

When it comes to sensible rural groundwater access for **people**, a staggering contrast of events has occurred between our nation's two **Washingtons'**-- our own beloved **State & Washington D.C.**

Today, access to rural, domestic-use, groundwater across our state is in **chaos**..

Supreme Court rules against rural water wells
www.lyndentribune.com

Sue Lani Madsen: Hirst Decision on well-drilling effectively blocks development throughout the state
THE SPOKESMAN-REVIEW

State Supreme Court Rules Against County Plan
Northwest Cities

Washington Supreme Court water-rights ruling will affect building permits for rural property owners
THE SPOKESMAN-REVIEW

Battle lines drawn in Washington over new wells
THE SPOKESMAN-REVIEW

Whatcom County wants state help for fix on wells issue
NEWS (HTTP://WWW.HERALDNET.COM/NEWS/)

Landmark Hirst Water Rights Decision Increases Burden
Aspect CONSULTING

Whatcom farmers see Hirst decision as opportunity to update outdated water law
Bellingham Herald

County told no easy fix to water decision
http://www.columbian.com/news

Battle lines drawn in Washington over new wells
CHINOOK OBSERVER

Water rights case halts some construction in Washington
The Register-Guard

- "Washington's water laws need upgrading" ...
- "We have an outdated legal system. Our state's water code was enacted in 1917 for surface water and 1945 for groundwater. It was written to address the world in a different century" ...
- "We are at a critical juncture. We're facing many water challenges that threaten our quality of life now and into the future" ...

Each of the above **bullet quotations** represent the state Department of Ecology's exact testimony provided by this agency's current Director, **Ms. Maia Bellon**, before our state's (previously named) "Senate Environment, Water & Energy Legislative Committee on December 7, 2010. Indeed, she *envisioned* our state's water future.

A future consisting of... Contentious ... Legally Challenged ... Water Wars

- Swinomish Indian Tribal Community v. Ecology - 2013 state Supreme Court case #87672-0.
- Foster v. Ecology / City of Yelm / Washington Pollution Control Hearing's Board - 2015 state Supreme Court case #90386-7.
- Hirst / Futurewise / Western Washington Growth Management Hearing's Board v. Whatcom County - 2015 state Supreme Court case #91475-3.
- Fox v. Skagit County / Ecology / Swinomish Indian Tribal Community - 2015 Skagit County Superior Court case #733150-1.
- Bassett / Olympic Resource Protection Council v. Ecology - 2016 Thurston County Superior Court case #14-2-02466-2.

Our state's growing rural populous remains under assault over obsolete water laws and resulting legal actions that apply to less than **1%** of our state's water resources. Meantime... across the country in the **other Washington**, great success prevails.

See details on the reverse side of this page.



Following a December 8, 2016 substantial bi-partisan vote of 360 / 61 in the U.S. House of Representatives -- former President Obama signed the “Water Infrastructure Improvements for the Nation” (WIIN) Act into law on December 16, 2016.

Originally introduced in the 113th Congress last September 18th, an important component of the **WIIN Act** referred to as the “Water Cost Savings Act” was incorporated into the overall **WIIN Act** legislation.

The “Water Cost Savings Act” (Section 2108 of the WIIN Act) contains the following provisions:

(a) Drinking Water Technology Clearinghouse. The Administrator, in consultation with the Secretary of Agriculture, shall --

- (1) develop a technology clearinghouse for information on the cost-effectiveness of innovative and alternative drinking water delivery systems, including **wells** and **well** systems; and
- (2) disseminate such information to the public, to communities and not-for-profit organizations seeking Federal funding for drinking water delivery systems serving 500 or fewer persons.

(b) Water System Assessment. In any application for a grant or loan for the purpose of construction, replacement, or rehabilitation of a drinking water delivery system serving 500 or fewer persons, the funding for which would come from the Federal Government (either directly or through the State), a unit of local government or not-for-profit organization shall self-certify that the unit of local government or organization has considered, as an alternative drinking water supply, drinking water delivery systems sourced by publicly owned (1) **individual wells**; (2) **shared wells**; and (3) **community wells**.

(c) Report To Congress. Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report that describes --

- (1) the use of innovative and alternative drinking water delivery systems described in this section;
- (2) the range of cost savings for communities using innovative and alternative drinking water delivery systems described in this section; and
- (3) the use of drinking water technical assistance programs operated by the Administrator and the Secretary of Agriculture.

Indeed, the other Washington’s adoption of the WIIN Act further separates the Congressional direction taken in Washington D.C., while we remain hamstrung here in Washington State because of severe state Supreme Court rulings, coupled with our State Department of Ecology’s inability to carry out its duties as the designated water steward of our state ... the agency responsible for serving *ALL WATER NEEDS*

RCW 90.54.005 states: “The legislature recognizes the critical importance of providing and securing sufficient water to meet the needs of *people*, farms, and fish.” *Have we??*

RCW 90.54.020 (2) states: “Allocation of waters among potential uses and users shall be based generally on the securing of the maximum net benefits for the *people* of the state.” *Do we??*