



# Yakima Association of REALTORS®

and Multiple Listing Service



Crystal Woods, Association Executive

2707 River Rd. • Yakima, WA 98902 • 509.457.8191 • FAX: 509.453.9716 • Website: yamls.com • email: info@yamls.com

EMPOWERING our members. ENFORCING ethical business practices. PROMOTING the Realtor® image and ENCOURAGING private property rights.

Honorable Commissioners,

On behalf of the undersigned organizations, we want to thank you for your dedicated service to Yakima County. We recognize the difficult decisions you must make on a daily basis and appreciate your commitment to the people of Yakima County.

As you're aware, we remain concerned with the establishment of the Yakima County Groundwater Utility, passed by the Commissioners in December 2017. While we understand the Commissioners believed the action was necessary based on the Supreme Court's Hirst Decision, we do not believe the decision to establish a mitigation utility included sufficient public involvement or consideration of alternative ideas, and that it should be reconsidered based on changes to state law in 2018.

To that end, we the undersigned, respectfully request the Yakima County Board of Commissioners issue a 6-month moratorium on the groundwater utility and review the ordinance in light of state law, including Senate Bill 6091, to determine whether the utility is necessary or lawful under the law, and whether other alternatives exist that would be less costly to the county and landowners.

As you're aware, Senate Bill 6091 includes two specific provisions which alter the regulatory landscape in Yakima County. First, RCW 19.27.097(1)(c) specifically relates to Yakima County. This subsection limits the Department of Ecology's ability to limit groundwater withdrawals to only those necessary "to satisfy adjudicated water rights." The Yakima Basin adjudication was limited to surface water rights only and did not adjudicate groundwater rights. It is our understanding, this provision was added to clearly differentiate the differences between surface and groundwater uses.

Second, RCW 19.27.097(5) was added to the statute to grandfather in all existing wells. More specifically, the amendatory language specifies "any permit-exempt groundwater withdrawal authorized under RCW 90.44.050 ... before the effective date of this section is deemed to be evidence of adequate water supply under this section." There are a number of existing wells in Yakima County that meet the clear statutory language, which could significantly change the utility as implemented today.

In addition, Yakima County is currently involved in the Yakima Basin Integrated Plan, which includes provisions related to groundwater usage and storage. We believe the Yakima Basin Integrated Plan is the appropriate avenue to consider usage of the permit-exempt wells for domestic purposes.

For these reasons, we believe the Yakima County Board of Commissioners should issue a 6-month moratorium on the groundwater utility and reconsider the ordinance. Water law issues in the Yakima Basin and throughout Washington State have evolved significantly since the concept of a mitigation utility was originally explored, and we believe the County should consider alternative approaches that will result in a program that has public support.

We thank you again for your commitment and service to Yakima County.

On Behalf of the Yakima Association of REALTORS® Membership,

Alice Villasenor

2018 President, Yakima Association of REALTORS®

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## Signature Page Attachment: Letter to Commissioners

On behalf of the Lower Yakima Valley Association of REALTORS®

DocuSigned by:  
  
Kelly Adamson

2018 President, Lower Yakima Valley Association of REALTORS®

On behalf of the Yakima County Farm Bureau

Frank Lyall  
2018 President, Yakima County Farm Bureau

On behalf of the Yakima County Cattleman's Association

Kevin Curnutt  
2018 President, Yakima County Cattleman's Association

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