



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

September 20, 2011

Thomas M. Pors
Law Office of Thomas M. Pors
1700 Seventh Avenue, Ste. 2100
Seattle WA 98101

Re: Ground Water Permit Nos. G4-31009P and G4-25768(A)P
Desert Canyon Utility Company

Dear Mr. Pors:

In response to your request, you are hereby granted an extension to complete construction and to put the water to full beneficial use for the reason(s) below:

- Planting of an orchard is planned for the next year.
- Housing continues to be developed around the golf course and irrigation of lawn and garden is following this municipal development.

As the two permits were being reviewed for extension consideration, it was noted that Permit No. G4-25768(A)P was issued as a Family Farm Permit for irrigation of an orchard during irrigation season (April 1 to October 1). Subsequent to this Permit authorization, Permit No. G4-31009P was issued as a Family Farm Permit, perhaps in error, for continuous domestic, irrigation and development for a golf course and residential lawn and garden (March 1 to April 1 and October 1 to November 1), filling of water hazard lakes, and maintenance of water hazard lakes (April 1 to October 1). Based on the subsequent authorization of Permit No. G4-31009P, Ecology intends to split Permit No. G4-25768(A)P into two portions as follows:

1. Portion (A) will authorize 520 af/yr for 130 acres and retain the Family Farm Permit provision for orchard during irrigation season (April 1 to October 1) and the place-of-use will be described as lands located westerly and/or southerly and not overlapping the Desert Canyon Utility Company's service area according to the most recent Water System Plan dated June 10, 2006 and within the existing or originally authorized place-of-use. Additionally, the development schedule relating to this portion will be reverted to the Completion of Construction (CC) stage as it appears the infrastructure necessary for the orchard development is incomplete.
2. Portion (C) will be a **non**-Family Farm Permit authorizing 1440 af/yr for 360 acres for irrigation of golf course and residential lawn/garden during



irrigation season (April 1 to October 1). The place-of-use will be described as lands located within the Desert Canyon Utility Company's service area according to the most recent Water System Plan dated June 10, 2006. RCW 90.03.386 may have the effect of revising the place of use of this water right if the criteria in set forth in said statute are met.

Two Superseding Permits will be issued after approximately 30 days of the date of this letter.

With regards to Permit No. G4-31009P, Ecology intends to remove the Family Farm Permit Provision as the Permit has historically been for irrigation of non-agricultural golf course and residential lawns and/or gardens (March 1 to April 1). Additionally, the place-of-use should reflect Desert Canyon Utility Company's service area per the most recent Water System Plan, dated June 10, 2006. RCW 90.03.386 may have the effect of revising the place of use of this water right if the criteria in set forth in said statute are met.

A Superseding Permit shall be issued within approximately 30 days of the date of this letter.

The new deadlines to submit your *Construction Notice* (G4-25768(A)P) and *Proof of Appropriation of Water* (G4-31009P and G4-25768(C)P) are as follows:

1. G4-31009P:
 - a. Municipal portion, country club and restaurant and associated lawn and garden: (227 af/yr) PA due **April 1, 2019**.
 - b. Filling and maintenance of hazard lakes (36.8 af/yr) PA due **April 1, 2012**.
 - c. Irrigation and golf course development: (360 af/yr) PA due **April 1, 2012**.
2. G4-25768(A)P:
 - a. Irrigation (520 af/yr) CC due **October 1, 2012** with the submittal of a development farm plan.
3. G4-25768(C)P:
 - a. Irrigation of lawn and garden: (1440 af/yr) PA due **April 1, 2019**.

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 Teresa Mitchell at 509-575-2597.

Sincerely,



Melissa Downes, LHG
Acting Section Manager
Water Resources Program

MD:gh
110921

Enclosures: *Proof of Appropriation of Water* (2 copies)
Construction Notice
Your Right to Be Heard

By certified mail: 7007 2560 0001 9535 6961

PA extension granted.doc