



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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

January 26, 2011

Wayne Kalbfleisch  
Central Pre-Mix Concrete Co  
PO Box 3366  
Spokane WA 99220-3366

Re: Change Authorization Nos. CS4-00039CTCL & CS4-01591CTCL

Dear Mr. Kalbfleisch:

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

- Permitting requirements from the Army Corps of Engineers continues to evolve.
- Previous mitigation measures may be expiring and new measures would take time.

The new deadline to submit your *Construction Notices* is **November 1, 2013**.

It is important that Central Pre-Mix Concrete Co. keep up with the development schedule, which specifies the dates that the permittee must begin construction, complete construction, and put the water to full beneficial use so the change authorizations remain in good standing. The development schedule is intended to ensure that due diligence and reasonable progress is made in putting water to use. As evidenced by the history of the change authorizations, they has been in the Beginning of Construction (BC) stage for seven years. Requests for extensions at the BC stage where no progress is shown is typically scrutinized closer by Ecology during review. Difficulties with permitting, zoning, platting, etc. are typically not good cause for failure to begin construction within the development schedule period and given that seven years have lapsed, any further extensions would be unreasonable at the BC stage. Future extensions in circumstances where there is no assurance that the situation will change would be against the public interest.

This Decision may be appealed pursuant to RCW 34.05.514(3), RCW 90.03.210(2), and Pretrial Order No. 12 entered in *State of Washington, Department of Ecology v. James Acquavella, et al.*, Yakima County Superior Court No. 77-2-01484-5 (the general adjudication of surface water rights in the Yakima River Basin). The person to whom this Decision is issued, if he or she wishes to file an appeal, must file the notice of appeal with the Yakima County Superior Court **within thirty (30) days of receipt of this Decision**. Appeals must be filed with the Superior Court Clerk's Office, Yakima County Superior Court, 128 North 2<sup>nd</sup> Street, Yakima WA 98901, RE: Yakima River Adjudication. Appeals must be served in accordance with Pretrial Order No. 12, Section III ("Appeals Procedures").



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The content of the notice of appeal must conform to RCW 34.05.546. Specifically, the notice of appeal must include:

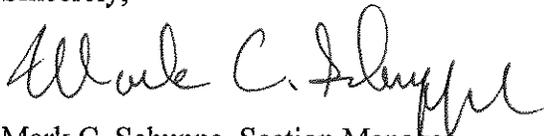
- The name and mailing address of the appellant;
- Name and address of the appellant's attorney, if any;
- The name and address of the Department of Ecology;
- The specific application number of the decision being appealed;
- A copy of the decision;
- A brief explanation of Ecology's decision;
- Identification of persons who were parties in any adjudicative proceedings that led to Ecology's decision;
- Facts that demonstrate the appellant is entitled to obtain judicial review;
- The appellant's reasons for believing that relief should be granted; and
- A request for relief, specifying the type and extent of relief requested.

The "parties of record" who must be served with copies of the notice of appeal under RCW 34.05.542(3) are limited to the applicant of the decision subject to appeal, Ecology and the Office of the Attorney General.

All others receiving notice of this Decision, who wish to file an appeal, must file the appeal with the Yakima County Superior Court within **thirty (30) days of the date the Order was mailed**. The appeal must be filed in the same manner as described above.

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

Sincerely,



Mark C. Schuppe, Section Manager  
Water Resources Program

MCS:CLG:gh  
110151

Enclosures: *Construction Notice (2)*

By Certified Mail: 7007 2560 0001 9535 8279

Cc: Laurie Pinard, CPM Development Corp