



**Central Washington  
Home Builders Association**

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KITTITAS COUNTY BOARD OF COMMISSIONERS

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August 13, 2009

Kittitas County Board of Commissioners  
Honorable Alan Crankovich, Chairman  
205 West 5<sup>th</sup> Avenue, Suite 108  
Ellensburg, WA 98926

**Re: Memorandum of Agreement between Kittitas County and Department of Ecology.**

Dear Chairman Crankovich:

The Central Washington Home Builders Association represents 714 member companies with approximately 10,000 employees throughout Central Washington. Approximately 1/4 of our member companies are located in Kittitas County. We appreciate the opportunity to comment upon the proposed Memorandum of Agreement that will affect many of our members.

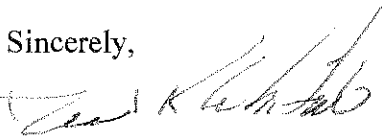
In our review of the proposed new Memorandum of Agreement we conclude that it is an improvement over the April 7<sup>th</sup> document, however some of the language creates ambiguities which require clarification:

- 1) The original moratorium on ground water extraction imposed by the Department of Ecology appeared to completely ignore vesting provisions provided in Washington RCWs. The new Agreement supersedes and replaces the previous Agreement dated April 7, 2008. Is the start date of the new Agreement the date of signing by the Board of Commissioners or both the Board and Ecology? Are the requirements of new Agreement retroactive for permit exempt wells established in the interim period, i.e. April 7, 2008 to the new date of signing?
- 2) In those circumstance where an existing approved Group B system on a well exempted from a permit by RCW 90.44.050 has some, but not all of its approved lots connected to the distribution system, does the build out of the remaining approved, but not yet developed lots:
  - a. Require that the new build outs comply with the requirements of the new Memorandum of Agreement or the previous one?
  - b. Require retrofitting the existing system with its connected lots to bring the system up to the requirements of the new Memorandum of Agreement?
  - c. Constitute a 'new' Group B system with respect to the requirements of paragraph II. 7), i.e. management by a SSMA?

- 3) We are in support of the process envisioned in paragraphs II B, C, and D to create a comprehensive water management system. We believe all parties can agree that a mitigation process has to be part of the resolution of this issue. Just how much permit exempt wells impact the surface flow of the Yakima River and associated drainages is the issue and a distinctly different question from that of where and how much hydrologic connectivity exists through the geology of the upper county. We suggest that once the dimensions of any potential or real impact is understood and the amount of mitigation that will be necessary, particularly during low flows periods, the county and the Department of Ecology can begin to explore the most efficient and cost effective methods to acquire water rights to 'populate' a water bank.
- 4) In paragraph IX on page 7 of the Agreement what constitutes 'historical' use? For instance, does the addition of a non-commercial garden, or increase in size of a lawn, or the addition of a horse watering trough constitute uses beyond 'historical' uses?

We appreciate your consideration of our comments.

Sincerely,



David K. Whitwill  
Coordinator, Kittitas Government Affairs  
Central Washington Homebuilders Association