



1201 Third Avenue, Suite 4800
Seattle, WA 98101-3099
PHONE: 206.359.8000
FAX: 206.359.9000
www.perkinscoie.com

Karen M. McGaffey
PHONE: (206) 359-6368
FAX: (206) 359-7368
EMAIL: KMcGaffey@perkinscoie.com

April 24, 2007

VIA EMAIL AND FIRST CLASS MAIL

Jim Luce, Chair
Energy Facility Site Evaluation Council
PO Box 43172
Olympia, WA 98504-3172

Re: Desert Claim Wind Power – Request for Extension

Dear Chairman Luce:

On January 30, 2007, the Council held a Land Use Consistency Hearing on the Desert Claim Wind Power Project in Ellensburg, and found that the Project is not consistent with Kittitas County's land use plans and zoning ordinances. Under the Council's regulations, an applicant must file a written request for preemption "within ninety days after completion of the public hearing . . . or later if mutually agreed by the applicant and the Council." WAC 463-28-040.

As you are aware, Desert Claim's motion regarding WAC section 463-28-030(1) is still pending before the Council, and in supplemental briefing, Desert Claim has outlined a possible middle ground involving the applicant and the County spending an additional thirty days to try to reach agreement. Desert Claim believes it makes sense to wait until the motion is resolved and any subsequent process is defined before requesting preemption. Accordingly, Desert Claim requests an extension until May 31, 2007 to file a preemption request.

Sincerely,


Karen M. McGaffey

58415-0001/LEGAL13185689.1

Jim Luce, Chair
April 24, 2007
Page 2

cc: Allen Fiksdal, EFSEC Manager (via email)
Mike Tribble, CFE (via email)
Neil Caulkins, Kittitas County (via email)