



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

August 29, 2011

Windy Point Partners LLC
c/o Brandy Myers
PO Box 272
Goldendale WA 98620

RE: Extended Temporary Ground Water Authorization No. G4-35399 for Dust Control, Fire Protection, and Concrete Compaction

Background

On August 23, 2010, Brandy Myers of Windy Point Partners, LLC, applied to the Department of Ecology (Ecology) seeking approval for temporary authorization to appropriate water for dust control, fire protection, and concrete compaction during wind turbine construction. This project was scheduled to begin immediately, October 2010, and was authorized until April 30, 2011.

On April 20, 2011, Windy Point Partners applied to Ecology for an extension request stating water has not been withdrawn due to unforeseen circumstances. This request is to extend the period of use on the Temporary Authorization, with **no** change to the quantity originally authorized. Therefore, in response to your request, you are hereby granted an extension to complete the project for the reason(s) below:

- Unforeseen weather conditions delayed construction.
- Financial hardships have postponed completion of the temporary project.

The new deadline to complete your project and submit your *Construction Notice* is **October 31, 2012**.

Water withdrawn will be stored in a holding tank adjacent to the well and is to be distributed by truck for dust control, fire protection if needed, and concrete mixing. Water will be pumped from the new well located within the NW¼SW¼ of Section 11, T. 3 N., R. 18 E.W.M., Klickitat County, Washington, at an instantaneous rate (Qi) of 150 gallons per minute (gpm) into one 10,000 gallon capacity portable steel storage tank, which will be located close to the source and where the water will be gravity fed into six trucks, each with a carrying capacity of 4,000 gallons to distribute the water. The total volume required for the project is estimated to be a maximum of 8,700,221 gallons (26.7 acre-feet), 26.2 acre-feet for dust suppression and 0.5 acre feet for concrete mixing. Fire prevention and/or suppression will be used on an as-needed basis. The place of use is a series of wind turbines linked together by both permanent and temporary roads over several miles, to include Sections 3, 4, 9, 10, 11, and 15, T. 3 N., R. 18 E.W.M.



An agreement exists with the land owner Ruth Davenport of Davenport Ranches, Inc., where the well will be drilled. The proposed source is a new well to be constructed approximately 3,000 feet south and 800 feet east from the northwest corner of Section 11, T. 3 N., R. 18 E.W.M. For the purpose of this Temporary Authorization, the Qi allowed from the well will be the requested maximum of 150 gpm. Windy Point Partners, LLC, expects to haul six, 4,000 gallon capacity truck loads seven days per week over 30 weeks, not to exceed 8,700,221 gallons. Windy Point Partners, LLC, will account for the water use by the number of truck loads hauled. This will satisfy the reporting requirements of Ecology.

Public Notice

Public notice of the application was published in the *Goldendale Sentinel* of Goldendale, Washington, on September 15 and 22, 2010. No letters of protest or comments were received during the 30-day protest period.

Impairment

Withdrawing water from the subject well, Unique ID # AGL989, is unlikely to affect area springs; however, withdrawing water from the subject well would more likely reduce any groundwater discharge in the three intermittent drainages by a small amount over the term of the Extended Temporary Authorization.

Public Interest

The use of this water for dust control, fire protection, and concrete compaction are beneficial uses, which is not contrary to the public interest.

Conclusions and Decision

It is anticipated, however, that the proposed temporary withdrawal is a beneficial use, is physically available, is not detrimental to the public interest, and can take place without impairing existing water rights, including those rights embodied in instream flows adopted in WAC 173-563, provided the use conforms to the following:

This Extended Temporary Authorization has the following conditions:

1. If the applicant fails to comply with the terms of the Extended Temporary Authorization, it may be revoked.
2. The issuance of an Amended Temporary Authorization in no way guarantees a standard Permit will be issued.
3. Water withdrawal may take place from **October 25, 2010** until **April 30, 2011** now, and extended to **October 31, 2012**.
4. The withdrawal will be from a new well located within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 11, T. 3 N., R. 18 E.W.M., Klickitat County, Washington.
5. The water will be used for dust control, fire protection as needed, and concrete mixing to serve the Windy Point Partners, LLC, wind project identified on the colored map in the application file including Sections 3, 4, 9, 10, 11, and 15, T. 3 N., R. 18 E.W.M.
6. Withdrawal shall not exceed 150 gpm. Water will be pumped from the well directly to a 10,000 gallon capacity portable, steel storage tank and then to six 4,000-gallon capacity water trucks. The volume of water allowed is not to exceed 26.7 acre-feet during the permitted period.

7. The operator of the system under this Extended Temporary Authorization shall:
 - Have a copy of this Extended Temporary Authorization.
 - Be aware of the parameters and provisions and operate accordingly.
 - Provide said copy as evidence of this Extended Temporary Authorization upon request by Department of Ecology staff.
 - Tag either the pump or power panel at the withdrawal site with Extended Temporary Authorization No. G4-35399.
8. Water use data shall be recorded weekly and submitted to the Department of Ecology by November 15, 2012. 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, Extended Temporary Authorization No. G4-35399, water volume used including units of measurement, number of trucks hauled per day, and days of use.
9. Department of 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.
10. This Extended 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.
11. The issuance of this Extended 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.
12. 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 the Department of 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 Rd SW Ste 301 Tumwater WA 98501	Pollution Control Hearings Board PO Box 40903 Olympia WA 98504-0903

Please send a copy of your appeal to:

Robert F. Barwin, Acting Section Manager
Department 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>*

Sincerely,



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

RFB:CG:gg/110829

Enclosures: Your Right To Be Heard
Water Measurement Requirements
Important Information About Your Water Right Permit

Certified Mail: 7007 2560 0001 9535 5797

cc: Ruth Davenport
Philip Rigdon, Director, Natural Resources Division, Yakama Nation