

September 30, 2023

Austin Melcher
Washington Stater Department of Ecology
Water Resource Program'
P.O. Box 47600
Olympia, WA 98504-7600

Subject: Comments on Proposed Draft Policy 2030 (POL-2030)

Austin:

Thank you for the opportunity to comment on the above referenced document. I've been involved in water rights and water rights policy for approximately 20 years either as a city government employee, elected official or a water consultant. I sat on a water rights committee for former Governor Gary Locke and testified at a House committee on water rights back in the 2000's working to towards the Municipal Water Law (MWL) being enacted.

I have many concerns about the draft policy.

- It takes away certainty and flexibility for municipal water rights provided by the MWL.
- It jeopardizes the ability of municipalities to fully use their water rights as they respond to climate change, population growth, nitrogen issues and other ground water contaminants.
- The word "ministerial" appears in several areas yet is not defined.
- The definition of "original intent" is ambiguous and proposes a new test around "original intent" leading, in my opinion, to be subjective.
- The MWL's good standing provision resolved the uncertainty around the nature of pumps and pipes certificate. Yet the draft policy asserts an agency process to determine good standing. Good standing is a legislative declaration.
- The MWL exempted municipalities of the "use or lose" relinquishment. The draft policy limits this exemption by adding requirements not in statute. The MWL did not intend every municipal right be used every five years. This is a waste of water and impacts a municipalities water efficiency.
- The current policy allows for a transfer of municipal water rights between municipal water right holders. This draft policy will require these types of transfers to be determined on a case-by-case basis. This reduces the certainty and flexibility municipal water holders.
- The draft policy the definition of municipal water supply purposes that limits which water right qualifies for the municipal exemption. In eastern Washington many irrigation districts provide potable water for their customers as recognized by the Department of Health. They have certificates that states those water rights are for

municipal purposes. Is Ecology trying to say they don't in this draft policy resulting in their inchoate rights now subject to relinquishment?

- With this many proposed changes to the MWL, shouldn't this be done under the rulemaking process?

I believe Ecology is attempting to walk back clarity, certainty and flexibility given to municipal water right holders through the MWL. The draft policy gives Ecology broad authority without statutory or legal authority. Ecology's interpretation of the MWL through this draft policy would jeopardize the ability of municipalities to fully use their existing water rights.

Thank you.

Nancy Aldrich
naldrich@ymail.com
(509) 539-6912