

Response to Hirst Decision Bill (ESSB 6091) – Summary for BOH on February 26th

[Engrossed Substitute Senate Bill 6091](#), was passed on Jan. 18, 2018, and signed by Gov. Inslee the next day.

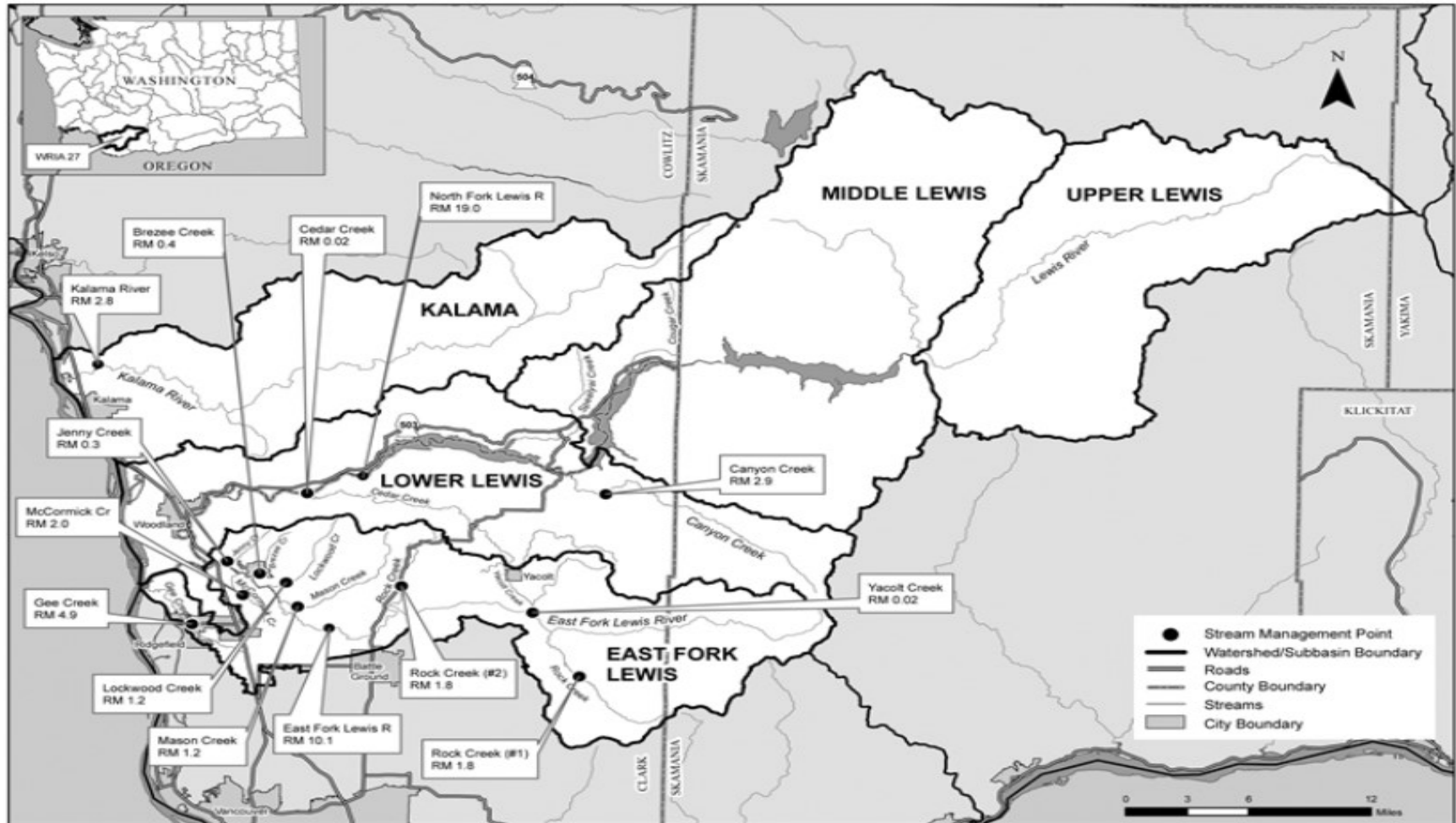
1. ESSB 6091 does not change how permit-exempt wells are approved in Clark County. This is also due to the fact that Hirst vs. Whatcom County did not impact Clark County.
2. ESSB 6091 explicitly acknowledges that permit exempt well approvals are allowed under the existing Water Resource Inventory Area (WRIA) rules established in 2009 for the Lewis (173-527) and Salmon-Washougal (173-528) basins, which together cover all of Clark County.

Background on WRIA Rules:

- a. In-Stream Water Rules for Salmon-Washougal Basin (WAC 173-528) and Lewis Basin (WAC 173-527) are State administrative code that assigns in-stream water levels for surface waters throughout Clark County.
- b. WAC 173-527 and -528 already provide a guide for decisions regarding allocation of surface water and groundwater uses in Clark County that identifies permit-exempt wells.
- c. In both basins there are still water allocations available throughout most – but not all – sub-basins that are identified as 'reservations' and identified in Table IV of both rules.
- d. Only basin in Clark County that does not have any permit exempt well reservations is Burnt Bridge creek sub-basin. Since BBCSB is mostly within City of Vancouver in areas the chance of applications for permit-exempt wells is low. We have had a couple over the last year.

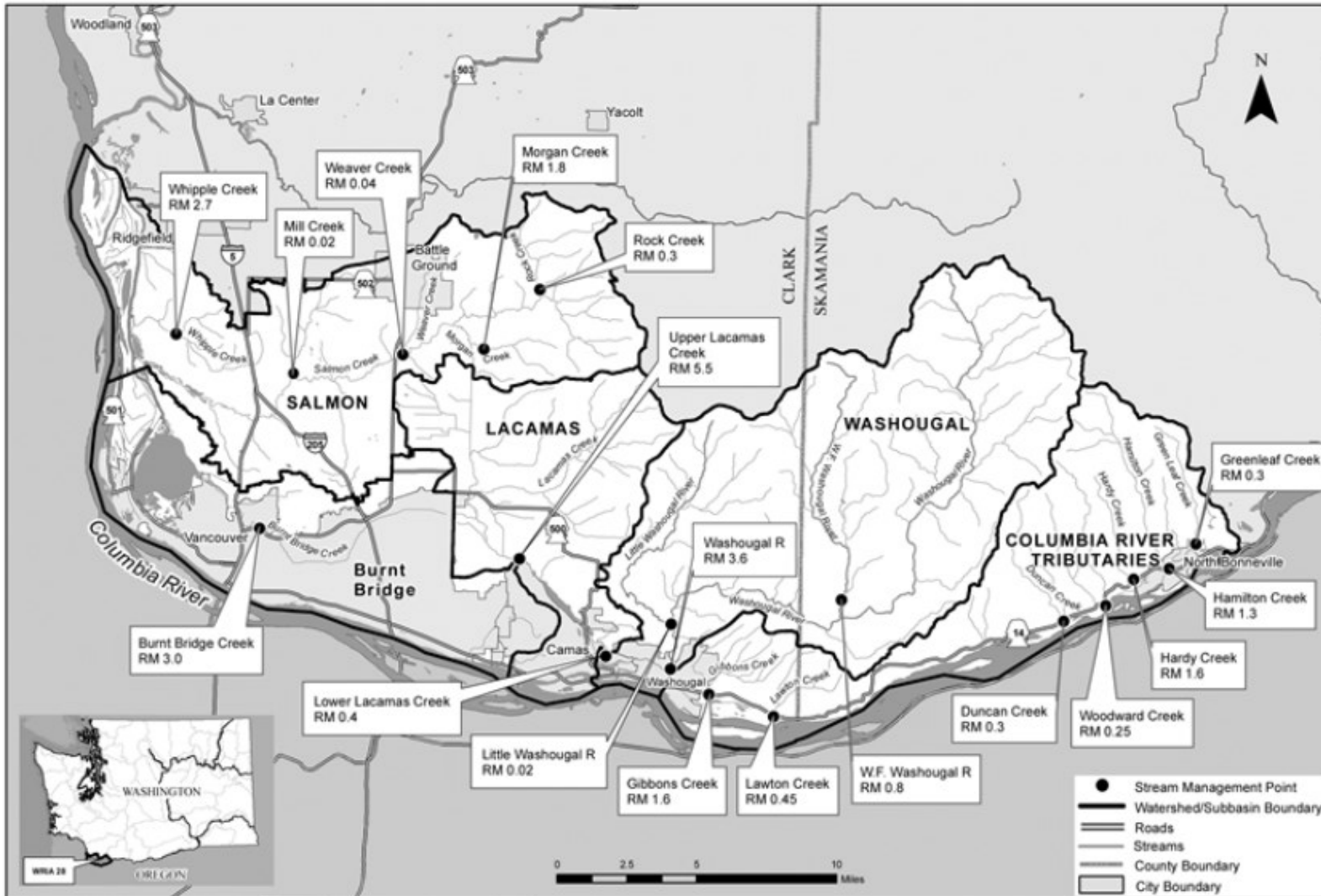
Understanding Water Resource Inventory Areas – Clark has two – WRIA 27 and 28

WRIA 27 Stream Management Subbasins and Control Points



Data Source: WRIA 27 Sub-Basin delineation from Sanborn Mapping Solutions, Western Washington Land Cover Change Analysis
<http://www.ecy.wa.gov/services/gis/data/impervious/basins.htm>

WRIA 28 Stream Management Subbasins and Control Points



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