

METHOW WATERSHED COUNCIL MINUTES – December 15, 2016

Attendees: MWC Members Greg Knott, Bill Tackman, Dick Ewing, Perry Huston; guests Andy Hover, Brian De Place, Susan Crampton, Hans Smith, Jacqueline of Trout Unlimited, Mary McCrea

Agenda approved.

Minutes approved with Perry Huston's changes regarding Hearings Examiner process. (See revised minutes.)

Wolf Creek Reclamation District Grant: Greg reported that Aspect has specific questions for WCRD in order to complete Task 1.

Methow Watershed Foundation:

Wolf Creek Grant: Progress report and first payment request to be submitted to Ecology.

Moccasin Lake Foundation concept paper requesting funding for education and outreach to be submitted December 16<sup>th</sup> with a letter of support from the Methow Conservancy.

Community Fund of NCW grant application for funding for an administrative assistant is due January 31, 2017 and will be submitted by the deadline.

Application to Ecology for metering program grant discussed later in meeting.

Okanogan County Report: Perry reported planning staff are bringing count of wells up to 2017 and graphing flow data through the County. December 19<sup>th</sup> will be a public hearing on Title 20 and the Interim Ordinance in response to *Hirst v. Whatcom County*.

Regarding revisions to the Instream Flow Rule Perry stated the Board of County Commissioners (BOCC) has yet to finalize changes and January hearing dates. January 9<sup>th</sup> will be the first study session for the new BOCC, including this item. BOCC has "pulled back" on outreach to the Department of Fish & Wildlife and the Yakama Tribe.

Greg requested the County send Brian Fisher information to update Aspect's study.

Commissioner-elect Andy Hover asked whether the wells drilled prior to 1976 are water rights and whether they count against the 2 cfs reserve. 361 wells installed pre-1976. Mary McCrea answered that pre-1976 wells either have certificates or are exempt wells and are not counted against the 2 cfs reserve established in 1976.

Hover said we have to accept the fact that Ecology thinks wells impact instream flows.

Greg asked Perry whether there will be comment taken on the draft ordinance at the December 19<sup>th</sup> hearing. Also, are the January hearings technical hearings to build a record for the Hearings Examiner? Perry said the December 19<sup>th</sup> hearing will cover all of Title 20. Greg's understanding of the January hearings is not consistent with Perry's plans for the January hearings. He will check with Sandy Mackie to clarify. There will be two January hearings- one for WRIA 48 and one for WRIA 49. "Come one, come all." The staff is gathering mountains of data to be entered into the record. Perry will send out an email once the January meetings are clarified because that will inform public notice.

Dick Ewing asked if the County is accepting applications now. Perry – yes. Some applications are going through because they have a water right, are in a water system, or already using water from an exempt well.

Brian Fisher asked how long an interim ordinance can be in place. Perry- 6 months, one year if very complicated. Once Title 20 is adopted, the interim ordinance will be repealed.

Bill Tackman asked how long the application process will take and when the first hearing will be held. Perry said first hearing in about February. Decision final after 21-day appeal period runs. Hearing will be held within 10 days of filing public notice of the application. Will bunch applications as much as possible for the Hearings Examiner. Date of filing of the application determines order applications will be held.

Discussion of what is included as “commercial use” of an exempt well and when agriculture is considered to be part of the agriculture industry under the exempt well statute. Reference to the *Kim* case.

Andy Hover asked what are grounds for appealing a neighbor’s proposed well? Perry said that attorney Mackie had narrowed standing to those whose water right would be impaired.

Greg asked whether the MWC should give testimony as a group at the December 19<sup>th</sup> hearing and, if so, what should that testimony be? Greg wants to testify that the process established by the Interim Ordinance is unnecessary for WRIA 48; 2 cfs and Aspect studies setting 710 gpd for each well make the hearing process unnecessary. Only advantage of the process is to develop a record before the Hearings Examiner for 6 months to a year. Discussion followed but no decision was reached regarding testimony on behalf of the MWC.

Andy Hover left at 6:05 p.m.

Perry Huston stated that for non-GMA counties, RCW 19.27.090 allows counties to identify areas where a water availability decision is not needed. Subdivisions will be treated differently. May be a higher burden of proof r water availability.

Greg raised the idea of seeking grant funding for a program “Water for 2060.” Community wants a sustainable water supply into the future. What studies do we need? IFRR revision? Additional water supplies. How do we preserve agriculture? UW climate change studies, drought planning would be components.

Greg notified the Council he will be gone mid-March to mid-April.

MWC website: Greg and Bill will meet with Curtis Edwards who has offered to help.

First meeting of IFRR Advisory Group will be in January.

Meeting adjourned at 6:50 p.m.