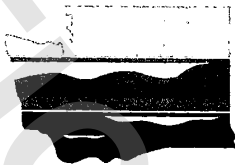


202201180146

01/18/2022 12:01 PM Pages: 1 of 4 Fees: \$206.50  
Skagit County Auditor



DEPARTMENT OF  
**ECOLOGY**  
State of Washington

**Proof of Mitigated Water Supply (New User)**

*Confirmation of legal water availability under the Skagit River Basin Mitigation  
Plan (Water Right S1-28885)*

owner: Michael J Guenther

Mitigation Tracking #: G1-29418M

Date Issued: December 17, 2021

Site Address: 48410 Yeager Rd Concrete, WA 98237

Tax Parcel Number: P44515

**Legal Description of Parcel:** THAT PORTION OF GOVERNMENT LOT 3 AND OF GOVERNMENT LOT 2 (IF ANY) IN SECTION 19, TOWNSHIP 35 NORTH, RANGE 9 EAST, W.M., DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE SOUTH LINE OF THE GREAT NORTHERN RAILROAD RIGHT OF WAY THAT IS DUE SOUTH OF A POINT ON THE NORTH LINE OF SAID GOVERNMENT LOT 3 THAT IS 450 FEET WEST OF THE NORTHEAST CORNER THEREOF; THENCE CONTINUED DUE SOUTH TO THE NORTH BANK OF THE SKAGIT RIVER; THENCE NORTHEASTERLY ALONG SAID NORTH BANK 662 FEET; THENCE NORTHWESTERLY TO A POINT ON THE SOUTH LINE OF SAID RAILROAD RIGHT OF WAY THAT IS 149.5 FEET EAST (AS MEASURED ALONG SAID RIGHT OF WAY) OF THE POINT OF BEGINNING; THENCE WEST 149.5 FEET TO THE POINT OF BEGINNING; EXCEPT THAT PORTION DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF THAT CERTAIN TRACT OF LAND CONVEYED TO EDWARD L & DOLORES L KADLEC RECORDED UNDER AUDITORS FILE NO. 700501, RECORDS OF SKAGIT COUNTY, WASHINGTON THENCE NORTH 86-59-47 EAST ALONG THE SOUTH LINE OF THE ABANDONED RAILROAD RIGHT OF WAY MARGIN, 138.29 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING NORTH 86-59-47 EAST ALONG SAID SOUTH MARGIN 11.11 FEET TO THE NORTHEAST CORNER OF SAID TRACT; THENCE SOUTH 38-52-04 EAST 487 FEET TO THE NORTH BANK OF THE SKAGIT RIVER; THENCE SOUTHWESTERLY ALONG SAID NORTH BANK OF THE SKAGIT RIVER, 9 FEET FROM WHICH THE TRUE POINT OF BEGINNING BEARS SOUTH 38-52-04 EAST; THENCE NORTH 38-52-04 WEST, 493 FEET TO THE TRUE POINT OF BEGINNING.

This document confirms legal water availability for a single domestic connection located within the approved mitigation area described in the *Skagit River Basin Mitigation Plan*. This Proof of Mitigated Water Supply is issued based upon the *Skagit River Basin Mitigation Plan* and confirms a source of water supply that is senior in priority to the minimum instream flows established in chapter 173-503 WAC. Issuance of this Proof of Mitigated Water Supply constitutes evidence of an adequate water supply to allow the issuance of a building permit by Skagit County under RCW 19.27.097. This Proof of Mitigated Water Supply does not constitute a water right permit issued under RCW 90.03.250 - .340.

This document binds the aforementioned property owner(s), and successors and assigns, to the restrictions identified below.

This document is valid only after it is notarized and recorded with the Skagit County Auditor's office.

#### Current Property Owner Information

Name	Michael J Guenther
Mailing Address	48404 Yeager Rd
City, State Zip	Concrete, WA 98237

#### Approved water use information

	Acre-Feet /Year	Gallons / Day (average)	Irrigated Area (approximate)
Indoor Use	0.20	175	
Outdoor Use	0.16	143	0.13 acres of lawn (75ft. x 75ft.)
<b>Total</b>	<b>0.36</b>	<b>318</b>	

#### Declarations


The Department of Ecology (Ecology) makes the following declarations as to the limitations, restrictions, and uses for which the water may be put to use and specifies that such declarations shall constitute covenants on the land, as provided by law, and shall be binding on all parties and all persons claiming under them, including all current and future owners of any portion of or interest in the property:

- (1) Average annual water use on this parcel from the approved groundwater well shall not exceed the quantities described above for each specified use. The allocation quantities are based on annualized averages for single domestic indoor and outdoor water use. Outdoor use is calculated based on ~0.13 acres of irrigated turf/lawn (approximately 75 feet by 75 feet). This irrigated area allocation is a guide and does not limit other irrigation uses that align with the spirit and intent of the *Skagit River Basin Mitigation Plan* and is within the total allocated annual quantity.
- (2) A remote-read meter measuring water use must be installed and maintained according to the following specifications: (1) it shall be installed at the well source and inspected by the County and (2) transmit real time volumetric water use data to an Ecology-managed database via a cellular mobile phone network that has coverage on the

applicant's parcel. It is the owner's responsibility to maintain an operating meter and it shall be maintained and replaced at the owner's expense.

- (3) The property owner shall allow Ecology to access the property to inspect the meter if necessary. Ecology will provide the property owner at least 48 hours of notice prior to inspection.
- (4) The well must be sited within the approved mitigation area described in the *Skagit River Basin Mitigation Plan*. It is strongly encouraged that a property owner consult Ecology's interactive web map "Skagit River Basin Mitigation Map" to determine where the mitigation zone is in relation to the property's boundaries. This is especially important if the parcel straddles the mitigation zone. It is the property owner's responsibility to ensure that the well driller records the well location latitude and longitude coordinates on the well log submitted to Ecology.
- (5) The mitigation allocation is appurtenant to the land on which the water is authorized to be used and is not transferable.
- (6) Nothing in this Proof of Mitigated Water Supply document prevents the property owner from using other water on this parcel if the property owner has a legal right to such other water. In addition, nothing in this Proof of Mitigated Water Supply document prevents the property owner from using their approved groundwater well to withdraw additional water if the property owner has a legal right to such additional water.
- (7) The recipient is responsible for following all local laws and regulations. Issuance of this Proof of Mitigated Water Supply document does not guarantee issuance of a County building permit or other required local land use approvals.
- (8) Ecology retains authority to enforce the water laws and rules of the State of Washington. Enforcement and compliance shall be consistent with the provisions of RCW 90.03.605.
  - a. If Ecology observes water use that exceeds the allocated quantity, Ecology will work with the property owner to understand the exceedance and identify corrective actions.
  - b. Ecology may pursue escalating levels of enforcement consistent with RCW 90.03.605: (1) technical assistance, (2) warning letter, and (3) compliance order / penalty.

**Authorizing Agent**

By:   
Ria Berns, Section Manager  
Water Resources Program  
Department of Ecology

Date: December 17, 2021

**Property Owner(s) – Each property owner must provide a notarized signature.**

I, MICHAEL J. GUENTHER, hereby certify, under the penalty of perjury, that I am the owner of certain real property in Skagit County, with a physical address of:

Name MICHAEL J. GUENTHER  
Address 48410 YEAGER RD  
City CONCRETE  
State WA Zip 98237

Parcel No. 44515

I also agree to comply with the *Skagit River Basin Mitigation Plan* and the terms stated herein.

By: [Signature]  
[Primary owner's signature]

Dated: 12/22/21

**ACKNOWLEDGEMENTS**

State of Washington

County of SKAGIT

I certify that I know or have satisfactory evidence that MICHAEL GUENTHER is the person(s) who appeared before me, and said person(s) acknowledged that he/she signed this instrument and acknowledged it to be his/her free and voluntary act for the uses and purposes mentioned in the instrument.

Dated 12-22-21 Name: [Signature]

NOTARY PUBLIC for the State of WASHINGTON

Residing at CONCRETE

My appointment expires: 9-9-24

