



Please return to:

*Executive Assistant
Kennewick Irrigation District
12 West Kennewick Avenue
Kennewick, WA 99336*

KENNEWICK IRRIGATION DISTRICT RESOLUTION 2011-06

Formation of Bretz Road Irrigation System Local Improvement District

A **RESOLUTION** of the Board of Directors of Kennewick Irrigation District (KID), Benton County, Washington, for the purpose of formation of Local Improvement District (LID) No. 193, Bretz Road Irrigation System along with commencing construction, operation, and maintenance of said LID,

WHEREAS, the Board of Directors of KID (the Board) met in regular session on January 18, 2011, with a quorum present, and

WHEREAS, the Board, with the assistance of the KID Engineering Department, has investigated the feasibility, cost and need of the proposed irrigation system improvements, together with the ability of the land to pay the cost, and has found it to be feasible; and

WHEREAS, the Board, by Resolution No. 2010-18, designated September 21, 2010 for the Public Hearing, at the office of the KID, 12 West Kennewick Avenue, Kennewick, Washington, during the regularly scheduled Board meeting, providing opportunity for all interested persons desiring to show cause for or against the proposed acquisition and all objections thereto; and for determining the method of payment for LID No. 193 pursuant to RCW 87.03.485; and

WHEREAS, a majority of the holders of title or evidence of title to the lands within the proposed LID No.193, Bretz Road Irrigation System consisting of **Lots 1 and 2 of Short Plat 1240 lying in Section 17, Township 9 North, Range 28 East W.M. and lots 1 and 2 of Short Plat 1401, and all lots of short plats 2210, 2252, 2271, and 2272 lying Section 20 Township 9 North, Range 28 East W.M.** shown generally on attached map, Exhibit A, were in favor of the irrigation system improvements either by expression at the public hearing or by implied consent in accordance with RCW 87.03.485, and

WHEREAS, the Board has determined to remove those lands that the Board deemed that it would be in the best interest of KID to remove, and

WHEREAS, the Board has determined that it is in the best interest to size irrigation facilities such as to provide capacity for the properties that the Board removed so as to allow for those properties to be added at a later date, the increase in size of these facilities to be paid for by KID and recovered as these properties request to receive pressurized irrigation water service,

WHEREAS, KID reserves the right to make reasonable changes to the proposed Irrigation System Improvements which do not substantially alter the purposes thereof in whole or in successive parts from time to time as may be advisable; and

WHEREAS, KID has the responsibility to ensure fair and equitable delivery of water to the LID participants, and have experienced the need for better communication regarding water usage; and

WHEREAS, the LID map is shown in Exhibit A and the preliminary assessment role is shown in Exhibit B,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE KENNEWICK IRRIGATION DISTRICT, BENTON COUNTY, WASHINGTON, as follows:

- 1) **Establish** a LID and order construction of the pressurized irrigation system facilities including service water meters; and
- 2) **Authorize and direct the KID Treasurer to create and establish in her office for KID a fund to be known and designated as “construction fund of LID No. 193”** for the sole purpose of carrying out the construction ordered by this resolution and of paying the costs and expenses connected therewith. There shall be deposited into the LID fund any and all money received by or available to KID to be used for such purposes;
- 3) Establish a Service Contract with each LID No. 193 Wateruser stipulating the following:
 - i. The LID participants will elect a Watermaster from among themselves, as follows:
 - a. Election of First Watermaster. The first Watermaster shall be elected prior to April 1, 2011, and shall be elected as described in paragraph d. below.
 - b. Resignation of Watermaster. If the Watermaster resigns, the parties shall meet at a place and time designated by the resigning Watermaster in a written notice and elect a new Watermaster, or if the Watermaster does not designate a time and a place for such a meeting, the parties shall meet at a time and a place first designated in writing by two of the parties hereto to elect a new Watermaster.
 - c. Death or Incapacity of Watermaster. If the Watermaster dies or becomes incapacitated, the parties shall meet at a time and a place first designated in writing by two of the parties hereto to elect a new Watermaster.
 - d. Elections and Replacement of Watermaster. The Watermaster shall be elected by and may be replaced by a sixty percent (60%) majority of the Water Users participating in the LID at an election called for by a majority of the properties that are subject hereto. Each property shall have one (1) vote. If more than one person owns a property, the owners of the property shall designate in writing the person who shall have the right to vote for that property. If the owners of the property cannot agree on the person who shall vote for the property, that property shall have no vote in the election. The owners’ properties which are calling for an election or replacement of a new Watermaster shall give or cause the other parties to be given a written notice stating the place and time of the election. Any notice required under this paragraph, which notice shall be mailed by U.S. Mail as certified mail to the common address identified above for the property not more than thirty days and not less than ten days prior to the election. Any election held hereunder

shall be held in Benton County, Washington, between 6:00 p.m. and 9:00 p.m.

- ii. Powers and Duties of Watermaster. The Watermaster shall have the power and it shall be his or her duty to take all actions reasonably necessary to fulfill the purposes of this agreement, including but not limited to:
 - a. Establishing watering schedules for the parcels receiving water so that each parcel may receive its proportionate share of water, by allotted acres as set by KID;
 - b. The Watermaster has the responsibility of reading each meter within LID No. 193 on a monthly basis, and providing those meter readings to the KID by the 10th of the following month.
 - c. The Watermaster has the authority to physically shut off and/or lock out the water service to any parcel which violate an established watering schedule or which exceed their water entitlement of 3.5 acre-feet/year.
 - d. The Watermaster shall notify the KID of any physical shut off two days prior to the actual water shut off, with the reason for the shut off.
 - e. Enter upon any parcel at any time as is reasonably necessary to the performance of his or her duties, with or without prior notice to or approval of the owner of the parcel, and when the owner of the parcel is absent.
- iii. Qualified Immunity of Watermaster from Liability. The Watermaster shall not be liable for any damages caused to the parcels or persons subject hereto so long as the Watermaster acts in good faith.
- iv. No water delivery unless a Watermaster is performing duties. If at any time a Watermaster no longer is performing his/her duties, as outlined above, for more than 30 days, KID will stop water delivery to the participants of the LID until a new Watermaster has been elected and a schedule created and meter reading has been completed.
- v. Alternate Watermaster. An alternate Watermaster may be elected in the same manner as described above for the Watermaster. This alternate Watermaster can function as Watermaster for a limited time, not to exceed 60 days, in case of the elected Watermaster being unavailable.

RESOLUTION 2011-06 IS HEREBY ADOPTED by the Board of Directors of Kennewick Irrigation District, Benton County, Washington, at a regular open public meeting thereof this 18th day of January, 2011.


John A. Jaksch


Patrick McGuire


Kirk Rathbun


David McKenzie


Gene Huffman

Exhibit A



Exhibit B

Local Address	Mailing Address	Parcel	Total Acres	Irrigable Acres	Total Capital Investment	Annual Cost for 5 Year Repayment *
827 N BRETZ PR NE	RICHLAND, WA, 99352	120982012252004	1.15	1.15	\$ 5,032.14	\$ 1,122.43
819 N BRETZ PR NE	RICHLAND, WA, 99352	120982012252003	1.16	1.16	\$ 5,075.90	\$ 1,132.19
847 N BRETZ PR NE	RICHLAND, WA, 99352	120982012271002	1.19	1.19	\$ 5,207.17	\$ 1,161.47
832 N BRETZ PR NE	RICHLAND, WA, 99352	120982012210004	1.17	1.17	\$ 5,119.66	\$ 1,141.95
247810 E HOVER RD	KENNEWICK, WA, 99336	120982011401001	2.96	2.96	\$ 12,952.29	\$ 2,889.03
5003 DALLAS RD	KENNEWICK, WA, 99337	120982011401002	3.07	3.07	\$ 13,433.63	\$ 2,996.40
824 BRETZ RD PR NE	RICHLAND, WA, 99352	120982012210003	1.17	1.17	\$ 5,119.66	\$ 1,141.95
840 N BRETZ PR NE	RICHLAND, WA, 99352	120982012272001	1	1	\$ 4,375.77	\$ 976.02
876 N BRETZ PR NE	RICHLAND, WA, 99352	120982012272004	1	1	\$ 4,375.77	\$ 976.02
UNDETERMINED	8500 W. GAGE BLVD, SUITE B	117983011240002	1.45	1.45	\$ 6,344.87	\$ 1,415.24
UNDETERMINED	4950 ARENA RD	117983011240001	3.62	3.15	\$ 13,783.69	\$ 3,074.48
816 N BRETZ PR NE	RICHLAND, WA, 99352	120982012210002	1.17	1.17	\$ 5,119.66	\$ 1,141.95
888 N BRETZ PR NE	RICHLAND, WA, 99352	120982012271004	1.12	0.76	\$ 3,325.59	\$ 741.78
811 N BRETZ PR NE	RICHLAND, WA, 99352	120982012252002	1.16	1.16	\$ 5,075.90	\$ 1,132.19
864 N BRETZ PR NE	RICHLAND, WA, 99352	120982012272003	1	1	\$ 4,375.77	\$ 976.02
808 N BRETZ PR NE	RICHLAND, WA, 99352	120982012210001	1.17	1.17	\$ 5,119.66	\$ 1,141.95
805 N BRETZ PR NE	RICHLAND, WA, 99352	120982012252001	1.16	1.16	\$ 5,075.90	\$ 1,132.19
852 N BRETZ PR NE	RICHLAND, WA, 99352	120982012272002	1	1	\$ 4,375.77	\$ 976.02
879 BRETZ PR NE	RICHLAND, WA, 99352	120982012271003	1.86	0.65	\$ 2,844.25	\$ 634.42
839 N BRETZ PR NE	RICHLAND, WA, 99352	120982012271001	1.19	1.19	\$ 5,207.17	\$ 1,161.47
TOTALS						
			29.77	27.73	\$ 121,340.24	\$ 27,065.17

* Based upon a current U.S. prime rate of 3.25%, plus 0.5% according to KID Policy 2.21.

Total Cost	\$121,340.24
Interest Rate	3.75%
Years	5