



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

15 W Yakima Ave, Ste 200 • Yakima, WA 98902-3452 • (509) 575-2490

July 26, 2010

Board of Kittitas County Commissioners  
Honorable Paul Jewell, District #1, Vice-Chairman  
Honorable Alan Crankovich, District #2  
Honorable Mark McClain, District #3, Chairman  
Kittitas County Courthouse  
205 West 5<sup>th</sup>, Suite 108  
Ellensburg, WA 98926

Dear Board of Kittitas County Commissioners:

Thank you for your July 20 letter clarifying the County's policies on verifying water availability during the creation of new parcels and the issuance of building permits. I, along with the Department of Ecology's attorney, Mary Sue Wilson, Senior Assistant Attorney General, appreciated the opportunity to meet with you and share our concerns and perspectives on this important issue.

Ecology is pleased that the County will consider whether applicants have legal access to water, through a water budget neutral determination from Ecology, or a demonstration that water use comes within an exception to that requirement, when making decisions on land use and building permit applications in Upper Kittitas County.

Building applicants and developers will now have a clearer picture of how to meet both the County's and Ecology's requirements in the context of the existing and proposed rule governing groundwater in upper Kittitas County. We pledge to continue to work cooperatively with you to streamline the process, allowing for more timeliness, while protecting existing water rights and streamflows for fish.

We offer the following in response to two aspects of your new policy:

- First, to enhance your process, we request that, when the County takes action on land use applications that are deemed complete *prior to July 16, 2009*, the applicant be informed of Ecology's rule (WAC 173-539A) so the applicant understands that by the time a lot within such subdivision or plat is ready for a building permit, the applicant for such building permit will need to have obtained a water budget neutral determination from Ecology or demonstrate that the lot meets one of the exceptions in Ecology's rule.



Board of Kittitas County Commissioners

July 23, 2010

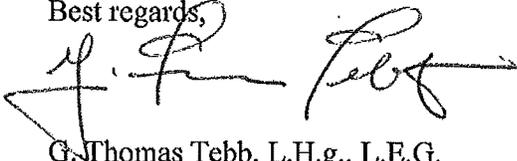
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- Second, when considering “statements from the applicant that water budget neutrality is not required” in the context of both land use and building permit decisions, we ask that the County review any such statement to determine whether it is correctly based on one of the rule’s exceptions to the water budget neutrality requirement. Ecology staff will be able to provide technical assistance to the County when it reviews such statements.

Ecology would be glad to provide you with informational materials to make available to applicants to assist them in implementing the requirements of the rule. Please let me know if that would be useful. We also plan on posting this information on our website to point applicants in the right direction.

Again, I appreciate the work and effort that the Board has invested in this important issue and would like to thank you again for consulting with to improve your policies for the creation of new parcels and issuance of building permits in Upper Kittitas County.

Best regards,

A handwritten signature in black ink, appearing to read 'G. Thomas Tebb', written over a horizontal line.

G. Thomas Tebb, L.H.g., L.E.G.

Regional Director

Central Regional Office

GTT:RAZ (100723)