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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

DECLARATION OF KATHERINE
BROOKS

I, KATHERINE BROOKS, hereby declare under penalty of perjury under the laws of the state of Washington that the following is true and correct:

1. I am and have been a citizen of the United States, over the age of 18 years old, at all times mentioned hereinafter. I have personal knowledge regarding the matters stated herein and am competent to testify as a witness.

2. I am employed by Pierce County, the court appointed receiver in this matter, as the Planning Manager for the Planning & Public Works Department, Sewer Division.

3. For the past three (3) years I have been actively involved on behalf of Pierce County in finding a safe and reliable source of water and permanent water system management for the customers of Kapowsin Water District since the system failed as a result of a damaged water transmission line.

1 4. Attached as Exhibit A to this declaration is a copy of the well drilling Certificate
2 of Substantial Completion and site photos for the well decommissioning.

3 **A. Receivership Actions and Timelines.**

4 1. Since the last court status update on June 26, 2020, regarding the Kapowsin Water
5 District (KWD) Receivership Pierce County continues to provide daily maintenance and
6 operations and pursued drilling a new groundwater well to replace the existing surface water
7 source. Given the new well failed to produce sufficient water, Pierce County is now exploring
8 alternative projects that can be funded using predominately grant dollars.

9 2. On August 14, 2020 Pierce County staff met with representatives from
10 Department of Health (DOH), Valley Water District (VWD), and Washington Water to discuss
11 the feasibility of completing an intertie between either a Valley Water District or Washington
12 Water system. It was decided that the more feasible option would be a connection to the Valley
13 Water District Country/El Dorado water system. At the end of August 2020, VWD submitted
14 an application for the DOH Water System Consolidation Grant funding. In October 2020, VWD
15 was notified that their application was selected to be awarded a \$30,000 grant to study the
16 feasibility of connecting the VWD and KWD systems together via a wholesale transmission line.
17 The grant contract between VWD and DOH is expected to be fully executed in January 2021.
18 Pierce County will be working collaboratively with VWD during this feasibility study to
19 determine the next best projects to pursue.

20 3. In addition, Pierce County has been meeting with the United States Department
21 of Agriculture – Rural Development (USDA-RD) staff to determine what projects will qualify
22 for their Emergency Grant funding and what projects may qualify for their non-emergency
23 grant/loan program funding. The ability to gain grant funding to pay for projects is a critical
24 criteria for future project selection. The USDA-RD grant contract with Pierce County expires on
25 December 31, 2022, with no further time extensions allowed, so that may limit the alternatives
26 that are viable if a project cannot be completed within this remaining time period.

1 **B. Overview of Revenues and Expenditures.**

2 Title 57 RCW requires KWD revenues cover maintenance and operation costs and
3 RCW 43.70.195(5) authorizes Pierce County to impose reasonable assessments to recover
4 expenditures associated with the cost of receivership.

5 1. In response to Governor Inslee’s emergency declaration(s) regarding the current
6 COVID-19 event, Pierce County adopted an Emergency Ordinance that provided Kapowsin
7 Water District customers relief on late fee penalties and interest for a period of ninety (90) days
8 starting on March 6, 2020. The Pierce County Council recently extended these relief efforts to
9 the customers of the Kapowsin Water District until March 5, 2021.

10 2. Valley Water District (VWD) still has an active \$87,627 creditor’s claim. Pierce
11 County has reviewed this information and has determined that Valley Water District expenses
12 identified in the creditor’s claim were legitimate. VWD has indicated to the county that they
13 would assume this claim amount if the KWD system is transferred back to VWD via the
14 disposition plan process.

15 3. The county will not be able to determine the total amount owed by Kapowsin
16 Water customers until after completion of construction and full payout of any grant and loan
17 monies that have been received for pursuing a new safe and reliable water source. Any costs
18 above grant monies received will be borne by the customers of KWD.

19 **C. Disposition Plan Process Steps and Estimated Timeline.**

20 Given the well drilling effort did not result in an adequate new source of water, the county
21 will need more time to evaluate other alternatives, including the potential to develop an intertie
22 between the VWD Country/El Dorado and KWD systems and/or proceed with a disposition plan
23 for the Kapowsin Water District to another long-term owner. The county requests an extension
24 of the court review hearing date to the end of July 2021 to allow time to work through this
25 process.

SIGNED in University Place, Washington on this 26th day of October, 2020.


KATHERINE BROOKS

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1 **PROOF OF SERVICE**

2 I, ESTHER M. JONES, certify that I caused a copy of *Declaration of Katherine Brooks*
3 to be served on all parties or their counsel of record by US Mail Postage Prepaid via
4 Consolidated Mail Service on the date below to:

5 Jeff Scott, Commissioner
6 Kapowsin Water District
7 29212 15 8th Avenue NE
8 Graham, WA 98338

Tricia Hodge, Commissioner
Kapowsin Water District
29720 156th Avenue E
Graham, WA 98338

8 William A. Linton
9 Rosemary A. Larson
10 Inslee, Best, Doezie & Ryder, P.S.
11 10900 NE 4th Street, Suite 1500
12 Bellevue, WA 98004

13 Courtesy copy to:

14 wlinton@insleebest.com
15 rlarson@insleebest.com

16 Working copy to:

17 The Honorable Elizabeth P. Martin
18 Pierce County Superior Court
19 930 Tacoma Avenue S, Room 334
20 Tacoma, WA 98402

21 Original filed electronically with:

22 Pierce County Superior Court

23 I declare under penalty of perjury under the laws of the State of Washington that the
24 foregoing is true and correct.

25 DATED this _____ day of October, 2020, at Olympia, Washington.

26 _____
ESTHER M. JONES
Legal Assistant