RULE-MAKING ORDER

Agency: Department of Ecology  AO Number 08-11

Effective date of rule:
- Permanent Rules
  □ 31 days after filing.
  □ Other (specify) ________________ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)
- Emergency Rules
  ☑ Immediately upon filing.
  □ Later (specify) ________________

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

Purpose: This third Emergency 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 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.

Citation of existing rules affected by this order:
- Repealed: N/A
- Amended: N/A
- Suspended: N/A

Statutory authority for adoption: RCW 90.54.050

Other authority: Chapter 43.27A RCW

PERMANENT RULE ONLY (Including Expedited Rule Making)
Adopted under notice filed as WSR ________________ on ________________ (date).
Describe any changes other than editing from proposed to adopted version:

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: __________________________
Address: __________________________
phone: __________________________
fax: __________________________
e-mail: __________________________

EMERGENCY RULE ONLY
Under RCW 34.05.350 the agency for good cause finds:
- ☑ That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- □ That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding: 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.

Date adopted: 3/13/09

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE:  March 13, 2009
TIME:  8:57 AM
WSR  09-07-068

(COMPLETE REVERSE SIDE)
Note: If any category is left blank, it will be calculated as zero.
No descriptive text.

Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.

The number of sections adopted in order to comply with:

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<th>Category</th>
<th>New</th>
<th>Amended</th>
<th>Repealed</th>
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<tr>
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<tr>
<td>Federal rules or standards</td>
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<tr>
<td>Recently enacted state statutes</td>
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The number of sections adopted at the request of a nongovernmental entity:

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The number of sections adopted in the agency's own initiative:

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<td>Own initiative</td>
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

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<td>Reform agency procedures</td>
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The number of sections adopted using:

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<td>Pilot rule making</td>
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<tr>
<td>Other alternative rule making</td>
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