

Kittitas County seeks accord on new wells

By DAVID LESTER
Yakima Herald-Republic

YAKIMA, Wash. -- Kittitas County commissioners are proposing new language in a water management agreement with the state of Washington that they hope will help appease the concerns of both the county and state officials.

A response from the state Department of Ecology isn't expected until early next week.

County commissioners met briefly Wednesday to talk about the status of discussions with Ecology officials over a temporary ban on new wells and a proposed agreement that would govern water management in the future.

Commissioner Paul Jewell, who is taking the lead in talks with the agency, said he has submitted what amounts to an amendment to the agreement that would lift the July 16 ban. Upper county residents have criticized the ban on new wells as heavy-handed and damaging to the local economy.

Jewell said his proposals are an attempt to address the concerns of both the county and Ecology.

He added he could not be more specific.

"We have been discussing some options. Rather than take a vote or decide to sign the agreement, we would like to see how those progress and whether some middle ground can be attained," Jewell said. "We will pursue those."

The ban is the first time the agency has prohibited unregulated wells. These "exempt" wells are used for single-family homes and industrial operators that draw less than 5,000 gallons per day, half-acre lawns and gardens. Wells for watering livestock also require no permits and have no limits on daily usage.

Director Jay Manning instituted the ban in the upper county area -- west and north of Indian John Hill -- because two years of negotiations with the county had failed to produce a water management agreement. Ecology officials say they took the action to protect senior water rights and stream flows for fish from being affected by the use of exempt wells.

Joye Redfield-Wilder, spokeswoman for the agency's central region office in Yakima, said Manning will be briefed on the county's proposed changes Friday afternoon.

Commissioners are scheduled to revisit the issue again on Sept. 2.

Should an agreement be reached, commissioners would conduct an additional public hearing. Commissioners held two such hearings in Cle Elum earlier this month.

Although construction has come to a virtual standstill because of the water well ban, Manning modified the ban to allow people with building permits in hand and those with submitted building permit requests to proceed with their projects.

Meanwhile, both the Department of Ecology and Kittitas County commissioners are awaiting a state Attorney General's opinion.

Both sides have submitted a series of questions to Attorney General Rob McKenna -- among them, to clarify Ecology's authority to change the definition of some exempt well uses and to limit the construction of non-permitted wells. Another question is whether the agency can require new water users to purchase an existing water right to offset the water taken.

An attorney general's opinion is anticipated by mid-September.

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