

Upper Kittitas Ground Water Rule Chapter 173-539A WAC

The Department of Ecology is proposing to adopt a new rule for managing underground water resources in upper Kittitas County. The proposed groundwater rule will be published in the Washington State Register on July 7, 2010. Ecology is taking public comments on the proposed rule until **August 11, 2010**.

The proposed Upper Kittitas Ground Water Rule (Chapter 173-539A WAC) is based on comments received in response to a rule proposed by Ecology in January 2009, and on-going communications regarding the emergency rules now in effect since July, 2009. These communications have been with the general public, Kittitas County Board of Commissioners, United States Bureau of Reclamation, Yakama Nation, Roza Irrigation District, Kittitas Reclamation District, Town of Roslyn, Center for Environmental Law Policy/Aqua Permanente, and other water right holders in the basin.

The purpose of this rule is to withdraw from appropriation all unappropriated groundwater within upper Kittitas County pending the completion of a groundwater study with these exceptions:

- Uses determined to be water budget neutral pursuant to this rule under WAC 173-539A-050; and
- Uses of groundwater for a structure for which a building permit application vested prior to July 16, 2009.

This exception provided above for water used at structures shall not apply or cease to apply if the structure is not completed and a water system that uses the new appropriation is not operable within the time allowed under the building permit, which may not in any case exceed three years from the date the permit application vested.

The withdrawal of all unappropriated groundwater is designed to prevent new uses of water that would negatively affect flows and existing water rights in the Yakima River and its tributaries. This proposed rule, like the current emergency rule, requires that new developments relying on groundwater would have to demonstrate water budget neutrality in order to be approved.

PUBLIC HEARING

CLE ELUM, WA
Wednesday, July 28, 2010
Walter Strom Middle School
Multi-purpose room
2694 State Route 903

Open house: 5:00-6:15 pm
Public hearing: 6:30 pm

**Comment period closes on
August 11, 2010**

CONTACT INFORMATION

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For copies of the rule,
please visit the website
at:

www.ecy.wa.gov/programs/wr/cro/kittitas_wp.html

Special accommodations:

If you need this publication in an alternate format, call the Water Resources Program at (360) 407-6600. Persons with hearing loss, call 711 for Washington Relay Service. Persons with a speech disability, call (877) 833-6341.

Ecology has issued a Determination of Nonsignificance (DNS) under the State Environmental Policy Act, a Small Business Economic Impact Statement (SBEIS), and a preliminary cost-benefit analysis, which are available for review and comment until **August 11, 2010**.

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Cle Elum, WA

How to submit your comments

Comment period ends **August 11, 2010**. Comments must be received by 5:00 pm.

You can give us your official comments in the following ways:

1. Testify at public hearings
2. Email your comments to: kittitas@ecy.wa.gov
3. Fax comments to Mark Schuppe at: (509) 575-2809
3. Mail comments to:

Department of Ecology

Central Regional Office

Attn: Mark Schuppe

15 West Yakima Ave., Ste. 200

Yakima WA 98902-3452

Ecology's response to your comments

All of the comments we receive will become part of the official record (Concise Explanatory Statement). The Concise Explanatory Statement is required by the Administrative Procedure Act (RCW 34.05) and is published after the rule is adopted. You will be able to find your name listed in the document with a reference to where, in the document, Ecology responded your comments.

Expected adoption date

Ecology expects to adopt this rule no earlier than **October 15, 2010**.