

# RESOLUTION 2024-1

## A RESOLUTION OF THE BOARD OF COMMISSIONERS OF IRVIN WATER DISTRICT NO. 6, SPOKANE COUNTY, WASHINGTON

BE IT RESOLVED BY THE BOARD OF WATER DISTRICT COMMISSIONERS OF IRVIN WATER DISTRICT NO. 6, SPOKANE COUNTY, WASHINGTON, as follows:

**WHEREAS, Irvin** Water District No. 6 ("District") is a Water District authorized to provide water supply within its service area boundaries pursuant to Title 57 of the Revised Code of Washington; and

**WHEREAS, the** "District" is a Water District authorized to provide water supply within its service area boundaries pursuant to the Spokane County Coordinated Water System Plan under RCW 70A.100 and WAC 246-293; and

**WHEREAS,** the District has granted service to a limited number of new connections and has a commitment to honor those certificates of availability; and

**WHEREAS,** the District has limited water rights which without a moratorium are at risk of being exceeded; and

**WHEREAS,** the Washington State Department of Ecology ("Ecology") has recently taken positions on the transfer of water rights which in certain cases attempt to restrict the transfer of what it claims to be inchoate water rights; and

**WHEREAS,** Ecology has also restricted the transfer and conforming of irrigation water rights to municipal through its policy 2030; and

**WHEREAS,** Ecology has announced a revised policy 2030 is pending and indications are it is even more restrictive on the transfer and conforming of irrigation water rights to municipal; and

**WHEREAS,** Ecology's position on its claimed "active compliance" potentially further exacerbates the ability to obtain water rights transfers at this time; and

**WHEREAS**, the District is also in the process of updating its Comprehensive Water System Master Plan; and

**WHEREAS**, the District is diligently attempting to obtain additional water rights through purchase; and

**WHEREAS**, the District in consultation with engineers is working to identify and repair potential leaks in its system in order to conserve water and reduce the amount of water it pumps for existing connections; and

**WHEREAS**, the District's staff in consultation with engineers retained by the District recommend that a moratorium on new connections be enacted pending the obtaining of additional water rights; and

**WHEREAS**, the District's staff in consultation with engineers retained by the District advised the District's Board of Commissioners that such a moratorium was mandated until such time that new water rights or an additional source of water are obtained; and

**WHEREAS**, by Resolution 2023-1 the District issued a moratorium on the issuance of certificates of water availability effective from April, 11, 2023 to October 11, 2023; and

**WHEREAS**, by Resolution 2023-4, the District continued the moratorium on the issuance of certificates of water availability effective from October 11, 2023 to April 11, 2024; and

**WHEREAS**, under RCW 57.08.005(3) and related statutes, the District possesses full authority to regulate the use and operation of the District's water supplies and water system; and

**WHEREAS**, the District in furtherance of its delegated authority to provide for the public, health, safety and welfare needs to determine what can be done to provide adequate water supply for present and future water demand;

**NOW, THEREFORE, IT IS HEREBY:**

**RESOLVED**, that the recitals set forth above are fully incorporated herein by this reference and are deemed findings of fact supporting this Resolution.

**FURTHER RESOLVED**, that to promote the public health, welfare and safety of the District and to ensure the existence and provision of adequate water supply for the District customers and future customers that a temporary six month moratorium on the issuance of certificates of water availability is hereby adopted effective April 11, 2024.



**FURTHER RESOLVED**, that the temporary moratorium enacted by this Resolution shall not apply to: (1) future connections that have already been approved by the District as part of a Final Plan Approval issued by the District; or (2) connections to the District's system that have already been constructed, physically exist, and are currently connected to the District's system, regardless of whether or not such existing connection is currently using water, (3) or new connections for which all applicable fees have already been paid to the District; or (4) future connections that have been issued a Certificate of Water Availability, but have yet to receive their Final Plan Approval, provided that such connections are still subject to timely payment of applicable fees and expiration of such Certificates of Water Availability. However, the temporary moratorium shall apply to projects with previously issued certificates of water availability that do not meet one of the above four conditions.

**FURTHER RESOLVED**, District management staff and the District's engineers are hereby authorized and directed to:

- a) Analyze and determine the District's remaining water supply, if any, available for future water demand based upon the District's existing customer demand and projected demand from holders of certificates of water availability (that have paid all applicable fees) to determine if a limited number of new connections can be allowed without further improvements being made;
- b) Analyze pending projects to determine the potential future need for water and to determine specifics about what options may be available for making new improvements to meet such demand;
- c) Retain consulting services to assist and perform any of the above analyses, if District management staff determine it necessary to do so;
- d) Continue the feasibility review of a potential new source of water rights or water availability and report back to the District's Board of Commissioners on what specific options for improvements are available to provide adequate water to the District's existing customers and future customers, together with an estimated cost and timeframe for obtaining additional water;
- e) Provide notice through publication in the Spokane Valley News Herald to allow the Public an opportunity to comment on this temporary moratorium at the May 14, 2024 Board of Commissioners meeting, 4:00pm, at the District office; and
- f) Continue to take steps to update the Comprehensive Water System Master Plan.

**FURTHER RESOLVED**, that the temporary moratorium enacted herein shall, unless otherwise terminated, modified, or extended by the District's Board of Commissioners, terminates and expires at midnight PT on the 11th day of October, 2024.

**FURTHER RESOLVED**, that All District resolutions, policies and procedures, are hereby amended and modified to be in accordance with this Resolution and that this Resolution hereby supersedes all such prior resolutions, policies and procedures. /

**ADOPTED** BY THE BOARD OF WATER DISTRICT COMMISSIONERS OF IRVIN WATER DISTRICT NO. 6, SPOKANE COUNTY, WASHINGTON, AT A REGULAR OPEN PUBLIC MEETING THEREOF this 9<sup>th</sup> day of April, 2024.

IRVIN WATER DISTRICT NO. 6



Attest:

Secretary

(SEAL)

Chairperson

Commissioner

Commissioner