



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

15 West Yakima, Suite 200 • Yakima, Washington 98902-3404 • (509) 575-2490

September 21, 1998

**CERTIFIED MAIL**  
P 148 981 564

Mike Nichols  
Glade Creek Ranch  
HCX 74 Box 614  
Prosser WA 99350-9402

Re: Permit No. S4-25639(Y)P - PCHB97-53

In consideration and in compliance of the STIPULATION AND AGREED ORDER OF DISMISSAL, signed August 1, 1997, enclosed is Rescinding Order No. DE 98WR-C231. If you have any questions concerning the content of the document, please call or write Kevin Brown at telephone/address (509) 454-7647, Department of Ecology, Central Region Office, 15 West Yakima Avenue, Suite 200, Yakima, Washington 98902. The enclosed Order may be appealed. The appeal procedures are described in the Order.

Sincerely,

Darlene M. Frye, Section Supervisor  
Water Resources Program  
Central Regional Office

DMF:KB:ska  
980915.wr8

Enclosure: Rescinding Order, Docket No. DE 98WR-C231

cc: Watts Brothers Farms  
Donald H. Bond, Attorney for Watts  
Alan Reichman, Attorney for Ecology  
Carroll Palmer, Yakama Indian Nation  
Rachael Paschal, CELP

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P 148 981 564  
 DE 98WR C229  
 C230  
 C231

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Return Receipt Showing to Whom, Date, & Addressee's Address	
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**CERTIFIED**

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**MAIL**

PS Form 3800, April 1995

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- Addressee's Address
- Restricted Delivery

Consult postmaster for fee.

3. P 148 981 564

**Mike Nichols  
 Glade Creek Ranch  
 HCX 74 Box 614  
 Prosser WA 99350-9402**

84-25639(G)P - PCHB97-51  
 84-25639(X)P - PCHB97-52  
 84-25639(Y)P - PCHB97-53

4a. Article Number  
 P 148 981 564

4b. Service Type

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 Return Receipt for Merchandise  COD

7. Date of Delivery  
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5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

X *Michael Nichols*

8. Addressee's Address (Only if requested and fee is paid)

Thank you for using Return Receipt Service.

Watts Brothers Farms  
PO Box 129  
Paterson WA 99345

Donald H. Bond  
HALVERSON & APPLGATE  
311 North Fourth Street  
PO Box 22730  
Yakima WA 98907-2715

Rachael Paschal  
Center For Environmental Law & Policy  
1165 Eastlake Avenue East, #400  
Seattle WA 98109-4456

Carroll Palmer, Deputy Director  
Natural Resources Division  
Yakama Indian Nation  
PO Box 151  
Toppenish WA 98948-0151

BEFORE THE  
DEPARTMENT OF ECOLOGY  
STATE OF WASHINGTON

IN THE MATTER OF SURFACE WATER )  
PERMIT NO. S4-25639(Y)P - PCHB 97-53)

Rescinding Order  
Docket No. DE 98WR-C231

To: Mike Nichols  
Glade Creek Ranch  
HCX 74 Box 614  
Prosser WA 99350-9402

On January 27, 1996 Mike Nichols, dba Glade Creek Ranch filed an assignment form requesting the assignment of a portion of a water right under Surface Water Permit No S4-25639(G)P from Nichols to Watts Brothers Farms. On March 19, 1997 Ecology executed the assignment of a portion of the permit, split the permit and issued Superseding Permit No. S4-25639(Y)P dated March 19, 1997.

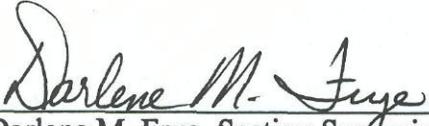
On April 19, 1997, Watts Brothers Farms filed their appeal of Ecology's issuance of Superseding Permit No. S4-25639(Y)P, to the Pollution Control Hearings Board (PCHB). This appeal was assigned PCHB 97-53.

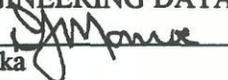
The parties stipulated and agreed to certain conditions contained in the STIPULATION AND AGREED ORDER OF DISMISSAL signed August 1, 1997. Stipulation No. 1 states, "Ecology shall rescind its issuance of Superseding Permits No. S4-25639(B)P, No. S4-25639(D)P, No. S4-25639(E)P, and No. S4-25639(Y)P without prejudice."

Based on the preceding facts and in compliance with the STIPULATION AND AGREED ORDER OF DISMISSAL dated August 1, 1997, Ecology rescinds Superseding Surface Water Permit No. S4-25639(Y)P dated March 19, 1997.

This Order may be appealed. Your appeal must be filed with the Pollution Control Hearings Board, PO Box 40903, Olympia, WA 98504-0903 within thirty (30) days from the date this Order was mailed by the Department of Ecology. At the same time a copy of your appeal must be sent to the Department of Ecology, Water Resources Program, c/o Appeal Coordinator, PO Box 47600, Olympia WA 98504-7600. Your appeal alone will not stay the effectiveness of this Order. Stay requests must be submitted in accordance with RCW 43.21B.320. These procedures are consistent with Chapter 43.21B RCW.

Dated this 21st day of September, 1998.

  
Darlene M. Frye, Section Supervisor  
State of Washington  
Department of Ecology

ENGINEERING DATA  
OK   
KB:ska  
980915.wr8

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