

The Seattle Times Company

NWjobs | NWautos | NWhomes | NWapartments | NWsource | Classifieds | seattletimes.com



Local News

43°F
Weather | Traffic

[Today's news index](#)

[Low-graphic version](#)

[RSS feeds](#)

- [Home](#)
- [Local](#)
- [Nation/World](#)
- [Business/Tech](#)
- [Sports](#)
- [Entertainment](#)
- [Living](#)
- [Travel/Outdoors](#)
- [Opinion](#)

- [Jobs](#)
- [Autos](#)
- [Rentals](#)
- [Real Estate](#)
- [NWsource](#)

[Advanced search](#)

[Movies](#) | [Restaurants](#) | [Today's events](#)

[Your account](#) | [Log in](#) | [Contact us](#)

ADV

Wednesday, November 21, 2007 - Page updated at 12:00 AM

[E-mail article](#) [Print view](#) Share: [Digg](#) [Newsvine](#)

Big growth, big fight over water

By **Jonathan Martin**
Seattle Times staff reporter

ROSYLN, Kittitas County — More than two years have gone by, but it still galls Joe Peck that he was ordered to shut off water to the whole city of Roslyn while the owners of the new, supersized homes just out of town

◀PREV 1 of 3 NEXT▶

More Local News

[Spread of illegal devices causes alarm](#)

[In my book, digital is a downer](#)

UPDATE - 11:47 AM

[Cracks in hulls sideline 4 state ferries](#)

NEW - 09:40 AM

[Oregon man accused of hate crime in swastika painting](#)

NEW - 09:35 AM

[State Supreme Court upholds "sin tax" budget](#)

ADVERTISING

got to keep watering their lawns.

The big drought of 2005 was fast drying up the Yakima River, and Roslyn's water had to be rationed for farms and others downriver. But the wells of the vacation homes are exempt from the law.

"This town was one of those that built Washington state," said Peck, the town's water superintendent. "Tell me why, in a drought, those homes faced no restrictions, and we had to bear the brunt of it?"

Roslyn's situation is at the heart of a brewing water war in the forested Cascade foothills and arid valleys of Kittitas County. A development bonanza is bringing hundreds of new wells here each year, tapping a limited water supply that long ago was fully claimed for agriculture and other uses.

But now a group of environmentalists in Kittitas County has objected to what it sees as a Wild West approach to planning and has asked for a ban on new wells. That has set off a near panic among some developers, who have relied on the exempt wells to lubricate the area's transformation into a dry-side oasis for the wealthy of King County.

Related

 [A boom in well drilling \(PDF\)](#)

Earlier this month, after months of dispute, the state Department of Ecology brokered a compromise that postpones a long-term decision about the wells and upset the environmentalists and the pro-growth county commission alike.

But Ecology Secretary Jay Manning said Kittitas County represents a larger issue that is already flaring from the Skagit Valley to Walla Walla.

"I'm worried about people buying these lots and building these homes [on exempt wells] who think they have a reliable and dependable water supply and no risk to them," he said. "In reality, they face a very real risk."

Marketplace

Best Northwest employers - the results are in!

The 2007 NWjobs People's Picks winners have been revealed. [See which companies won.](#)



Most read

Most e-mailed

1. [State warns Ore. man who digs for glass](#)
2. [Did Graham pair die over a \\$50 debt?](#)
3. [Teen's death hastened by practitioner who had bogus diplomas](#)
4. [Two small planes collide over Commencement Bay](#)
5. [Fourth suspect arrested in slaying of British student; Congolese released in Perugia](#)
6. [Body in Brazil identified as Tony Harris'](#)
7. [Spread of illegal devices causes alarm](#)
8. [3 grade-schoolers accused of rape](#)
9. [Sonics eye Memphis freshman](#)
10. [Cardinals guilty of tailgating Hawks](#)

A home-building boom

With fog settled hundreds of feet below in the Yakima River Valley one morning earlier this month, Jeremy Bach's towering drilling machine drove a 6-inch well pipe for one of the latest vacation homes that will soon sprawl across this Kittitas County ridge.

And that well also serves to illustrate a huge loophole in the state's arcane, regimented system of parceling out water rights.

It's based on a notion of first-come, first-served. The oldest users are guaranteed water at the expense of newer arrivals. For example, the Yakama Nation holds the oldest rights in the Yakima River basin, dating to its treaty of 1855. Roslyn is considered a "junior" water user, with rights dating to 1908.

ADVERTISING

Under this system, all of the water in the Yakima Valley is spoken for. No new water rights have been issued since 1993.

But wells meant for single homesteads are exempt from the system, on the belief such tiny straws into the aquifer won't suck too much from old-time water users. No one knows how much they use; wells in Kittitas County aren't even metered.

Developers statewide have gravitated toward the loophole. About 7,000 exempt wells were drilled last year, up more than 10 percent from 2002.

In Kittitas County, homebuilding using exempt wells has kept the economy afloat, fueling growth that is double the state average. The county has approved more than 1,000 new homes with a total tax value of \$240 million since 2004.

So the suggestion that well drilling could slow or stop has landowners in a panic, said Bach, a fifth-generation well driller. "It's something that would pretty much level the county," he said.

Other developers, including the megaresort Suncadia near Cle Elum, bought old water rights from local farmers to

ensure a steady supply.

But Sean Northrup, president of Sapphire Skies, a land brokerage, said buying water rights is far too complicated and expensive for smaller developments. Without exempt wells, only the superrich could afford to buy, he said.

"Either way, we have the same number of people coming over the pass each weekend, saying, 'I want to buy land,' " Northrup said.

"People are waking up"

At her ranch outside Cle Elum, Melissa Bates also remembers the drought of 2005, when water for her 18 Scottish black-faced sheep and seven horses was shut off.

That's when she started paying attention to the new subdivisions sprouting up around town. Some appeared to clearly abuse the exempt-well loophole, including developments of more than 50 homes allowed to draw water from just a handful of wells.

"We assumed that when we pointed this out to the county, it would be a mea culpa," Bates said. "It didn't take us long to realize they were part of the problem."

So did the state Department of Ecology, which last year wrote a memo accusing Kittitas County of a "consistent disregard" for good water management.

Environmentalists have long shared concerns about the growth in exempt wells. Restrictions on wells are in place in Walla Walla, Skagit County and Okanogan's Methow Valley and are being considered in Wenatchee.

"This issue has been under the radar," said Rachael Paschal Osborn, attorney for the Center for Environmental Law and Policy, a water watchdog. "People are waking up to the fact that we are at the end of the water frontier."

Last month, after Bates and two friends asked for a moratorium, Ecology officials hosted a tense public hearing that was packed with well drillers, developers and real-estate agents.

"People have property rights, and you can't put restrictions on them without a good reason," said Alan Crankovich, a Republican who chairs the Kittitas County Commission, which opposes the moratorium. "This is a very pro-property-rights county."

But as Bates sees it, her land and her panorama of snowy Mount Stuart are also at stake.

"People talk about property rights, but what about my property rights?" she asks.

"If my well is impaired, my land is valueless."

A "palpable risk"

Regardless of Bates' request, the days of exempt wells dodging water rationing and cutoff notices during severe droughts may soon be over.

Most experts, including those at Ecology, expect one of the longtime water-rights users along the Yakima River to demand that exempt wells be included in such rationing. If they were, the new wells around Cle Elum would be cut off first during droughts, which have hit the Yakima basin in 2001 and 2005.

In a letter to the Ecology Department last month, the Yakama Nation said abuse of the exempt-well loophole "points toward contentious, expensive and unnecessary litigation."

Mindful it may end up in court, Ecology has begun setting up a "water bank" where guarantees of water — even in drought years — could be bought or leased from farmers.

And in a short-term compromise with Kittitas County on Nov. 9, the state agency put off a decision on a moratorium but imposed some limits on development in the western edge of the county until a study can be done on exempt wells.

The Kittitas County commissioners grudgingly agreed to the development limits, but Bates' group complains the deal does little to protect existing water rights. Negotiations for a longer-term, binding agreement are under way.

Until then, the Ecology Department's water-resource director, Ken Slattery, warns homebuyers in the upper Kittitas valley to beware.

"The question is, can you tolerate a house you may not be able to occupy, or have to haul water in, every four or five summers?" Slattery said. "There is a palpable risk of these folks being shut off in the future."

In Roslyn, Joe Peck has already made his own backup plans. He has bought drought-year water rights and the city has built a covered reservoir.

Still, he still gets riled up every time he drives down the Yakima Valley and sees all the new rooflines and green golf courses.

"It's just crazy," he said.

Jonathan Martin: 206-464-2605 or jmartin@seattletimes.com

Copyright © 2007 The Seattle Times Company

 [E-mail article](#)  [Print view](#)

[More Local News headlines...](#)

ADVERTISING

[Buy a link here](#)



Get home delivery today!

Site map

News

- [Home](#)
- [Local](#)
- [Nation/World](#)
- [Business/Tech](#)
- [Entertainment](#)
- [Living](#)
- [Travel/Outdoors](#)
- [Real Estate](#)
- [Sports](#)
- [Opinion](#)

Marketplace

- [Jobs](#)
- [Autos](#)
- [Homes](#)
- [Rentals](#)
- [Classifieds](#)
- [Shopping](#)
- [NWsource](#)
- [Personals](#)
- [Post an ad](#)

Services

- [Contact us](#)
- webmaster@seattletimes.com
- [Submit listings](#)
- [Send us news tips](#)
- [Newspapers in Education](#)

[Advanced search](#)

The Seattle Times Company

- [About the company](#)
- [Employment opportunities](#)
- [Seattle Times store](#)
- [Advertise with us](#)

Subscriber services

- [Home delivery](#)
- [Manage your account](#)

Membership

- [E-mail newsletters](#)
- [Sign up](#)
- [Already registered? Log in](#)

Other editions

- [News by e-mail](#)
- [Wireless services](#)
- [RSS feeds](#)
- [e-Edition](#)
- [Low-graphic](#)

[Privacy statement](#) | [Terms of service](#)
Copyright © 2007 The Seattle Times Company