

APPENDIX D

BMID INTERLOCAL AGREEMENT

**RETAIL WATER SERVICE AREA AGREEMENT
BETWEEN BADGER MOUNTAIN IRRIGATION DISTRICT
AND THE CITY OF RICHLAND**

C98-09

This Agreement between the Badger Mountain Irrigation District, a municipal corporation (hereinafter referred to as "BMID") and the City of Richland, a municipal corporation (hereinafter referred to as "City") do agree as follows:

W-I-T-N-E-S-S-E-S that:

WHEREAS, Such an Agreement is required in WAC 248-56-730, Service Area Agreements-Requirements, of the Public Water System Coordination Act; and

WHEREAS, the City of Richland and BMID potable water utilities have been organized and established under the provisions of RCW, Laws of the State, for the purpose of constructing and operating potable water supply distribution systems serving the water users within the area as described in their respective Water System Plans; and

WHEREAS, the City of Richland and the BMID both own and operate a water supply distribution system with a capacity capable of serving their present and future customers as shown on their Water System Plans; and

WHEREAS, designation of retail water utility service areas, together with the cooperation of adjacent water utilities, will help assure that time, effort, and money are best used by avoiding unnecessary duplication of service; and

WHEREAS, BMID provides potable water service to a retail service area south of Richland called Rancho Reata as well as the surrounding residential subdivisions; and

WHEREAS, a part of the BMID retail service area is within the City's Urban Growth Boundary Area; and

WHEREAS, the City's retail service area is generally described as all lands within its Urban Growth Area; and

WHEREAS, several independent potable water systems operate within the current City limits and Urban Growth Area; and

WHEREAS, the Badger Mountain Urban Growth Area expansion was added to the City's Urban Growth Area in 2003; and

WHEREAS, the City is presently preparing a specific area plan for the Badger Mountain Urban Growth Area expansion that will be adopted into its Comprehensive Land Use Plan; and

WHEREAS, the City and BMID anticipate that the Badger Mountain Urban Growth Area specific area plan will substantially alter current land use plans resulting in substantially different water service requirements; and

WHEREAS, the City and BMID are required to complete and submit Water System Plan Updates to the Washington State Department of Health in 2009; and

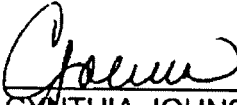
WHEREAS, the Badger Mountain Urban Growth Area specific area plan will likely not be adopted by City Council in 2009.

NOW THEREFORE, the City and BMID hereby agree as follows:

1. The BMID service area shall be as described in Exhibits A.
2. BMID shall, from the effective date of this agreement, use the City's Standard Specifications and Drawings for new water system infrastructure constructed within the City's Urban Growth Area.
3. The City and BMID agree to hydraulically match their upper potable water pressure zones.
4. The City and BMID shall investigate the feasibility of constructing and operating a joint water storage facility to provide Washington State Department of Health required water storage for the Badger Mountain Urban Growth Area expansion.
5. The City and BMID shall investigate the feasibility of an emergency water supply intertie or a wholesale delivery point between their systems in the Badger Mountain Urban Area Growth expansion.
6. The City and BMID agree to coordinate construction plan reviews for water system developments within the defined retail service area and record drawings of finished and accepted construction projects will reside at both agencies. The BMID shall submit new system expansion plans, whether initiated by a private developer or the BMID to the City for plan review. The City shall submit new system expansion plans for projects within BMID's retail service area, whether initiated by a private developer or the City, to BMID for plan review. Both parties will provide plan reviews without charge to the other party. Each agency will be responsible for construction quality control inspections and infrastructure acceptance and maintenance within its own system.
7. At the point the specific area plan for the Badger Mountain Urban Growth Area expansion has been developed the City and BMID agree to re-open this agreement for further discussion and negotiation on possible changes to this agreement.

Approved this 8 date of Oct, 2009.

CITY OF RICHLAND



CYNTHIA JOHNSON
City Manager

BADGER MOUNTAIN
IRRIGATION DISTRICT



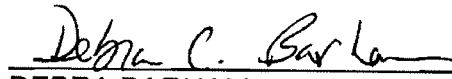
BRAD ANDERSON
Secretary Manager

Approved as to Form

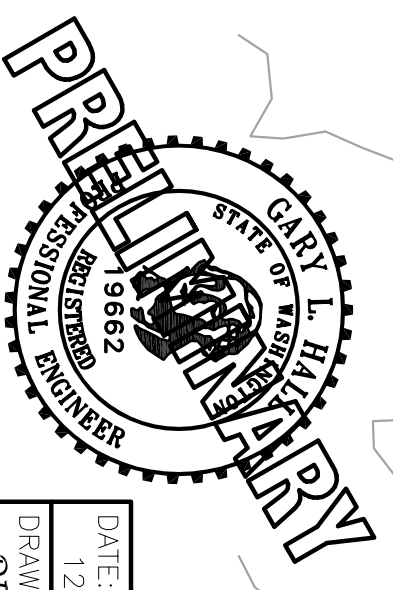
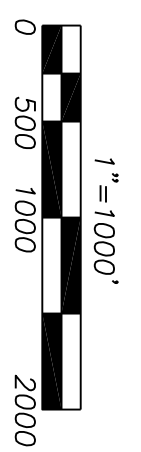
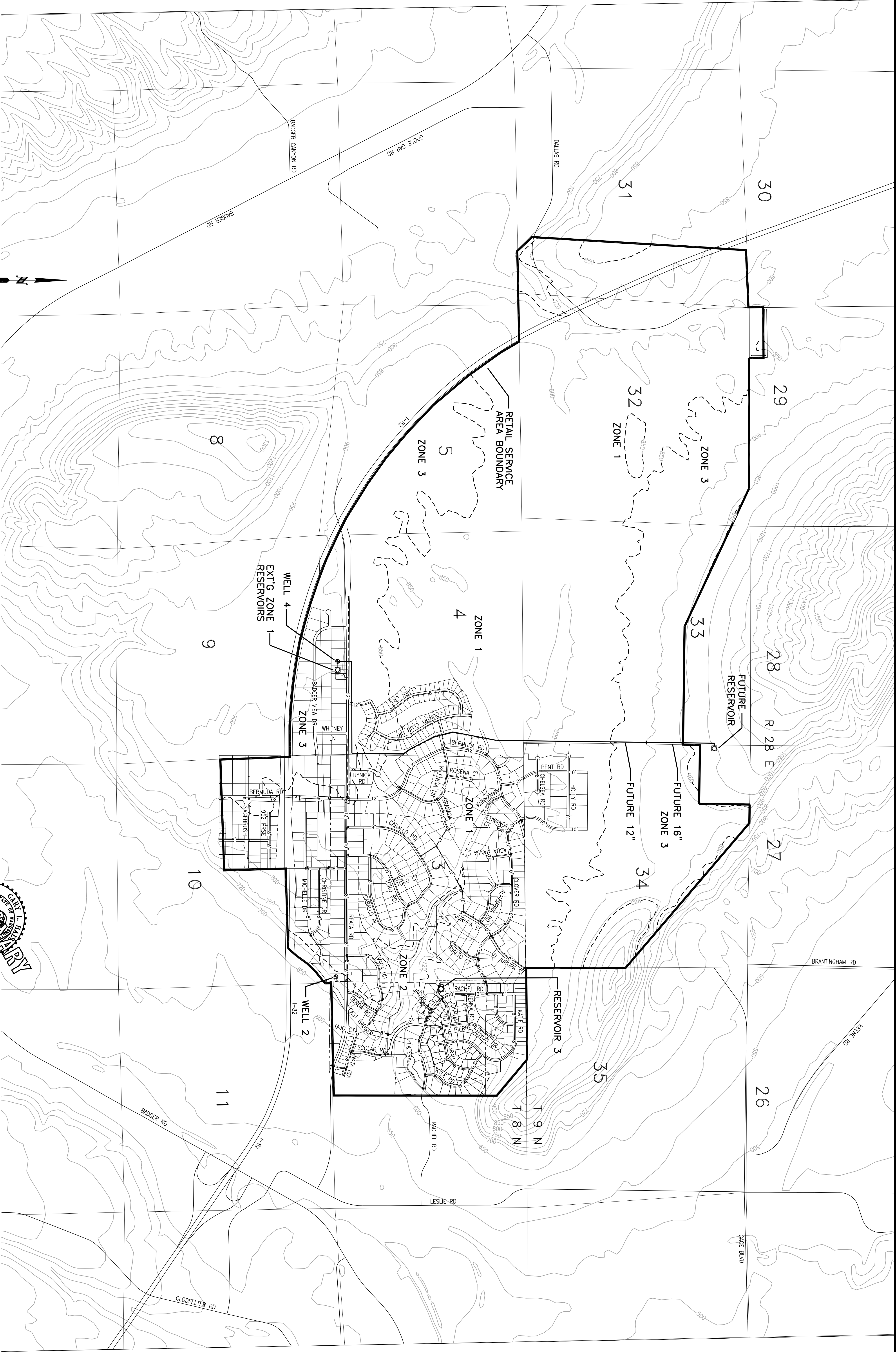


THOMAS O. LAMPSON
City Attorney

Attest:



DEBRA BARHAM
City Clerk, Chief Deputy



DATE:	12-15-08	BADGER MOUNTAIN IRRIGATION DISTRICT	HALL ENGINEERING ASSOCIATES
DRAWN BY:	DXK		
TWIG. NO.:	018-DXXX	EXISTING FACILITIES & RETAIL SERVICE AREA	
10 SOUTH AUBURN KENNEBICK, WA 99336 (509) 582-2200 FAX (509) 586-2897			