

## **Upper Kittitas Ground Water Rule Chapter 173-539A WAC**

Ecology filed a proposed rule for the Upper Kittitas Ground Water Rule, Chapter 173-539A WAC on June 22, 2010. A public hearing was held in Cle Elum on July 28, 2010 and comments on the rule proposal were accepted through August 25, 2010. The proposed rule will be adopted on December 22, 2010.

The U.S. Geological Survey and Ecology signed an agreement November 29, 2010 to study groundwater within the bedrock aquifers in Upper Kittitas County. The study is expected to require two to three years to complete.

### **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 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
- Metering and reporting requirements

### **Whom does this rule affect?**

The 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 adopts a rule that imposes limits on new groundwater uses within upper Kittitas County.

**The rule was adopted on Dec. 22, 2010 and becomes effective 31 days later on Jan. 22, 2010.**

#### **Contact information:**

Bob Barwin  
Water Resources Program  
Central Regional Office  
15 W. Yakima Avenue  
Suite 200  
Yakima, WA 98902  
(509) 457-7140  
[robert.barwin@ecy.wa.gov](mailto:robert.barwin@ecy.wa.gov)

#### **More information:**

Please visit the Web site at:  
[http://www.ecy.wa.gov/programs/wr/cro/kittitas\\_w\\_p.html](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](http://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](mailto:bari.schreiner@ecy.wa.gov)