



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

April 19, 2016

Scott Byerley
501 West Langdon Road
Walla, Walla, Washington 99362

Re: Ground Water Application No. G3-30305

On, March 15, 2016 this office notified you that your Ground Water Application Number G3-30305 would be rejected unless you returned the *Statement of Intent Form ECY 070-424*, requesting a formal decision. This form was completed and received by Ecology on April 14, 2016, with the "Withdraw (Remove from Waiting List)" box checked.

Since you no longer have any interest, your application is hereby **REJECTED**.

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

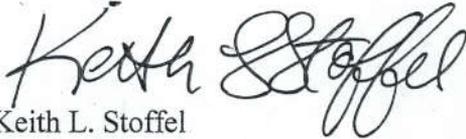


Byerley Farms, Inc.
G3-30305
Page 2
April 19, 2016

For additional information visit the Environmental Hearings Office Website: <http://www.cho.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 5450

U.S. Postal Service™
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For delivery information, visit our website at www.usps.com®.

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Certified Mail Fee \$ _____

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 P. \$ _____

Sent To \$ _____

Street a _____

City, Sta _____

Scott Byerley
 501 West Langdon Road
 Walla, Walla, Washington 99362

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.

Scott Byerley
 501 West Langdon Road
 Walla, Walla, Washington 99362



9590 9403 0885 5223 8056 92

2 Article Number (Transfer from mailpiece)
 7015 0640 0003 6619 5450

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Scott Byerley Addressee

B. Received by (Printed Name) Agent
 Linda Byerley Addressee

C. Date of Delivery
 04.25.16

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

3. Service Type

Adult Signature Priority Mail Express®

Adult Signature Restricted Delivery Registered Mail™

Certified Mail® Registered Mail Restricted Delivery

Certified Mail Restricted Delivery Return Receipt for Merchandise

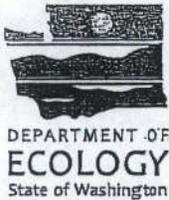
Collect on Delivery Signature Confirmation™

Signature Confirmation Restricted Delivery Signature Confirmation Restricted Delivery

Restricted Delivery (over \$500)

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

Domestic Return Receipt



**Statement of Intent for Pending
Application for a Water Right Permit**

RECEIVED

APR 14 2016

To determine continued interest in pursuing a decision on an existing application

Department of Ecology
Eastern Regional Office

1. Application Number:

WATER RIGHT APPLICATION NO. (i.e. 1234, G3-01234, etc.) G3-30305

2. Applicant Information: If there is more than one applicant, please attach a separate sheet of paper to provide all other applicant's contact information.

APPLICANT/BUSINESS NAME Scott Byerley	PHONE NO. 509 520 2895	PHONE NO.
MAILING ADDRESS 501 W LANGDON		
CITY WALLA WALLA	STATE WA	ZIP CODE 99362
E-MAIL ADDRESS sebyerley@gmail.com		

3. Intent: Check the Appropriate Box.

WITHDRAW (Remove from Waiting List)

I/We do NOT intend to pursue the above application for permit to appropriate public waters of the State. I/We hereby withdraw the application and understand it will NOT be evaluated for approval or denial, it will be removed from the waiting list and the file will be closed.

PROCEED (Requesting Formal Decision)

I/We are interested in pursuing the above application for permit to appropriate public waters of the State. I/We hereby request the application be evaluated for approval or denial, which is an appealable action.

4. Signatures: Attach additional signatures, if applicable.

I certify that I am the holder or authorized representative of the above water right application.

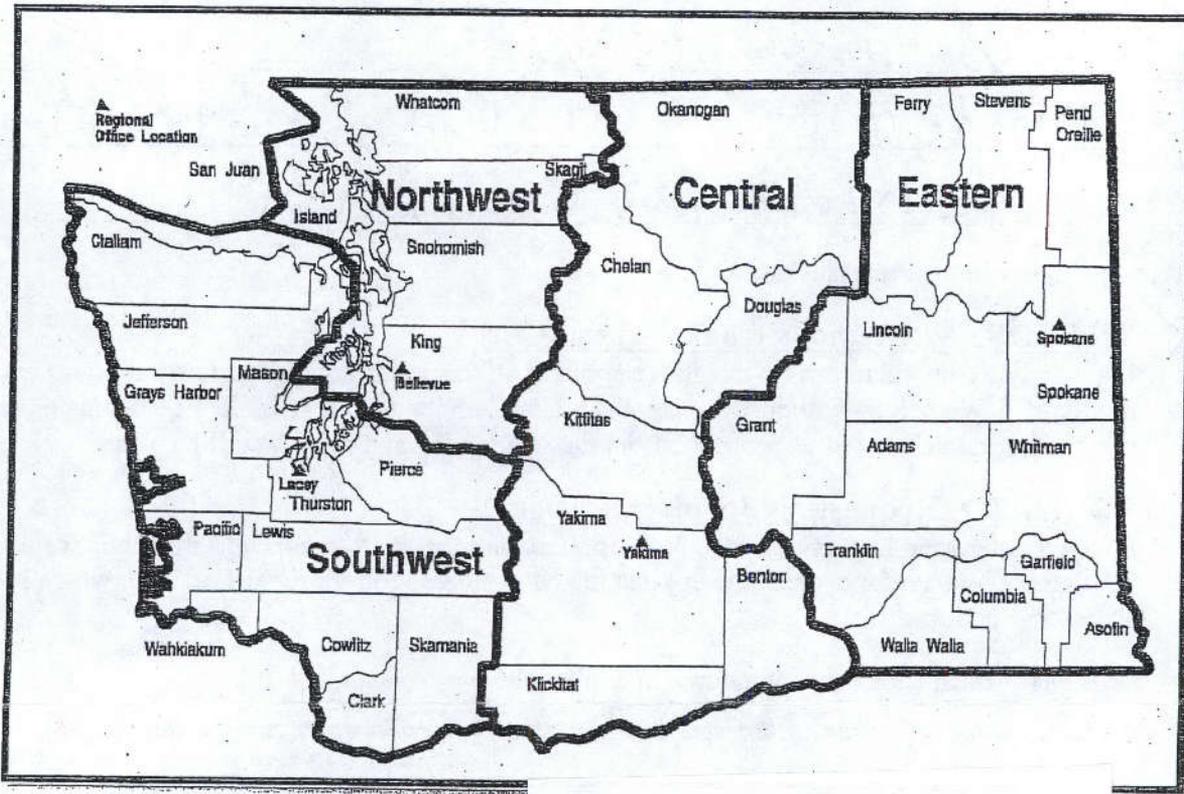
SCOTT BYERLEY	Scott Byerley	4/12/16
PRINT NAME (Applicant or authorized representative)	SIGNATURE	DATE
PRINT NAME (Applicant or authorized representative)	SIGNATURE	DATE

*reject application
DT 4/14/2016*

Submit form: See reverse.

Submit this form to the Regional Office in which your project is located:

<p>Central Regional Office 15 W Yakima Avenue, Suite 200 Yakima, WA 98902 (509) 575-2490</p>	<p>Eastern Regional Office 4601 N. Monroe Street Spokane, WA 99205-1295 (509) 329-3400</p>
<p>Northwest Regional Office 3190 - 160th Avenue SE Bellevue, WA 98008-5452 (425) 649-7000</p>	<p>Southwest Regional Office PO Box 47775 Olympia, WA 98504-7775 (360) 407-6300</p>



American Pride

Hi DAD
 I Found some water
 for this ground and it is
 now being irrigated under
 that cert.

Thanks
 Scott





STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

March 15, 2016

Mr. Scott Byerley
501 West Langdon Road
Walla Walla, WA 99362

Re: Application No. G3-30305 for a Water Right Permit

NOTICE – WATER RIGHT APPLICATION STATUS

On January 28, 2016, the Department of Ecology (Ecology) sent a letter giving you the opportunity to inform us whether or not you were still interested in pursuing your application for a new water right in WRIA 32. To date, we have received no response regarding your application.

Your options are:

1. Mail the enclosed form back to us with the "WITHDRAW" (Remove from Waiting List) box checked. In this case, your application will be rejected and Ecology will close the file and remove it from the waiting list.
2. Mail the enclosed form back to us with the "PROCEED (Requesting Formal Decision)" box checked. In this case, Ecology must go through the lengthy process of making a formal decision (which could incur costs to you) and issuing a formal report, most likely recommending denial of the application, which is an appealable action pursuant to Chapter 43.21B310 RCW. This process includes a formal public notice at your cost.
3. Do not return the form, within 30 days of the date of the letter. In this case, Ecology will issue a formal order rejecting the application, which is an appealable action pursuant to Chapter 43.21B310 RCW. We will then close the file and remove it from the waiting list.

If we do not receive a response from you within 30 days of 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 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 Regional Office

DT:ka

Enclosure: *Statement of Intent form and copy of Request Letter*

By Certified Mail 7015 0640 0003 6620 2202



7015 0640 0003 6620 2202

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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 \$ _____

3/15/16
Postmark
Here

Postage \$ _____

Total Postage and Fees \$ _____

Sent To _____

Street and Apt. _____

City, State, Zip _____

MR. SCOTT BYERLEY
501 WEST LANGDON ROAD
WALLA WALLA, WA 99362

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.

1. Article Addressed to:

MR. SCOTT BYERLEY
501 WEST LANGDON ROAD
WALLA WALLA, WA 99362



9590 9402 1365 5285 1688 95

2. Article Number (Transfer from service label)

7015 0640 0003 6620 2202

COMPLETE THIS SECTION ON DELIVERY

A. Signature Scott Byerley Agent Addressee

B. Received by (Printed Name) **Scott Byerley**

C. Date of Delivery **4/9/16**

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

3. Service Type

Adult Signature Priority Mail Express®

Adult Signature Restricted Delivery Registered Mail™

Certified Mail® Registered Mail Restricted Delivery

Certified Mail Restricted Delivery Return Receipt for Merchandise

Collect on Delivery Signature Confirmation™

Collect on Delivery Restricted Delivery Signature Confirmation Restricted Delivery

Insured Mail

Insured Mail Restricted Delivery (over \$500)

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

Domestic Return Receipt



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

January 28, 2016

Mr. Scott Byerley
501 West Langdon Road
Walla Walla, WA 99362

Re: Application No. G3-30305 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 Area (WRIA) 32, the Walla Walla River Watershed. The Walla Walla River watershed is located within portions of Columbia and Walla Walla Counties. This letter and the enclosed Statement of Intent form are 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.

In September of 2007, Ecology adopted an amended water management rule for the Walla Walla River Basin (WAC 173-532). This rule closed the gravel aquifer within the Walla Walla River basin to all new appropriations. The only exception to this are projects that qualify as a non-consumptive environmental enhancement project. This closure is intended to protect habitat and existing water rights.

The USGS collected water level measurements on a number of basalt wells in the Walla Walla Basin starting in the late 1940s. Numerous basalt wells with measurements collected over several decades exhibited declining water levels. These declining trends suggested that groundwater use from these basalt wells exceeded available recharge and demonstrated that growth in certificated water use from this aquifer system was not advisable over the long term. Ecology has not issued new basalt well water rights in the Walla Walla Basin for many years because of these concerns.

On August 19, 2014, Ecology requested National Marine Fisheries Service (NMFS) input on new water appropriations. A response was received in a letter dated October 1, 2014, regarding the Snake River, the upper Columbia River, the middle Columbia River and their tributaries. They indicated that there are seven species of fish within these basins that are considered listed under the Endangered Species Act (ESA). These basins have limited flows and often poor quality habitat that affect these ESA listed species. Currently, NMFS has a draft plan for recovery of these basins 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 Walla Walla basin either discharge to the lower reaches of its associated tributary or are ultimately hydraulically connected to the Snake-Columbia River system. 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.

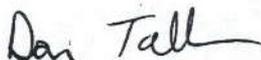
Given all of the water availability concerns mentioned above, it appears that your application for a new water right within the Walla Walla River Watershed (WRIA 32) will in all likelihood be denied.

Your options are:

1. Mail the enclosed form back to us with the "WITHDRAW (Remove from Waiting List)" box checked. In this case, your application will be rejected and Ecology will close the file and remove it from the waiting list.
2. Mail the enclosed form back to us with the "PROCEED (Requesting Formal Decision)" box checked. In this case, Ecology must go through the lengthy process of making a formal decision (which could incur costs to you) and issuing a formal report, most likely recommending denial of the application, which is an appealable action pursuant to Chapter 43.21B310 RCW. This process includes a formal public notice and publication at your cost.
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If you have any questions or need information please contact me at (509) 329-3526 or dantolleson@ecy.wa.gov. My mailing address is Department of Ecology, 4601 N. Monroe Street, Spokane, Washington 99205-1295.

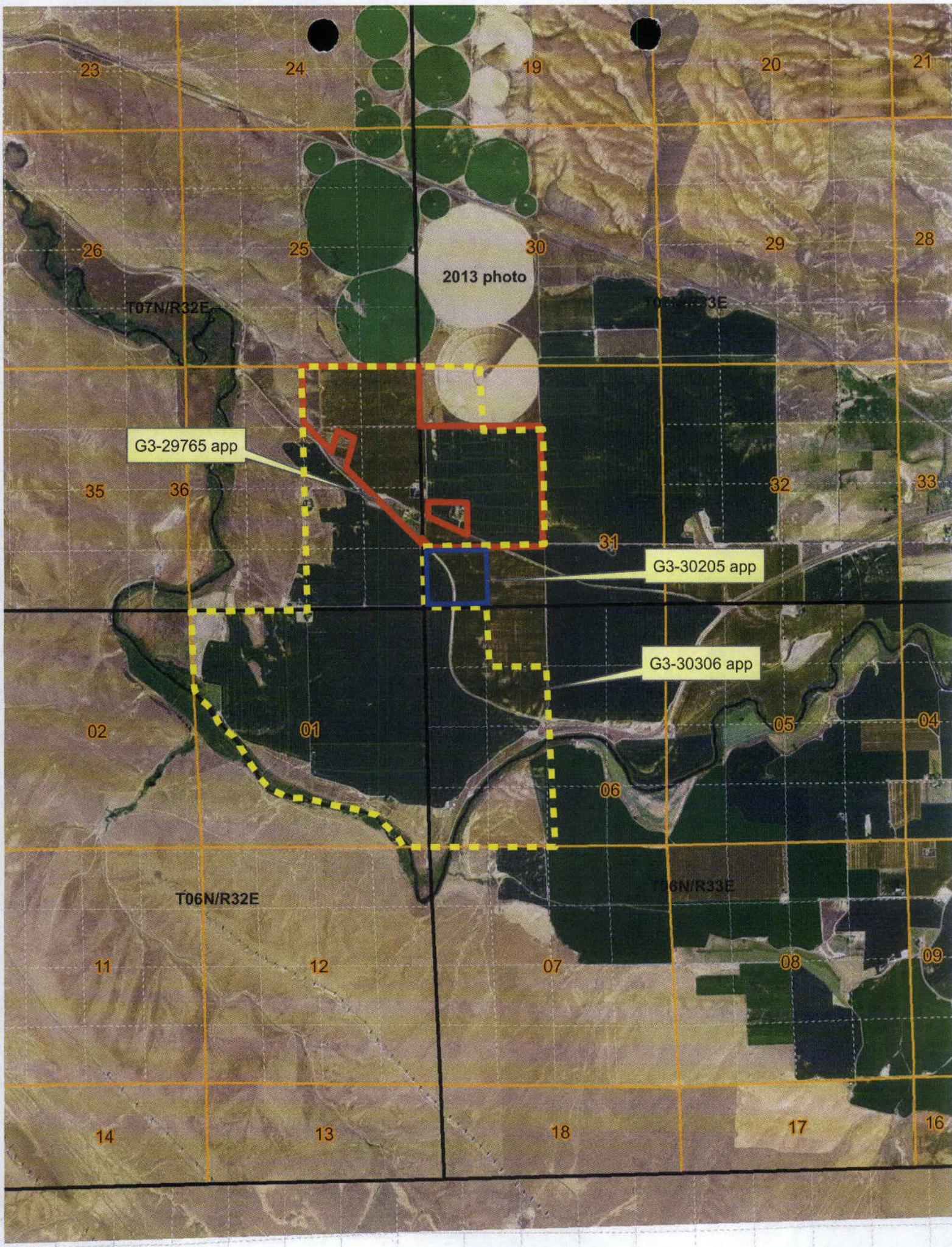
Sincerely,



Dan Tolleson
Water Resources Program
Eastern Region Office

DT:ka

Enclosure: *Statement of Intent form and copy of Application*



2013 photo

G3-29765 app

G3-30205 app

G3-30306 app

T06N/R32E

T06N/R33E

T07N/R32E

T05N/R33E

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