



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

June 25, 2010

Ed and Judy Parten
c/o Friday Point Water Users Association
PO Box 575
Selah WA 98942

Re: Ground Water Permit No. G4-27749P

Dear Mr. and Mrs. Parten:

We apologize for the delayed response to your letter received June 13, 2008, (copy enclosed).

In response to your request, you are hereby **approved** an extension to put the water to full beneficial use for the reason(s) below:

- A short-term extension is needed to resolve the sewer/septic problems with the county.
- Time is needed to notify the inactive members of Friday Point Water Users Association.

The new deadline to submit your *Proof of Appropriation of Water* is **April 1, 2011**.

The Permit referenced above allows a maximum of 100 gallons per minute (gpm), 41 acre-feet per year (af/yr) for continuous domestic supply to 41 homes per the Permit and 35 homes per Washington State Department of Health, Office of Drinking Water. One well is authorized by the Permit. Permit No. G4-27749P was originally issued September 28, 1982. A Permit contains a development schedule to ensure that due diligence and reasonable progress is made in putting water to use. A Permit holder is required under RCW 90.03.320 to pursue the completion of a project with due diligence. The Permit development schedule was set to put the water to full beneficial use by April 1, 1985.

As evidenced by the exceptionally long history of this file, there is little support that any progress has been made since April 30, 1986, although Ecology has previously granted numerous extensions. On August 28, 1991, the Permit was cancelled but was later dismissed with Stipulation that water would be put to full beneficial use by April 1, 1992. Even so, Ecology granted future extensions through April 1, 2006, in hopes the Association would be able to resolve the sewer/septic problems with the county. According to your own disclosure in your letter dated June 13, 2008, Friday Point Water Users Association is not an active association and the county is currently not issuing building permits for Friday Point. Ecology, however, is willing to grant an extension to that end. Since the State Water Code does not allow the reservation of water for use at an unspecified time in the future and requires due diligence in showing progress toward building out the Permit, before Ecology can consider another extension



request, the following progress must be show:

- Plans with Yakima County to resolve the septic/sewer issues.
- Cost estimate for said plans.
- Timeline for said plans.
- County approval for future building permits.

If, however, the current users of Permit No. G4-27749P wish to keep active the portion of the project that is complete, approximately 4 residences, a **Proof of Appropriation notice must be submitted to Ecology by April 1, 2011, to avoid cancellation of the Permit.** 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. The Certificate to follow will reflect the extent of the project perfected within the limitations of the Permit. According to *Department of Ecology v. Theodoratus*, 135 Wn. 2d 582, 957 P. 2d 1241 (1998):

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
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 & Application for Relief
Coordinator
PO Box 47608
Olympia WA 98504-7608

OR

Deliver your appeal in person to:

The Department of Ecology
Appeals & Application for Relief
Coordinator
300 Desmond Dr SE
Lacey WA 98503

3. And send a copy of your appeal to:

Mark C. Schuppe
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, please contact Teresa Mitchell at 509-575-2597.

Sincerely,



Mark C. Schuppe
Section Manager
Water Resources Program

MCS:gh
100672

Enclosures: *Proof of Appropriation of Water*
Your Right to Be Heard
Letter of Extension Request dated 6/10/08 (copy)

Cc: Friday Point Water Users Association patrons