

COMMISSIONERS' MINUTES  
KITITAS COUNTY, WASHINGTON  
COMMISSIONER'S CONFERENCE ROOM  
SPECIAL MEETING

WEDNESDAY

3:00 P.M.

MAY 18, 2011

Board members present: Chairman Paul Jewell; Vice-Chairman Alan Crankovich. Commissioner Obie O'Brien was absent.

Others: Catherine Dunn, Deputy Clerk of the Board; Neil Caulkins, Deputy Prosecutor.

SPECIAL MEETING

TEANAWAY WATER RIGHT

COMMISSIONERS

At 3:00 p.m. **Chairman Jewell** opened the Special Meeting to consider a Water Right purchase in the Teanaway Valley area.

**Chairman Jewell** explained he had been offered an opportunity to purchase a water right in the Teanaway Valley area and he had asked **Deputy Prosecutor Neil Caulkins** to comment on the prospect. **Deputy Prosecutor Caulkins** said the right was a seasonal, surface water right.

**Chairman Jewell** said his interest was to give people a different option to purchase water rights as a part of the Domestic Water Reserve Program. He said it would be a pool of water that people can pay for mitigation water and also retire some of the water.

**Prosecutor Caulkins** said if the County had municipal water or was an irrigation purveyor, it could be done, but since the County did not, it wouldn't be possible. **Chairman Jewell** asked if it was an environmental mitigation, would it be possible. **Mr. Caulkins** said it would not be possible because it is foreign to a public use and it sounds like water banking, which is the State's responsibility.

**Chairman Jewell** offered a number of suggested ways of using the water right, but **Deputy Prosecutor Caulkins** was unable to approve of any of them.

**Mr. Caulkins** said that Deputy Prosecutor Suzanne Becker is doing research and will have a memo on an "in lieu fee" program which might have some room for the water right bank.

**Deputy Caulkins** said in order to buy the water right, the County would have to use a substantial portion of the right in the public interest. He said there was no real definition of "substantial" in the code to go by. He said that public expenditure is substantial with incidental amounts going to private citizens is permissible.

APPROVED  
6/7/2011

**Commissioner Crankovich** said the Department of Public Works regularly has a need for water from streams and canals in the course of road maintenance, which could constitute a substantial use.

There was a discussion of water rights and water banking.

**Deputy Prosecutor Caulkins** said the best way to accomplish what was needed in this area was for a private consortium like the Building Industry Association of WA (BIAW) to purchase the water right and set up a water bank for its members.

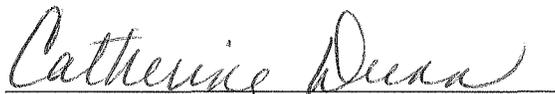
After Deputy Caulkins left, **Chairman Jewell** and **Commissioner Crankovich** discussed further the possibilities of purchasing the water right. **Chairman Jewell** felt that with a step for mitigating prior actions, he thought it would be possible. **Commissioner Crankovich** said he thought it paralleled the lead mining at the airport to clean up the actions of the Field and Stream club.

**OTHER BUSINESS**

**Commissioner Crankovich** gave an update on the WUCC meeting he attended earlier in the day.

Meeting adjourned at 3:45 p.m.

DEPUTY CLERK OF THE BOARD

  
Catherine Dunn

KITTITAS COUNTY COMMISSIONERS  
KITTITAS COUNTY, WASHINGTON

  
Paul Jewell, Chairman