



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

November 19, 2009

Mr. Don DeFord
Bauer's Landing Lodge
PO Box 98
Orondo WA 98843-0098

Re: **Ground Water Right Permit No. G4-29036P**

Dear Mr. DeFord:

We apologize for the delayed response to your letter received September 10, 2008, (copy enclosed). In response to your request, you are hereby granted an extension to put the water to full beneficial use for the reason(s) below:

- Full build out to include 13 more connections remains viable.
- Time extension is in the public's best interest.

Please be reminded that state law requires that the project cannot be deferred for an unreasonable length of time and that Ecology is reluctant to grant future extensions in this phase without considerable progress.

The new deadline to submit your *Proof of Appropriation* is **September 1, 2013**.

New Provisions: As a condition of this extension Ecology is requiring metering on all three sources along with the submittal of monthly meter readings to collect annual information for water resource planning, management, and compliance.

- An approved measuring device shall be installed and maintained for each of the three 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>.
- 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. Installation, operation and maintenance requirements are enclosed as a document titled "Water Measurement Device Installation and Operation Requirements".
<http://www.ecy.wa.gov/programs/wr/measuring/measuringhome.html>
- Water use (volume and rate) shall be recorded annually and maintained by the property

owner for a minimum of five years, and shall be promptly submitted to the Department of Ecology upon request.

- 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.

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:

OR Deliver your appeal in person to:

The Pollution Control Hearings Board
PO Box 40903
Olympia WA 98504-0903

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:

OR Deliver your appeal in person to:

The Department of Ecology
Appeals & Application for Relief
Coordinator
PO Box 47608
Olympia WA 98504-7608

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

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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:CG:gh
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Enclosures: *Proof of Appropriation
Your Right to Be Heard
Water Metering Requirements
9/10/08 letter (copy)*

By certified mail: 7007 2560 0001 9534 5279

PA extension granted.doc