

Public Comment for Notice of Public Comment on Technically Approved Draft Drinking Water Facility Plan

I first want to read the email (and including some edits for clarification) that I sent to the Mayor, to Shane Garrison, City Water Consultant, and to Mountain Water Works, and now Merrick, the Consultants who drafted this Draft Facilities Plan, on Feb. 6, 2024, which was soon after the Draft Facilities Plan was first made available to me by the Mayor.

From: Werner Morawitz <wmorawitz@qmail.com>
Sent: Tuesday, February 6, 2024 11:02:44 AM
To: Chris Johnson <cjohnson@bellevueidaho.us>
Cc: Mike Woodworth <mwoodworth@mountainwtr.com>; Shane Garrison <jesusfreakconsulting@gmail.com>
Subject: Re: The Drinking Water Facility Plan

Dear Mr Mayor,

Thank you for sending this link to the Drinking Water Facility Plan, Technical Draft, October 2023 (the Draft). I was out of town last week, but now have had a chance for an initial review, and have some concerns I wanted to share with you.

It seems like things are happening unilaterally here, with this Draft being submitted to and approved by Council, submitted and approved by DEQ, without being shared with me, and without any acknowledgement of my primary concerns. If we're going to cooperate here, I need to be participating throughout the process, and particularly when it matters. Otherwise, it creates mistrust, which is more likely to lead to conflict. That's certainly not the direction I want this to go. As I've communicated to the two preceding City of Bellevue (City) mayors, my intention is to participate and cooperate such that the replacement of the City water infrastructure in Muldoon Canyon is mutually beneficial to the City and the Eedaho Ranch (the Ranch). I believe it can be, and will require some give and take. I hope the City's decision to move forward unilaterally here, without incorporating my feedback or allowing any input into the Draft before submission, will not constrain in any way our ability to work constructively on solutions going forward, and I am asking for your confirmation.

I also wanted to highlight several of my primary concerns with the Plan, which I raised at previous meetings with Mayor Goldman, Mike Woodworth of Mountain Waterworks, and Shane Garrison (to be specific: one meeting with all parties on February 17, 2023).

1) Ranch's Full Protection Against Water Loss Before Considering Moving City Water Collection Points on Ranch:

Before considering any modifications to the water collection points utilized by the City on Ranch property, the Ranch must be fully protected against any benefits to the City's water collection system having adverse impact on water available to the Ranch, and to the surrounding Ranch landscape. I voiced this concern, and my strong preference to pursue keeping the collection system on the north side of Muldoon Canyon Rd, versus moving the water collection system up canyon, and directly upstream of the Ranch's water-source, on Ranch property. The Draft shows this as "Potential Spring Collection Area" (p. 44). (The City cannot move its diversion in a way that causes injury to my or any other water rights. But it appears that moving the diversion immediately above our diversion will directly injure the Ranch's water rights.)

2) Capacity Not Increased:

(There are long-standing legal agreements between the City and the Ranch that specify the route and capacity of the City's pipeline). The capacity of the City transmission pipeline and collection system should not be increased from prior agreements. The current transmission system I believe consists of 10" to 8" outside diameter pipe, and has the capacity to deliver in excess of the City's full water right, corroborated by City records provided to me by the Watermaster. The Draft, for example, specifies 16" HDPE pipe for the transmission line (p. 47). Mike had clarified in our meeting, that HDPE pipe is thicker, but I believe the inner dimension, which impacts transport capacity of this pipe, which is what I care about, is larger than existing, and larger than what is specified in previous agreements, (and larger than necessary for the City's water rights).

3) Minimize Environmental and Sensory Impact:

The above-ground natural aesthetics, environmental health of the land and waters, and their use by the Ranch, would be preserved or enhanced. My understanding is the Draft calls for all existing above-ground visible structures to be removed, and that all replacement infrastructure, with the exception of a chlorination facility, will be underground, which is very

important to the Ranch. The question of the chlorination facility, where it would sit, what it and any associated infrastructure would consist of, its size, appearance or any other sensory impact, any chlorine or chemical release into land or waters, will be of primary concern if it's requested to be located on Ranch property. I again emphasize that I would like to be kept up-to-date so I can participate in this deliberation to achieve the best outcome.

4) Access to Accurate Data:

An important detail, which Mayor Goldman and Shane had originally proposed, and which I appreciate, is that the Ranch would have unrestricted access to accurate and complete flow-meter data from the City collection system at point(s) of diversion on Ranch property. I can understand if the Draft was not intended to go into this level of detail at this point. My expectation is that digital flow-meters would be installed that meet the Watermaster's highest standards and best practices for accuracy, and ongoing calibration.

These concerns are important enough that the expectation should be that the Ranch will not agree to any additional easements or other concessions associated with the water line or spring intakes on Ranch property until they have been resolved. I hope you will agree they are reasonable and understandable.

I also hope you are in agreement about working together cooperatively, rather than a strategy of moving forward and trying to patch things up later. To facilitate being kept up to date, it would be helpful if I had the City's contact at DEQ as well - could you please provide? I would love to meet at your earliest convenience to discuss where the City stands on these fundamental concerns I've raised, the next steps for the City in this process, and anything else you suggest.

Thanks for your consideration.

Sincerely,

Werner Morawitz
Eedaho Ranch

Since that Feb 6, 2024 letter, approx. 7 months ago:

- 1) The Mayor and consultants have acknowledged my concerns, and have appeared amenable to them, but have not addressed them. The Mayor has reiterated to me his intent going forward is:
 - a) for full transparency
 - b) to include me in the scheduling and participation in all springs and transmission-line related engineering meetings with consultants, and
 - c) to make all relevant flow and engineering data available to me

The Mayor's words are a significant positive, and keeps me committed to looking for win/win solutions to benefit the Ranch, the City, and my community. I think this is definitely the best path for all parties involved, and this remains certainly my preferred path.

However, on the negative side, any progress has been slow, non-existent, or moving in the wrong direction, and this challenges my commitment:

For example, the only progress that has been made on the concerns in my letter above is on #4- Access to Accurate Data. The first instruments at the springs have been installed and in place for about 1 year now, and have since been upgraded, but despite expectations that flow data would be available months ago, I have yet to see any consistent, accurate flow measurements at the springs, or at the collection tanks. I know the Mayor is actively working on getting in-house manpower and expertise in place for more productive results, but the progress toward receiving accurate data has been frustratingly slow.

There has been no progress made on any of the other concerns. Instead, Merrick, so far, is actively pushing to start work without addressing my Concern #1 - Moving the Water Collection Points. There have been two additional proposals from Merrick sent to me and the City in the last month, focused on moving forward with hydrogeologic studies in the new area of the ranch directly upstream of our source of water, and I have repeated again my position above. The Draft, and first proposal, don't even propose exploring any locations on the north side of the Road, and the second revised proposal added one boring to the North, but is still focused to the South of the Road, suggesting that my concerns about the location of the City's diversion are not being taken seriously.

I want to emphasize, the plan as it stands, requires access to, and ultimately easements on, the Ranch, to carry out the plan - so working with the Ranch is imperative or the plan won't go anywhere.

Thank you for your time.

Werner Morawitz
Eedaho Ranch

