

August 14, 2018

Mr. Mike Leita, District 1
Mr. Ron Anderson, District 2
Mr. Rand Elliott, District 3
Yakima County Commissioners
128 N. 2nd Street, Room 232
Yakima, WA 98901

Dear Commissioners,

Thank you for the opportunity to address you regarding the Yakima County Groundwater Utility. We are aware of, and were invited to sign on to, the Yakima Association of Realtor's letter that was submitted to you on August 7th. Though we chose not to sign on to that specific letter we do share similar concerns and encourage a reevaluation of the program.

We appreciated the opportunity to engage in the process and discussions as you worked to address the complicated issue of water mitigation in the county. While we are not supportive of a moratorium on the current program due to the uncertainty such action would create, we do believe recent changes in state law deserve consideration.

As such, we respectfully request the Yakima County Board of Commissioners review the ordinance 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, landowners, and business.

We'd like to reiterate a few key points made in the letter submitted by the Yakima Association of Realtors:

- Senate Bill 6091 includes two specific provisions which alter the regulatory landscape in Yakima County. First, RCW 19.27.097(1)(e) 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. This provision was added to clearly differentiate the differences between surface and groundwater uses.
- 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.

Yakima Office
3301 W. Nob Hill Blvd.
Yakima, WA 98902
(509) 454-4006

Wenatchee Office
25 N. Wenatchee Ave
Suite 207-B
Wenatchee, WA 98801
(509) 421-1803



- 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.

We thank you for consideration of these points and encourage the County to evaluate the current program based on recent changes in law and consider alternative approaches that reasonably address the issue and continue to encourage economic growth in Yakima County.

Sincerely,



Dereck Nelson
CWHBA Board President



Carly Faul
Executive Officer



Michael Howe
Government Affairs Director
mhowe@cwhba.org