

Kittitas County Open House Sessions

March 24 & 25, 2008

DRAFT Memorandum of Agreement (MOA) Between Kittitas County & Dept. of Ecology

Regarding Management of
Exempt Ground Water wells in Kittitas County

Background

- **September 13, 2007 – Aqua Permanente petitions the Department of Ecology to establish a temporary moratorium on new ‘exempt’ wells in Kittitas County.**
- **Petition challenged use of the exempt well provision to supply water to new residential developments in Kittitas County**



Ecology makes a decision

Ecology sought input before formally responding to the petition:

- We hosted 2 listening sessions in October 2007 to receive community feedback.
- We consulted with county commissioners, legislators, federal water managers, tribes and water right holders.
- We welcomed written and oral comments to the petition during the 60 day response period.
- We explored alternatives to the petition on how to achieve balanced water management in the county.

An alternative is chosen

- On November 9, 2007 Kittitas County and Ecology entered into an Agreement in Principle (AIP) which laid the foundation for the MOA.
- This MOA reflects the joint commitment between Kittitas County and Ecology to:
 - Evaluate exempt ground water use
 - Implement interim management strategies
 - Conduct a comprehensive ground water study

Why is an MOA needed - what are the concerns?

- Residential developments in Kittitas County are relying on exempt wells for domestic water use when a water right permit may be required.
- Groundwater withdrawals from multi-home subdivisions may impair senior water rights.
- New groundwater withdrawals may interfere with river flows necessary to protect endangered or threatened fish.

Why is an MOA needed - what are the concerns?

- Exempt well withdrawals are not measured, so impacts on aquifers are unknown.
- Exempt well water users may face shut off during dry years.
- Lawful groundwater uses are jeopardized.

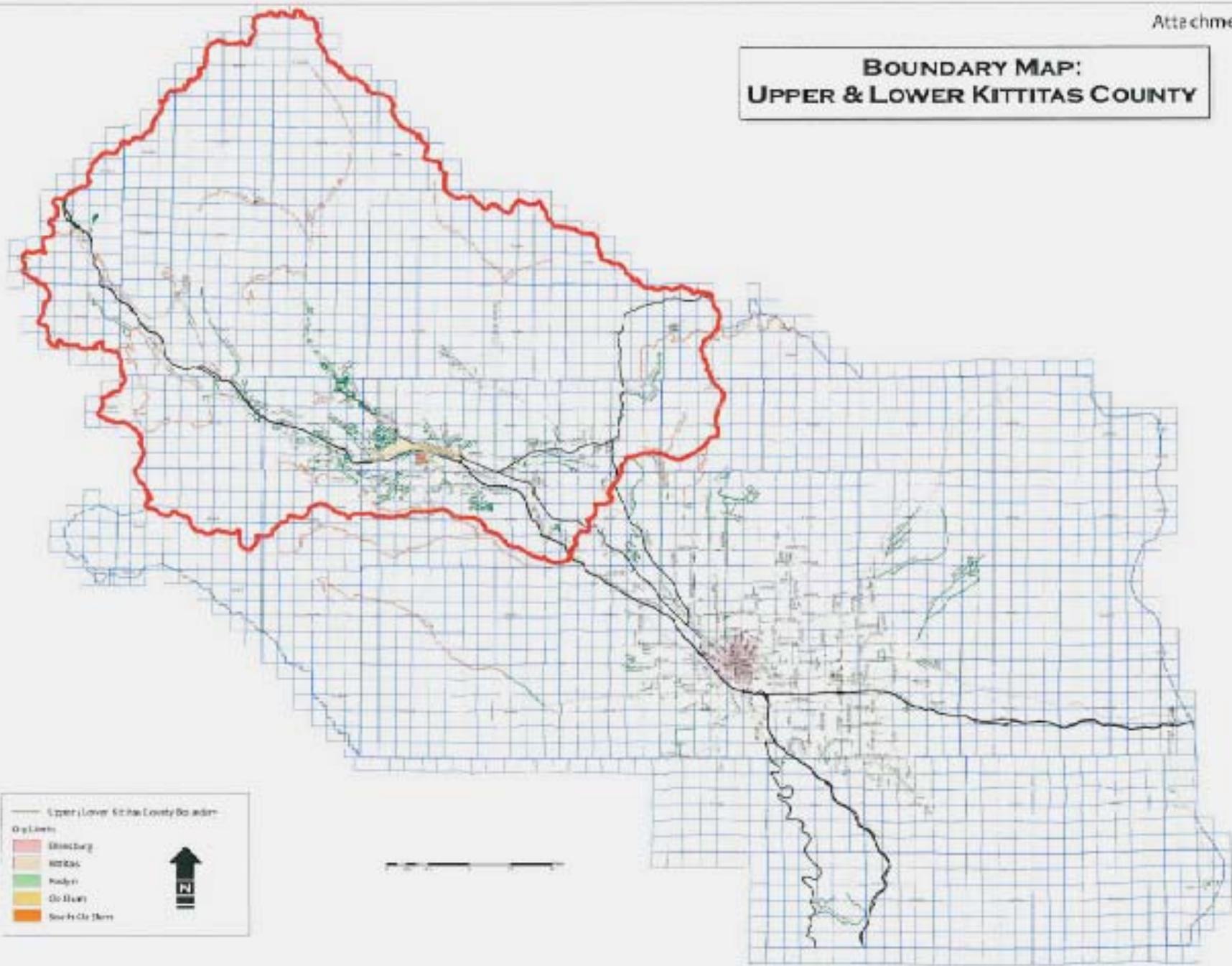
What area is affected by this MOA?

Upper Kittitas County

- in general the area northwest of Thorp
- including:
 - Cle Elum
 - South Cle Elum
 - Roslyn
 - Ronald
 - Easton



**BOUNDARY MAP:
UPPER & LOWER KITTITAS COUNTY**



Interim Components of the MOA

All new subdivision applications in Upper County will be subject to the State Environmental Policy Act (SEPA) review.

- County will apply a condition requiring meters for each individual residential connection.
- Hydrogeologic Investigation will be required for divisions of land that involve the creation of buildable lots, addressing impacts to the natural or built environment.
- Technical Assistance available from Ecology in assessing impacts

Interim Components of the MOA

Exempt Well Residential Standards

- One groundwater exemption (5,000 gallons per day) for each 40 acre parcel
 - Exemptions will be prorated for parcels smaller than 40 acres.
 - Existing undeveloped property 10 acres or greater in size will be allowed water in varying amounts (see Attachment 2 of the MOA).
 - Existing parcels below 10 acres will be allowed 1250 gpd
 - 5,000 gpd includes all in-door domestic and landscaping needs

Interim Components of the MOA

- Notice to prospective buyers – language will be placed on plat faces disclosing risks of reliability water supply
- Data Collection - voluntary measuring and reporting for existing group A & B public water systems
- Hydrogeologic Investigation – professional opinion addressing impacts of exempt ground water use on the natural or built environment

Interim Components of the MOA

- Ecology will adopt an emergency rule by July 1, 2008 to implement interim measures in MOA. A permanent rule will follow and replace the emergency rule.
- Kittitas County will have SEPA enforceable conditions in effect to implement interim measures in MOA

Ground Water Study

- A ground water study will be conducted focusing on Upper Kittitas County - an area not fully covered in the current USGS ground water study of the Yakima River Basin.
 - Hydrogeology of the study area
 - Ground water occurrence and availability
 - Ground water and surface water continuity
 - Potential impairment resulting from exempt ground water use
- Due to local support of County Officials and Legislators, \$683,000 was approved by the Legislature for this ground water study



Long Term Management Program

- A long-term water management program will be proposed based upon the findings of the groundwater study.
- This long-term water management program may include:
 - provisions similar to the interim components of the current MOA
 - ongoing ground water monitoring
 - a formal exempt well mitigation program
 - no further action is needed

Mitigation Program

- Currently Ecology, Bureau of Reclamation, Kittitas County, senior water right holders, and the Yakama Nation are developing a Mitigation Program in the Yakima River Basin.
- Idea is to establish a water bank - acquiring senior water rights which will offset exempt well impacts – providing a long-term reliable water supply.
- Developer/land owner will likely pay a mitigation fee to participate in program.

What happens now?

- We listen to you, citizens and landowners.
- We consult with county commissioners, legislators, federal water managers and tribes on contents of MOA.
- We explore what more we need to know.
- We consider the comments before us and finalize MOA in April 2008.

What you can do

Share your thoughts orally tonight

OR

Use drop off boxes here or by email to kcwp@ecy.wa.gov

OR

**Attend public hearing before the Board of County Commissioners
on Tuesday April 1, 2008, 6:00pm Walter Strom Middle School**

OR

Submit your comments in writing by April 2, 2008

Dept. of Ecology

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