



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

May 27, 2015

WACO Orchards LLC
c/o Gary Writer
490 Vista Ridge Rd.
Wapato, WA 98951

Re: Water Right Application for Temporary Change in Place of Use No. CG4-24568C@3

Dear Mr. Writer:

Your application has been rejected without prejudice.

On May 14, 2015, Ecology received an application for a temporary change in place of use (POU) related to the 2015 drought and was assigned water right tracking number CG4-24568C@3. Under RCW 43.83B.410, Ecology is empowered to make decisions on such applications and shall make them within fifteen calendar days from the date of receipt.

Your current authorization, CG4-24568C@1, allows for up to 181 acres of irrigation. You have applied to add approximately 200 acres of irrigated land to the existing POU without reducing acreage in the current location. This type of change is typically referred to as spreading.

Under RCW 43.83B.410, RCW 90.03.390, and WAC 173-166-080 (copies enclosed), Ecology must determine that a temporary change in POU will not affect existing rights. From the limited information provided in the application and the lack of a firm farm plan on how spreading will occur, we cannot determine that existing rights will not be affected.

That being said, we are willing to entertain the possibility of some spreading under your existing groundwater rights. However, there is a relatively strict limitation on the amount of water that would be available for spreading based on consumptive use. In order to calculate your consumptive use and better understand how water will be saved, we need more information on the following items:

- 1) Existing POU Irrigation (please use attached maps):
 - a. Crop type by acreage.
 - b. Irrigation method by crop and acreage.
 - c. Irrigation scheduling by crop and acreage.



- 2) Proposed POU Irrigation (please use attached maps):
 - a. Crop type by acreage.
 - b. Irrigation method by crop and acreage.
 - c. Irrigation scheduling by crop and acreage.
- 3) Farm Plan:
 - a. Description of how water use will be reduced or saved within the existing POU.
 - b. Description of how other groundwater rights will be used within the proposed POU.
 - c. Description of how reduced or saved water will be used on the proposed lands.

I am sure this is not the news you were hoping for, but please know that we are fully committed to assisting you during this drought.

You have a right to appeal this decision. To appeal 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
4224 – 6th Ave SE Rowe Six, Bldg 2
Lacey, WA 98503

2. To serve your appeal on the Department of Ecology

Mail appeal to:

The Department of Ecology
Appeals Coordinator
PO 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

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3. And send a copy of your appeal to:

Sage Park, Section Manager-WR
Department of Ecology
Central Regional Office
15 W. Yakima Ave., Ste. 200
Yakima, WA 98902

*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 Kurt Walker at (509) 454-4237.

Sincerely,



Sage Park
Section Manager
Water Resources Program

SP:KW:SS/150561
WR ID# 6578656

Enclosures: Your Right To Be Heard
Maps
WAC 173-166-080
RCW 43.83B.410
RCW 90.03.390

By certified mail: 7010 0290 0000 7126 6555