

Burton Water Cooperative Will-Serve Commitment Policy

Adopted 8/7/2024

Current Burton Water Company customers that have been issued a valid Will-Serve Commitment (Right to Serve) to provide water service to a specifically identified Parcel are eligible to apply for Co-op membership and a Will-Serve Commitment from the Co-op. Alternatively, customers that currently have a valid Will-Serve Commitment from Burton Water Company or an unused connection may relinquish them to the Co-op and receive a \$1,000 credit towards other Connection Charges. This is a one-time option that will expire 60 days after the Co-op assumes ownership of the Burton Water Company assets. A Will-Serve Commitment obligates the Co-op to provide a metered water service connection to a specifically identified Parcel in the future, upon request from the owner.

A Will-Serve Commitment follows the same rules and regulations and is subject to the same charges and fees that apply to a 3/4" metered Connection. The property owner must be a member in good standing of the Co-op and must complete a Connection Agreement for the Will-Serve Commitment. A one-time Connection Charge of \$2,500 will be assessed, as well as bimonthly Base Charges, Capital Improvement Charges, King County Right of Way Fees, and any other charges and fees that may be assessed by the Co-op Board. As long as there is no water usage, the Will-Serve Commitment will not incur usage charges.

A Member may transfer a Will-Serve Commitment associated with one parcel to another parcel owned by the same Member, subject to approval by the Board. Will-Serve Commitments may not otherwise be sold, transferred, or assigned to another parcel and the Co-op shall have no obligation to honor any attempt to sell, transfer or assign such rights.

If a Will-Serve Commitment has not been converted to an active connection (meaning a meter has been installed through which water service is being used) within six years after issuance by the Co-op, the Co-op may commence proceedings to cancel such unused but issued Will-Serve Commitment and refund the one-time Connection Charge amount paid, less the sum of 10% of such charge, which amount shall be retained by the Co-op as a non-refundable administrative fee. Other bi-monthly charges and fees are not refundable. The Co-op will issue a written notice thirty days prior to taking such action. The member may request a hearing from the Board if it desires to contest the cancellation pursuant to Section 17 of the Co-op Rules and Regulations.

In the future, if there is available capacity from relinquished Will-Serve Commitments or connections, or the Board determines that the Co-op has sufficient water supply, consistent with DOH requirements and prudent operation, it may offer new Connections at a price established by the Board. At that time, the Board will establish an outreach plan to current customers and unserved parcel owners in the service area and may establish an application process, selection criteria, and a waiting list for new connections. Will Serve Commitments will only be issued to applicants with plans to activate the connection within a specified amount of time acceptable to the Board.

Rationale

The Washington State Department of Ecology limits annual water extraction volume based upon water rights. The Washington State Department of Health requires a minimum daily water volume allocation per residence. Dividing the former by the latter yields a maximum number of services. For the Co-op's current operations, this sets a limit of 415 connections. Washington State law requires the Co-op to operate within this allocation. Because Will-Serve Commitments create an obligation to provide water, these also count as connections for this requirement. Burton Water Company has indicated that their water rights are fully allocated and they cannot provide new services.

The Co-op's only source of operating income comes from connection charges and water usage charges. For the Co-op, Will-Serve Commitments generate less revenue than active connections (because they have no usage charges) while restricting availability for new customers. Our current financial plan relies on income from all available connections. We do, however, intend to honor current Will-Serve Commitments made by Burton Water Company in a way equal to how we offer service connections to existing Burton Water customers.

We have had requests to add service connections to properties that do not currently have access to water service and from other members who wish to add detached accessory dwelling units (DADUs) to their property. State water usage allocation does not allow more than one dwelling per connection. We cannot currently provide service to these potential customers unless new capacity becomes available, or existing connections or Will-Serve Commitments are relinquished.