

RESOLUTION 2025-2
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 according 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, as a prerequisite to any purchase of water rights required by the Department of Health; and

WHEREAS, the District has been diligently attempting to obtain water rights met on May 29, 2024 with the Department of Ecology, the Department of Health, and another municipal water purveyor which has a potential water rights for transfer; and has had subsequent meetings regarding the same; and

WHEREAS, if the District is able to purchase said water rights, the District will lift its moratorium and allow new connections; and

WHEREAS, the District in consultation with its engineer 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; 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, by Resolution 2024-1, the District continued the moratorium on the issuance of certificates of water availability effective from April 11, 2024 to October 11, 2024; and

WHEREAS, by Resolution 2024-3, the District continued the moratorium on the issuance of certificates of water availability extending the moratorium to its scheduled regular board meeting of March 11, 2025.

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, continues to work diligently to purchase additional water rights to provide adequate water supply for present and future water demand; and

WHEREAS, the temporary moratorium must continue in force for another 6 months, to be re-evaluated and then either extended or terminated by Resolution at the September 9, 2025 Board of Commissioner's meeting of the District; and

WHEREAS, if water rights are obtained prior to expiration of the moratorium, the Board of Commissioner's may consider an earlier termination.

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, the temporary moratorium on the issuance of certificates of water availability is extended until the District's Board meeting on September 9, 2025, unless terminated earlier or further extended, or until such time as the District shall purchase or acquire water rights sufficient to allow new connections to the District water system.

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 to evaluate the purchase of a new source of water rights and pursue a contract with another district,
- e) Continue to evaluate new sources of water rights and/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;
- f) Provide notice through publication in the Spokane Valley News Herald to allow the Public an opportunity to comment on this temporary moratorium at the April 15th, 2025, Board of Commissioners meeting, 4:00pm, at the District office; and

- a) 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, terminate and expire at midnight PST on the 9th day of September 2025.

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 11th day of March 2025.



IRVIN WATER DISTRICT NO. 6


Chairperson


Commissioner


Commissioner

Attest:



Secretary