



## KITTITAS COUNTY DEPARTMENT OF PUBLIC WORKS

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### **Kittitas County Water Resources Program Permanent Measures and Frequently Asked Questions**

#### **1. What changed on July 16, 2009?**

On July 16, 2009 Ecology rule WAC 173-539A went into effect in Upper Kittitas County. This rule required mitigation and metering for all new uses of water and is still in effect today.

#### **2. What changed on December 2, 2015?**

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

#### **3. What changed on September 4, 2018?**

As of September 4, 2018, all new domestic uses of ground water are required to meter through the Kittitas County Metering Program. This change includes parcel with mitigation from the Kittitas County Water Bank and private water banks.

#### **4. 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 (which includes expanded uses) will be required to mitigate.

#### **5. What if I have an interim mitigation certificate from the County?**

If you have an interim mitigation certificate and submitted a complete building permit application before December 2, 2015 you have met mitigation requirements as long as your building permit remains active.

#### **6. What are the options for purchasing mitigation?**

In addition to the Kittitas County Water Bank there are several private water banks that serve the Yakima River Basin. You can access the list of water banks that serve the Yakima River Basin here <https://fortress.wa.gov/ecy/wrdocs/WaterRights/wrwebpdf/waterbank-tracking.xlsx>. The cost of obtaining mitigation depends on which water bank you purchase from and the volume of water needed for your project.

#### **7. 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.

#### **8. 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.

**9. 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.

**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. For parcels in the OTC service area a well must be drilled prior to applying for mitigation. Proof of mitigation is required prior to applying for a building permit.

**12. 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 all new uses.

**13. 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 domestic use was established. Existing uses are not affected by these regulations.

**14. 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.

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

Yes, all new uses mitigated through water banks must be metered. The specifics of the metering requirements do not differ based on the water bank from which the mitigation was obtained.

**16. Where do I get information about obtaining mitigation?**

- For information about the Kittitas County Water Bank you can visit <https://www.co.kittitas.wa.us/public-works/water-bank/default.aspx>
- 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 <https://ecology.wa.gov/Water-Shorelines/Water-supply/Water-rights>.

## 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. The interim period ended December 2, 2015.
- 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.
- 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 “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. Also known as a mitigation certificate.
- 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.