



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300

September 20, 2010

Tom Moore
Fawn Lake Maintenance Commission
471 SE Crescent Drive
Shelton, WA 98584

Re: Water Right Permit G2-28355 for Fawn Lake Maintenance Well #4

Dear Mr. Moore:

Your permit has been extended.

We received your request for an extension of Water Right Permit G2-28355. You are hereby granted an extension for the reasons below:

- Consistent progress and due diligence is shown in the development of water under this permit.
- Additional time is needed to fully develop the Fawn Lake Maintenance community due to current economic conditions.

Your new deadline to submit *Proof of Appropriation of Water* is **April 1, 2013**.

Development under Permit G2-28355 may be limited.

Permit G2-28355 was intended to supply a community of 390 homes, along with Water Right Certificate G2-0444 (Well #1), Certificate G2-00118 (Well #2) and Certificate G2-24976 (Well #3). The Department of Health's Sentry database indicates that the Fawn Lake Maintenance community currently has 398 connections and is approved for a total of 489. Both the current and approved connection numbers exceed the original intent of the Fawn Lake Maintenance community's water rights.

On June 11, 2008, the definitions of "municipal water supplier" and "municipal supply purposes" were deemed unconstitutional by the King County Superior Court. As a result of this decision, the maximum number of connections designated in a water right document for multiple domestic supply may be a limiting attribute. On July 7, 2008, the Office of the Attorney General filed an appeal to the state Supreme Court seeking to overturn parts of the Superior Court ruling. A final decision has not yet been issued.

The Department of Ecology's interim guidance for interpreting and implementing the 2003 Municipal Water Law recommends that until the Supreme Court issues a final

decision, the number of connections on a water right for multiple domestic supply should tentatively be viewed as a binding limitation. An extension of your permit is being granted to preserve your community's ability to continue developing in the event that the Supreme Court rules that connection limits are not binding. However, you are advised that additional hook-ups may result in serious over-connection of your water system if the Supreme Court affirms the King County Superior Court decision.

Due to the current uncertainty regarding connection limits, an extension is being granted for three years only. You may be eligible for another extension in 2013 depending on the outcome of the Municipal Water Law challenge. In order to receive additional extensions or a final certificate of water right, you will need to submit monthly metering data from each of your wells on the forms provided.

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 this document that you are appealing with your *Notice of Appeal*.
- 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:

The Pollution Control Hearings Board
PO Box 40903
Olympia WA 98504-0903

OR

Deliver your appeal in person to:

The Pollution Control Hearings Board
1111 Israel Road SW
Tumwater WA 98501

2. To serve your appeal on the Department of Ecology

Mail appeal to:

The Department of Ecology
Appeals Coordinator
P.O. Box 47608
Olympia WA 98504-7608

OR

Deliver your appeal in person to:

The Department of Ecology
Appeals Coordinator
300 Desmond Dr SE
Lacey WA 98503

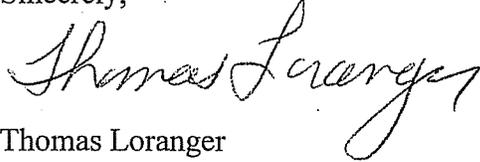
3. And send a copy of your appeal to:

Thomas Loranger
Department of Ecology
Southwest Regional Office
PO Box 47775
Olympia WA 98504-7775

*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 Marie Peter at (360) 407-0279 or
mpet461@ecy.wa.gov.

Sincerely,



Thomas Loranger
Section Manager
Water Resources Program

MP:th

Enclosures: *Proof of Appropriation of Water*
Your Right to Be Heard
Metering forms
Extensions FAQ

BY CERTIFIED MAIL: 7009 2820 0001 7155 4586

