



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

PO Box 47600 • Olympia, WA 98504-7600 • 360-407-6000

711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

November 9, 2007

Melissa L. Bates  
120 Elk Haven Rd.  
Cle Elum, Washington 98922

Janice E. Sharar  
390 Cattail Road  
Ellensburg, Washington 98926

Rachael Paschal-Osborn  
Center for Environmental Law and Policy  
2421 Mission Avenue  
Spokane, Washington 99201

**RE: Kittitas County Groundwater Petition**

Dear Petitioners:

This letter is in response to your petition for rule making received by the Department of Ecology (Ecology) on September 13, 2007. Your petition requested that Ecology adopt a rule to withdraw unappropriated ground water in Kittitas County (County) from further appropriation under RCW 90.54.050.

After carefully considering the petition, its objectives, and other alternatives for addressing those objectives, I have decided, pursuant to RCW 34.05.330(1)(a), that Ecology will not proceed with the adoption of a moratorium rule at this time. Instead, Ecology has reached an "Agreement in Principle" with Kittitas County that we believe is responsive to the concerns raised in the petition. A copy of the Agreement in Principle is enclosed. It obligates Ecology and the County to negotiate a more specific agreement over the next two months. If that negotiation is successful, our future agreement would require coordinated state and county decision-making regarding land development and water availability determinations, gathering of water use data from exempt wells, and development of a mitigation strategy for exempt groundwater use. It would also commit the County to interim limits on the use of exempt wells during the time that a study of groundwater in the upper County is conducted. These actions are intended to protect existing water rights and stream flows in the Yakima River Basin.



Melissa Bates  
Janice Sharar  
Rachael Paschal-Osborn  
11/9/2007  
Page 2

Thank you for exercising your rights as citizens of the state of Washington and petitioning your government to focus attention on a serious matter of concern in Kittitas County.

If you have any questions please feel free to contact Ken Slattery, Water Resources Program Manager at [kshw461@ecy.wa.gov](mailto:kshw461@ecy.wa.gov) or 360-407-6602.

Sincerely,



Jay J. Manning  
Director

Enclosure

cc:	Derek Sandison	ECY – Central Regional Office Director
	Ken Slattery	ECY – Water Resources Program Manager
	Ted Sturdevant	ECY - Government Relations