



CLEAN, FLOWING WATERS FOR WASHINGTON

The Center for
Environmental Law & Policy

9/29/2302

Washington State Department of Ecology
Water Resource Division
Attn: Austin Melcher, Municipal Water Law Policy Lead
300 Desmond Drive SE
Lacey, WA 98503

Austin,

Thank you for the opportunity to provide comments on Draft Municipal Water Law Interpretive and Policy Statement (POL-2030). Overall, CELP is supportive of policy changes that Ecology has laid out. The following comment outlines what we feel is a particularly good policy, and where minor language changes could strengthen the policy.

To start, the restructuring of the document makes it easier to read and fully understand the complications of RCWs that make up how municipal water law works, and the term definitions are clear and precise.

The changes under Section 2: Municipal Water Suppliers and Municipal Water Supply Purposes better clarify what is and isn't beneficial use of municipal water, and what uses get protection from relinquishment.

The changes in Section 5: Changing Municipal Water Right Certificates help clarify what can and cannot qualify for change of use, and how determination of good standings are made. And though we continue to have concerns about how consolidation of water systems are handled, Section 7: Consolidation of Connected Municipal Water Suppliers helps clarify the process and spell out how the quantity of water rights that can be consolidated are determined.

Under Section 8: Transfer/Sale of Inchoate Municipal Water Rights to Another Entity. We agree with the changes on how Ecology determines what water rights are in good standing and eligible for transfer or sale.

U Section 9: Using Municipal Water Rights for Mitigation, we agree with the changes but still have concerns how this could be implicated. We agree with the determination to disallow inchoate portions of municipal water to be transferred for mitigation, but allowing water that is currently being used to be considered for mitigation could cause the situation where the portion they currently using be transferred and then they begin using their inchoate water rights nullifying and benefit to instream flows and fish. More should be

done to tighten the regulations on how municipal water purveyors can use their inchoate rights.

Again, we appreciate the opportunity to provide input on the Draft Municipal Water Law Interpretive and Policy Statement (POL-2030). Feel free to contact me if you have any questions or concerns.

Sincerely,

A handwritten signature in black ink that reads "Trish Rolfe". The signature is written in a cursive, flowing style.

Trish Rolfe
Executive Director