

December 30, 2009

Mr. Guy Colbert
The Oyster Bar
2578 Chuckanut Drive
Bow WA 98232

Re: Water Right No. G1-27217P

Dear Mr. Colbert:

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

Two of the three projects included in the permit are not yet fully developed and using the full amount of water they will use.

The new deadline to submit your *Proof of Appropriation of Water* is **November 5, 2014**.

An approved measuring device shall be installed and maintained for each diversion/withdrawal of the sources identified by this water right in accordance with the rule "Requirements for Measuring and Reporting Water Use", Chapter 173-173 WAC.

Water use data shall be recorded bi-weekly. Data shall be maintained by the property owner and promptly submitted to Ecology upon request. Recording and retention of data by the water right holder are required to inform the water users about how much water is used, when the water is used and to assist users in efficient water management.

The following information shall be included with each submittal of water use data: owner, contact name if different, mailing address, daytime phone number, Permit/Certificate/Claim No., source name, volume including units, Department of Health WFI water system number and source number(s) (for public drinking water systems), and well tag number (for ground water withdrawals). In the future, Ecology may require additional parameters to be reported or more frequent reporting. Ecology prefers web based data entry, but does accept hard copies. Ecology will provide forms and electronic data entry information.

Chapter 173-173 WAC describes the requirements for data accuracy, device installation and operation, and information reporting. It also allows a water user to petition Ecology for modifications to some of the requirements. Installation, operation and maintenance requirements are enclosed as a document entitled "Water Measurement Device Installation and Operation Requirements".

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

When sending in your *Proof of Appropriation of Water* form, or your extension request, be sure to include all of the data you have been recording as required by your superseding permit. The provisions requiring recording of data have been highlighted on the enclosed copy of your superseding permit.

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 & Relief Coordinator
P.O. Box 47608
Olympia WA 98504-7608

OR Deliver your appeal in person to:

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

3. And send a copy of your appeal to:

Andrew B. Dunn
Department of Ecology
Northwest Regional Office
3190 160th Ave SE
Bellevue WA 98008

*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 Arlene Harris at 425-649-7020.

Sincerely,

Andrew B. Dunn, LG, LHG
Section Manager
Water Resources Program

AD:ah

Enclosures: *Proof of Appropriation of Water*
Your Right to Be Heard
Copy of superseding permit

By certified mail [7009 1410 0002 4049 6403]