



PROPOSED RULE MAKING

CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Department of Ecology AO # 08-12

<input checked="" type="checkbox"/> Preproposal Statement of Inquiry was filed as WSR 08-15-021 ; or	<input checked="" type="checkbox"/> Original Notice
<input type="checkbox"/> Expedited Rule Making--Proposed notice was filed as WSR _____; or	<input type="checkbox"/> Supplemental Notice to WSR _____
<input type="checkbox"/> Proposal is exempt under RCW 34.05.310(4).	<input type="checkbox"/> Continuance of WSR _____

Title of rule and other identifying information: Upper Kittitas Ground Water Rule, Chapter 173-539A WAC

Hearing location(s):

February 11, 2009 -- 7:00 pm

Cle Elum, WA

Walter Strom Middle School

Multi-purpose room

2694 State Route 903

February 12, 2009 -- 7:00 pm

Ellensburg, WA

Hal Holmes Center

209 Ruby Street

Submit written comments to:

Name: Melissa Downes

Address: 15 West Yakima Ave., Ste. 200

Yakima WA 98902-3452

e-mail mnih461@ecy.wa.gov

fax (509) 575-2809 by (date) February 20, 2009

Date of intended adoption: March 10, 2009

(Note: This is NOT the effective date)

Assistance for persons with disabilities: Contact

Judy Beitel, (360) 407-6878 by February 2, 2009

Persons with hearing loss, call 711 for Washington Relay Service. Persons with a speech disability, call 877-833-6341.

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The proposed rule establishes a partial withdrawal of ground water within a portion of WRIA 39 in Kittitas County, WA for the purpose of implementing a Memorandum of Agreement (MOA) entered into with Kittitas County on April 7, 2008. The partial withdrawal and restrictions are designed to minimize the potential for new a use of water that negatively affect flows in the Yakima River and its tributaries and does this in a way that minimizes effects on economic development.

Under RCW 34.05.350 the agency for good cause finds:

- The Yakima Basin is one of the state's most water-short areas.
- Water rights with priority dates as old as 1905 were shut off during the 2001 and 2005 droughts, including the town of Roslyn's municipal supply.
- Water supply in the Yakima Basin is limited and over-appropriated.
- Western portions of Kittitas County are experiencing rapid growth and this growth is being largely served by exempt wells.
- Exempt wells in this area may negatively affect the flow of the Yakima River or its tributaries.

Statutory authority for adoption: RCW 90.54.050, RCW 90.03.360, Chapter 43.27A RCW, Chapter 90.44 RCW

Statute being implemented: RCW 90.54.050, RCW 90.03.360, Chapter 43.27A RCW, Chapter 90.44 RCW

Is rule necessary because of a:

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If yes, CITATION:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: January 07, 2009

TIME: 10:56 AM

WSR 09-02-079

DATE

1/6/09

NAME (type or print)

Polly Zehm

SIGNATURE

TITLE

Deputy Director, Dept. of Ecology

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

N/A

Name of proponent: (person or organization) Department of Ecology

- Private
 Public
 Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Tom Tebb	Central Regional Office	(509) 574-3989
Implementation....Melissa Downes	Central Regional Office	(509) 454-4259
Enforcement..... Melissa Downes	Central Regional Office	(509) 454-4259

Has a small business economic impact statement been prepared under chapter 19.85 RCW?

Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by viewing the Web site at:
http://www.ecy.wa.gov/programs/wr/cro/kittitas_wp.html , or contacting:

Name: Lanessa Inman
Address: Water Resources Program
PO Box 47600
Olympia, WA 98504-7600
phone (360) 407-6862
fax (360) 407-6574
e-mail linm461@ecy.wa.gov

No. Explain why no statement was prepared.

Is a cost-benefit analysis required under RCW 34.05.328?

Yes A preliminary cost-benefit analysis may be obtained by viewing the Web site at:
http://www.ecy.wa.gov/programs/wr/cro/kittitas_wp.html , or contacting:

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Address: Water Resources Program
PO Box 47600
Olympia, WA 98504-7600
phone (360) 407-6862
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No: Please explain: