

The Tap



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City of Fife

City of Milton

City of Pacific

City of Puyallup

City of Roy

City of Sumner

Covington Water

Firgrove Mutual Water Co.

Fox Island Mutual Water Association

Fruitland Mutual Water Co.

Graham Hill Mutual Water Co.

Lake Josephine Riviera

Lakewood Water District

Mt. View-Edgewood Water Co.

Parkland Light and Water

Peninsula Light Co.

Pierce County Planning & Public Works

PUD No. 1 of Thurston County

Spanaway Water Co.

Summit Water & Supply Co.

Tacoma Water

Town of Steilacoom

Valley Water District

2020 Legislative & Legal Update

Supreme Court Spokane River Instream Flow Decision

The Court ruled in favor of DOE and that DOE's use of fish needs was adequate to address the setting of the instream flow and that the authorizing RCW provides that DOE **may** consider all beneficial uses but is not required to do so. DOE had taken into consideration recreational and aesthetic values. This provides security for other rules based on fish needs and reduces the risks for

challenges to other DOE actions i.e. Foster projects, etc. However, it can be viewed as giving additional strength to DOE's interpretation of statutes. Decision at: <https://apps.wa.ecology.gov/docs/WaterRights/wrwebpdf/97684-8%20Opinion-08062020.pdf>

Streamflow Restoration Committee – WRIA 12 https://www.ezview.wa.gov/site/alias__1962/37324/watershed_restoration_and_enhancement_-_wria_12.aspx

The draft WRIA 12 Watershed Restoration and Enhancement Plan is being compiled. Three sub-basins: Chambers, Clover, and Sequelitchew. High Growth permit exempt wells over next 20 years – 227 and 89.9 acre-feet/year, 220 in Clover, 7 in Chambers, 0 in Sequelitchew.

Two projects detailed:

- Upper Sequelitchew Restoration – JBLM, 90 acre-feet/yr
- South Tacoma Channel Stormwater Infiltration Project - Tacoma, 701 acre-feet/yr

Others: Reclaimed Water Infiltration, Water Right Acquisition, Clover Creek Floodplain Restoration, Springbrook Restoration Project, Habitat Restoration, Chambers Creek Habitat Restoration. Required plan adoption by June 30, 2021 or DOE will move to rulemaking.



Brett Wise

Owen Equipment Sales **Website:** [Owen Equipment](https://www.owenequipment.com)

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Address: 8721 S. 218th St Kent, WA 98033

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2020 Legislative & Legal Update

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DOE “Focus on: How the Foster decision affects our work”

<https://fortress.wa.gov/ecy/publications/documents/2011083.pdf>

“The Supreme Court’s ruling significantly *limits Ecology’s ability to approve change applications that do not perfectly match the season, timing, and place of-use* between the existing water right and a proposed change. Due to the ruling, Ecology is also unable to approve many minor changes to water rights that the agency could previously approve, such as changing the point of diversion/diversion or place of use. Another significant effect of the ruling is that in

watersheds where instream flows have been adopted, *Ecology cannot approve water right changes that benefit the environment and endangered salmonids if there is any impairment on flow levels at any time of the year.*”

“The Court’s ruling made it clear that water right *mitigation must address flow impairment, even de minimus impairment, both in-time, and in-place.* For new groundwater uses, mitigating all flow impairment from all affected waterbodies

can literally be impossible.” Regarding Streamflow Restoration Projects: “Ecology could not approve a permit or provide grant funding for a project that violates the Foster decision.” Note: neither of the primary projects in WRIA 12 meet this requirement.

Ecology 2021 legislation:

DOE **will not** pursue request legislation this year on trusts, water banking, and transfers. Others may and likely will propose bills. DOE may seek to proceed with “Policy Tools” on:

Up/down stream transfers and possibility of “Conservation Easements”

“Modernize” public notice requirements for transfers and electronic availability

Differentiate between trust water for protection from relinquishment (temporary) and those used for mitigation (permanent).

Misc. Water banking measures – water bank prospectus, DOE cost recovery, banks to increase issues addressed, public review of proposed

water banks

See:

https://www.ezview.wa.gov/Portals/_1962/Documents/watertrust/Draft%20Findings%20and%20Potential%20Policy%20Tools.pdf

I heard a bird sing /
In the dark of
December / A
magical thing / And
sweet to remember:
We are nearer to
spring / Than we
were in September.
— Oliver Herford



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Covington Water District: A project update from Spring 2020

In the Pacific Northwest we are fortunate to have access to cheap and clean hydropower. While most of our power comes from large dam projects, the Covington Water District (District) has been intrigued with capturing smaller energy amounts (ie called Micro Hydro) that would otherwise be wasted as it moves through pipes, water treatment facilities and other systems.

The District recently completed a long-term project that provides an additional supply tap and transmission supply main off of Tacoma Water's Pipeline 5 via the Regional Water Supply System. While in the past, valves would have been



used to reduce the pressure and regulate the flow of the water, the District looked to harvest the potential energy in the water by instead using a turbine to accomplish the same task. Instead of waste noise/heat, the turbine will produce electricity that will be used to offset the power demand of the adjacent Administrative Building and also to power electric vehicles in the future. For 2019, the turbine offset 82% of the District's Administrative Campus power bill.

The District also proactive applied for, and won, a \$79,447 grant from the state Department of Commerce. This helped offset the capital cost of the turbine (\$376,000) and will allow for the return on the investment to be

closer to 10 years (instead of 20 years). Also, space was set aside to allow an additional turbine to be added in the future as the water demand of the District increases. Eventually, the District will become a net producer of energy from what otherwise would have been wasted using typical design standards in place at this time.

For additional project information, please contact Thomas Keown at tom.keown@covingtonwater.com or (253) 867-0900. Also, a YouTube video of the project was produced by Puget Sound Energy and can be found here: : https://www.youtube.com/watch?v=6sXKkrn_1Bo

Thomas Keown, P.E.
General Manager
Covington Water District

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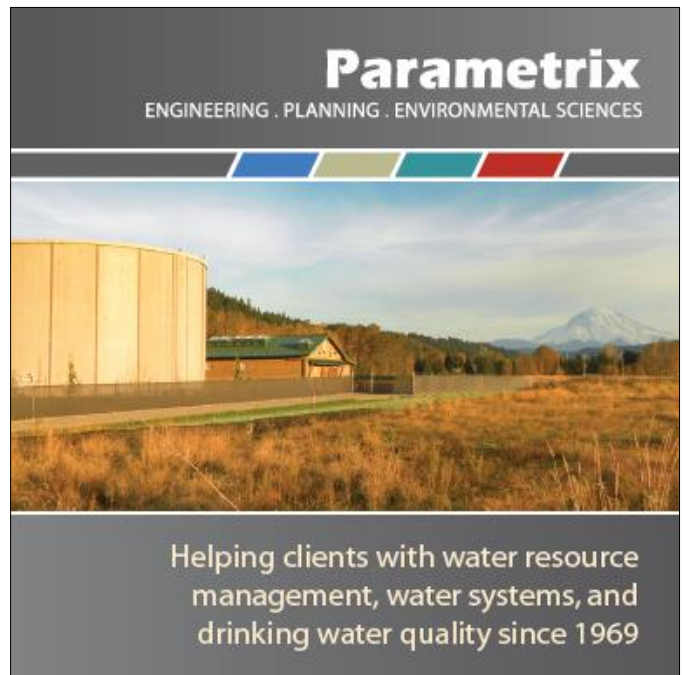
Some Thoughts on Challenges of 2020 from the Communications and Social Committee

How a negative makes a positive. This isn't a math quiz; it's a lesson. It's my lesson that I'm so thankful to have learned.

I believe it was March 23rd, our first official day of closure. The day that Washington State reacted to a worldwide pandemic. We've been in business since 1925 and have no history of operating through any such thing. There were no SOPs, no guidelines, no notes on what was done before; there was nothing.

There was fear! I was terrified. What if the preparations we had taken didn't work? What if the office staff couldn't connect online from home? What if the software didn't perform as expected? What if the employees couldn't do what was needed to get the job done? What if they got sick?

Then, as the days trickled by, I realized they were. Our employees, even with bumps and hiccups, were doing everything they could to get their job done and stay safe. Not one, not even for a minute, slacked or slowed. I truly believe they all pulled together even tighter to make certain that what needed to be done, got done. There wasn't one of them that didn't step up to the plate and hit it out of the park when it came to seeing their duties through and helping their



coworkers with problems and our customers with questions and concerns. Everybody was working together to come up with solutions to problems we've never seen the likes of before. I am so proud of every one of them.

So, what did I learn? I learned the definition of the word **DEPENDABLE**. Not by reading about it in a dictionary but by witnessing the actions that define the word from the people I work with. I am so lucky and so thankful to be working with such amazing people. **AND** so happy that those people taught me how to set aside fear and have faith in others. It was a very positive experience; one I would definitely go through again with these folks. Not want to go through again, mind you, but if we have to, these are my people!

-- *Stephanie Christel-Lewis, Office Manager, Mt. View-Edgewood Water Company*

Of course, it was just my luck that just as I had finished moving my office Olympia into a new office rental space in University Place, the state is shut-down and everyone gets sent home. If only I had procrastinated a few weeks longer, I could have skipped a step... As it happens, learning to adapt to working from home was more a boon than a bane. I had previously worked from home on occasion, largely to avoid the commute time or in order to be near to local work tasks, but it never had



Some Thoughts on Challenges

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any sense of permanence. It always felt like just a stop-gap since all my things were in my office.

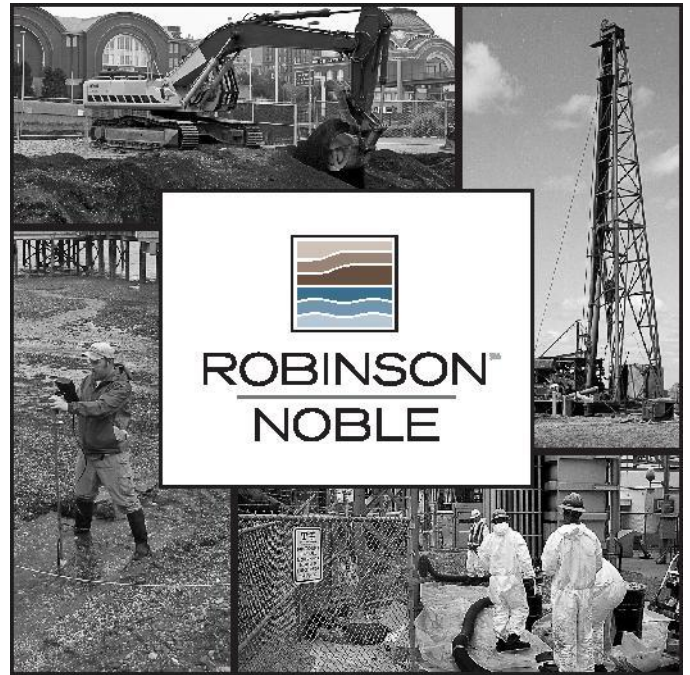
Suddenly, staying home to work was on purpose and we had to figure out a new routine. In my case, things improved! No longer did I need to schedule time around getting to and fro. The Company quickly adopted video conferencing and moved our weekly staff meetings to the virtual forms. This actually increased the frequency and number of people from my Seattle office I could see. Commuting to Seattle from Tacoma being what it was, I was never keen to travel up just to be in the office with others, much as I enjoyed being there. Now I get the interaction without the travel!

Oddly too, 2020 has been even busier than last year was, so it quickly felt like we were working more while under these new conditions. It was a quicker and easier change than I first thought it would be, and despite reason for the necessity of the separation, as far as work goes, I feel less isolated than before.

-- *Burt Clothier, Senior Hydrogeologist, Pacific Groundwater Group*

Prior to March 2020, most of my work was done at home on my computer. I went to the monthly RWPC meeting and the monthly Communications/Social Committee meeting. Now those two monthly meetings are happening on-line and I really miss the in-person meetings.

Our members have been sharing lots of information; especially COVID-19 updates. It's been interesting to hear about the adjustments taking place at each location. Considering all the



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challenges you are facing I want to say how much I appreciate all you do every time I turn on the faucet.

-- *Kathy Crawford, Executive Assistant, RWPC*

Things have been remarkably busy at Robinson Noble, even under the various COVID-19 restrictions, but they are definitely not the same. Like everyone, we adopted health and safety plans to protect ourselves and others. Essential field projects (e.g., well drilling and rehabilitation efforts) are least affected; the people I expect to see are present, albeit standing farther away and wearing a mask. In contrast, the absence of my colleagues lends the office an almost surreal quality. (Picture a summer visit to your high school, years after graduation--all too quiet and somehow not exactly as you remember it.) And while working from home has revealed that I own not one single ergonomic chair, I do not miss the commute, short as it is. Stay safe.

-- *Jim Hay, Principal Hydrogeologist, Robinson Noble, Inc.*