

Comments to WA Department of Ecology
on proposed changes to RCW 90.44.050
Exempt Wells

We have resided on property in Whatcom County for 30-plus years, and attended the informational meeting at the Ferndale Library last month (April 22). A number of times presenters used phrases like, "We are authorized to regulate...." Our initial reaction was, (and is) the question, "Authorized by WHOM?"

We were taught that our system of government relies upon the "consent of the governed," but IF the Department's reply to OUR question is "by the Legislature of the State of Washington, composed of Representatives of the citizenry", we would respond that since we purchased our rural property in 1987, there have been but 3 legislators who lived in rural Whatcom County and who truly represented the interests and well-being of us and our neighbors, and one of them has recently been turned out of office by a bloc of urban, "progressive" voters, we can assert that we have not, and do not at this time have, effective representation in authorizing the Department's rulemaking.

Our shallow well was developed in the 1930s in response to severe drought, which had rendered the existing supply inadequate. The new well was initially piped to supply a residence and a barn: thus the outflow was controlled, intermittent and adequate for the needs of a family. However, when the residence was abandoned and the supply pipe was severed, ground water flowed unimpeded into Anderson Creek and the Nooksack River for at least 20 years.

When we constructed our building, we discovered the water source, installed a 750-gallon cistern, and connected its outlet to supply the household needs of our family of 5, but made no attempt to interrupt overflow of the cistern.

However, we found that the well's output is insufficient during dry summers, so we installed a float valve in the cistern to prevent overflow. Over the last 20 years or so, this well has produced enough to provide our domestic needs and irrigation for ornamentals and vegetables, and its production is fully controlled. All waters used on this property except for evaporation and transpiration losses are returned to the ground via irrigation or by leach field. At a presentation at the Rome Grange, which was attended by Representative Vincent Buys, and Senator Doug Erickson, a civil engineer stated that his long-term study showed "no correlation" between stream flows and ground water usage from exempt wells, a fact of which the Department of Ecology is undoubtedly cognizant.

Our concern is that the proposed rule will prevent our children and grandchildren from building and residing on this property or realizing its monetary value in the future. Therefore we consider these proposed new restrictions on groundwater use from our well to be unwarranted theft of value of this property.

Respectfully,
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