to this license.

g. The Licensee agrees to contact Reclamation's Environmental Protection Specialist to obtain any additional information needed to comply with the provisions of this Article 13.

14. **DISCOVERY OF CULTURAL RESOURCES.** The Licensee shall immediately provide an oral notification to Reclamation's Archaeologist of the discovery of any and all antiquities or other objects of archaeological, cultural, historic, or scientific interest on United States lands. The Licensee shall follow up with a written report of their finding(s) to Reclamation's Archaeologist, located in the Columbia-Cascades Area Office, within forty-eight (48) hours. Objects under consideration include, but are not limited to, historic or prehistoric ruins, human remains, funerary objects, and artifacts discovered as a result of activities under this license. The Licensee shall immediately cease the activity in the area of the discovery, make a reasonable effort to protect such discovery, and wait for written approval from Reclamation's Archaeologist before resuming the activity. Protective and mitigative measures specified by Reclamation's Archaeologist shall be the responsibility of the Licensee.

15. **NOTICES.** All written notices required or desired to be given under this license shall be in writing and may be delivered by personal delivery via recognized delivery services such as United Parcel Service (UPS) or Federal Express (FED EX) or by deposit in the United States Mail, postage prepaid, as certified mail, return receipt requested, and addressed as follows:

United States of America  
Bureau of Reclamation  
Yakima Field Office  
1917 Marsh Road  
Yakima, WA 98901-2058

Mark E. Wenger and  
Darcy L. Spencer-Wenger  
4684 Nelson Siding Road  
Cle Elum, WA 98922

Any notice delivered by personal delivery shall be deemed received by the addressee upon actual delivery. The addresses to which notices are to be delivered may be changed by giving 15 days notice of such change in accordance with this paragraph. This paragraph shall apply where notice is required under this license, and no specific requirements are set forth. Where this license provides for a specific notice in a different manner, the more specific requirements shall prevail.

16. **RIGHTS OF THIRD PARTIES.** The permission granted by this license are nonexclusive and are subject to all existing valid rights previously acquired by third parties, which include any person or private or public entity not a party to this license. It is also the responsibility of the

Licensee for determining what utilities are located within the access area and for notifying said utility owners of the Licensee's use.


17. **COVENANT AGAINST CONTIGENT FEES.** The Licensee warrants that no person(s) or agency(s) have been employed or retained to solicit or secure this license upon an agreement or understanding for a commission, percentage, brokerage or contingent fee, excepting bona fide employees or bona fide established agencies maintained by the Licensee for the purpose of securing business. For breach or violation of this warranty, the United States shall have the right to annul this license without liability or in its discretion to require the Licensee to pay, in addition to the license price or consideration, the full amount of such commission, percentage, brokerage or contingent fee.

18. **OFFICIALS NOT TO BENEFIT.** No Member of Congress shall be admitted to any share or part of any contract or agreement made, entered into, or accepted by or on behalf of the United States, or to any benefit to arise thereupon.

19. **SEVERABILITY.** Each provision of this license shall be interpreted in such a manner as to be valid under applicable law, but if any provision of this license shall be deemed or determined by competent authority to be invalid or prohibited hereunder, such provision shall be ineffective and void only to the extent of such invalidity or prohibition, but shall not be deemed ineffective or invalid as to the remainder of such provision or any other remaining provisions, or of this license as a whole.

IN WITNESS WHEREOF, the parties hereto have executed this license the day and year first above written.

MARK E. WENGER

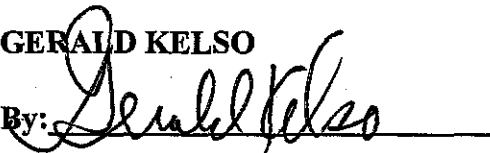
By: 

DARCY L. SPENCER-WENGER

By: 

Mark E. Wenger and  
Darcy L. Spencer-Wenger  
4684 Nelson Siding Road  
Cle Elum, WA 98922

UNITED STATES OF AMERICA

GERALD KELSO  
By: 

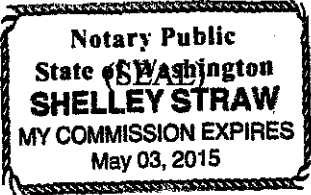
Columbia-Cascades Area Office Manager  
Bureau of Reclamation  
1917 Marsh Road  
Yakima, WA 98901

ACKNOWLEDGMENT

STATE OF WASHINGTON )  
 )  
:SS  
County of King )

On this day personally appeared before me, the undersigned Notary, Shelley Straw, to me known to be Mark E. Wenger, to be the individual that executed the within and foregoing instrument and acknowledged said instrument to be the free and voluntary act and deed of said individual, for the uses and purposes therein mentioned.

WITNESS my hand and official seal on this the 20th day of May, 2013.



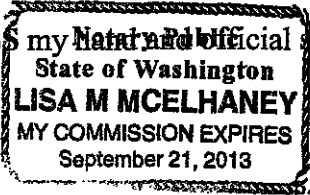
Shelley Straw  
Notary Public in and for the  
State of Washington  
Residing at: Issaquah  
My commission expires: 5/3/2015

ACKNOWLEDGMENT

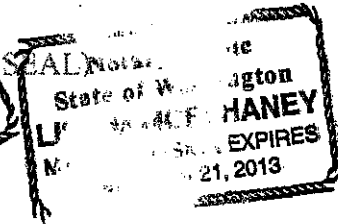
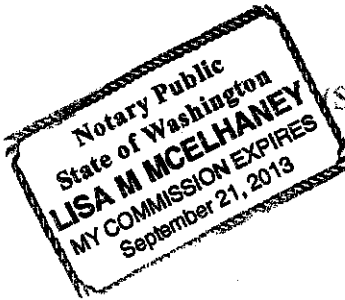
STATE OF WASHINGTON )  
 )  
:SS  
County of King )

On this day personally appeared before me, the undersigned Notary, Lisa McElhane, to me known to be Darcy L. Spencer-Wenger, to be the individual that executed the within and foregoing instrument and acknowledged said instrument to be the free and voluntary act and deed of said individual, for the uses and purposes therein mentioned.

WITNESS my hand and official seal on this the 20 day of May, 2013.



Lisa McElhane  
Notary Public in and for the



Contract No. 12-07-13-L1149

State of Washington  
Residing at: Issaquah  
My commission expires: 9.21.2013

**ACKNOWLEDGMENT**

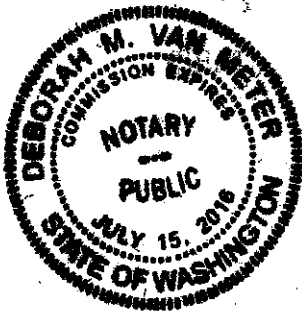
STATE OF WASHINGTON )

:SS

County of Yakima )

On this 13<sup>th</sup> day of JULY, 2013, **Gerald Kelso**, personally appeared before me GERALD KELSO, known to me to be the official of **THE UNITED STATES OF AMERICA** that executed the within and foregoing instrument and acknowledged said instrument to be the free and voluntary act and deed of said United States, for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute said instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



Deborah M. Van Meter  
Notary Public in and for the  
State of Washington  
Residing at: YAKIMA  
My commission expires: 7/15/2016

**Exhibit A**  
**License for Mark E. Wenger and Darcy Spencer-Wenger**  
**Contract No. 12-07-13-L1149**

A strip of land owned by the Bureau of Reclamation located at the Kittitas Reclamation District Lateral 4.9, lying in a ten (10) foot access road, of which 2-feet is to be graveled, upon, over, and across land owned in fee by the United States, all located in the east one-half of the northeast quarter (E1/2NE1/4), Section Twenty-nine (29), Township Twenty (20) North, Range Fourteen (14) East, Willamette Meridian, Kittitas County, State of Washington.

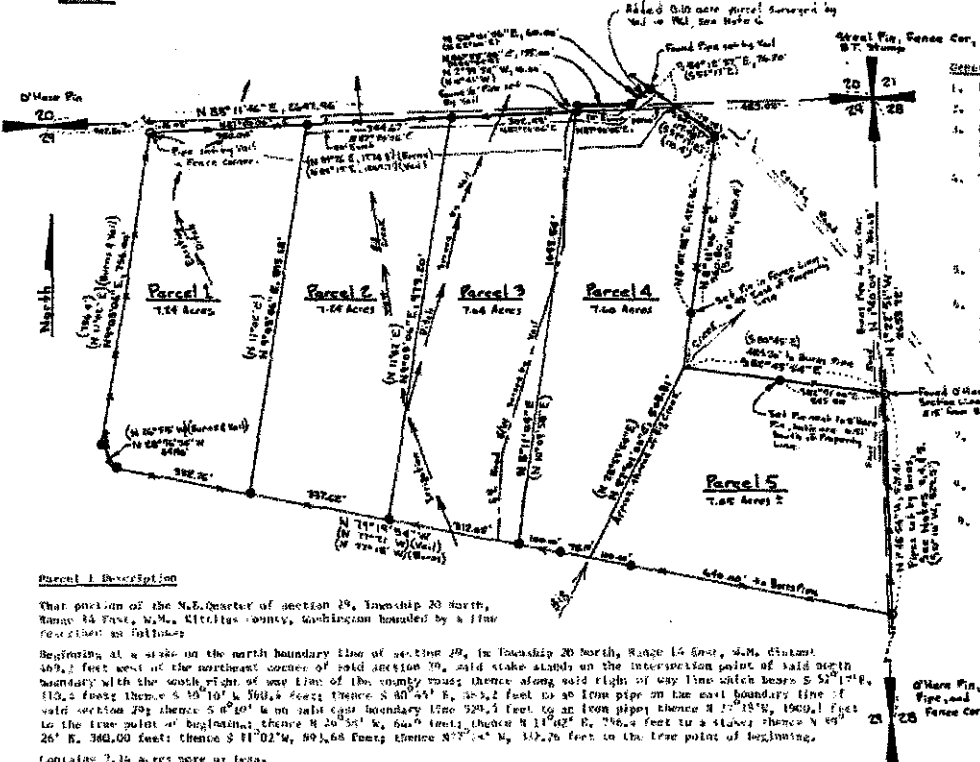
Exhibit B

449584

Sec. 29, T. 20N., R. 14E., W.M., Kittitas Co., Wa.  
A Portion of the N.E. 1/4

Scale: 1"=200'

Legend  
● 5/8" x 3/4" steel pin, Strand S. 1915.  
○ Found Monument of Record, See Notes.  
— Existing Fence, See Notes.



- General Notes:**
1. Basis of bearings from plans and surveys of record.
  2. Fences under more or less on the adjacent lines.
  3. Original survey of 16 acre parcel of property done by Burns, L.S., 2d, circa 1916. Accurately described in Vol. 39, Page 512 Recording No. 16599, Nov. 21, 1932.
  4. The second independent survey of 16 acre parcel of property done by Hall, L.S., 7476 in October, 1951. In this survey Hall used the 5/8" pipes set by Burns, assumed to be on the east line of section 29, as the best available reference starting points to trace the original survey. Copies of this survey owned by Karfen and Berlin.
  5. The K&B's lateral centerline is 10' west of an parallel to this Burns survey line.
  6. Additional parcel surveyed by Hall in October, 1961. Copy of this survey owned by Karfen and Berlin. Split claim deed recorded in Vol. 112, Page 657, Recording No. 305211, June 17, 1961.
  7. The parcels descriptions are based upon the original descriptions of record and do not reflect the differences as found and shown on this survey.
  8. Data bracketed than ( ) refer to original data, to this new survey equated to original survey.
  9. If any lot or parcel within this subdivision is sold or leased within five years of original transfer, such sale or lease must be preceded by a formal short-platting procedure.

**Parcel 1 Description**

That portion of the N.E. Quarter of section 29, Township 20 North, Range 14 East, W.M., Kittitas County, Washington bounded by a line described as follows:

Beginning at a stake on the north boundary line of section 29, in Township 20 North, Range 14 East, W.M. distant 469.2 feet west of the northeast corner of said section 29, said stake stands on the intersection point of said north boundary with the south right of way line of the county road; thence along said right of way line which bears S 51°17'10" E, 110.2 feet thence S 50°10' W, 360.2 feet; thence S 80°45' E, 45.2 feet to an iron pipe on the east boundary line of said section 29; thence S 6°10' W on said east boundary line 329.1 feet to an iron pipe; thence N 7°18' W, 1900.1 feet to the true point of beginning; thence N 20°54' W, 646.6 feet; thence N 11°02' E, 276.2 feet to a stake; thence N 69°26' E, 360.00 feet; thence S 11°02' W, 593.68 feet; thence S 87°45' N, 137.76 feet to the true point of beginning.

Contains 7.24 acres more or less.

Subject to all easements, reservations and rights of any apparent or of record.

**Parcel 2 Description**

That portion of the N.E. Quarter of section 29, Township 20 North, Range 14 East, W.M., Kittitas County, Washington bounded by a line described as follows:

Beginning at a stake on the north boundary line of section 29, in Township 20 North, Range 14 East, W.M. distant 469.2 feet west of the northeast corner of said section 29, said stake stands on the intersection point of said north boundary with the south right of way line of the county road; thence along said right of way line which bears S 51°17'10" E, 110.2 feet; thence S 10°11' W, 360.2 feet; thence S 4°05' E, 45.2 feet to an iron pipe on the east boundary line of said section 29; thence S 6°10' W on said east boundary line 329.1 feet to an iron pipe; thence N 7°18' W, 1900.1 feet to the true point of beginning; thence N 11°02' E, 276.2 feet to a stake; thence N 69°26' E, 360.00 feet; thence S 11°02' W, 593.68 feet; thence S 87°45' N, 137.76 feet to the true point of beginning.

Contains 7.24 acres more or less.

Subject to all easements, reservations and rights of any apparent or of record.

**Parcel 3 Description**

That portion of the N.E. Quarter of section 29, Township 20 North, Range 14 East, W.M., Kittitas County, Washington bounded by a line described as follows:

Beginning at a stake on the north boundary line of section 29, in Township 20 North, Range 14 East, W.M. distant 469.2 feet west of the northeast corner of said section 29, said stake stands on the intersection point of said north boundary with the south right of way line of the county road; thence along said right of way line which bears S 51°17'10" E, 110.2 feet; thence S 10°11' W, 360.2 feet; thence S 4°05' E, 45.2 feet to an iron pipe on the east boundary line of said section 29; thence S 6°10' W on said east boundary line 329.1 feet to an iron pipe; thence N 7°18' W, 1900.1 feet to the true point of beginning; thence N 11°02' E, 276.2 feet to a stake; thence N 69°26' E, 360.00 feet; thence S 11°02' W, 593.68 feet; thence S 87°45' N, 137.76 feet to the true point of beginning.

Contains 7.24 acres more or less.

Subject to all easements, reservations and rights of any apparent or of record.

**Parcel 4 Description**

That portion of the N.E. Quarter of section 29, Township 20 North, Range 14 East, W.M., Kittitas County, Washington bounded by a line described as follows:

Beginning at a stake on the north boundary line of section 29, in Township 20 North, Range 14 East, W.M. distant 469.2 feet west of the northeast corner of said section 29, said stake stands on the intersection point of said north boundary with the south right of way line of the county road; thence along said right of way line which bears S 51°17'10" E, 110.2 feet; thence S 10°11' W, 360.2 feet; thence S 4°05' E, 45.2 feet to an iron pipe on the east boundary line of said section 29; thence S 6°10' W on said east boundary line 329.1 feet to an iron pipe; thence N 7°18' W, 1900.1 feet to the true point of beginning; thence N 11°02' E, 276.2 feet to a stake; thence N 69°26' E, 360.00 feet; thence S 11°02' W, 593.68 feet; thence S 87°45' N, 137.76 feet to the true point of beginning.

Contains 7.24 acres more or less.

Subject to all easements, reservations and rights of any apparent or of record.

**Parcel 5 Description**

That portion of the N.E. Quarter of section 29, Township 20 North, Range 14 East, W.M., Kittitas County, Washington bounded by a line described as follows:

Beginning at a stake on the north boundary line of section 29, in Township 20 North, Range 14 East, W.M. distant 469.2 feet west of the northeast corner of said section 29, said stake stands on the intersection point of said north boundary with the south right of way line of the county road; thence along said right of way line which bears S 51°17'10" E, 110.2 feet; thence S 10°11' W, 360.2 feet; thence S 4°05' E, 45.2 feet to an iron pipe on the east boundary line of said section 29; thence S 6°10' W on said east boundary line 329.1 feet to an iron pipe; thence N 7°18' W, 1900.1 feet to the true point of beginning; thence N 11°02' E, 276.2 feet to a stake; thence N 69°26' E, 360.00 feet; thence S 11°02' W, 593.68 feet; thence S 87°45' N, 137.76 feet to the true point of beginning.

Contains 7.24 acres more or less.

Subject to all easements, reservations and rights of any apparent or of record.

Recorder's Certificate

Filed for record this 10th day of February, 1961, in book 2 of Township Map 22 at the County of Kittitas

Witness my hand and seal of office this 10th day of February, 1961.

Donny D. Stahli, De. & L. Seal  
Recorder's Seal

James M. Allenbaugh  
Deputy Auditor

Notary's Certificate

This map correctly represents a survey made by me or under my direction in conformity with the requirements of the Surveying Act of the State of Washington.

James M. Allenbaugh  
Notary

Notary Seal



**Ginger Weiser**

**From:** Dan Valoff [dan.valoff@co.kittitas.wa.us]  
**Sent:** Tuesday, October 07, 2008 3:24 PM  
**To:** Ginger Weiser  
**Subject:** RE: JOB#06305 WENGER SHORT PLAT

The short plat application was submitted in January 2007, so it is vested on the date the application was submitted. The file number is SP-07-07 and there was not SEPA checklist submitted since the project was categorically exempt from SEPA review.

*Dan Valoff*  
*Staff Planner*

Kittitas County Community Development Services  
411 N Ruby Street Suite 2  
Ellensburg, WA 98926  
[dan.valoff@co.kittitas.wa.us](mailto:dan.valoff@co.kittitas.wa.us)  
P: 509.962.7637  
F: 509.962.7682



"Building Partnerships-Building Communities"

*All e-mail sent to this address will be received by the Kittitas County e-mail system and may be subject to Public Disclosure under Chapter 42.56 RCW and is subject to archiving and review by someone other than the recipient.*

**From:** Ginger Weiser [mailto:GWeiser@encompasses.net]  
**Sent:** Tuesday, October 07, 2008 1:10 PM  
**To:** Dan Valoff  
**Cc:** Marc Kirkpatrick  
**Subject:** JOB#06305 WENGER SHORT PLAT

Dear Dan:

I have a couple questions in regards to the above short plat. We turned in a preliminary package January 2007. Per a letter from Christina in Public Works, she would not give conditional approval until some access issues were addressed. We have addressed those issues (I will send you updated copies) but my questions are, was this short plat vested? Does it have an assigned number and if it does not, do I need to change the various notes and also include a SEPA Checklist?

Please let me know at your earliest convenience.

Thanks for all your help,

Ginger :]

GINGER WEISER  
ENCOMPASS ENGINEERING AND SURVEYING  
108 EAST 2ND STREET  
CLE ELUM WA 98922  
(509) 674-7433 X-221  
(509) 674-7419 FAX

## Dan Valoff

---

**From:** Marc Kirkpatrick [MKirkpatrick@encompasses.net]  
**Sent:** Tuesday, October 07, 2008 1:16 PM  
**To:** Ginger Weiser; Dan Valoff  
**Subject:** RE: JOB#06305 WENGER SHORT PLAT

Dan,

We are also planning on submitting a variance for using only a 30-ft easement to access the property.

Thank you,

*Marc*

---

**From:** Ginger Weiser  
**Sent:** Tuesday, October 07, 2008 1:10 PM  
**To:** 'Dan Valoff'  
**Cc:** Marc Kirkpatrick  
**Subject:** JOB#06305 WENGER SHORT PLAT

Dear Dan:

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## Dan Valoff

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**To:** Dan Valoff  
**Cc:** Marc Kirkpatrick  
**Subject:** JOB#06305 WENGER SHORT PLAT

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(509) 674-7433 X-221  
(509) 674-7419 FAX

## Dan Valoff

---

**From:** Marc Kirkpatrick [MKirkpatrick@encompasses.net]  
**Sent:** Friday, February 09, 2007 3:41 PM  
**To:** Dan Valoff  
**Subject:** FW: Wenger Short Plat  
**Attachments:** WengerInfo.pdf

Hi Dan/Christina,

I just received a letter from our client Darcy Wenger that was mailed from Christina regarding the access to their lot. A variance request was submitted with the short plat application that we are requesting to be reviewed. We have had several conversations with Randy regarding this parcel and we came to the conclusion that a short plat application had to be submitted along with the variance request. I have a hunch that the variance application did not get routed to Public Works. Could one of you please get back to me regarding this? I've attached Christina's letter, Project Overview letter and the variance request that was submitted originally.

Thank you and have a nice weekend!

***Marc K. Kirkpatrick***  
***Encompass Engineering & Surveying***

***Ph: (509) 674-7433 x224***

***Fx: (509) 674-7419***

***mkirkpatrick@encompasses.net***

***www.encompasses.net***

**Encompass Engineering & Surveying, its officers or agents shall not be responsible for the accuracy or completeness of electronic file copies. Due to the potential that information exchanged by electronic media can deteriorate, be damaged, lost or modified, intentionally or otherwise, use of this electronic data by anyone other than Encompass Engineering & Surveying shall be at the sole risk of such user and without liability or legal exposure to Encompass Engineering & Surveying. The recipient is responsible for verifying the accuracy of data against governing hard copy documentation. If there is a discrepancy between the hard copy and the electronic copy, the hard copy will govern. Recipient assumes all risks in the changing or modification of data and revisions or updating of hard copy documents.**



**KITTITAS COUNTY**  
**DEPARTMENT OF PUBLIC WORKS**

---

February 6, 2007

Mr. and Mrs. Mark Wenger  
4684 Nelson Siding Road  
Cle Elum, WA 98922

RE: Wenger Short Plat

Dear Mr. and Mrs. Wenger:

Prior to conditional approval of the Wenger Short Plat, the Kittitas County Department of Public Works requests the following information:

**Documentation of a 40' access easement to tax lot 20-14-29010-0010.**

AFN 488779 grants a 20' access easement to tax lot 20-14-29010-0010. Kittitas County Road Standards require that this access easement be a minimum of 40' (KCRS, 9/6/05 edition, Table 12-1, High-Density Private Road serving 3-14 lots). Per KCC 12.01.095(7), this documentation is required before final approval.

*KCC 12.01.095(7): All parcel creations that access property over private lands, public lands, or road easements managed by other agencies must submit an approved easement from the land owners or road/easement managers that specifically address access, maintenance, seasonal restrictions and other restrictions and or limitations. These easements and permits shall be presented or recorded prior to final approval.*

Kittitas County Department of Public Works will grant conditional approval after this information is received. Please contact me if you have any questions.

Sincerely,

Christina Wollman, Planner II

Enclosure

CC: Dan Valoff, Community Development Services

Page 1 of 1

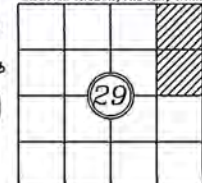
# WENGER SHORT PLAT

KITTITAS COUNTY SHORT PLAT NO. 07-07  
PORTION OF THE NE 1/4, SEC.29 T.20N., R.14E., W.M.  
KITTITAS COUNTY, WASHINGTON

### SURVEY NOTES:

1. THE EXTERNAL BOUNDARY OF THIS SHORT PLAT IS CONCEPTUAL AT THIS TIME. A CORRECT BOUNDARY WILL BE PROVIDED AT FINAL SHORT PLAT.
2. THE PURPOSE OF THIS DOCUMENT IS TO SHORT PLAT PARCEL NUMBER 479134, MAP NUMBER 20-14-29010-0010, TO THE CONFIGURATION SHOWN HEREON.
3. KITTITAS COUNTY RELIES ON ITS RECORD THAT A SUPPLY OF POTABLE WATER EXISTS. THE APPROVAL OF THIS DIVISION OF LAND INCLUDES NO GUARANTEE OR ASSURANCE THAT THERE IS A LEGAL RIGHT TO WITHDRAW GROUNDWATER WITHIN THE LAND DIVISION.
4. CONTOURS ARE NOT ESTABLISHED FOR THE PARCEL SHOWN HEREON. THE PROPERTY IS PRIMARILY FLAT WITH A GRADUAL SLOPE TO THE NORTH.

INDEX LOCATION:  
SEC.29T.20N., R.14E., W.M.



### GRAPHIC SCALE



( IN FEET )  
1 inch = 100 ft.

### RECORDER'S CERTIFICATE

Filed for record this.....day of ..... 20.....at.....M  
in book.....of.....at page.....at the request of  
**DAVID P. NELSON**  
Surveyor's Name

..... County Auditor ..... Deputy County Auditor

### SURVEYOR'S CERTIFICATE

This map correctly represents a survey made by me or under my direction in conformance with the requirements of the Survey Recording Act at the request of...**MARK & DARCY WENGER**..... in...**NOV**.....20**06**..

**DAVID P. NELSON** DATE  
Certificate No. **18092**

### K.C.S.P. NO. 07-07

Ptn. of the NE1/4 of Sec. 29, T.20N., R.14E., W.M.  
Kittitas County, Washington

DWN BY <b>G. WEISER</b>	DATE <b>10/08</b>	JOB NO. <b>06305</b>
CHKD BY <b>D. NELSON</b>	SCALE <b>1"=100'</b>	SHEET <b>1 OF 2</b>

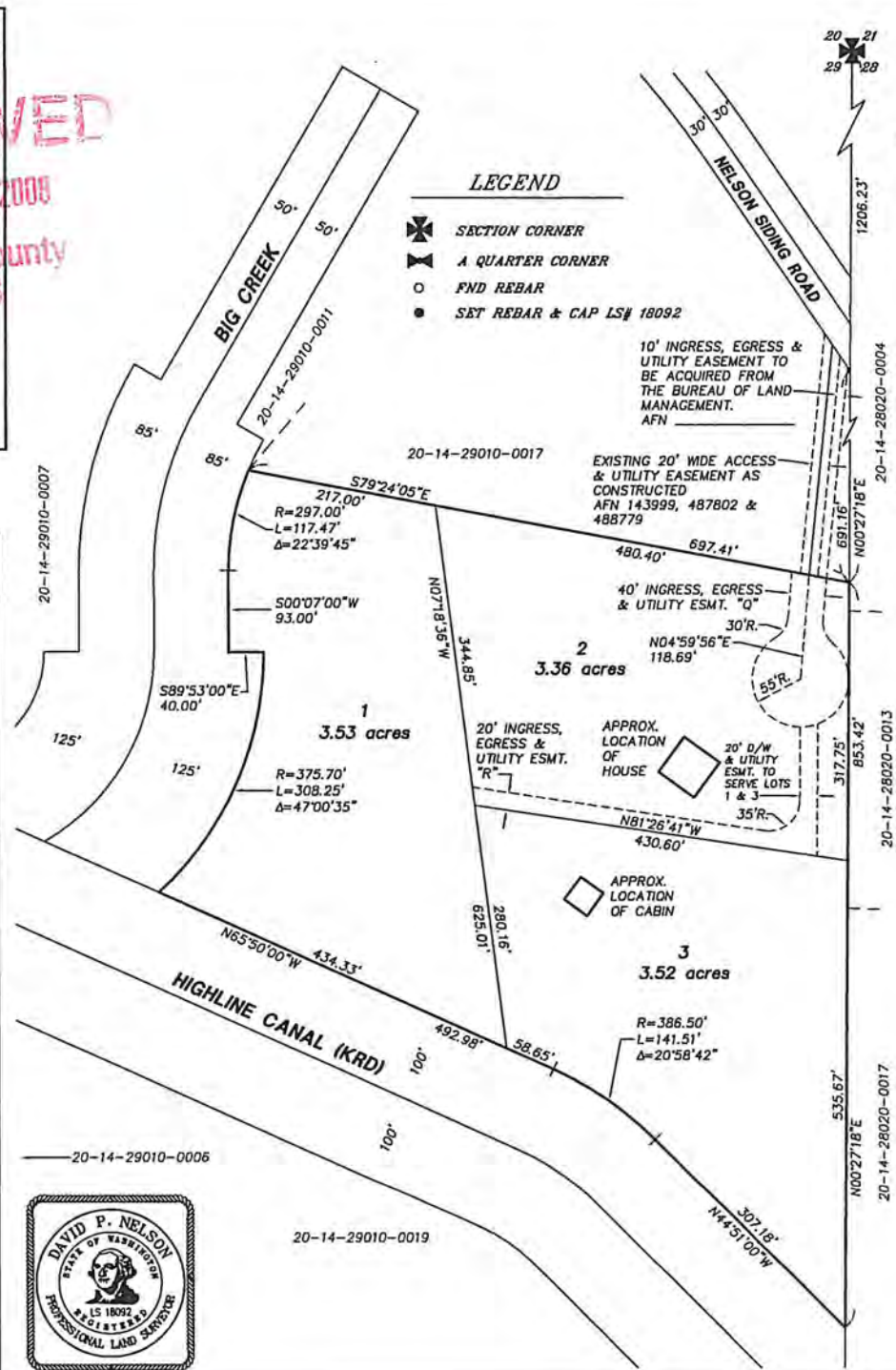
# Encompass

ENGINEERING & SURVEYING

108 EAST 2ND STREET  
CLE ELUM, WA 98922  
PHONE: (509) 674-7433  
FAX: (509) 674-7419

### LEGEND

- ✠ SECTION CORNER
- ⊠ A QUARTER CORNER
- FND REBAR
- SET REBAR & CAP LS# 18092



NELSON SIDING ROAD  
AFN#143999  
SITE

HIGHLINE CANAL (KRD)

29

**RECEIVED**  
**OCT 08 2008**  
**Kittitas County**  
**CDS**  
**SUN VISTA**

VICINITY MAP  
N.T.S.

## APPROVALS

### KITTITAS COUNTY PUBLIC WORKS

EXAMINED AND APPROVED This \_\_\_\_ day of \_\_\_\_\_ A.D., 20\_\_\_\_

\_\_\_\_\_  
Kittitas County Engineer

### COUNTY PLANNING DIRECTOR

I hereby certify that the "WENGER" Short Plat has been examined by me and find that it conforms to the comprehensive plan of the Kittitas County Planning Commission.

Dated this \_\_\_\_ day of \_\_\_\_\_ A.D., 20\_\_\_\_

\_\_\_\_\_  
Kittitas County Planning Director

### KITTITAS COUNTY HEALTH DEPARTMENT

Preliminary inspection indicated soil conditions may allow use of septic tanks as a temporary means of sewage disposal for some, but not necessary all building sites within this short plat. Prospective purchasers of lots are urged to make inquiries of the County Health Department about issuance of septic tank permits for lots.

Dated this \_\_\_\_ day of \_\_\_\_\_ A.D., 20\_\_\_\_

\_\_\_\_\_  
Kittitas County Health Officer

### CERTIFICATE OF COUNTY TREASURER

I hereby certify that the taxes and assessments are paid for the preceding years and for this year in which the plat is now to be filed.

Dated this \_\_\_\_ day of \_\_\_\_\_ A.D., 20\_\_\_\_

\_\_\_\_\_  
Kittitas County Treasurer

ORIGINAL TAX LOT NO. 20-14-29010-0010 (479134)





RECEIVED

OCT 08 2008

Kittitas County  
CDS

**WENGER SHORT PLAT  
PRELIMINARY SHORT PLAT  
(Revised – 10-8-2008)**

**OVERVIEW:**

The attached proposal is a 3 lot short plat in accordance to KCC Chapter 16.32. The proposed total acreage is  $\pm 10.41$  acres consisting of one existing parcel. Both properties are located within the Ag-3 zoning of Kittitas County. Please see attached plan for proposed lot configuration.

**BACKGROUND:**

The property is currently being used as a single family residents by the applicant. There are two structures on-site and approximately shown on the enclosed map. A more accurate location of existing site improvements will be provided after the Spring thaw.

**UTILITIES:**

The project's proposed sewer shall be individual septic and proposed water will be individual and shared well. An existing well is on-site. No KRD water is provided to this parcel.

**TRANSPORTATION:**

Offsite – Improvements are proposed along existing 20-foot easement (AFN. 143999) and the future 10-ft easement to be acquired from BLM connecting the project into Nelson Siding Road. A variance request will be submitted following this revised site plan for the 30-ft easement access.

Onsite – Road improvements will be designed according to the Kittitas County Road Standards. A 40-foot easement with a cul-de-sac will be provided and constructed for the proposed project. Please see enclosed map for roadway configuration.

**Miscellaneous:**

The applicant is aware that a road maintenance agreement, Kittitas County access permit & road certification will need to be provided prior to the issuance of a building permit.

**COMMENTS:**

Attached are copies of the revised Short Plat.



Phone: (509) 674-7433 Fax: (509) 674-7419

TO KITHAS CO CDS  
Attn: Dan Valoff

DATE	10-8-08	JOB NO.	06305
ATTENTION	Dan Valoff		
RE:	Wenger Short Plate SP-07-07 (REVISED)		

WE ARE SENDING YOU  Attached  Under separate cover via \_\_\_\_\_ the following items:

- Shop drawings     Prints     Plans     Samples     Specifications  
 Copy of letter     Change order     \_\_\_\_\_

COPIES	DATE	NO.	DESCRIPTION
5		2	COPIES of revised short PIWT
1			8 1/2 x 11 mwp
3			overview ltr #
1			Public Disclosure Statement

THESE ARE TRANSMITTED as checked below:

- For approval     Approved as submitted     Resubmit \_\_\_\_\_ copies for approval  
 For your use     Approved as noted     Submit \_\_\_\_\_ copies for distribution  
 As requested     Returned for corrections     Return \_\_\_\_\_ corrected prints  
 For review and comment     \_\_\_\_\_  
 FOR BIDS DUE \_\_\_\_\_     PRINTS RETURNED AFTER LOAN TO US

REMARKS \_\_\_\_\_

\* 1 for CDS  
1 for Public Works  
1 for Hazem Dept

COPY TO \_\_\_\_\_

SIGNED: Erin Wenger





# KITTTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

411 N. Ruby St., Suite 2, Ellensburg, WA 98926

CDS@CO.KITTTITAS.WA.US

Office (509) 962-7506

Fax (509) 962-7682

## PUBLIC DISCLOSURE REQUEST FORM

All records maintained by state and local agencies are available for public inspection unless they are specifically exempted by law. You are entitled to access to public records, under reasonable conditions, and to copies of those records upon paying the costs of making the copy. In most cases, you do not have to explain why you want the records. An agency may require information necessary to establish if disclosure would violate certain provisions of law.

Name	Encompass Engineering & Surveying <sup>1</sup>			
	First	Last	MI	
Address	108 East 2nd Street	Cle Elum	WA	98922 <sup>2</sup>
	Street or P.O. Box	City	State	Zip Code
Phone Number	(509) 674-7433 <sup>3</sup>			

You should make your request as specific as possible; it helps the agency to identify specific records you wish to inspect.

I am requesting public disclosure of

All past and future County correspondence related to this project that is normally sent to the applicant.  
PLEASE EMAIL ALL DOCUMENTS TO [information@encompasses.net](mailto:information@encompasses.net) AS WELL AS HARD COPIES TO ADDRESS ABOVE. <sup>4</sup>

Job # 06305

Wenger Short PLAT SP-07-07

DARRYL PIERCY, DIRECTOR

ALLISON KIMBALL, ASSISTANT DIRECTOR

COMMUNITY PLANNING • BUILDING INSPECTION • PLAN REVIEW • ADMINISTRATION • PERMIT SERVICES • CODE ENFORCEMENT • FIRE INVESTIGATION

Kittitas County  
Department of Public Works

VARIANCE REQUEST

RECEIVED  
JAN 25 2007  
KITTTITAS COUNTY  
CDS

To be completed by applicant

Name: Mark & Darcy Wenger

Date of application: 1-22-07

Developer

Agent for Developer

Address: 108 East 2<sup>nd</sup> St.  
Cle Elum, WA 98922

Daytime phone: 509-674-7433

Associated Project/Development: Wenger Short Plat

Request (be specific): Requesting a variance from current Kittitas County Private Road Standards. Requesting approval for not requiring a 40-foot easement for the proposed offsite road access to the short plat and allowing the existing easement to be sufficient along with constructing a 20-foot wide gravel road for the off-site improvements. See attached for existing easement description & maps.

Reason for request:

The reason for this request is due to the hardship this creates for the applicant. The existing easement was created in the mid 70's with vary little detail. The existing easement description simply states "20 foot strip of land being 10 feet on either side of the centerline of the existing road". County Private Road Standards require that that a road serving more than 2 lots needs to be within a 40-foot easement. Because the applicant's access travels over an adjacent property, they have been unsuccessful in purchasing any additional easement area from the current owner. Currently the driveway serves 2 lots and the applicant is proposing to add 2 additional lots with this project. The terrain is fairly flat and any improvements within the 20-foot easement can be maximized to both edges. The applicant proposes to improve the existing driveway to 20-feet in width offsite and to 22-feet in width on-site with a cul-de-sac as shown on the enclosed maps.

See attached map & recording information.



Signature of Agent  
Encompass Engineering & Surveying

MARK KIRKPATRICK

RECEIVED

MAR 05 2007

KITTITAS COUNTY  
DEPT. OF PUBLIC WORKS

Kittitas County  
Department of Public Works

VARIANCE REQUEST

RECEIVED

JAN 25 2007

KITTITAS COUNTY  
CDS

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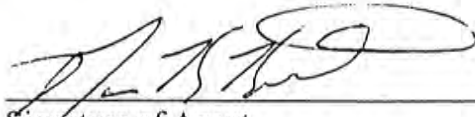
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\_\_\_\_\_  
Signature of Agent  
Encompass Engineering & Surveying  
MARK KIRSHATNICK

**VARIANCE REQUEST**  
(Continued)

To be completed by Department of Public Works

Date to be completed: \_\_\_\_\_

Findings of fact: The applicant has applied to short plat tax lot 20-14-29010-0010 into three lots. Access to the lots is from Nelson Siding Road. Contrary to what is shown on the plat, there is evidence that the existing driveway also serves 2 lots located to the south of the canal (20-14-29010-0019, -0023 and 20-14-29010-0022). This is evident from an address plate for the lots located on the same driveway, aerial photos, and AFN 488779 which references an easement through the property along a KRD right-of-way and across the Big Creek Siphon to the lot. Including the additional lots in the lot size average brings the average to 5.94 acres per lot. Kittitas County Road Standards require roads with an average lot size of more than 5.01 to have a 60' easement, 20' roadway width, and 1' shoulders for a total roadway width of 22'.

The existing easement from Nelson Siding Road to the applicant's lot line is 20', and additional easement cannot be acquired from the neighboring landowners or from KRD, which has a right-of-way to the immediate east of the access easement. Due to these easement restrictions, the applicant is requesting a variance from the easement and road width requirements.

In July, 2005, a similar variance for this property was denied.

Conditional Approval       Denial

Conditions of approval:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

  
\_\_\_\_\_  
Public Works Director

3/20/07  
\_\_\_\_\_  
Date

**APPEAL**

Date Appealed: \_\_\_\_\_

Board of County Commissioners Hearing Date: \_\_\_\_\_

Kittitas County  
Department of Public Works

VARIANCE REQUEST

To be completed by applicant

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Date of application: 1-22-07

Developer

Agent for Developer

Address: 108 East 2<sup>nd</sup> St.  
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Daytime phone: 509-674-7433

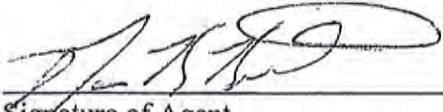
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See attached map & recording information.

  
Signature of Agent  
Encompass Engineering & Surveying  
*MARK KIRKPATRICK*

Kittitas County  
Department of Public Works

**VARIANCE REQUEST**

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See attached map & recording information.

\_\_\_\_\_  
Signature of Agent  
Encompass Engineering & Surveying

Phone: (509) 674-7433 Fax: (509) 674-7419

TO KITTAS COUNTY HEALTH DEPT.  
411 N RUBY ST., SUITE 3  
EBURG, WA 98926

DATE <u>5-21-07</u>	JOB NO. <u>06305</u>
ATTENTION <u>CATHERINE ZAMBELLO M.S.</u>	
RE: <u>WENGER STREET PLAN</u>	

WE ARE SENDING YOU  Attached  Under separate cover via \_\_\_\_\_ the following items:

- Shop drawings     Prints     Plans     Samples     Specifications  
 Copy of letter     Change order     \_\_\_\_\_

COPIES	DATE	NO.	DESCRIPTION
<u>1</u>		<u>18</u>	<u>WATER AVAILABILITY LETTER / REPORT</u>

**RECEIVED**  
 MAY 21 2007  
 KITTAS COUNTY  
 ODS

THESE ARE TRANSMITTED as checked below:

- For approval     Approved as submitted     Resubmit \_\_\_\_\_ copies for approval  
 For your use     Approved as noted     Submit \_\_\_\_\_ copies for distribution  
 As requested     Returned for corrections     Return \_\_\_\_\_ corrected prints  
 For review and comment     \_\_\_\_\_  
 FOR BIDS DUE \_\_\_\_\_     PRINTS RETURNED AFTER LOAN TO US

REMARKS \_\_\_\_\_  
 \_\_\_\_\_  
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 \_\_\_\_\_

COPY TO KIDS PLANNER - DAN WALOFF

SIGNED: UAC JOHNSON



May 18, 2007

Kittitas County Health Department  
411 N. Ruby Street Suite 3  
Ellensburg, WA 98926

ATTN: Catherine Bambrick, M.S.  
RE: Wenger Short Plat

Dear Ms. Bambrick:

This letter is written as a water availability report to present information that would indicate that potable water is likely to be attained by drilling individual wells on the proposed short plat lots or that shared wells or a Class "B" well(s) could meet the water demands of the short plat.

The proposed short plat lies adjacent to the Highline Canal along the southern boundary and Big Creek along the western boundary in the east half of the northeast quarter of Section 29, Township 20 North, Range 14 East, W.M. The existing topography generally slopes northerly across the parcel.

Data on existing well logs was gathered within approximately one quarter of a mile from the proposed short plat. Well logs were obtained for nine wells in Section 29 and three wells in Section 28. The well logs indicate a high probability of encountering potable water.

The wells vary in depth from 42 feet to 80 feet with the average depth for the twelve wells at 59 feet. The well production quantities vary from 8 gallons per minute to 100 gallons per minute with the average for the twelve wells at 29 gallons per minute. The static water level in the wells varies from 10 feet to 58 feet with the average level at 30 feet.

Based on the well log information, I recommend the Wenger Short Plat be approved because of the probability that individual wells could be drilled on the lots or shared wells could be drilled to serve two lots or a Class "B" well(s) could be drilled with a minimum production to serve three lots. This recommendation is based on the existence and productivity of the wells previously mentioned. This recommendation should not be construed to be a guarantee that wells can be drilled at any particular location or depth and there is no guarantee on the production of the well(s).



May 18, 2007

Page 2

Thank you for your consideration. Please call me if you have any questions.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Chad Allen", followed by a long horizontal flourish.

Chad Allen, P.E.  
ENCOMPASS ENGINEERING AND SURVEYING

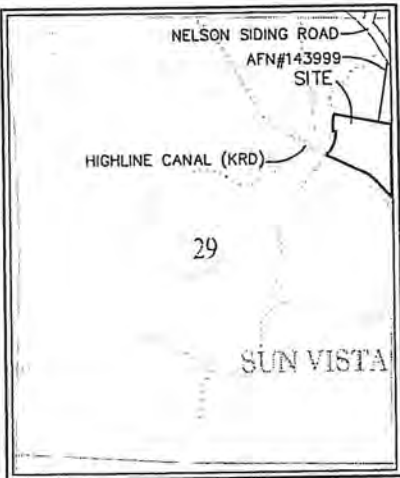
Enclosures

Cc: Mark & Darcy Wenger

**WENGER SHORT PLAT**  
**KITTITAS COUNTY SHORT PLAT NO. 07-XX**  
**PORTION OF THE NE 1/4, SEC.29 T.20N., R.14E., W.M.**  
**KITTITAS COUNTY, WASHINGTON**

**SURVEY NOTES:**

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4. CONTOURS ARE NOT ESTABLISHED FOR THE PARCEL SHOWN HEREDON. THE PROPERTY IS PRIMARILY FLAT WITH A GRADUAL SLOPE TO THE NORTH.



VICINITY MAP  
N.T.S.

**APPROVALS**

**KITTITAS COUNTY PUBLIC WORKS**

EXAMINED AND APPROVED This \_\_\_\_ day of \_\_\_\_\_ A.D., 20\_\_

Kittitas County Engineer

**COUNTY PLANNING DIRECTOR**

I hereby certify that the "WENGER" Short Plat has been examined by me and find that it conforms to the comprehensive plan of the Kittitas County Planning Commission.

Dated this \_\_\_\_ day of \_\_\_\_\_ A.D., 20\_\_

Kittitas County Planning Director

**KITTITAS COUNTY HEALTH DEPARTMENT**

Preliminary inspection indicated soil conditions may allow use of septic tanks as a temporary means of sewage disposal for some, but not necessarily all building sites within this short plat. Prospective purchasers of lots are urged to make inquiries of the County Health Department about issuance of septic tank permits for lots.

Dated this \_\_\_\_ day of \_\_\_\_\_ A.D., 20\_\_

Kittitas County Health Officer

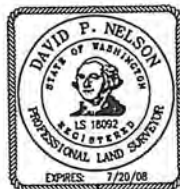
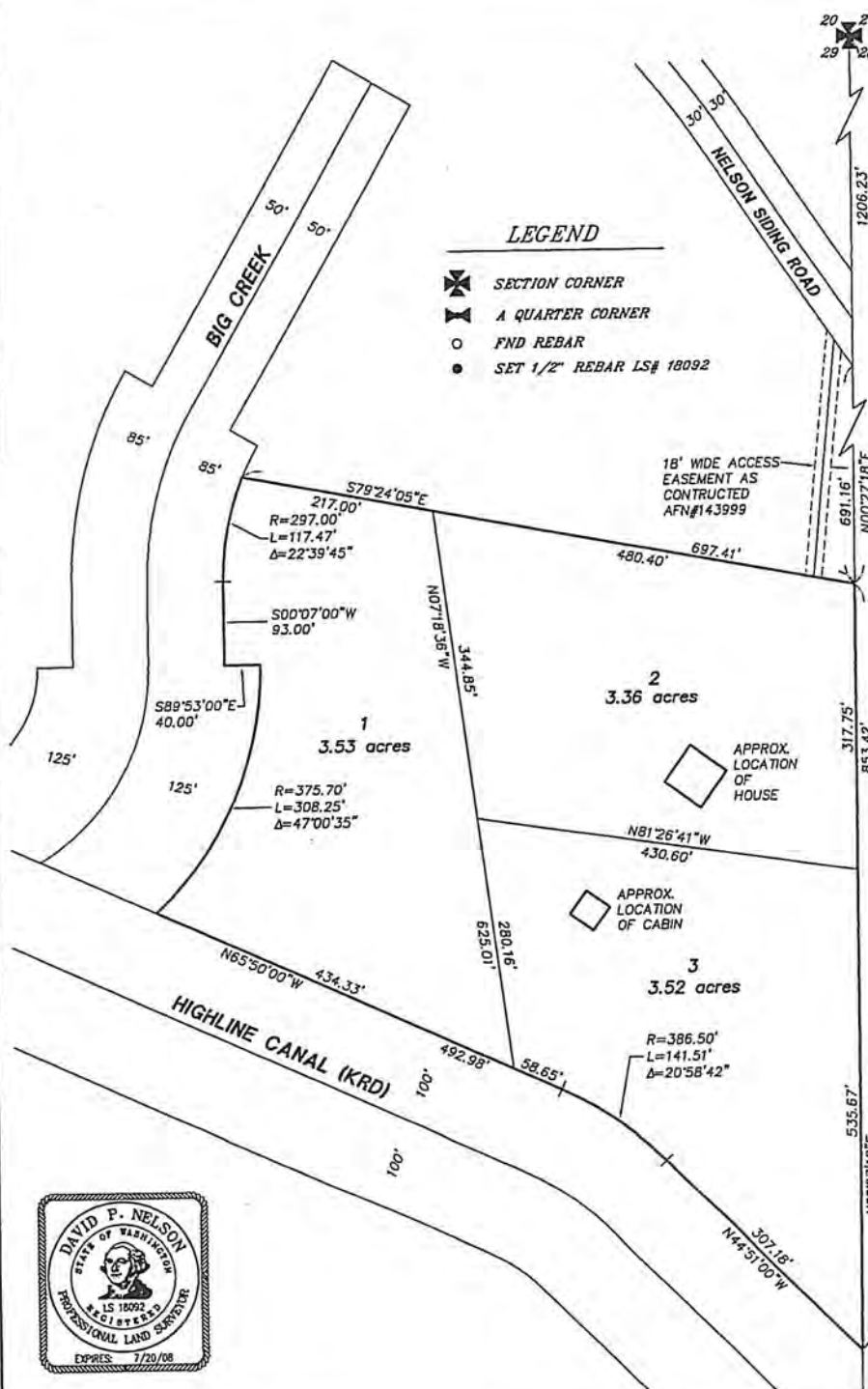
**CERTIFICATE OF COUNTY TREASURER**

I hereby certify that the taxes and assessments are paid for the preceding years and for this year in which the plat is now to be filed.

Dated this \_\_\_\_ day of \_\_\_\_\_ A.D., 20\_\_

Kittitas County Treasurer

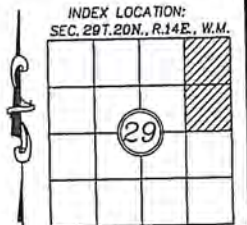
ORIGINAL TAX LOT NO. 20-14-29010-0010 (479134)



**GRAPHIC SCALE**



( IN FEET )  
1 inch = 100 ft.



**RECORDER'S CERTIFICATE** .....

Filed for record this.....day of ..... 20.....at.....M  
 in book.....of.....at page.....at the request of  
**DAVID P. NELSON**  
 Surveyor's Name

..... County Auditor      Deputy County Auditor

---

**SURVEYOR'S CERTIFICATE**

This map correctly represents a survey made by me or under my direction in conformance with the requirements of the Survey Recording Act of the request of **MARK & DARCY WENGER**..... in...NOV.....2008.

DAVID P. NELSON      DATE  
 Certificate No. **18092**.....

---

**K.C.S.P. NO. 07-XX**  
**Ptn. of the NE1/4 of Sec. 29, T.20N., R.14E., W.M.**  
**Kittitas County, Washington**

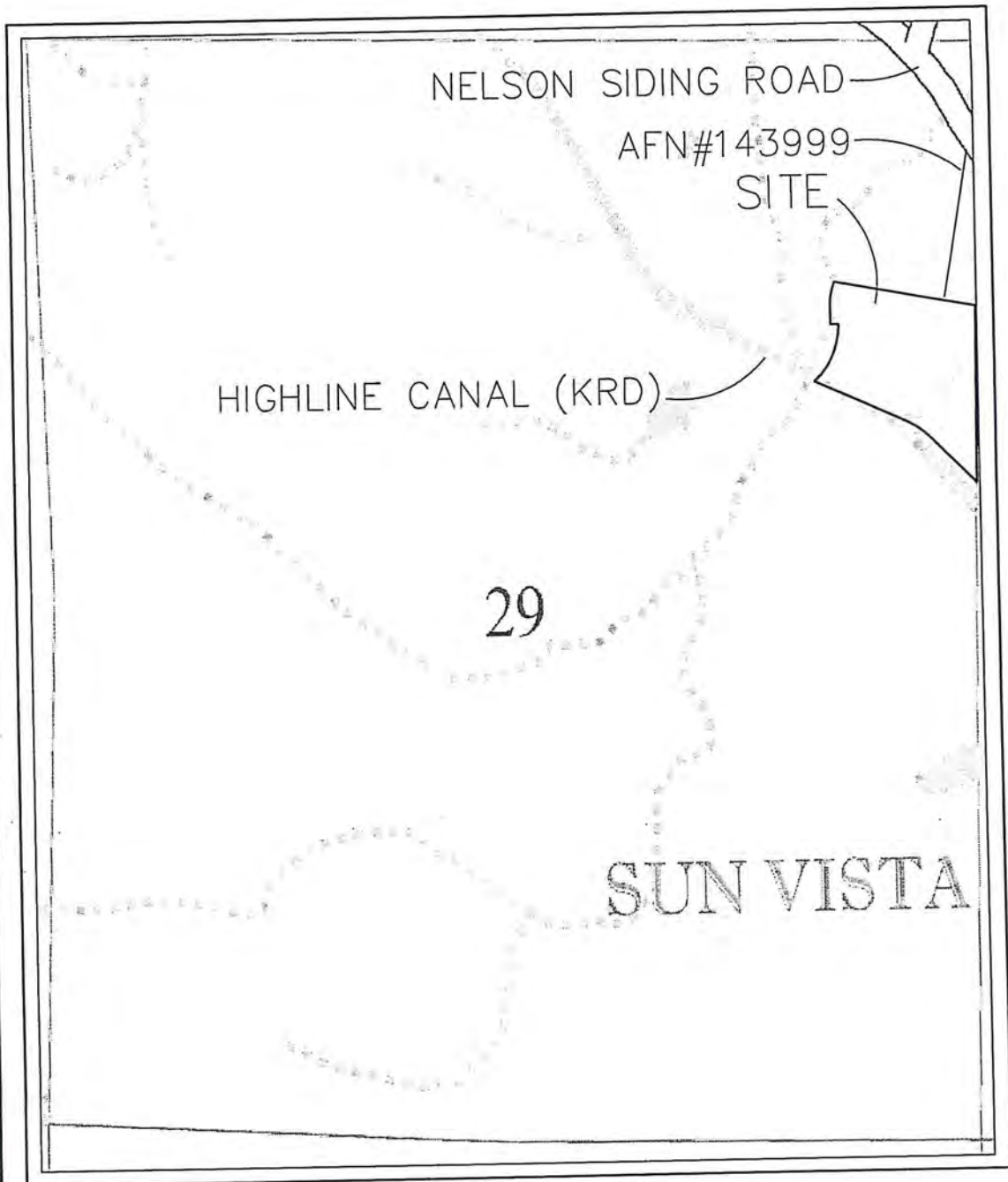
DWN BY <b>G. WEISER</b>	DATE <b>01/07</b>	JOB NO. <b>06305</b>
CHKD BY <b>D. NELSON</b>	SCALE <b>1"-100'</b>	SHEET <b>1 OF 2</b>

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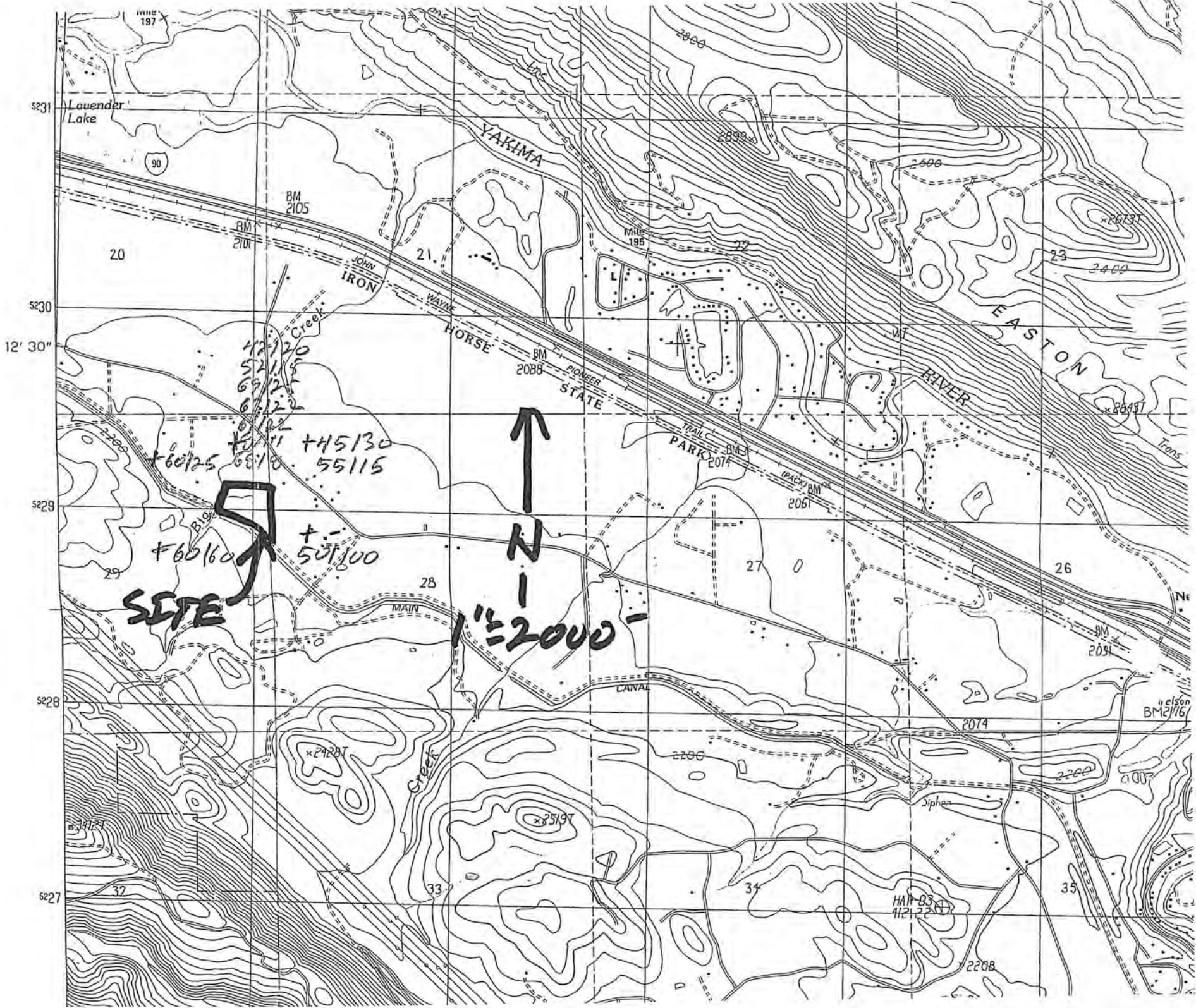
**Encompass**

ENGINEERING & SURVEYING

108 EAST 2ND STREET  
 CLE ELUM, WA 98922  
 PHONE: (509) 674-7433  
 FAX: (509) 674-7419



VICINITY MAP  
N.T.S.



Launder Lake  
90  
20

YAKIMA

EASTON

RIVER

**SITE**



N

1/2 2000

+60125  
+52120  
+63122  
+63123  
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+63198  
+63199  
+63200

+50100

+60160

+45130  
55115

5231

5230

12' 30"

5229

5228

5227

20

21

2800

2899

2600

23

2400

x2673T

x2648T

29

28

27

26

5228

x2428T

2200

2074

BM 2176

x3412T

x2519T

2200

2200

2100

5227

32

33

34

35

HAN 83  
112122

2208

**WELL LOG SUMMARY**  
**TWN 20N RGE 14E**

Depth (ft)	Flow (gpm)	Static Level (ft)	1/4 1/4 Section
63	22	38	NE/NE Sec. 29
61	22	46	NE/NE Sec. 29
80	11	58	NE/NE Sec. 29
68	8	44	NE/NE Sec. 29
69	25	46	NE/NE Sec. 29
52	15	22	NE/NE Sec. 29
42	20	20	NE/NE Sec. 29
60	25	18	NW/NE Sec. 29
60	60	unknown	SW/NE Sec. 29
45	30	10	NW/NW Sec. 28
55	15	10	NW/NW Sec. 28
50	100	15	SW/NW Sec. 28
<b>AVERAGE DEPTH =</b>	<b>AVERAGE FLOW=</b>	<b>AVERAGE S.L. =</b>	
<b>59</b>	<b>29</b>	<b>30</b>	



File Original and First Copy with  
Department of Ecology  
Second Copy—Owner's Copy  
Third Copy—Driller's Copy

# WATER WELL REPORT

STATE OF WASHINGTON

Water Right Permit No. \_\_\_\_\_

(1) OWNER: Name Ed Giandrone Address HC60 Box 6385, Cle Elum

LOCATION OF WELL: County Kittitas NE 1/4 NE 1/4 Sec 29 T. 20 N. R. 14 W.M.

(2a) STREET ADDRESS OF WELL (or nearest address) Nelson Siding & Talmadge, Cle Elum

(3) PROPOSED USE:  Domestic  Industrial  Municipal   
 Irrigation  Test Well  Other   
 DeWater

(4) TYPE OF WORK: Owner's number of well (if more than one) \_\_\_\_\_  
 Abandoned  New well  Method: Dug  Bored   
 Deepened  Cable  Driven   
 Reconditioned  Rotary  Jetted

(5) DIMENSIONS: Diameter of well 6 inches.  
 Drilled 61 feet. Depth of completed well 61 feet.

(6) CONSTRUCTION DETAILS:  
 Casing installed: 6 Diam. from +1 ft. to 60 ft.  
 Welded  Diam. from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.  
 Liner installed  \_\_\_\_\_  
 Threaded  \_\_\_\_\_  
 Perforations: Yes  No   
 Type of perforator used \_\_\_\_\_  
 SIZE of perforations \_\_\_\_\_ in. by \_\_\_\_\_ in.  
 \_\_\_\_\_ perforations from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.  
 \_\_\_\_\_ perforations from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.  
 \_\_\_\_\_ perforations from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.

Screens: Yes  No   
 Manufacturer's Name \_\_\_\_\_ Model No. \_\_\_\_\_  
 Type \_\_\_\_\_  
 Diam. \_\_\_\_\_ Slot size \_\_\_\_\_ from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.  
 Diam. \_\_\_\_\_ Slot size \_\_\_\_\_ from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.

Gravel packed: Yes  No  Size of gravel \_\_\_\_\_  
 Gravel placed from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.

Surface seal: Yes  No  To what depth? 18 ft.  
 Material used in seal Bentonite Clay  
 Did any strata contain unusable water? Yes  No   
 Type of water? \_\_\_\_\_ Depth of strata \_\_\_\_\_  
 Method of sealing strata off \_\_\_\_\_

(7) PUMP: Manufacturer's Name \_\_\_\_\_  
 Type: \_\_\_\_\_ H.P. \_\_\_\_\_

(8) WATER LEVELS: Land-surface elevation above mean sea level \_\_\_\_\_ ft.  
 Static level 46 ft. below top of well Date 8/18/92  
 Artesian pressure \_\_\_\_\_ lbs. per square inch Date \_\_\_\_\_  
 Artesian water is controlled by \_\_\_\_\_ (Cap, valve, etc.)

(9) WELL TESTS: Drawdown is amount water level is lowered below static level  
 Was a pump test made? Yes  No  If yes, by whom? \_\_\_\_\_  
 Yield: \_\_\_\_\_ gal./min. with \_\_\_\_\_ ft. drawdown after \_\_\_\_\_ hrs.  
 " " " " " " " " " " " "  
 " " " " " " " " " " " "  
 Recovery data (time taken as zero when pump turned off) (water level measured from well top to water level)  

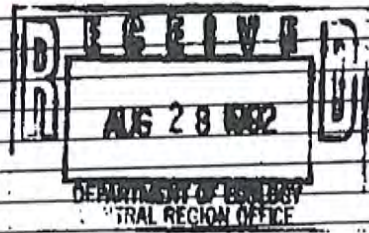
Time	Water Level	Time	Water Level	Time	Water Level

Date of test \_\_\_\_\_  
 Bailor test \_\_\_\_\_ gal./min. with \_\_\_\_\_ ft. drawdown after \_\_\_\_\_ hrs.  
 Airstest 22 gal./min. with stem set at 61 ft. for 1 hrs.  
 Artesian flow \_\_\_\_\_ g.p.m. Date 8/18/92  
 Temperature of water \_\_\_\_\_ Was a chemical analysis made? Yes  No

### (10) WELL LOG or ABANDONMENT PROCEDURE DESCRIPTION

Formation: Describe by color, character, size of material and structure, and show thickness of aquifers and the kind and nature of the material in each stratum penetrated, with at least one entry for each change of information.

MATERIAL	FROM	TO
Topsoil	0	6
Soil & Rock	6	17
Sand, Gravel, Silt & Water	17	20
Gravel, Rock & Brown Clay	20	50
Silt, Gravel & Little Water	50	60
Sand, Gravel, Phyllite & Water	60	61



Work started 8/18/92, 19. Completed 8/18/92, 19

### WELL CONSTRUCTOR CERTIFICATION:

I constructed and/or accept responsibility for construction of this well, and its compliance with all Washington well construction standards. Materials used and the information reported above are true to my best knowledge and belief.

**Water Wells Drilling, Inc.**  
 NAME \_\_\_\_\_ (PERSON, FIRM, OR CORPORATION) (TYPE OR PRINT)  
5503 Washington  
Yakima, WA 99003  
 Address \_\_\_\_\_

(Signed) Vernon L. Rank License No. 0854  
 (WELL DRILLER)  
 Contractor's Registration No. WATERWD1120B Date 8/27/92, 19

(USE ADDITIONAL SHEETS IF NECESSARY)

The Department of Ecology does NOT warrant the Data and/or the Information on this Well Report.

The Department of Ecology does NOT Warranty the Data and/or the Information on this Well Report.

Please print, sign and return to the Department of Ecology



# Water Well Report

Original - Ecology, 1<sup>st</sup> copy - owner, 2<sup>nd</sup> copy - driller

## Construction/Decommission

Construction  
 Decommission ORIGINAL INSTALLATION Notice of Intent Number 164385

PROPOSED USE:  DeWater  Domestic Irrigation  Industrial Test Well  Municipal Other \_\_\_\_\_

TYPE OF WORK: Owner's number of well (if more than one) \_\_\_\_\_  
 New well  Reconditioned Method:  Dug  Bored  Driven  
 Deepened  Cable  Rotary  Jetted

DIMENSIONS: Diameter of well 6 inches, drilled 80 ft.  
 Depth of completed well 80 ft.

CONSTRUCTION DETAILS  
 Casing Installed:  Welded 6 " Diam. from 72 ft. to 77 ft.  
 Liner installed \_\_\_\_\_ " Diam. from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.  
 Threaded \_\_\_\_\_ " Diam. from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.

Perforations:  Yes  No  
 Type of perforator used \_\_\_\_\_  
 SIZE of perfs \_\_\_\_\_ in. by \_\_\_\_\_ in. and no. of perfs \_\_\_\_\_ from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.

Screens:  Yes  No  K-Pac Location \_\_\_\_\_  
 Manufacturer's Name \_\_\_\_\_  
 Type \_\_\_\_\_ Model No. \_\_\_\_\_  
 Diam. \_\_\_\_\_ Slot size \_\_\_\_\_ from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.  
 Diam. \_\_\_\_\_ Slot size \_\_\_\_\_ from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.

Gravel/Filter packed:  Yes  No  Size of gravel/sand \_\_\_\_\_ ft. to \_\_\_\_\_ ft.  
 Materials placed from \_\_\_\_\_

Surface Seal:  Yes  No To what depth? 27 ft.  
 Material used in seal Benoni U  
 Did any strata contain unusable water?  Yes  No  
 Type of water? \_\_\_\_\_ Depth of strata \_\_\_\_\_  
 Method of sealing strata off \_\_\_\_\_

PUMP: Manufacturer's Name \_\_\_\_\_ H.P. \_\_\_\_\_  
 Type: \_\_\_\_\_

WATER LEVELS: Land-surface elevation above mean sea level \_\_\_\_\_ ft.  
 Static level 58 ft. below top of well Date \_\_\_\_\_  
 Artesian pressure \_\_\_\_\_ lbs. per square inch Date \_\_\_\_\_  
 Artesian water is controlled by \_\_\_\_\_ (cap, valve, etc.)

WELL TESTS: Drawdown is amount water level is lowered below static level  
 Was a pump test made?  Yes  No If yes, by whom? \_\_\_\_\_  
 Yield: \_\_\_\_\_ gal./min. with \_\_\_\_\_ ft. drawdown after \_\_\_\_\_ hrs.  
 Yield: \_\_\_\_\_ gal./min. with \_\_\_\_\_ ft. drawdown after \_\_\_\_\_ hrs.  
 Yield: \_\_\_\_\_ gal./min. with \_\_\_\_\_ ft. drawdown after \_\_\_\_\_ hrs.  
 Recovery data (time taken as zero when pump turned off) (water level measured from well top to water level)

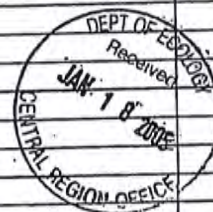
Time	Water Level	Time	Water Level	Time	Water Level
	<u>Approx</u>	<u>10 to 12</u>	<u>gpm</u>		

Date of test Air Lift  
 Boiler test \_\_\_\_\_ gal./min. with \_\_\_\_\_ ft. drawdown after \_\_\_\_\_ hrs.  
 Airstest \_\_\_\_\_ gal./min. with stem set at 75 ft. for 2 hrs.  
 Artesian flow \_\_\_\_\_ g.p.m. Date \_\_\_\_\_  
 Temperature of water \_\_\_\_\_ Was a chemical analysis made?  Yes  No

Current Notice of Intent No. W163964  
 Unique Ecology Well ID Tag No. AKW 24  
 Water Right Permit No. A  
 Property Owner Name Edward Giandrone  
 Well Street Address \_\_\_\_\_  
 City Cleelum County Kittitas  
 Location NE 1/4-1/4 NE 1/4 Sec 29 Twp 20 R 14 EWM or WWM  circle one  
 Lat/Long (s, t, r) \_\_\_\_\_ Lat Deg \_\_\_\_\_ Lat Min/Sec \_\_\_\_\_  
 still REQUIRED ) Long Deg \_\_\_\_\_ Long Min/Sec \_\_\_\_\_  
 Tax Parcel No. 2014290100014

CONSTRUCTION OR DECOMMISSION PROCEDURE  
 Formation: Describe by color, character, size of material and structure, and the kind and nature of the material in each stratum penetrated, with at least one entry for each change of information indicate all water encountered. (USE ADDITIONAL SHEETS IF NECESSARY.)

MATERIAL	FROM	TO
topsoil Br. m	0	2
sand gravel matty C. H	2	18
Silty Sand Clay Br. m	18	24
Clay some gravel Br. ms	24	38
2" H Sand Grav Matty C. m#	38	44
Clay Br. m	44	49
Silty Sand Grav Cob	49	58
some water matty color H		
Silty Sand gravel matty C. m#		
water Brown fint m#	58	77
Phylite Grayish m#	77	80



Start Date 12/15/04 Completed Date 12/16/04

WELL CONSTRUCTION CERTIFICATION: I constructed and/or accept responsibility for construction of this well, and its compliance with all Washington well construction standards. Materials used and the information reported above are true to my best knowledge and belief.

Driller/Engineer/Trainee Name (Print) Steve Mills  
 Driller/Engineer/Trainee Signature Steve Mills  
 Driller or trainee License No. 1335

Drilling Company Waterman Well Drilling Inc  
 Address PO Box 246  
 City, State, Zip Selah WA 98942

IF TRAINEE, Driller's Licensed No. \_\_\_\_\_  
 Driller's Signature \_\_\_\_\_

Contractor's Registration No. WATERW02220B Date 12/20/04  
 Ecology is an Equal Opportunity Employer. ECY 050-1-20 (Rev 2/03)









# WATER WELL REPORT

Start Card No. 36353

UNIQUE WELL I.D. # \_\_\_\_\_

STATE OF WASHINGTON

Water Right Permit No. \_\_\_\_\_

(1) OWNER: Name Tom N. Dwyer Address 955 Anacortes Ct. NE, Renton, WA 98056

(2) LOCATION OF WELL: County Kittitas NE 1/4 NE 1/4 Sec 29 T. 20 N. R. 14 W.M.

(2a) STREET ADDRESS OF WELL (or nearest address) Parcel #2014 2910 0021

(3) PROPOSED USE:  Domestic  Industrial  Municipal   
 Irrigation  Test Well  Other   
 DeWater

(4) TYPE OF WORK: Owner's number of well (if more than one) \_\_\_\_\_  
Abandoned  New well  Method: Dug  Bored   
Deepened  Cable  Driven   
Reconditioned  Rotary  Jetted

(5) DIMENSIONS: Diameter of well 6 inches.  
Drilled 100 feet. Depth of completed well 42 feet.

(8) CONSTRUCTION DETAILS:  
Casing installed: 6 " Diam. from +2 ft. to 42 ft.  
Welded  " Diam. from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.  
Liner installed  " Diam. from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.  
Threaded

Perforations: Yes  No   
Type of perforator used \_\_\_\_\_  
SIZE of perforations \_\_\_\_\_ in. by \_\_\_\_\_ in.  
\_\_\_\_\_ perforations from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.  
\_\_\_\_\_ perforations from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.  
\_\_\_\_\_ perforations from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.

Screens: Yes  No   
Manufacturer's Name \_\_\_\_\_ Model No \_\_\_\_\_  
Type \_\_\_\_\_  
Diam. \_\_\_\_\_ Slot size \_\_\_\_\_ from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.  
Diam. \_\_\_\_\_ Slot size \_\_\_\_\_ from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.

Gravel packed: Yes  No  Size of gravel \_\_\_\_\_  
Gravel placed from \_\_\_\_\_ ft. to \_\_\_\_\_ ft.

Surface seal: Yes  No  To what depth? 20 ft.  
Material used in seal Bentonite  
Did any strata contain unusable water? Yes  No   
Type of water? \_\_\_\_\_ Depth of strata \_\_\_\_\_  
Method of sealing strata off \_\_\_\_\_

(7) PUMP: Manufacturer's Name \_\_\_\_\_  
Type: \_\_\_\_\_ H.P. \_\_\_\_\_

(8) WATER LEVELS: Land surface elevation above mean sea level \_\_\_\_\_ ft.  
Static level 20 ft. below top of well Date 9-29-93  
Artesian pressure \_\_\_\_\_ lbs. per square inch Date \_\_\_\_\_  
Artesian water is controlled by \_\_\_\_\_ (Cap, valve, etc.)

(9) WELL TESTS: Drawdown is amount water level is lowered below static level  
Was a pump test made? Yes  No  If yes, by whom? \_\_\_\_\_  
Yield: 20 gal./min. with \_\_\_\_\_ ft. drawdown after \_\_\_\_\_ hrs.

**ESTIMATED AIRLIFT**

Recovery data (time taken as zero when pump turned off) (water level measured from well top to water level)

Time	Water Level	Time	Water Level	Time	Water Level

Date of test \_\_\_\_\_

Ballot test \_\_\_\_\_ gal./min. with \_\_\_\_\_ ft. drawdown after \_\_\_\_\_ hrs.

Airstream \_\_\_\_\_ gal./min. with stem set at \_\_\_\_\_ ft. for \_\_\_\_\_ hrs.

Artesian flow \_\_\_\_\_ g.p.m. Date \_\_\_\_\_

Temperature of water \_\_\_\_\_ Was a chemical analysis made? Yes  No

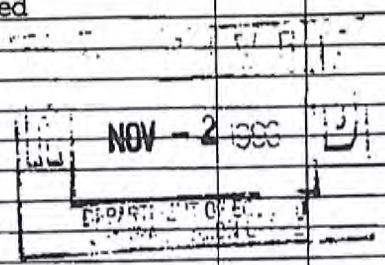
## (10) WELL LOG or ABANDONMENT PROCEDURE DESCRIPTION

Formation: Describe by color, character, size of material and structure, and show thickness of aquifers and the kind and nature of the material in each stratum penetrated, with at least one entry for each change of information.

MATERIAL	FROM	TO
Top Soil	0	3
Gravel, Cobbles	3	43
Clay, Brown	43	90
Gravel	90	95
Rhyolite, Black, Broken	95	100

~~XXXXXXXXXX~~

6" Drive Shoe Utilized



Work started 9-29-93 10. Completed 9-29-93 10.

### WELL CONSTRUCTOR CERTIFICATION:

I constructed and/or accept responsibility for construction of this well, and its compliance with all Washington well construction standards. Materials used and the information reported above are true to my best knowledge and belief.

NAME Ponderosa Drilling & Development, Inc.  
(PERSON, FIRM, OR CORPORATION) (TYPE OR PRINT)

Address E. 6010 Broadway, Spokane, WA 99212

(Signed) Bart Moorhead License No. 2109  
(WELL DRILLER) (Bart Moorhead)

Contractor's Registration No. EC-NI-EI\*248JE Date September 30, 19 93

(USE ADDITIONAL SHEETS IF NECESSARY)



The Department of Ecology does NOT Warranty the Data and/or the Information on this Well Report.

# WATER WELL REPORT

## STATE OF WASHINGTON

Application No. B

Permit No. ....

(1) OWNER: Name Jerry Griffith Address .....

LOCATION OF WELL: County Kittitas - NW 1/4 NE 1/4 Sec 29 T 20 N R 14 W.M.

Bearing and distance from section or subdivision corner

(3) PROPOSED USE: Domestic  Industrial  Municipal   
Irrigation  Test Well  Other

(4) TYPE OF WORK: Owner's number of well (if more than one).....  
New well  Method: Dug  Bored   
Deepened  Cable  Driven   
Reconditioned  Rotary  Jetted

(5) DIMENSIONS: Diameter of well 6 inches.  
Drilled 60 ft. Depth of completed well 60 ft.

(6) CONSTRUCTION DETAILS:  
Casing installed: 6" Diam. from 0 ft. to 60 ft.  
Threaded  " Diam. from ..... ft. to ..... ft.  
Welded  " Diam. from ..... ft. to ..... ft.

Perforations: Yes  No   
Type of perforator used.....  
SIZE of perforations ..... in. by ..... in.  
..... perforations from ..... ft. to ..... ft.  
..... perforations from ..... ft. to ..... ft.  
..... perforations from ..... ft. to ..... ft.

Screens: Yes  No   
Manufacturer's Name.....  
Type..... Model No.....  
Diam. .... Slot size ..... from ..... ft. to ..... ft.  
Diam. .... Slot size ..... from ..... ft. to ..... ft.

Gravel packed: Yes  No  Size of gravel:.....  
Gravel placed from ..... ft. to ..... ft.

Surface seal: Yes  No  To what depth? 18 ft.  
Material used in seal pudding clay  
Did any strata contain unusable water? Yes  No   
Type of water?..... Depth of strata.....  
Method of sealing strata off.....

(7) PUMP: Manufacturer's Name.....  
Type:..... HP.....

(8) WATER LEVELS: Land-surface elevation..... ft.  
Static level 18 ft. below top of well Date.....  
Artesian pressure ..... lbs. per square inch Date.....  
Artesian water is controlled by..... (Cap, valve, etc.)

(9) WELL TESTS: Drawdown is amount water level is lowered below static level  
Was a pump test made? Yes  No  If yes, by whom?.....  
Yield: gal./min. with ..... ft. drawdown after ..... hrs.

Recovery data (time taken as zero when pump turned off) (water level measured from well top to water level)

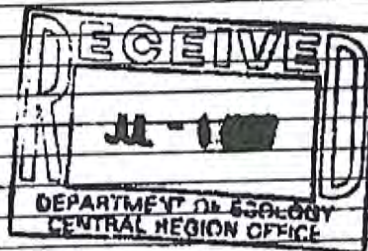
Time	Water Level	Time	Water Level	Time	Water Level

Date of test.....  
Bailer test 25 gal./min. with 6 ft. drawdown after 4 hrs.  
Artesian flow ..... g.p.m. Date.....  
Temperature of water..... Was a chemical analysis made? Yes  No

### (10) WELL LOG:

Formation: Describe by color, character, size of material and structure, and show thickness of aquifers and the kind and nature of the material in each stratum penetrated, with at least one entry for each change of formation.

MATERIAL	FROM	TO
<u>Drill</u>	<u>0</u>	<u>6</u>
<u>Brown clay &amp; Boulders</u>	<u>6</u>	<u>40</u>
<u>Brown clay &amp; silt</u>	<u>40</u>	<u>55</u>
<u>Gravel layer</u>	<u>55</u>	<u>60</u>
<u>Water Bearing</u>		



Work started May 25, 1987. Completed May 30, 1987

### WELL DRILLER'S STATEMENT:

This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.

**MOUNTAIN WELL DRILLING**  
P.O. Box 144  
OLEUM, WASH 98922 (Type or print)  
(809) 674-2546

Address.....  
[Signed] Steven E. Berg  
(Well Driller)

License No. 1355 Date....., 19.....

The Department of Ecology does NOT warrant the Data and/or the Information on this Well Report.

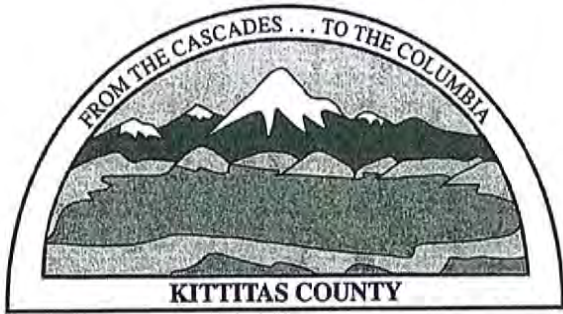












## PUBLIC HEALTH DEPARTMENT

[www.co.kittitas.wa.us/health/](http://www.co.kittitas.wa.us/health/)

**Administration**  
**Community Health Services**  
**Health Promotion Services**  
507 N. Nanum Street, Ste 102  
Ellensburg, WA 98926  
Phone: (509) 962-7515  
Fax: (509) 962-7581

**Environmental Health**  
411 N. Ruby Street, Ste. 3  
Ellensburg, WA 98926  
Phone: (509) 962-7698  
Fax: (509) 962-7052

January 25, 2007

Encompass Engineering & Surveying  
108 E 2<sup>nd</sup> St  
Cle Elum, WA 98922

Dear Mr. Nelson,

We have received the proposed Wenger Short Plat, located in Section 29, Township 20N, Range 14E, off of Nelson Siding Road. We have also received the \$376.88 plat submission fee (receipt #049517/049516).

For plat approval both sewage and water availability must be satisfactorily addressed. Refer to WAC 246-272-20501 and 246-272-09501 for septic and well setbacks.

For sewage disposal you have two options:

1. **PUBLIC UTILITY SEWER**

Submit a signed letter of agreement between the responsible public utility official and the developer/owner or other documentation that provides proof of connection to public sewer.

2. **ON SITE SEWAGE**

Soil logs will need to be scheduled and dug at a mutually convenient time. The developer/owner shall provide soil logs as per Chapter 246-272 WAC or as amended. The information obtained will be recorded and placed in your plat file for future reference. The information obtained from these soil logs is for plat approval purposes only and do not constitute a site evaluation in conjunction with the issuance of a permit for any specific lot.

Prior to receiving final approval for subdivisions (short and long plats) in Kittitas County, applicants shall be required to show the adequacy of potable water supplies proof of potable water supply can be demonstrated four ways:

1. **PUBLIC UTILITY WATER SUPPLY APPLICANTS** – shall submit a signed letter of agreement with the responsible public utility official and the developer/owner, granting delivery of potable water for the entire development.
2. **GROUP "A" PUBLIC WELL** – if you have an existing well and a Department of Ecology issued "water right" for potable usage of the well, the Washington State Department of Health is the regulatory authority for approving Group A systems. Mr. Tom Justus is the Regional Engineer for

**RECEIVED**

**JAN 31 2007**

**Kittitas County  
CDS**

Kittitas County. His office is located in Spokane, Washington. His number is: (509) 456-2453. We will require written verification that DOH has approved the system prior to final plat approval. If you have not secured a water right for potable use you must contact the Washington State Department of Ecology (Central Region Office) located in Yakima, Washington to begin the process of obtaining a water right. Their contact number is: (509) 575-2800.

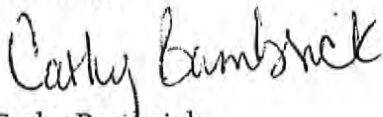
3. GROUP "B" PUBLIC WELLS – the Kittitas County Environmental Health Department must first perform a source site inspection to approve the location of the proposed well or if the well exists to ensure that it meets the criteria for approval. The well must be drilled and/or located within the subdivision boundaries, all infrastructure completed and within the utility corridors, the workbook and all related documentation including testing and satisfactory results must be submitted, reviewed, and approved. Concurrence from the State Department of Health and issuance of a well ID number will complete the requirement.
4. INDIVIDUAL WELLS – the submittal of well logs or a hydrogeological report with documentation/evidence to support the claim regarding adequate availability of groundwater for the proposed number of potable water wells. This report shall be submitted by a Professional Engineer who practices in the field of hydrology or by a licensed Hydrogeologist.

All applicants for subdivision (short and long plats) utilizing wells shall have a note placed on the face of the final mylars that states:

*"Kittitas County relies on its record that a supply of potable water exists. The approval of this division of land includes no guarantee or assurance that there is a legal right to withdraw groundwater within the land division."*

Once we have received and reviewed complete information, we will notify Community Development Services through our EH Checklist that you have satisfactorily addressed health department requirements.

Sincerely,



Cathy Bambrick  
Kittitas County Environmental Health Manager

cc: Community Development Services  
cc: Mark Wenger/Darcy Spencer-Wenger

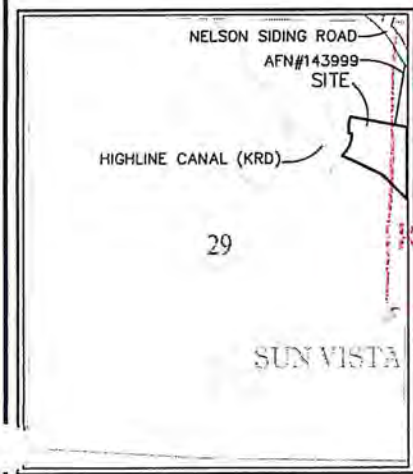
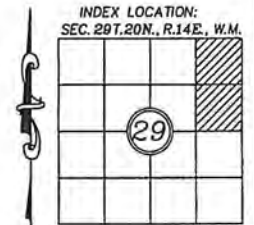
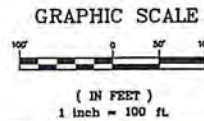
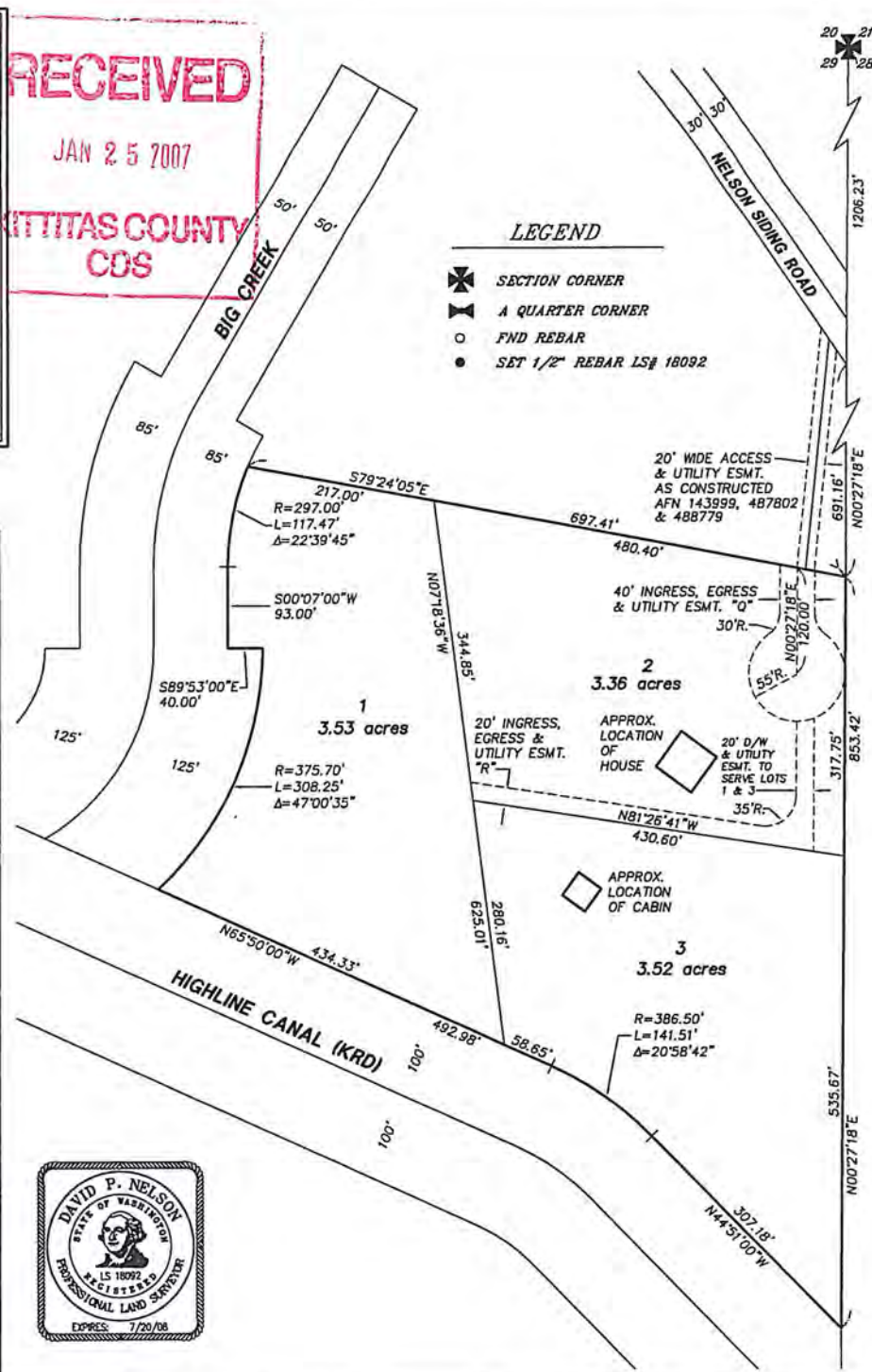
**WENGER SHORT PLAT**  
**KITTITAS COUNTY SHORT PLAT NO. 07-XX**  
**PORTION OF THE NE 1/4, SEC.29 T.20N., R.14E., W.M.**  
**KITTITAS COUNTY, WASHINGTON**

**SURVEY NOTES:**

1. THE EXTERNAL BOUNDARY OF THIS SHORT PLAT IS CONCEPTUAL AT THIS TIME. A CORRECT BOUNDARY WILL BE PROVIDED AT FINAL SHORT PLAT.
2. THE PURPOSE OF THIS DOCUMENT IS TO SHORT PLAT PARCEL NUMBER 479134, MAP NUMBER 20-14-29010-0010, TO THE CONFIGURATION SHOWN HEREOF.
3. KITTITAS COUNTY RELIES ON ITS RECORD THAT A SUPPLY OF POTABLE WATER EXISTS. THE APPROVAL OF THIS DIVISION OF LAND INCLUDES NO GUARANTEE OR ASSURANCE THAT THERE IS A LEGAL RIGHT TO WITHDRAW GROUNDWATER WITHIN THE LAND DIVISION.
4. CONTOURS ARE NOT ESTABLISHED FOR THE PARCEL SHOWN HEREOF. THE PROPERTY IS PRIMARILY FLAT WITH A GRADUAL SLOPE TO THE NORTH.

**LEGEND**

- SECTION CORNER
- A QUARTER CORNER
- FND REBAR
- SET 1/2" REBAR LS# 18092



**RECEIVED**  
**JAN 25 2007**  
**KITTITAS COUNTY**  
**COS**

**VICINITY MAP**  
N.T.S.

**APPROVALS**

**KITTITAS COUNTY PUBLIC WORKS**

EXAMINED AND APPROVED This \_\_\_\_ day of \_\_\_\_\_ A.D., 20\_\_\_\_

\_\_\_\_\_  
 Kittitas County Engineer

**COUNTY PLANNING DIRECTOR**

I hereby certify that the "WENGER" Short Plat has been examined by me and find that it conforms to the comprehensive plan of the Kittitas County Planning Commission.

dated this \_\_\_\_ day of \_\_\_\_\_ A.D., 20\_\_\_\_

\_\_\_\_\_  
 Kittitas County Planning Director

**KITTITAS COUNTY HEALTH DEPARTMENT**

Preliminary inspection indicated soil conditions may allow use of septic tanks as a temporary means of sewage disposal for some, but not necessarily all building sites within this short plat. Prospective purchasers of lots are urged to make inquiries at the County Health Department about issuance of septic tank permits for lots.

Dated this \_\_\_\_ day of \_\_\_\_\_ A.D., 20\_\_\_\_

\_\_\_\_\_  
 Kittitas County Health Officer

**CERTIFICATE OF COUNTY TREASURER**

I hereby certify that the taxes and assessments are paid for the preceding years and for this year in which the plat is now to be filed.

Dated this \_\_\_\_ day of \_\_\_\_\_ A.D., 20\_\_\_\_

\_\_\_\_\_  
 Kittitas County Treasurer

ORIGINAL TAX LOT NO. 20-14-29010-0010 (479134)

**RECORDER'S CERTIFICATE** .....

Filed for record this.....day of ..... 20.....at.....M in book.....of.....at page.....of the request of

**DAVID P. NELSON**  
 Surveyor's Name

..... County Auditor      ..... Deputy County Auditor

**SURVEYOR'S CERTIFICATE**

This map correctly represents a survey made by me or under my direction in conformance with the requirements of the Survey Recording Act at the request of...**MARK & DARCY WENGER**..... in...**NOV.....2006**.

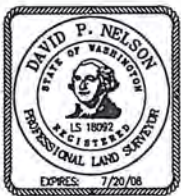
**DAVID P. NELSON**.....DATE.....  
 Certificate No. **18092**.....

**K.C.S.P. NO. 07-XX**  
**Ptn. of the NE1/4 of Sec. 29, T.20N., R.14E., W.M.**  
**Kittitas County, Washington**

DWN BY <b>G. WEISER</b>	DATE <b>01/07</b>	JOB NO. <b>08305</b>
CHKD BY <b>D. NELSON</b>	SCALE <b>1"=100'</b>	SHEET <b>1 OF 2</b>

**Encompass** ENGINEERING & SURVEYING

108 EAST 2ND STREET  
 CLE ELUM, WA 98922  
 PHONE: (509) 674-7433  
 FAX: (509) 674-7419



SP-07-07



# KITTITAS COUNTY COMMUNITY DEVELOPMENT SERVICES

411 N. Ruby St., Suite 2, Ellensburg, WA 98926

CDS@CO.KITTITAS.WA.US

Office (509) 962-7506

Fax (509) 962-7682

## SHORT PLAT APPLICATION

(To divide lot into 2-4 lots)

KITTITAS COUNTY ENCOURAGES THE USE OF PRE-APPLICATION MEETINGS. PLEASE CALL THE DEPARTMENT IF YOU WOULD LIKE TO SET UP A MEETING TO DISCUSS YOUR PROJECT. INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED.

PLEASE TYPE OR PRINT CLEARLY IN INK. ATTACH ADDITIONAL SHEETS AS NECESSARY. THE FOLLOWING ITEMS MUST BE ATTACHED TO THIS APPLICATION PACKET:

### REQUIRED ATTACHMENTS

- Five large copies of short plat with all preliminary drawing requirements complete (reference KCC Title 16 Subdivision Code for plat drawing requirements) and one small 8.5"x11" copy.
- Address list of all landowners within 300 feet of the site's tax parcel. If adjoining parcels are owned by the applicant, the 300 feet extends from the farthest parcel. If the parcel is within a subdivision with a Homeowners or Road Association, please include the address of the association.

### OPTIONAL ATTACHMENTS

(Optional at preliminary submittal, but required at the time of final submittal)

- Certificate of Title (Title Report)
- Computer lot closures *will be furnished with final submittal*

### FEES:

*\$376.00* \$190 plus \$10 per lot for Public Works Department;  
 \$240 plus \$50/hr. over 2.5 hrs. for Environmental Health Department;  
 \$450 for Community Development Services Department  
 (One check made payable to KCCDS)

### FOR STAFF USE ONLY

I CERTIFY THAT I RECEIVED THIS APPLICATION AND IT IS COMPLETE.

SIGNATURE:

X *[Handwritten Signature]*

DATE:

*1.25.07*

RECEIPT #

*049516*  
*049517*

NOTES:



DARRYL PIERCY, DIRECTOR

ALLISON KIMBALL, ASSISTANT DIRECTOR

COMMUNITY PLANNING • BUILDING INSPECTION • PLANS EXAMINATION • ADMINISTRATION • PERMIT SERVICES • INVESTIGATION • ENFORCEMENT • GIS

1. Name, mailing address and day phone of land owner(s) of record:

Name: MARK & DARCY WENGER  
Mailing Address: 4684 NELSON SIDING ROAD  
City/State/ZIP: CLE ELUM WA 98922  
Day Time Phone: (206) 650-3272 206-683-1555  
Email Address: \_\_\_\_\_

2. Name, mailing address and day phone of authorized agent (if different from land owner of record):

Agent Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
City/State/ZIP: \_\_\_\_\_  
Day Time Phone: \_\_\_\_\_  
Email Address: \_\_\_\_\_

3. Contact person for application (select one):

Owner of record  Authorized agent

All verbal and written contact regarding this application will be made only with the contact person.

4. Street address of property:

Address: 4684 NELSON SIDING ROAD  
City/State/ZIP: CLE ELUM WA 98922

5. Legal description of property:

A PORTION OF THE NE1/4 OF SECTION 29, TOWNSHIP 20N., RANGE 14E., W.M., KITTITAS COUNTY, WA

6. Tax parcel number(s): 20-14-29010-0010 (479134)

7. Property size: 10.45 (acres)

8. Narrative project description: Please include the following information in your description: describe project size, location, water supply, sewage disposal and all qualitative features of the proposal; include every element of the proposal in the description (be specific, attach additional sheets as necessary):

3 LOT SHORT PLAT, ZONE: AG-3, WATER: INDIVIDUAL WELLS, SEWER: SEPTIC

9. Are Forest Service roads/easements involved with accessing your development?  Yes (explain)  No

---

10. What County maintained road(s) will the development be accessing from?  
NELSON SIDING ROAD

---

11. Application is hereby made for permit(s) to authorize the activities described herein. I certify that I am familiar with the information contained in this application, and that to the best of my knowledge and belief such information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities. I hereby grant to the agencies to which this application is made, the right to enter the above-described location to inspect the proposed and or completed work.

Signature of Authorized Agent:

Date:

X \_\_\_\_\_

\_\_\_\_\_

Signature of Land Owner of Record:  
(Required for application submittal)

Date:

  
\_\_\_\_\_

1/3/07  
1/3/07



## **WENGER SHORT PLAT PRELIMINARY SHORT PLAT**

### **OVERVIEW:**

The attached proposal is a 3 lot short plat in accordance to KCC Chapter 16.32. The proposed total acreage is  $\pm 10.41$  acres consisting of one existing parcel. Both properties are located within the Ag-3 zoning of Kittitas County. Please see attached plan for proposed lot configuration.

### **BACKGROUND:**

The property is currently being used as a single family residents by the applicant. There are two structures on-site and approximately shown on the enclosed map. A more accurate location of existing site improvements will be provided after the Spring thaw.

### **UTILITIES:**

The project's proposed sewer shall be individual septic and proposed water will be individual and shared well. An existing well is on-site. No KR D water is provided to this parcel.

### **TRANSPORTATION:**

Offsite – Improvements are proposed along existing 20-foot easement (AFN. 143999) connecting the project into Nelson Siding Road. A variance request is enclosed to allow for more than two lots to be served from this easement.

Onsite – Road improvements will be designed according to the Kittitas County Road Standards. A 40-foot easement with a cul-de-sac will be provided and constructed for the proposed project. Please see enclosed map for roadway configuration.

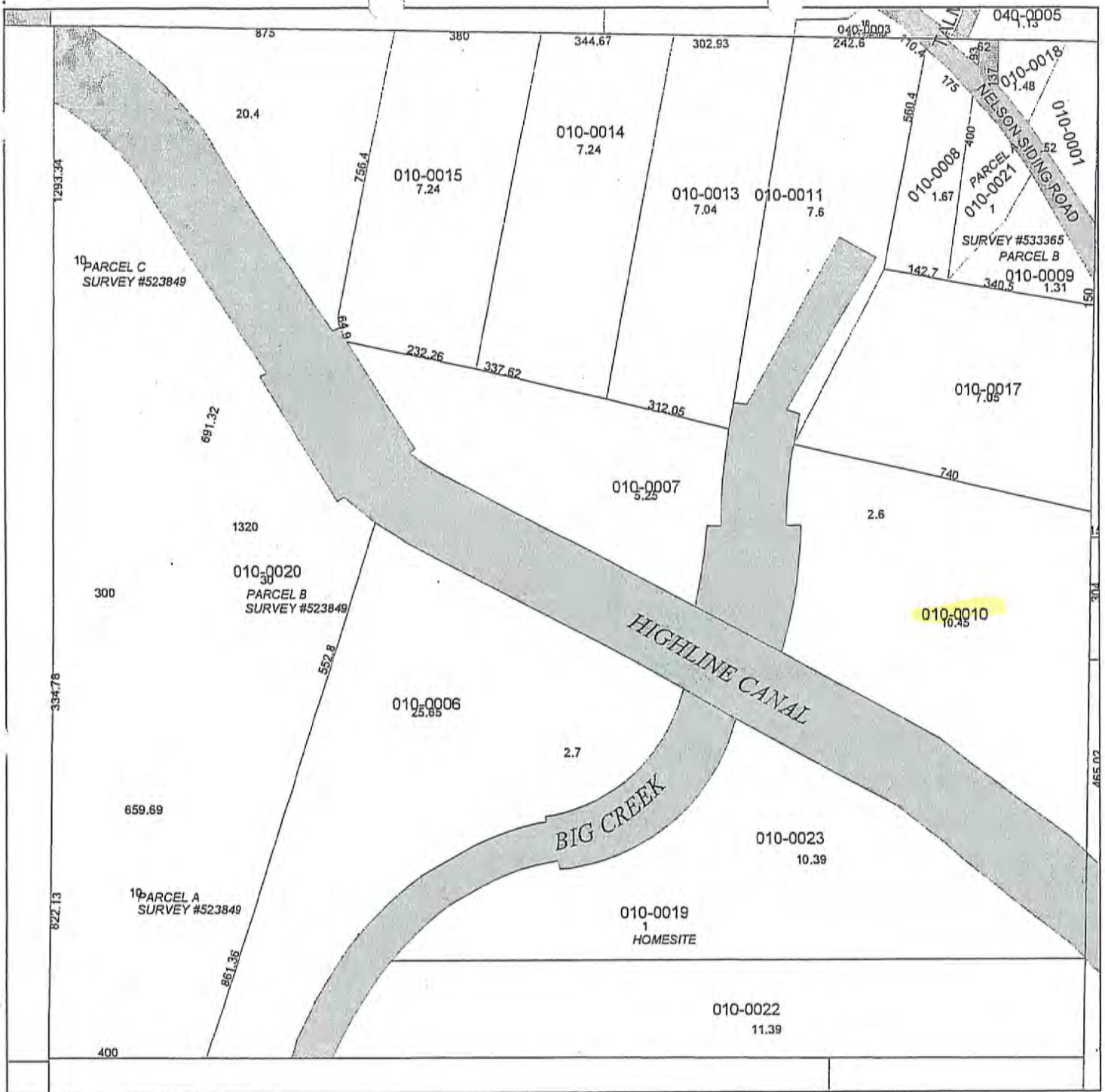
### **Miscellaneous:**

The applicant is aware that a road maintenance agreement, Kittitas County access permit & road certification will need to be provided prior to the issuance of a building permit. A more detailed & accurate survey map will be provided after the Spring thaw showing more accurately the existing structures, driveways and boundary for the proposed short plat.

### **COMMENTS:**

Attached are copies of the proposed Short Plat, Variance Request, Subdivision Guarantee, Adjacent Ownership, Application and County Short Plat fees.





Township: 20 Range: 14 Section: 29-NE Qtr

ParcelView 4.0.1



**Encompass Engineering & Surveying**  
 108 East 2nd Street, Cle Elum, Washington 98922  
 Phone: (509) 674-7433 Fax: (509) 674-7419

# LETTER OF TRANSMITTAL

TO Kititas CO CDS  
Ellensburg WA

DATE	<u>1-25-07</u>	JOB NO.	<u>06305</u>
ATTENTION			
RE:	<u>Wenger Short Plat (preliminary)</u>		

GENTLEMEN:

- WE ARE SENDING YOU  Attached  Under separate cover via \_\_\_\_\_ the following items:
- Shop drawings       Prints       Plans       Samples       Specifications
- Copy of letter       Change order       \_\_\_\_\_

COPIES	DATE	NO.	DESCRIPTION
<u>5</u>		<u>2</u>	<u>Copies of Short Plat</u>
<u>1</u>			<u>Sub-Div. Guarantee</u>
<u>1</u>			<u>300' R List of Owners &amp; map</u>
<u>1</u>			<u>Application</u>
<u>1</u>			<u>8 1/2 x 11 map</u>
<u>2</u>			<u>Road Variance</u>
<u>2</u>			<u>Overview</u>
<u>1</u>			<u>County fees</u>

THESE ARE TRANSMITTED: as checked below:

- For approval       Approval as submitted       Resubmit \_\_\_\_\_ copies for distribution
- For your use       Approval as noted       Submit \_\_\_\_\_ copies for distribution
- As requested       Returned for corrections       Return \_\_\_\_\_ corrected prints
- For review and comment       \_\_\_\_\_
- FOR BIDS DUE \_\_\_\_\_ 20 \_\_\_\_\_  PRINTS RETURNED AFTER LOAN TO US

REMARKS

Copies of AfN 143999, 487802  
AND 488779 for Randy (P.W.)



COPY TO \_\_\_\_\_

SIGNED: Gmgh Jensen

*If enclosures are not as noted, kindly notify us at once.*

bachelor, who are personally known to me to be the persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that they signed, sealed, and delivered said instrument of writing as their free and voluntary act, for the uses and purposes therein set forth.

Given under my hand and official seal, this 18th day of November, 1938.

Eatherine E. VanSlyke  
Notary Public for Washington, residing  
at Yakima.

(Notary Seal)  
My commission expires:  
September 17, 1939.

STATE OF WASHINGTON, )  
County of Yakima. ) ss.

I, the undersigned, a Notary Public in and for said county, in the State aforesaid, do hereby certify that George Jackson and Kenneth McColl, who are personally known to me to be the persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and acknowledged to me that they are partners of that certain partnership known as Jackson & McColl and that the foregoing deed was executed by them on behalf of the said partnership, for the purposes in said instrument intended, and that they were authorized to execute said deed on behalf of the said partnership.

Given under my hand and official seal, this 18th day of November, 1938.

Eatherine E. VanSlyke  
Notary Public for Washington residing  
at Yakima.

(Notary Seal)  
My commission expires:  
September 17, 1939.

Filed for Record November 23, 1938 at 1:50 P. M.  
Request of Kittitas County Abstract Company.

Gerald S. Porter, County Auditor.  
By Lucille Morrison, Deputy.

RECORDING NO. 143999

29-20-14

GEORGE C. DARLING ET UX ET AL  
TO  
JACOB KORFUS

WARRANTY DEED

143999

THE GRANTORS George C. Darling and Maude N. Darling, husband and wife, and Louise E. Diener, a widow for and in consideration of three hundred ninety-three (\$393.00) Dollars, in hand paid, convey and warrant to Jacob Korfus grantee, in fulfillment and full settlement of the contract between the parties dated July 1, 1936, and recorded in Book 56 of Deeds at page 585, records of Kittitas County, Washington, the following tract of land referred to in said contract which has been surveyed, and is described from said survey, as follows:

Beginning at a stake on the north boundary line of section 29, in township 20 north, range 14 east, W. M. distant 469.2 feet west of the northeast corner of said section 29; said stake stands on the intersection point of said north boundary with the south right of way line of the County Road; thence along said right of way line which bears S. 52 deg 17' east 110.4 feet; thence south 10 deg 10' west 560.4 feet; thence south 80 deg 45' east 483.2 feet to an iron pipe on the east boundary line of said section 29; thence south 0 deg 10' W. on said east boundary line 529.5 feet to an iron pipe; thence north 77 deg 18' west 1900.1 feet; thence north 26 deg 58' west 64.9 feet; thence north 11 deg 02' east 756.4 feet to a stake on the north boundary line of said section 29; thence north 89 deg 26' east 1274.8 feet along the north boundary to the place of beginning. Containing 36.00 acres more or less. The grantee assumes all taxes levied thereon since July 1, 1936.

The grantors reserve a right of way across said tract 18 feet wide along the east line of said section 29 for a road, and also reserve the right of way of the present road running in a northerly and southerly direction across said tract and used by the grantors in reaching

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KITITAS COUNTY  
CDS

their lands lying south of the High Line Canal; and the grantors further reserve all rights of way for the irrigation ditches of the grantors as now laid out and used by the grantors across said tract, and grantors also reserve the right of way for the House Pipe Line supplying water for domestic purposes to the grantors.

The grantors hereby grant to the grantees an easement for the construction and maintenance of an irrigation ditch across any intervening lands of the grantors to enable the grantees to take and convey water for the purposes of irrigation upon the above described tract from the said High Line Canal.

Situated in the County of Kittitas, State of Washington.

Dated this 24th day of September, 1933.

WITNESSES:

George C. Darling (Seal)

Kaude H. Darling (Seal)

Mrs. Louise K. Diener (Seal)

STATE OF WASHINGTON, }  
County of Kittitas. } ss.

I, Geo. E. Canfield, a Notary Public in and for the State of Washington, do hereby certify that on this 24th day of September, 1933, personally appeared before me George C. Darling and Kaude H. Darling, husband and wife, and Louise K. Diener, a widow, to me known to be the individuals described in, and who executed the within instrument, and acknowledged that they signed and sealed the same as their free and voluntary act and deed for the uses and purposes therein mentioned.

GIVEN Under my hand and official seal this 24th day of September, A. D. 1933.

(Notary Seal)  
Com. Exp. Jan. 8, 1939.

Geo. E. Canfield  
Notary Public in and for the State of  
Washington, residing at Cle Elum.

Filed for Record November 23, 1933 at 2:42 P. M.

Gerald S. Porter, County Auditor.

Request of Jacob Korfas.

By Ira R. Byas, Deputy.

RECORDING NO. 114005

ALBERT W. SCHROEDER ET UX

TO

EASEMENT

ANNA R. KOHLER

Know all men by these presents; That Albert W. Schroeder and Nellie Schroeder, his wife, of Kittitas County, Washington, are the owners of the NE 1/4 of the NW 1/4 of Section 12 of Township 17 N. of Range 18 E.W.M. in Kittitas County, Washington, called herein "Tract (A)" and they are herein called first party and Anna R. Kohler of Kittitas County, Washington, herein called the second party is the owner of SW 1/4 of the NE 1/4 of Section 12 of Township 17 N. of Range 18 E.W.M., the NE 1/4 of the SW 1/4 and NE 1/4 of the SE 1/4 of SW 1/4 of said Section 12 herein called "Tract (B)" adjoining "Tract (a)" and also located in said Kittitas County.

All the easements, covenants and agreements herein contained and set out shall run with the title to the respective "Tracts (A) and (B)" and endure to the benefit of and be a charge upon the several tracts described no matter who may now have or may hereafter obtain title to such property or any part thereof, and rights of ingress and egress necessary to carry such rights into effect shall follow such covenants, agreements and easements as herein set forth binding all present and future owners of the tracts in question or any part thereof.

Second party may at her own expense construct, maintain and operate a ditch for the purpose of conveying irrigating water to be used on Tract (B) over and across Tract (A) on a route the center line of which begins at a point 194 feet North of the Southwest corner of

GRANTOR             
 GRANTEE             
 COMPARED             
 GRANTOR   /    
 GRANTEE   /    
 COMPARED   ✓  

~~487502~~

488779

RECORDED  
 1985 MAY 28 AM 11:07

Real Estate Excise Tax  
 Exempt  
 BETTE J. SPENCE  
 Kittitas County Treasurer  
 By             
 No 5-28-85  
 2012672012

AMENDED  
 AGREEMENT AND DEED

COME NOW the parties hereto, EARL E. GENTRY and VALERIE K.

GENTRY, husband and wife, hereinafter referred to as "Gentry," and RAY JOHNSON, a single person at all times on and since November 26, 1980, hereinafter referred to as "Johnson," who hereby agree as follows:

1. The parties hereto now jointly own the following described real estate in Kittitas County, Washington:

All that part of the following described portion of the Northeast Quarter (NE ¼) of Section Twenty-nine (29), Township Twenty (20) North, Range Fourteen (14) E.W.M., County of Kittitas, State of Washington, which lies East of Big Creek; A tract of land bounded by a line beginning at a point on the North boundary line of said quarter section which is 1,274.8 feet South 89°26' West of the intersection of the South boundary line to the right-of-way of the county road with the North boundary line of said quarter section, and running thence South 11°02" West 756.4 feet; thence South 26°58' East 64.9 feet; thence South 77°18' East 1,900.1 feet to the East boundary line of said quarter section, thence South along the East boundary line of said quarter section to the Southeast corner thereof; thence West along the South boundary line of said quarter section to the Southwest corner thereof; thence North along the West boundary line of said quarter section to the Northwest corner thereof; and thence East along the North boundary line of said quarter section to the point of beginning. INCLUDING 35 inches of second class water right from Big Creek appurtenant to said land.

INCLUDING ALSO the perpetual non-exclusive use of private right of way 150 feet in length and 15 feet in width along the section line, as reserved in Warranty Deed dated August 21, 1906 between CHRISTOPHER F. DIENER, et ux, and JAMES ADAMS, recorded in Book 11 of Deeds at page 562, records of Kittitas County, Washington. INCLUDING ALSO all irrigation ditches and ditch rights-of-way appurtenant thereto, and in particular the ditch known as the "Lund-Diener-Smith Ditch." INCLUDING ALSO the non-exclusive perpetual right to use an 18 foot right of way for road reserved by GEORGE C. DARLING and MAUDE M. DARLING, his wife, in Deed from DARLING to JACOB KORFUS, et ux, recorded in Volume 59 of Deeds at page 415, records of said County; said 18 foot right of way lying adjoining and West of the West edge of the Kittitas Reclamation District lateral which is 45 feet in width and lies along the East edge of the JACOB KORFUS property lying East of Big Creek, as more particularly described in Deed from DARLING to KORFUS recorded in Volume 59 of Deeds at page 414, records of said County.

KITTITAS COUNTY RECORDER  
 David Ellis  
 1985 JUL 11 AM 10:13

RECEIVED  
 JAN 25 2007  
 KITTITAS COUNTY  
 CDS

2. The parties hereto hereby agree to divide said property between them. For valuable consideration, the receipt whereof is

hereby acknowledged, Johnson hereby conveys and warrants to Gentry,  
the following described real estate:

All of that part of the following described portion of the Northeast Quarter (NE  $\frac{1}{4}$ ) of Section Twenty nine (29), Township Twenty (20) North, Range Fourteen (14) E.W.M., Kittitas County, Washington, which lies East of Big Creek and South of the Kittitas Reclamation District Canal; A tract of land bounded by a line beginning at a point on the North boundary line of said quarter section which is 1,274.8 feet South 89°26' West of the intersection of the South boundary line of the right-of-way of the County Road with the North boundary line of said quarter section, and running thence South 11°02' West 756.4 feet; thence South 26°58' East 64.9 feet; thence South 77°18' East 1,900.1 feet to the East boundary line of said quarter section; thence South along the East boundary line of said quarter section to the Southeast corner thereof; thence West along the South boundary line of said quarter section to the Southwest corner thereof; thence North along the West boundary line of said quarter section to the Northwest corner thereof; and thence East along the North boundary line of said quarter section to the point of beginning.  
INCLUDING 20 inches of second class water rights from Big Creek, appurtenant to said land.  
Said parcel hereinafter referred to as "Parcel A."

3. Gentry, for valuable consideration, the receipt whereof is hereby acknowledged, hereby conveys and warrants to Johnson, the following described real estate:

All of that part of the following described portion of the Northeast Quarter (NE  $\frac{1}{4}$ ) of Section Twenty nine (29), Township Twenty (20) North, Range Fourteen (14) E.W.M., Kittitas County, Washington, which lies East of Big Creek and North of the Kittitas Reclamation District Canal; A tract of land bounded by a line beginning at a point on the North boundary line of said quarter section which is 1,274.8 feet South 89°26' West of the intersection of the South boundary line of the rightofway of the County Road with the North boundary line of said quarter section, and running thence South 11°02' West 756.4 feet; thence South 26°58' East 64.9 feet; thence South 77°18' East 1,900.1 feet to the East boundary line of said quarter section; thence South along the East boundary line of said quarter section to the Southeast corner thereof; thence West along the South boundary line of said quarter section to the Southwest corner thereof; thence North along the West boundary line of said quarter section to the Northwest corner thereof; and thence East along the North boundary line of said quarter section to the point of beginning.  
INCLUDING 15 inches of second class water rights from Big Creek, appurtenant to said land.  
Said parcel hereinafter referred to as "Parcel B."

4. Johnson grants to Gentry and their heirs, successors and assigns, an easement over and across Parcel B for access to Parcel A, said access route described as follows:

Commencing at the Northeast corner of Parcel B; thence Southerly and Westerly along the existing Kittitas Reclamation District Lateral to the Kittitas Reclamation District Canal; thence Northwesterly along the Canal to existing road; thence continuing along said existing road to the existing road crossing the Kittitas Reclamation District Canal at the Big Creek siphon. Said easement shall be 20 feet in width.

Said easement is currently undeveloped in certain areas and Gentry, their heirs, successors and assigns shall have the right to utilize existing roadways until easement is fully developed along described easement route.

5. There are currently two (2) phone lines existing to cabin located on Parcel B. Gentry, their heirs, successors and assigns, shall be entitled to utilize one (1) of these phone lines, and are granted an easement for the maintenance and repair of said line in its present location and further for the installation of additional line from the existing cabin on Parcel B to point of crossing KRD Canal to serve Parcel A.

6. There are two (2) meter bases located at the existing cabin on Parcel B. Gentry, their heirs, successors and assigns, are granted an easement for the use and maintenance of said line, and are in addition granted an easement for the installation of power line from the existing easterly meter base south to the existing ten (10) inch pipe crossing KRD Canal, or alternatively, Gentry, their heirs, succesosrs and assigns, are granted the right to take power from the existing power pole at the southeast corner of Parcel B.

7. Gentry grants to Johnson, his heirs, successors and assigns, as easement for the purpose of constructing utilizing and maintaining an irrigation pond, said pond to be one-quarter (1/4) acre, or less, in size, said pond to be located in the Northeast corner of the hereinabove described Parcel A, for the purpose of serving Parcel B. Said pond shall be located adjacent to existing ten (10) inch pipe crossing KRD Canal, and shall include an easement for the purpose of transporting water from said pond to said existing pipeline or its replacement.

8. Easements and rights-of-way hereinabove provided shall run with the land and shall be rights-of-way and easements in perpetuity, binding upon all parties, their heirs, successors and assigns.

9. Gentry agrees to assume obligations with respect to mortgage recorded under Kittitas County Auditor's File No. 448620, together with obligations contained in Promissory Note secured thereby, holding Johnson harmless therefrom.

Johnson agrees to assume obligations under mortgage recorded under Kittitas County Auditor's File No. 448621, together with the Promissory Note secured thereby, holding Gentry harmless therefrom.





GRANTOR \_\_\_\_\_  
GRANTEE \_\_\_\_\_  
COMPARED \_\_\_\_\_

487802

RECORDED  
INDEXED  
1985 MAY 23 AM 11:07

State Excise Tax  
Exempt  
BETIE J. SPENCE  
Kittitas County Treasurer  
By *[Signature]*  
No 5-28-85  
2012672012

AGREEMENT AND DEED

COME NOW the parties hereto, EARL E. GENTRY and VALERIE K. GENTRY, husband and wife, hereinafter referred to as "Gentry," and RAY JOHNSON, a single person at all times on and since November 26, 1980, hereinafter referred to as "Johnson," who hereby agree as follows:

1. The parties hereto now jointly own the following described real estate in Kittitas County, Washington:

All that part of the following described portion of the Northeast Quarter (NE ¼) of Section Twenty-nine (29), Township Twenty (20) North, Range Fourteen (14) E.W.M., County of Kittitas, State of Washington, which lies East of Big Creek; A tract of land bounded by a line beginning at a point on the North boundary line of said quarter section which is 1,274.8 feet South 89°26' West of the intersection of the South boundary line fo the right-of-way of the county road with the North boundary line of said quarter section, and running thence South 11°02" West 756.4 feet; thence South 26°58' East 64.9 feet; thence South 77°18' East 1,900.1 feet to the East boundary line of said quarter section, thence South along the East boundary line of said quarter section to the Southeast corner thereof; thence West along the South boundary line of said quarter section to the Southwest corner thereof; thence North along the West boundary line of said quarter section to the Northwest corner thereof; and thence East along the North boundary line of said quarter section to the point of beginning. INCLUDING 35 inches of second class water right from Big Creek appurtenant to said land. INCLUDING ALSO the perpetual non-exclusive use of private right of way 150 feet in length and 15 feet in width along the section line, as reserved in Warranty Deed dated August 21, 1906 between CHRISTOPHER F. DIENER, et ux, and JAMES ADAMS, recorded in Book 11 of Deeds at page 562, records of Kittitas County, Washington. INCLUDING ALSO all irrigation ditches and ditch rights-of-way appurtenant thereto, and in particular the ditch known as the "Lund-Diener-Smith Ditch." INCLUDING ALSO the non-exclusive perpetual right to use an 18 foot right of way for road reserved by GEORGE C. DARLING and MAUDE M. DARLING, his wife, in Deed from DARLING to JACOB KORFUS, et ux, recorded in Volume 59 of Deeds at page 415, records of said County; said 18 foot right of way lying adjoining and West of the West edge of the Kittitas Reclamation District lateral which is 45 feet in width and lies along the East edge of the JACOB KORFUS property lying East of Big Creek, as more particularly described in Deed from DARLING to KORFUS recorded in Volume 59 of Deeds at page 414, records of said County.

2. The parties hereto hereby agree to divide said property between them. For valuable consideration, the receipt whereof is

RECEIVED

JAN 25 2007

KITTITAS COUNTY  
CDS

hereby acknowledged, Johnson hereby conveys and warrants to Gentry,  
the following described real estate:

All of that part of the following described portion of the Northeast Quarter (NE  $\frac{1}{4}$ ) of Section Twenty nine (29), Township Twenty (20) North, Range Fourteen (14) E.W.M., Kittitas County, Washington, which lies East of Big Creek and South of the Kittitas Reclamation District Canal; A tract of land bounded by a line beginning at a point on the North boundary line of said quarter section which is 1,274.8 feet South 89°26' West of the intersection of the South boundary line of the right-of-way of the County Road with the North boundary line of said quarter section, and running thence South 11°02' West 756.4 feet; thence South 26°58' East 64.9 feet; thence South 77°18' East 1,900.1 feet to the East boundary line of said quarter section; thence South along the East boundary line of said quarter section to the Southeast corner thereof; thence West along the South boundary line of said quarter section to the Southwest corner thereof; thence North along the West boundary line of said quarter section to the Northwest corner thereof; and thence East along the North boundary line of said quarter section to the point of beginning.  
INCLUDING 20 inches of second class water rights from Big Creek, appurtenant to said land.  
Said parcel hereinafter referred to as "Parcel A."

3. Gentry, for valuable consideration, the receipt whereof is hereby acknowledged, hereby conveys and warrants to Johnson, the following described real estate:

All of that part of the following described portion of the Northeast Quarter (NE  $\frac{1}{4}$ ) of Section Twenty nine (29), Township Twenty (20) North, Range Fourteen (14) E.W.M., Kittitas County, Washington, which lies East of Big Creek and North of the Kittitas Reclamation District Canal; A tract of land bounded by a line beginning at a point on the North boundary line of said quarter section which is 1,274.8 feet South 89°26' West of the intersection of the South boundary line of the rightofway of the County Road with the North boundary line of said quarter section, and running thence South 11°02' West 756.4 feet; thence South 26°58' East 64.9 feet; thence South 77°18' East 1,900.1 feet to the East boundary line of said quarter section; thence South along the East boundary line of said quarter section to the Southeast corner thereof; thence West along the South boundary line of said quarter section to the Southwest corner thereof; thence North along the West boundary line of said quarter section to the Northwest corner thereof; and thence East along the North boundary line of said quarter section to the point of beginning.  
INCLUDING 15 inches of second class water rights from Big Creek, appurtenant to said land.  
Said parcel hereinafter referred to as "Parcel B."

4 J Ison grants to Gentry and their heirs, successors and assigns, an easement over and across Parcel B for access to Parcel A, said access route described as follows:

Commencing at the Northeast corner of Parcel B; thence Southerly and Westerly along the existing Kittitas Reclamation District Lateral to the Kittitas Reclamation District Canal; thence Northwesterly along the Canal to existing road; thence continuing along said existing road to the existing road crossing the Kittitas Reclamation District Canal at the Big Creek siphon. Said easement shall be 20 feet in width.

Said easement is currently undeveloped in certain areas and Gentry, their heirs, successors and assigns shall have the right to utilize existing roadways until easement is fully developed along described easement route.

5. There are currently two (2) phone lines existing to cabin located on Parcel B. Gentry, their heirs, successors and assigns, shall be entitled to utilize one (1) of these phone lines, and are granted an easement for the maintenance and repair of said line in its present location and further for the installation of additional line from the existing cabin on Parcel B to point of crossing KRD Canal to serve Parcel A.

6. There are two (2) meter bases located at the existing cabin on Parcel B. Gentry, their heirs, successors and assigns, are granted an easement for the use and maintenance of said line, and are in addition granted an easement for the installation of power line from the existing easterly meter base south to the existing ten (10) inch pipe crossing KRD Canal, or alternatively, Gentry, their heirs, successors and assigns, are granted the right to take power from the existing power pole at the southeast corner of Parcel B.

7. Gentry grants to Johnson, his heirs, successors and assigns, as easement for the purpose of constructing utilizing and maintaining an irrigation pond, said pond to be one-quarter (1/4) acre, or less, in size, said pond to be located in the Northeast corner of the hereinabove described Parcel B, for the purpose of serving Parcel A. Said pond shall be located adjacent to existing ten (10) inch pipe crossing KRD Canal, and shall include an easement for the purpose of transporting water from said pond to said existing pipeline or its replacement.

8. Easements and rights-of-way hereinabove provided shall run with the land and shall be rights-of-way and easements in perpetuity, binding upon all parties, their heirs, successors and assigns.

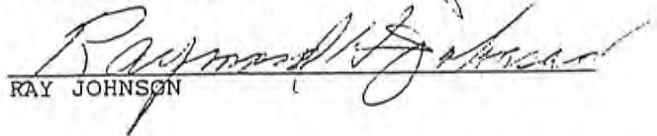
9. Gentry agrees to assume obligations with respect to mortgage recorded under Kittitas County Auditor's File No. 448620, together with obligations contained in Promissory Note secured thereby, holding Johnson harmless therefrom.

Johnson agrees to assume obligations under mortgage recorded under Kittitas County Auditor's File No. 448621, together with the Promissory Note secured thereby, holding Gentry harmless therefrom.

IN WITNESS WHERETO, the parties herein have executed this instrument as of the 24<sup>th</sup> day of <sup>May</sup> April, 1985.

  
 EARL E. GENTRY

  
 VALERIE K. GENTRY

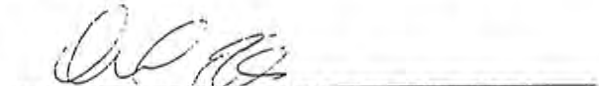
  
 RAY JOHNSON

STATE OF WASHINGTON )  
 ) ss.  
 County of Kittitas )

On this day personally appeared before me EARL E. GENTRY and VALERIE K. GENTRY, to me known to be the individuals described in and who executed the within and foregoing instrument and acknowledged that they signed the same as their free and voluntary act and deed for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 24 day of ~~April~~ 1985.




  
 Notary Public in and for the State of Washington, residing at Cle Elum

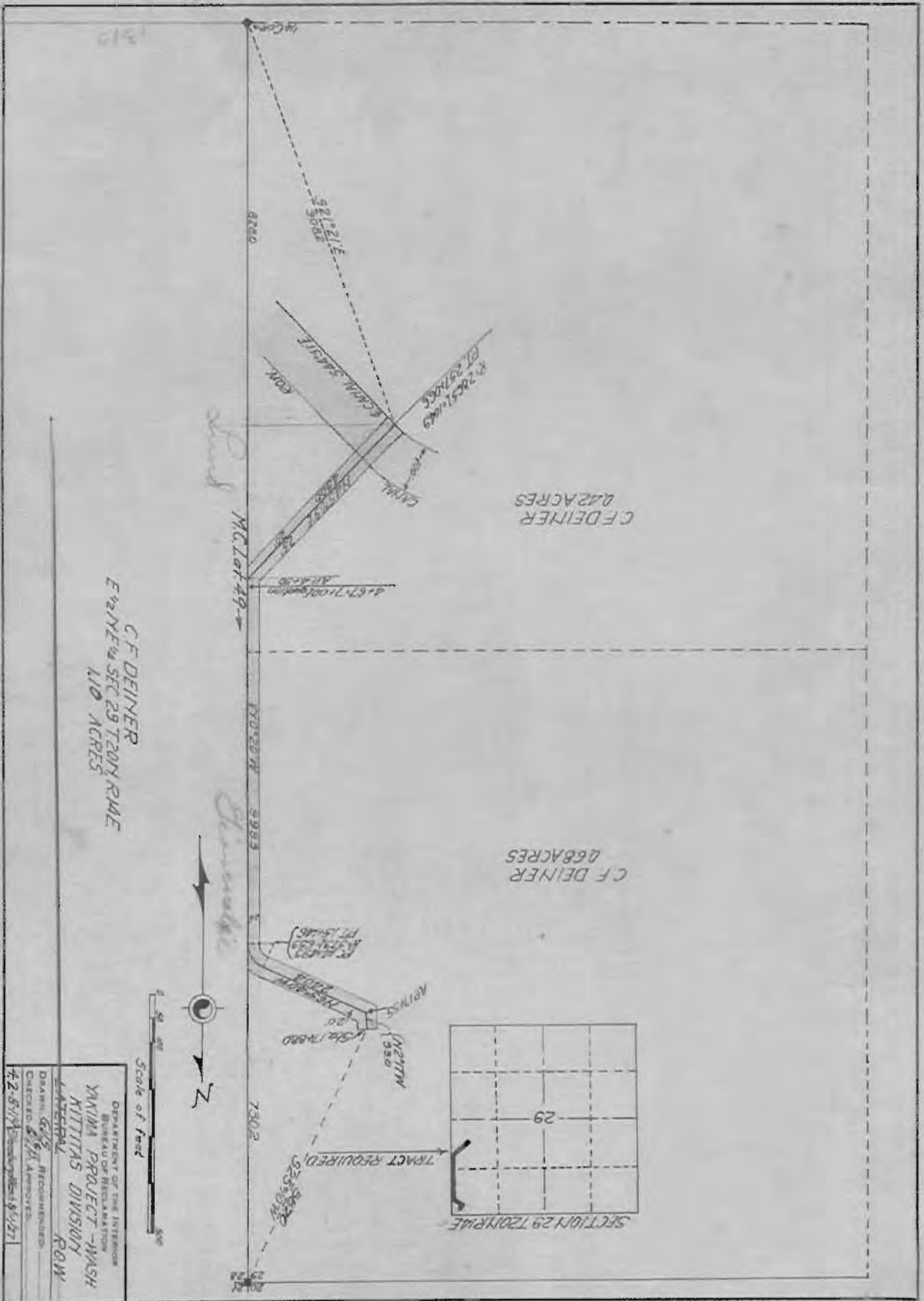
STATE OF WASHINGTON )  
 ) ss.  
 County of Kittitas )

On this day personally appeared before me RAY JOHNSON, to me known to be the individual described in and who executed the within and foregoing instrument and acknowledged that he signed the same as his free and voluntary act and deed for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 20 day of April, 1985.



  
 Notary Public in and for the State of Washington, residing at \_\_\_\_\_



C.F. DEINER  
E 1/2 NE 1/4 SEC 29 T20N R14E  
110 ACRES

C.F. DEINER  
0.22 ACRES

C.F. DEINER  
0.68 ACRES



Scale of feet  
1" = 50'

DEPARTMENT OF THE INTERIOR  
BUREAU OF RECLAMATION  
YANIMA PROJECT - WASH  
KITTITAS DIVISION  
R.O.W.  
DRAWN: G.S.S. RECHECKED:  
CHECKED: J.H. APPROVED:  
#2-817-10-10-51

All tubular...

Symbol No. I 12-428

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

Kittitas Division, Yakima Project

Contract with Kittitas Reclamation District for Canal Rights of Way.

1. THIS AGREEMENT, made this 13th day of November, 1928, in pursuance of the Act of June 17, 1902 (32 Stat., 386), and acts amendatory/or supplementary thereto, between THE UNITED STATES OF AMERICA, hereinafter styled the United States, represented by the officers executing and approving this agreement, and the KITTITAS RECLAMATION DISTRICT, a Reclamation District organized under the laws of the State of Washington and having its principal place of business at Ellensburg, Washington, hereinafter styled the District;

WITNESSETH:

2. That in consideration of the covenants herein specified, it is hereby mutually agreed by the parties hereto as follows:

3. WHEREAS, by a contract between the parties hereto dated December 19, 1925, the District agreed among other things to acquire, upon request of the United States, rights of way required in connection with the Kittitas Division of the Yakima Project, the United States to repay to the District the costs incurred by the District in securing such rights of way; and

4. WHEREAS, the United States has requested the District to secure rights of way for the Kittitas Division, and the District



has secured, at a cost to it of \$14,120.25, part of such rights of way described hereinafter;

5. The District agrees to sell and by good and sufficient warranty deed convey to the United States, free of lien or incumbrance, the following described real estate situated in the County of Kittitas, State of Washington, to-wit:

MAIN CANAL

TRACT NO. 1, (Hinz, Appraisers' Tract No. 7)

A tract of land within the Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$ ) and the Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$ ) of Section Thirty-Four (34) in Township Twenty (20) North, of Range Fourteen (14) East, Willamette Meridian, described as follows:

Beginning at a point at the Northeast corner of the said Northwest Quarter of the Northeast Quarter of section Thirty-four (34), which point is North 89°52' West, 1323.9 feet from the Northeast corner of said Section Thirty-four (34); thence South 0°30' West along the East boundary of the said Northwest Quarter of the Northeast Quarter of Section Thirty-four (34), 398.0 feet; thence North 85°25' West, 1625.0 feet; thence North 278.0 feet; thence South 89°52' East along the North boundary of the said Northeast Quarter of the Northwest quarter of Section Thirty-four (34); 300 feet to the North One Quarter Corner of said Section Thirty-four (34); thence South 89°52' East along the North boundary of the said Northwest Quarter of the Northeast Quarter of Section Thirty-four (34), 1323.9 feet to the point of beginning.

Said tract contains 12.41 acres, more or less.

TRACT NO. 2, (Carpenter, Appraisers' Tract No. 29)

A tract of land within the Southeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$ ), the North half of the Northeast Quarter (N $\frac{1}{2}$ NE $\frac{1}{4}$ ) and the Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$ ) of Section Eight (8)

east quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$ ) of Section Fourteen (14), Township Twenty (20) North, Range Thirteen (13) East Willamette Meridian, 15 feet in width on the southerly or right hand side (looking down stream) of a line fully described in that certain deed from Thomas Graybeal and wife to Kittitas Reclamation District, dated September 20, 1927 and recorded in Volume 45 of Deeds, Page 563, in the Auditor's Office of Kittitas County, Washington, said tract containing 0.21 acres, more or less.

TRACT No. 10. (Diener, Appraisers' Tract No. 2.)

A tract of land within the East half of the Northeast quarter (E $\frac{1}{2}$ NE $\frac{1}{4}$ ) of Section Twenty-nine (29), Township Twenty (20) North, Range Fourteen (14) East Willamette Meridian, except that portion within the right of way of the main canal of the Kittitas Reclamation District, 45 feet in width, being 25 feet on the westerly or left hand side (looking down stream) and 20 feet on the easterly or right hand side (looking down stream) of a line fully described in that certain deed from C. F. Diener and wife to Kittitas Reclamation District, dated September 26, 1927 and recorded in Volume 45 of Deeds, Page 561, in the Auditor's Office of Kittitas County, Washington, and containing 1.10 acres more or less.

TRACT No. 11. (Sowinski, Appraisers' Tract No. 11.)

A tract of land within the East half of the Southwest quarter (E $\frac{1}{2}$ SW $\frac{1}{4}$ ) of the Southeast quarter (SE $\frac{1}{4}$ ) of Section Two (2), Township Nineteen (19) North, Range Fifteen East, Willamette Meridian, excepting that portion within the right of way of the main canal of the Kittitas Reclamation District, 20 feet in width on the Northerly or right hand side (looking down stream) of a line fully described in that certain deed from Adam Sowinski and wife to Kittitas Reclamation District, dated May 18, 1928 and recorded in Book 46 of Deeds, Page 511, in the Auditor's Office of Kittitas County, Washington, and containing 0.04 acres, more or less.

Also a tract of land within the South half of the Southeast quarter (S $\frac{1}{2}$ SE $\frac{1}{4}$ ) of Section Two (2), Township Nineteen (19) North, Range Fifteen (15) East, Willamette Meridian, excepting that portion within the right of way of the main canal of the Kittitas Reclamation District, 36 feet in width, being 20 feet on the westerly or left hand side (looking down stream) and 16 feet on the easterly or right hand side (looking down stream) of a line fully described in said deed and containing 1.85 acres more or less.

Irrigation District (send early Notice, labels next to color printer)

Fire District # (Paste from List)

School District (Paste from List)

Kittitas County Public Works

City  
(If in or near Urban Growth Area)

Bonneville Power Administration  
(If applicable paste from list)

Kittitas County Enforcement and Investigation

Kittitas County Environmental Health

DITSWORTH, BRIAN ETUX & ZYLSTRA,  
GERALD R ETUX  
821 152ND PL SW  
LYNNWOOD WA 98037

(if applicable)  
Washington State DOT  
Rick Holmstrom  
PO Box 12560  
Yakima, WA 98909

Ellensburg Telephone  
Tom Stevens  
208 W. Third  
Ellensburg, WA 98926

KORFUS, JACOB W JR  
15004 132ND AVE SE  
RENTON WA 98058

KORFUS, EDWARD P ETUX  
4682 NELSON SIDING RD  
CLE ELUM WA 98922

MUSSO, LOUIS JR.  
PO BOX 656  
NEWPORT WA 99156

FERGUSON, THOMAS L. ETUX TRUSTEES  
5692 NELSON SIDING RD  
CLE ELUM WA 98922

GIOVENALE, PETER R.  
1510 127TH SE  
BELLEVUE WA 98005

WENGER, MARK E ETUX  
26207 SE 162ND PL  
ISSAQUAH WA 98027-027-

MERVOS, DARREL W. ETUX  
4300 NELSON SIDING RD  
CLE ELUM WA 98922

RITTER, BRYAN G. ETUX  
24 LUND LN  
CLE ELUM WA 98922

BETTINGER, THOMAS J & BETTINGER, TRACI  
R TRUSTEES  
6410 106TH AVE NE  
KIRKLAND WA 98033-7010

RANCH PROPERTIES, INC. % STAHELI, JERI  
12711 BEVERLY PARK RD  
LYNNWOOD WA 98087-1509

DARLING, FRED C  
5171 NELSON SIDING ROAD  
CLE ELUM, WA 98922

300' RADIUS OF 20-14-29010-0010  
JOB #06305

20-14-29010-0013  
DITSWORTH, BRIAN ETUX  
& ZYLSTRA, GERALD R ETUX  
821 152ND PL SW  
LYNNWOOD WA 98037

20-14-29010-0011  
KORFUS, JACOB W JR  
15004 132ND AVE SE  
RENTON WA 98058

20-14-29010-0017  
KORFUS, EDWARD P ETUX  
4682 NELSON SIDING RD  
CLE ELUM WA 98922

20-14-28020-0004  
MUSSO, LOUIS JR.  
PO BOX 656  
NEWPORT WA 99156

20-14-29010-0007  
FERGUSON, THOMAS L. ETUX TRUSTEES  
5692 NELSON SIDING RD  
CLE ELUM WA 98922

20-14-28020-0005  
GIOVENALE, PETER R.  
1510 127TH SE  
BELLEVUE WA 98005

20-14-28020-0013  
MERVOS, DARREL W. ETUX  
4300 NELSON SIDING RD  
CLE ELUM WA 98922

20-14-28020-0017  
RITTER, BRYAN G. ETUX  
24 LUND LN  
CLE ELUM WA 98922

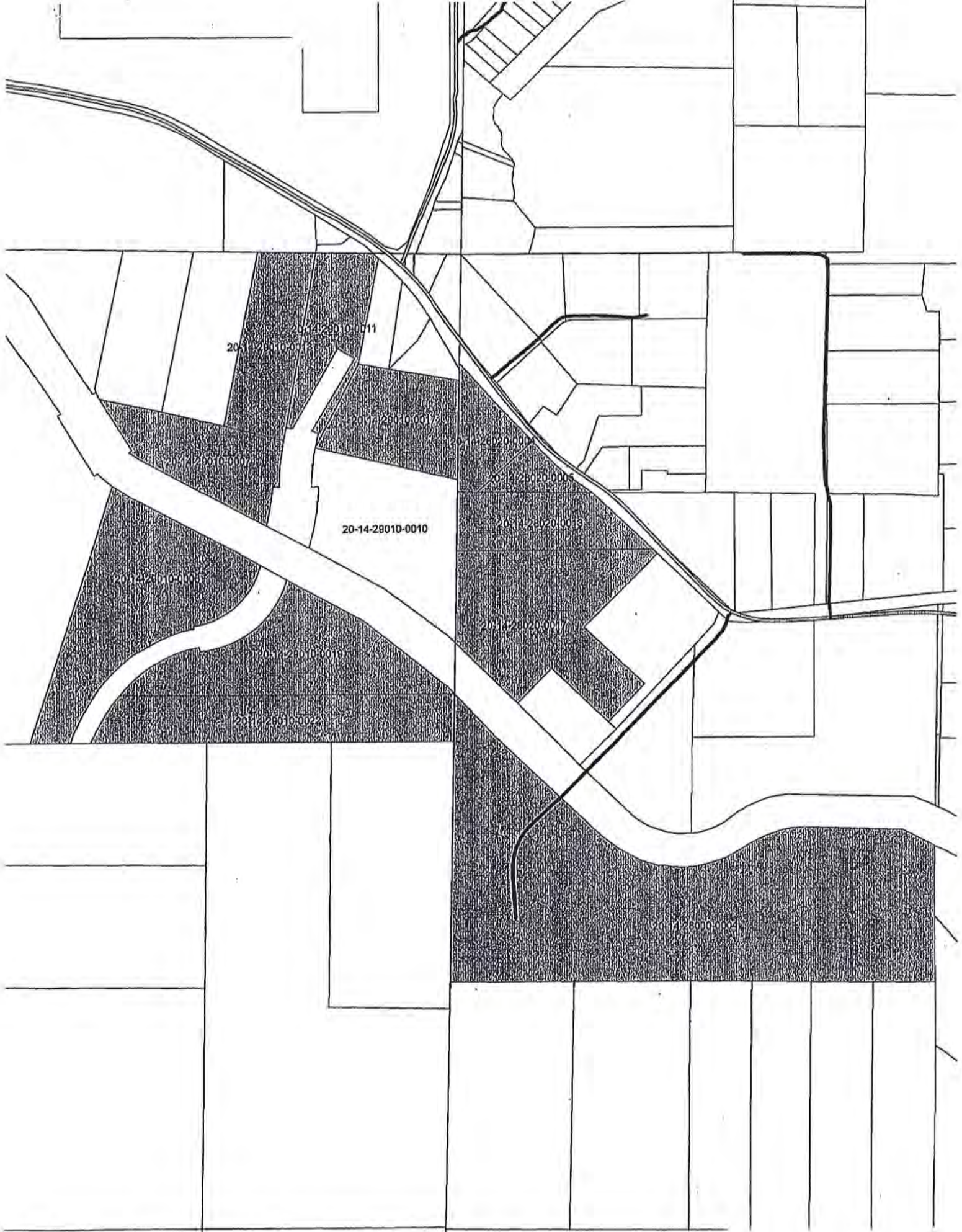


20-14-29010-0022  
BETTINGER, THOMAS J  
& BETTINGER, TRACI R TRUSTEES  
6410 106TH AVE NE  
KIRKLAND WA 98033-7010

20-14-28000-0004  
RANCH PROPERTIES, INC.  
% STAHELI, JERI  
12711 BEVERLY PARK RD  
LYNNWOOD WA 98037

20-14-29010-0019  
BETTINGER, THOMAS J  
& BETTINGER, TRACI R TRUSTEES  
6410 106<sup>TH</sup> AVE NE  
KIRKLAND WA 98033-7010

20-14-29010-0006  
DARLING, C FRED  
5171 NELSON SIDING RD  
CLE ELUM WA 98922



20-14-23010-0001

20-14-23010-0011

20-14-23010-0010

20-14-23010-0013

20-14-23010-0005

20-14-23010-0008

20-14-23010-0009

20-14-23010-0006

20-14-23010-0007

20-14-23010-0004

20-14-23010-0003

20-14-23010-0002

DEC 07 2006

# CHICAGO TITLE INSURANCE COMPANY

*a corporation, herein called the Company,*

## GUARANTEES

**Policy No. 72030- 6589**

DARCY SPENCER-WENGER

herein called the Assured, against actual loss not exceeding the liability amount stated above which the Assured shall sustain by reason of any incorrectness in the assurances set forth in Schedule A.

### LIABILITY EXCLUSIONS AND LIMITATIONS

1. No guarantee is given nor liability assumed with respect to the identity of any party named or referred to in Schedule A or with respect to the validity, legal effect or priority of any matter shown therein.
2. The Company's liability hereunder shall be limited to the amount of actual loss sustained by the Assured because of reliance upon the assurance herein set forth, but in no event shall the Company's liability exceed the liability amount set forth above.

Dated: November 27, 2006

CHICAGO TITLE INSURANCE COMPANY

By *Anna Williams*  
*Authorized Signature*

Please note carefully the liability exclusions and limitations and the specific assurances afforded by this guarantee. If you wish additional liability, or assurances other than as contained herein, please contact the Company for further information as to the availability and cost.



SUBDIVISION GUARANTEE

Office File Number : 0103052  
Guarantee Number : 48 0035 72030 6589  
Dated : November 27, 2006, at 8:00am  
Liability Amount : \$ 1,000.00  
Premium : \$ 200.00  
Tax : \$ 15.40

Your Reference : DARCY SPENCER-WENGER

Name of Assured: DARCY SPENCER-WENGER

The assurances referred to on the face page are:

That, according to those public records with, under the recording laws, impart constructive notice of matters relative to the following described real property:

**Parcel A:**

All of that part of the following described portion of the Northeast Quarter of Section 29, Township 20 North, Range 14 East, W.M., Kittitas County, State of Washington, which lies East of Big Creek and North of the Kittitas Reclamation District Canal; A tract of land bounded by a line beginning at a point on the North boundary line of said quarter section which is 1,274.8 feet South 89°26' West of the intersection of the South boundary line of the right of way of the County Road with the North boundary line of said quarter section, and running thence South 11°02' West, 756.4 feet; thence South 26°58' East, 64.9 feet; thence South 77°18' East, 1,900.1 feet to the East boundary line of said quarter section; thence South along the East boundary line of said quarter section to the Southeast corner thereof; thence West along the South boundary line of said quarter section to the Southwest corner thereof; thence North along the West boundary line of said quarter section to the Northwest corner thereof; and thence East along the North boundary line of said quarter section to the point of beginning.

**Parcel B:**

An easement for roadway for ingress and egress as contained in Agreed Judgment and Decree entered in Kittitas County Superior Court on August 1, 1974 in Cause No. 18617, described as follows:

A strip of land 18 feet in width running in a Northerly and Southerly direction immediately adjacent to the West right of way boundary line of the Kittitas Reclamation District lateral across the East end of that real property deeded to Jacob Korfus by deed dated November 23, 1938 and recorded in Book 59 of Deeds, page 414, records of Kittitas County, Washington.

And a strip of land 15 feet in width described as follows:

Beginning at the Northeast corner of the Northeast quarter of the Northeast quarter of Section 29, Township 20 North, Range 14 East, W.M.; thence South 0°20'01" East along the East boundary of said Northeast quarter of the Northeast quarter 559.40 feet to the South right of way line of Nelson Siding Road; thence North 42°05'21" West 19.86 feet to the true point of beginning; thence South 18°06'01" West 21.76 feet (being Course No. 1); thence South 2°33'13" West 94.38 feet (being Course No. 2); thence South 11°25'39" West 45.30 feet (being Course No. 3); thence South 81°05'01" East 15 feet; thence Northerly along a course paralleling Course Nos. 3, 2 and 1 a distance of 15 feet East of said Course to the Southerly boundary of the right of way of Nelson Siding Road; thence North 42°05'21" West to the true point of beginning.

Title to said real property is vested in:

MARK E. WENGER AND DARCY L. SPENCER-WENGER, HUSBAND AND WIFE

END OF SCHEDULE A



(SCHEDULE B)

File No. 0103052

Guarantee Number: 48 0035 72030 6589

Subject to the matters shown below under Exceptions, which Exceptions are not necessarily shown in the order of their priority.

**EXCEPTIONS:**

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
2. Unpatented mining claims; reservations or exceptions in the United States Patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
3. Title to any property beyond the lines of the real property expressly described herein, or title to streets, roads, avenues, lanes, ways or waterways on which such real property abuts, or the right to maintain therein vaults, tunnels, ramps, or any other structure or improvement; or any rights or easements therein unless such property, rights or easements are expressly and specifically set forth in said description.
4. General taxes and assessments for the year 2006 have been paid.  
Amount : \$2,623.92  
Tax Parcel No. : 20-14-29010-0010 (479134)
2. Possibility of unpaid assessments levied by the Kittitas Reclamation District, notice of which is given by an amendatory contract recorded in Book 82 of Deeds, page 69, under Kittitas County Auditor's File No. 208267, no search having been made therefor.

To obtain assessment information, please contact the Kittitas Reclamation District: 509-925-6158.

3. Exceptions and Reservations as contained in Instrument  
From : Northwestern Improvement Company  
Recorded : June 23, 1902  
Auditor's File No. : Volume 4 of Deeds, Page 610  
As follows : Reserving and excepting from said lands such as are known, or shall hereafter be ascertained to contain mineral including iron and coal, and also the use of such surface ground as may be necessary for mining operations, and the right of access to such reserved and excepted mineral lands, for the purpose of exploring, developing and working the same; the use of such surface ground and the right of access herein reserved to be for the use and benefit of said party of the first part, its successors and its assigns of the lands hereby excepted, together with the hereditaments and appurtenances thereunto belonging or in any wise appertaining with the reservation and exception before stated.

The interest excepted above has not been examined and subsequent transactions affecting said interest or taxes levied against same are not reflected in this title report.

CONTINUED

(SCHEDULE B)

File No. 0103052

Guarantee Number: 48 0035 72030 6589

4. Waiver of damages contained in Deed from C.F. Diener and Louisa Diener, husband and wife to the Kittitas Reclamation District, dated September 11, 1926, and recorded October 6, 1926, in Book 43 of Deeds, page 637, under Auditor's File No. 83744, as follows:  
  
"Said grantor, for itself and for its successors and assigns, hereby acknowledge full satisfaction for all severance damages and claims thereto to all their lands adjacent to the lands herein conveyed by reason of or occasioned by the location, construction, maintenance and operation of an irrigation canal by grantee, its successors and assigns, over and across the premises herein conveyed."
5. Amendatory Contract, governing reclamation and irrigation matters;  
Parties : The United States of America and the Kittitas Reclamation District  
Dated : January 20, 1949  
Recorded : May 25, 1949, in Volume 82 of Deeds, page 69  
Auditor's File No. : 208267  
Affects : Said premises and other lands within the said irrigation district. Said contract governs construction, charges, protection of water rights, irrigation rights, obligations, responsibilities and all related matters.
6. Maintenance provisions contained in deed executed by Maude Darling Smith, dated April 4, 1972, and recorded April 7, 1972, under Auditor's File No. 447684, as follows:  
  
"It is understood that the grantee must contribute his full share to all repairs, maintenance, replacement and upkeep on all irrigation ditches and waterworks and the dam on Big Creek where the water is diverted to said lands."
7. Pendency of Yakima County Superior Court Cause No. 77-2-01484-5, State of Washington, Department of Ecology, Plaintiff, vs. James J. Acquavella, et al, Defendants; notice of which is given by Lis Pendens recorded on October 14, 1977, in Volume 90, page 589, under Kittitas County recording number 417302, and supplemental notice of Lis Pendens recorded June 4, 1980, in Volume 131, page 63, under Auditor's File No. 442263; being an action for the determination of the rights to divert, withdraw, or otherwise make use of the surface waters of the Yakima River Drainage Basin, in accordance with the provisions of Chapters 90.03 and 90.44 Revised Code of Washington. (Attorney for Plaintiff: Charles B. Roe, Jr., Senior Assistant Attorney General)
8. Easement, and the terms and conditions thereof, affecting a portion of said premises and for the purposes hereinafter stated, as granted by instrument recorded on July 10, 1981, in Volume 151, Page 129, under Kittitas County Auditor's File No. 453494.  
In favor of : Puget Sound Power and Light Company, a Washington Corporation  
For : Underground electric system  
Affects : A right of way 10 feet in width
9. Easement, and the terms and conditions thereof, affecting a portion of said premises and for the purposes hereinafter stated, as granted by instrument recorded on May 23, 1985, in Volume 226, Page 52, under Kittitas County Auditor's File No. 487802 and amended under Auditor's File No. 488779.  
In favor of : Earl E. Gentry and Valerie K. Gentry, husband and wife  
For : Access  
Affects : A strip of land 20 feet in width along the existing Kittitas Reclamation District Lateral to the Kittitas Reclamation District Canal; then Northwesterly along the canal to the existing road; thence continuing along said existing road to the existing road crossing the Kittitas Reclamation Canal at the Big Creek siphon.

(SCHEDULE B)

File No. 0103052

Guarantee Number: 48 0035 72030 6589

10. Easement, and the terms and conditions thereof, affecting a portion of said premises and for the purposes hereinafter stated, as granted by instrument recorded on May 23, 1985, in Volume 276, Page 52, under Kittitas County Auditor's File No. 487802 and amended under Auditor's File No. 488779.  
In favor of : Earl E. Gentry and Valerie K. Gentry, husband and wife  
For : Access  
Affects : Along the existing roadways location of which is undisclosed
11. Easement, and the terms and conditions thereof, affecting a portion of said premises and for the purposes hereinafter stated, as granted by instrument recorded on May 23, 1985, in Volume 26, Page 52, under Kittitas County Auditor's File No. 487802 and amended under Auditor's File No. 488779.  
In favor of : Earl E. Gentry and Valerie K. Gentry, husband and wife  
For : Maintenance and repair of existing phone line  
Affects : Portion of said premises
12. Easement, and the terms and conditions thereof, affecting a portion of said premises and for the purposes hereinafter stated, as granted by instrument recorded on May 23, 1985, in Volume 226, Page 52, under Kittitas County Auditor's File No. 487802 and amended under Auditor's File No. 488779.  
In favor of : Earl E. Gentry and Valerie K. Gentry, husband and wife  
For : Use, maintenance and installation of power line  
Affects : Portion of said premises
13. Easement, and the terms and conditions thereof, affecting a portion of said premises and for the purposes hereinafter stated, as granted by instrument recorded on April 30, 1991, in Volume 321, Page 1088, under Kittitas County Auditor's File No. 538944.  
In favor of : Gerald J. Griffith and Joanne C. Griffith, husband and wife  
For : Access  
Affects : 20 foot strip of land being 10 feet on either side of the centerline of the existing road and within the South 40 feet of said premises
14. DEED OF TRUST, and the terms and conditions thereof:  
Grantor : Mark E. Wenger and Darcy L. Spencer-Wenger, husband and wife  
Trustee : AmeriTitle  
Beneficiary : Mortgage Electronic Registration Systems, Inc. ("MERS"), (solely as nominee for Lender, as hereinafter defined, and Lender's successors and assigns). Lender: Countrywide Bank, N.A.  
Amount : \$375,000.00, plus interest  
Dated : July 26, 2006  
Recorded : August 1, 2006  
Auditor's File No. : 200608010095
15. Rights of the State of Washington in and to that portion of said premises, if any, lying in the bed of Big Creek, if navigable.
16. Any question that may arise due to shifting or change in the course of the creek herein named, or due to said creek having changed its course.  
Regarding: Big Creek.

(SCHEDULE B)

File No. 0103052

Guarantee Number: 48 0035 72030 6589

17. Any prohibition or limitation on the use, occupancy, or improvements of the land resulting from the rights of the public or riparian owners to use any waters which may cover the land or to use any portion of the land which is now or may formerly have been covered by water, and the right of use, control, or regulation by the United States of America in exercise of power over navigation.

**END OF EXCEPTIONS**

**Notes:**

1. Any map or sketch enclosed as an attachment herewith is furnished for information purposes only to assist in property location with reference to streets and other parcels. No representation is made as to accuracy and the company assumes no liability for any loss occurring by reason of reliance thereon.

NOTE: In the event any contracts, liens, mortgages, judgments, etc. which may be set forth herein are not paid off and released in full, prior to or immediately following the recording of the forthcoming plat (short plat), this Company will require any parties holding the beneficial interest in any such matters to join in on the platting and dedication provisions of the said plat (short plat) to guarantee the insurability of any lots or parcels created thereon. We are unwilling to assume the risk involved created by the possibility that any matters dedicated to the public, or the plat (short plat) in its entirety, could be rendered void by a foreclosure action of any such underlying matter if said beneficial party has not joined in on the plat (short plat).

**END OF GUARANTEE**

AW/kdb

CRB 111-3

KITTITAS COUNTY CDS  
411 N. Ruby Suite #2  
ELLENSBURG, WA 98926

**CASH RECEIPT**

Date July 25, 2007

049516

Received From Wenger

Address 4084 Nelson Siding Rd  
Clallum, WA 98922

Dollars \$ 910.00

For Short Plat App (Wenger: 3 lots)  
DWN (\$220) FA (\$370.00) CDS (\$450)

ACCOUNT		HOW PAID	
AMT. OF ACCOUNT		CASH	
AMT. PAID	<u>910.00</u>	CHECK	<u>910.00</u>
BALANCE DUE		MONEY ORDER <input type="checkbox"/>	
		CREDIT CARD <input type="checkbox"/>	

By Amber Cree  
Partial Payment

CRB 111-3

KITTITAS COUNTY CDS  
411 N. Ruby Suite #2  
ELLENSBURG, WA 98926

**CASH RECEIPT**

Date July 25, 2007

049517

Received From Encompass

Address 105 E. 2nd St  
Clallum, WA 98922

Dollars \$ 136.00

For Short Plat App (Wenger: 3 lots)  
DWN (\$220) FA (\$370.00) CDS (\$450)

ACCOUNT		HOW PAID	
AMT. OF ACCOUNT		CASH	
AMT. PAID	<u>136.00</u>	CHECK	<u>136.00</u>
BALANCE DUE		MONEY ORDER <input type="checkbox"/>	
		CREDIT CARD <input type="checkbox"/>	

By Amber Cree  
Partial Payment