



News Release

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FOR IMMEDIATE RELEASE:

County and DOE Sign Water Use Agreement for New Homes in Little Spokane River Basin

SPOKANE COUNTY, December 18, 2017 – Spokane County and the Washington State Department of Ecology have signed an agreement to place existing senior water rights into a water bank. The agreement will allow Spokane County to issue certificates that guarantee new homes will not be impacted by stream flow regulations in approximately 40% of the Little Spokane Watershed. This means that the county will soon be able to issue building permits in that area and stay in compliance with the State Supreme Court’s Hirst Decision of 2016. Spokane County will begin taking applications for Stream Flow Mitigation Certificates on Wednesday, December 20, 2017.

For more than a year, Spokane County has not issued building permits for new homes in the Little Spokane River Basin. At issue was the State Supreme Court’s ruling in Hirst V. Whatcom County that addressed water rights and building permits. The immediate impact in Spokane County’s Little Spokane River watershed was to stop issuing building permits unless the applicant had a valid water right. No new water rights have been issued in the Little Spokane River watershed for over 20 years.

Commissioner Al French said, “The county will continue to work with the state legislature to find a comprehensive solution for communities impacted by the Hirst Decision. The working proposal we have seen to date envisions a water bank type solution in all areas of the state that have instream flow rules. We are one step ahead of the game and will be able to offer more water supply to address the impacts of the Hirst Decision. We look forward to working with the legislature to be able to develop solutions that meet the needs of Spokane County,” French said.

The Department of Ecology’s Eastern Region Water Resources Section Manager, Keith Stoffel, also praised the work of county staff to find a solution. “Spokane County’s continued commitment to understanding local water needs through research and planning should be commended. Their forward-thinking allowed the county to develop a solution that provides a legal supply of water for rural household use while also protecting the Little Spokane River.”

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Environmental Services' Water Resources Manager Mike Hermanson added that it was critical to restore property values. "The Hirst Decision has had a dramatic impact on Spokane County property owners and we are pleased that this water bank will restore value to properties in a significant area of north Spokane County. The water bank will also enable property owners to build new homes with the assurance that they are in compliance with state water law"

Hirst Decision Background

On October 6, 2016, the State Supreme Court issued a 6-3 opinion that settled a 2013 lawsuit filed against Whatcom County by Futurewise, a nonprofit that works on growth and land conservation issues in Washington State. The majority opinion said that all formerly permit-exempt well applications would now be examined for their impact on senior water rights – and – that the state's Growth Management Act specifically assigned the task to counties. The effect was to eliminate the category of permit-exempt wells. The ruling also shifted responsibility for water appropriations from the Department of Ecology to counties.

For more information, go to www.spokanecounty.org/water

About Spokane County

Spokane County government serves nearly half a million citizens and 13 municipal jurisdictions, making it the fourth-largest county in the State of Washington. For more information, visit www.spokanecounty.org, like us on [Facebook](#), or follow us on [Twitter](#).

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