



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

15 W Yakima Ave, Ste 200 • Yakima, WA 98902-3452 • (509) 575-2490

April 20, 2010

Jeff Watson  
Kittitas County Community Development  
411 N. Ruby St., Suite 2  
Ellensburg, WA 98926

Re: SP-10-00003

Dear Mr. Watson:

Thank you for the opportunity to comment on the Blue Sky short subdivision of approximately 10.76 acres into 2 lots, proposed by Marc Kirkpatrick for Traci Shallbetter. We have reviewed the application and have the following comments.

### **Water Resources**

#### *Water Availability for Proposed Lot*

It does not appear that water is available for appropriation on the proposed lot. According to Ecology records, there are no water rights or claims for domestic use appurtenant to the subject lands. It appears that the SP-10-00003 intends to utilize groundwater under a permit-exemption (RCW 90.44.050). However, WAC 173-539A, known as the Upper Kittitas Emergency Ground Water Rule, restricts all new appropriations of groundwater within the upper Kittitas including permit-exempt uses. This project lies within the affected area.

The Upper Kittitas Emergency Ground Water Rule does allow for new uses of groundwater if:

1. a building permit has been granted and vested prior to July 16, 2009.
2. a qualifying 'group use' under WAC 173-539A was established prior to July 16, 2009.
3. The project is determined by Ecology to be 'water budget neutral'.



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From the information provided, it does not appear that any of the listed exceptions to the rule apply.

As a result, the proponent or landowner shall apply to Ecology for a permit to appropriate public groundwater, or if seeking to use the groundwater exemption, shall submit to Ecology a request for determination that the proposed exempt use would be water budget neutral. No new permit-exempt use(s) under RCW 90.44.050 may commence unless Ecology has approved a request for determination that the proposed use(s) would be water budget neutral consistent with WAC 173-539A.

If mitigation is offered for this project, all commenting agencies and persons should have an opportunity to address any potential concerns with or the adequacy of the mitigation offered.

If you have any questions concerning the Water Resources comments, please contact Kurt Walker at (509) 454-4237.

Sincerely,



Gwen Clear  
Environmental Review Coordinator  
Central Regional Office  
(509) 575-2012