



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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May 25, 2010

The Honorable David Taylor
WA State Representative
PO Box 40600
Olympia, WA 98504-0600

RE: Yakima River Basin – Exempt Groundwater Moratorium

Dear Representative Taylor:

Thank you for your letter dated May 10, 2010. I appreciate the concerns of your constituents regarding the possibility that the Washington State Department of Ecology (Ecology) might enact a groundwater management rule like the one covering the Upper Kittitas Basin in Yakima and Benton Counties. Although Ecology does not, at this time, anticipate using an approach for the entire basin identical to the approach embodied in the Upper Kittitas Rule, it is evident that water is in great demand, while our capacity to meet those demands is limited. This is true throughout the entire Yakima Basin.

Our approach to groundwater management in the three counties that comprise the Yakima Basin has involved the Bureau of Reclamation (Reclamation), the Yakama Nation, other key water managers, state, county and local government officials, and the public for more than a decade. It has evolved over time, and has been tested during two severe droughts. I am hopeful that our approach will be collaborative, and will be refined once the United States Geological Survey Office (USGS) completes its final report(s) and groundwater model.

Ecology's vision of the Yakima Basin is one in which groundwater and surface water are managed in such a way to accommodate growth, while protecting senior water rights and stream flows for fish, now and into the future.

As part of our strategy, we've advanced an integrated approach to resolve the basin's water supply and demand imbalance. The integrated strategy, which is being worked on by the Yakima River Basin Water Enhancement Project (YRBWEP) -3 Workgroup, will function best if everyone in the valley participates in the process. Ecology is committed to a process involving many stakeholders that will inform our approach to basin-wide groundwater management.



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In the early 1990s, the impacts of groundwater pumping to surface water rights reached a tipping point when Ecology recommended issuance of several dozen new groundwater permits in the Moxee-Black Rock and Rattlesnake Hills areas. At that time, more than 50 appeals were filed by the Yakama Nation. Reclamation later joined the Yakama Nation's appeals.

After many years of legal wrangling, Ecology and some of the applicants agreed to settle the case. Those applicants remaining in the appeal collectively agreed to pay more than \$850,000 to Reclamation to fund mitigation projects to offset the impact of their combined use on the Yakima River. Ecology, Reclamation, and the Yakama Nation also agreed to develop a common technical basis for making sound, efficient, and consistent water resource management decisions related to groundwater.

To that end, in August of 1999, Ecology, Reclamation, and the Yakama Nation entered into a Memorandum of Agreement (MOA) to: (1) obtain additional information for making groundwater management decisions; and (2) conservatively manage groundwater resources on an interim basis until sufficient additional information is available to make better water management and allocation decisions. The MOA resulted in two important actions: (1) Ecology agreed to put a hold on issuing new groundwater permits, and (2) Ecology and Reclamation retained the USGS to develop a numerical groundwater model to be used in future groundwater management, water allocation, and mitigation decisions.

The USGS Study and numerical model cost Reclamation and Ecology more than \$6.5 million and is reported to be one of the best in the nation. It should provide the necessary scientific information to make sound water management decisions, and to recognize hydrogeologic opportunities to recharge groundwater systems in a manner that will improve the reliability of water supplies for the basin's streams and its water users.

We are now waiting for the final report(s) and delivery of the numerical groundwater model. As agreed to in 1999, we intend to use the USGS model to guide future water management decisions in the basin. Settlement parties, key stakeholders, and the public will be part of how groundwater decisions will be made.

We expect the USGS Study Report(s) and numerical model to be formally released sometime this summer (2010). The principal parties to the settlement agreement will be briefed before that release. We also expect the USGS to provide an opportunity for the public to learn about the study and model at a meeting hosted by them.

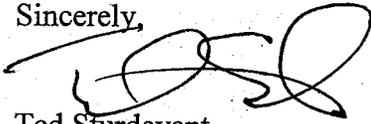
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I would be willing to arrange a separate briefing with USGS representatives for legislators and county officials once the study findings are published. Please contact me if you would like further clarification on our position or to discuss how we plan to move forward. You are welcome to contact my office directly at (360) 407-7009, or Tom Tebb, Central Region Office Director, at tom.tebb@ecy.wa.gov / (509) 574-3989 to arrange a meeting as soon as our respective schedules allow.

Sincerely,



Ted Sturdevant,
Director

cc: Tom Tebb

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bcc: Derek Sandison
Evan Sheffels
Ken Slattery
Karen Terwilleger