

KITTITAS COUNTY  
PROSECUTING ATTORNEY'S OFFICE

**AGENDA STAFF REPORT**

**AGENDA DATE:** March 1, 2011

**ACTION REQUESTED:** Deny Teanaway Flooding Claims For Damages

---

**BACKGROUND:** On January 6, 2011 Kittitas County received 18 claims for damages from property owners from the Teanaway River area. These claims asserted that the County owned and maintained a system of flood control dykes and levees along the Teanaway River that were to protect their property and that in early January of 2009 those dykes and levees failed resulting in flooding to their property. Many of the claims do not state a damage amount claimed as required by RCW 4.96.020. The Department of Public Works has conducted extensive studies of the various flood events and has prepared reports related to each of these claims. Those reports are attached hereto and incorporated herein by this reference. In short, Kittitas County does not own or maintain any dykes or levees along the Teanaway River. Contrary to the assertions of the claimants, many of them do own property in the FEMA designated 100 year floodplain. Contrary to the assertions of many of the claimants, their property appears to have been flooded by water coming from somewhere other than through any existing dyke or levee, and some of the claimants do not appear to have been flooded at all during the January 2009 event.

**INTERACTION:** Upon receipt of the claims, the Prosecutor's Office worked with Public Works to enlist their help in amassing information and reports on the flood event and involved properties. Those reports and accompanying photos are attached hereto.

**RECOMMENDATION:** Deny all claims as the County does not own any dykes or levees in the Teanaway River area, many of the claimants have not properly sought specific damage amounts as required by statute, many of the properties were not flooded by waters from any breached dyke or levee, and several of the properties do not appear to actually have been flooded at all.

**ATTACHMENTS:** Claims For Damages, report from Public Works.

**LEAD STAFF:** Neil A. Caulkins, Deputy Prosecuting Attorney