

July 28 2021 1:39 PM

KEVIN STOCK
COUNTY CLERK
NO: 17-2-12992-1

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**STATE OF WASHINGTON
PIERCE COUNTY SUPERIOR COURT**

WASHINGTON STATE DEPARTMENT
OF HEALTH,

Petitioner,

v.

KAPOWSIN WATER DISTRICT, Owner,
KAPOWSIN WATER SYSTEM,

Respondent.

NO. 17-2-12992-1

REPORT TO THE COURT AND
MOTION FOR CONTINUANCE

Receiver Pierce County (County) through its attorney JOHN SALMON, Deputy Prosecuting Attorney, and Petitioner Washington State Department of Health (DOH), through its attorneys, ROBERT W. FERGUSON, Attorney General, and SIERRA MCWILLIAMS, Assistant Attorney General, jointly present the following report to the court on the progress in remediating the Kapowsin Water System, and Motion for Continuance of the July 30, 2021 review hearing date in this matter.

I. BACKGROUND

On November 29, 2017, DOH petitioned under RCW 43.70.195 for the appointment of a general receiver for Kapowsin Water System (Water System), and the court entered an order

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1 appointing Pierce County as the receiver of the Water System. Per RCW 43.70.195(6), DOH, in
2 conjunction with Pierce County, is required to submit a plan to the court for disposition of a
3 water system in receivership within twelve (12) months. This matter comes before the court for
4 a review hearing on July 30, 2021.

5 II. REPORT

6 The original plan for the disposition of this system was a transfer of ownership to Valley
7 Water District, which has been operating the Water System under contract. Valley Water District
8 indicated an interest in acquiring ownership of the Water System if improvements could be made
9 to its infrastructure. *See* Petition for Appointment of Receiver of Public Water System (Petition)
10 ¶ 4.7.

11 The County repaired the broken surface water transmission line to the Water System,
12 which is now providing water to consumers without the need to transport drinking water by
13 truck. Truck transport of water for the system is concerning to the DOH due to the attendant
14 health concerns, costs to the consumers of transport, and danger of the water supply being
15 interrupted. *See* Petition at 4.

16 During the twelve (12) months since the last report to the court, the County has continued
17 to operate the Water System in compliance with state law, while also taking steps to improve the
18 Water System sufficiently for a new owner to be willing to take it over. *See* Declaration of
19 Carla Vincent (Vincent Decl.). The county has taken the following steps since receivership began
20 in December 2017 to remediate the Water System in order to transfer it to a new owner:

21 1. Made significant repairs and improvements, including repairing the broken water
22 transmission line, building a new water quality sampling station, fixing a broken hydrant,
23 upgrading electrical and other components of the infrastructure, and completing all corrective
24 action items listed in the DOH Sanitary Survey that occurred on September 30, 2019.

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1 DATED this 28th day of July 2021.

2 ROBERT W. FERGUSON
3 Attorney General

4 /s/ Sierra McWilliams
5 SIERRA MCWILLIAMS, WSBA #48544
6 Assistant Attorney General
7 Attorneys for State of Washington
8 Washington State Department of Health
9 (360) 586-5107

10 MARK LINDQUIST
11 Pierce County Prosecutor

12 /s/ John Salmon
13 JOHN SALMON, WSBA #20812
14 Deputy Prosecuting Attorney
15 Attorneys for Pierce County
16 PH: 253-798-7783 / FAX: 253-798-6713
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