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

September 30, 2011

Estate of Arthur Leyendekker
c/o Robert Faber
PO Box 210
Sunnyside WA 98944-0210

Re: Ground Water Permit No. G4-26186P

Dear Mr. Faber:

On April 30, 1991, a *Proof of Appropriation of Water* form was submitted to and acknowledged by the Department of Ecology (Ecology) for irrigation of 300 acres. In a letter dated October 12, 2010 from Timothy D. Reierson, consultant for Leyendekker Estate, a request was made to Ecology to withdraw the 1991 *Proof of Appropriation of Water* form, as it was subsequently discovered that the location of the drilled well resides outside the permitted point of withdrawal. An extension of time in the Completion of Construction stage was requested to provide time to file a change in point-of withdrawal with the local Conservancy Board.

Ecology agrees to the following actions:

1. The *Proof of Appropriation of Water* form will be withdrawn and the development schedule will be reverted to the Completion of Construction stage.
2. You shall be granted an extension of time to complete construction in order to submit and complete a change application to add a point-of-withdrawal with the new deadline to submit your *Construction Notice* as **November 1, 2014**.
3. A Superseding Permit shall issue for 3,000 gallons per minute, 896 acre-feet per year for the irrigation of 300 acres. Quantities totaling 20 acres and 48 acre-feet per year authorized under the original Permit are cancelled.

New Provisions: According to 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:

- Meter Installation: An approved measuring device shall be installed and maintained for the source 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.
- Record Weekly, Report Annual Totals: Water use data shall be recorded weekly, and maintained by the property owner for a minimum of five years. The maximum rate of

withdrawal and the annual total volume shall be submitted to the Department of Ecology by January 31st of each calendar year.

- Electronic Reporting: Recorded water use data shall be submitted via the Internet. To set up an Internet reporting account, contact the Central Regional Office Regional Office. If you do not have Internet access, you can still submit hard copies by contacting the Central Regional Office Regional Office for forms to submit your water use data.

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 Candis Graff personally at 509-454-4259.

Sincerely,

Melissa Downes

Melissa Downes, LHG
Acting Section Manager
Water Resources Program

MD:CLG:gh
110929

Enclosures: *Construction Notice*
Your Right to Be Heard

Cc: Timothy D. Reierson, PE

By certified mail: 7007 22560 0001 9535 7029

CC extension granted.doc