



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

June 3, 2009

CERTIFIED MAIL

7007 2560 0001 7674 2455

Painted Summer Hills, LLC
Attn: Burke de Briere, Manager
PO Box 82244
Kenmore, WA 98028-0244

Re: Water Right No. G4-29196P

Dear Mr. de Briere:

In your March 29, 2009 letter you requested a five year extension in the *Proof of Appropriation* (PA) stage of the above numbered permit. In response to your request, you are hereby granted an extension to put the water to full beneficial use for the reason(s) below:

- Additional time is needed to complete the reconfiguration of the irrigation system and replanting of crop(s) for the irrigation portion of the Permit.
- Local development patterns and rate of growth occurring in rural Douglas County necessitate more time to develop the residences on the original 12 lots associated with the permit.

The new deadline to submit your *Proof of Appropriation of Water* is **July 1, 2010**.

Thank you for providing the detailed history of the Permit since December 2004. Please note that while Painted Summer Hills (PSH) acquired this Water Right Permit in 2006, the Permit originally issued in 1991 and has already been extended four times prior its assignment to PSH. Ecology evaluates and reviews any extension request(s) for a Permit from the date of issuance of the original Permit and not just the date of the most recent assignment.

Ecology's policy on Permit extensions is POL 1050¹. This policy states:

“Numerous extension requests may indicate an intent to speculate or lack of diligence, and staff should consider with increased scrutiny extension requests for long-standing permits where several extension requests have already been authorized.”

This is the sixth such extension for this Permit and the development period is approaching 20 years.

POL 1050 further states:

¹ <http://www.ecy.wa.gov/programs/wr/rules/images/pdf/pol1050r.pdf>.



“When granting any extension, specific goals may be set and required of the permit holder during the extension period.”

Given the numerous extension requests already granted for this Permit, Ecology is conditioning this extension request with the following reporting requirements, which shall be submitted to Ecology by June 1, 2010.

1. A detailed cost summary since the previous extension request on funds spent towards putting water to beneficial use as it relates to development of the project associated with the permit. The summary should differentiate between costs allocated for development of the irrigation and domestic portions of the Permit. For example, costs could be itemized by equipment or seed purchased, materials or equipment purchased or rented, or labor or engineering services contracted or hired.
2. A narrative description and map of the reconfiguration or improvements made to the irrigation system infrastructure (i.e., sprinklers installed, pump revamped, etc.).
3. The breakdown of acres of orchard land cleared, acres prepped for replanting, and existing acres maintained in irrigation from previous years - and the parcel(s) associated with each activity.
4. The type of crop for each irrigated agricultural acre, (i.e., pasture, orchard, other, etc.)
5. Copies of any signed lease agreements or other relevant contracts for development of the water Permit.
6. The number and location of homes or other buildings constructed and served under the Permit.
7. The square footage of new lawn, landscaping and garden planted and existing lawn, landscaping and garden served.
8. The metering requirements in the Douglas County Water Conservancy Board decision for the subject permit are adopted herein. Additionally, PSH shall record water use from both the irrigation and domestic wells in accordance with WAC 173-173 and report weekly totals annually by January 31, 2010 and by June 1, 2010 to Ecology. Ecology is requiring the additional reporting in order to evaluate continued progress on the development of the Permit.

You have a right to appeal this decision. To appeal this decision you must:

- File your appeal with the Pollution Control Hearings Board (Board) within thirty (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 thirty (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

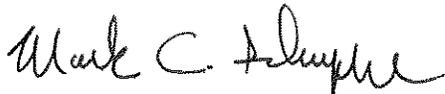
3. And send a copy of your appeal to:

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.cho.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
Acting Section Manager
Water Resources Program

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090603

Painted Summer Hills, LLC

June 3, 2009

Page 4

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

PA extension granted.doc

CC: Sarah Mack, Attorney
Maia Bellon, Assistant Attorney General