



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

4601 N Monroe Street • Spokane, Washington 99205-1295 • (509)329-3400

March 29, 2016

Mr. Kyle Harder
Harder River Ranch
P.O. Box 9
Hooper, WA 99333-0009

Re: Ground Water Application No. G3-30022

On, January 21, 2016 this office notified you by certified mail that Ground Water Application Number G3-30022 would be rejected within 30 days, unless you provided a completed *Assignment of Application* form. To date, we have not received a response from you regarding this notice.

Therefore, the above referenced application is hereby REJECTED. You may file your own application for a water right at any time.

Your Right To Appeal

You have a right to appeal this Order to the Pollution Control Hearings Board (PCHB) within 30 days of the date of receipt of this Order. 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 the Order.

File your appeal and a copy of this Order 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 Order on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.
- You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

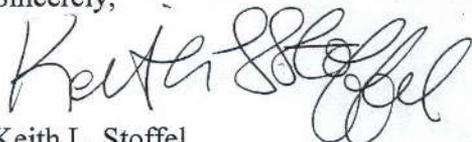
Street Addresses	Mailing Addresses
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
Pollution Control Hearings Board 1111 Israel Road SW Ste 301 Tumwater, WA 98501	Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903

Harder River Ranch
G3-30022
Page 2
March 29, 2016

For additional information visit the Environmental Hearings Office Website: <http://www.eho.wa.gov> . To find laws and agency rules visit the Washington State Legislature Website: <http://www1.leg.wa.gov/CodeReviser>.

If you have any questions, please contact Dan Tolleson at 509-329-3526.

Sincerely,



Keith L. Stoffel
Section Manager
Water Resources Program
Eastern Regional Office

KLS/DT:md
Enclosure: *Your Right to Be Heard*

By Certified Mail: 7015 0640 0003 6619 6174

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OFFICIAL USE

7015 0640 0003 6619 6174

Certified Mail Fee
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Extra Services & Fees (check box, add fee as appropriate)

Return Receipt (hardcopy) \$ _____

Return Receipt (electronic) \$ _____

Certified Mail Restricted Delivery \$ _____

Adult Signature Required \$ _____

Adult Signature Restricted Delivery \$ _____

Postmark
 Here

Postage
 \$ _____

Total Postage
 \$ _____

Sent To

Mr. Kyle Harde
 Harder River Ranch
 P.O. Box 9
 Hooper, WA 99333-0009

Street and
 City, State, ZIP+4

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

Mr. Kyle Harde
 Harder River Ranch
 P.O. Box 9
 Hooper, WA 99333-0009



9590 9403 0885 5223 8059 75

2 Article Number (Transfer from sender label)
 7015 0640 0003 6619 6174

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Addressee

B. Received by (Printed Name)
 Kyle Harde

C. Date of Delivery
 4-1-16

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type

Adult Signature

Adult Signature Restricted Delivery

Certified Mail®

Certified Mail Restricted Delivery

Collect on Delivery

Collect on Delivery Restricted Delivery

Registered Mail™

Registered Mail Restricted Delivery

Return Receipt for Merchandise

Signature Confirmation™

Signature Confirmation Restricted Delivery

Domestic Return Receipt

English

Customer Service

USPS Mobile

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USPS Tracking®



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Have questions? We're here to help.



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Tracking Number: 70150640000612946645

Updated Delivery Day: **Saturday, January 23, 2016**

Product & Tracking Information

Postal Product:

Features:
Certified Mail™

DATE & TIME	STATUS OF ITEM	LOCATION
February 4, 2016 , 8:01 am	Delivered, Individual Picked Up at Post Office	HOOPER, WA 99333
Your item was picked up at the post office at 8:01 am on February 4, 2016 in HOOPER, WA 99333.		
January 23, 2016 , 8:57 am	Available for Pickup	HOOPER, WA 99333
January 23, 2016 , 8:56 am	Arrived at Unit	HOOPER, WA 99333
January 22, 2016 , 4:24 pm	Departed USPS Facility	SPOKANE, WA 99224
January 21, 2016 , 10:10 pm	Arrived at USPS Facility	SPOKANE, WA 99224

Available Actions

Text Updates

Email Updates

Track Another Package

Tracking (or receipt) number

70150640000612946645

Track It

Manage Incoming Packages

Track all your packages from a dashboard.
No tracking numbers necessary.

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Business Customer Gateway
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Inspector General
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Resources for Developers

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STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

4601 N Monroe Street • Spokane, Washington 99205-1295 • (509)329-3400

January 21, 2016

Mr. Kyle Harder
Harder River Ranch
P.O. Box 9
Hopper, Washington 99333-0009

Mr. Harder:

Re: Ground Water Application No. G3-30022

NOTICE – WATER RIGHT APPLICATION STATUS

According to our phone conversation on January 19, 2016, you propose to have this application assigned into the name of Harder River Ranch. To accomplish this you will need to complete and return the enclosed *Assignment of Application* form. Since the original applicant is deceased you will need to provide documentation that you have inherited this application along with the land. Your signature will need to be notarized and there is a required \$50 fee. In addition, you should be aware of the following issues regarding new water right applications within WRIA 34.

On August 19, 2014, Ecology requested National Marine Fisheries Service (NMFS) input on new water appropriations within the Snake River basin. A response was received in a letter dated October 1, 2014. They indicated that there are seven species of fish within the basin that are considered listed under the Endangered Species Act (ESA). The Snake River and the tributaries have limited flows that affect these ESA listed species. They noted that many of the tributaries to the Snake River have limited quantity and often poor quality spawning and rearing habitat. Currently, NMFS has a draft plan for recovery of this basin and has indicated that new consumptive water uses should be denied, unless they have appropriate mitigation. Most of the Columbia River Basalt Group aquifers underlying the Palouse Basin either discharge to the lower reaches of its associated tributary or are ultimately hydraulically connected to the Snake River. This fisheries recommendation for denial of new consumptive uses would affect any surface water applications within the watershed and most groundwater applications for new water rights.

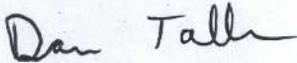
Certain watersheds within the Palouse Basin have well documented, localized, serious water availability problems independent of the above-listed concerns expressed by the NMFS. Most of the tributary streams in the watershed experience critical low flows to no flow during the long summer months when water use is highest. Ecology has denied new water uses from these watersheds for many decades to protect senior rights. Therefore, it appears that this application for a new water right within the Palouse Basin will in all likelihood be denied.

Harder River Ranch
G3-30022
Page 2
January 21, 2016

If you do not respond within thirty (30) days of receipt of this letter, I will assume that you no longer have any interest and rejection of this application will occur without further notice.

If you have any questions or need information please contact me at (509) 329-3526 or dtol461@ecy.wa.gov. My mailing address is Department of Ecology, 4601 N. Monroe Street, Spokane, Washington, 99205-1295.

Sincerely,



Dan Tolleson
Water Resources Program
Eastern Region Office

DT:md

Enclosure: *Assignment of Application form, and
NMFS Letter dated 10/1/2014*

By CERTIFIED MAIL: 7015 0640 0006 1294 6645

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OFFICIAL USE

Certified Mail Fee

\$

Extra Services & Fees (check box, add fee as appropriate)

- | | |
|--|----------|
| <input type="checkbox"/> Return Receipt (hardcopy) | \$ _____ |
| <input type="checkbox"/> Return Receipt (electronic) | \$ _____ |
| <input type="checkbox"/> Certified Mail Restricted Delivery | \$ _____ |
| <input type="checkbox"/> Adult Signature Required | \$ _____ |
| <input type="checkbox"/> Adult Signature Restricted Delivery | \$ _____ |

Postmark
Here

Postage

\$

Total

\$ Sent

Street

City, State

Mr. Kyle Harder
Harder River Ranch
P.O. Box 9
Hopper, Washington 99333-0009

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

7015 0640 0006 1294 6645



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

4601 N Monroe Street • Spokane, Washington 99205-1295 • (509)329-3400

January 6, 2015

Ms. Judy Harder
Box 7
Hooper, WA 99333

Re: Application No. G3-30022 for a Water Right Permit

NOTICE – WATER RIGHT APPLICATION STATUS

The Department of Ecology (Ecology) is currently in the process of reviewing applications we have on file for new water rights within Water Resource Inventory Areas (WRIA) 34, in Adams, Spokane, Lincoln and Whitman Counties. This letter is intended to give you the opportunity to inform Ecology whether or not you are still interested in pursuing your application for a new water right.

According to the county assessor, you no longer own the land proposed for use under the above listed application. Due to this situation, it appears that you no longer have any need for this application. **If we do not receive a response to the contrary within 30 days from your receipt of this letter, your application will be rejected without further notice.**

If you have any questions or need information please contact me at (509) 329-3526 or dan.tolleson@ecy.wa.gov. My mailing address is Department of Ecology, 4601 N. Monroe Street, Spokane, Washington 99205-1295.

Sincerely,

Dan Tolleson
Water Resources Program
Eastern Region Office

DT:ka

Enclosure: Copy of Application
Statement of Intent

By Certified Mail 7012 3050 0000 1095 0654

*Phone conversation with
- Kyle Harder, the land
now owned by Harder River Ranch
and they want to preserve the
application will send the
to PO box 9, Hooper, WA 99333
509-549-3282*

DT

1/19/2015

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OFFICIAL USE

7012 3050 0000 1095 0654

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

1/6/16

Postmark
Here

Sent To
 Street, Apt. No.,
 or PO Box No.
 City, State, ZIP+4

**MS. JUDY HARDER
 BOX 7
 HOOPER, WA 99333**

PS Form 3800, August 2006 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

**MS. JUDY HARDER
 BOX 7
 HOOPER, WA 99333**



9590 9403 0583 5183 2133 89

2. Article Number (Transfer from service label)

7012 3050 0000 1095 0654

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Addressee

B. Received by (Printed Name)

Kyle Harder

C. Date of Delivery

1/14/16

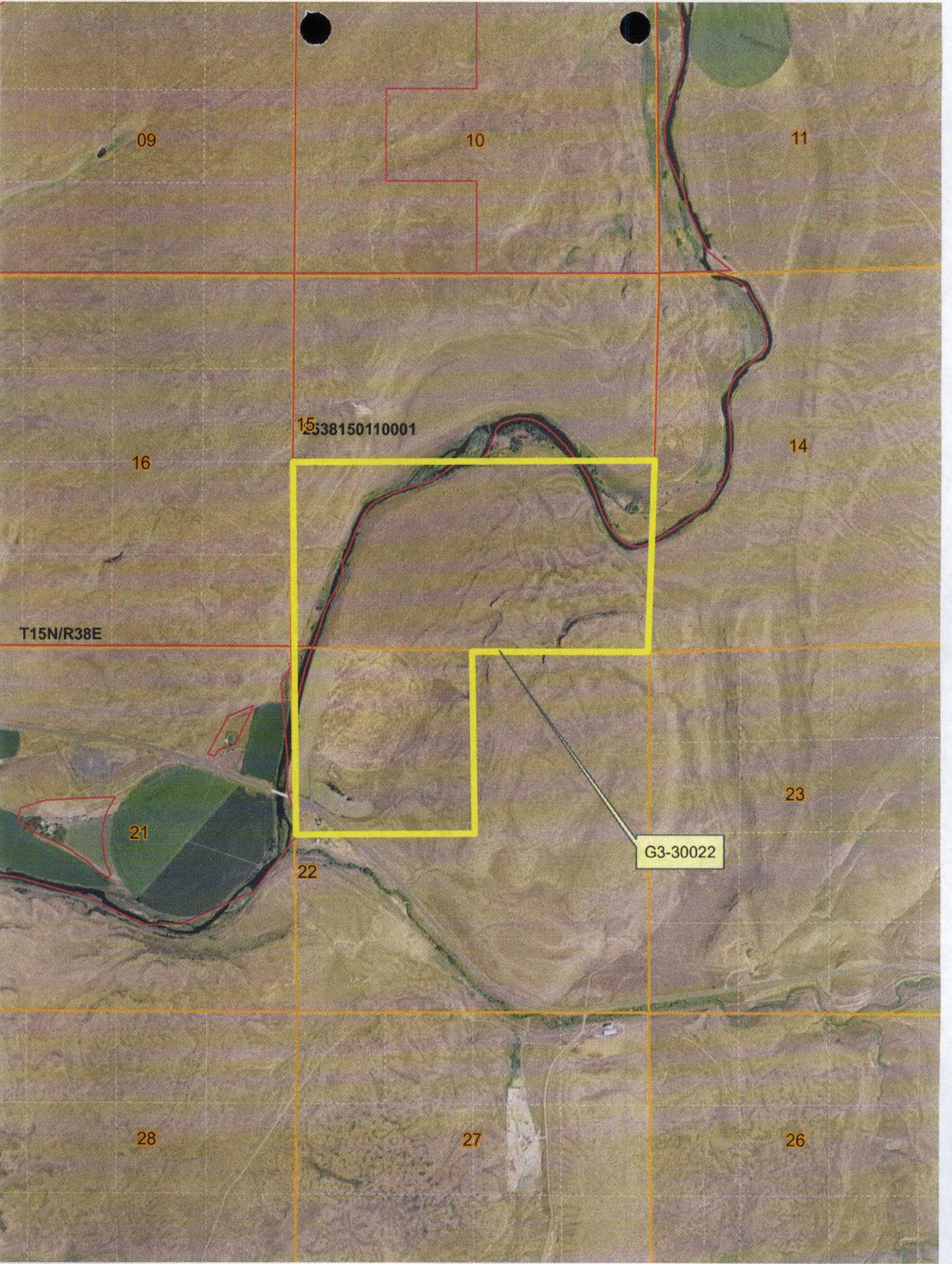
D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Insured Mail
- Insured Mail Restricted Delivery (over \$500)
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Return Receipt for Merchandise
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

PS Form 3811, April 2015 PSN 7530-02-000-9053

Domestic Return Receipt



09

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38150110001

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T15N/R38E

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22

23

G3-30022

28

27

26



STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

4601 N. Monroe Street • Spokane, Washington 99205-1295 • (509) 456-2926

April 4, 2002

Mr. Scott & Heidi Evans
PO Box 64
Hooper, Washington 99333-0064

CCY

Dear Mr. & Mrs. Evans:

Re: Ground Water Application No. G3-30022.
(WRIA 34 – Whitman County)

Your protest against the granting of a permit for the above-referenced application is acknowledged and made a matter of record.

Your objection will be fully considered before taking further action on this application. However, to adequately evaluate your protest, we request that you complete the enclosed questionnaire to the best of your knowledge and return it to this office within fifteen (15) days from the date of this letter. Complete and accurate answers to these questions will enable the Department to evaluate your protest.

Please complete and return the questionnaire in the enclosed self-addressed envelope.

Thank you for your cooperation in this matter.

Sincerely,

Karen Tusa
Eastern Regional Office
Water Resources Program

\mah

W: Protests/2002/Evans vs Harder G3-30022 04-03-2002.doc

Enclosure

cc: Judy Harder
PO Box 7
Hooper, Washington 99333-0007



Department of Ecology
Water Resources Program
4601 N Monroe St
Spokane WA 99205-1295



March 22, 2002

RE: Permit application No. G-3-30022
filed by Judy Harder, Hooper WA
960 gpm for irrigation of 120 acres

To Whom it may concern:

Please find enclosed a \$2.00 recording fee for the objection to the approval of the above application.

Objections are based on the following:

Approval may prove detrimental to existing water tables in the area

According to Harmon Smith (whose family owned the property during the 1960's, 70's and 80's) this property has not previously been irrigated.

Approval may be detrimental to downriver and down gradient water users.

Respectfully,

Scott Evans
Heidi Evans
Scott & Heidi Evans
PO Box 64
Hooper WA 99333

Enc.
Filing fee
Check # 3645

OK for protest -
Send letter & questionnaire
KT 4/2/02



State of Washington - Whitman County

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of the Whitman County Gazette, a weekly newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a weekly newspaper in Colfax, Whitman County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Whitman County Gazette was on the 13th day of May, 1941, approved as a legal newspaper by the Superior Court of Whitman County.

STATE OF WASHINGTON DEPARTMENT OF ECOLOGY NOTICE OF APPLICATION TO APPROPRIATE PUBLIC WATERS TAKE NOTICE: That Judy Harder of Hooper, Washington on February 18, 1997 under Application NO. G-3-30022 filed for permit to appropriate public waters, subject to existing rights, from one well in the amount of 960 gallons per minute, each year, for seasonal irrigation of 120 acres. The source of the proposed appropriation is located within the SE1/4SW1/4 of Section 15, Township 15 N., Range 38 E.W.M., in Whitman County. Protests or objections to approval of this application must include a detailed statement of the basis for objections; protests must be accompanied by a two dollar (\$2.00) recording fee and filed with the Department of Ecology, at the address shown below, within thirty (3) days from March 14, 2002. State of Washington Department of Ecology Water Resources Program 4601 North Monroe Street Spokane, Washington 99205-1295 10/2p

The notice in the exact form annexed, was published in regular issues of the Whitman County Gazette, which was regularly distributed to its subscribers during the below stated period. The annexed

notice, a

NOTICE OF APPLICATION

was published on

MARCH 7 AND 10, 2002

The amount of the fee charged for the foregoing publication is the sum of \$42.00

H. Markleit

Subscribed and sworn to before me on

March 10, 2002

Carol L. Fleener

Notary Public for the State of Washington, residing in Colfax



OK W AFF'D expires 4-2-02



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

4601 N. Monroe, Suite 202 • Spokane, Washington 99205-1295 • (509) 456-2926

February 28, 2002

COPY

P.O. Box 770
Colfax, WA 99111

Dear Sir or Madam:

Re: Publication Notice for Water Right Application No. G3-30022

We acknowledge receipt of the affidavit of publication for the above-referenced application. This affidavit of publication is incorrect, as noted on the enclosed copy. The error is identified in red.

Because of this error, it will be necessary that the enclosed notice be republished once a week for two consecutive weeks. Please provide us with the original notarized affidavit of that publication.

Since this office did not cause the error in the initial publication, we will not assume liability for cost of republication of the notice.

We must receive the affidavit of the republished notice within sixty (60) days from the date of this letter.

If you have any questions, please feel free to call me at 509-456-3022.

Sincerely,

Laurie Dahmen
Water Resources Program

LD
Enclosure
cc: Ms. Judy Harder



State of Washington - Whitman County
Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of the Whitman County Gazette, a weekly newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a weekly newspaper in Colfax, Whitman County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Whitman County Gazette was on the 13th day of May, 1941, approved as a legal newspaper by the Superior Court of Whitman County.

The notice in the exact form annexed, was published in regular issues of the Whitman County Gazette, which was regularly distributed to its subscribers during the below stated period. The annexed

notice, a

NOTICE OF APPLICATION

was published on

JANUARY 3 AND 10, 2002

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
NOTICE OF APPLICATION TO
APPROPRIATE PUBLIC WATERS
TAKE NOTICE:
That Judy Harder of Hooper, Washington on February 18, 1997 under Application No. G3 - 30022 filed for permit to appropriate public waters, subject to existing rights, from one well in the amount of 960 gallons per minute, each year, for seasonal irrigation of 120 acres. The source of the proposed appropriation is located within the SE1/4 W1/4 of Section 15, Township 15 N Range 38 E.W.M., in Whitman County. Protests or objections to approval of this application must include a detailed statement of the basis for objections; protests must be accompanied by a two dollar (\$2.00) recording fee and filed with the Department of Ecology, at the address shown below, within thirty (30) days from January 10, 2002.
State of Washington
Department of Ecology
Water Resources Program
4601 North Monroe Street
Spokane, Washington 99205 - 1295
1/2c

The amount of the fee charged for the foregoing publication is the sum of **\$42.00**

Andy Fey

Subscribed and sworn to before me on
Feb 14 2002

Carol L. Fleenor

Notary Public for the State of Washington, residing in Colfax



STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

4601 N. Monroe Street • Spokane, Washington 99205-1295 • (509) 456-2926

December 19, 2001

Ms. Judy Harder
Box 7
Hooper, Washington 99333-0007

COPY

Dear Ms. Harder

Re: Ground Water Application No. G3-30022

Enclosed is a notice of your application which must be published **once a week for two consecutive weeks** in the Colfax Gazette **or** the Colfax Daily Bulletin published in Whitman County as provided in RCW 90.03.280. This newspaper has general circulation in the locality where the water is to be appropriated and used and is qualified as a legal newspaper as provided in Chapter 65.16 RCW.

Please draw to the publisher's attention that the actual date of the **second** publication must appear in the space in the notice over the caption "last date of publication."

The cost of publishing the notice is the responsibility of the water right applicant. To assure accuracy, **it is the responsibility of the applicant to check the notice carefully before having it published.** If an error is detected, do not submit the notice for publication, but refer the error to this office for correction and/or resolution.

Please provide us with the **original notarized affidavit** of that publication. Publication should start within thirty (30) days and the affidavit must be received in this office within sixty (60) days from the date of this letter or rejection will be initiated.

Sincerely,

Laurie Dahmen
Water Resources Program
Eastern Regional Office

LD:mah

W:Publication/Dahmen/2002/Judy Harder G3-30022 12-19-2001 doc

Enclosures

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

NOTICE OF APPLICATION TO APPROPRIATE PUBLIC WATERS

TAKE NOTICE:

That Judy Harder of Hooper, Washington on February 18, 1997 under Application No. G3-30022 filed for permit to appropriate public waters, subject to existing rights, from one well in the amount of 960 gallons per minute, each year, for seasonal irrigation of 120 acres. The source of the proposed appropriation is located within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 15, Township 15 N., Range 38 E.W.M., in Whitman County.

Protests or objections to approval of this application must include a detailed statement of the basis for objections; protests must be accompanied by a two dollar (\$2.00) recording fee and filed with the Department of Ecology, at the address shown below, within thirty (30) days from

_____ (Last
date of publication to be entered above by publisher)

State of Washington
Department of Ecology
Water Resources Program
4601 North Monroe Street
Spokane, Washington 99205-1295

NOTICE

LD:mah

W:Publication/Dahmen/2002/Judy Harder G3-30022 12-19-2001.doc



FILE COPY

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

4601 N. Monroe, Suite 202 • Spokane, Washington 99205-1295 • (509) 456-2926

May 6, 1997

Ms. Judy Harder
Box 7
Hooper, WA 99333

Dear Ms. Harder:

Re: Ground Water Application No. G3-30022

We have received your application for a water right and have assigned the application number indicated above. It would help us if you referred to it by number in future correspondence.

Due to a shortage of staff to meet the demand for service, new applications are being accepted and filed for future processing, but a public notice will not be sent at this time. Because we have approximately 5,000 pending applications for water rights, it may be some time before we can get to your application. When we begin processing your application, we'll prepare a public notice and send it to you with publication instructions. It is very important that you notify us of any change of address or ownership of the property; or, if your plans for water use change.

We are working on the oldest applications on file as quickly as we are able. We are also looking for ways to speed up decision making. Please keep in mind that filing an application for water use does not authorize use of the water. With the many complexities of water law, including issues such as senior rights, fish habitat, and instream flows, favorable permit decisions are not always possible. I regret that a decision on your application cannot be made sooner and strongly advise against investing further in your project unless you are issued a water right permit.

I apologize that this is the best we can do currently. To better manage limited staff time, we have set the following office hours:

Telephone Calls
Mondays and Wednesdays
8:00 am to 4:00 pm
(509) 456-2926

Walk-Ins
Tuesdays and Thursdays
8:00 am to 12:00 (noon)

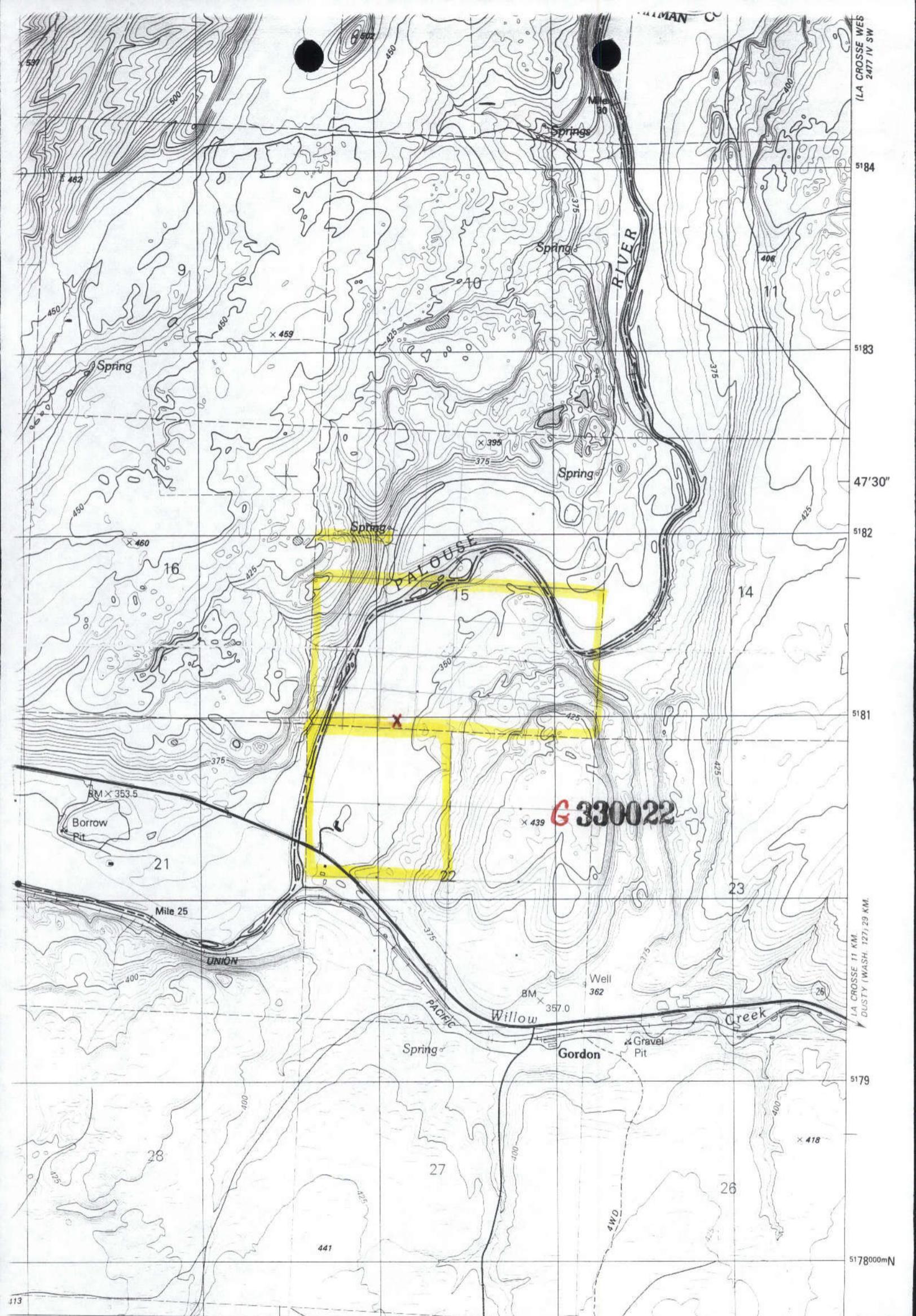
We will respond to your questions and concerns as soon as possible. Thank you for your continued patience.

Sincerely,

Bruce F. Howard
Section Manager
Shorelands and Water Resources Program

BFH:mjw





LA CROSSE WES 2477 IV SW
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5183
47'30"
5182
5181
5179
5178
5175
46°45'

LAKE) NE
:24 000
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RS 1000 2000
ES 5000 6000 7000 8000 9000 10 000
T

VAL 5 METERS
RTICAL DATUM OF 1929

WASHINGTON
QUADRANGLE LOCATION

INTERIOR—GEOLOGICAL SURVEY RESTON VIRGINIA—1981
422 423000mE

ROAD CLASSIFICATION

Primary highway, hard surface	Light-duty road, hard or improved surface ..
Secondary highway, hard surface	Unimproved road ..

○ Interstate Route □ U. S. Route ○ State Route

RATTLESNAKE CANYON, WASH.
SE/4 BENG 15' QUADRANGLE

(HAY) 2477 III NW