



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

January 5, 2012

Mr. Shawn King
AVP for Facilities and Planning
Eastern Washington University
526 5th Street
Cheney, WA 99004

COPY

Re: Rejection of Water Right Application No. G3-30631

Dear Mr. King:

Victoria Leuba sent you a letter dated October 13, 2011, requesting a response from you within 30 days regarding the processing of water right application G3-30631. The letter explained that without entering into a cost reimbursement agreement or paying the appropriate application fee, the application would be rejected. To date, no response to that letter has been received. Therefore, Ecology has **REJECTED** Ground Water Application G3-30631 and closed the file.

Pursuant to Chapter 43.21B.310 RCW this letter is an appealable action.

You have a right to appeal this decision 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.



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 Suite 301 Tumwater, WA 98501	Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903

Please also send a copy of your appeal to:

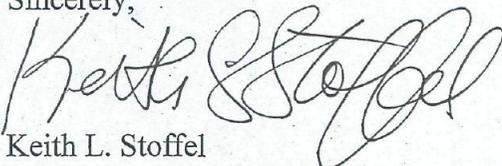
Mr. Keith L. Stoffel
 Department of Ecology
 Eastern Regional Office
 4601 North Monroe Street
 Spokane, WA 99205-1295

*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 or need additional assistance please contact one of the following Ecology staff:

Keith.Stoffel@ecy.wa.gov; 509-329-3464
 Victoria.Leuba@ecy.wa.gov; 509-329-3616

Sincerely,



Keith L. Stoffel
 Water Resources Program
 Eastern Regional Office

KLS:VL:md
 W: Rejection letters/Leuba/2012/EWU G3-30631 1-5-2012.doc
 Enclosure

By CERTIFIED MAIL: 7011 0470 0002 0731 0681

cc: Dan Matlock
 Jim Roth

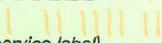
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OFFICE OF PROJECT AB USE

7011 0470 0002 0731 0681

Postage	\$	1.512 Postmark Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement)		
Total Mr. Shawn King AVP for Facilities and Planning Eastern Washington University 526 5th Street Cheney, WA 99004		
Sent To _____ Street, _____ or POB _____ City, Sta _____		
PS Form 3800, August 2006 See Reverse for Instructions		

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. 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. 	A. Signature <input type="checkbox"/> Agent <input checked="" type="checkbox"/> <i>RL Wilson</i> <input type="checkbox"/> Addressee B. Received by (Printed Name) <i>RL Wilson</i> C. Date of Delivery _____ D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No
1. Article Addressed to: <div style="border: 1px solid black; padding: 5px; margin: 10px 0;"> Mr. Shawn King AVP for Facilities and Planning Eastern Washington University 526 5th Street Cheney, WA 99004 </div>	3. Service Type <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D. 4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes
2. Article Number  (Transfer from service label)	7011 0470 0002 0731 0681
PS Form 3811, February 2004	Domestic Return Receipt
	102595-02-M-1540



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

October 13, 2011

Mr. Shawn King
AVP for Facilities and Planning
Eastern Washington University
526 5th Street
Cheney, WA 99004

COPY

Dear Mr. King:

Re: Water Right Application **G3-30631** and Processing Under A Cost Reimbursement Agreement (CRA)

The Water Resources Program received an application from EWU for a water right permit on December 8, 2010. Correspondence from you dated December 1, 2010 and directed to the Cashiering Section in Olympia indicates your request for priority processing and knowledge that no additional fees are required if a CRA is executed. I sent you an email on April 13, 2011, requesting that you choose a consultant and security option. I have not received a response to that email.

The application is pending and my records show no development of a CRA. At this time we request that within the next 30 days you chose one of the three options below:

- 1) Begin the process of entering into the cost reimbursement agreement with Ecology, or
- 2) Pay the fee for standard Ecology application processing (\$488.89), or
- 3) Withdraw the application.

The water resources program is working to reduce the backlog of permit applications. This application's status is troublesome as it adds to the application backlog and cannot be further processed until one of the three options above is exercised.

If no response regarding processing this application is received within 30 days of the date of this letter, the application will be rejected. If you have questions about this letter or the options listed you may reach me by email at victoria.leuba@ecy.wa.gov or by telephone at (509) 329-3616. I look forward to hearing from you.

Respectfully,

Victoria Leuba
Permitting Unit Supervisor
Water Resources Program

VL:md

Leuba/2011/AVP Facilities and Planning G3-30631 10-13-2011.doc

cc: Dan Matlock
Jim Roth



Call From:

Victoria Leuba

Date:

9/26/11

Time:

1:55 am
(circle)

Phone No.:

359-6872

Call To:

Shawn King

Subject:

Application G 3-30631

Summary:

Request for CRA follow-up

Left voice mail.

No response to date: 10/13/11 JL

Signature

V Leuba

Date

9/27/11

Leuba, Victoria (ECY)

From: Leuba, Victoria (ECY)
Sent: Wednesday, April 13, 2011 2:55 PM
To: Shawn King (sking@ewu.edu)
Cc: Stoffel, Keith L. (ECY)
Subject: Acceptance of project for cost reimbursement
Attachments: Performance Security Options.pdf

The Water Resources Program has accepted your application for Cost Reimbursement processing of your application, Number G3-30631.

Before the contract for Ecology's processing of your application can be finalized, several steps must occur. You will be asked to provide a security deposit for processing of your application and preparation of a report of findings by our consultant. You will need to determine which of the two security options you want to use: 1) you may deposit the full contract estimate with Ecology, 2) you may deposit \$5,000 and be billed for the work as it progresses. Please notify us of your option within the next 10 days; payment of the security option will be expected in 30 days.

Under the first option, any funds that are not used at the completion of the project would be refunded. Under the second option, the security deposit is refunded at the completion of the project. These options are described in detail in the attachment to this email: *Part B, Cost Reimbursement Agreement*. Please notify us of your option within the next 10 days; payment of the security option will be expected in 30 days if the CRA is finalized.

You may select a consultant from the list of companies below. If they have worked for you in the past they may have a conflict of interest. If you have a preference, please respond to this e-mail as soon as possible. Ecology strives to have a consultant considering the project within one week. If we don't hear from you within that timeframe Ecology may select one for you.

Aspect Consulting, LLC	http://www.aspectconsulting.com/
GeoEngineers, Inc.	http://www.geoengineers.com/
Golder Associates, Inc.	http://www.golder.com/us/en/modules.php?name=Pages&sp_id=969
Hart Crowser, Inc.	http://hartcrowser.com/
HDR Engineering, Inc	http://www.hdrinc.com/
Pacific Groundwater Group	http://www.pgwg.com/
RH2 Engineering, Inc.	http://rh2.com/
Robinson & Noble, Inc.	http://www.robinson-noble.com/Home/index.php

I will be acting as the project manager. I'll keep you informed of the contracting process as it progresses. Please respond with your security option and preferred contractor at your earliest convenience. If you have questions, please call or email me.

Thank you,

Victoria Leuba
Permitting Unit Supervisor

Water Resources Eastern Region
Washington State Department of Ecology
4601 N. Monroe Street
Spokane, WA 99205-1295
www.ecy.wa.gov
telephone: (509) 329-3616
e-mail: vleu461@ecy.wa.gov
fax: (509) 329-3529

"Boundaries don't protect rivers, people do." -- Aristotle



Please consider the environment before printing this e-mail



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

January 27, 2011



Your address
is in the
Hangman
watershed

COPY

Mr. Shawn King
Eastern Washington University
526 5th Street
Cheney, Washington 99004

Re: Ground Water Application No. G3-30631
WRIA 34 – Spokane County

On December 6, 2010 our Cashiering office received EWU's water right application. We have assigned it the number shown above. We acknowledge receipt of EWU's correspondence requesting to enter into a cost-reimbursement agreement with Ecology (ECY), pursuant to RCW 90.03.265.

RCW 90.03.470(1) eliminates filing fees for an application filed by a party to a cost-reimbursement agreement made under RCW 90.03.265.

Due to budget limitations, ECY does not currently have agency staff available to work directly on water right applications through the expedited cost reimbursement mechanism. **Therefore, EWU will need to enter into a cost reimbursement agreement with ECY, that utilizes a prequalified contractor to prepare a Report of Examination for Application No. G3-30631.** ECY staff will coordinate with EWU to develop a cost reimbursement agreement with the contractor, and ECY will assign a project manager to oversee the contractor's work.

Please note RCW 90.03.265(5)(a) states in part "...The department retains full authority to amend, refuse, or approve any work product provided by any consultant under this section. The department may recover its costs related to: (i) The review of a consultant to ensure that no conflict of interest exists; (ii) the management of consultant contracts and cost-reimbursement agreements; and (iii) the review of work products provided by participating consultants."

Enclosed is an Environmental Checklist which is required to be completed for all water right applications not specifically exempted by SEPA Regulations, Chapter 197-11-800 WAC. Please return the completed form to our office in the enclosed self-addressed envelope.



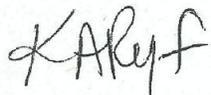
January 27, 2011

If you have any questions or need additional assistance you may contact me directly at 509-329-3586 or katherine.ryf@ecy.wa.gov. For technical assistance, contact one of the following:

Keith Stoffel, Section Manager at 509-329-3464; keith.stoffel@ecy.wa.gov

Victoria Leuba, Processing Unit Supervisor at 509-329-3616; victoria.leuba@ecy.wa.gov

Sincerely,



Katherine Ryf
Water Resources Program
Eastern Regional Office

KAR:md

W: Ryf/2011/EWU G3-30631 1-27-2011.doc

Enclosure: *SEPA Checklist*

cc: Dan Matlock, Pacific Groundwater Group; dan@pgwg.com
Jim.Roth@ecy.wa.gov

Ryf, Katherine A. (ECY)

From: Stoffel, Keith L. (ECY)
Sent: Wednesday, December 15, 2010 8:19 AM
To: Ryf, Katherine A. (ECY); Leuba, Victoria (ECY)
Subject: RE: G3-30631 EWU

No application fee required.

From: Ryf, Katherine A. (ECY)
Sent: Tuesday, December 14, 2010 9:33 AM
To: Leuba, Victoria (ECY); Stoffel, Keith L. (ECY)
Subject: G3-30631 EWU

Recalled:

Does SEPA apply to Cost Reimbursement? It is required on heat exchange systems.

--Original message--

Please review the attached letter and provide edits or comments as needed. --KR

VL, based on our discussion yesterday please confirm that I am to collect the typical application fee.

<< File: G3-30631 EWU fee-CostReim ltr 12-2010.doc >>

Ryf, Katherine A. (ECY)

From: Stoffel, Keith L. (ECY)
Sent: Wednesday, December 15, 2010 8:06 AM
To: Jill Van Hulle
Cc: Dan Matlock; Ryf, Katherine A. (ECY)
Subject: RE: Fees for CRA's

Hi Jill. I asked about this at our PMT mtg yesterday, and amazingly enough, received the same answer... no application fee is required.

To reiterate my message when we talked on the phone the other day... Here at ERO, we do not have any staff available to process the application through "expedited" processing. You will need to pursue the cost reimbursement via contractor option. I'm working with Katherine Ryf in our office to respond to the letter Dan sent to us.

Let me know if you any questions/comments.
-Keith (509-329-3464)

From: Jill Van Hulle [<mailto:jill@PGWG.COM>]
Sent: Tuesday, December 14, 2010 10:13 PM
To: Stoffel, Keith L. (ECY)
Cc: Dan Matlock
Subject: Fees for CRA's

Keith, I knew I saw this somewhere! We've worked on lots of CRA projects and I was pretty sure that the applicants didn't have to pay but I didn't know where the cite came from.

Jill

RCW 90.03.470

Schedule of fees.

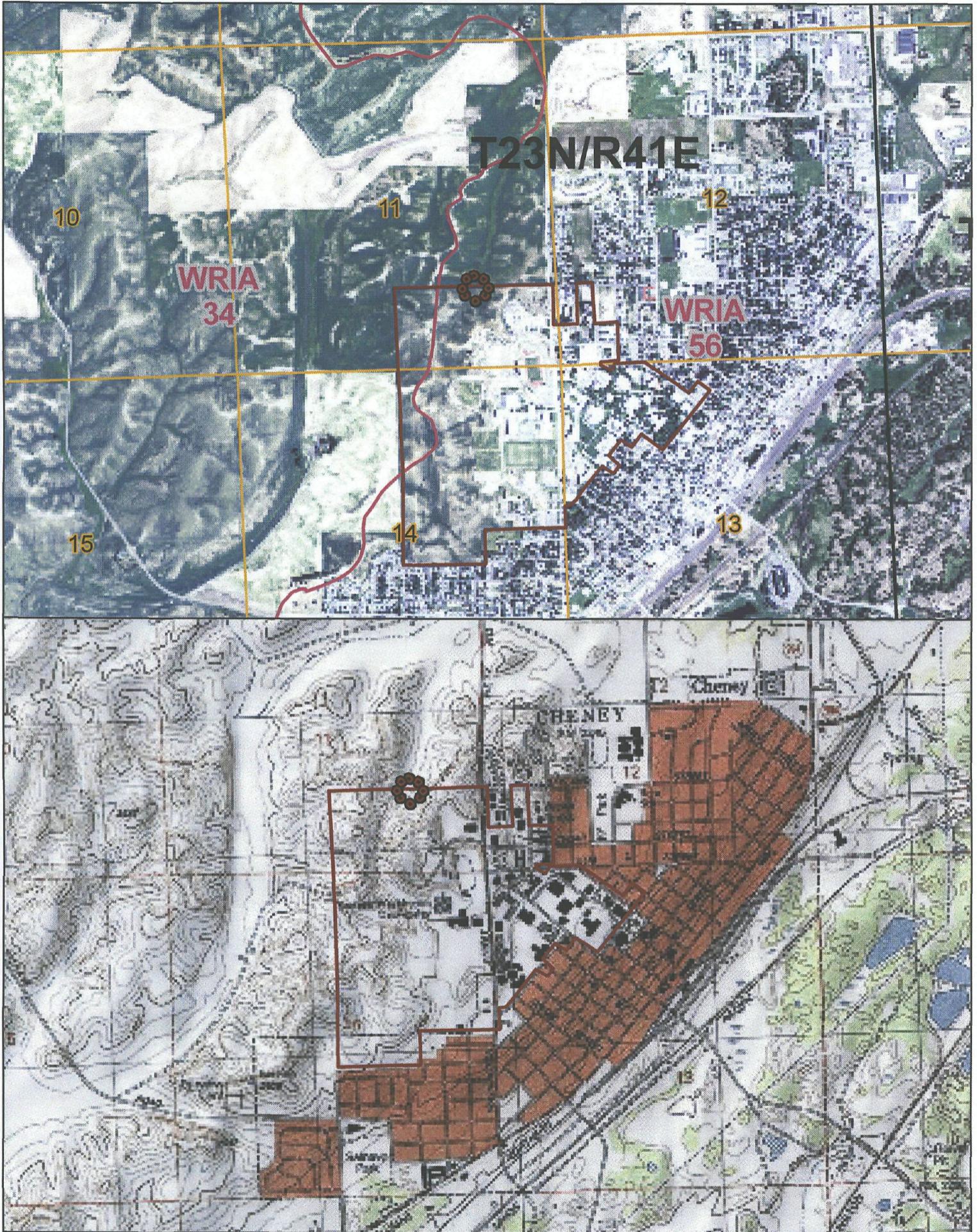
The fees specified in this section shall be collected by the department in advance of the requested action.

(1) For the examination of an application for a permit to appropriate water, a minimum fee of fifty dollars must be remitted with the application. For an amount of water exceeding one-half cubic foot per second, the examination fee shall be assessed at the rate of one dollar per one hundredth cubic foot per second. In no case will the examination fee be less than fifty dollars or more than twenty-five thousand dollars. **No fee is required under this subsection (1) for an application filed by a party to a cost-reimbursement agreement made under RCW 90.03.265.**

Jill Van Hulle | Pacific Groundwater Group | 360.413.1510



Map based on Application for a Water Right Permit received 12/8/2010



- County
- WRIA
- Township / Range
- Section
- qtrqtr lines
- Major Roads
- Roads
- Proposed Point of Diverison
- Proposed Place of Use

0 1,320 2,640 5,280 Feet

Comments: