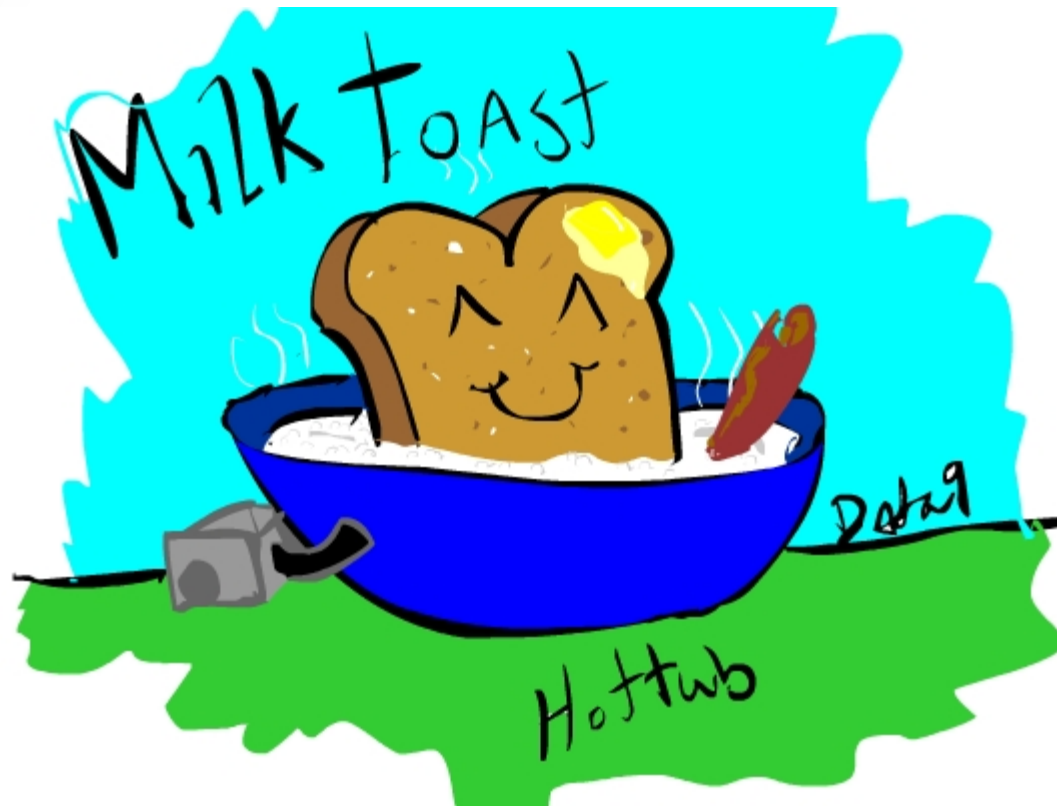


Post Kittitas – Life After Ecology's Well Moratorium in a Rural County

Paul Jewell, Kittitas County Commissioner
October 26, 2016

How Counties USED to View Water Availability Responsibilities



Then These Things Happened...

- Ecology v. Campbell & Gwinn
- Kittitas v. EWGMHB
- Knight v. City of Yelm
- Foster v. Ecology
- Fox v. Skagit County
- Swinomish Indian Tribal Community v. Skagit Co.
- Swinomish Indian Tribal Community v. Ecology
- Hirst v. Whatcom County

As a Result this is how MOST Counties View
Water Availability Responsibilities Now



This is How Counties SHOULD View Water Availability Responsibilities

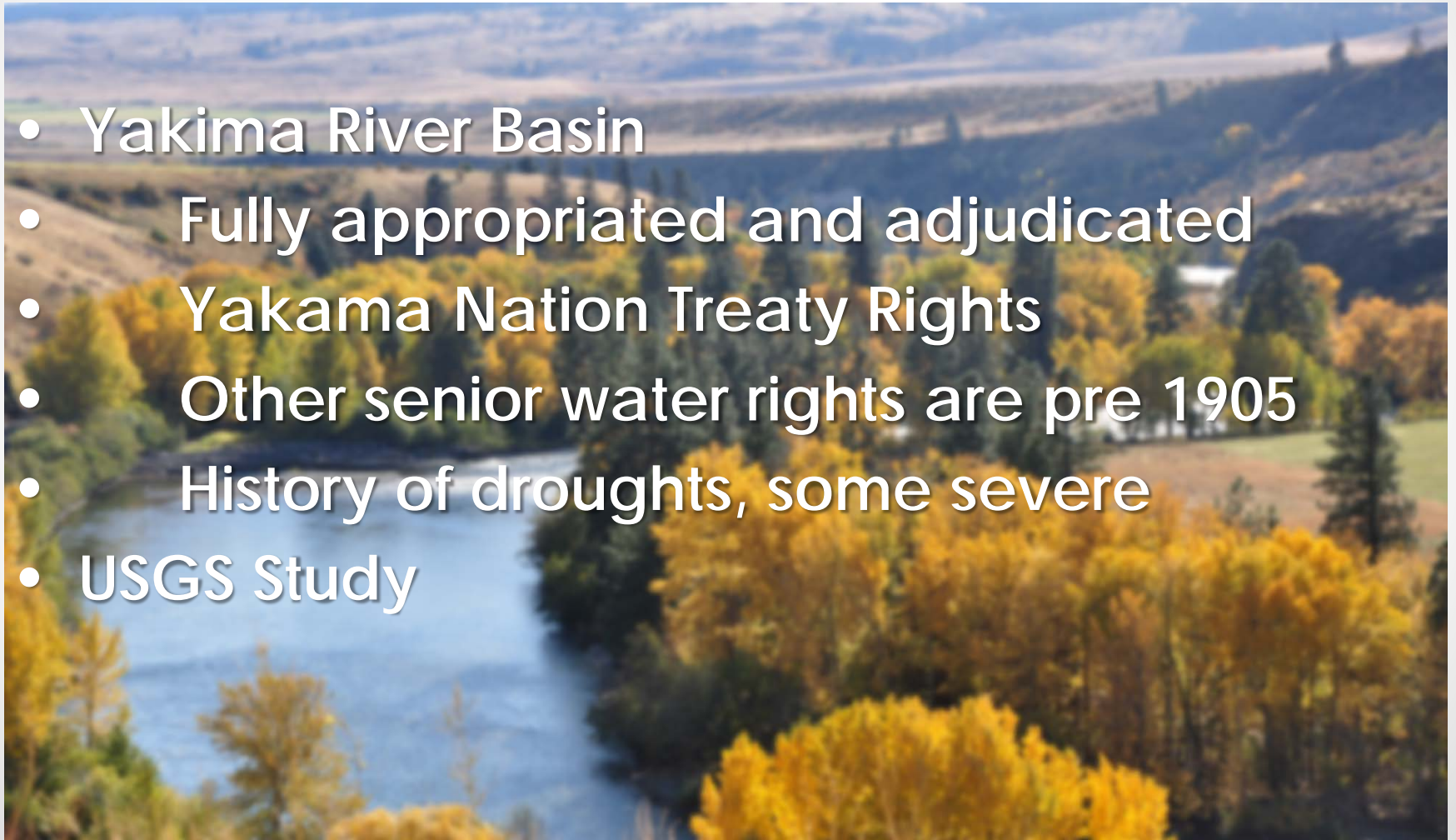


The image features two hands, one on the left and one on the right, cupping a bright, glowing orb. The orb is the source of a lens flare effect, with rays of light and circular bokeh patterns radiating outwards. The hands are rendered in a dark, almost black color, making the bright orb stand out prominently. The background is a light blue, textured surface that resembles a sky or a wall with a subtle pattern. The text is overlaid on the orb and is written in a white, serif font with a black outline, giving it a three-dimensional appearance.

*How Kittitas
County View
Water
Availability*

A Quick History of Kittitas County's Relationship with Rural Water

- Yakima River Basin
- Fully appropriated and adjudicated
- Yakama Nation Treaty Rights
- Other senior water rights are pre 1905
- History of droughts, some severe
- USGS Study



A Quick History of Kittitas County's Relationship with Rural Water- Continued...



- Development during the Housing Bubble
 - 2006 Comp Plan Update Challenge
 - 2007 Aquapermanente Petition
 - 2009 Upper Kittitas County Moratorium
 - WAC 173-539A July 17, 2009
 - 2012 Kittitas v. EWGMHB

Water Banking to the Rescue

Concerns

- Not regulated and subject to abuse.
 - a. Monopolistic
 - b. Non-transparent pricing strategies
 - c. Conflict of interest concern
 - d. Transfer of Authority concerns
 - e. Speculation Potential



2014 Settlement Agreement

- ✓ County agreed to require mitigation;
- ✓ Appellants agreed to a phased approach;
- ✓ County agreed to require metering;
- ✓ Ecology agreed to assist in developing a public water bank;
- ✓ County offered to mitigate for existing users;
- ✓ Appellants agreed to mutual defense and a finding of compliance with the GMA.

Mitigation Implementation Phased Approach

- a. Interim Measures (18 months)
 - i. Mainstem mitigation requirement
- b. Permanent Measures
 - ii. In-time, in-place (Water Budget Neutral)



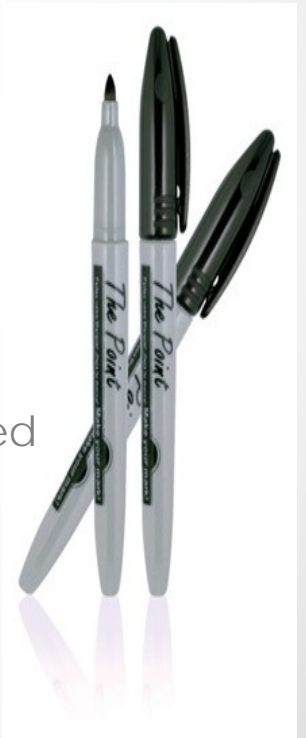
Interim Measures

- a. Lease Agreement with the City of Roslyn
- b. County-Issued Certificates



Permanent Measures

- Purchased Four Existing Water Banks
 - i. \$2.5 million
 - ii. 106 AF consumptive
- Citizen Task Force
 - i. Package A: 275 gallons per day, indoor use only
 - cost: \$3080
 - ii. Package B: 300 gallons per day, 500 sq ft outdoor use allowed
 - cost: \$3995



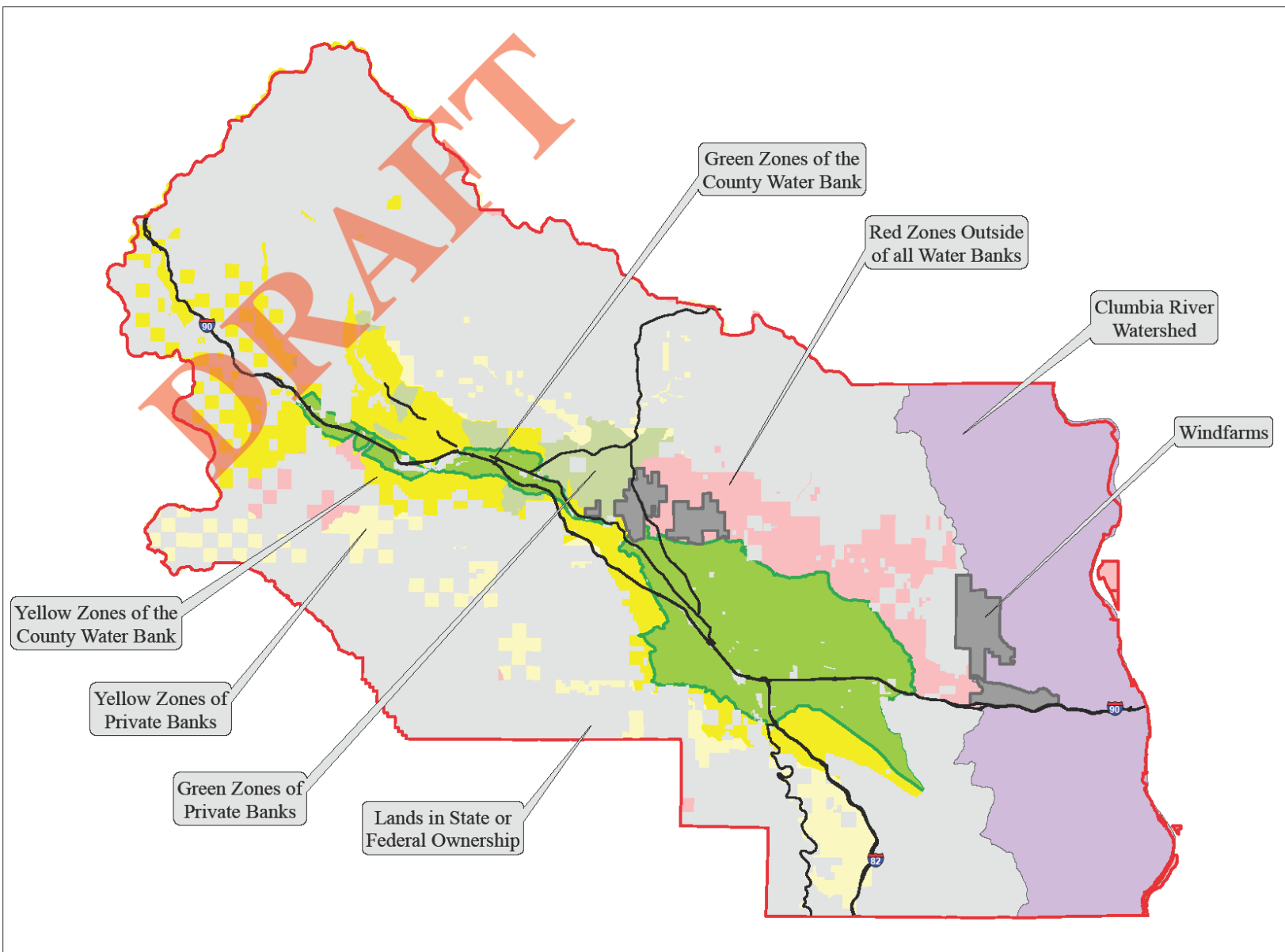
Continued...

- ✓ Open House Presentations and other Outreach
- ✓ Metering Program Development
 - i. Annual Fee: \$180
 - ii. Focus group
 - iv. Vendor presentations
- ✓ Mitigation available only for building permit applicants.
- ✓ Over-the-Counter Program Development
- ✓ Permit vs. WBN



Current Status

- ✓ Implementation occurred on time.
- ✓ County water bank is fastest and cheapest option available.
- ✓ County issued over 100 interim mitigation certificates.
- ✓ Permanent mitigation applications are in process
- ✓ Working on expansion of the OTC Program to permits.
- ✓ County purchased another 600 AF consumptive of senior water rights.
 - cost: \$2.7 million
 - 400 AF for current user mitigation
- ✓ Private water banks are still operating.



Green Zones of the County Water Bank

Red Zones Outside of all Water Banks

Columbia River Watershed

Windfarms

Yellow Zones of the County Water Bank

Yellow Zones of Private Banks

Green Zones of Private Banks

Lands in State or Federal Ownership

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