

# Raymond Pelletti

Rulemaking Lead Sawabini,

REALTORS♦ in Whatcom County know the demand for county property and the desire of people to live a rural, agricultural lifestyle. I am concerned about Ecology's Preliminary Rule limiting the use of permit exempt wells by families and the effect this rule will have on a distinct and celebrated segment of our population. As set forth below, it is my opinion that the preliminary rule combines two separate exempt uses contrary to statute, unnecessarily restricts water withdrawals, and ignores the concerns of numerous Whatcom County citizens who utilize exempt wells.

Washington law specifically provides four categories of exemption for groundwater withdrawals including domestic use and watering of 1/2 acre of non-commercial lawn or garden. These two uses reflect a distinction that has existed for quite some time, a distinction evident not only in the statute but in other official interpretations. Now, Ecology is attempting to combine those two uses into a single use. Please apply the plain meaning of the groundwater law and maintain the distinction between domestic (indoor) and outdoor uses.

I also oppose the 500 gallon per day limit imposed by the preliminary rule. The legislature, to relieve the devastating effects of the Hirst case, authorized Whatcom County families to withdraw 3,000 gallons per day from an exempt well. Ecology's own consultant working with Whatcom planners confirmed this limit as the average daily amount used by rural households in the "high use" months of July through September. Ecology has apparently abandoned that research and now proposes an 83% reduction. Ecology's consultant determined the water required by Whatcom families and Ecology should honor that work.

Finally, Ecology uses recent rules in other basins to justify the preliminary Whatcom rule. Colleagues in those basins have relayed situations where the rules have worked hardship onto rural families, reduced rural property values, and led to unequal treatment of citizens based solely on location and construction dates. The bill which became the Streamflow Restoration Act is entitled, "AN ACT Relating to ensuring water is available to support development." Yet the Department via this rule is clearly seeking to limit water to rural households. The amount of rural water regulated by this rule is a fraction of the water resources in Whatcom County, yet only new rural households are being asked to bear the burden of limitations. This is patently unfair to those landowners who, by virtue of timing, now see their water curtailed and the use of their land limited.

The rural lifestyle is a very important part of the culture and economy of Whatcom County. That lifestyle is dependent almost entirely on water availability as stated in the Act this rule seeks to implement. I urge the Department, based on the arguments above and the concerns of rural residents in Whatcom County, to issue a rule that takes an objective look at those concerns and gives full effect to the law seeking to ensure the future viability of rural families.

If these rules were to be implemented, the financial loss to property owners in the county would be devastating, as seen in the prior term of the Hirst decision. Vacant lands declined up to 80% in values. This ruling would also have an undermining impact on loans held by lenders as their collateral - being vacant lands, or undeveloped lands - would decline sufficiently as to make the underlying assets encumbered by lenders lose value to amounts below the lenders loans on properties creating an open exposure to the lender.

The State should be prepared to reimburse property owners, whose land would be devalued, for 10 years back in the loss of land value and also the comparing taxes due to the loss in utility, plus interest and penalties commensurate to removing a property out of open space or forestry.

Thank you. Raymond Pelletti