



Connected Community
Enhanced Livability
Environmental Sustainability

June 21, 2024

Austin Melcher
Washington State Department of Ecology
Water Resources Program
P.O. Box 47600
Olympia, WA 98504-7600

Re: Comments on Proposed Revisions to Municipal Water Policy 2030

Dear Mr. Melcher:

The City of Redmond ("Redmond") appreciates the opportunity to provide comments on Ecology's second draft Municipal Water Law Policy 2030 (POL-2030).

Thank you for incorporating several suggestions from Redmond's September 30, 2023, comment letter regarding the first draft. Redmond continues to have concerns about unintended consequences from streamlining certain sections of the existing POL-2030 and eroding flexibility of municipal water rights. Four examples of this include:

- **Section 2: Municipal Water Suppliers and Municipal Water Supply Purposes, Subsection For Governmental and Governmental Proprietary Purposes (page 4).** When considering whether a water right qualifies for a governmental purpose, Ecology should add language that makes it clear that the water right could be changed to municipal water supply purposes under Chapter 90.03 RCW and Chapter 90.44 RCW. While Ecology elaborates on municipal water right changes in Section 9 of draft POL-2030, the policy would be more concise if the following sentence would be added back into the policy: "If a municipal water supplier holds or acquires a water right not for municipal water supply purposes, the purpose of use may be changed to municipal water supply purposes under RCW 90.03.380." See, Page 2 of the existing POL-2030.
- **Section 4: Relinquishment Protection for Municipal Water Right Certificates (page 7).** The addition of language that the water right must be put to beneficial use "once every five years" appears to place an unwarranted restriction on the flexibility of municipal water rights (specifically those portions of water rights intended for future growth). That flexibility was expressly noted by the Court in *Crown West Realty, LLC v. Pollution Control Hearings Bd.*, 7 Wn.

City Hall

PO Box 97010
15670 NE 85th Street
Redmond, WA
98073-9710


App. 2d 710 (2019): “Since 1967, the Washington statutory scheme has treated a water right claimed for municipal water supply purposes as immune from statutory relinquishment...”

- **Section 7: Water System Consolidation of Connected Municipal Water Suppliers (page 10).**

While Redmond does not anticipate a merger with another municipal water supplier, we are concerned with the language Ecology uses in the policy regarding extent and validity determinations for consolidations; specifically, the idea that Ecology evaluates “whether there has been reasonable diligence to grow into any inchoate quantities associated with the municipal water right certificates” when reviewing water right changes for consolidation. Ecology should remove this evaluation criteria as it provides Ecology additional subjective criteria to base potential relinquishment or abandonment determinations upon. Whether a municipality is growing into inchoate quantities of a water right is a planning determination and outside the purview of Ecology.

Thank you again for the opportunity to provide comments on the second draft of POL-2030 and for incorporating some of Redmond’s comments provided for the first draft. We appreciate comments submitted to Ecology by Washington Water Utilities Council (June 14, 2024). We hope there will be additional opportunity for public input.

Sincerely,

DocuSigned by:


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Amanda Balzer, LG
Policy and Planning Manager
Public Works
City of Redmond