



GMA Water Compliance Fact Sheet

BACKGROUND:

The Yakima River Drainage Basin, which comprises the majority of Kittitas County, is fully-appropriated. There is no water available for new appropriations. Senior water rights are defined with priority dates prior to May 10, 1905. All later priority dates are junior and are at risk of curtailment during drought years, whether they are surface water or ground water uses.

Kittitas County is also currently under a compliance order from the Growth Management Hearings Board which requires that the County, among other things, employ measures to protect the quality and quantity of surface water and ground water resources. The County must take action to comply with the order by March 14, 2014.

PROPOSED SOLUTION:

The County has negotiated a settlement proposal with the appellants in the Growth Management Hearings Board case, including the Department of Ecology (Ecology). As part of the settlement, the County agrees to consider regulations which will require mitigation for new uses of ground water in Lower Kittitas County residing in the Yakima River Drainage Basin. The proposal is to implement this new requirement in two phases.

Phase 1 (Interim Measures):

- 18 month duration commencing on the effective date of the new regulations.
- Mitigation will be required for all new uses of ground water for domestic (including lawns and gardens), commercial, irrigation and industrial purposes within the areas of Lower Kittitas County inside the Yakima River Drainage Basin with regard to Total Water Supply Available (TWSA).
- Kittitas County may offer mitigation for new domestic uses related to a building permit application through a county-secured leased water right.
- New uses mitigated through the County's program will be limited to indoor domestic and up to 500 square feet of outdoor use only.
- Building permit applicants will be required to record their water use restrictions as a deed restriction prior to a building permit being issued.
- Upper Kittitas County will remain under the regulations imposed by Chapter 173-539A WAC.

Phase 2 (Permanent Measures):

- Replaces the Interim Measures at the conclusion of the 18 months.
- Mitigation will be required for all new uses of ground water in all of Kittitas County inside the Yakima River Drainage Basin.
- Mitigation will only be valid if it is determined to be water-budget neutral by Ecology.
- The County may continue offering leased water for mitigation if it meets the water-budget neutrality standard for up to five years from the date of the new regulations (including the Interim Measures).
- Building permit applicants will be required to record their water use restrictions as a deed restriction prior to a building permit being issued.
- Metering, monitoring, and reporting of new ground water uses will be required.
- Ecology will begin the process of repealing the Upper County Rule (Chapter 173-539A WAC) within 180 days.

Note: As part of the Settlement Proposal, the County is also agreeing to obtain mitigating senior water rights for all current junior domestic ground water uses in the County and hold them in perpetuity. The appellants are agreeing to support this settlement in front of the Growth Management Hearings Board and to defend it from any outside litigation. Ecology will also assist the County in setting up a publicly-operated mitigation program.

DEFINITIONS:

- **Appropriation**- The use of water for a beneficial purpose.
- **Curtailment**- the action of reducing or restricting water use based on priority.
- **Domestic Water Use**- Water used for household purposes, including human consumption, food preparation, household cleaning, personal hygiene, and watering lawns and gardens.
- **Deed Restriction**- A restriction on how property may be used. In this case, it concerns the use of water on the property. This deed restriction would not impact other water rights which may also be attached to the property.
- **Growth Management Hearings Board**- The Growth Management Hearings Board is a body appointed by the Governor that hears and determines allegations that a government agency is not in compliance with the Washington State Growth Management Act (Chapter 36.70A RCW).
- **Ground Water**- Water beneath the earth's surface, often between saturated soils and rock, that supplies wells and springs.
- **Junior Water Right**- A water right is the right to divert public waters of the state and put them to beneficial use. A junior water right is a "newer" water right that is inferior to senior or "older" water rights and may be curtailed during times of drought or impairment. Junior water rights are not allowed to use water when there is not enough water to satisfy senior water rights. In the Yakima River Drainage Basin, junior water rights are those issued after May 10, 1905.
- **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.
- **Perpetuity**- The state of continuing forever or for a very long time.
- **Senior Water Right**- A water right is the right to divert public waters of the state and put them to beneficial use. Senior water rights are "older" rights which were established first. Senior water rights have priority over junior water rights, especially during times of drought or impairment. Senior water rights must be fully satisfied before water is available for junior water rights holders. In the Yakima River Drainage Basin, senior water rights are those issued prior to May 10, 1905.
- **Surface Water**- Water that is on the surface of the earth such as in a stream, river, lake, wetland, or ocean.
- **Total Water Supply Available (TWSA)**- Includes all water which is available for out-of-stream uses in the Yakima River Drainage Basin including current available storage in reservoirs, estimates of unregulated flow, and other sources including return flows. This is the estimate that the Bureau of Reclamation utilizes in making water delivery predictions each year.
- **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.
- **Water-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 "instream flow water right" (water left in the stream for the benefit of the stream and all the life that depends on adequate stream flows).
- **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 visit

<http://www.co.kittitas.wa.us/health/default.aspx> under Hot Topics

For additional water bank and water use information contact Theresa Mitchell, Washington State Department of Ecology at

(509)575-2490 or at <http://www.ecy.wa.gov/programs/wr/wrhome.html>