



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

August 11, 2009

Goodfellow Bros Inc
6135 NE 80th Ave Ste A3
Portland OR 97218-4033

RE: Temporary Authorization No. G4-35241 – dust control

On May 19, 2009, Goodfellow Bros., Inc., submitted an application seeking a Temporary Authorization to withdrawal 200 gallons per minute (gpm), 20 acre-feet per year (ac-ft/yr) of water to control dust for activities associated with the construction of a wind farm. This will include the construction of roads and crane pads.

The applicant proposes to withdrawal water from a well located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 3, T. 4 N., R. 20 E.W.M.

The proposed place of use is located within:

- Sections 1 – 4, T. 3 N., R. 20 E.W.M.
- Section 6, T. 3 N., R. 21 E.W.M.
- Sections 21 – 23, 28, 33, 34, T. 4 N., R. 19 E.W.M.
- Sections 25 and 36, T. 4 N., R. 20 E.W.M.
- Section 30 and 31, T. 4 N., R. 21 E.W.M.

There are two irrigation water rights associated with the above proposed point of withdrawal:

1. Water Right No. G3-00654C (Berk Harland), July 11, 1968 priority date, to withdraw 1000 gpm, up to 800 ac-ft/yr to irrigate 380 acres from April 1 through September 1.
2. Water Right No. G3-00896C (Berk Harland), August 25, 1969 priority date, to withdraw 600 gpm, up to 570 ac-ft/yr to irrigate 500 acres from April 1 through September 1.

The proposed point of withdrawal and place of use are all located within Water Resource Inventory Area (WRIA) No. 31, in Klickitat County, Washington.

This TEMPORARY AUTHORIZATION is subject to the following conditions:

- 1) Violation of any of the terms and/or conditions of this authorization will result in immediate termination, issuance of Administrative Orders to Cease and Desist, may also subject the violator to civil penalties.



- 2) The maximum volume of water allowed under this Temporary Authorization is 20 ac-ft/yr from August 7, 2009 to November 30, 2010. This Temporary Authorization will expire on November 30, 2010.
- 3) Water use in excess of 20 ac-ft/yr under this Temporary Authorization will constitute an enlargement of the right and this authorization shall be immediately terminated.
- 4) The point of diversion will be from a point located within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 3, T. 4 N., R. 20 E.W.M.
- 5) The temporary place of use under this authorization will be used for dust abatement within the following locations:
 - Sections 1 – 4, T. 3 N., R. 20 E.W.M.
 - Section 6, T. 3 N., R. 21 E.W.M.
 - Sections 21 – 23, 28, 33, 34, T. 4 N., R. 19 E.W.M.
 - Sections 25 and 36, T. 4 N., R. 20 E.W.M.
 - Section 30 and 31, T. 4 N., R. 21 E.W.M.
- 6) The Department of Ecology assumes no liability for the purchase and/or construction of any permanent facilities in conjunction with this Temporary Authorization. Applicants for temporary authorizations should not construe that this authorization will result in the granting of a permanent of water right.
- 7) The applicant and operator of the system under this Temporary Authorization shall:
 - Have a copy of this Temporary Authorization available on-site.
 - Be aware of the parameters and provisions and operate accordingly.
 - Provide said copy as evidence of this authorization upon request by Department of Ecology staff.
- 9) The applicant will be responsible for metering the water use authorized under this Temporary Authorization. Metering and reporting can be done by keeping track of the number of truck loads and the size of each truck load for each day water is used.
- 10) A record of water used under this temporary shall be submitted to Ecology by January 31st each year. January 31, 2011 will be the last year required to submit water use for this Temporary Authorization. At the least, a record of how many truck loads and how much water was hauled in each truck load for each day that water is used under this Temporary Authorization.

- 11) At a minimum, the following information shall be included with each submittal of water use data: owner, contact name if different, mailing address, daytime phone number, WRIA, Permit or Certificate No., source name, annual quantity used including units, maximum rate of diversion including units, period of use, monthly meter readings including units, and peak flow including units for each month. In the future, Ecology may require additional parameters to be reported or more frequent reporting.
- 12) Ecology prefers web based data entry, but does accept hard copies. Ecology will provide forms and electronic data entry information.
- 13) 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, and to inspect at reasonable times any measuring device used to meet the above conditions, but only to the extent otherwise allowed by law.

This 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.

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

- File your appeal with the Pollution Control Hearing 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:

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 packet to:

Mark C. Schuppe, Acting Section Manager
Water Resources Program, Dept. of Ecology
Central Region Office
15 W Yakima Ave Ste 200
Yakima WA 98902-3452

*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 further questions or concerns, please call Breean Zimmerman, Department of Ecology, Water Resources Program, at 509-454-7647.

Sincerely,

Mark C. Schuppe, Acting Section Mgr, by ~~Meresa~~ DUNN

Mark C. Schuppe, Acting Section Manager
Water Resources Program
Central Region Office

MCS:BZ:gg/090824

Certified Mail: 7007 2560 0001 9534 6191

cc: Don Slater
Philip Rigdon, Director, Natural Resources Division, Yakama Nation
Janet Rajala, Department of Ecology, Easter Region Office (email pdf)