

**WRIA 55/57: Little Spokane River and Middle Spokane River Watersheds
WRIA 56: Hangman/Latah Creek**

Joint Watershed Implementation Team (WIT) Meeting

Wednesday, November 4, 2009

9:00 a.m. - 12:00 p.m.

**Spokane County Conservation District Conference Room
Spokane, WA**

Meeting Summary

Part I: WRIA 55/57 Legislative Sub-Committee 9:00 a.m. - 10:00 a.m.

Attendees: Reanette Boese, Mike Hermanson, Rusty Post, Lloyd Brewer, Ty Wick, Steve Skipworth, Greg Sweeny, Bill Harmon, Gary Ostheller, Bill Rickard, Rick Noll, Walt Edelen, Susan Gulick.

- The sub-committee identified the following key issues they would like to track:
 1. Exempt wells
 2. Water rights, including water right conversions and transfers
 3. Consistency requirements on “duty to serve” and water availability
 4. Well head protection in land use regulations
- The first three items will be dealt with by the state legislature; the last item is local.
- Steve, Ty and others will identify bills that deal with these issues in the state legislature and will forward the information to Susan to distribute to the sub-committee.
- Sub-committee members will also begin compiling case studies of compelling experiences in the watersheds regarding the above issues.
- This committee may need to meet more frequently (perhaps via conference calls) in January when the legislature is in session and bills move very rapidly.
- At the next meeting, the legislative sub-committee will review the case studies and the bills and briefing papers being prepared by other entities (Water Utility Coordinating Council, Association of WA Cities, Washington State Association of Counties, etc.)
- The sub-committee may develop a letter to local legislators and chairs of key committees regarding the exempt wells, water rights and related issues. The letter may include case studies and may or may not take positions on specific legislation.

Part II: Joint WRIA 56 and WRIA 55/57 Issues, 10:00 a.m. - 11:30 a.m.

WRIA 55/57 Members Present

Ty Wick, SAJB
Reanette Boese, Spokane County
Claudia Crawford, Whitworth Water
Steve Skipworth, Vera Water & Power
Rusty Post, Dept of Ecology
Walt Edelen, Spokane Conservation Dist
Greg Sweeney, Eloika Lake Assoc
Dave Jones, Spokane Co Planning Dept
Bill Harmon, Eloika Lake Assoc & West Branch

Todd Henry, Vera Water & Power
Howard Rowley, Horseshoe Lake
Susan McGeorge, Whitworth Water
Bill Rickard, City of Spokane Water Dept
Rick Noll, Spokane Conservation Dist
Lloyd Brewer, City of Spokane
Mike Hermanson, Spokane County
Tom Wimpy, Diamond Lake

WRIA 56 Members Present

Steve Bortfeld, Hangman Hills Water District
Lloyd Brewer, City of Spokane
Walt Edelen, Spokane Conservation District
Peter Grunte, Watershed Resident
Rick Noll, Spokane Conservation District
Gary Ostheller, Fairfield Grange
Bill Rickard, City of Spokane

Guests Present:

Jim Gady, Private Property Owner
Keith Stoffel, Water Resources DOE
Tammy Jones, Spokane Co Planning
Steve Holderby, Spokane Co Regional Health
Mary Ausburn, SEPA

Consultants Present:

Susan Gulick, Sound Resolutions, Facilitator

1. Meeting Summaries

- ❑ The WRIA 56 meeting summary was approved with no changes
- ❑ The WRIA 55/57 meeting summary was approved after a correction to Mike Lithgow's new job title.

2. Upcoming Meetings

- ❑ The next WRIA 55/57 meeting will be on Wed. Dec. 2nd from 10-12 in Chattaroy. The legislative sub-committee of the WIT will meet immediately prior to this meeting from 9-10 in Chattaroy.
- ❑ The next WRIA 56 meeting will be on Tuesday, Dec. 1st from 10-12 at the SCCD.

3. Background and Update on the AG Opinion on Exempt Wells

- ❑ Keith Stoffel of Ecology briefed the WITs on the events in Kittitas County that led to a request for an Attorney General Opinion on exempt wells.
- ❑ The opinion states that Ecology has no authority to place limits on permit-exempt wells other than those explicitly stated in statute. This means that Ecology may not be able to place limits of less than 5,000 gallons per day on domestic uses.

- ❑ The AG opinion also states that Ecology can't disallow one type of water right (such as surface water rights) and allow other rights (such as permit-exempt wells) in the same basin.
- ❑ There remains a lot of uncertainty about what this decision means, particularly in closed basins. There are existing and pending instream flow rules with reservations and with limits below the 5,000 gallon per day threshold that are in question.
- ❑ Ecology is working to get some clarification from the AG's office. It also anticipated that there may be legislation proposed in the coming session to address these issues.

4. Presentation and Discussion on Each Step of Land Development and Determinations of Water Availability

- ❑ Tammy Jones of the Spokane County Planning Department gave an overview of the application process for the division of land.
- ❑ She explained in detail the three options for land division:
 - ✓ Certificate of exemption, which is a simple process that can be used for some parcels 10 acres or larger, does not require SEPA or administrative review.
 - ✓ Short Plats for 4 or fewer lots outside the UGA and 9 or fewer lots inside the UGA, which is reviewed by multiple agencies. However, it does not require SEPA review unless the lots have wetlands present.
 - ✓ Long Plats for larger numbers of lots. This process requires more administrative review and is subject to a SEPA determination.
- ❑ Rural clusters were also discussed. This allows the development to be clustered on a large parcel with the remaining portion prohibited from development (so it remains open space, agriculture, etc.). There are some concerns that some rural clusters place intense demand on groundwater supplies, impairing existing water rights. If the houses were more spread out the impact may be more dispersed.
- ❑ Steve Holderby of Spokane Regional Health described their role in reviewing water availability. He distributed their guidelines, which require a 4-hour pump test that indicates that water will be available at a rate of 1440 gallons over 24 hours (or 1 gallon per minute). If there is no well, water availability is determined by a certification from a hydro-geologist.
 - ✓ Water rights are only considered if Ecology raises the issue.
 - ✓ The County could require demonstration of water rights on a local basis, but this is not required by state law.
 - ✓ WIT members raised concerns that a four-hour pump test is insufficient to determine long-term water availability. There are also concerns that seasonal variations in water could allow a successful pump tests in a "wet" season while the well could go dry in the summer or fall.
- ❑ Mary Ausburn of Ecology explained Ecology's role in SEPA review.
 - ✓ Ecology relies on local agencies to supply a SEPA checklist.

- ❑ The WIT expressed disappointment with the lack of coordination between Regional Health and Ecology. Gaps in how the laws are implemented by the Ecology, local health departments, and the State Dept. of Health were noted.
- ❑ The WIT discussed the differences between legal water availability (are water rights available for appropriation and/or can you withdraw water without impairing an existing water right or an existing well) and adequate water availability for occupying a home. Regional Health District focus is determining whether there is adequate water being pumped to provide a healthy water supply for the home; they do not consider legal availability.
- ❑ Ty expressed frustration that Spokane County is listed as a critical water supply under the state's Critical Water Supply Act yet land development decisions are being made as if water were readily available.
- ❑ If the WIT wants to advocate for higher standards for water availability (i.e. greater than the current 1 gallon per minute requirement) they would need to direct that to the local Board of Health.
- ❑ Local governments may also add additional requirements under SEPA
- ❑ The WIT will discuss this further at their next meeting.

5. Seepage Run Update

- ❑ Rick Noll of the SCCD briefed the WIT on recent seepage runs conducted in Hangman Creek on September 30, 2009 and in the Little Spokane River on October 7, 2009.
- ❑ Seepage runs measure the discharge of the streams and determine where there is groundwater entering the stream (a gaining reach) and where surface water is seeping into the ground (losing reach).
- ❑ Seepage runs are used to identify areas where groundwater may change stream flows and to understand riparian conditions for restoration projects.
- ❑ Rick reviewed the gaining and losing reaches of both streams with the WITs.