



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

4601 N Monroe Street • Spokane, Washington 99205-1295 • (509)329-3400

February 24, 2011

Mr. Scott Byerley  
501 West Langdon Road  
Walla Walla, Washington 99362

Re: Applications for Change under Ground Water Certificate No.'s G3-28030(E)  
and G3-28736(E)

Dear Mr. Byerley:

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

According to your request, the current change is no longer necessary and a new change application has been filed on this right. You indicated that additional time is required to complete this change with the Walla Walla Conservancy Board. Please be aware that your project must be pursued in good faith with due diligence. Your request is for a reasonable and short period of time. We will grant you an additional two years to complete your project.

The new deadline to submit your *Construction Notices* is **December 31, 2012**.

An approved measuring device shall be installed and maintained for each of the sources 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>

Water use data shall be recorded weekly and maintained by the property owner for a minimum of five years. The maximum monthly rate of diversion/withdrawal and the weekly total volume shall be submitted to the Department of Ecology by January 31st of each calendar year.

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.

Department of Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the project location, and to inspect at reasonable times, records of water use, wells, diversions, measuring devices and associated distribution systems for compliance with water law.

#### **YOUR RIGHT TO APPEAL**

You have a right to appeal this action to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this document. 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 document:

- File your appeal and a copy of this document 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 document on Ecology in paper form - by mail or in person. (See addresses below.) Email is not accepted.

You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

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 Suite 301 Tumwater, WA 98501	Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903

Please also send a copy of your appeal to:

Mr. Keith L. Stoffel  
 Department of Ecology  
 Eastern Regional Office  
 4601 North Monroe Street  
 Spokane, WA 99205-1295

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.l.leg.wa.gov/CodeReviser>.

If you have any questions, please contact Dan Tolleson at 509-329-3526.

Sincerely,



Keith L. Stoffel  
 Section Manager  
 Water Resources Program  
 Eastern Regional Office

KLS/DT:md

W: Extensions/letters/Tolleson/2011/Byerley Scott G3-28030E and G3-28736E 2-24-2011.doc

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

I certify that I mailed this letter or an identical copy thereof, postage prepaid, to the above addressee(s) this 24 day of Feb, 2011.  
 Water Resources Program, Secretary Senior, Molly A. Davis .