



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
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OCT 14 2008

KITTITAS COUNTY
CDS

October 10, 2008

Ms. Mackenzie Moynihan
Kittitas County Community Development
411 N. Ruby St., Suite 2
Ellensburg, WA 98926

Dear Ms. Moynihan:

Thank you for the opportunity to comment during the optional determination of non-significance process for the Wildcat Estates, proposed by Wildcat Estates, LLC [LP-08-24]. Ecology provided comments in a letter dated September 15, 2008, however we overlooked some information during our review and we would like to provide the following revised comments:

Water Resources

The following Water Resource comments are to supersede comments sent in Ecology's SEPA letter dated September 15, 2008.

Ecology believes this proposal, LP 08-24, and proposals P 07-09 & SP 07-33, LP-08-22 are related. The combined proposals will result in a total of 29 lots and will **require a water right**.

Any ground water withdrawals in excess of 5,000 gallons per day or for the irrigation of more than ½ acre of lawn or non-commercial garden will require a permit from the Department of Ecology.

Chapter 173-150 WAC provides for the protection of existing rights against impairment, i.e. interruption or interference in the availability of water. If water supply in your area becomes limited your use could be curtailed by those with senior water rights.

The Attorney General's Opinion, (AGO 1997 No. 6) regarding the status of exempt ground water withdrawals, states that a group of wells drilled by the same person or group of persons, at or about the same time, in the same area, for the same purpose or project should be considered a single withdrawal and would not be exempt from the permitting requirement contained in RCW 90.44.050, if the total amount withdrawn for domestic use exceeds 5,000 gallons per day or if a total of more than 0.5 acre of lawn and garden are irrigated.



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The Attorney General's opinion suggests that caution should be used in finding developments to be exempt from needing a water right permit if the possibility exists that the development of the project will result in the ultimate withdrawal of water in excess of 5,000 gallons per day or the irrigation of more than 0.5 acre of lawn and garden.

If you have any questions concerning the Water Resources comments, please contact Melissa Downes (509) 454-4259.

Sincerely,



Melissa Downes, LHG
Operations Unit Supervisor
Water Resources Program

MD:gh
081026

Cc: Gwen Clear, SEPA Coordinator