

Upper Kittitas Ground Water Emergency Rule, Chapter 173-539A WAC

Ecology will soon sign an agreement with the U.S. Geological Survey to study groundwater within the bedrock aquifers in the Upper Kittitas County area. The study is expected to require two to three years to complete. The current emergency rule will be extended from November 5, 2010, until Ecology adopts a final withdrawal rule in December 2010.

Ecology filed a proposed withdrawal rule on June 22, 2010. A public hearing was held in Cle Elum on July 28, 2010. This rule is expected to be in effect for the duration of a groundwater study.

What is Chapter 173-539A WAC?

Chapter 173-539A WAC withdraws from appropriation all groundwater in Upper Kittitas County with the exception of uses for structures for which a building permit have been granted and vested prior to July 16, 2009 and uses which are determined to be water budget neutral. The rule establishes a pathway for developers, contractors, and/or individuals to construct water budget neutral projects by identifying water rights that can be placed into the trust water right program to offset their consumptive use of groundwater.

The emergency rule also addresses:

- Expediting the processing of pilot water banking transactions
- Requesting a determination of water budget neutrality
- Technical Assistance and Enforcement
- Clarifies what withdrawals are new uses subject to the emergency rule

Whom does this rule affect?

This rule affects new domestic, group domestic, municipal, stock, irrigation, and industrial uses that would rely on groundwater in the upper Kittitas basin, including both permitted and permit-exempt groundwater uses.

WHY IT MATTERS

Ecology is initiating a ninth emergency rule to impose limits on new groundwater uses within upper Kittitas County.

The emergency rule becomes effective on Nov. 5, 2010

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A proposed rule was filed on June 22, 2010. A hearing on the proposed rule was held on July 28, 2010 in Cle Elum, WA

More information:

Please visit the Web site at:
http://www.ecy.wa.gov/programs/wr/cro/kittitas_w_p.html

Special accommodations:

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WAC 173-539A-020 Authority. RCW 90.54.050 provides that when lacking enough information to support sound decisions, Ecology may withdraw waters of the state from new appropriations until sufficient information is available. Further, the RCW authorizes Ecology to establish metering requirements for exempt wells where needed.

More information

More information is available on the Web site at the link on the first page side bar.

To get updates on Ecology's rule-making activities, sign-up for the **WAC Track** e-mail list. Go to: www.ecy.wa.gov/maillist.html.

Appeal procedures

This adoption can be appealed under procedures described in the Administrative Procedure Act (RCW 34.05.330). For additional information about appealing this adoption please contact Bari Schreiner, Ecology's Rule Unit at (360) 407-6998 or by email at: bari.schreiner@ecy.wa.gov