

PERMANENT MEASURES FREQUENTLY ASKED QUESTIONS July 2015

1. What will change on December 2, 2015?

On December 2, 2015 all new domestic uses of ground water in Kittitas County require mitigation and metering in lower Kittitas County and continued mitigation and metering in upper Kittitas County.

2. 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 (which includes expanded uses) will be required to mitigate.

3. What if I have an interim mitigation certificate from the County?

If you have an interim mitigation certificate and have submitted a complete building permit application before December 2, 2015 you have met mitigation requirements as long as your building permit remains active. An active building permit requires a passing inspection 365 days after the building permit has been issued, a passing inspection every 365 days thereafter, or a permit extension submitted to CDS prior to the expiration date (per Kittitas County Code Ch. 14.04.070).

4. If I have a building permit but haven't finished building the house, do I need to put a meter on my well?

No, only new uses on or after December 2, 2015 require metering water usage.

5. What options for purchasing mitigation will be available on December 2, 2015?

There are several private water banks that serve Kittitas County. Additionally, Kittitas County Public Health will process water mitigation for the Kittitas County Water Bank. You can identify which water banks serve your parcel by going to <http://www.ecy.wa.gov/programs/wr/cro/wtrxchng.html>. If you are in a green or yellow zone you may be able to purchase from private water banks or the County's water bank.

6. How much water can I buy from water banks?

There are two packages available from the Kittitas County Water Bank: Package A is 275 gallons per day for indoor residential use only (requires that irrigation is available through signed affidavit) and Package B is 275 gallons per day indoor residential use with 25 gallons per day outside use (requires that no irrigation is available through signed affidavit). Private water banks sell different packages and should be contacted directly for options.

7. What if my parcel is in a yellow zone?

- The Washington State Department of Ecology has identified zones by color indicating suitability for water exchange. Green zones indicate likely-suitable for Water Budget Neutral (WBN) exchange; yellow zones indicate more research is needed to determine suitability of WBN exchange; and red zones indicate that the area is unsuitable for WBN exchange.
- If your parcel is in a yellow zone, you may contact private water banks and inquire as to the process for determining whether mitigation is available for your parcel.
- If you are interested in using the Kittitas County Water Bank and you are in a yellow zone, Kittitas County is working on a process to provide mitigation for yellow zones. Additional review may be required prior to mitigation approval.

8. What if I am in a red zone?

If you are in a red zone, there are currently no water banks that serve your parcel. Options include finding a direct seller of water rights in the appropriate water basin, or the use of a cistern as is defined in Kittitas County Code Title XIII, Chapter 13.25. This code is available on the Kittitas County website.

9. Do these new regulations change anything for the Upper Kittitas County area?

The Permanent Measures will apply county-wide within the Yakima River Basin and they include the similar restrictions as the Upper County Rule (WAC 173-539A). Washington State Department of Ecology has agreed, as part of the settlement agreement, to consider beginning the process of withdrawing WAC 173-539A (Upper County Rule) within 180 days of the County implementing the Permanent Measures.

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

Yes, if your property has deeded irrigation water rights available for use, then these regulations will not apply to your use of that water. If you have established beneficial use of an existing exempt well for irrigation, State Law allows you to continue to irrigate up to ½ acre of non-commercial lawn or garden. 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 the well.

11. 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. Proof of mitigation is required prior to applying for a building permit.

12. Where do I get information about obtaining mitigation?

- For information about the Kittitas County Water Bank you can visit <http://www.co.kittitas.wa.us/health/programs/environmental-health/water-resources.aspx> or call the Kittitas County Public Health Department at (509) 962-7515.
- For information about private water banks, you can visit The Kittitas County Maps and Apps portal to determine what banks serve your parcel using the parcel number in the critical areas tab at <http://www.co.kittitas.wa.us/it/gis.aspx>.
- 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/wtrxchng.html>. The cost of obtaining mitigation depends on which water bank you purchase from and the volume of water needed.

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

Yes, mitigation will be required for any new uses.

14. 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.

15. 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.

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

Yes, all new uses mitigated through water banks must be metered. The specifics of the metering requirements may differ depending on the water bank from which the mitigation was obtained.

DEFINITIONS:

- **Domestic Water Use** -Water used for household purposes, including human consumption, food preparation, household cleaning, personal hygiene, and watering lawns and gardens.
- **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.
- **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. Although water banking approaches may differ, the common goal is to move water to where it is needed most. In this case, it allows individuals to purchase a small percentage of an existing senior surface water right sufficient to mitigate for a new ground water use.
- **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> .

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