



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

4601 N Monroe Street • Spokane, Washington 99205-1295 • (509)329-3400

April 10, 2013

Mr. Paul B. Sullivan  
370 McNary Ridge Road  
Burbank, Washington 99323

Re: Ground Water Permit No. G3-29305

Dear Mr. Sullivan:

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

According to your request, development of the project has been slower than anticipated due to the current economic downturn. Additional time is requested to obtain funding to complete construction of the project including platting and engineering. It appears you have made minimal progress in completing your project. Be advised that the State Water Code requires that your project be pursued with diligence and does not allow, through the permitting process, the reservation of water for use at an unspecified time in the future. It is important that development of your project continue with development within the time described in the authorization. Your request is for a reasonable and short period of time. We will grant you an additional four years to complete your project. If additional time is required beyond this extension, your project will be reevaluated at that time for compliance with due diligence.

The new deadline to submit your *Construction Notice* is **October 1, 2016**.

Currently your project does not appear to be a Municipal Supplier as defined in statute since you only serve 9 homes out of the 140 proposed. A municipal supplier is defined under "RCW 90.03.015(4) Definitions "Municipal water supply purposes" means a beneficial use of water: (a) For residential purposes through fifteen or more residential service connections or for providing residential use of water for a nonresidential population that is, on average, at least twenty-five people for at least sixty days a year;...". If you develop enough lots to become a municipal supplier you will be subject to additional benefits and restrictions afforded all municipal suppliers which are described in the enclosed POL 2030.



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### **Municipal Supply and Public Water Systems**

Prior to any new construction or alterations of a public water supply system, the State Board of Health rules require public water supply owners to obtain written approval from the Office of Drinking Water of the Washington State Department of Health. Please contact the Office of Drinking Water prior to beginning (or modifying) your project at DOH/Division of Environmental Health, 16201 E. Indiana Avenue, Suite 1500, Spokane Valley, WA 99216, (509) 329-2100.

*If your project meets the definition of municipal water supplier then the following provision shall apply:* If the criteria in RCW 90.03.386(2) are not met and a Water System Plan/Small Water System Management Program was approved after September 9, 2003, the place of use of this water right reverts to the service area described in that document. If the criteria in RCW 90.03.386(2) are not met and no Water System Plan/Small Water System Management Program has been approved after September 9, 2003, the place of use reverts to the last place of use described by The Department of Ecology in a water right authorization.

### **Wells, Well Logs and Well Construction Standards**

All wells constructed in the state must meet the construction requirements of WAC 173-160 titled "Minimum Standards for the Construction and Maintenance of Wells" and RCW 18.104 titled "Water Well Construction". Any well which is unusable, abandoned, or whose use has been permanently discontinued, or which is in such disrepair that its continued use is impractical or is an environmental, safety or public health hazard must be decommissioned.

All wells must be tagged with a Department of Ecology unique well identification number. If you have an existing well and it does not have a tag, please contact the well-drilling coordinator at the regional Department of Ecology office issuing this decision. This tag must remain attached to the well. If you are required to submit water measuring reports, reference this tag number.

Installation and maintenance of an access port as described in WAC 173-160- 291(3) is required.

### **Measurements, Monitoring, Metering and Reporting**

An approved measuring device must be installed and maintained for each of the sources identified by this water right in accordance with the rule "Requirements for Measuring and Reporting Water Use", WAC 173-173, which 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.

Well water use data shall be recorded weekly and maintained by the landowner for a minimum of five years. The weekly maximum rate of withdrawal, the annual total volume, and shall be submitted to ecology by January 31<sup>st</sup> of each calendar year.

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Recorded water use data shall be submitted via the Internet. To set up an Internet reporting account, contact the Eastern Regional Office. If you do not have Internet access, you can still submit hard copies by contacting the Eastern Regional Office for forms to submit your water use data.

### **Water Use Efficiency**

The water right holder is required to maintain efficient water delivery systems and use of up to date water conservation practices consistent with RCW 90.03.005.

### **Schedule and Inspections**

Department of Ecology personnel, upon presentation of proper credentials, will 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.

### **Proof of Appropriation**

The water right holder must 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, as appropriate, the source(s), system instantaneous capacity, beneficial use(s), annual quantity, place of use, and satisfaction of provisions.

## **YOUR RIGHT TO APPEAL**

You have a right to appeal this action to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this document. 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 document:

- File your appeal and a copy of this document 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 document on Ecology in paper form - by mail or in person. (See addresses below.) Email is not accepted.

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You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

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 Suite 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.l.wa.gov/CodeReviser>.

If you have any questions, please contact Dan Tolleson at 509-329-3526.

Sincerely,



Keith L. Stoffel  
Section Manager  
Water Resources Program  
Eastern Regional Office

KLS/DT:md

Enclosures: *Construction Notice*  
*Your Right to Be Heard*  
*POL 2030*

I certify that I mailed this letter or an identical copy thereof, postage prepaid, to the above addressee(s) this 10 day of April, 2013.  
Water Resources Program, Secretary Senior, Molly A. Davis 2.