

From: [REDACTED]

Sent: Monday, July 09, 2012 11:28 AM

To: Wessel, Ann (ECY); [REDACTED]

Subject: Formal remarks WIRA 18

To the Department of Ecology and interested parties, these are my **Formal Remarks** on WIRA 18. Please include them into the record.

These are my formal remarks regarding the proposed WIRA 18 rule.

1: The objective of the entire project is to reduce water use and protect resources while allowing continued use and development. The easiest way to accomplish this is to have the state purchase the mitigation water, have some entity, ie water bank or PUD to metering and monitoring of use and accept payments from the public for the mitigated water, and lastly do not worry about how the public uses their water. I understand how and why ecology controls water use for irrigation, but once it is set aside for a household to use, that should be the end of control.

2: Define "Change of Use" I cannot believe you would enact a rule without having so important a term defined. Any Scientist knows that adjectives are open to subjective interpretation, that is poor rule making at it's best.

3: Remove Ecology's power to enter private property, leaving this in place opens the State up to Federal law suit. The State legislators should be protecting our property rights, where are you? This provision amounts to a public taking of private property rights, property ownership guarantees quite title rights. It is unimaginable that ecology should be allowed to over ride these rights.

4: Fines end venue - Ecology has a long and positive history of working with people to help them get into compliance before fining them. Please codify fines, # of contacts needed before fining, and make sure that the venue for paying fines, hearings & appeals should be in the County in which the violation occurred.

5: Include Gardens, lawns and some qualified outdoor watering within the definition of Domestic use.

6: It is impossible for someone to prove that an existing water connection does not exist - remove this provision.

7: The public should only have to create a mitigation plan if they are obtaining water without the assistance of the water bank. I thought this was the reason for the creation of the bank. Why have impossible to achieve requirements?

8: Lastly I find the wording, not the intent, of the law to be burdensome, and intrusive on the public. The cost of WIRA 18 and Ecology's intended management scheme are not cost effective, nor do they represent best management practices.

We have all seen what happens with over regulation - many people on water front do not get permits for dock repair or for new Buoy's due to the prohibitive cost and long delays, and relatively low probability of being caught or fined.

This community was founded on independence and self reliance. The irrigation companies have made extensive voluntary reductions by piping the lines. This intrusive rule/law is not in the public's best interest and the cost for the 3.5 CFS to accommodate a total build out and its administrative costs far exceed the benefits. As proposed the rule will increase the likelihood of law suits against the Department of Ecology by this community. The State has already spent MILLIONS on Salmon restoration, reducing irrigation utilization, improving the efficiency of irrigation and on research to substantiate the rule.

It seems to me that if the State could secure 3.5 CFS of water from all of the irrigators in concert then none of the rule, possible suits for takings, etc. would happen along with the burdensome tax payer expense.

Sincerely,

Leland Schwab

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