



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

December 9, 2009

Mr. W. Scott DeTro, Esq.
Callaway & DeTro PLLC
700-A Okoma Drive
Omak, WA 98841

Re: Extension Request of Development Schedule for Permit No. G4-29682P

Dear Mr. DeTro:

Snyder Flats, LLC is granted an extension to their development schedule for groundwater permit G4-29682P. The new deadline for Snyder Flats, LLC to submit a *Construction Notice*, noting Completion of Construction, to the Department is **April 1, 2010**. The new deadline to submit a *Proof of Appropriation of Water* form is **November 1, 2010**.

This extension is granted for the reason(s) below:

- During the Proof of Appropriation stage of the subject permit's current development schedule, the Department of Ecology (Department) discovered that development and irrigation of a portion of the permit's stated place of use had occurred outside that place of use.
- Pursuant to RCW 90.03.320 and the Department's internal guidance policy, POL-1050: *Extension of Time on Permits*, sufficient good faith and due diligence have been shown to warrant an extension of time to the subject permit's development schedule.

This extension will provide necessary time to modify the irrigation system and relocate it to other areas residing within the subject permit's 594-acre place of use.

The Department may amend a permit's provisions when that permit receives an extension to its development schedule. This authority rests in Ecology's guiding Policy-1050: *Extension of Time on Permits*, "Conditions may be imposed on a permit extension beyond what was provided in the original permit and Report of Examination."



The following are amendments to the permit's original Provisions list:

- The Family Farm Act provision listed on the original subject permit is updated to read:
 - This authorization to use public waters of the state is classified as Family Farm Permit in accordance with chapter 90.66 RCW. This means the land being irrigated under this authorization shall comply with the following definition: Family Farm - a geographic area including not more than 6,000 acres of irrigated agricultural lands, whether contiguous or noncontiguous, the controlling interest in which is held by a person having a controlling interest in no more than 6,000 acres of irrigated agricultural lands in the state of Washington which are irrigated under water rights acquired after December 8, 1977. Furthermore, the land being irrigated under this authorization must continue to conform to the definition of a family farm.
- The original permit did not have a requirement for a water meter nor recording and reporting requirements. The following will be added to the permit:
 - 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 rate of withdrawal with weekly and annual total volumes shall be submitted to the Department of Ecology by January 31st of each calendar year.
- The original permit did not provide the provision for legal access by Department personnel to the permittee's place-of-use. The following will be added to the permit:
 - 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.
- The original permit did not instruct the permittee to file a Proof of Water Appropriation form. The following will be added to the permit:
 - The water right holder shall file the notice of Proof of Appropriation of water (under which the certificate of water right is issued) when the permanent distribution system has been constructed and the quantity of water required by the project has been put to full beneficial use. The certificate will reflect the extent of the project perfected within the limitations of the water right. Elements of a proof inspection may include,

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as appropriate, the source(s), system instantaneous capacity, beneficial use(s), annual quantity, place of use, and satisfaction of provisions. All other existing provisions on the original subject permit shall remain in force.

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:

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:

Derek I. Sandison
Department of Ecology
Central Regional Office
15 W. Yakima Ave, Ste 200

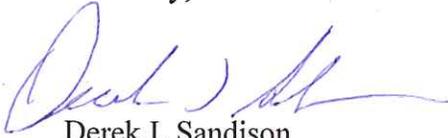
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*For additional information visit the Environmental Hearings Office Website:
<http://www.eho.wa.gov> . To find laws and agency rules visit the Washington State Legislature
Website: <http://www.leg.wa.gov/CodeReviser>.*

If you have any questions, please contact Teresa Mitchell at 509-575-2597.

Sincerely,



Derek I. Sandison
Director
Office of Columbia River

GS:RAZ (091209)

Enclosures: *Construction Notice (ECY 040-1-30)*
Proof of Appropriation of Water (ECY 040-1-26)
Your Right to Be Heard

By certified mail: 7007 2560 0001 9535 0013

cc: Tory Wulf, Gebbers Farms