

February 26, 1998

Introduced By:

KENT PULLEN

ko

Proposed No.:

98-176

ORDINANCE NO. **13146**

AN ORDINANCE approving the Covington Water District Comprehensive Plan, February 1994 (revised November 1994), and amending Ordinance 12544, Attachment A.

PREAMBLE:

On December 13, 1996, in Ordinance 12544, the King County council conditionally approved the February 1994 (Revised November 1994) Covington Water District Comprehensive Plan, subject to the following conditions:

- (1) That the Covington Water District participate in a joint planning process pursuant to King County Comprehensive Plan Policy I-213. The joint planning process shall be administered by the King County Department of Natural Resources and shall include participation by the State Departments of Ecology and Health, a representation from the Governor's office, a representative from the State Legislature, the Muckleshoot Indian Tribe, representative(s) of the South King County Regional Water Association (SKCRWA), including representatives from the Soos Creek Water and Sewer District and the City of Auburn Water District, representative(s) of the development community affected by the moratorium, representative(s) of area residents, and the cities of Tacoma and Seattle. The result of this joint planning effort shall be a report on the existing and projected deficiencies and a schedule (or timeline) for resolving them.
- (2) That by January 31, 1997, a list of participants and schedule of meetings be provided to the Metropolitan King County Council by the Department of Natural Resources.
- (3) That by June 30, 1997, the final report be transmitted to the Metropolitan County Council by the Department of Natural Resources.

1 (4) That the Covington Water District Comprehensive Water System Plan,  
2 February 1994 (Revised November 1994), as revised, be submitted to the  
3 Council for final approval following completion of the joint planning report, but  
4 no later than January 31, 1998.  
5

6 Each of the required reports has been provided to the King County  
7 council prior to the date required. With delivery of the revised water  
8 system plan on January 27, 1998, the district has met all of the  
9 conditions imposed.  
10

11 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

12 SECTION 1. The Covington Water District Comprehensive Water System Plan,  
13 February 1994 (Revised November 1994), noted as Attachment A to Ordinance 12544, is  
14 hereby approved.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18

SECTION 2. Attachment A to Ordinance 12544 is amended to include attachment

A to this ordinance.

INTRODUCED AND READ for the first time this 9<sup>th</sup> day of

March, 1998.

PASSED by a vote of 8 to 0 this 11<sup>th</sup> day of May,

1998.

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

Louise Miller  
Chair

ATTEST:

Zuevas  
Clerk of the Council

APPROVED this 21 day of May, 1998

[Signature]  
King County Executive

Attachment: Covington Water District Comprehensive Water System Plan Final Submittal, dated January 1998.

13146



**COVINGTON WATER DISTRICT  
COMPREHENSIVE WATER SYSTEM PLAN**

**FINAL SUBMITTAL JANUARY 1998**

Prepared by  
**HAMMOND, COLLIER & WADE - LIVINGSTONE ASSOCIATES, INC.**  
4010 Stone Way North, Suite 300  
Seattle, Washington 98103-8090  
(206) 632-2664

13146

COVINGTON WATER DISTRICT  
1994 COMPREHENSIVE WATER SYSTEM PLAN

FINAL SUBMITTAL  
JANUARY 1998

This document was prepared under the supervision and direction of the undersigned, whose seal as professional engineers licensed to practice are affixed below.

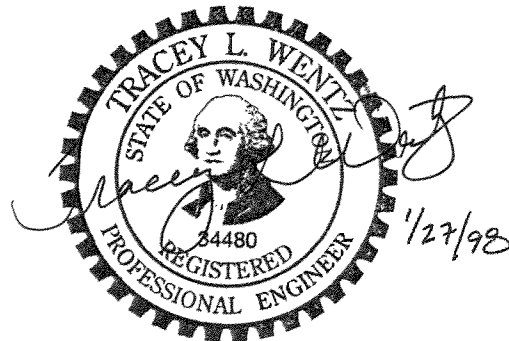
This document was prepared as a clarification to certain aspects of the Comprehensive Water System Plan, and does not change the findings contained within the Plan. This document shall be included in Appendix K of the Plan.

HAMMOND, COLLIER & WADE LIVINGSTONE ASSOCIATES, INC.



EXPIRES: 3/20 / 99

Bruce Livingstone, P.E.  
Project Manager



EXPIRES: 7 / 25 / 98

Tracey Wentz, P.E.  
Project Engineer

**COVINGTON WATER DISTRICT  
1994 COMPREHENSIVE WATER SYSTEM PLAN  
FINAL SUBMITTAL  
January 1998**

## **INTRODUCTION**

Covington Water District has completed a Comprehensive Water System Plan (1994) as required by State law. The Water System Plan (WSP) was prepared in accordance with the State Department of Health Drinking Water Regulations (WAC 246-290), the requirements of King County, and the State's Public Water System Coordination Act of 1977 (RCW 70.116).

Covington Water District's WSP was approved by the State Department of Health on January 14, 1997, (see Attachment A). The WSP was conditionally approved by the King County Council with Ordinance No. 12544 (see Attachment B), after review by the Utilities Technical Review Committee (UTRC), the Utilities and Natural Resource Committee, and by the Growth Management, Housing and Environment Committee. Due to concerns over the District's moratorium on new connections, the County Council also directed the King County Department of Natural Resources to commence a Joint Planning Project.

The purpose of this submittal is to demonstrate that the District has fully complied with the Ordinance that conditionally approved the WSP, and to submit the WSP to the Council for final, unconditional approval.

## **BACKGROUND AND HISTORY OF EVENTS IN 1997**

### County Council's Conditional Approval of WSP

On December 2, 1996, the King County Council conditionally approved Covington Water District's WSP subject to the conditions that are listed below. Also below is a description of how each condition has been met by Covington Water District.

1) CWD participate in a joint planning process pursuant to King County Comprehensive Plan Policy I-213. The result of this planning effort shall be a report on the existing and projected deficiencies and a schedule (or timeline) for resolving them.

Covington Water District - Water System Plan

January 1998

Page Two

Covington Water District participated in the joint planning process administrated by King County Department of Natural Resources, and cooperated in the preparation of the Final Report for the Covington Water District Joint Planning Process.

2) A list of Participants and schedule of meetings be provided to the Metropolitan King Council by the King County Department of Natural Resources by January 31, 1997.

A memo to the Honorable Jane Hague dated January 31, 1997, (see Attachment C) named the anticipated participants of the Covington Joint Planning Project and listed all those who had been invited to participate.

3) By June 30, 1997, the final report shall be transmitted to the Metropolitan King County Council by King County Department of Natural Resources.

On June 24, 1997, the Final Report for the Covington Joint Planning Project was transmitted to the Honorable Jane Hague. The report outlined the history of the District's moratorium, the need for the moratorium, updated population projections, and reiterated potential solutions for water supply.

4) The CWD Comprehensive Water System Plan, as revised, shall be submitted to the Council for final approval following completion of the joint planning report, but no later than January 31, 1998.

This document constitutes the submittal of the Covington Water District 1994 Water System Plan, as revised in November 1994 and edited in April 1996.

## Comprehensive Water System Plan

The text, data, and the District's approach for serving its customers that are included in the District's 1994 WSP have not changed. Specifically, the District's anticipated future water supplies and its water

Covington Water District - Water System Plan

January 1998

Page Three

supply approach are accurately reflected in the 1994 WSP. The water supply strategy is also reiterated in the Joint Planning Project Final Report.

The District's planned future water supplies, as stated in the WSP continue to include:

- Conservation and improved operational efficiency of the existing system
- City of Auburn (with backup from Cedar River Water & Sewer District/Seattle Public Utilities)
- City of Tacoma Second Supply Pipeline (A revision to the 1985 Conceptual Agreement was approved by the Covington Water District Board of Commissioners on 12/17/97)

The District will also continue to explore any potential and reasonable sources of supply, including:

- Additional groundwater
- Additional interties and joint projects with neighboring purveyors
- East King County Regional Water Association's North Bend Aquifer Project
- Cascade Water Alliance (being formed by the Interim Water Group)
- Alternative source technologies

As can be expected, some changes in land use or service area may occur and will be addressed in Amendments to the WSP when required. One anticipated change is a pending merger requested by King County Water District No. 94. Water District No. 94 is a public water district that is surrounded on all sides by Covington Water District. Furthermore, Water District No. 94 currently serves an area that is entirely within Covington Water District's Coordinated Water System Planning Boundary. Service to the area through a merger would be consistent with the District's Planning Boundary and with District policy.

The District is also affected by the incorporation of the Cities of Maple Valley and Covington, and by the annexation of the Lake Sawyer area to the City of Black Diamond. Although these changes may affect future land use, the District will continue to forecast future water supply requirements based upon land use designations as established by the County and by the Cities. Furthermore, water service to these areas will continue to be consistent with the Coordinated Water System Plan, GMA,



Covington Water District - Water System Plan

January 1998

Page Four

and with District policy. Overall, impacts are contemplated to be relatively minor in terms of water service delivery to these areas of the District.

#### Back-up Supply from Cedar River Water & Sewer District

Covington Water District has entered into an agreement with Cedar River Water & Sewer District whereby Cedar River will provide emergency back-up supply to CWD in the event of interruption of the Auburn Supply. The Agreement has been supported by the City of Seattle and purveyors representing a majority of the water served by Seattle Public Utilities. The Agreement, which is an Amendment to an existing intertie agreement between the two Districts, is contained in Attachment D.

#### Moratorium Lifted

With the assurance of back-up supply from Cedar River, the Covington Water District Board of Commissioners terminated the moratorium by approving Resolution No. 1912 (see Attachment E) on October 1, 1997. Resolution 1912 also establishes priorities and conditions for the allocation of the District's limited supply. The District is coordinating and cooperating with the Cities of Maple Valley, Covington, and Black Diamond to distribute the connection allocations in accordance with zoning and land use policies of the respective cities. The District also established an emergency reserve of connections with Resolution No. 1913 on November 19, 1997, (see Attachment F).

#### **SUMMARY**

While it has secured a supply that will serve approximately 2,000 Equivalent Residential Units, the District will continue to pursue additional sources of supply as outlined in the WSP. The District will also continue to work with neighboring purveyors in an attempt to resolve the regional issues of long term water supply.

With this submittal, Covington Water District has complied with State law for the preparation of the WSP and has fulfilled the requirements of the County's conditional approval of the WSP.

## ATTACHMENTS

- Attachment A Washington State Department of Health Approval
- Attachment B King County Ordinance No. 12544
- Attachment C List of Attendees and Invitees for the Covington Joint Planning Project
- Attachment D Amendment #2 to the Joint Agreement between Covington Water District  
and Cedar River Water And Sewer District
- Attachment E Covington Water District Resolution No. 1912
- Attachment F Covington Water District Resolution No. 1913



STATE OF WASHINGTON  
DEPARTMENT OF HEALTH

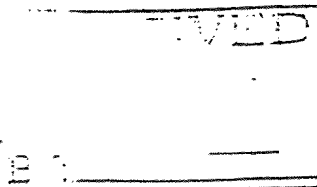
1511 Third Ave., Suite 719 • Seattle, Washington 98101-1632

13146

January 14, 1997

COVINGTON WATER DISTRICT  
JUDY NELSON GENERAL MANAGER  
18631 SE 300TH PL  
KENT WA 98042

Subject: King County  
Covington Water District  
1994 Water System Plan



Dear Ms. Nelson:

The Covington Water District Water System Plan and its February 1994 Supplement, received in this office on September 15, 1994, with revisions submitted on May 6, 1996 and July 3, 1996, has been reviewed and in accordance with the provisions of WAC 246-290 is hereby APPROVED.

The water system plan has been developed as an educational tool to assist the purveyor with water system management decisions. The plan combines elements of engineering design together with policies and procedures for operating, maintaining and managing a public water system.

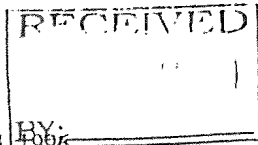
Approval of this water system plan acknowledges that the technical and planning elements contained in the plan comply with the minimum requirements of the State's Drinking Water Program. This approval does not endorse any specific improvement, policy, and/or procedure, as there may be other alternatives which also meet departmental requirements. This approval does not extend to those elements of the plan that are beyond the regulatory authority of this Department.

Approval of this plan is granted through January 14, 2003, and is valid as it relates to current standards outlined in WAC 246-290, revised July 1994. Future revisions in the rules may be more stringent and require facility modifications or corrective action. Approval of the update of this water system plan is required on or before January 14, 2003.

Standard material and construction specifications for water main extensions within the utility's designated service area have been approved as a part of the water system plan. With this approval, and consistent with WAC 246-290-120 (e), the Covington Water District may proceed with the installation of distribution main extensions subject to:

WAC 246-290-120(e)(ii)-

The purveyor provides documentation to the department that a professional engineer registered in Washington, certified the construction and that said construction complied with the standard specifications found in the current department-approved water system plan; and



13146

December 3, 1996

BY:

Introduced By:

Jane Hague

jym clerk

Proposed No.:

96-518

ORDINANCE NO. 12544

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42

AN ORDINANCE conditionally approving the Covington Water District Comprehensive Plan, February 1994 (Revised November 1994).

PREAMBLE:

K.C.C. 13.24 requires approval of comprehensive plans for water purveyors as a prerequisite to the granting of right-of-way franchises and approval of right-of-way construction permits.

The Covington Water District issued a Determination of Significance and a Notice of Adoption of Existing Environmental Impact Statement and Notice of Issuance of Addendum for the plan in accordance with the State Environmental Policy Act on February 23, 1995.

The Covington Water District Plan, February 1994 (Revised November 1994) was approved by the Covington Water District on March 2, 1994.

In April 1994 the Covington Water District imposed a moratorium on issuance of water availability letters for new subdivisions.

On February 15, 1995, the Covington Water District declared a moratorium on new water connections and certificates of water availability.

Approximately 20% of the Covington Water District service area is designated for urban uses in the King County Comprehensive Plan.

The urban portion of the Covington Water District service area has been targeted for growth in the King County Comprehensive Plan. This area has been identified as necessary to support the population and employment growth expected through the year 2012.

Imposition of a water moratorium inhibits the ability of this area to accommodate the growth projected for it and impedes realization of the King County Comprehensive Plan.

On May 22, 1996 the King County Utilities and Technical Review Committee met to consider the plan and finding it consistent with K.C.C. 13.24 recommended approval.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30

SECTION 1. The Covington Water District Comprehensive Water System Plan, February 1994 (Revised November 1994), as presented in Attachment A, is hereby conditionally approved, subject to the following conditions:

(1) That the Covington Water District participate in a joint planning process pursuant to King County Comprehensive Plan Policy I-213. The joint planning process shall be administered by the King County Department of Natural Resources and shall include participation by the State Departments of Ecology and Health, a representation from the Governor's office, a representative from the State Legislature, the Muckleshoot Indian Tribe, representative(s) of the South King County Regional Water Association (SKCRWA), including representatives from the Soos Creek Water and Sewer District and the City of Auburn Water District, representative(s) of the development community affected by the moratorium, representative(s) of area residents, and the cities of Tacoma and Seattle.

The result of this joint planning effort shall be a report on the existing and projected deficiencies and a schedule (or timeline) for resolving them.

(2) That by January 31, 1997, a list of participants and schedule of meetings be provided to the Metropolitan King County Council by the Department of Natural Resources.

(3) That by June 30, 1997, the final report be transmitted to the Metropolitan County Council by the Department of Natural Resources.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21

(4) That the Covington Water District Comprehensive Water System Plan,  
February 1994 (Revised November 1994), as revised, be submitted to the Council for final  
approval following completion of the joint planning report, but no later than January 31,  
1998.

13146

INTRODUCED AND READ for the first time this 1<sup>st</sup> day of  
July, 1996.

PASSED by a vote of 10 to 0 this 2<sup>nd</sup> day of December  
1996.

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

Ronnie Miller  
VICE Chair

ATTEST:

Ronald G. Peters  
Clerk of the Council

APPROVED this 13<sup>th</sup> day of December, 1996.

Andy Loh  
King County Executive

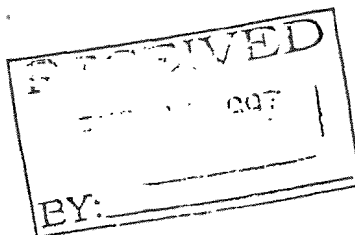
Attachments:

- A. The Covington Water District Comprehensive Water System Plan, February 1994  
(Revised November 1994).



13146

King County  
 Water and Land Resources Division  
 Department of Natural Resources  
 700 Fifth Avenue, Suite 2200  
 Seattle, WA 98104  
 (206) 296-6519  
 (206) 296-0192 FAX



January 31, 1997

TO: The Honorable Jane Hague, Chair, King County Council

VIA: *Pam Bissonnette*  
 Pam Bissonnette, Director, Department of Natural Resources

FM: *Debbie Arima*  
 Debbie Arima, Acting Manager, Water and Land Resources Division

RE: Covington Joint Planning Project

The King County Council conditionally approved the Covington Water District Comprehensive Plan on December 2, 1996 provided that the King County Department of Natural Resources (DNR) undertake a joint planning effort. In Ordinance No. 12544, the Council has directed the DNR to meet with interested parties to report on the existing and projected deficiencies, and to prepare a schedule, or timeline for resolving them. The Ordinance identifies ten entities to be involved in the process including representatives from state and city agencies, tribes, developers, citizens, and special purpose districts. The Council has directed the DNR to provide a list of participants by the end of January 1997 and a completed report by the end of June 1997.

This correspondence includes a list of those individuals who have agreed to participate on the Covington Joint Planning Project. Twenty two letters were sent to individuals and agencies requesting their participation. It is expected that a few additional participants will be added before our first meeting in February 1997. The persons who have agreed to participate on the project to date include:

<u>Name</u>	<u>Agency</u>
Larry Bradbury	Water District 111
Frank Currie	City Auburn
Holly Coccoli	Muckleshoot Indian Tribe
William Finkbeiner	Finkbeiner Development, Inc.
Bob James	Washington State Department of Health
Janet Jorg	Washington State Department of Ecology
Steve Moddemeyer	Seattle Public Utilities
Judith Nelson	Covington Water District
Rob Purser	Stafford Homes, Inc.
Ron Speer	Soos Creek Water and Sewer District
Don Wright	South King County Regional Water Assoc.



The Honorable Jane Hague

January 31, 1997

Page 2

13146

The South King County Regional Water Association and Covington staff have requested that the City of Kent and the Cedar River Water & Sewer District be added to the list of invitees. Letters of invitation have been sent to these additional agencies, though we have not yet received confirmation of their intent to participate. Also, the Governor's Office has yet to be contacted for participation in the planning process. Once a contact person has been identified, the Governor's Office will be appraised of the Joint Planning Project progress. A complete mailing list of the invitees is attached to this letter.

Please call either Pam Bissonette, Director of the Department of Natural Resources, at 296-6500 or Mark Isaacson, Water Supply Policy Analyst, at 296-8369 if you have any questions.

PB:DA:km

Enclosure

cc: Judith Nelson, General Manager, Covington Water District  
Jeanné Keenan, Legislative Aide, Metropolitan King County Council  
Tom Koney, Legislative Aide, Metropolitan King County Council  
Bill Eckel, Supervisor, Regional Water Resources Services  
ATTN: Mark Isaacson, Water Supply Policy Analyst



Ron	Anderson		Century 21 Real Estate	26650 SE Maple Valley Highway	Maple Valley, WA 98038
Larry	Bradbury	District Manager	Water District #111 of King County	27224 144th Ave. SE	Kent, WA 98042
Jack	Cairnes	Representative	47th Legislative District	430 John L. O'Brien Building	Olympia, WA 98504-0600
Holly	Coccoli		Muckleshoot Indian Tribe	39015 - 172nd Avenue SE	Auburn, WA 98002
Suzette	Cooke	Representative	47th Legislative District	429 John L. O'Brien Building	Olympia, WA 98504-0600
Frank	Currie	Director of Public Works	City of Auburn	25 West Main Street	Auburn, WA 98001
Phillip	Dyer	Representative	5 <sup>th</sup> Legislative District	337 John L. O'Brien Building	Olympia, WA 98504-0600
Dave	Fields	Chair	Greater Maple Valley Area Council	P.O. Box 101	Maple Valley, WA 98038
William	Finkbeiner		Finkbeiner Development, Inc.	12011 Bel-Red Road #206	Bellevue, WA 98005
Diana	Gale	Superintendent	Seattle Water	700 Second Avenue, 10th Floor	Seattle, WA 98104
Ray	Hellwig	Supervisor SHWR	Washington State Dept. of Ecology	3190 160th Avenue SE	Bellevue, WA 98008-5452
Jan	Illian	Administrative Manager	Cedar River Water & Sewer District	18300 SE Lake Youngs Road	Renton, WA 98058
Robert E.	James	Regional Engineer	Washington State Dept. of Health	1511 3rd Avenue, Suite 719	Seattle, WA 98101
Jeanne	Keanan	Legislative Aide	Metropolitan King County Council	Mail Stop 12C	
Bob	McElroy		Tacoma-Pierce County Health Department	3629 South D	Tacoma, WA 98408
Judith	Nelson	General Manager	Covington Water District	18631 SE 300th Place	Kent, WA 98042
Curt	Porter	Chair	Covington Community Council	17601 SE 272nd	Covington, WA 98042
Rob	Purser		Stafford Homes, Inc.	16016 118th Pl. NE	Bothell, WA 98011
Bill	Reams	Chair	Gov't Reform & Land Use Committee	402 Legislative Building	Olympia, WA 98504-0600

Eric	Robertson	Representative	31 <sup>st</sup> Legislative District	2355 Griffin Ave., Suite G	Enumclaw, WA 98022
Don	Speer	District Manager	Soos Creek Water & Sewer District	P.O. Box 58039	Renton, WA 98058-1039
Leslie S.	Thomas	Representative	31st Legislative District	401 John L. O'Brien Building	Olympia, WA 98504-0600
Don	Wickstrom	Director of Public Works	City of Kent	220 4th Avenue South	Kent, WA 98032
Don	Wright	South King County Regional Water Assn.	27224 144th Avenue SE	Kent, WA 98042	

13146

1 of 2

AMENDMENT NO. II TO:  
 AGREEMENT FOR JOINT OWNERSHIP, CONSTRUCTION AND  
 OPERATION OF WATER STORAGE AND TRANSMISSION FACILITIES

BETWEEN: CEDAR RIVER WATER AND SEWER DISTRICT AND  
 COVINGTON WATER DISTRICT

This is the second Amendment to the "Agreement for Joint Ownership, Construction and Operation of Water Storage and Transmission Facilities" between Cedar River Water and Sewer District (Cedar River) and Covington Water District (Covington) signed November 7, 1990, by Covington, and December 4, 1990, by Cedar River, and hereinafter referred to as the Joint Agreement. This Amendment No. II is effective June 4, 1997. The purpose of the Amendment is to set forth the terms and conditions for Cedar River to provide 1.5 MGD back-up water supply to Covington's agreement for water supply from Auburn.

R E C I T A L S:

A. Covington's water supply from Auburn (Auburn Supply) is provided for under Interlocal Agreement #2 (IA #2), between Auburn, Covington and Water District #111; Interlocal Agreement #1 (IA #1) between Auburn and Water District #111; and the Interlocal Agreement (Interlocal) between Water District #111 and Covington related to the 50/50 split of costs and water available under IA #1.

B. Covington has requested permission from Cedar River to purchase 1.5 MGD as a back up to the Auburn Supply;

C. Covington has been in full moratorium on new water service connections since February 15, 1995;

D. Covington has entered into the Interlocal between Water District #111 (WD #111) and Covington:

- (1) which provides for a 50/50 split of the cost of the facilities constructed in 1996, outside the Auburn service area under IA #1 between Auburn and WD #111; and
- (2) said facilities have the capacity to deliver 5 MGD total to WD #111 and Covington; and
- (3) which provides for a 50/50 split of the supply

of water that Auburn can deliver to the intertie under IA #1 between Auburn and WD #111, after Auburn meets its user demand on Lea Hill; and

- (4) before the construction of the facilities in IA #2 within the Auburn service area, the supply delivered to the intertie will be less than 5 MGD to be split equally; and
- (5) said supply share to Covington will be between 200,000 GPD and 600,000 GPD; and
- (6) said supply will be interruptible per IA #1.

E. Covington has entered into IA #2 between Auburn, WD #111 and Covington;

- (1) to construct facilities within Auburn's service area that will have the capacity to deliver 5 MGD to the intertie; and
- (2) which will provide for a supply of water equivalent to 2.5 MGD for each district, total 5 MGD, but
- (3) said supply will be interruptible until Auburn obtains an additional new-water right for 7 MGD, at which time the 2.5 MGD supply to each district, total 5 MGD to the two districts will be firm, and the two districts will have parity with Auburn direct users; and
- (4) IA #2 facilities are scheduled for completion in 1998.

F. Cedar River has agreed to enter into an agreement to provide back-up water supply for Covington to supplement its share of water from Auburn through IA #1 and IA #2, with said back-up supply equivalent to 600,000 GPD until completion of IA #2 facilities when the back-up supply increases to 1.5 MGD.

G. This Amendment is subject to the approval of the City of Seattle (Seattle). Seattle's approval is conditioned upon a certain minimum number of the 28 cities and special purpose districts which purchase water from Seattle, entering into a Hold Harmless and Indemnification Agreement with Seattle. When approved by Seattle, Cedar River may pump water to Covington under the terms of this Amendment pursuant to Seattle's Water Rights Claim.

H. The provisions of this Amendment are intended to be additional to the Joint Agreement.

DEFINITIONS:

**BACK-UP SUPPLY:** For the purposes of this Amendment, the back-up supply (Back-Up Supply) from Cedar River to Covington is defined as an emergency supply:

(1) to be available upon Seattle's issuance of written consent to this Amendment; and

(2) to be used only when the Auburn supply to Covington under IA #1 or IA #2 is interrupted.

**1.5 MGD:** Notwithstanding the foregoing, for the purposes of this Amendment, the Back-Up Supply from Cedar River to Covington:

(1) will not exceed an average of 600,000 GPD until the IA #2 facilities are completed and on line; and

(2) will not exceed an average of 1.5 MGD after the IA #2 facilities are completed and on line and continuing until this Amendment expires.

Now, therefore,

IN CONSIDERATION of mutual covenants herein provided, the parties agree as follows:

1.0 Agreement to Sell. Cedar River agrees to sell to Covington 1.5 MGD as Back-Up Supply to Covington's Auburn Supply. The water sold pursuant to this Amendment will be delivered through one or more of the existing interties between Cedar River and Covington (East Intertie - on State Route 169 at approximately Southeast 256th Street, Central Intertie - on Witte Road at approximately 248th or West Intertie - on 196th Avenue Southeast at approximately 236th Street).

2.0 Pricing. Section 6.1 of the Joint Agreement is hereby amended and restated in part as follows:

2.1 Sale of Water by Cedar River. Cedar River agrees to sell potable water to Covington through existing interties between the parties subject to the following conditions, terms and limitations:

A. Conditions. (unchanged).

B. Terms:

(1) Price. The price of each 100 cubic feet

of water sold during any period of time shall be the highest marginal rate charged by Seattle to Cedar River during such period including Seattle's "demand" charges attributable to sales of water to Covington.

(2) Quantity. The quantity of water sold is subject to any quantity restrictions which may be imposed by Seattle and the terms of this agreement, as amended.

C. Limitations. (unchanged).

Section 6.2 is hereby amended by striking the words "to the East Area" in the fourth and fifth lines of Section B.

Section 6.7 is hereby amended and restated in its entirety as follows:

6.7 Term/Revision. The term of this Section 6 shall commence upon the date hereof and shall expire upon December 31, 2011. Such term may be renewed in such increments and on such terms as the parties may agree. The parties agree to negotiate in good faith prior to the end of the term in order to accomplish such renewal.

3.0 Pumping Facilities. Cedar River shall install an additional pump, with controller, upgrades to three phase power and telemetry at its Central Area pump station for the purpose of implementing the Back-Up Supply. These facilities will remain as Cedar River's sole property. Covington will reimburse all costs of design, engineering, equipment purchases and installation and shall pay all reasonable charges for maintenance and operation of the pump, controller, telemetry and appurtenances. Cedar River agrees to maintain such facilities in a manner consistent with municipal water purveyor industry standards.

4.0 Moratorium Lifted. Covington agrees that the current moratorium on new connections will be lifted within 60 days after the Back-Up Supply is available to Covington. Covington agrees that the Back-Up Supply will be allocated to new connections over no less than a five-year period, and that Covington will not go into another moratorium within such five (5) year period. Nothing contained herein shall be construed to limit Covington's ability to prioritize, or to otherwise set lawful conditions to service as may be necessary to ensure the public's health and safety is protected and that its scarce water resource will be adequate to meet the next five (5) years' demand.

5.0 Limitations on Service. Covington agrees that the Back-Up Supply will be used within the Covington current and future

service area, which area was identified in the South King County Coordinated Water System Plan.

6.0 Conservation and Curtailment. Covington agrees to continue its commitment to conservation and its participation in the Water Conservation Coalition of Puget Sound, to ensure that its conservation approach is coordinated with the region and consistent with Cedar River. Covington shall meet or exceed all requirements placed on Cedar River by Seattle.

7.0 Term. This Amendment shall become effective upon written approval by Seattle. This Amendment shall terminate on the earlier of December 31, 2011, upon Covington receiving firm (uninterruptible) water under the terms of IA #2; upon the termination of IA #1 and IA #2, upon Covington obtaining sufficient ground water withdrawal rights to serve its entire service area, or upon the formation of the Cascade Water Alliance and the assumption by the Alliance of Seattle's position under the Purveyor contract between Seattle and Cedar River. The termination of this Amendment shall not affect the validity of the Joint Agreement on that certain Interlocal Agreement of even date pertaining to the installation of an intertie and water main on 196th Avenue Southeast.

8.0 Assignment. This Amendment shall be binding upon and inure to the benefit of all successors or assigns.

9.0 Release and Indemnification. Cedar River and Covington agree to release, indemnify and hold Seattle harmless pursuant to the terms of the Amendment for those purposes between Seattle and the Purveyors. Covington hereby agrees to release and discharge Cedar River from all claims resulting from directives issued by Seattle to Cedar River to curtail or discontinue water service hereunder.

10.0 Effect on Underlying Agreement. Except as specifically provided herein, the provisions of the Agreement for Joint Ownership Construction and Operation of Water Storage and Transmission Facilities shall remain in full force and effect.

APPROVED BY RESOLUTION NO. 3621, DATED June 3, 1997

CEDAR RIVER WATER & SEWER DISTRICT,  
a municipal corporation

BY: [Signature]  
President

BY: [Signature]  
Secretary

APPROVED BY RESOLUTION NO. 1888, DATED June 4, 1997

COVINGTON WATER DISTRICT, a municipal corporation

BY: Lup Hamby  
President

BY: David D. [Signature]  
Secretary

Amendment to Joint Agreement between  
Cedar River and Covington - 6  
S:\CWD MISC DISK\2NDAMEND.CWD



13146

COVINGTON WATER DISTRICT  
 KING COUNTY, WASHINGTON  
 RESOLUTION NO. 1912

A RESOLUTION OF THE BOARD OF COMMISSIONERS TERMINATING THAT MORATORIUM ORIGINALLY DECLARED ON APRIL 6, 1994 AS MOST RECENTLY DEFINED BY RESOLUTION NO. 1710 DATED FEBRUARY 15, 1995 AND ESTABLISHING PRIORITIES AND CONDITIONS FOR ALLOCATION OF LIMITED WATER SUPPLY.

WHEREAS, the District originally imposed a moratorium on the issuance of Certificates of Water Availability on April 6, 1994 and further imposed a moratorium on new connections on May 4, 1994; and

WHEREAS, through a series of interim resolutions a full moratorium on new connections was declared on February 15, 1995 through Resolution No. 1710; and

WHEREAS, the District has entered into IA #2 with Water District No. 111 and the city of Auburn to construct facilities within Auburn's service area that will upon completion have the capacity to deliver 2.5 MGD to the District on an interruptible basis ("Auburn Supply"); and

WHEREAS, there is the facility capacity presently for Auburn to deliver to the District up to 600,000 GPD from Auburn before construction of the facilities anticipated in IA #2, said amount also being interruptible; and

WHEREAS, the District has entered into Amendment No. 2 to Agreement for Joint Ownership, Construction and Operation of Water Storage and Transmission Facilities ("Amendment No. 2") with Cedar River Water & Sewer District whereby Cedar River has agreed to provide emergency back-up supply in the event of interruption of the Auburn Supply; and

WHEREAS, Amendment No. 2 was subject to the approval of the city of Seattle which approval has been given effective October 1, 1997; and

WHEREAS, Amendment No. 2 requires among other things that:

1. Back-up supply will be allocated to new connections over no less than a five-year period;
2. That the District will not go into another moratorium within such five-year period;

Resolution No. 1912 - 1

COPY

3. That the District can prioritize or otherwise set lawful conditions to service as may be necessary to ensure the public's health and safety is protected and that its scarce water resource will be adequate to meet the next five year's demand; and

4. That the District must meet or exceed all requirements placed on Cedar River by Seattle for conservation and curtailment; and

WHEREAS, the Public Water System Coordination Act of 1977 provides that:

An adequate supply of potable water for domestic, commercial and industrial use is vital to the health and well-being of the people of the state. Readily available water for use in public water systems is limited and should be developed and used efficiently with a minimum of loss or waste; and

WHEREAS, the District is under mandate to plan for future growth and assure availability of safe and reliable drinking water within its service area; and

WHEREAS, the public health, welfare and safety, as well as responsible public water supply policy requires management of scarce water resources to meet competing demands for potable and non-potable water for human consumption and use, other domestic requirements, fire flow requirements and commercial and irrigation uses; and

WHEREAS, scarcity of supply requires the District to manage the known specific quantity to meet competing uses and to assure availability of potable water for those uses that require it while facilitating county and city planning efforts, growth management planning goals and planning efforts to reduce sprawl, promote a variety of residential densities and housing types and encourage development consistent with comprehensive plans; and

WHEREAS, general fundamentals for utilization and management of waters of this state include that:

1. Allocation of waters among potential uses and users shall be based generally on the securing of the maximum net benefits attainable;

2. That adequate and safe supplies of water shall be preserved and protected in potable condition to satisfy human domestic needs;

3. That the District and its customers shall be encouraged to carry out practices of conservation as they

COPY

relate to the use of the waters of the state and to improve water use efficiency as a potential new source of water; and

WHEREAS, King County population growth projections anticipate approximately 85% of growth to occur within urban zones and 15% within rural zones; and

WHEREAS, the urban designated areas within the District's service area consists of the city of Covington representing approximately 53%, the city of Maple Valley representing approximately 32% and all other urban areas not within either city representing the remaining 15%.

WHEREAS, the District has studied the anticipated growth patterns within its service area and determined that of the approximate 2,000 equivalent residential units ("ERUs") represented by the 1.5 GPD guaranteed water resulting from the Auburn Supply as guaranteed by Amendment No. 2, 1,400 of such ERUs should be allocated to urban zones within the District's service area and 600 of such ERUs should be allocated to rural zones within the District's service area,

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of Covington Water District as follows:

1. The moratorium imposed by Resolutions 1674, 1710 and 1722, is terminated and said Resolutions are hereby superseded.
2. The approximately 2,000 connections shall be allocated 1,400 to the urban areas within the District's service area with the city of Covington to receive approximately 53% or 742 ERUs, the city of Maple Valley to receive approximately 32% or 448 ERUs and the remaining 15% or 210 ERUs to be reserved for other urban designated areas outside of the cities of Covington or Maple Valley. Further allocation of the connections within a city shall be coordinated with the respective city. The 210 ERUs allocated to urban areas outside of the cities shall further be allocated 140 ERUs to residential parcels in existence on October 2, 1997, and 70 ERUs to be allocated to newly created parcels, i.e., not in existence on or before October 2, 1997. Approximately 600 ERUs shall be allocated to the rural designated areas of the District's service area with 400 ERUs to be allocated to residential parcels in existence on October 2, 1997, and 200 ERUs to be allocated to newly created parcels, i.e., not in existence on or before October 2, 1997.
3. Appropriate priorities and conditions shall be

COPY

established, and revised in the future as necessary, including, but not limited to, modifications to the District's rate structure, conservation and curtailment plans to ensure that the District's legal and contractual obligations are met.

4. Implementation of this resolution shall be guided by the qualifying criteria for water commitment post-moratorium dated October 2, 1997. Applications will be processed in accordance with such qualifying criteria, or any modifications thereof.

5. The provisions of the District's Administrative Code that are inconsistent with this Resolution shall be superseded hereby.

6. All water services not requiring potable water including, but not limited to, irrigation, car washes, water parks and fountains shall be metered separately from domestic service to the same account.

ADOPTED by the Board Of Commissioners of Covington Water District, King County, Washington, at a regular open public meeting of the Board held on the 1st day of October, 1997.

[Signature]  
President

[Signature]  
Secretary

[Signature]

[Signature]

COPY

13146

COVINGTON WATER DISTRICT  
KING COUNTY, WASHINGTON  
RESOLUTION NO. 1913

A RESOLUTION OF THE BOARD OF COMMISSIONERS ESTABLISHING AN EMERGENCY RESERVE OF 200 EQUIVALENT RESIDENTIAL UNITS (ERUs) FROM THE DISTRICT'S SUPPLY OF CONNECTIONS SUPPLEMENTING RESOLUTION NO. 1912.

WHEREAS, the District adopted Resolution No. 1912 terminating the District's prior moratorium; and

WHEREAS, the number of ERUs available are limited based upon the District's certificated water rights and the factors outlined in Resolution No. 1912; and

WHEREAS, the establishment of an emergency reserve is necessary to protect the public health and safety,

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of Covington Water District as follows:

1. An emergency reserve of 200 ERUs to be taken from the approximate 2,000 connections described in Resolution No. 1912 is hereby established.
2. The 200 ERUs shall be established from the following allocations:  
  - City of Covington - 74;
  - City of Maple Valley - 45;
  - Other Urban Areas Outside the Cities of Covington or Maple Valley - 21 with 14 to be allocated from existing parcels and 7 from newly created parcels as defined in Resolution No. 1912;
  - Rural - 60 with 40 allocated from existing parcels and 20 from newly created parcels as defined in Resolution No. 1912;
3. When the reserve level is reached by the Cities of Covington and Maple Valley, District Staff shall notify the responsible city officials and each city will determine utilization of their reserve as they deem appropriate. Utilization of any reserved ERUs from Other Urban areas or Rural areas shall require Board action.

ADOPTED by the Board Of Commissioners of Covington Water

COPY

13146

District, King County, Washington, at a regular open public meeting of the Board held on the 19<sup>th</sup> day of NOVEMBER, 1997.

Jim J. Hamby  
President

Greg D. [Signature]  
Secretary

[Signature]

Robert B. [Signature]

COPY