

**CITY OF WEST RICHLAND
RESOLUTION NO. 16- 22**

A RESOLUTION OF THE CITY OF WEST RICHLAND, WASHINGTON, AUTHORIZING FIRST AMENDMENT TO CITY OF WEST RICHLAND – STATE OF WASHINGTON DEPARTMENT OF NATURAL RESOURCES (DNR) WATER FACILITIES AGREEMENT DATED JULY 3, 1985 RECORDED UNDER BENTON COUNTY AUDITOR FILE NO. 1985-009591 ON JULY 25, 1985 AND AUTHORIZING DNR EASEMENT NO. 50-103156 REGARDING WELL #3 (DNR WELL #2).

WHEREAS, on July 2, 1979, DNR applied, application number G4-26280, to the State of Washington, Department of Ecology, for a permit to appropriate public ground water of the State of Washington for the construction of two (2) wells to withdraw approximately 2,500 gpm and 2,000 - 2,500 acre-feet; and

WHEREAS, the State of Washington, Department of Ecology, Report of Examination for application number G4-26820 states the allowance for a municipal supply in that area is 400 gallons per day per person based upon average daily figures from RW5 (Department of Social Services Water Facility Inventory, February 1980), 0.45 acre-feet per year per person, or 792 acre-feet per year for 440 families (an average family consisting of four persons); and

WHEREAS, on September 30, 1980, the State of Washington, Department of Ecology, issued DNR Permit No. G4-26280P for the construction of up to two (2) wells with a maximum gallons per minute of 2,500 and a maximum acre-feet of 792 acre-feet to be used continuously for a municipal supply for 440 families; and

WHEREAS, DNR completed the drilling of a 570-foot deep well (DNR Well #2) that was cased with 16-inch casing to a depth of 399 feet and with 14-inch casing from 380 to 570 feet in October 1981; and

WHEREAS, DNR and City executed the City of West Richland – State of Washington Water Facilities Agreement dated July 3, 1985, and recorded under Benton County Auditor's File No. 1985-009591 on July 25, 1985, allowing the City to use the water associated with Permit No. G4-26280P until such time as it is needed for the development of DNR's approximately 333.1 acres located in Section 36, Township 10 North, Range 27 East, W.M.; and

WHEREAS, the City agreed in said 1985 agreement that its use of the water associated with Permit No. G4-26280P is in lieu of requirements for DNR, its purchasers or grantees, to provide water pumps, pump houses, valves, controls, intertie lines, power, fencing, pump mains and reservoirs, to pay a water assessment fee for DNR's proportional cost of the City's water system (Water System Development Fee – WRMC 13.45.025), or to participate in any future Local Improvement District formed to provide the water pumps, pump houses, valves, controls, intertie lines, power, fencing, pump mains and reservoirs to serve 440 single family residential units on DNR's property; and

WHEREAS, on October 23, 1985, DNR assigned State of Washington, Department of Ecology, Permit No. G4-26280P to the City; and

WHEREAS, in June of 1986, the well was put to full beneficial use at a rate of 950 gpm; and

WHEREAS, on May 1, 1989, the State of Washington, Department of Ecology, issued the City of West Richland a Certificate of Water Right, certificate number G4-26280C for a single well

with a maximum gallons per minute of 950 and a maximum 792 acre-feet per year to be used continuously for a municipal supply; and

WHEREAS, the City, at the City's sole cost, has rehabilitated Well #3 (DNR Well #2) several times over the last forty (40) years to increase water production levels to match water right certificate G4-26280C, to mitigate water quality and water aesthetic issues, remove biofouling, and install a sand screen and sand filter to mitigate significant quantities of sand produced by well; and

WHEREAS, Well #3 (DNR Well #2) was taken out of service in November 2012 due to water quality and water aesthetic concerns and significant decline in water production; and

WHEREAS, on September 17, 2021, the City's consultant Northwest Groundwater Services, LLC completed an assessment of Well #3 (DNR Well #2) to collect the information necessary to evaluate the best approach to restoring service from Well #3 (DNR Well #2) either through reconditioning and rehabilitating the well or replacing it with a new well; and

WHEREAS, Northwest Groundwater Services, LLC assessment of Well #3 (DNR Well #2) recommends replacing it with a new well due to the age of the existing well (40 years old – 10 years past AWWA's expectation of a 30-year life span), excessive degrading of well casing to a point that the strength of the casing is compromised, excessive biofouling that possibly extends into the sand screen filter pack and into the formation, excessive quantities of sand produced, and documented decline of water production; and

WHEREAS, between July 2021 and October 2021, DNR and City searched their respective files and have not found any documentation that indicates the 792 acre-feet water allocation has been previously used by DNR, have not found any documentation that DNR previously provided the City with written notice that DNR no longer desires to hold the water allocation for future development of its property, and have not found any documentation that the City has previously reimbursed DNR the pro-rata construction cost of DNR Well #2 for any unallocated water; and

WHEREAS, DNR intends to allocate said 792 acre-feet of water under water right G4-26280C for the development of DNR's 333.1 acres in the future; and

WHEREAS, DNR and City desire to modify the Water Facilities Agreement on the terms and conditions hereinafter set forth to delay DNR's allocation of any of the water until after December 31, 2026 to allow the City ample time to replace Well #3 (DNR Well #2), revise the amount of water to be allocated by the City from 2,000 single family units to 440 single family units to match the Report of Examination for Water Right G4-26280C and DNR grant the City an easement for the use of a 216 foot by 209 foot portion of land on the west side of N. 62nd Ave to drill a new Well #3 and construct associated well building; and

WHEREAS, the Public Works Director has recommended approval of said First Amendment to City of West Richland – Washington State Department of Natural Resources Water Facilities Agreement and Washington State Department of Natural Resources Easement No. 50-103156 regarding Well #3 (DNR Well #2), and

NOW, THEREFORE, the City Council of the City of West Richland, Washington, hereby resolves as follows:

Section 1. That the Mayor is hereby authorized to execute the First Amendment to City of West Richland – Washington State Department of Natural Resources Water Facilities Agreement and Washington State Department of Natural Resources Easement No. 50-103156 regarding Well #3 (DNR Well #2).

Section 2. This Resolution will take effect upon the date of approval and signature.

**PASSED BY THE CITY COUNCIL OF THE CITY OF WEST RICHLAND,
WASHINGTON,** this 15th day of March, 2022.



Brent Gerry, Mayor

ATTEST:



Stephanie Haug, City Clerk

APPROVED AS TO FORM:



Bronson Brown, City Attorney