

Brian Smith

To whom it may concern:

The exempt well issue in Whatcom County has come to my attention via an article in the Lynden Tribune. As this issue derives itself from two polarized political viewpoints, it is important that the Department of Ecology remains neutral in the discharge of their duty to create the rules regarding exempt wells on behalf of Whatcom County residents.

It is my recollection that approximately 90% of the water drawn from exempt wells re-enters the ground water table via the septic system and a smaller, but still significant, portion of irrigation which escapes evaporation. Given that most of the water drawn from exempt wells does return to the groundwater table and thus preserves stream flow, it would be my opinion that to properly calculate a fair water usage for exempt wells, one would need to also calculate the percentage of urban water use that is returned to the groundwater table. The amount an urban user returns should be equal to the amount a rural water user returns.

To suggest a restriction on rural users that is less generous than is currently afforded to more affluent urban dwellers is another form of discrimination against the predominantly less affluent residents of our county.

In reviewing the Department of Ecology's publication "ESSB 6091 Streamflow Restoration Recommendations for Water Use Estimates," (hereinafter referred to as "Report") my recollection of indoor water returned to the ground is correct, however the assumptions for exterior use in the report are incorrect.

The report states that 25% of irrigation lands on sidewalks, and then evaporates. This assumption ignores the fact that very few county irrigation areas are bordered by sidewalks. The data used for this fact are likely drawn from an urban water use study, not from rural Whatcom County. Secondly, the evaporation statistics used are not from Whatcom County, but from the Kitsap Peninsula and from Eastern Washington near Colville. Both areas will have different evaporation statistics - Kitsap county due to both weather and soil type, and Colville due to a much lower atmospheric moisture content. Given the three data points quoted for irrigation evaporation are all inappropriate for Whatcom County, they should not be used to determine evaporation loss statistics for Whatcom County.

I inquired with Annie Sawabini, with the Department of Ecology, to obtain the data used to quantify urban vs rural water returned to stream flows. Her response: "I checked with our local staff in Whatcom County and we do not have specific data on rural domestic water use in Whatcom County because we do not meter domestic wells in that area. We also do not have urban water use information since that information, if available, would be tracked by the municipal water suppliers. You could reach out to the local municipal waters suppliers, such as the Lynden City Sewer, to see what data they have available."

Given that the Department of Ecology has not obtained water use data for Whatcom County, neither rural or urban, and are using incorrect data to create their assumptions, there is no possible way for the Department of Ecology to create a science based rule which is equitable to the citizens of Whatcom County. The Report introduction states: "Planning units and watershed restoration and

enhancement committees can modify these methods based on credible, location- specific information with Ecology concurrence." The Department is failing to adhere to the statement it made to use only "Credible, location- specific information."

I would urge you to pause your rule-making process to allow time to fully study our water use, obtain Whatcom County-based data, and find a way to make the rule equitable for both rural and urban residents. As the rule is currently proposed, it discriminates against rural residents, who are predominantly less affluent than our urban residents. This alone should give the Department reason enough to reconsider how water is used in our County.

Thank you for your time and effort on this issue, and I hope you take the time to get the rule right, not just done irregardless of whom it harms.

Brian Smith