

Commentary on 173-219-150 Impairment-related to presentation at 7/22/2009 RAC Meeting.

King County's view on the issue of what "existing" means with regard to impairment of water rights by reclaimed water facilities:

-The approach taken in current language in statute with regard to impairment by agricultural or agricultural industrial reclaimed water facilities-- *existing water rights are downstream from the agricultural processing plant's discharge points existing on July 22, 2001, or from the industrial processing's discharge points existing on June 13, 2002*—should be applied as well to municipal reclaimed water facilities. The appropriate date should be the effective date of the 1997 legislation that established this impairment requirement.

As between the only two options presented to the RAC today, King County would prefer Option 1, as it provides the earliest date for a determination within the reclaimed water project process.

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