STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
15 W Yakima Ave, Ste 200 • Yakima, WA 98902-3452 • (509) 575-2490

March 17, 2011

Larry & Connie Poirier
PO Box 2038
Chelan WA 98816-2038

Northwest Farm Credit Services, ACA
667 Grand Road, Ste 1
East Wenatchee WA 98802-7818

Re: Water Right Permit No. S4-27335P

Dear Mr. and Mrs. Poirier:

On March 2, 2011, the Department of Ecology (Ecology) received a request to extend the above Permit in the Completion of Construction (CC) stage. The Family Farm Permit identifies that the system's parameters are 2.67 cubic feet per second (cfs), 480 acre-feet per year (af/yr) for irrigation of 120 acres.

In response to your request, you are hereby **granted** an extension of time in which to complete construction for the reasons below:

- Financing has been secured.
- Elevation surveying and mainline installation have begun.

The new deadline to submit your *Construction Notice* is **October 31, 2012**.

The Department may amend a Permit's provisions when that Permit receives an extension to its development schedule. This authority rests in Ecology's guiding Policy-1050: *Extension of Time on Permits*, "conditions may be imposed on a permit extension beyond what was provided in the original Permit and Report of Examination."

The following amendments to the Permit's original Provisions list:

- The original Permit does not have a requirement for a water meter or recording and reporting requirements. The following will be added to the Permit:
    - 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 withdrawal with weekly and annual total volumes shall be submitted to the Department of Ecology by January 31st of each calendar year.
- The original Permit did not provide the provision for legal access by Department personnel to the permittee's place-of-use. The following will be added to the Permit:
  - 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.
- The original Permit did not instruct the permittee to file a *Proof of Appropriation of Water* form. The following will be added to the Permit:
  - The water right holder shall file the notice of P*roof of Appropriation of Water* when the permanent distribution system has been constructed and the quantity of water required by the project has been put to full beneficial use. The Certificate will reflect the extent of the project perfected within the limitations of the water right. Elements of a proof inspection may include, as appropriate, the source(s), system instantaneous capacity, beneficial use, annual quantity, place-of-use, and satisfaction of provisions.
- The Family Farm Act provision listed on the original Permit is updated to read:
  - This authorization to use public waters of the state is classified as Family Farm Permit in accordance with RCW 90.66. This means the land being irrigated under this authorization shall comply with the following definition: Family Farm—a geographic area including not more than 6,000 acres of irrigated agricultural lands, whether contiguous or noncontiguous, the controlling interest in which is held by a person having a controlling interest in no more than 6,000 acres of irrigated agricultural lands in the state of Washington which are irrigated under water rights acquired after December 8, 1977. Furthermore, the land being irrigated under this authorization must continue to conform to the definition of a family farm.

All other existing provisions on the original Permit shall remain in force.

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

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, please contact Teresa Mitchell at 509-575-2597.

Sincerely,

Mark C. Schuppe, WR Section Mgr by Melissa Downing

Mark C. Schuppe
Section Manager
Water Resources Program

MCS:CLG:gh
110329

Enclosures: *Construction Notice*
Your Right to Be Heard

By certified mail: 7007 2560 0001 9535 4554

CC extension granted.doc