



As required by the Washington State Administrative Act, RCW 34.05.

IMPLEMENTATION PLAN FOR THE ADOPTION OF  
Chapter 173-539A WAC,  
*Management of Ground Water Wells in Kittitas County*

03/13/09

Publication Number: 09-11-006

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## **Implementation Plan for Chapter 173 – 539A WAC, Management of Ground Water Wells in Kittitas County**

### **1. Please describe how the Agency intends to implement and enforce the rule. Please include a description of the resources the Agency intends to use.**

This proposed third emergency rule meets our agency's priority for "Successful Water Management" by providing a regulatory framework that provides for responsible exempt ground water well development and enhanced protection of water resources in the Yakima Basin, specifically western Kittitas County. The resources the department intends to use:

- A full time watermaster that provides technical assistance to the County's SEPA process and informational education and outreach materials and assistance to citizens, developers, and water right holders.
- A licensed hydrogeologist, or other professional approved by Kittitas County and Ecology, that must include a professional opinion responding to the potential of the proposal to create impacts to the natural and built environment.
- A statement of the limitations regarding the intended use of the report, including scope, extent and available data.

### **2. Please describe how the Agency intends to inform and educate affected persons about the rule.**

The communication strategy covers both the emergency rule and adoption of a permanent rule for the Management of Exempt Water Wells in Kittitas County, Chapter 173-539A. The emergency rule provides an interim mechanism for Ecology and Kittitas County to co-manage ground water supplies in Kittitas County until a permanent rule adoption is complete.

Ecology will notify interested parties of the proposed rule and timelines by doing a postal mailings or e-mail distributions and listserv notices.

### **3. Please describe how the Agency intends to promote and assist voluntary compliance for this rule.**

Based on technical investigations comprising the hydrologic investigation and characterization report, the potential for impairment of existing water rights can be considered during Kittitas County's review of certain land use applications along with any other environmental impacts.

Proposals for the newly created residential developments and parcels within upper Kittitas County rely in part or whole on ground water exemption for authority to withdraw public ground water and must satisfy the following requirements:

- A maximum of 5000 gpd from the exemption can be used for single, domestic, group domestic, and irrigation purposes associated with the proposed developments including all lots.

- A Hydrogeologic Investigation and Characterization Report must be submitted to Kittitas County prior to initiation of environmental review under Chapter 197-11 WAC.

In determining compliance with the 5000 gpd exemption limit, each lot will be assumed to use a minimum of 1250 gpd for domestic and irrigation purposes unless a condition is recorded as a covenant to use a lesser amount. If the exemption will not be used to provide water for irrigation, each lot will be assumed to use a minimum of 350 gpd.

- 4. Please describe how the Agency intends to evaluate whether the rule achieves the purpose for which it was adopted, including to the maximum extent practicable, the use of interim milestones to assess progress and the use of objectively measurable outcome.**

The rule will provide both enhanced protection of water resources in one of the State's most water short basins yet allow responsible economic growth through management measures for the use of the ground water well exemption. Measures to assess progress will be a reduction in exempt wells supplying water to subdivisions, and creation and eventual use of a water banking mitigation program to support responsible and fully mitigated growth in western Kittitas County.

- 5. Please describe how the Agency intends to train and inform Ecology staff regarding new rule or rule amendment.**

Ecology's water resource management and staff will be briefed on the rule through direct communication of the Water Resources Management Team and subsequent staff meetings, Web site, email notification and regional office visits as may be necessary to educate and inform those who are facing similar situations in their respective regional offices.

- 6. Please identify supporting documents that may need to be revised because of the rule amendment. Or Identify new supporting documents that need to be developed because of a new rule.**

Ecology's Water Resource Program Central Regional Office will add this rule and implementation measures to its current list of activities associated with processing water right change applications, conservancy board decisions and review of Kittitas County SEPA decisions affecting land use and the use of the ground water exemption as may be applicable in the area identified in rule (western Kittitas County).