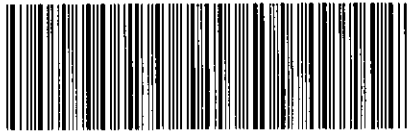


0236

11/30/2017 3264



17-2-12992-1 50351578 ORRE 11-30-17

Court Commissioner
ing Date: Wednesday, November 29, 2017 at 9:00 a.m.

FILED
IN COUNTY CLERK'S OFFICE

NOV 29 2017

PIERCE COUNTY, WASHINGTON
KEVIN STOCK County Clerk
BY DEPUTY

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF PIERCE

WASHINGTON STATE DEPARTMENT
OF HEALTH,

Petitioner, NO. 17-2-12992-1

vs.

SUPPLEMENTAL ORDER

KAPOWSIN WATER DISTRICT, Owner,
KAPOWSIN WATER SYSTEM,

~~[PROPOSED]~~

Respondent.

This matter came before the Court on Pierce County's motion for an order supplementing the Court's Order Appointing Receiver entered on 29th day of November, 2017. The County requested a Supplemental Order clarifying, but not limiting, the authority granted to it by the Order Appointing Receiver, to include the authority to concurrently pursue multiple methods of obtaining a safe and reliable water source. The Court having heard oral arguments by counsel for the parties, the Court considered the pleadings filed in this action and the following evidence: Declaration of Katherine Brooks; Declaration of Derek Pell.

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

Based on the argument of counsel and the evidence presented, the Court finds:

1. There is an urgent need to locate and develop a safe and reliable water source to serve the customers of the Kapowsin Water District;

2. A water well bearing potable water in sufficient quantity would be the preferred water source for the water system;

3. There are inherent risks in developing water wells;

4. If well water cannot be feasibly acquired, the existing transmission line in the District's historical surface water source may need to be repaired or replaced;

5. Before repairing or replacing the existing transmission line, permissions and/or rights to enter private property will need to be acquired from numerous property owners, including some who live outside of Washington State.

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. Pierce County's motion for a Supplemental Order is granted.

2. As Receiver of the Kapowsin Water District, Pierce County has express authority to pursue multiple water source options, to wit: taking any and all action believed by the County to be necessary to obtain a potable water source by either acquiring an existing water well or contracting with a well driller to drill and develop a new well, and concurrent with its efforts to obtain a water well source to take any and all action the County believes necessary to repair and/or replace the District's existing water transmission lines. While clarifying Pierce County's authority to take these actions, this Supplemental Order does not limit, in any way the authority granted to the County as Receiver in the Court's Order Appointing Receiver and that Order remains in full force and effect.

///

0238

3264

11/30/2017

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


DONE IN OPEN COURT this 29 day of November, 2017.



JUDGE/COMMISSIONER



MARK LINDQUIST
Prosecuting Attorney

FILED
IN COUNTY CLERK'S OFFICE

By: 

JOHN SALMON, WSBA #20812
Deputy Prosecuting Attorney
Attorneys for Pierce County
PH: (253) 798-7783 / FAX: (253) 798-6713

NOV 29 2017
PIERCE COUNTY, WASHINGTON
KEVIN STOCK, County Clerk
BY _____ DEPUTY

A copy of this from

William A. Winabow
Atty Gen Kelly Wahn Dick
#19945

Sierra McWilliams #48544
Assistant Attorney General
Washington Dept. of Health