



News Release

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FOR IMMEDIATE RELEASE:

Spokane County Commissioners to vote on repeal of interim water ordinance adopted to address Hirst Decision

SPOKANE COUNTY, January 24, 2018 – On Friday January 19, 2019, the Washington State Legislature passed, and the governor signed, Senate Bill 6091. This law now specifies what an applicant is required to provide to demonstrate that water is legally available on their property. Thus, Spokane County Commissioners will consider a repeal of the County’s temporary interim zoning ordinance, which addressed the issuance of building permits within the unincorporated areas of Spokane County based upon permit-exempt well, next Tuesday, January 30th at 2:00 in the Commissioners Hearing Room at their regularly scheduled meeting.

In October of 2016 a State Supreme Court decision, often referred to as the “Hirst Decision,” shifted the responsibility of managing the availability of water from the Department of Ecology to Counties. To meet the requirements of that Decision Spokane County implemented an ordinance specifying requirements for demonstrating water is legally available. The requirements varied depending on the watershed.

Offering his comments regarding Senate Bill 6091, on behalf of the Board of County Commissioners, Commissioner Josh Kerns stated, “From the start, we’ve been asking the State Legislature to find a solution to Hirst. The burden that Hirst placed on Spokane County and more importantly, landowners, was too great to bear. SB 6091 is not a perfect solution, but it identifies a feasible path forward for those wanting to obtain building permits on their property.”

The requirements specified in Senate Bill 6091 are:

- In the Little Spokane Watershed (WRIA 55) building permit applicants will fall into two categories:
 - a. Those that will use a well drilled prior to 1/19/18 will need to provide a well log that demonstrates that the well was constructed before that date and complies with Washington State well construction standards.
 - b. Those that will use a well drilled after 1/19/18 will pay a \$500 fee and have a restriction on domestic use of 3,000 gallons per day on an annual average, which will be recorded on the property title.
- Parcels over the Spokane Valley Rathdrum Prairie Aquifer (a portion of WRIA 57) that will use a permit exempt well will utilize the water bank administered by the Washington Department of Ecology.
- In all other areas of Spokane County, the only requirement is a well log, and demonstration of sufficient water quantity and quality per Spokane Regional Health District.

The new law also establishes a requirement for local government entities and other water resource stakeholders to develop a plan within 3 years to mitigate for the consumptive quantity of water that will be withdrawn from aquifers in the Little Spokane River Basin over the next 20 years.

“Spokane County has already made substantial progress toward implementing a plan to mitigate for new uses through the acquisition of senior water rights,” said Mike Hermanson, Water Resources Manager for Spokane County. “We look forward to building on past efforts aimed at developing local solutions to water availability issues in the Little Spokane River Watershed.”

A crucial element of SB 6091 was the establishment of a state-wide fund of 300 million dollars over the next 15 years to develop and implement the plans. If a new plan is not completed by February 1, 2021 the Washington Department of Ecology is required to establish new water use rules within the watershed.

The new law specifically allows for the funding to be used for acquisition of senior water rights, and can be used to purchase Spokane County’s recently acquired senior water rights.

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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