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Sent: Monday, June 15, 2009 11:48 AM
To: Loranger, Thomas (ECY); Wessel, Ann (ECY); Wiatrak, Phil (ECY)
Cc: Dana Roberts; Ken McMillen ; Wayne King
Subject: PUD's WRIA 17 Water Management Rule Q's for upcoming meeting

Questions For Ecology Prior to Water Management Rule Hearing on June 25

From Bill Graham, Jefferson County PUD#1

1. How can Ecology rationalize the conservation standard for Chimacum when it has done nothing to stop permit exempt wells in the basin in the last 4 years? Ecology has known about the PUD's large inchoate right since before the first draft of the rule and has long-suspected impacts from both new wells and the perfection of the PUD water right. Yet since 2005, Ecology has allowed about 60 new wells in the Chimacum Creek valley, each of which is still currently eligible to use nearly 2.5 times (or in total 150 times!) the entire proposed ground water reservation. Can Ecology/WDFW demonstrate that the onerous Chimacum Creek conservation standard is not been arbitrarily applied?
2. Ecology frequently states that the rule will protect existing rights. Can Ecology say that unequivocally in all cases where instream flows are set? Are there court cases where existing senior water rights have been curtailed at least in part due to instream flow requirements not being met? The Early Winters case comes to mind.
3. Can you guarantee that the PUD's water rights at the Sparling wellsite will never be curtailed based in any way on instream flows not being met in Chimacum Creek?
4. Ecology appears to be fostering the development of small farms on the Quimper and Miller Peninsulas. How specifically will Ecology ensure that the development of these farms will not infringe on the water rights of existing well owners – including the PUD well at Gardiner- who may be impacted by seawater intrusion because of these new farms?
5. Since Ecology is going to restrict the ability for new well owners with building permits to irrigate outdoors in the Chimacum basin, and because Ecology must approve any mitigation plan that will allow outdoor watering, will it help finance the development of a mitigation plan and/or act to acquire water rights in order to return the "right" to outdoor water in Chimacum?
6. Did or would Ecology consider a two tiered conservation standard for Chimacum where valley bottom wells drilled within the first surface water aquifer would be held to the proposed conservation standard and wells drilled in a deeper aquifer or on the valley slopes or ridges would be held to the 500 gpd/outdoor watering permitted conservation standard? Isn't something similar in effect in Walla Walla?
7. Since the reserve is based on a maximum allowable impact to the stream from the withdrawal of groundwater, can the USGS groundwater model be used to increase the number of wells that can be drilled in the basin? Or in other words, can the model be used to deduct a well-specific gpd amount against the reserve that is based on an individual well's modeled stream capture by that well?
8. How does one know if an instream flow is being met if it is based on a frequency of occurrence or exceedence? If a stream is set to a 10% exceedence as some in the basin are, then that means the flow should only be met or exceeded 1 year in 10. How can streams be practically managed if their proposed flow settings are so infrequently met? Logically, this seems impractical. Or are they

considered met if they meet the frequency over the course of many years worth of data? When in fact are instream flows considered to be met?

Thank you in advance for your consideration of my questions. If you have any questions regarding my questions, please email or call.

Thanks again,

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