Managing new groundwater appropriations in Upper Kittitas County, Washington State

Panel discussion with participants engaged in managing and implementing Washington Administrative Code (WAC) 173-539A.

Panel members:

**Bob Barwin**, Ecology  
**Paul Jewell**, Kittitas County Commissioner  
**Phil Rigdon**, Yakama Nation  
**Joe Mentor**, Mentor Law, LLC  
**Rachel Pascal Osborne**, CELP

Moderator:  
**Tom Tebb**, Ecology
HISTORICAL SITE

This is a historical fishing site used by Native Americans to harvest salmon. It is one of few remaining sites from which the Native Americans can dip-net steelhead in the early spring and salmon in the early and fall runs.

In 1879 Knewock Ditch Company constructed a small irrigation diversion to serve 3000 acres of land on the north side of the Yakima River reaching nearly to Zillah. During the same time period, the Piety Flat Ditch Company was formed and constructed a small canal to serve 600 acres near the present site of Donald. In 1881 the Northern Pacific and Yakima Canal Company began construction of the Sunnyside Canal utilizing portions of the existing Knewock Ditch.

In 1905 the Sunnyside Canal System became a division of the Yakima Reclamation Project. In 1946 the Sunnyside Valley Irrigation District took over operation and maintenance of the Sunnyside Canal and related works. Today the Sunnyside Canal conveys irrigation water to nearly 100,000 acres of land serving the communities of Zillah, Granger, Sunnyside, Mabton, Grandview, Prosser, and Benton City.
The first irrigation canals
Yakima Basin

- Surface water managed by Bureau of Reclamation (5 major reservoirs)
- Basin undergone surface water adjudication since 1977
- Ground water not included in adjudication
- By court order (2001), surface water rights junior to May 10, 1905 cut off in dry years (including City of Roslyn)
- No new ground water rights issued since 1999 per settlement agreement with Yakama Nation/Bureau of Reclamation – did not address exempt wells
- USGS will complete comprehensive ground water study in 2011
Yakima Basin Anadromous Fish

- Historic fish runs 300,000 to 960,000 anadromous fish
- 1981-1990 average fish runs 8,000
- Native sockeye, summer Chinook and coho extirpated
- Spring and fall Chinook seriously reduced
- Steelhead ESA Threatened species
- Bull trout ESA Threatened species
The Yakima Treaty, June 9, 1855
Treaty between the United States and the Yakama Nation of Indians.
Concluded at Camp Stevens, Walla-Walla Valley, June 9, 1855. Ratified by the Senate, March 8, 1859. Proclaimed by the President of the United States, April 18, 1859.
Naches River
• **September 13, 2007** – Aqua Permanente/CELP petitions the Department of Ecology to establish a temporary moratorium on new ‘exempt’ wells in Kittitas County.

• Petition challenged use of the exempt well provision to supply water to new residential developments in Kittitas County.

• Ecology rejected the petition and attempted to find an interim management strategy with Kittitas County.

• After several years of attempting to find a possible solution, on **July 16, 2009** under emergency rule, Ecology withdrew new appropriations of groundwater until such time that sufficient information and data is provided.

• Ecology and Kittitas County agreed to support an comprehensive groundwater study in the upper county
On January 22, 2011, after a series of emergency rules, Ecology adopted a final (interim) rule to withdraw groundwater from further appropriation.

The rule states that unless you are exempt, you need to mitigate your use of water.

Those with vested building permit applications or issued building permits as of July 16, 2009, will not be subject to the groundwater closure and may use permit-exempt wells.

Ecology and Kittitas County agreed to support an comprehensive groundwater study in the upper county
In November of 2010, Ecology initiated a inter-agency agreement with the USGS to conduct a hydrogeologic study of upper Kittitas County.

The USGS groundwater study will look at aquifer flows and their relation to stream and tributary flows in Upper Kittitas County because they are not well understood.

In April 2011, USGS Field crews started field work and will be working with land owners and others to begin to measure water levels in over 100 water wells throughout the upper part of the county in order to get a clear picture of how much ground water is there, and where it is.

The total cost of the Kittitas groundwater study is $977,000 with $642,000 appropriated by the Washington state Legislature and a $335,000 contribution from the USGS.
Upper Kittitas County
Groundwater Rule and Mitigation

- Ecology, Bureau of Reclamation and senior water right holders, in consultation with the Yakama Nation have established a water bank as mitigation for impacts to senior water right holders.

- The water bank acquires pre 1905 senior water rights which will offset exempt well impacts* – providing a long-term reliable water supply.

- Developer/land owner pays to acquire a senior water right where available for their planned ground water use.

Upper Kittitas County Water Exchanges

Lamb and Anderson Water Bank

Suncadia and Roan Water Bank