



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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

January 24, 2012

Jeff Slothower, Attorney  
PO Box 1088  
Ellensburg WA 98926-1088

Re: Surface Water Change Authorization Nos. CS4-00876(A)CTCL@1 and  
CS4-00876(B)CTCL@1--**Ellensburg Cement Products, Inc.**

Dear Mr. Slothower:

Ecology recently received an extension request in the *Completion of Construction* stage. In reviewing the files, it was determined that Ecology has not yet received the *Beginning of Construction* forms (BC) related to the change authorized referenced above. Therefore, in response to your request, you are hereby granted an extension to begin construction for the reason(s) below:

- Man power, equipment, and materials were delayed during the previous year.

The new deadline to submit your *Construction Notice* is **December 31, 2012**.

Please be advised that according to Ecology policy, "Requests for extensions at the BC stage where no progress has occurred on the Permit should be closely scrutinized since the absence of any financial commitment or advancement towards development of the project can be an indication of speculation or lack of serious intent."

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"). 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;



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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 Kemner, LHG  
Section Manager  
Water Resources Program

MK:CLG:gh  
120120

Enclosures: *Construction Notice (2)*  
*Your Right to Be Heard*

By certified mail: 7007 2560 0001 9535 7395

Cc: Lenny Morrison, Ellensburg Cement Products

BC extension granted.doc