



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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

August 9, 2011

Paul Dempsey  
c/o Velikanje Halverson P.C.  
PO Box 22550  
Yakima WA 98907

Re: Water Right Permit Nos. S4-30124P and G4-30122P - **Dandrew Wine, LLC**

Dear Mr. Dempsey:

In response to your request, you are hereby granted an extension to complete construction for the reason(s) below:

- Insufficient pumping capacity at the original well location.
- A Change Application is intended to be filed via the Benton County Conservancy Board.<sup>1</sup>
- Allow time to complete irrigation infrastructure to accommodate a new well location.

Time limitations used in extensions may be granted on a year-by-year basis, but Ecology may grant longer periods at its discretion.

The new deadline to submit your *Construction Notice* is **April 1, 2013**. This allows two years to complete construction, reserving the third year to show beneficial use of appropriation.

**New Provisions:** According to the Department of Ecology's Provision POL-1050, "As a condition of an extension, Ecology may require additional provisions and conditions . . ." As a condition of this extension approval, Ecology is requiring the following new provisions and/or modification to existing provisions:

**Measurement of Water Use**

How often must water use be measured?	Weekly
How often must water use data be reported?	Upon Request by Ecology
What volume should be reported?	Total Annual Volume
Water rate should be reported?	Annual Peak Rate

Department of Ecology personnel, upon presentation of proper credentials, must have access at

<sup>1</sup> Before embarking on a "change" process under the set of water right permits (S4-30124P and G4-30122P are linked), be aware that 1) the change review criteria differs between surface and ground water code, and 2) if the change is granted, it cannot enlarge the original authorization. You are encouraged to schedule a technical assistance meeting with Ecology staff at Central Regional Office.



reasonable times, to the records of water use that are kept to meet the above conditions, and to inspect at reasonable times any measuring device used to meet the above conditions.

WAC 173-173 describes the requirements for data accuracy, device installation and operation, and information reporting. It also allows a water user to petition the Department of Ecology for modifications to some of the requirements.

This authorization to use public waters of the state is classified as a 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 six thousand acres of irrigated agricultural lands in the state of Washington which are irrigated under rights acquired after December 8, 1977.

### **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**

<b>Street Addresses</b>	<b>Mailing Addresses</b>
<b>Department of Ecology</b> Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey WA 98503	<b>Department of Ecology</b> Attn: Appeals Processing Desk PO Box 47608 Olympia WA 98504-7608

Paul Dempsey  
August 9, 2011  
Page 3

<b>Pollution Control Hearings Board</b> 1111 Israel Road SW Ste 301 Tumwater WA 98501	<b>Pollution Control Hearings Board</b> PO Box 40903 Olympia WA 98504-0903
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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,



Robert F. Barwin  
Acting Section Manager  
Water Resources Program

RFB:CLG:gh  
110815

Enclosures: *Construction Notice*  
*Your Right to Be Heard*

By certified mail: 7007 2560 0001 9535 2673

Cc: Mike Williamson, Dandrew Wine, LLC

CC extension granted.doc