

SEATTLE POST-INTELLIGENCERhttp://seattlepi.nwsourc.com/local/331931_water17.html**Lake Forest Park fights county to keep its 'pristine' aquifer***Last updated September 16, 2007 8:24 p.m. PT***By GREGORY ROBERTS****P-I REPORTER**

In a dispute with overtones of David vs. Goliath, and with maybe a water-rights-related whiff of the Milagro Beanfield War, the tiny Lake Forest Park Water District is battling King County over how to protect an aquifer from tunneling for the huge Brightwater sewage treatment project.

What's at stake, the district says, is the quality of the "naturally pristine" water it draws from the aquifer and supplies untreated to 850 homes and businesses.

For its part, the county fears a drawn-out squabble would imperil its plans to finish Brightwater by 2010, threatening sewage backups and overflows and further escalation of the project's already bloated \$1.8 billion price tag.

A flurry of sometimes tart letters and face-to-face meetings have failed to resolve the issue, and the two sides are headed for non-binding mediation Sept. 26 in King County Superior Court. The district has threatened a lawsuit if it doesn't get its way.

The dispute centers on a 2003 agreement between the county and the water district that sets out what the county will do to mitigate the impact of Brightwater on the district's water supply.

Wastewater flowing from the Brightwater treatment plant, under construction near Woodinville, will be piped 13 miles west through an underground tunnel to discharge into Puget Sound. That tunnel, 14 feet in diameter, will run beneath the water district's aquifer at a depth of 150 to 250 feet. Excavation on that stretch, which follows the route of Northeast 195th Street, is scheduled to begin in 2009.

In the agreement, the district acknowledged that the Brightwater environmental impact statement adequately addressed the threat to the aquifer posed by the tunnel, and it conceded that, based on the impact statement, the likelihood of actual harm is "remote and speculative." Nonetheless, the county pledged to take steps in advance to minimize the effect of any potential damage caused by the tunneling.

The preferred remedy, the agreement says, is for the county to drill a backup well within "or in the vicinity of" the district that would match the current supply permitted by water-rights regulations. Should that prove "technically or legally infeasible," then the county is to pay to upgrade the district's existing limited, emergency hook-up to Seattle Public Utilities' waterlines.

Then in March, the county wrote to the district suggesting that it would be a good idea to "revisit" the agreement and "explore options which better reflect current realities."

It seems that after testing the waters, so to speak, county engineers identified potential sites about a mile outside the district where wells could be drilled to satisfy the agreement. But, Christy True of the county Wastewater Treatment Division wrote, "Such a solution is clearly outside of the terms of the existing agreement, and would require a new set of water rights for the district which the district is unlikely to secure within the life of the Brightwater project."

True suggested the district could rely on an existing emergency backup connection to the Northshore Utility District for an "interim" supply if needed during tunnel construction; in the unlikely event the sewer project permanently damaged the aquifer, the county would look into providing a long-term alternative.

Hold on, the district replied in April: "We do not see any reason to revisit or amend the agreement," the district commission president, Gordon Hungar, wrote. The agreement clearly contemplated that a replacement well might be sited outside the district, Hungar wrote, and it made no mention of an interim supply. We made a deal, he told the

county: Live up to it.

In her next letter, in May, True wrote that the 2003 agreement "was premised upon a number of factors which turned out not to be true."

For one thing, she said, the district misrepresented its rights to draw water from the aquifer. And secondly, she said, the agreement contemplated a new well within or "in close proximity to" the district, or an emergency hookup -- not the development of a whole new water supply at county expense. Such an undertaking would be "both technically and legally infeasible," she wrote. Not only that, she said, it would be impossible to sort out the district's tangled water rights and meet state regulatory requirements for a new well in time for tunneling to start on schedule.

The district's reply asserts that there's nothing wrong with its water rights, and that while it may take awhile to resolve the regulatory issues, the agreement recognizes that possibility.

"We appeal to your moral integrity and request that you honor the facts of our agreement," Hungar and his fellow commissioners, Bull Currie and Tim Davis, emphasize in the letter. "Furthermore, as a senior official ... of King County it is incumbent on you to conduct your business with honor and integrity." And later, "We are saddened that the dignity of your office is diminished by your own failure to make good faith effort and further by attempting to wrongly characterize the terms of our agreement."

Despite the acrimony in the correspondence, Gunars Sreibers, who succeeded True as head of the Brightwater project, sounded a conciliatory note recently in discussing the dispute.

"We are interested in doing the right thing and making this work for everybody, and ensuring that the water district is taken care of," he said.

"Some lines were drawn in the sand," he said, but he seemed anxious to erase a few of them. For example, the determination that it's not feasible to drill a new well is open to discussion, he said.

"Their preference -- and ours, quite honestly -- is to try and find a way to make a well work," he said.

To district consulting engineer Dan Mundahl, the issue is clear.

"We just want them to follow through on what they promised to do," he said. "We expect them to honor their word."

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