STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
4601 N Monroe Street • Spokane, Washington 99205-1295 • (509)329-3400

April 14, 2010

Mr. Doug Hayes
Mrs. Shannon Hayes
3100 Brisbane
Walla Walla, Washington 99362

Re: Application for Change under Walla Walla River Adjudicated Certificate No. 198(A)

Dear Mr. and Mrs. Hayes:

In response to your request, you are hereby granted an extension to complete construction for the reason(s) below:

According to your request, your financial situation and the economic downturn have resulted in your inability to complete the project in the time allotted. It appears you have made minimal progress in completing your project. Be advised that the State Water Code requires that your project be pursued with diligence and does not allow, through the permitting process, the reservation of water for use at an unspecified time in the future. It is important that construction of your project be completed within the time prescribed in the authorization. Your request is for a reasonable and short period of time. We will grant you an additional two years to complete your project.

The new deadline to submit your *Construction Notice* is **April 1, 2012**.

An approved measuring device shall be installed and maintained for each of the sources authorized by this water right in accordance with the rule "Requirements for Measuring and Reporting Water Use", WAC 173-173.

http://www.ecy.wa.gov/programs/wr/measuring/measuringhome.html
Water use data shall be recorded weekly and maintained by the property owner for a minimum of five years. The maximum rate of diversion/withdrawal and the annual total volume shall be submitted to the Department of Ecology by January 31st of each calendar year.

WAC 173-173 describes the requirements for data accuracy, device installation and operation, and information reporting. It also allows a water user to petition the Department of Ecology for modifications to some of the requirements.

Department of Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the project location, and to inspect at reasonable times, records of water use, wells, diversions, measuring devices and associated distribution systems for compliance with water law.

You have a right to appeal this decision. To appeal this you must:

- File your appeal with the Pollution Control Hearings Board within 30 days of the "date of receipt" of this document. Filing means actual receipt by the Board during regular office hours.
- Serve your appeal on the Department of Ecology within 30 days of the "date of receipt" of this document. Service may be accomplished by any of the procedures identified in WAC 371-08-305(10). "Date of receipt" is defined at RCW 43.21B.001(2).

Be sure to do the following:

- Include a copy of the document that you are appealing.
- Serve and file your appeal in paper form; electronic copies are not accepted.

1. To file your appeal with the Pollution Control Hearings Board

Mail appeal to:		Deliver your appeal in person to:
The Pollution Control Hearings Board PO Box 40903 Olympia WA 98504-0903	OR	The Pollution Control Hearings Board 4224 – 6th Ave SE Rowe Six, Bldg 2 Lacey WA 98503

2. To serve your appeal on the Department of Ecology

Mail appeal to:		Deliver your appeal in person to:
The Department of Ecology Appeals Coordinator PO Box 47608 Olympia WA 98504-7608	OR	The Department of Ecology Appeals Coordinator 300 Desmond Dr SE Lacey WA 98503

3. And send a copy of your appeal to:
   Keith L. Stoffel
   Department of Ecology
   Eastern Regional Office
   4601 N. Monroe St.
   Spokane WA 98205

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
W: Extensions/letters/Tolleson/2010/Hayes WWRAC 198(A) 4-14-2010.doc
Enclosures: *Construction Notice*
Your Right to Be Heard