



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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

February 12, 2010

Richard and Cheryl Beightol  
495 Alderdale Road  
Prosser WA 99350

Re: Superseding Permit No. S4-25639(H)P

Dear Mr. and Mrs. Beightol:

In response to your request, you are hereby granted an extension to put the water to full beneficial use for the reason below:

- Progress has been gradual but consistent.

While your project may still be able to meet the full build-out schedule with this extension approval, satellite images of your project taken in July 2009 indicate that currently it may be near impossible to develop all 570 acres without major land restructuring, given that approximately 100+ acres of the total 570 acres of place of use is currently already developed into access areas, air strip, roads, and dwellings. Additionally, since the 1978 issuance of the original Permit, it seems unlikely that the uncertainty of wine markets, wine contracts, and economic conditions will change any time soon. In light of this information, Ecology will be reluctant to grant further extensions for this project; refer to Ecology's policy on permit extensions (POL 1050) for additional details.<sup>1</sup>

The new deadline to submit your *Proof of Appropriation of Water* is **November 1, 2012**.

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).

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<sup>1</sup> Policy 1050—Extensions of Time on Water Right Permits ([http://www.ecy.wa.gov/programs/wr/rules/pol\\_pro.html](http://www.ecy.wa.gov/programs/wr/rules/pol_pro.html)).



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:CLG:gh  
100219

Enclosures: *Proof of Appropriation of Water*  
*Your Right to Be Heard*  
*2006 & 2009 Aerial Imagery Photos*

By certified mail: 7007 2560 0001 9534 9987

CC: Northwest Farm Credit Services FLCA

PA extension granted.doc