

COMMISSIONERS' MINUTES
KITITAS COUNTY, WASHINGTON
COMMISSIONERS AUDITORIUM
SPECIAL MEETING

TUESDAY

1:30 P.M.

FEBRUARY 9, 2010

Board members present: Chairman Mark McClain; Vice-Chairman Paul Jewell and Commissioner Alan Crankovich.

Others: Catherine Dunn, Deputy Clerk of the Board; Cathy Bambrick, Public Health Administrator; Neil Caulkins, Deputy Prosecutor; Ted Sturdevant, DOE Director; Tom Tebb, DOE Central Regional Office Director; Steve North, Assistant Attorney General and the DOE Public Information Officer; Anne Watanabe and Wayne Nelson representing the public.

SPECIAL MEETING

DOE MEMORANDUM OF AGREEMENT

COMMISSIONERS

At 1:35 p.m. **Chairman McClain** opened the special meeting to discuss the ongoing Department of Ecology Memorandum of Agreement.

Tom Tebb said he was willing to explore different ideas, but he won't commit the Department of Ecology at this time. He said the County is looking for immediate relief by removing the Upper Bedrock Area from the moratorium; complete removal of the moratorium and the pay now buy water later idea (Super Ditch). He said DOE and the County needed to figure out the path forward.

Tom Tebb went on to say there was concern among the other stakeholders in the water issue, specifically the Bureau of Reclamation, Yakama Nation and the Senior Water Right Holders over the ideas the County was presenting. Concerns were also expressed for the areas critical for fish habitat: Big and Little Creeks, Teanaway River and Swauk Creek. He said these habitat areas are in distress and DOE is thinking of withdrawing the tributaries from full appropriations of water, but the remainder areas could be explored as a banking area. He said DOE is reevaluating its position on the 150 day window, with a potential drought in sight.

Ted Sturdevant said the mitigation water may be available in a matter of days. **Tom Tebb** agreed saying it would be available in 30 to 45 days. He said there are 278 connections available with 100 from Sapphire Skies and 178 from individuals.

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Chairman McClain asked what sort of barriers DOE saw to the "Super Ditch" concept.

Tom Tebb said that there is a list of tasks that need to be completed before the proposal can be started. **Ted Sturdevant** said that one challenge is matching up how much it will cost for people.

Chairman McClain asked if it was possible to by-pass the study in order to start up the "Super Ditch" concept. Mr. Tebb said if the County and DOE say all water is connected, the study can be by-passed.

Director Sturdevant said that one issue was if water is pumped on the ridges, does it affect the lower areas. **Mr. Tebb** said all water is hydrologically connected but the time and distance relationship has not been studied. **Mr. Sturdevant** asked if that would be consistent with the County's thinking.

Chairman McClain said the whole County is involved in the water issues and there are lots of questions.

Tom Tebb expressed some concern on the percentage of water anticipated for this summer. He said it is anticipated to be 73% of normal at Parker this year and there is a good chance the Junior Rights will be pro-ratable. He said there is serious drought potential for this year.

Chairman McClain said there won't be the same amount of development this year as in the past, so this is a good time to start the water bank. **Ted Sturdevant** said it could be operated as a revolving fund. **Chairman McClain** said the County and the Department need to change the way they think on this.

Mr. Sturdevant said he appreciated and agreed with the Board's thoughts. He said water budget concept is increasing in use and the whole basin would be involved.

Chairman McClain said Kittitas County uses 3% of the water in the Basin.

Ted Sturdevant said this is a promising notion which should be developed. He asked if development was happening at a rate others can live with? **Chairman McClain** said the County is committed to this and has changed the way development happens here. He said the comments from the Department of Ecology are being taken into account, but it has to get to a trusting point on both sides. **Commissioner Crankovich** said development will be slow because the banks won't lend money but people are asking for the opportunity to develop.

Chairman McClain said that people should be encouraged to purchase water rights.

Vice-Chairman Jewell said that even if the moratorium is lifted, it will take years to recover. **Tom Tebb** said Department of Ecology had brought these problems to the County starting in 2004 and nothing was done. **Chairman McClain** said he understood their concerns but it was necessary to move forward.

Tom Tebb asked how to get to the position where the moratorium could be lifted. **Chairman McClain** suggested mitigation at the Building Permit phase and save the money in a trust to use for the purchase of water in a drought season. **Mr. Tebb** asked what the third party aspects of this plan would be.

Ted Sturdevant said the point is the question of timing and how soon would the water be in hand. He asked what would be done if the money was available. **Tom Tebb** said that would require a legislative change.

There was a discussion of the red, yellow and green zones on the map and the abilities to get water and build in each zone.

The parties agreed to get together with the stakeholders in irrigation in the Basin to explore the Super Ditch concept.

Ted Sturdevant said that language on the County's assurances would be good.

At 2:50 p.m. **Chairman McClain** announced that the Board of Commissioners would go into Executive Session with Neil Caulkins and Cathy Bambrick for 10 minutes to discuss with legal counsel representing the agency matters relating to agency enforcement actions, or to discuss with legal counsel representing the agency litigation or potential litigation to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency. No action was anticipated.

At 3:00 p.m. the Board reconvened from Executive Session. No action was taken.

A discussion was held on strategies and funding for the project. **Tom Tebb** said the Department of Ecology expected to have mitigation water in 30 to 45 days.

Meeting adjourned at 3:20 p.m.

DEPUTY CLERK OF THE BOARD



Catherine Dunn

KITTITAS COUNTY COMMISSIONERS
KITTITAS COUNTY, WASHINGTON



Mark McClain, Chairman