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### *Hirst* Talking Points

This document outlines Futurewise key points moving into the 2018 Legislative Session. There is no need to “fix” the *Hirst* decision - what we need is **statewide sustainable water management**.

- **Our state’s water resources are limited and almost completely allocated.**
  - Across Washington State, ground and surface water is a limited resource, and one that is further challenged by the impacts of climate change. Many rivers and streams are not meeting their instream flows, which harm fish and wildlife, as well as impact farmers and current home owner’s wells that are going dry.
  - Planning development in accordance with the availability of water is basic consumer protection. People living in existing homes should not have to worry if their well is going to go dry and neither should other senior water rights holders such as farms, ranches and other local businesses due to over-development. New lots and homes should only be approved if there is physical and legal water available.
  - This isn’t a new regulation and applies statewide, this is simply enforcing an existing regulations meant to protect senior water users. The lack of enforcement of current law and the inability of regulations to keep up with new data and science due to politics has put us in this situation.
- **There are many working models of water resource planning currently being implemented across the state.**
  - Kittitas County already plans and limits development based on water availability and mitigation (funded by a modest fee and water usage is metered)
  - The Dungeness region also has a successful program to implement water resource management and mitigation
  - Numerous water banks across the state providing mitigation for water usage in both Western and Eastern Washington
- **The key elements of legislative action should include:**
  - Any implementation plan must be statewide - impacts are occurring in both Western and Eastern Washington, no part of the state is immune to water scarcity
  - It must plan for residential development that matches growth with physical and legal water availability – this requires matching potential development with mitigation outcomes
  - The impacts of exempt wells need to be fully mitigated and metered for use
  - Mitigation of exempt wells must be funded to function
  - Mitigation should be in place “water for water” – not out of kind – and should be sequenced to place water back into impacted streams and rivers and prevent impacts on senior water rights
  - Tribal treaty rights need to be respected and protected