

**COMMISSIONERS' MINUTES
KITTTITAS COUNTY, WASHINGTON
COMMISSIONERS AUDITORIUM
SPECIAL MEETING**

WEDNESDAY

10:00 A.M.

JULY 8, 2009

Board members present: Chairman Alan Crankovich; Vice-Chairman Paul Jewell and Commissioner Mark McClain.

Others: Catherine Dunn, Deputy Clerk of the Board; Cathy Bambrick, Public Health Administrator; Brent Bottoms, Deputy Prosecutor; Tom Tebb, Central Regional Office, Department of Ecology; Jan Sharar, Mike Marvich, Jeremy Bach and one person representing the public.

SPECIAL MEETING DOE MEMORANDUM OF AGREEMENT COMMISSIONERS

At 10:00 a.m. Chairman Crankovich opened the meeting continued from Thursday, June 25, 2009 to discuss the Memorandum of Agreement on exempt wells between the WA ST Department of Ecology and Kittitas County.

Brent Bottoms, Deputy Prosecutor, said the County had three issues: how and when to do hydro-geological investigations; whether curtailment will be in the MOA or just in the RCW/WAC's; and the County would like DOE not to transfer water rights out of the County.

Tom Tebb, Central Regional Director, DOE, suggested that Kittitas County join with Okanogan and other northern counties to draft legislation regarding the transfer of water rights out of the counties.

Brent Bottoms concern was that the transfers would affect other people's rights.

Tom Tebb said that DOE was required by law to consider the water rights under a four-part test. He said he would send a report and power point presentation.

Commissioner McClain said that the problem was that the water rights are transferred downstream and will never come back to the County. He also expressed concern that the MOA would include requirements on the County that would allow things outside of the MOA.

Tom Tebb said that he would not sign an agreement that would limit the water right transfers. He said DOE had a standing agreement

with Okanogan County to notify them of transfers out of county while they were still in the draft stages.

Vice-Chairman Jewell said that he had some issues with mitigation and the notion of limitation.

There was a discussion on mitigation and minimizing impacts.

Brent Bottoms suggested using the existing Memorandum of Agreement language. Tom Tebb replied that DOE was not willing to go back to that language.

Brent Bottoms explained that the legislature requires treating exempt wells and water right wells the same and this would have them treated differently.

Tom Tebb expressed that he was not comfortable with this language.

Commissioner McClain said that it would be malfeasance for the Board and they needed flexibility in the agreement to be able to sign it. Brent Bottoms said that if it is done in the WAC, then the County is covered.

Tom Tebb said that he understood and was opened to the concept, but wants to see the language. Brent Bottoms said he would work with Brian Faller, Attorney General's office.

There was discussion of the public hearing process for the County and the need for an extension of the Emergency Rule.

The meeting was adjourned at 10:55 a.m.

DEPUTY CLERK OF THE BOARD

**KITTITAS COUNTY COMMISSIONERS
KITTITAS COUNTY, WASHINGTON**

Catherine Dunn

Alan Crankovich, Chairman