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

May 14, 2010

Sunshine Agricultural Inc.
ATTN: Charlie Simmons
PO Box 446
Pateros WA 98846-0446

Re: Change Authorization Nos. CS4-28101C & CS4-28609C

Dear Mr. Simmons:

This letter is in response to your extension requests to the above-referenced Change Authorizations. The original Certificates were issued in 1983 and 1987 respectively. Subsequently, Ecology received applications requesting to add points of diversion and withdrawals and the development schedules required that the Completion of Construction stage be completed by April 1, 2004, and water was to be put to full beneficial use by April 1, 2005. Since then Ecology has granted two extensions of time, citing that more time was needed due to metering hardware difficulties, upgrading meter system, etc.

As evidenced by the history of this file, the progress of fulfilling the development schedule has been unreasonably slow, but Ecology recognizes your recent efforts with Tom Perkow, Columbia River Watermaster with regards to Change Authorization No. CG4-29877P, and understands how the three Change Authorizations are related. Therefore, in response to your request, you are hereby **approved** an extension of time for the reasons below:

- Efficiencies must be reanalyzed.
- Pumping capacities are being reviewed by a private contractor.

Be advised that where due diligence has not been shown, the State Water Code does not allow the reservation of water for use at an unspecified time in the future.

The new deadline to submit your *Construction Notice* is **April 1, 2011**.

For technical assistance related to metering, please contact Eiko Urmos-Berry at 509- 575-2397. For general permitting assistance, please continue to work with Mr. Perkow. He can be reached at 509-662-0512.

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 the document that you are appealing.
- 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
100515

Enclosures: *Proof of Appropriation*
Your Right to Be Heard

By certified mail: 7007 2560 0001 9535 1935

Cc: Tom Perkow, Office Columbia River (via e-copy)

CC extension approved.doc