

November 2, 2007

Mr. G. Thomas (Tom) Tebb
Water Resources
Department of Ecology
Central Regional Office
15 West Yakima Avenue, Suite 200
Yakima, Washington 98902-3452

CC: Mr. Jay Manning, Director, Department of Ecology

RE: Aqua Permanente Petition Filed September 2007

Dear Mr. Tebb:

In response to two "listening sessions" hosted by the Department of Ecology in regards to the petition filed by Aqua Permanente requesting a moratorium on the issuance of exempt well permits in Kittitas County, I make the following observations and comments:

1. As a member of the fourth generation of an original Kittitas County/Grant County, Washington State ranching/farming family, I grew up in a household where the topics of water, water rights, water usage, land, land rights, and land usage were common discussion. I am just in the second half-century of my life, but even as a young child I recognized that the day of reckoning would arrive regarding the fact that Eastern Washington's desert would have to bear a multitude of pressures in the form of increased water demand over available supply.

As so serendipitously reported globally in the Associated Press wire release on Friday, October 26, 2007, immediately following the two evenings of "listening sessions" hosted by the DOE, water shortage is a national problem and a world-wide problem. Neither Kittitas County nor any county in Eastern Washington nor any county in Western Washington is exempt from water-demanding stressors.

2. SOLUTIONS:

- a. Increasing water storage: Yes, this is technically possible in Kittitas County and the Yakima River Basin. Upper Kittitas County has three bodies of water that lend themselves to being enlarged through excavation. The off-shoot benefit of such projects means huge volumes of much-needed high-quality aggregate for construction purposes in the Pacific Northwest and an economic benefit to the county in terms of jobs and tax revenue.

b. Ultimately, however, the fact that allocation cannot exceed annual supply cannot be avoided. The civilization of man simply needs to make water upon demand when and where it is needed. Many of the world's water-starved geopolitical entities have been making water for decades, mostly and usually through cheap electricity created by nuclear power plants which is, in turn, used to operate desalination operations or land-based operations using other chemical-reaction technologies.

Succinctly, Washington State, Oregon State, and Idaho State, confronted with the reality of sharing the Columbia River and the Snake River, need to aggressively create the most conducive business environment, politically and legislatively, possible to attract companies to produce abundantly cheap, and cheaper, electricity in our Pacific Northwest region, making it financially plausible and possible to attract companies in the water-making business.

These are infrastructure investments that are prerequisites to continuing any sustainable economics business plan in the State of Washington. We will have continued drought cycles on both sides of the Cascades. These cycles are a matter of historical record, with or without a "global warming" component. We are a growing state in population, being one of the preferred geopolitical entities to live in and do business in. Refusing to ignore the problem of an acute shortage of water is foolhardy.

After listening to two of Kittitas County's elected state officials Thursday evening, State Senator Janae Holmquist and State Representative Judy Warnick, it is my opinion that elected officials are woefully lacking in an understanding that simply postponing the inevitable, e.g., biting the bitter pill of capital investment to build out infrastructure, harnessing leading-edge technologies and state-of-the-art engineering, is economic suicide in the mid-term and long-term, especially in the reality of more people moving into the state and more people and businesses desirous of relocating in a desert landscape in a heavily adjudicated river basin.

In the time that it would take (undoubtedly years and year; Acquavella is over 30 years old) to duke out the pros and cons of creating water storage capabilities by enlarging any one, two, or all three of the Upper Kittitas County lakes, with the underlying caveat that water allocation rules according to water rights still have to be followed, this state would be far wiser to take the path of attracting all means and mechanisms of abundant electricity production. Water PRODUCTION is the solution.

c. Conservation techniques: Yes, by all means, conservation measures need to be continually applied, whether in agriculture practices and in the recycling of waste

water by cities, businesses, and residences. The proactive application of conservation technologies and techniques need to occur simultaneously, without delay. But the only viable solution is water production on demand.

d. Mitigation: I am in receipt of a copy of a letter from Strategic Research to Upper Yakima Tributary water rights holders of this month of October 2007. While the transfer, sale, or leasing of senior water rights is a tool for the immediate term, it is neither a mid-term solution nor a long-term solution. The pie is a fixed diameter, slicing the pie into increasingly smaller increments does NOT solve the problem. This is a zero-sum game approach. Increasing the diameter of the pie, e.g., producing water, is the solution. Of course, this is, in my opinion, completely wishful thinking that a senior waters holder would give up such a valuable asset temporarily, let alone give up such a valuable asset permanently.

BOTTOM LINE: Mitigation, conservation, increasing water storage capacity, and recycling are all useful tools to solve the problem incrementally. Ultimately, however, this postpones the inevitability that there is not enough water annually to meet demand.

3. Finally, I am currently an appointee of the Land Use Advisory Committee of Kittitas County. We have been meeting since September of 2007 and will be doing so through March of 2008. It IS factually correct that there are CURRENTLY well over 6000 tax parcels in RURAL Kittitas County, ranging from 3 acres to 20 acres, and most, if not all, of them are dependent upon an exempt well permit if a residence or business is to be developed at these sites. The number of rural tax parcels is increasing month by month as Kittitas County Board of Commissioners continue to approve land use changes and rezones changes. This proposed human population growth outside of Kittitas County's UGAs puts at risk the impairment of all senior water rights in Kittitas County. This county growth "policy" to encourage human population growth outside of the county's UGAs necessarily meant that the highest elected officials in Kittitas County, all sets of trios, cumulatively over at least the past 7-plus years, assumed that exempt well permits would be issued by the Department of Ecology upon demand in the vacuum of hydrology studies quantifying and qualifying ground-water resources and the hydraulic exchange between surface waters and ground waters. Was this unsound, unsustainable public policy made by a few very misguided, ill-informed, technologically ignorant, macroeconomically/microeconomically naive, elected officials? In my humble opinion, resoundingly, YES!

4. CONCLUSIONS:

a. There should be no exempt well in this state that is unmetered. Those days are gone in my home county of Kittitas and in the State of Washington. All of

mankind shares this most valuable resource, water. My recommendation is that IF any exempt well permit is issued, not only in Kittitas County, but in the whole of Washington State, that well has to be metered and usage rates quantified in every 24-hour period. Concurrently, existing exempt wells need to have a meter affixed to them to perform the same function, quantify water usage.

b. Farmers and ranchers and industrial and commercial users have to quantify AND pay for their water usage. We are at that point in time in which all existing domestic wells must also be quantified. The personal desire to leave urbia/suburbia for the "remote" reaches of Eastern Washington's desert cannot preempt sound water policy that needs now to include water use quantification by EVERYONE EVERYWHERE ALL OF THE TIME. The only fair and democratic way to proactively solve the lack of water is to exempt NO ONE from water usage quantification.

c. Further, This is NOT a political issue and any elected official, pundit, or citizen who attempts or succeeds in making this a political issue is NOT recognizing the dangers of refusing to proactively solve the problem before we are at a crisis stage.

d. Hydrology studies need to be completed for Kittitas County as soon as possible. The most prudent policies for land use are entirely dependent upon knowing where water is and in what quantities and interactions between surface water and ground waters. Whether our state needs to exact payment from the federal government or whether Kittitas County needs to exact payment from the State of Washington for a hydrology study for the "upper" county above the reach of the Columbia Basin Plateau geology is for qualified state elected officials and state employees to discern.

e. The highest elected public officials of Kittitas County have taken a gamble on a residential growth-only economic development business plan for the past several years. No serious planning, let alone execution, at the county level has taken place to create the proper environment (e.g., the TWO most important criteria being properly zoned land for general industrial and addressing the KWh disparity between Kittitas County electricity rates and neighboring counties' electricity rates) to attract infrastructure that creates a sustained economics business future. The house of cards of residential construction fueled by subprime mortgages and speculative land use planning turning land for homes into yet another commodity, just like oil, copper, and pork bellies, is toppling and Kittitas County is especially vulnerable as this county has not created the environment to attract new businesses to employ people to buy this vast inventory of buildable lots in the county. The 6000-plus lots cited by the Aqua Permanente petition do NOT include the thousands of lots available at this moment in time in the City of Ellensburg UGA. The projected growth of Kittitas County for the year 2025 is for an additional

20,000-plus people. If anything, Kittitas County is suffering from a GLUT of buildable housing lot inventory well beyond the projected population growth well into the future. If anything, to support this population growth, Kittitas County necessarily needs to be solving the fact that only so much water can be allocated to this county out of the Yakima River Basin and needs to be figuring out long-term means to produce water to support this aggressive growth. Or else we end up like Atlanta, Georgia, with devastating impairment of our local environment and our local economy.

If the State of Washington Department of Ecology does NOT determine that a temporary moratorium on exempt well permits in Kittitas County is the means to address this untenable situation in this part of the Yakima River Basin, then I fully expect Kittitas County and the rest of the counties of the Yakima River Basin and the State of Washington to immediately take action by other means. I do not want ANY government in the making water business or the making electricity business. The private sector simply needs the proper environment to proactively solve water storage, water conservation, and water creation problems. It is the function of government to define and delineate the best policies to ensure that civilization is served by the most prudent and efficacious investments in infrastructure that are possible.

Respectfully submitted,

Catherine Anne Clerf
Ellensburg, Washington