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BEFORE THE STATE OF WASHINGTON  
ENERGY FACILITIES SITE EVALUATION COUNCIL

In the Matter of	)	
Application No 2006-02	)	KITTITAS COUNTY'S
	)	PETITION FOR
DESERT CLAIM WIND POWER, L.L.C.	)	INTERVENTION
	)	
	)	
DESERT CLAIM WIND	)	
POWER PROJECT	)	
	)	
	)	

Pursuant to RCW 34.05.443, Ch. 463-30 WAC and the Council's Notice of Opportunity and Deadline to File Petitions for Intervention, Kittitas County moves for intervention as a party in the above captioned adjudicative proceedings without limitation or condition. According to the application, the proposed site extends over an area that is approximately 5,200 acres and 8 miles northwest of Ellensburg. This proposed project is located entirely within unincorporated Kittitas County. As such, citizens, lands and resources within the County will be directly affected by the Council's decision whether to approve, deny, or condition the proposed project.

Kittitas County is entitled to participate in this matter as a matter of right, since it sits a member of the Washington State Energy Facility Site Evaluation Council at such times as the

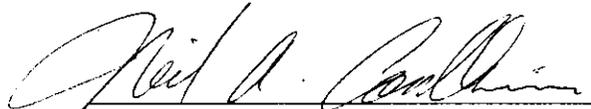
1 Council considers this proposed application. Kittitas County has a direct and substantial interest  
2 that is not adequately represented or protected by existing parties. Kittitas County's ability to  
3 protect its interests relating to the subject matter of the hearing would be impaired or impeded  
4 absent intervention in this case. Kittitas County further asserts that its intervention is clearly in  
5 the public interest. Kittitas County is familiar with local conditions that the Council will be  
6 evaluating over the course of its project review. The unique and important perspective that the  
7 County brings to this proceeding would provide valuable input to assist the Council in its  
8 assessment of the proposed project.

9 As part of its governmental functions, Kittitas County maintains important constitutional,  
10 statutory and code responsibility for land use, zoning, and environmental planning and review.  
11 Under the Washington State Constitution, Revised Code of Washington, and Kittitas County  
12 Code, Kittitas County is vested with broad responsibility for regulation of land use and zoning,  
13 protection of the lands, waters and environment, and for protecting the general public health and  
14 welfare of the people within its boundaries. The project as proposed is currently inconsistent with  
15 both the Kittitas County land use and zoning regulations. Kittitas County has the interest and  
16 responsibility to see to it that any siting of this proposed project be achieved in compliance and  
17 consistent with applicable law. Kittitas County is mandated by law to see to it that impacts on  
18 urban growth, sprawl, transportation, housing, economic development, property rights, natural  
19 resources, open space, recreation, environment, public facilities, public services, and historic  
20 preservation within this county are addressed and considered for any project in its jurisdiction.  
21 Kittitas County's ability to protect and further those interests may be impeded or impaired if it is  
22 not allowed to participate fully in this proceeding.  
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25

1 Absent the opportunity to proceed as a party in this matter, Kittitas County's interest and  
2 that of the public would be seriously impaired and impeded. Neither disruption of proceedings  
3 not prejudice to the petitioner would result from Kittitas County becoming a party to this  
4 proceeding.

5 This motion is based upon the files and records herein, as well as provision of the  
6 Administrative Procedures Act and the Councils rule of practice, which together show that  
7 Kittitas County's petition to intervene should be granted.

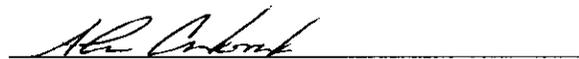
8 Dated this 8<sup>th</sup> day of April, 2009.

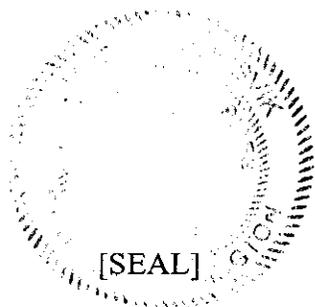
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10   
11 Neil A. Caulkins WSBA #31759  
12 Civil Deputy Prosecutor for  
13 Petitioner Kittitas County

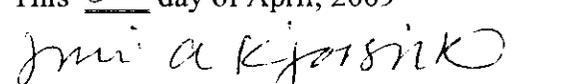
14 VERIFICATION

15 STATE OF WASHINGTON )  
16 ) SS  
17 COUNTY OF KITTITAS )

18 Alan Crankovich, Chairman Kittitas County Board of Commissioners, being first  
19 duly sworn, on oath, deposes and says: That I am the duly elected Chairman of the Kittitas  
20 County Board of Commissioners, and make this verification as such; that I have read the  
21 foregoing document, know the contents thereof and believe the same to be true and correct to the  
22 best of my knowledge and information.

23   
24 Alan Crankovich



25 SUBSCRIBED AND SWORN to before me  
This 8<sup>th</sup> day of April, 2009  
  
NOTARY PUBLIC in and for the State  
Of Washington, residing at Ellensburg  
My commission expires 2/19/10.

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**BEFORE THE STATE OF WASHINGTON  
ENERGY FACILITIES SITE EVALUATION COUNCIL**

In the Matter of Application No 2006-02,                    ) AFFIDAVIT OF MAILING  
  )  
DESERT CLAIM WIND POWER, LLC                            )  
  )  
DESERT CLAIM WIND POWER PROJECT                    )  
  )  
\_\_\_\_\_ )

STATE OF WASHINGTON )  
  ) ss.  
County of Kittitas    )

ANGELA T. BUGNI, being first duly sworn upon oath, deposes and says:

I am a citizen of the United States of America and of the State of Washington, over the age of 18 years, not a party to the above-entitled proceeding and competent to be a witness therein.

On April 8, 2009, I served one original, one copy and sent an electronic copy of KITTITAS COUNTY'S PETITION FOR INTERVENTION, to the following individual(s) at the specified addresses by the method indicated below:

AFFIDAVIT OF MAILING

**GREGORY L. ZEMPEL**  
KITTITAS COUNTY PROSECUTOR  
Kittitas County Courthouse - Room 213  
Ellensburg, WA 98926  
(509) 962-7520

1 **Service To:**

**Service Performed By:**

2  
3 Mr. Allen J. Fiksdal  
4 EFSEC Manager  
5 Energy Facility Site Evaluation Council  
6 905 Plum Street SE, Third Floor  
7 PO Box 43172  
8 Olympia, WA 98504-3172

[X] By United States Mail  
[ ] By Shipping (UPS, FedEx, etc.)  
[ ] By Hand Delivery  
[X] By E-Mail

9 On April 8, 2009, I served one copy and sent an electronic copy of KITTITAS COUNTY'S  
10 PETITION FOR INTERVENTION, to the following individual(s) at the specified addresses by the  
11 method indicated below:

12 Mr. H. Bruce Marvin  
13 Assistant Attorney General  
14 Counsel for the Environment  
15 Office of the Attorney General  
16 PO Box 40100  
17 Olympia, WA 98504-0100

[X] By United States Mail  
[ ] By Shipping (UPS, FedEx, etc.)  
[ ] By Hand Delivery  
[X] By E-Mail

18 Mr. Kyle J. Crews  
19 Assistant Attorney General  
20 Office of the Attorney General  
21 PO Box 40108  
22 Olympia, WA 98504-0108

[X] By United States Mail  
[ ] By Shipping (UPS, FedEx, etc.)  
[ ] By Hand Delivery  
[X] By E-Mail

23 Mr. David Steeb  
24 Desert Claim Wind Power, LLC  
25 PO Box 4  
Woodinville, WA 98072

[X] By United States Mail  
[ ] By Shipping (UPS, FedEx, etc.)  
[ ] By Hand Delivery  
[X] By E-Mail

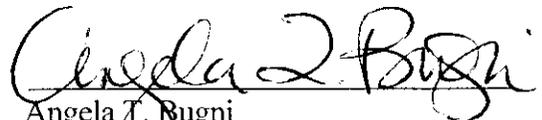
Ms. Karen McGaffey  
Perkins Coie LLP  
1201 Third Avenue  
Seattle, WA 98101

[X] By United States Mail  
[ ] By Shipping (UPS, FedEx, etc.)  
[ ] By Hand Delivery  
[X] By E-Mail

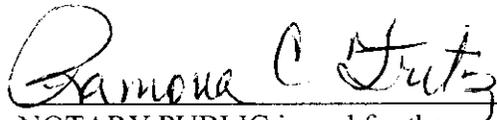
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I certify under penalty of perjury under the law of the State of Washington that the foregoing is true and correct.

DATED this 8<sup>th</sup> day of April, 2009, at Ellensburg, Washington.

  
Angela T. Bugni  
Legal Secretary

SUBSCRIBED AND SWORN to (or affirmed) before me this 8<sup>th</sup> day of April, 2009.

  
NOTARY PUBLIC in and for the  
State of Washington.  
My Commission Expires: 9-1-12