



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

September 1, 2011

Windy Flats Phase III, LLC
Attn: Brandy Myers, Admin. Manager
PO Box 272
Goldendale, WA 98620-0272

RE: Extended Temporary Authorization No. G4-33002 for Dust Control, Concrete Mixing and Fire Control/Protection

On August 30, 2010, Brandy Myers of Cannon Power Construction Company, LLC, applied to the Department of Ecology (Ecology) seeking approval for Temporary Authorization to appropriate water for dust control, concrete mixing, and fire control/protection during road and wind turbine construction. This project was scheduled to begin immediately, approximately December 2010, and was anticipated take eight months.

On April 20, 2011, Brandy Myers requested an extension of time of the temporary authorization, with no changes to the original quantities of water to be withdrawn and put to beneficial use. This request is necessary as financial hardships and unfavorable weather conditions delayed the project.

Water is to be distributed for dust control and road concrete mixing by truck. Water will be pumped from an existing well located within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 28, T. 3 N., R. 15 E.W.M., Klickitat County, Washington, at an instantaneous rate (Qi) of 45 gallons per minute (gpm) for dust control and 0.5 gpm for concrete mixing. The dust control water will be pumped from the well into a holding tank. Tanker trucks with carrying capacities of 3,500 gallons will remove water from the holding tank and transport and apply water to areas within project site location. The concrete will be mixed at the well site.

The total volume required for the project is estimated to be 13,750,912.2 gallons (42.2 acre-feet) for dust control and 266,808 (0.8 acre-feet). The place of use is south of Centerville, Washington, and is a series of wind turbines linked together by both permanent and temporary roads over several miles. The Windy Flats West Wind Project site is located within Sections 34, 35, and 36, T. 3 N., R. 14 E.W.M.; Sections 31, 32, and 33, T. 3 N., R. 15 E.W.M.; Sections 4 and 5, T. 2 N., R. 15 E.W.M., all within Klickitat County, Washington. A color map depicting wind turbine locations is located in the application file.

A water right mitigation agreement between the well owner, Garner Family Partnership, and Cannon Power Construction was sent to Ecology on January 26, 2011. This agreement is for Garner Family Partnership to fallow a total of 13 acres authorized under Ground Water Certificate No. G4-01271C. This Ground Water Certificate is authorized to withdraw 180 gpm and 133 acre feet to irrigate 40 acres from April 20 to October 20 each year. This would equate



to 3.325 acre-feet per acre authorized for a total of 43.225 acre-feet of water not being used for irrigation during 2011.

The proposed source is an existing well constructed with an 8-inch diameter casing and drilled to a total depth of 311 feet. It is cased to 208 feet below land surface. The reported static water level on May 24, 1972, was at 73 feet below top of casing. The driller estimates a yield of 200 gpm with 240 feet of drawdown after four hours of testing. This well is associated with ground Water Certificate No. G4-01271C.

For the purpose of this Temporary Authorization, the Qi allowed from the well will be a maximum of 45.5 gpm. By agreement with the land owners, the Windy Flats Phase III, LLC will account for the water use by truck loads hauled and amount of concrete mixed. This will satisfy the reporting requirements of Ecology.

It is anticipated the proposed withdrawal can take place without impairing existing water rights, including those rights embodied in instream flows adopted in WAC 173-563, and is not detrimental to the public interest. Water is available for the proposed project; however, it is uncertain whether the requested pumping rate can be sustained for this project.

This Amended Temporary Authorization has the following conditions:

1. If the applicant fails to comply with the terms of this Extended Temporary Authorization, it may be revoked.
2. The issuance of this Amended Temporary Authorization in no way guarantees a standard Permit will be issued.
3. Water withdrawal may take place from February 11, 2011 extended until **October 31, 2012.**
4. The withdrawal will be from an existing well located within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 28, T. 3 N., R. 15 E.W.M.
5. The water will be used for dust control, concrete mixing and fire control/protection during road and wind turbine construction.
6. The Windy Flats West Wind Project site is located within Sections 34, 35, and 36, T. 3 N., R. 14 E.W.M.; Sections 31, 32, and 33, T. 3 N., R. 15 E.W.M.; Sections 4 and 5, T. 2 N., R. 15 E.W.M., all within Klickitat County, Washington. A color map is located in the application file.
7. Withdrawal shall not exceed 45.5 gpm. Water will be pumped into a storage tank. The annual volume of water allowed is not to exceed 43 acre-feet during the permitted period.

8. The operator of the system under this authorization shall:
 - a. Have a copy of the Amended Temporary Authorization.
 - b. Be aware of the parameters and provisions and operate accordingly.
 - c. Provide said copy as evidence of this Amended Temporary Authorization upon request by Department of Ecology staff.
 - d. Tag either the pump or power panel at the withdrawal site with Temporary Authorization No. G4-33002.
9. Water use data shall be recorded by tracking the number of water tank truck loads and truck capacity, amount of water used to mix concrete and shall be submitted to Department of Ecology, Central Region Office, Water Resources Program by January 31, 2013.
10. At a minimum, the following information shall be included with the submitted water use data: owner, contact name if different, mailing address, daytime phone number, WRIA 31, Temporary Permit No. G4-33002, water volume (truck and truck size) used including units of measurement, and days of use. In the future, Ecology may require additional parameters to be reported or more frequent reporting.
11. Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times to the records of water use that are kept to meet the above conditions, but only to the extent otherwise allowed by law.
12. This Amended Temporary Authorization shall in no way excuse the permittee from compliance with any applicable federal, state, or local statutes, ordinances, or regulations including those administered by other programs of the Department of Ecology.
13. The issuance of this Amended Temporary Authorization does not convey a right of access to or other right to use land, which you do not legally possess. Obtainment of such a right is a private matter between the applicant and owner of that land.
14. The water sources and/or water transmission facilities may not be located entirely upon the land owned by the applicant. Therefore, the applicant is advised that issuance of a Permit by Ecology for appropriation of the waters in question does not convey a right of access to, or other right to use, land which the applicant does not legally possess.

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
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, Ste 301 Tumwater WA 98501	Pollution Control Hearings Board PO Box 40903 Olympia WA 98504-0903

Sincerely,



Robert F. Barwin, Acting Section Manager
Water Resources Program/CRO

RFB:EH:gh
110906

Enclosure: *Your Right to Be Heard*

By certified mail: 7007 2560 0001 9535 6947

cc: Garner Family Trust, c/o Phil Garner (7007 2560 0001 9535 6930)
Philip Rigdon, Director, Natural Resources Division, Yakama Nation