

GMA WATER COMPLIANCE FREQUENTLY ASKED QUESTIONS

1. If I have an existing residence served by a well or other water system, do I have to mitigate for my water usage?

No. Existing uses will not be affected by these new regulations. New uses and expanded uses may be required to mitigate.

2. Do these new regulations apply to the Upper Kittitas County area?

No. During the Interim Measures nothing will change the requirements currently in effect under Upper County Rule (WAC 173-539A). Washington State Department of Ecology has agreed, as part of the proposed settlement, to begin the process of withdrawing that rule within 180 days of the County implementing the Permanent Measures. The Permanent Measures, upon possible withdrawal of the Upper County Rule, will apply to the Upper County and will be identical to the Upper County Rule.

3. What if my property is outside the Yakima River drainage basin?

You will not be required to mitigate. However, you must still comply with Kittitas County Code chapter 13.35.025(3).

4. Who needs to mitigate?

During the Interim Measures, all new domestic, commercial, irrigation and industrial uses of groundwater within the Yakima River Drainage Basin in the rural areas of Kittitas County not regulated by Chapter 173-539A WAC need to be mitigated. During the Permanent Measures, all new uses in the entire Yakima River Drainage Basin must mitigate (including areas currently regulated by Chapter 173-539A WAC).

5. Do I need to obtain mitigation before I can drill a well?

No, you do not. However, without mitigation, you do not have a legal right to withdraw water from that well, nor will you be able to apply or be issued a building permit.

6. If I have an existing building permit or application submitted prior to the effective date of new regulations do I need to mitigate?

No, if you have an existing active building permit (not expired) or a complete building permit application (with an approved Adequate Water Supply Determination application) submitted before the effective date of the new regulations you do not need to mitigate.

7. When will the new water regulations begin in Lower Kittitas County?

The new water regulations have a tentative implementation date of March 31, 2014. To follow the adoptive process please visit the Kittitas County Website: <http://www.co.kittitas.wa.us/cds/comp-plan/2013/maps-text.aspx>

8. Where do I get information about obtaining mitigation?

For information about obtaining mitigation you can visit the Washington State Department of Ecology's website at <http://www.ecy.wa.gov/programs/wr/cro/wtrxchg.html>. The cost of obtaining mitigation depends on which water bank you purchase from and the volume of water needed. You can also visit The Kittitas County Maps and Apps portal that has an interactive Department of Ecology Moratorium Status Map that will apply Interim Measure water bank layers to your parcel at <http://www.co.kittitas.wa.us/it/gis.aspx>.

9. I have a parcel of land with an existing well, and I have used my RV on the property. Will I be able to get a building permit to build a residence without obtaining mitigation?

Due to the complexity of these situations, determinations will be made on a case by case basis, taking into consideration the site specific circumstances. The County may require an opinion from Ecology prior to making a final decision.

10. I have a shared well, but only have built on one parcel. Do I need to mitigate for the second connection?

Yes, mitigation will be required for any new uses.

11. I had a house on my property that recently burned down. Will I need to obtain mitigation to rebuild?

No. If you previously had a permitted home on your property with a well then a water right for domestic use was already established. Existing rights are not affected by these new regulations.

12. I have an existing stock water well, is that going to be limited by the new regulations?

No. Established water rights for various uses are not limited by the new regulations. Additionally, stock watering is primarily regulated by the state through the Department of Ecology, not the County. As long as you continue using the well for the established purpose, the county will not require you to mitigate.

13. Will I be able to water my lawn and /or have a garden and trees?

Yes, if your property has deeded irrigation water rights and is available for use, then these regulations will not apply to your outdoor watering. If you have been using your existing exempt well to irrigate up to ½ acre of non-commercial lawn or garden, prior to these new regulations, then you have appropriated that use and do not have to obtain mitigation. If you do not have an irrigation water right or have not used your well for prior irrigation, then your usage will be limited. However, you may be able to obtain additional mitigation specific to outdoor use from a well.

14. Will I have to meter my water usage if I obtain mitigation from a water bank?

Yes, when Permanent Measures are enacted, all new uses must be metered. The specifics of the metering requirements may differ depending on the water bank from which the mitigation was obtained.

DEFINITIONS:

- **Acre Foot-** The amount of water covering one acre to a depth of one foot.
- **Appropriation-** The use of water for a beneficial purpose.
- **Consumptive Use-** The total depletion that the withdrawal has on any affected surface water bodies.
- **Curtailment-** the action of reducing or restricting water use based on priority.
- **Domestic Water Use** -Water used for household purposes, including human consumption, food preparation, household cleaning, personal hygiene, and watering lawns and gardens.
- **Group A Water System** - A water system that regularly serves 15 or more service connections or 25 or more people per day for 60 or more days per year.
- **Group B Water System-** A water system that serves less than 15 service connections and less than 25 people per day or more than 25 or more people per day during fewer than 60 days per year.
- **Individual Well-** A water system serving one single family residential connection.
- **Interim Measures-**The 18 month period in which all new domestic, commercial, irrigation and industrial uses of ground water in the rural areas of Kittitas County not regulated by Chapter 173-539A Washington Administrative Code (WAC) will be water budget neutral with respect to the Total Water Supply Available (TWSA) as measured at the Parker Gauge on the main stem of the Yakima River.
- **Mitigation-**To make something less severe or harmful. In this case, mitigation can be in the form of a portion of a water right purchased from a water bank. The adequacy of mitigation shall be determined by Ecology.
- **Permanent Measures-**Period in which all new water uses in the Yakima River Drainage Basin (including area defined by chapter 173-539A WAC) are required to provide evidence of local (stream or creek tributaries) mitigation as a condition of final plat and building permit approval.
- **Shared Well-** A water system that serves two connections.
- **Surface Water-** Water that is on the surface of the earth such as in a stream, river, lake, wetland, or ocean.
- **Total Water Supply Available (TWSA)** - Includes all water which is available for out-of-stream uses in the Yakima River Drainage Basin including current available storage in reservoirs, estimates of unregulated flow, and other sources including return flows. This is the estimate that the Bureau of Reclamation utilizes in making water delivery predictions each year.
- **Water Bank-** Water banking is an institutional mechanism used to facilitate the legal transfer, purchase, and market exchange of various types of surface, groundwater, and storage entitlements.
- **Water Budget Neutral-** This is a withdrawal of water whose impact to area streams is offset by water from existing water rights being left in-stream. The consumptive use (amount of water not returned to rivers and streams) does not exceed the amount of water of these existing water rights. These existing rights can be purchased on your own or through [water banks](#). Banked water is water put into the state trust water rights program as an “in- stream flow water right” (water left in the stream for the benefit of the stream and all the life that depends on adequate stream flows).
- **Water Right-**A legal authorization to use a predefined quantity of public water for a designated purpose.
- **Yakima River Drainage Basin-** The land area which drains into the Yakima River main stem, a major tributary of the Columbia River. This is inclusive of all sub-basin tributaries to the Yakima River. The area of Kittitas County from Snoqualmie Pass on the western border to Ryegrass in the eastern part of the County resides in the Yakima River Drainage Basin.

CONTACTS

For more information contact the Kittitas County Public Health Department at (509)962-7515 or <http://www.co.kittitas.wa.us/health/default.aspx> under Hot Topics.

For additional water bank and water use information contact Theresa Mitchell, Washington State Department of Ecology at (509)575-2490 or at <http://www.ecy.wa.gov/programs/wr/wrhome.html>