**COMMENTS TO THE WASHINGTON DEPARTMENT OF ECOLOGY ON PROPOSED CHAPTER 173-517 WAC WATER RESOURCES MANAGEMENT PROGRAM FOR THE QUILCENE-SNOW WATER RESOURCES INVENTORY AREA (WRIA 17)**

My name is Jim Dziuba and I am writing to comment on the proposed rule. I support the Department of Ecology's efforts to improve aquatic stream habitats in WRIA 17, and I am concerned that the proposed rule is based upon inaccurate data, by not acknowledging certain existing residential supply wells in WRIA 17 watersheds.

I own property on Mcinnis Road in Quilcene that is part of a Jefferson County-approved, 5-lot subdivision called Quilcene Heights. This property is within the Donovan Creek watershed and I intend to construct a home on the property in the near future. The subdivision includes an existing shared well, which has been subject to county water system regulation since its construction in 2002 as part of the subdivision development. Subdivision developments often construct a water system before homes are established. The development capability and sales appeal of the property is significantly enhanced through this approach, and represents a significant cost in design, permitting, and construction. The existence of an approved water supply servicing the property was a major factor in my purchasing the lot in 2007.

Based upon communications with Department of Ecology staff, I understand that the proposed rule will not recognize an existing water right for the shared well servicing my property. This position will create substantial and unnecessary hardship for me and for the other property owners of the Quilcene Heights subdivision, as it calls into question the ability to access water from the existing supply system. The shared well has been in existence for seven years, is subject to county regulation, and is approved for service to five residential lots. Ignoring these facts in determining the current water resource demands for the watershed demonstrates that the proposed rule is not based on a valid assessment of existing water supply conditions in the watershed.

As a result of the proposed rule, I and my fellow subdivision land owners will be treated as though our shared well water supply system does not exist, and thus be subject to regulation as a new water supply. Access to our water supply would be controlled by the proposed, nine residence reserve in the Donovan Creek watershed. Aside from the new regulatory oversight and potential inability to use our own well, this situation also results in a likely loss of value for the subdivision parcels, since a substantial portion of their value was based on the current availability of water from the supply system.

*I urge the Department to revise the proposed rule to accurately reflect watershed water supply conditions, and acknowledge the current water demand for all the intended users of an existing shared water supply well, such as in the case of a county-approved subdivision. The proposed rule should not make these shared well users subject to the new water supply permitting regulations, and place future access to their water system at risk, due to use of watershed reserves by others.*

A second concern is related to new department policy in the implementation of the proposed rule. I understand from discussions with staff that the department is planning to modify policy as to what constitutes establishing a senior water right for an existing well. Currently, the filing of a building permit for construction of a residence is accepted as establishing the right, provided a house is constructed in due course. Also, current policy applies the establishment of a water right by any individual shared-well user to all future users. I understand that a proposed new policy will require issuance of an occupancy permit to establish a water right, and that each shared well user must use this mechanism to establish their individual water right.

These changes in long-standing policy do not advance the purpose of the rule, but rather impose an undue complexity and hardship in their implementation. As applied to the situation of the Quilcene Heights subdivision, the factual existence of a shared well that is intended for the supply of five residences is ignored, and the effort of water resource regulation is needlessly complicated. Multiple landowners would need to pursue expensive construction activities now, in order to guarantee access to an existing, permitted water system which is known to the department.

*In this instance of implementation policy, I urge the department to maintain existing policy, and keep a straight-forward, accurate and effective approach to water use planning. The existing policy for establishing a water right via issuance of a building permit and the use of an individual shared well user to establish a right for all users should be maintained.*

Achieving the goal of watershed protection is enhanced when the technical underpinnings of water supply planning are accurate and reflect real-life conditions on the ground. To the extent that the proposed rule and implementing policy do not account for existing conditions in a watershed, such as Donovan Creek, their effectiveness, ease of implementation, public support and acceptable impact on land-owners are not reasonable.

Thank you.