



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

15 W Yakima Ave, Ste 200 • Yakima, WA 98902-3452 • (509) 575-2490

April 29, 2011

Lynn F. Hall, LH Consulting
c/o Stockdale, Inc.
2216 Road 33
Pasco WA 99301

Re: Ground Water Permit No. G4-30390P—**Stockdale, Inc.**

Dear Lynn Hall:

On March 29, 2011, the Department of Ecology (Ecology) received a request to extend the above permit in the Beginning of Construction (CC) stage. The permit identifies that the system's parameters are 500 gallons per minute (gpm), 140 acre-feet per year (af/yr) for irrigation of up to 35 acres of cherry orchard during April 1 to October 31 annually.

In response to your request, you are hereby **DENIED** an extension of time in which to begin construction.

Ground Water Permit No. G4-30390P was issued June 19, 1992. A Permit contains a development schedule to ensure that due diligence and reasonable progress is made in putting water to full, beneficial use. The Permit development schedule set by the Permit was to begin construction by August 1, 1992, complete construction by August 1, 1993, and put the water to beneficial use by August 1, 1994. This schedule was subsequently amended ten times in response to extension request approvals with the final approval extending the beginning of construction stage to August 1, 2010.

A permit holder is required under RCW 90.03.320 to pursue the construction of a project as described in the Permit with due diligence. Your extension request and our records suggest that since 1996 there has been no movement toward the construction of the project or the planting of the cherry orchard, either at the property proposed for a change in place of use or at the originally permitted place of use, which you state is no longer the target use of this property, even though Ecology has granted numerous extensions of time.

As such, due to the lack of development of the project, coupled with the ongoing lack of commitment to develop, Ecology cannot conclude that the development of the permitted project is being pursued with good faith and due diligence.

As stated above, the lack of due diligence and commitment to begin construction does not meet the statutory criteria. If there exists a portion of the project that you have put to beneficial use



and wish to keep active, **Beginning of Construction, Completion of Construction and Proof of Appropriation** notices must be submitted to Ecology within sixty (60) days of this letter. The quantity of water required by the project that has currently been put to beneficial use must be identified. A Proof of Appropriation inspection will then be conducted. Elements of the proof inspection may include, as appropriate, the source(s), system instantaneous capacity, beneficial use(s), annual quantity, place of use, and satisfaction of provisions.

YOUR RIGHT TO APPEAL

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 decision. 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 decision:

- File your appeal and a copy of this decision 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 decision 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.

ADDRESS AND LOCATION INFORMATION

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 Rd SW Ste 301 Tumwater WA 98501	Pollution Control Hearings Board PO Box 40903 Olympia WA 98504-0903

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Please send a copy of your appeal to:

Melissa Downes, LHG
Department of Ecology
Central Regional Office
15 W Yakima Ave., Ste 200
Yakima WA 98902-3452

*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://www.leg.wa.gov/CodeReviser>*

If you have any questions or concerns about this information, please call the Department of Ecology at (509) 575-2597.

Sincerely,



Melissa Downes LHG
Action Section Manager
Water Resources Program

MD:CLG:gh
110471

Enclosure(s): *Beginning of Construction form*
Completion of Construction form
Proof of Appropriation of Water form
Your Right to Be Heard

Cc: Bryan Stockdale

By certified mail: 7007 2560 0001 9535 3519