



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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January 20, 2010

The Honorable Mark McClain
The Honorable Paul Jewell
The Honorable Alan Crankovich
Kittitas County Commissioners
205 W 5th AVE Suite 108
Ellensburg WA 98926

Dear Kittitas County Commissioners:

I have asked Tom Tebb, the Central Regional Director of Ecology, to deliver this letter to you on my behalf in consideration of today's hearing related to groundwater management in Upper Kittitas County. While I am new to the scene in my capacity as director of the Department of Ecology, I want to acknowledge the long journey that Ecology and the county have been on for the past three years. I know that journey has been difficult, often contentious and has caused strong feelings on all sides, and I appreciate the persistence you have shown in trying to reach an agreement that works for your constituents, your local economy and the water resources of the basin.

Together we have been grappling with how to manage groundwater in Upper Kittitas County. While we may come from different perspectives, I believe we share many fundamental interests. We – along with the residents of Kittitas County, downstream farmers and communities, and the Yakama Nation – want to be certain there is enough water to meet our needs both today and in the future. We all want a water program that is fair to citizens, protects senior water users, sustains important fisheries, and allows for appropriate new growth and economic development. Always looming large over these competing interests is the prospect of drought. The risks are real, both in terms of a lack of water supply and the threat of legal risks to water users who may knowingly or unknowingly infringe on the rights of more senior water right holders.

At the same time, I acknowledge that many residents of Kittitas County may have been caught off guard by the emergency rule that has halted new groundwater pumping unless that use is mitigated. In the short term, we have sought a compromise to balance the economic benefits of development in Kittitas County against the long-term water needs for the basin and the security of current water users.

Under the proposal that you are now considering, which Ecology is prepared to finalize, landowners would have 150 days to move forward and complete their projects *without requiring mitigation water*. After that time, development could still proceed if mitigation water were obtained. This agreement would provide relief to landowners and the local economy, and give us time to get a water bank functioning, which would allow for long-term development without harming downstream water users or putting homeowners at risk. We still recommend that



landowners drilling new wells seek a share of a senior water right, but during this time it would not be required by the department.

I know that no one gets everything they want under this proposal. Some prefer no limitations on new withdrawals at this time, while others, including my agency, are concerned about any further unmitigated withdrawals from already overappropriated aquifers. There are other important elements to the agreement that I won't go into, but I believe that the agreement before you strikes a fair balance among competing valid interests.

If the county and Ecology reach an agreement, the current emergency rule would expire by March 25, 2010. In April, Ecology would propose a rule requiring developers and water users to first obtain a share of a senior water right before constructing their projects. This rule would likely go into effect on or about September 1, 2010. Citizens will have an opportunity to fully participate in the process of permanent rulemaking through public hearings and formal comment periods.

I am encouraged by local efforts that seek over-arching water solutions in the Yakima Basin. Public officials and stakeholders are participating in a program to develop an integrated water supply approach – looking to new storage, conservation, a water market and upgrading existing water delivery systems through the Yakima River Basin Water Enhancement Program. Groundwater management has to be a key component of that plan. We also look forward to learning more about the bedrock areas of Upper Kittitas County, which will be the subject of a U.S. Geological Survey study funded by the state Legislature.

I sincerely hope you will choose to adopt this proposal. It would allow economic development in the short and long term, in a way that my agency could defend as adequately protective of all those who rely on water in the Basin. Given how difficult it has been, and how much time it has taken, to reach this balanced proposal, I am doubtful that starting over in our negotiations could lead to a fair and mutually agreeable alternative to the existing moratorium in the short time remaining before the beginning of the coming building season.

Thank you for your hard work on this difficult but critical issue.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ted Sturdevant', with a stylized flourish at the end.

Ted Sturdevant
Director