



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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

October 31, 2012

Jeff Slothower, Attorney at Law  
c/o Lathrop, Winbauer, Harrel, Slothower, & Denison L.L.P.  
PO Box 1088  
Ellensburg WA 98926

Re: Ground Water Change Authorization No. CG4-00111-A - **Laurin Mellergaard**

Dear Mr. Slothower:

Ecology is in receipt of your extension request for the above-referenced file. In reviewing said file and reviewing the request for extension, it appears that the submittal of the *Beginning of Construction* (BC) form has not been accomplished, yet we believe construction has begun (the well, pump, and part of distribution system are in place). In order to administratively complete the file, please submit the enclosed BC form at your earliest convenience. Remember, fees are not required for this filing.

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

- Death of a spouse and probate requirements have delayed project completion.

The new deadline to submit your *Construction Notice* (CC) is **September 1, 2013**; however, the new schedule of development or the approval of an extension by themselves do not constitute an exemption from relinquishment or protect your water right change authorization from abandonment. During the development of this project you can beneficially use 12.6 acre-ft/yr of water under the original authorized purpose of use (domestic and poultry-farm use) under the new purpose of use (municipal), or a combination thereof. According to both the provisions stated in the Report of Examination and Ecology's guidance policy, *POL-1280 Development Schedules for Water Right Changes and Transfers*, should your water use fall below 12.6 acre-ft/yr for five consecutive years during the project development, one of the exemptions to relinquishment in RCW 90.14.140 must excuse the nonuse to avoid relinquishment of the portion of the right not put to beneficial use. By recommending this extension, six years will have expired before the CC is due.



## 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
<b>Department of Ecology</b> Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey WA 98503	<b>Department of Ecology</b> Attn: Appeals Processing Desk PO Box 47608 Olympia WA 98504-7608
<b>Pollution Control Hearings Board</b> 1111 Israel Road SW Ste 301 Tumwater WA 98501	<b>Pollution Control Hearings Board</b> 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,



Mark Kemner, LHG  
Section Manager  
Water Resources Program

MK:CLG:gh  
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Enclosures: *Construction Notices (BC and CC)*  
*Your Right to Be Heard*

By certified mail: 7009 2250 0004 4950 6894

Cc: Laurin and Marjorie Møllergaard