

**WHATCOM COUNTY  
PUBLIC WORKS DEPARTMENT**

**Elizabeth Kosa  
Director**




**NATURAL RESOURCES**

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**MEMORANDUM**

**TO:** The Honorable Satpal Singh Sidhu, Whatcom County Executive, and The Honorable Members of the Whatcom County Council, collectively serving in their capacity as the Whatcom County Flood Control Zone District Board of Supervisors

**THROUGH:** Elizabeth Kosa, Public Works Director

**FROM:** Gary Stoyka, Natural Resources Manager   
Becky Snijder van Wissenkerke, Program Specialist

**DATE:** December 28, 2023

**RE:** State of Washington Department of Ecology Grant Agreement for Adjudication Technical Assistance

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Please find attached for your review a copy of the grant agreement between Whatcom County Flood Control Zone District and the State of Washington Department of Ecology for funding Adjudication Technical Assistance. The authorized agreement will be signed electronically through DocuSign.

**Requested Action**

Public Works respectfully requests that the Flood Control Zone District Board of Supervisors authorize the County Executive to sign this agreement.

**Background and Purpose**

The State of Washington Department of Ecology (Ecology) is preparing to file a water rights adjudication in Water Resource Inventory Area (WRIA) 1 Nooksack Basin. This includes the Bellingham Bay, Birch Bay, Chuckanut, Drayton Harbor, Lake Whatcom, Lummi Bay, Nooksack River, Point Roberts, and Sumas River watersheds, which comprise the majority of incorporated and unincorporated Whatcom County. Ecology is planning to begin the adjudication process in the spring of 2024 through Whatcom County Superior Court and will then notify all water users involved by certified mail. The water users involved include the holders of approximately 5,000 surface and groundwater right documents on file for WRIA 1, in addition to approximately 20,000 permit-exempt well users. These water users will need to file a claim within one year of the adjudication filing to describe their water use, after which the court will inventory all legal water rights in order.

This agreement will provide funding to Whatcom County to develop and implement outreach to increase public awareness about the WRIA 1 water rights adjudication, gather feedback on the needs of water users involved, provide and promote written and verbal information on the adjudication process, and provide filing and legal assistance to the water users involved, with focus on the permit-exempt well users, Group B well users, agricultural producers, and small water districts.

**Funding Amount and Source**

This agreement will provide Whatcom County with \$300,000 to support WRIA 1 water rights adjudication technical assistance. Whatcom County will be reimbursed for expenses under this agreement and no match is required. Budget authority for this agreement is provided in the 2024 Natural Resources budget.

Please contact Becky Snijder van Wissenkerke at extension 6247 or Gary Stoyka at extension 6218 if you have any questions or concerns regarding the terms of this agreement.

Encl.  
Grant Agreement