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City Council

Approval of McAllister Wellfield Water Right and Easement Agreements with the Nisqually Tribe

Agenda Date: 11/17/2015

Agenda Item Number: 4.B

File Number: 15-1055

Type: decision **Version:** 1 **Status:** Passed

Title

Approval of McAllister Wellfield Water Right and Easement Agreements with the Nisqually Tribe

Recommended Action

Committee Recommendation:

Not referred to a committee

City Manager Recommendation:

Move to authorize the Mayor to sign the water right deed and easement agreement with the Nisqually Tribe.

Report

Issue:

Whether or not to deed a portion of the McAllister Wellfield water rights and convey an easement to the Nisqually Tribe consistent with a prior agreement.

Staff Contact:

Andy Haub, Public Works Water Resources Director, 753.8475

Rich Hoey, Public Works Director, 753.8495

Presenter(s):

None. Consent calendar item.

Background and Analysis:

In May 2008, the City and the Nisqually Tribe signed a historic Memorandum of Agreement (MOA) to jointly develop the McAllister Wellfield, implement joint mitigation efforts, and permanently protect the McAllister Springs property (see Exhibit C of Attachment 1). Upon final approval of the McAllister Wellfield water rights by the State of Washington, and completion of required mitigation and other actions by the Tribe, the MOA calls for the City to deed a specified portion of the McAllister Wellfield water rights to the Tribe (see Attachment 1). These conditions under the MOA have been satisfied. Per the MOA, the water rights to be conveyed amount to just over 2,100 gallons per minute and 3,395 acre-feet per year. The deed is subject to the Tribe's on-going mitigation performance related to the McAllister Wellfield water rights.

At the time of issuance of the water right deed, the City is also obligated to simultaneously convey a perpetual 2-acre easement at the Wellfield property to the Tribe (see Attachment 2). The easement allows the Tribe to develop water supply infrastructure on the property. City and Tribal staff have coordinated on the location of the Tribe's future facilities in order to avoid potential conflicts (see Exhibit C map in Attachment 2). The easement agreement states that the City and Tribe will also work in good faith on a future pipeline easement across City property. In the future, this will allow the Tribe to construct a pipeline from the Wellfield to SR 510 (for ultimate conveyance of water to the reservation).

In summary, the agreements follow through on commitments made in the 2008 MOA between the City and Tribe. Both agreements are consistent with the approved McAllister Wellfield water right and its mitigation requirements. Consistent with the MOA, the City and Tribe are also engaged in discussions regarding the future of the McAllister Springs property. This will separately come to City Council for consideration most likely in early 2016.

Neighborhood/Community Interests (if known):

None known.

Options:

1. Sign the two agreements (Quit Claim Deed and Easement Agreement) with the Nisqually Tribe consistent with the 2008 MOA and approved water rights.
2. Modify one or both agreements to reflect Council needs.

Financial Impact:

None at this time.

Attachment(s):

Quit Claim Deed for Water Right Transfer
Easement Agreement for Water Infrastructure