

When recorded return to:
Joshua Peterson and Xica Peterson
21025 Starbird Road
Mount Vernon, WA 98274

Filed for record at the request of:



CHICAGO TITLE
COMPANY OF WASHINGTON

425 Commercial St
Mount Vernon, WA 98273

Escrow No.: 620044638

CHICAGO TITLE
620044638

DOCUMENT TITLE(S)

Memorandum of Understanding and Agreement Regarding Transfer of Water Rights

REFERENCE NUMBER(S) OF DOCUMENTS ASSIGNED OR RELEASED: _____

Additional reference numbers on page _____ of document

GRANTOR(S)

Richard Hanika

Additional names on page _____ of document

GRANTEE(S)

Joshua Peterson, Xica Peterson and Cynthia Harrison

Additional names on page _____ of document

ABBREVIATED LEGAL DESCRIPTION

PTN. NW 1/4, SEC. 34-33-4E, W.M.

Complete legal description is on page 5 of document

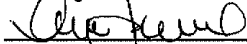
TAX PARCEL NUMBER(S)

P17781 / 330434-2-002-0027

Additional Tax Accounts are on page _____ of document

The Auditor/Recorder will rely on the information provided on this form. The staff will not read the document to verify the accuracy or completeness of the indexing information provided herein.

"I am signing below and paying an additional \$50 recording fee (as provided in RCW 36.18.010 and referred to as an emergency nonstandard document), because this document does not meet margin and formatting requirements. Furthermore, I hereby understand that the recording process may cover up or otherwise obscure some part of the text of the original document as a result of this request."

 _____ Signature of Requesting Party

Note to submitter: Do not sign above nor pay additional \$50 fee if the document meets margin/formatting requirements

**Memorandum of Understanding and Agreement
Regarding Transfer of Water Rights**

This Memorandum of Understanding and Agreement Regarding Transfer of Water Rights is made on February 25, 2021 by and between Richard Hanika, whose address is 23208 Odessa Dr, Mount Vernon, Washington, 98274, hereinafter "Seller," and Joshua Peterson, Xica Peterson, and Cynthia Harrison, whose address is 11964 Farm to Market Road, Mount Vernon, WA 98273, hereinafter "Buyers."

For good and valuable consideration, receipt of which is hereby acknowledged, the Parties hereto bind themselves to the following terms and conditions in addition to those specified in the Purchase and Sale Agreement dated October 20, 2020.

1. GOALS AND OBJECTIVES. The Parties agree to fully cooperate in completing the Transfer of Water Rights from Well BHN409 to Well BAB504 as set forth below.

2. SURVIVAL OF OBLIGATION. This agreement is made part of the Purchase and Sale agreement for the sale of 21025 Starbird Rd, Mount Vernon, WA 98274, shall survive the closing, and be binding upon the Parties, their respective heirs, successors, and assigns.

3. COVENANT RUNNING WITH THE LAND. The Parties agree that the promises contained herein shall be covenants that run with the land.

4. TERMS OF WATER RIGHTS TRANSFER. The Parties hereby acknowledge that the Seller is in the process of transferring the use of approximately 350 gallons per day for 365 days per year from Well ID BHN409 to Well ID BAB504. Well #BHN409 serves Skagit County Tax parcel P17781 under Water Right Claim # 083693. Well #BAB504 serves Skagit County Tax parcels P17761 and P134142 under Water Right Claim # 083693. The transfer between Wells is subject to Seller's Application for Change/Transfer of Water Right dated October 28, 2013, attached hereto as Exhibit A. The application for Change/Transfer of said Water Right is pending verification by the Washington State Department of Ecology as noted in DOE letter dated March 11, 2019, attached hereto as Exhibit B.

5. OBLIGATIONS OF THE PARTIES.

Seller shall perform the following obligations:

Seller will complete all applicable requirements set forth in RCW 43.21B and WAC 371-08 to demonstrate full beneficial use of the water and obtain approval of Water Right NO. CG1-083693CL in a timely manner.

Buyers shall perform the following obligations:

Buyers will fully cooperate with Seller and the Washington State Department of Ecology to facilitate the appropriation of water and demonstrate proper use pursuant to approved residential, livestock and farming purposes.

SIGNATORIES:

Seller:

By: Richard Hanika Dated: 2/25/21
Richard Hanika, Seller

STATE OF WASHINGTON)
) ss.
COUNTY OF SNOHOMISH)

This record was acknowledged before me on 02/25/2021 by Richard Hanika. Dated this 2nd day of February 2021.



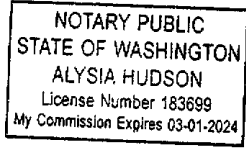
William M. Zingarelli
NOTARY PUBLIC in and for the
State of Washington
My commission expires: 9-15-2023

Buyers:

By: Cynthia Harrison Dated: 3-9-2021
Cynthia Harrison, Buyer

STATE OF WASHINGTON)
) ss.
COUNTY OF SNOHOMISH) Skagit at 03-09-2021

This record was acknowledged before me on March 9, 2021 by Cynthia Harrison. Dated this 09 day of March 2021.



Alysia Hudson
NOTARY PUBLIC in and for the
State of Washington

Memorandum of Understanding and Agreement
Regarding Transfer of Water Rights

My commission expires: 03.01.2024

By: [Signature]
Joshua Peterson, Buyer

Dated: 3/9/21

STATE OF WASHINGTON)
) ss.

COUNTY OF SNOHOMISH)
Skagit at 03.09.2021

This record was acknowledged before me on 03.09.2021 by Josh Peterson. Dated this 09 day of March 2021.

Alycia Hudson
NOTARY PUBLIC in and for the
State of Washington
My commission expires: 03.01.2024

By: [Signature]
Xica Peterson, Buyer

Dated: 3.9.2021

STATE OF WASHINGTON)
) ss.

COUNTY OF SNOHOMISH)
Skagit at 03.09.2021

This record was acknowledged before me on 03.09.2021 by Xica Peterson. Dated this 09 day of March 2021.

Alycia Hudson
NOTARY PUBLIC in and for the
State of Washington
My commission expires: 03.01.2024

Memorandum of Understanding and Agreement
Regarding Transfer of Water Rights

Legal Description

For APN/Parcel ID(s): P17781 / 330434-2-002-0027

The South half of the North half of the Northwest quarter of Section 34, Township 33 North, Range 4 East of the Willamette Meridian;

Except the South 30 feet and the West 20 feet as conveyed to Skagit County for Road purposes by deeds recorded under recording number 85636 and recording number 11749, records of Skagit County, Washington.

Situate in the County of Skagit, State of Washington.

COMMITMENT NO. 620044638 CHICAGO TITLE COMPANY OF WASHINGTON AMENDMENT 1

EXHIBIT A

UNOFFICIAL DOCUMENT



Water Resources Program
Application for Change/Transfer
of Water Right

202103120179

03/12/2021 02:58 PM Page 7 of 28
 For Ecology Use
 (Date Stamp)

RECEIVED

OCT 28 2013

DEPT OF ECOLOGY
NWRO - WR

For filing with the Department of Ecology or with
 County Water Conservancy Boards

**A NON-REFUNDABLE MINIMUM FEE OF \$50.00 MUST ACCOMPANY THIS APPLICATION
 IF FILED WITH THE DEPARTMENT OF ECOLOGY**

(Check all that apply.)

- Change purpose(s) of use
- Add purpose(s) of use
- Change point(s) of diversion/withdrawal
- Add point(s) of diversion/withdrawal
- Change/transfer place of use
- Other (i.e. consolidation, intertie, trust water)

LAST 3 PAGES!!

Explain:

FOR OFFICIAL USE ONLY	
DATE APPLICATION RECEIVED	10/28/2013
CHECK NO.	FEES
DATE ACCEPTED	
CHANGE NO.	
COUNTY	WR
SPECIAL AREA	
SEPA EXEMPT	ELIOT EXEMPT
ECY CODING	2001-002-WR-10221-00001
APP NO.	PERMIT NO.
CERT NO.	CERT OF CHG NO.

****IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS (PLEASE PRINT OR TYPE CLEARLY)****

1. Applicant Information

(206) 669 5081

APPLICANT/BUSINESS NAME Richard and Linda Hanika	PHONE NO. ↓ (360) 445-2731	FAX NO.
ADDRESS 10617 206th Street SE 21025 STARBIRD RD MT. VERNON WA 98274		
CITY Snohomish MT. VERNON	STATE WA	ZIP CODE 98298 98274

CONTACT (IF DIFFERENT FROM ABOVE) Charles S. Lindsay/Associated Earth Sciences, Inc.	PHONE NO. 425-259-0522	FAX NO. 425-252-3408
ADDRESS 2911 1/2 Hewitt Ave., Suite 2		
CITY Everett	STATE WA	ZIP CODE 98201

LEGAL LAND OWNER or PART OWNER OF PROPOSED PLACE OF USE Richard and Linda Hanika	PHONE NO. <i>Adv 660 5081</i> (360) 445-2731	FAX NO.
ADDRESS 10617 206th Street SE 21025 STARBIRD RD		
CITY Snohomish MT. VERNON	STATE WA	ZIP CODE 98298 98274

ECY 040-1-97 (Rev. 10/11) If you need this document in a format for the visually impaired, call the Water Resources Program at 360-407-5872. Persons with hearing loss can call 711 for Washington Relay Service. Persons with a speech disability can call 877-833-6341.

DOCUMENT

2. Water Right Information

WATER RIGHT OR CLAIM NUMBER G1-083693CLWRIS	RECORDED NAME(S) Frank C. and Loretta J. Carlin
DO YOU OWN THE RIGHT TO BE CHANGED? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
IF NO, PROVIDE OWNER(S) NAME and ADDRESS: _____	
HAS THE WATER BEEN PUT TO BENEFICIAL USE IN THE LAST FIVE (5) YEARS? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	

Please attach copies of any documentation that demonstrates consistent, historical use of water since the right was established. Also, if you have a water system plan or conservation plan, please include a copy with your application.

3. Point(s) of Diversion/Withdrawal:

A. Existing

SOURCE	NO.	¼	¼	SEC.	TWP.	RGE.	PARCEL #	WELL TAG#
Domestic Well	DW-1	NW	NW	34	T33N	4E	P17781	BHN409

B. Proposed

SOURCE	NO.	¼	¼	SEC.	TWP.	RGE.	PARCEL #	WELL TAG#
Domestic Well	DW-2	NW	NW	34	T33N	4E	P17781	BHN410
Domestic Well	DW-3	NW	NE	34	T33N	4E	P17761	BAB504

DO YOU OWN THE EXISTING AND PROPOSED POINT(S) OF DIVERSION/WITHDRAWAL?
 EXISTING: YES NO PROPOSED: YES NO - IF NO, PROVIDE OWNER(S) NAME: _____

Please include copies of all water well reports involved with this proposal. Also, if you know the distances from the nearest section corner to the above point(s) of diversion/withdrawal, please include that information in Item No. 6 (remarks) or as an attachment.

4. Purpose of Use:

A. Existing

PURPOSE OF USE	GPM or CFS	ACRE-FT/YR	PERIOD OF USE
Domestic and Stock	20 GPM	3.0	Continuous

B. Proposed

PURPOSE OF USE	GPM or CFS	ACRE-FT/YR	PERIOD OF USE
Domestic and Stock	20 GPM	3.0	Continuous

5. Place of Use:

A. Existing

LEGAL DESCRIPTION OF LANDS WHERE WATER IS PRESENTLY USED:							
N1/2, NW1/4 of Section 34, T33N, R4E							
1/2	1/4	SEC.	TWP.	RGE.	COUNTY	PARCEL #	# OF ACRES
N	NW	34	T33N	R4E	Skagit	P17781	37.04
N	NW	34	T33N	R4E	Skagit	P17782	9.78
N	NW	34	T33N	R4E	Skagit	P17779	10.00
N	NW	34	T33N	R4E	Skagit	P17780	5.00
N	NW	34	T33N	R4E	Skagit	P101063	14.78

DO YOU OWN ALL THE LANDS IN THE EXISTING PLACE OF USE? YES NO
 IF NO, PROVIDE OWNER(S) NAME: Scott and Sandra Kelly, and Gregory and Kathleen Carpenter

B. Proposed

LEGAL DESCRIPTION OF LANDS WHERE NEW USE IS PROPOSED:							
See attached map and the Associated Earth Sciences "Project Summary Report for Water Right G1-0221170CL".							
1/4	1/4	SEC.	TWP.	RGE.	COUNTY	PARCEL #	# OF ACRES
	NW	34	T33N	R4E	Skagit	P17781	37.04
NW	NE	34	T33N	R4E	Skagit	P17761	37.60

DO YOU OWN ALL THE LANDS IN THE PROPOSED PLACE OF USE? YES NO
 IF NO, PROVIDE OWNER(S) NAME:

Attach a detailed map of your proposed change/transfer. The map should show existing and proposed point(s) of diversion/withdrawal, place of use and any other features involved with this application. If platted property, please include a certified copy of the plat map.

Are there any ADDITIONAL WATER rights OR CLAIMS RELATED to the same property as the ONE PROPOSED FOR CHANGE/TRANSFER?
 YES NO - IF YES, PROVIDE THE WATER RIGHT/CLAIM NUMBER(S): G1-05352C (irrigation) and G1-083694CL (domestic/stock)

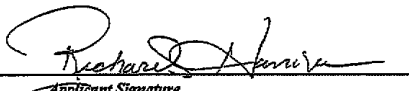
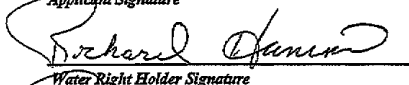
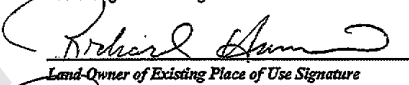

6. Remarks and Other Relevant Information:

The change proposal will result in groundwater for domestic or mitigation use being made available on parcel P17761.
IF FOR SEASONAL OR TEMPORARY, START DATE ___/___/___ END DATE ___/___/___

Certain applications may incur a Real Estate Excise Tax liability for the seller of the water rights. The Department of Revenue has requested notification of potential taxable water right related actions and therefore may be provided with a copy of this request. For further information, contact: Department of Revenue, Real Estate Excise Tax, PO Box 47477, Olympia, WA 98504-7477. Phone (360) 570-3265.

7. Signatures:

I certify that the information above is true and accurate to the best of my knowledge. I understand that in order to process my application, I am hereby granting staff from the Department of Ecology or the County Conservancy Board access to the above site(s) for inspection and monitoring purposes. If assisted in preparing this above application, I understand that all responsibility for the accuracy of the information rests with me.

<u>Richard Hanika</u> Applicant Printed Name - Title	 Applicant Signature	<u>10/2/13</u> (Date)
<u>Richard Hanika</u> Water Right Holder Printed Name	 Water Right Holder Signature	<u>10/2/13</u> (Date)
<u>Richard Hanika</u> Land Owner of Existing Place of Use Printed Name	 Land Owner of Existing Place of Use Signature	<u>10/2/13</u> (Date)
<u>Richard Hanika</u> Land Owner of Proposed Place of Use Printed Name	 Land Owner of Proposed Place of Use Signature	<u>10/2/13</u> (Date)

Please check the region in which the project is located:

<p>*Submit your application to: DEPARTMENT OF ECOLOGY CASHIERING SECTION PO BOX 47611 OLYMPIA, WA 98504-7611</p>	<input type="checkbox"/> Central Regional Office 15 W Yakima Avenue, Suite 200 Yakima, WA 98902 (509) 575-2490	<input type="checkbox"/> Eastern Regional Office 4601 N. Monroe Street Spokane, WA 99205-1295 (509) 329-3400
	<input checked="" type="checkbox"/> Northwest Regional Office 3190 - 160 th Avenue SE Bellevue, WA 98008-5452 (425) 649-7000	<input type="checkbox"/> Southwest Regional Office PO Box 47775 Olympia, WA 98504-7775 (360) 407-6300

WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S):

- APPLICATION FEE NOT ENCLOSED
- MAP NOT INCLUDED or INCOMPLETE
- ADDITIONAL SIGNATURES REQUIRED
- SECTION _____ IS INCOMPLETE
- OTHER/EXPLANATION: _____

STAFF: _____ DATE: ____/____/____



WATER WELL REPORT FOR AN EXISTING WELL

INSTRUCTIONS:

Use this form if an original water well report was NEVER filed or is MISSING from Ecology records.

YOUR WELL MUST BE PROPERLY TAGGED PRIOR TO SUBMITTING THIS FORM. Please fill in all blanks as completely as possible. If information is not known leave blank. After completing, mail the original form to: WA State Department of Ecology, PO Box 47600, Olympia, WA, 98504-7600, ATTN: Marian Bruner.

<p>CURRENT USE: <input checked="" type="checkbox"/> Domestic <input type="checkbox"/> Industrial <input type="checkbox"/> Municipal <input type="checkbox"/> DeWater <input type="checkbox"/> Irrigation <input type="checkbox"/> Test Well <input checked="" type="checkbox"/> Other <u>Stock</u></p> <p>DIMENSIONS: Diameter of well <u>6</u> inches. <input checked="" type="checkbox"/> Depth of completed well <u>60</u> ft. if known:</p> <p>CONSTRUCTION DETAILS Liner installed <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown Type: <input type="checkbox"/> PVC <input checked="" type="checkbox"/> Steel <input type="checkbox"/> Concrete Liner <input type="checkbox"/> Other <input type="checkbox"/> Unknown</p> <p>Perforations <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Unknown SIZE of perfs <u> </u> in. by <u> </u> in. and no. of perfs <u> </u> from <u> </u> ft to <u> </u> ft.</p> <p>Screens: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Unknown Mfr's name <u> </u> Type: <input type="checkbox"/> Stainless Steel <input type="checkbox"/> PVC <input type="checkbox"/> Other Diam. <u> </u> Slot Size <u> </u> from <u> </u> ft to <u> </u> ft.</p> <p>Gravel/Filter Packed: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Unknown Materials paced from <u> </u> ft to <u> </u> ft.</p> <p>Surface Seal: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Unknown If know, to what depth <u> </u> ft. Materials used if known: <input type="checkbox"/> Bentonite <input type="checkbox"/> Cement</p> <p>PUMP: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Mfr's Name <u>FRANKLIN</u> <input checked="" type="checkbox"/> Type: <u>Submersible</u> H.P. <u>3/4</u> <input checked="" type="checkbox"/></p> <p>WATER LEVELS: Land-surface elevation above mean sea level <u>355</u> ft. Static Level <u> </u> ft. below top of casing Date measured <u> </u> Artesian pressure <u> </u> lbs. per square inch Date measured <u> </u> Well head has cap? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Shut off valve? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>WELL TESTS: Drawdown is amount water level is lowered below static level. Was a pump test made? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, attach copy <input checked="" type="checkbox"/> Unknown Yield: <u> </u> gal./min. with <u> </u> ft. drawdown after <u> </u> hrs.</p>	<p>Unique Ecology Well ID Tag No. <u>BHN410</u> Water Right? If yes, attach copy <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Property Owner Name <u>Richard Hanika</u> Well Street Address <u>21025 STARBIRD Rd</u> City <u>Mount Vernon</u> County: <u>S Kasit</u> Tax Parcel No. <u>P17781</u></p> <p>LOCATION An accurate location of your well is very important. The Township, Range, Section and 1/4, 1/4 can be found on your legal description or through your county assessor's office. Sec <u>34</u> Twn <u>33N</u> R <u>4E</u> EWM or WWM Circle one</p> <table border="1" style="width: 100%; text-align: center; border-collapse: collapse;"> <tr><td> </td><td>D</td><td>C</td><td>B</td><td>A</td></tr> <tr><td> </td><td>E</td><td>F</td><td>G</td><td>H</td></tr> <tr><td> </td><td>M</td><td>L</td><td>K</td><td>J</td></tr> <tr><td> </td><td>N</td><td>P</td><td>Q</td><td>R</td></tr> </table> <p style="font-size: small;">This square represents one section of land, which is approx. 640 acres. Within this section, circle the letter that best represents the location of the well within this section.</p> <p>Latitude/Longitude Note: Section, Township, Range still REQUIRED Lat Deg <u> </u> Lat Min/Sec <u>48° 18' 24.64" N</u> Long Deg <u> </u> Long Min/Sec <u>122° 17' 30.25W</u> <input type="checkbox"/> GPS <input type="checkbox"/> Survey <input checked="" type="checkbox"/> Topographic Map <input type="checkbox"/> Computer Generated</p> <p>Additional Information, if available: <input type="checkbox"/> Location marked on topographic map (please attach) <input type="checkbox"/> Location marked on air photo (please attach)</p>		D	C	B	A		E	F	G	H		M	L	K	J		N	P	Q	R
	D	C	B	A																	
	E	F	G	H																	
	M	L	K	J																	
	N	P	Q	R																	

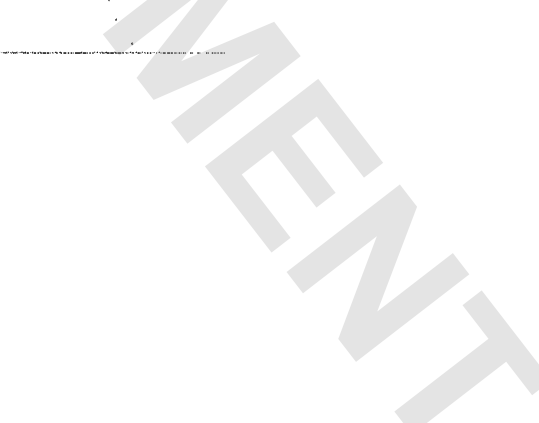
CERTIFICATION: The information reported above is true to the best of my knowledge and belief.

Driller Engineer Property Owner Other

X Name RICHARD HANIKA Drilling Company
 X Signature Richard Hanika Address of person completing this form:
 Driller License No. X 21025 STARBIRD Rd
 X Date Signed 10/1/13 X City, State, Zip MT. Vernon WA 98274

Original - Ecology

Ecology is an Equal Opportunity Employer.





STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
WATER RIGHT CLAIMS REGISTRATION

61-083694CL

WATER RIGHT CLAIM

RECEIVED
DEPARTMENT OF ECOLOGY

APR 26 10 94 180

CASH OTHER NONE

1. NAME FRANK C. CARLTON AND TORETTA T. CARLTON
 ADDRESS 1901 Starbird Rd
MT. VERNON, WASHINGTON ZIP CODE 98273

2. SOURCE FROM WHICH THE RIGHT TO TAKE AND MAKE USE OF WATER IS CLAIMED: Ground Water
 (SURFACE OR GROUND WATER)
 W.R.L.A. 03
 (LEAVE BLANK)

A. IF GROUND WATER, THE SOURCE IS A well
 B. IF SURFACE WATER, THE SOURCE IS N/A

3. THE QUANTITIES OF WATER AND TIMES OF USE CLAIMED:
 A. QUANTITY OF WATER CLAIMED 20 GPM PRESENTLY USED 20 GPM
 (CUBIC FEET PER SECOND OR GALLONS PER MINUTE)
 B. ANNUAL QUANTITY CLAIMED 3 acre foot PRESENTLY USED 3 acre foot
 (ACRE FEET PER YEAR)
 C. IF FOR IRRIGATION, ACRES CLAIMED _____ PRESENTLY IRRIGATED _____
 D. TIME(S) DURING EACH YEAR WHEN WATER IS USED: Continuously

4. DATE OF FIRST PUTTING WATER TO USE: MONTH Unknown over 20 years YEAR _____

5. LOCATION OF THE POINT(S) OF DIVERSION/WITHDRAWAL: 1120 FEET South AND 45
 FEET East FROM THE Northwest CORNER OF SECTION 34
 BEING WITHIN 1/4 MILE OF SECTION 34 T. 33 N. R. 4 E (E. 5000') W.M.
 IF THIS IS WITHIN THE LIMITS OF A RECORDED PLATTED PROPERTY, LOT _____ BLOCK _____ OF _____

DW-2
BHW410

(GIVE NAME OF PLAT OR ADDITION)
 6. LEGAL DESCRIPTION OF LANDS ON WHICH THE WATER IS USED:
North one-half of the Northwest one-fourth of Section 34, Township
33 North, Range 4 E.W.M. Except roads.
 SITUATE IN THE COUNTY OF SKAGIT, STATE OF WASHINGTON
 COUNTY SKAGIT

7. PURPOSE(S) FOR WHICH WATER IS USED: DOMESTIC SUPPLY AND CATTLE

8. THE LEGAL DOCTRINE(S) UPON WHICH THE RIGHT OF CLAIM IS BASED: APPROPRIATION

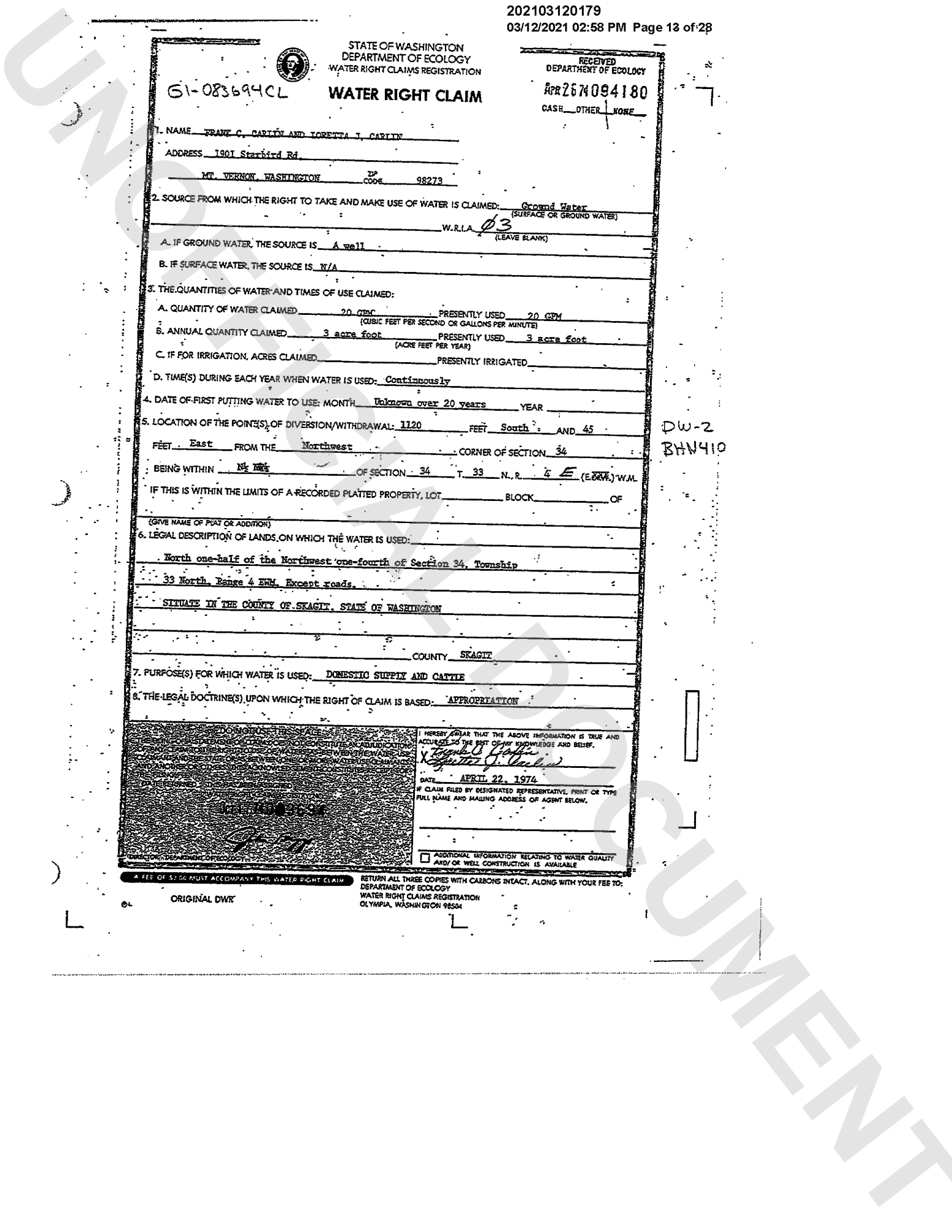
I HEREBY OATH THAT THE ABOVE INFORMATION IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF.
 X Frank C. Carlton
 X Torett T. Carlton
 DATE APRIL 22, 1974
 IF CLAIM FILED BY DESIGNATED REPRESENTATIVE, PRINT OR TYPE FULL NAME AND MAILING ADDRESS OF AGENT BELOW.

ADDITIONAL INFORMATION RELATING TO WATER QUALITY AND/OR WELL CONSTRUCTION IS AVAILABLE

A FEE OF \$1.50 MUST ACCOMPANY THIS WATER RIGHT CLAIM

RETURN ALL THREE COPIES WITH CARBONS INTACT, ALONG WITH YOUR FEE TO:
 DEPARTMENT OF ECOLOGY
 WATER RIGHT CLAIMS REGISTRATION
 OLYMPIA, WASHINGTON 98504

ORIGINAL DWR





WATER WELL REPORT FOR AN EXISTING WELL

INSTRUCTIONS:

Use this form if an original water well report was NEVER filed or is MISSING from Ecology records.

YOUR WELL MUST BE PROPERLY TAGGED PRIOR TO SUBMITTING THIS FORM. Please fill in all blanks as completely as possible. If information is not known leave blank. After completing, mail the original form to: WA State Department of Ecology, PO Box 47600, Olympia, WA, 98504-7600, ATTN: Marian Bruner.

<p>CURRENT USE: <input checked="" type="checkbox"/> Domestic <input type="checkbox"/> Industrial <input type="checkbox"/> Municipal <input type="checkbox"/> DeWater <input type="checkbox"/> Irrigation <input type="checkbox"/> Test Well <input type="checkbox"/> Other <u>Steel</u></p> <p>DIMENSIONS: Diameter of well <u>6</u> inches. X Depth of completed well <u>65</u> ft. if known.</p> <p>CONSTRUCTION DETAILS Liner installed <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown Type: <input type="checkbox"/> PVC <input checked="" type="checkbox"/> Steel <input type="checkbox"/> Concrete Liner <input type="checkbox"/> Other <input type="checkbox"/> Unknown</p> <p>Perforations <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Unknown SIZE of perfs _____ in. by _____ in. and no. of perfs _____ from _____ ft to _____ ft.</p> <p>Screens: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Unknown Mf's name _____ Type: <input type="checkbox"/> Stainless Steel <input type="checkbox"/> PVC <input type="checkbox"/> Other Diam. _____ Slot Size _____ from _____ ft. to _____ ft.</p> <p>Gravel/Filter Packed: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Unknown Materials paced from _____ ft. to _____ ft.</p> <p>Surface Seal: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Unknown If know, to what depth _____ ft. Materials used if known: <input type="checkbox"/> Bentonite <input type="checkbox"/> Cement</p> <p>PUMP: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Mfr's Name <u>Franklin</u> Type: <u>Submersible</u> H.P. <u>3/4</u></p> <p>WATER LEVELS: Land-surface elevation above mean sea level <u>355</u> ft. Static Level _____ ft. below top of casing Date measured _____ Artesian pressure _____ lbs. per square inch Date measured _____ Well head has cap? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Shut off valve? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>WELL TESTS: Drawdown is amount water level is lowered below static level. Was a pump test made? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, attach copy <input checked="" type="checkbox"/> Unknown Yield: _____ gal/min. with _____ ft. drawdown after _____ hrs.</p>	<p>Unique Ecology Well ID Tag No. <u>BHN409</u></p> <p>Water Right? If yes, attach copy. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Property Owner Name <u>Richard Hanika</u></p> <p>Well Street Address <u>21025 Starbird Rd. X</u></p> <p>City <u>Mount Vernon</u> County: <u>Skagit</u></p> <p>Tax Parcel No. <u>P17781</u></p> <p>LOCATION An accurate location of your well is very important. The Township, Range, Section and 1/4, 1/4 can be found on your legal description or through your county assessor's office. Sec. <u>34</u> Twn. <u>33N</u> R. <u>4E</u> EWM or WWM Circle one</p> <table border="1" style="width: 100%; text-align: center; border-collapse: collapse;"> <tr> <td>D</td><td>C</td><td>B</td><td>A</td> </tr> <tr> <td>⊙</td><td></td><td></td><td></td> </tr> <tr> <td>E</td><td>F</td><td>G</td><td>H</td> </tr> <tr> <td>M</td><td>L</td><td>K</td><td>J</td> </tr> <tr> <td>N</td><td>P</td><td>Q</td><td>R</td> </tr> </table> <p style="font-size: small;">This square represents one section of land, which is approx. 640 acres. Within this section, circle the letter that best represents the location of the well within this section.</p> <p>Latitude/Longitude Note: Section, Township, Range still REQUIRED Lat Deg _____ Lat Min/Sec <u>48° 18' 33.63" N</u> Long Deg _____ Long Min/Sec <u>122° 17' 26.61" W</u></p> <p><input type="checkbox"/> GPS <input type="checkbox"/> Survey <input checked="" type="checkbox"/> Topographic Map <input type="checkbox"/> Computer Generated</p> <p>Additional Information, if available: <input type="checkbox"/> Location marked on topographic map (please attach) <input type="checkbox"/> Location marked on air photo (please attach)</p>	D	C	B	A	⊙				E	F	G	H	M	L	K	J	N	P	Q	R
D	C	B	A																		
⊙																					
E	F	G	H																		
M	L	K	J																		
N	P	Q	R																		

CERTIFICATION: The information reported above is true to the best of my knowledge and belief.

Driller Engineer Property Owner Other

X Name RICHARD HANIKA Drilling Company _____

X Signature Richard Hanika Address of person completing this form: _____

Driller License No. _____ X 21025 Starbird Rd

X Date Signed 10/1/13 X City, State, Zip MT. Vernon WA 98274

Original - Ecology

Ecology is an Equal Opportunity Employer.

COMMENT

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
WATER RIGHT CLAIMS REGISTRATION

RECEIVED
DEPARTMENT OF ECOLOGY
Apr 26 10 09 41 79
CASH OTHER NONE

61-083693 CL WATER RIGHT CLAIM

1. NAME Frank C. Carlin and Loretta J. Carlin
ADDRESS 1901 Starbird Rd.,
Mt. Vernon, Washington ZIP 98273
CODE:

2. SOURCE FROM WHICH THE RIGHT TO TAKE AND MAKE USE OF WATER IS CLAIMED: (SURFACE OR GROUND WATER)
W.R.I.A. 03
(LEAVE BLANK)

A. IF GROUND WATER, THE SOURCE IS A Well
B. IF SURFACE WATER, THE SOURCE IS _____

3. THE QUANTITIES OF WATER AND-TIMES OF USE CLAIMED:
A. QUANTITY OF WATER CLAIMED 20 GPM PRESENTLY USED 20 GPM
(CUBIC FEET PER SECOND OR GALLONS PER MINUTE)
B. ANNUAL QUANTITY CLAIMED 3 Acre Foot PRESENTLY USED 3 Acre Foot
(ACRE FEET PER YEAR)
C. IF FOR IRRIGATION, ACRES CLAIMED _____ PRESENTLY IRRIGATED _____
D. TIME(S) DURING EACH YEAR WHEN WATER IS USED: Continuously

4. DATE OF FIRST PUTTING WATER TO USE: MONTH UNKNOWN OVER 20 YEARS YEAR _____
5. LOCATION OF THE POINT(S) OF DIVERSION/WITHDRAWAL: 1160 FEET South AND 300
FEET East FROM THE Northwest CORNER OF SECTION 34
BEING WITHIN NE NW OF SECTION 34 T. 33 N., R. 4 E. (E.S. OR W.M.)
IF THIS IS WITHIN THE LIMITS OF A RECORDED PLATTED PROPERTY, LOT _____ BLOCK _____ OF _____

(GIVE NAME OF PLAT OR ADDITION)
6. LEGAL DESCRIPTION OF LANDS ON WHICH THE WATER IS USED:
North one half of the Northwest one fourth of Section 34, Township 33 North,
Range 4 E.M., Except Roads:
Situated in the County of Skagit County, State of Washington.
COUNTY Skagit

7. PURPOSE(S) FOR WHICH WATER IS USED: Domestic Supply and Cattle
8. THE LEGAL DOCTRINE(S) UPON WHICH THE RIGHT OF CLAIM IS BASED: Appropriation

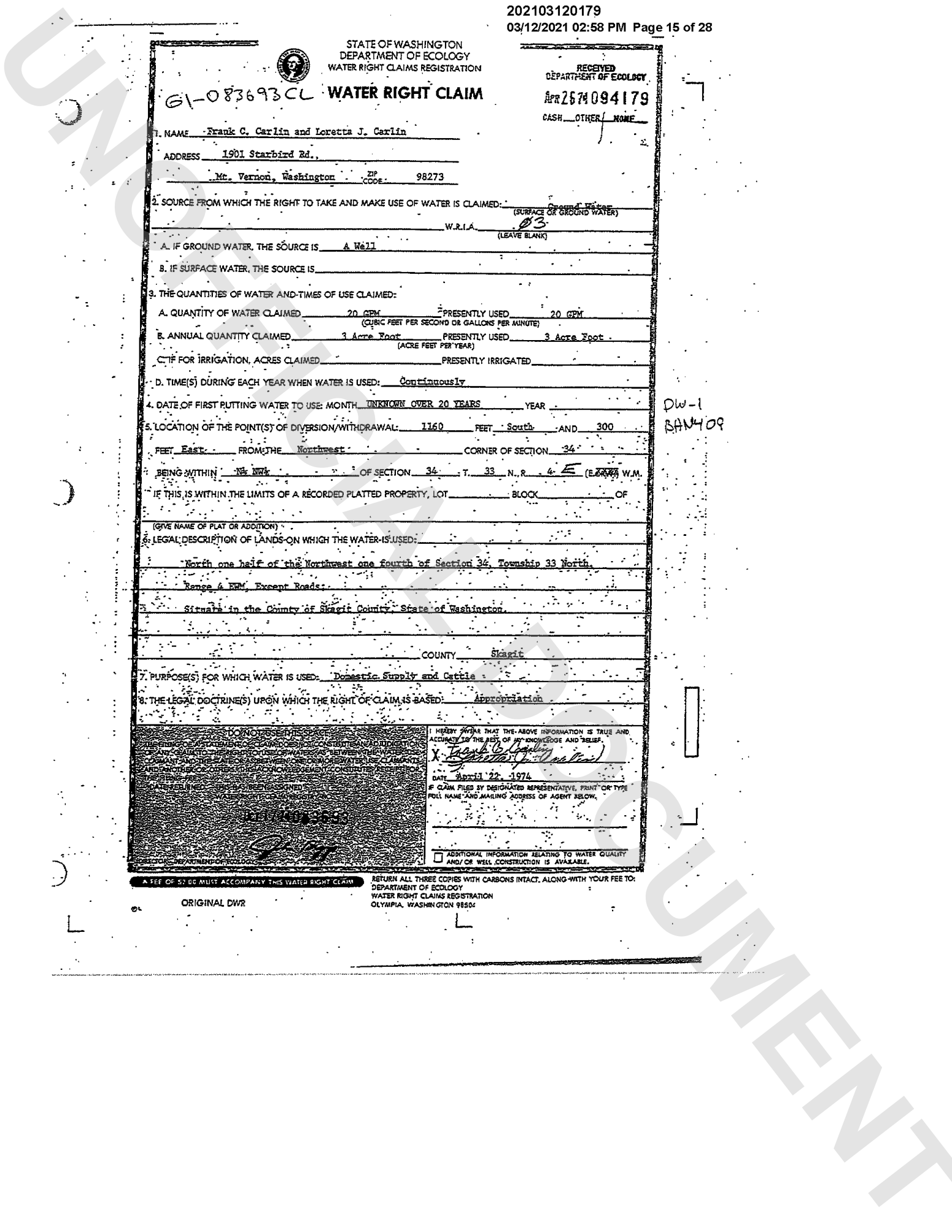
DO NOT SIGN HERE
I HEREBY CERTIFY THAT THE ABOVE INFORMATION IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF.
X Frank C. Carlin
DATE April 22, 1974
IF CLAIM FILED BY DESIGNATED REPRESENTATIVE, PRINT OR TYPE FULL NAME AND MAILING ADDRESS OF AGENT BELOW.
 ADDITIONAL INFORMATION RELATING TO WATER QUALITY AND/OR WELL CONSTRUCTION IS AVAILABLE.

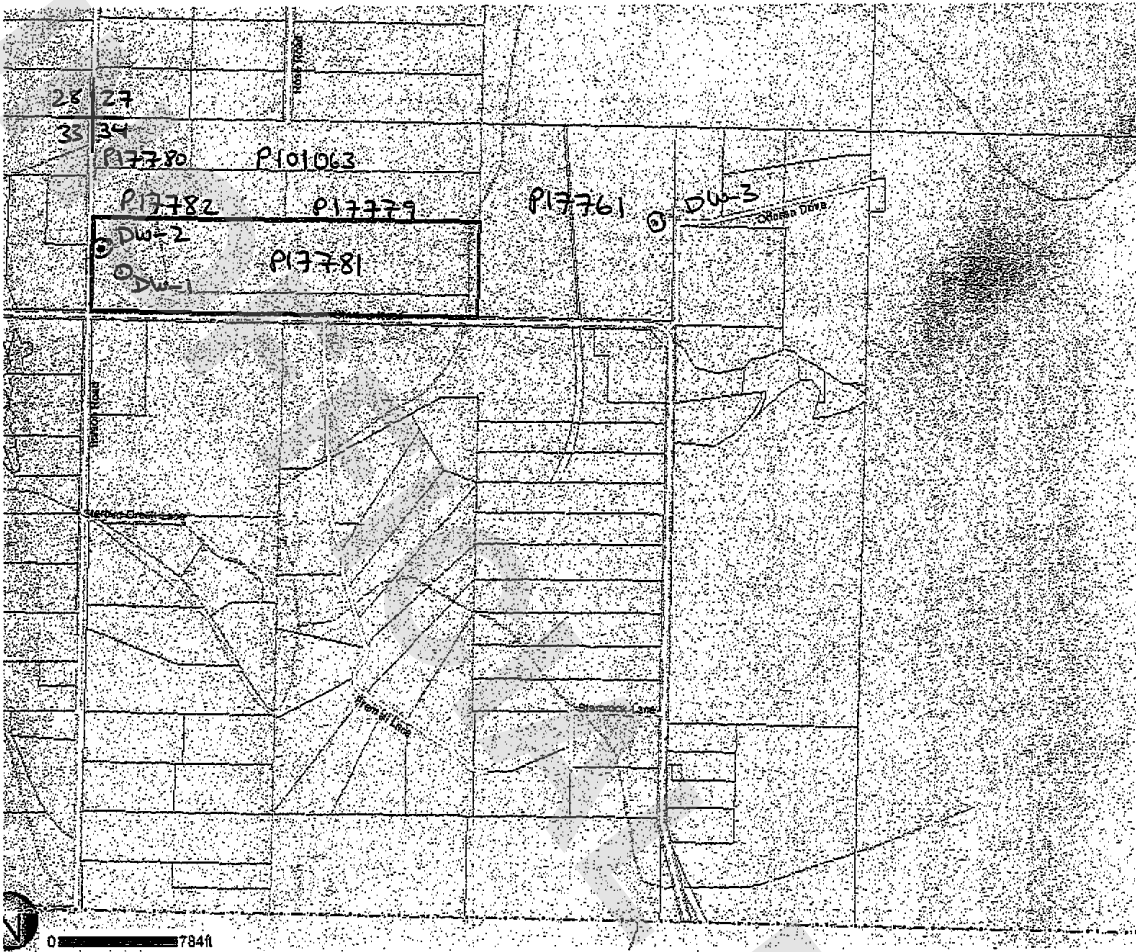
I HEREBY SWORN THAT THE ABOVE INFORMATION IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF.
X Frank C. Carlin
DATE April 22, 1974
IF CLAIM FILED BY DESIGNATED REPRESENTATIVE, PRINT OR TYPE FULL NAME AND MAILING ADDRESS OF AGENT BELOW.
 ADDITIONAL INFORMATION RELATING TO WATER QUALITY AND/OR WELL CONSTRUCTION IS AVAILABLE.

A FEE OF \$7.00 MUST ACCOMPANY THIS WATER RIGHT CLAIM
RETURN ALL THREE COPIES WITH CARBONS INTACT, ALONG WITH YOUR FEE TO:
DEPARTMENT OF ECOLOGY
WATER RIGHT CLAIMS REGISTRATION
OLYMPIA, WASHINGTON 98504

ORIGINAL DWR

DW-1
BAN409





October 12, 2012

Washington State Department of Ecology
3190 160th Avenue SE
Bellevue, Washington 98008-5452

Attention: Mr. Buck Smith

Subject: Water Right G1-05352C
Skagit County, Washington

I understand that Mr. Rick Hanika has applied to the Washington State Department of Ecology (Ecology) to place a portion of Water Right G1-05352C into the Trust Water Right Program. I also understand that I own three parcels of property (parcels P17782, P17779 and P101063) that are located within the current Place of Use for Water Right G1-05352C.

The designated information below best describes my interest in Water Right G1-05352C:

- I am currently irrigating _____ acres on my property, and I am diverting the water from the infiltration trench as authorized in Water Right G1-05352C. I wish to maintain this diversion and irrigation under the authority of the Water Right. I am prepared to provide the necessary documentation of my diversion and my historical use of this irrigation water to Ecology for their review.
- I am not using water under the Water Right G1-05352C and I do not make a claim for water under Water Right G1-05352C.

Sincerely,

Scott B. Kelley
Printed Name

Scott B. Kelley
Signature

10/14/12
Date

October 12, 2012

Washington State Department of Ecology
3190 160th Avenue SE
Bellevue, Washington 98008-5452

Attention: Mr. Buck Smith

Subject: Water Right G1-05352C
Skagit County, Washington

I understand that Mr. Rick Hanika has applied to the Washington State Department of Ecology (Ecology) to place a portion of Water Right G1-05352C into the Trust Water Right Program. I also understand that I own a parcel of property (parcel P17780) that is located within the current Place of Use for Water Right G1-05352C.

The designated information below best describes my interest in Water Right G1-05352C:

- I am currently irrigating ___ acres on my property, and I am diverting the water from the infiltration trench as authorized in Water Right G1-05352C. I wish to maintain this diversion and irrigation under the authority of the Water Right. I am prepared to provide the necessary documentation of my diversion and my historical use of this irrigation water to Ecology for their review.
- I am not using water under the Water Right G1-05352C and I do not make a claim for water under Water Right G1-05352C.

Sincerely,

Gregory A. Carpenter
Printed Name

Gregory A. Carpenter
Signature

10-14-12
Date

DW-3

33-4E-346

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



WATER WELL REPORT

(Original & 1st copy - Ecology, 2nd copy - owner, 3rd copy - driller)

Construction/Decommission ("x" in circle)

Construction

Decommission ORIGINAL INSTALLATION Notice of Intent Number

CURRENT

Notice of Intent No. W277759

Unique Ecology Well ID Tag No. BAB504

Water Right Permit No. _____

Property Owner Name Richard Hanika

Well Street Address Starbird Rd xxx 23208 address ok: 98274

City Mt. Vernon County SKAGIT

Location NE 1/4-1/4 NW 1/4 Sec 34 Twn 33 R 4

Lat/Long (s, t, r) Lat Deg _____ Lat Min/Sec _____

Still REQUIRED) Long Deg _____ Long Min/Sec _____

Tax Parcel No. P17761-330434-1-004-001

PROPOSED USE: Domestic Industrial Municipal
 DeWater Irrigation Test Well Other

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

DIMENSIONS: Diameter of well 6 inches, drilled 6 1/2 in.
Depth of completed well 60 1/2 ft.

CONSTRUCTION DETAILS
Casing Welded 6 Diam. from 1 ft. to 4 1/2 ft.
Installed: Liner installed 1 threaded 4 Diam. from 3 1/2 ft. to 5 1/2 ft.

Perforations: Yes No
Type of perforator used _____
SIZE of perfor. _____ in. by _____ in. and no. of perfor. from _____ ft. to _____ ft.

Screens: Yes No K-Pac Location _____
Manufacturer's Name ALLOW MACHINE
Type STAINLESS STEEL Model No. _____
Diam. 4 Slot size #10 from 5 1/2 ft. to 60 1/2 ft.
Diam. _____ Slot size _____ from _____ ft. to _____ ft.

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

Surface Seal: Yes No To what depth? 18 ft.
Material used in seal KEVONITE

Did any strata contain unusable water? Yes No
Type of water? _____ Depth of strata _____
Method of sealing strata off _____

PUMP: Manufacturer's Name FRANKLIN
Type SUBMERSIBLE R.P. 7 1/2

WATER LEVELS: Land surface elevation above mean sea level _____ ft.
Static level -40 ft. below top of well Date 4-27-11
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? MR. Bill's Pumps
Yield: 15 gal./min. with 0 ft. drawdown after 2 hrs.
Yield: _____ gal./min. with _____ ft. drawdown after _____ hrs.
Yield: _____ gal./min. with _____ ft. drawdown after _____ hrs.

Recovery data (runs 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 5-2-2011

Bailer test _____ gal./min. with _____ ft. drawdown after _____ hrs.
Artesian 20 gal./min. with stem set at 60 ft. for 2 hrs.
Artesian flow _____ g.p.m. Date _____
Temperature of water _____ Was a chemical analysis made? Yes No

CONSTRUCTION OR DECOMMISSION PROCEDURE

Formation: Describe by color, character, size of material and strata, and the kind and nature of the material in each stratum penetrated, with at least one entry for each change of information. (USE ADDITIONAL SHEETS IF NECESSARY.)

MATERIAL	FROM	TO
TOP SOIL	0	2
BROWN SILT	2	3
BROWN SILT & COBBLES	3	6
GRAY SILT & GRAVEL	6	17
GRAY CLAY	17	18
GRAY SILT SAND STONE	18	41
HARD ROCK	41	45
Med to Hard Rock Water	45	61

TAX # CORRECTION
re-submit

P17761-330434-1-004-001

MR. BILL'S PUMP SERVICE

Bill Bever

DEPT. OF ECOLOGY	11
FISCAL YEAR	20
PROJECT	18852
Start Date	4/20/11
Completed Date	4/27/11

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) William R Bever III
Driller/Engineer/Trainee Signature William R Bever III
Driller or trainee License No. 25448

Drilling Company Mr. Bill's Pump & Well Inc.
Address 25619 DAHL Rd
City, State, Zip Arlington, WA 98223

APPRAISER:
Driller's License No. 4th Bill's 360 708-6533
Driller's Signature www.mrbillspump.com

Contractor's Registration No. MRBILPW97235 Date 5-3-11
Ecology is an Equal Opportunity Employer.

UNAPPROVED

REQUESTED Water Right Attributes

Name:	Richard Hanika
Date of Application:	10/28/2013
Place of Use	Skagit County parcel number P17781 within the North ¼ of the Northwest ¼ of Section 34, Township 33 North, Range 4 East, W.M. and Skagit County parcel number P17761 within the Northwest ¼ of the Northeast ¼ of Section 34, Township 33 North, Range 4 East, W.M.

County	Waterbody	WRIA
Skagit	Groundwater	3-Lower Skagit-Samish

Purposes	Rate	Unit	Acre-feet/yr	Begin Season	End Season
Domestic supply & stockwatering	20	gpm	3	January 1	December 31

Source Names	Parcels	Well Tags	Twp	Rng	Sec	QQ Q	Latitude	Longitude
DW-1	P17781	BHN409	33N	04E	34	NW NW	48.309340	-122.290730
DW-3	P17761	BAB504	33N	04E	34	NW NE	48.310835	-122.275917

Legal Requirements for the Requested Change

The following is a list of requirements that must be met prior to processing this request for an additional point of withdrawal and a change in place of use.

Public Notice

RCW 90.03.280 requires that notice of a water right application be published once a week, for two consecutive weeks, in a newspaper of general circulation in the county or counties where the water is to be withdrawn and used. Notice of this application was published in the Skagit Valley Herald on February 13 and February 20, 2014. Based on this public notice, no protests or comments were received.

Consultation with the Department of Fish and Wildlife

Ecology must give notice to the Department of Fish and Wildlife (WDFW) of applications to divert, withdraw, or store water. On May 2, 2014, Steve Boessow, WDFW Water Rights Specialist, was notified of the subject application for change. (Mr. Boessow offered to provide comments during the draft posting of this report on Ecology's Internet site.)

State Environmental Policy Act (SEPA)

A water right application is subject to a SEPA threshold determination (i.e., an evaluation whether there are likely to be significant adverse environmental impacts) if any one of the following conditions are met.

- It is a surface water right application for more than 1 cubic foot per second, unless that project is for agricultural irrigation, in which case the threshold is increased to 50 cubic feet per second, so long as that irrigation project will not receive public subsidies.
- It is a groundwater right application for more than 2,250 gallons per minute.

INVESTIGATION

On March 19, 2014, I met Mr. Hanika at his property located at 21025 Starbird Road. We went over his application request and toured the subject property (tax parcel P17781) and adjoining property (tax parcel P17761) where Mr. Hanika is currently constructing a new home. We also visited each of his three wells.

Other Rights Appurtenant to the Existing Place of Use

As mentioned previously, in addition to the subject claim (083693), Mr. Hanika also owns Water Right Claim 083694. This claim is also appurtenant to tax parcel P17781. It was submitted by Frank & Loretta Carlin on April 26, 1974. It is for 20 gallons per minute and 3 acre-feet per year for domestic supply and cattle (stockwatering). It is for a well (DW-2) located in the N½ NW¼ of Section 34, Township 33 North, Range 4 East.

Mr. Hanika also owns Ground Water Certificate (GWC) 3508. GWC 3508 was issued to Don Volle with a priority date of July 28, 1959. This certificate is also appurtenant to the N½ NW¼ of Section 34, Township 33 North, Range 4 East. It issued for 150 gallons per minute and 80 acre-feet per year for the irrigation of 40 acres. The authorized point of withdrawal (an infiltration trench) is located within the N½ NW¼ of Section 34, Township 33 North, Range 4 East. As part of an application to donate a portion of this right to the Trust Water Rights Program, Mr. Hanika attested to the beneficial use of up to 150 gallons per minute and 40 acre-feet per year. Of this amount, Mr. Hanika temporarily donated 20 acre-feet per year to the Trust Program, where it currently resides. He retained the remainder for irrigation supply on parcel P17781.

History of Water Use

Mr. Hanika currently utilizes water right claims 083693 and 083694 to serve domestic supply water to his existing home and the Starbird Adult Family Home. Water is also used for watering beef cattle. Mr. Hanika keeps the cattle on his property so his patients can care for them as part of their therapy and recovery.

The place of use of both claims (and GWC 3508) includes approximately 40 acres owned by Scott & Sandra Kelly (tax parcels P17782, P17779, & P101063) and by Gregory & Kathleen Carpenter (tax parcel 17780). Neither the Kelly's nor the Carpenter's claim ownership or partial ownership of these rights. These parcels are to be removed from the authorized place of use as part of the application for change process.

Sworn Affidavits of Current and Historical Water Use

According to an affidavit supplied by Mr. Hanika, water use for dairy production on parcel P17781 began as early as 1915. In recent years, Mr. Hanika has had more than 60 head of cattle on the property. And, prior to that, David Hanika (property owner from 1990-1998) kept over 100 dairy replacement cows on the property.

A sworn affidavit supplied by Leota Van Wieringen attested to her knowledge of the property dating back to 1942. Ms. Van Wieringen was born in 1930. She grew up nearby and attended school at the schoolhouse on Bulson Road. She knew the Volle family (parents and three children), who owned and

farmed the subject property in the 1940s. Ms. Van Wieringen remembers a large-scale dairy, hay growing, and irrigation as early as 1942-1944. An older barn existed in the 1940s and was replaced by the current existing barn. She remembers a small house built in 1915. The Volle's had this house moved and had the existing house built in 1942. A large personal garden which required water and sprinkling was maintained as early as 1942.

Marvin Talley also submitted a sworn affidavit. Mr. Talley attested to selling Rick Hanika 32 cows in June 2005, of which 15 were pregnant. He also attested to helping Mr. Hanika purchase 15 cows at the Marysville auction in 2005 and to his knowledge of Mr. Hanika maintaining a herd of up to 60 cows over the past eight years.

In addition, Danielle Leavell provided a sworn affidavit that Mr. Hanika has had over 60 cows on the property over the past five years.

Aerial Photography

A 1937 Army Corps of Engineers photo of the area shows four structures in the southwest corner of what is now parcel P17781, this seems to corroborate Ms. Van Wieringen's affidavit and Mr. Hanika's belief that the property was occupied prior to the enactment of RCW 90.44 (the 1945 groundwater code).

Estimated Use of Water

None of Mr. Hanika's (nor any previous owner's) water use has been metered. The following table was provided by Mr. Charles S. Lindsay L.G., L.E.G., L.Hg., Senior Principal Hydrogeologist at Associated Earth Sciences, Incorporated (AESI). Mr. Lindsay did an analysis (under AESI project number EH110425A) of Mr. Hanika's total water use for domestic supply (including lawn & garden) and stockwatering under Water Right Claims 083693 and 083694.

Domestic and Stock Water Use - Starbird Farm Adult Family Home										
Claims G1-083693CL and G1-083694CL										
Home	Occupants	Indoor Use		Outdoor Use			Total Water Use (ac-ft)	Consumptive Water Use (ac-ft)	Domestic Consumptive (%)	
		Daily Use per Capita (gal) ¹	Annual Water Use (ac-ft)	Lawn Grass ² (ac)	Annual Water Use (in) ³	Annual Water Use (ac-ft)			Indoor ⁴	Outdoor ⁵
1	6	69.3	0.47	0.50	12.94	0.54	1.00	0.69	50.00	85.00
2	2	69.3	0.16	0.50	12.94	0.54	0.69	0.54		
3	2	69.3	0.16	0.50	12.94	0.54	0.69	0.54		
Rec Center ⁶	1	69.3	0.08	0.00	0.00	0.00	0.08	0.04		
Total	11	69.3	0.85	1.50		1.62	2.47	1.80		

¹ Indoor water use estimate is based on *Residential End Uses of Water*, AWWA Research Foundation, 1999.
² Lawn grass area is estimated based on land use shown on the August 25, 2011 aerial photo of the Starbird Farm area, available on Google.
³ Outdoor water use estimate was limited to lawn grass average water needs, which was estimated using Blaney-Criddle Methods for
⁴ Indoor consumptive use assumed to be 50% based on existing Fisher-Carpenter Creek Agreement.
⁵ Outdoor consumptive percentage based on hand-line sprinkler efficiency (75%) with 10% evaporation losses.
⁶ Rec Center is used daily by all occupants at the farm. Assumed to be equivalent to one full time occupant.

Year	No. Livestock	Daily Use per Head (gal) ¹	Annual Water Use (ac-ft)	Consumptive Use (ac-ft)
2007	39	12.0	0.52	0.52
2008	64	12.0	0.86	0.86
2009	64	12.0	0.86	0.86
2010	60	12.0	0.81	0.81
2011	40	12.0	0.54	0.54

¹ 2007 (3-horses, 5-sheep, 35 beef cattle), 2008 and 2009 (3 horses, 5-sheep, 60 beef cattle), 2010 and 2011 (beef cattle).
² Stock water daily use for horses, sheep and beef cattle from *Manual of Individual and Non-Public Water Supply Systems*, US EPA, May 1991.

Annual Water Use (ac-ft) ¹	Consumptive Use (ac-ft) ²
5.00	4.33

¹ Assumes average of two stock highest use years.

Drinking	Misting
100.00	100.00

Month	Days	Hours/Day	Rate (gpm)	Consumptive Use (ac-ft)
May	4	8	10	0.06
June	10	10	10	0.18
July	28	12	10	0.62
August	28	12	10	0.62
September	10	10	10	0.18
Total	80			1.66

¹ Misting schedule is based on information provided by Mr. Rick Hanika regarding typical stock operations at the Starbird Farm.

Quantities	G1-083693CL	G1-083694CL
Q1 (gpm)	20	20
Qa (ac-ft)	3	3

Based on the affidavits that were submitted, available aerial photography, and estimates of water use, it appears the subject claim has been historically and beneficially used since prior to the enactment of RCW 90.44 in 1945 and without any five year lapses of beneficial use as per RCW 90.14.160. Therefore, it appears the subject claim can be tentatively determined to eligible for change.

Proposed Use

Mr. Hanika applied to Ecology to make the following changes to claim 083693:

- Adding DW-3 as an additional point of withdrawal. Therefore, having an authorized point of withdrawal (DW-1) within parcel P17781 and another authorized point of withdrawal (DW-3) within parcel P17761.
- Changing the place of use to include both parcel P17781 (existing) and parcel P17761 (new).

Through the application for change process, a water right cannot be enlarged. In other words, the perfected instantaneous rate and annual volume cannot be increased. According to Mr. Lindsay, and

corroborated in Table 3 of the EPA Manual of Individual and Nonpublic Water Supply Systems (May 1991), beef cattle on average consume 12 gallons of water per day. My review of the available information provided by Mr. Lindsay and Mr. Hanika indicates within the most recent five years, the highest number of cattle located on Mr. Hanika's property was in 2010. In that year 60 head of cattle consumed 0.81 acre-feet of water (based on 12 gallons per day per head times 365 days per year). Mr. Hanika is proposing to limit the number of cattle located on his property to 30 head in order to free up enough perfected water (approximately 0.405 acre-feet per year) to supply his proposed new domestic connection on parcel P17761. Ecology's Northwest Regional Office typically assumes 350 gallons per day (0.39 acre-feet per year) needs to be available for each domestic unit in the Skagit River basin. In this case, the amount of stockwater to be reduced exceeds the amount of domestic water supply to be increased. Mr. Hanika's new domestic unit will be on a septic system, so much of his water use will be returned to the groundwater system.

The current instantaneous pumping rate of DW-1 is 20 gpm. In order to not increase the perfected instantaneous rate allowed under Water Right Claim 083693, Mr. Hanika will need to limit his pumping from DW-1 and DW-3 to a total of no more than 20 gpm. Mr. Hanika will also need to limit his annual volume to no more than 3.0 acre-feet per year under Water Right Claim 083693 and a total of no more than 5.0 acre-feet per year under Water Right Claims 083693 and 083694. The 5.0 acre-feet per year maximum is based on the total water use calculated by Mr. Lindsay as shown in the above table.

8 22 44 = 1,629,255 gal
3 22 41 = 978,000 gal

Hydrologic/Hydrogeologic Evaluation

In order for Ecology to allow an additional point of withdrawal, the existing well and the proposed new well must tap the same body of public groundwater. The following (italicized) Hydrologic/Hydrogeologic Evaluation was produced by Mr. Lindsay as part of the supporting documentation for the subject application for change. This evaluation is part of a technical memorandum dated April 9, 2014, under AESI project number EH110425A.

Geologic Setting

The Hanika properties (tax parcels P17761 and P17781) are located within the Fisher Creek basin. The geologic/hydrogeologic conditions in and around the Fisher Creek basin briefly described below are based primarily on: 1) work by Dragovich and others (2002) and the USGS (2009a, 2009b), 2) a review of selected water well reports for the area in the immediate vicinity of the Hanika property, and 3) our review of regional geologic maps, technical documents previously prepared by AESI, and other published technical documents.

AESI recently completed a Ground Water Recharge Suitability Assessment – Draft Technical Report for the Fisher Basin, dated March 12, 2014. A generalize geologic map of the basin (Figure 5 [see Ecology Attachment 2]) and geologic cross sections A-A' and B-B' (Figure 7A [see Ecology Attachment 3]) prepared for our March report are attached to this memorandum for background information. It should be noted that Hanika's well DW-3 is shown as well 33N04E-34C01 on the geologic map and is located near the eastern end of geologic cross section B-B'. Wells DW-1 and DW-2, while not specifically shown on Figures 5 and 7A, are located approximately 3,000 feet west of DW-3 directly along the line of cross section B-B'.

The project area is located within the Puget Lowland in Skagit and Snohomish Counties. The regional geology of the Puget Lowland consists of a complex series of sediments deposited during the repeated advance and retreat of continental glaciers, and alluvial sand and gravel deposits associated with the present and ancient Skagit River. The glacial and alluvial sediments are generally underlain by bedrock consisting of sedimentary units, metamorphic and igneous rocks. The eastern roughly 25 percent of the Fisher Creek basin is underlain at the ground surface predominately by bedrock (Oligocene- to Eocene-aged sedimentary rocks - **OEcb**). The rest of the basin is dominated by glacial and nonglacial pre-Fraser sediments, and by glacial sediments deposited during the Vashon Stade and Everson Interstade of the Fraser Glaciation.

The three most common surficial glacial units in the immediate vicinity of the Hanika properties are Holocene peat (**Qp**), Everson glaciomarine outwash (**Qgom_e**), and Vashon till (**Qgt_v**). The Vashon till and Everson glaciomarine outwash are underlain by Vashon advance outwash (**Qga_v**) near wells DW-1 and DW-2 but the Vashon outwash appears to thin and disappear to the east near DW-3, where the till is immediately underlain by bedrock. The stratigraphic relationship between the primary geologic units in the vicinity of the Hanika properties is shown on the attached geologic cross section (Figures 7A). A description of the pertinent geologic units located in the immediate vicinity of the Hanika properties is briefly reviewed below from oldest to youngest.

The Oligocene to Eocene sedimentary bedrock (**OEcb**) is referred to as the rocks of Bulson Creek by Dragovich and others (2002). This unit has been divided into a lower conglomerate lithofacies and an upper finer-grained lithofacies. The lower lithofacies consists of pebble and cobble conglomerate with minor interbeds. The upper facies consists of well-sorted, coarse- to medium-grained sandstone with interbeds of conglomerate, pebbly sandstone, siltstone, fossiliferous siltstone, coal, and shale. Where fractured, the bedrock can contain ground water that is usable for domestic purposes. Well DW-3 appears to be completed within the upper fractured portion of the **OEcb**.

The **OEcb** bedrock is typically overlain by a complex sequence of glacial and nonglacial deposits (**Qc_w**, **Qot**, **Qoo**, **Qc_v**) that consist mostly of sand with interbeds of gravel, silt, clay, sandy clay, silty clay and some organic material. Where these sediments are absent the bedrock is generally overlain by Vashon advance outwash and/or Vashon glacial till (Figure 7A). The older glacial/nonglacial sediments have a high degree of heterogeneity and can contain localized aquifers and aquitard (confining units).

The Vashon advance outwash (**Qga_v**) deposits consist of primarily medium and coarse sand and gravel deposited in the high-energy glacial fluvial environment in front of the advancing glaciers. The **Qga_v** is moderately well sorted and is commonly overlain by till (**Qgt_v**) along a relatively sharp contact. The Vashon advance outwash is a regionally extensive aquifer in the Fisher Creek basin. Although no well logs are available for DW-1 and DW-2, their reported depths indicate that they are both likely completed within the Vashon advance outwash sediments. The Vashon advance outwash is located stratigraphically above the older glacial/nonglacial sediments and/or bedrock were those sediments are absent.

The Vashon glacial till (**Qgt_v**) is composed of a non-stratified, unsorted mixture of clay, silt, and gravel in various proportions, scattered cobbles and boulders and rare lenses of sand or gravel (Dragovich and others, 2002). Till is deposited directly under advancing or retreating glaciers, which results in a very dense sediment that typically has extremely low permeabilities and does not typically yield sufficient quantities of water for domestic use. The **Qgt_v** appears to underlie the **Qp** and **Qgom_e** in the immediate vicinity of the Hanika properties. The till overlies the Vashon advance outwash near DW-1 and DW-2 and

directly overlies the bedrock near DW-3 where the advance outwash is thin and/or absent (Figures 5 and 7A).

Everson glaciomarine outwash (**Qgom_e**) is widespread throughout the western portion of the basin in relatively thin and discontinuous layers (Figure 5). The **Qgom_e** typically consists of loose sand, gravel, and silt, with occasional silt beds. The **Qgom_e** is typically underlain by Vashon glacial till. Seasonal thin layers of perched ground water can form in Everson outwash. There appears to be a relatively thin surficial layer of **Qgom_e** in the immediate vicinity of DW-1 and DW-2 (Figure 5).

The Holocene peat consists of mostly poorly stratified, brown to black, soft fibrous to woody peat and muck that is located stratigraphic on top of the **Qgt**, and very locally the **Qgom_e** (Figures 5 and 7A). Much of the peat is typically saturated and can yield useable quantities of ground water for domestic use.

Hydrogeologic Setting

As previously discussed, the saturated portions of the Vashon advance outwash and the water-bearing fractures of the **OEcb** bedrock form significant regionally extensive aquifers. The USGS technical reports (2009a, 2009b and 2011) indicate that ground water flow within the Vashon advance outwash and bedrock aquifers is generally toward the west in the immediate vicinity of the Hanika properties.

Recharge to the Vashon advance outwash aquifer in the immediate vicinity of the Hanika properties is primarily from the slow vertical migration of precipitation through the overlying low permeability glacial till and through lateral flow from water-bearing zones in the **OEcb** bedrock located near DW-3 (Figure 7A). Recharge to the **OEcb** bedrock aquifer is generally from the direct infiltration of precipitation in to the fractures where the rock is exposed at the ground surface in the eastern portion of the Fisher Creek basin.

The Vashon advance outwash aquifer likely discharges to streams, springs and seeps located in the western portion of the Fisher Creek basin and to shallow aquifers located in the Skagit River valley to the west of the basin. The deep bedrock aquifer discharges to overlying sediments, including the Vashon advance outwash, and eventually to Puget Sound.

Hydrogeologic Conclusions

It is the opinion of AESI that DW-1 and DW-3 tap the same body of public ground water based on the following:

1. Subsurface conditions described in the available water well logs and information presented in the USGS reports do not indicate any significant hydraulic separation between the Vashon advance outwash aquifer and the water-bearing fracture zones in the **OEcb** bedrock.
2. Ground water flow is toward the west in the Vashon advance outwash aquifer and the **OEcb** bedrock aquifer in the immediate vicinity of the Hanika properties.
3. No ground water flow divides or flow boundaries exist between DW-1 and DW-3.
4. The maximum distance between the two domestic wells is less than 0.75 miles.

I (Buck Smith) have reviewed this evaluation for accuracy. I agree with the interpretations and hydrogeologic conclusions.

EXHIBIT B

UNOFFICIAL DOCUMENT



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Ave SE • Bellevue, WA 98008-5452 • 425-649-7000
711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

MAR 11 2019

Mr. Richard Hanika
23208 Odessa Dr Box 4
Mount Vernon WA 98274

Re: Water Right No. CG1-083693CL

Dear Mr. Hanika:

In response to your request, you are hereby granted an extension to put the water to full beneficial use for the reason below:

You need additional time to lease the land for farming and put the water to full beneficial use.

The new deadline to submit your *Proof of Appropriation of Water* is **January 1, 2022**.

You have a right to appeal this action to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this document. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal, you must do the following within 30 days of the date of receipt of this document:

- File your appeal and a copy of this document with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this document on Ecology in paper form - by mail or in person. (See addresses below.) Email is not accepted.

You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

