

# WHATCOM COUNTY CONTRACT INFORMATION SHEET

Whatcom County Contract No.

**202401025-2**

Originating Department:	Public Works
Division/Program: (i.e. Dept. Division and Program)	Natural Resources - 907010
Contract or Grant Administrator:	Gary Stoyka
Contractor's / Agency Name:	Cascadia Law Group PLLC
Is this a New Contract? If not, is this an Amendment or Renewal to an Existing Contract? Yes <input checked="" type="radio"/> No <input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> If Amendment or Renewal, (per WCC 3.08.100 (a)) Original Contract #: 202401025	
Does contract require Council Approval? Yes <input checked="" type="radio"/> No <input type="radio"/> If No, include WCC: _____ Already approved? Council Approved Date: _____ (Exclusions see: Whatcom County Codes 3.06.010, 3.08.090 and 3.08.100)	
Is this a grant agreement? Yes <input type="radio"/> No <input checked="" type="radio"/> If yes, grantor agency contract number(s): _____ CFDA#: _____	
Is this contract grant funded? Yes <input type="radio"/> No <input checked="" type="radio"/> If yes, Whatcom County grant contract number(s): _____	
Is this contract the result of a RFP or Bid process? Contract _____ Yes <input type="radio"/> No <input checked="" type="radio"/> If yes, RFP and Bid number(s): Sole Source Cost Center: 19082577	
Is this agreement excluded from E-Verify? No <input type="radio"/> Yes <input checked="" type="radio"/> If no, include Attachment D Contractor Declaration form.	
If YES, indicate exclusion(s) below: <input checked="" type="checkbox"/> Professional services agreement for certified/licensed professional. <input type="checkbox"/> Goods and services provided due to an emergency <input type="checkbox"/> Contract work is for less than \$100,000. <input type="checkbox"/> Contract for Commercial off the shelf items (COTS). <input type="checkbox"/> Contract work is for less than 120 days. <input type="checkbox"/> Work related subcontract less than \$25,000. <input type="checkbox"/> Interlocal Agreement (between Governments). <input type="checkbox"/> Public Works - Local Agency/Federally Funded FHWA.	
Contract Amount:(sum of original contract amount and any prior amendments): \$ 25,000.00 This Amendment Amount: \$ 300,000.00 Total Amended Amount: \$ 325,000.00	Council approval required for; all property leases, contracts or bid awards <b>exceeding \$40,000</b> , and professional service contract amendments that have an increase greater than \$10,000 or 10% of contract amount, whichever is greater, <b>except when</b> : 1. Exercising an option contained in a contract previously approved by the council. 2. Contract is for design, construction, r-o-w acquisition, prof. services, or other capital costs approved by council in a capital budget appropriation ordinance. 3. Bid or award is for supplies. 4. Equipment is included in Exhibit "B" of the Budget Ordinance. 5. Contract is for manufacturer's technical support and hardware maintenance of electronic systems and/or technical support and software maintenance from the developer of proprietary software currently used by Whatcom County.
Summary of Scope: Cascadia Law Group PLCC will provide legal advice related to the defense of water rights claims held by Whatcom County in the water rights adjudication in Whatcom County Superior Court.	
Term of Contract: time and materials; not to exceed	Expiration Date: 12/31/26

Contract Routing:	1. Prepared by: Gary S. Stoyka	Date: 5/5/25
	2. Attorney signoff: Christopher Quinn	Date: 5/7/2025
	3. AS Finance reviewed: bbennett	Date: 5/28/2025
	4. IT reviewed (if IT related): Initial	Date: _____
	5. Contractor signed: JL	Date: _____
	6. Executive contract review: DocuSigned by: Satpal Sidhu	Date: 6/20/2025
	7. Council approved, if necessary: AB2025-429	Date: 6/10/2025
	8. Executive signed: 1192C7C48B664E3...	Date: 6/20/2025
	9. Original to Council:	Date: _____

**WHATCOM COUNTY  
PUBLIC WORKS DEPARTMENT**

**Elizabeth Kosa  
DIRECTOR**



**NATURAL RESOURCES**  
322 N. Commercial Street, 2<sup>nd</sup> Floor  
Bellingham, WA 98225  
Phone: (360) 778-6230  
Fax: (360) 778-6231  
[www.whatcomcounty.us](http://www.whatcomcounty.us)

**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 *EK*

**FROM:** Gary S. Stoyka, Natural Resources Manager *GSS*

**DATE:** May 1, 2025

**RE:** Amendment No. 2 to Contract with Cascadia Law Group PLLC for Legal Assistance with County Water Rights

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Please find attached for your review a copy of Amendment No. 2 to the contract between Cascadia Law Group PLLC and the Whatcom County Flood Control Zone District (District) for legal defense of District and Whatcom County (County) water rights. The authorized amendment will be signed electronically through DocuSign.

**Requested Action**

Public Works respectfully requests that the County Executive, and the County Council, acting as the Flood Control Zone District Board of Supervisors, enter into Amendment No. 2 to the agreement between the Whatcom County Flood Control Zone District and Cascadia Law Group PLLC to provide investigation and legal defense of County and District water rights.

**Background and Purpose**

The Washington State Department of Ecology filed a water rights adjudication for Water Resources Inventory Area (WRIA) 1 in Whatcom County Superior Court on May 1, 2024. Whatcom County and the Flood Control Zone District have received several court summonses related to County and District water rights and/or water uses allowable under water right permit exemptions. The County and District need to respond to these summonses in order to preserve their water rights and their associated water uses.

Investigation thus far has resulted in the identification of 37 water rights documents associated with the County and District. Furthermore, approximately 73 County and/or District-owned facilities have been identified that may have water usage either associated with a water right document or under the water rights permit exemption. Further investigation of the potential uses of water associated with these documents or properties is needed to determine which are associated with valid water usage. Once an inventory of valid water uses has been identified, the County and/or District will need to file a claim with the court for each use. This amendment provides the resources necessary to investigate these potential water uses and file the appropriate claims with the court.

### **Funding Amount and Source**

At this point, it is not clear which water use is associated with which departments or funds. Consequently, this contract amendment is initially funded using District funds. The contractor will track the costs associated with each water use. Once the department and fund associated with each water use is identified, supplemental budget requests will be submitted for each affected fund. Once those requests are approved, interfund transfers will be initiated to reimburse the Flood Fund for costs of water rights associated with other funds. Early assessment indicates that a majority of the water uses are associated with parks properties, with some associated with the District and Road Fund properties.

This contract amendment is for \$300,000, bringing the total contract amount to \$325,000. This amended cost is based on an assessment of the number and likely complexity of each water right. This cost will be funded using Flood fund balance and is included in a supplemental budget request concurrently before the council.

Please contact Gary Stoyka at extension 6218 for any clarification or additional information on the agreement and the associated project.

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Whatcom County Contract No.

202401025-2

Amendment No. 2  
Whatcom County Contract No. 202401025  
CONTRACT BETWEEN WHATCOM COUNTY AND  
**Cascadia Law Group PLLC**

THIS AMENDMENT is to the Contract between Whatcom County and Cascadia Law Group PLLC dated January 30, 2024 and designated "Whatcom County Contract No. 202401025". In consideration of the mutual benefits to be derived, the parties agree to the following:

This Amendment extends the term of this Agreement through December 31, 2026, and modifies the Compensation, Exhibit B, increasing the maximum consideration by \$300,000.00 to a total consideration and not to exceed of \$325,000.00.

This Amendment also confirms that services provided by Contractor to the County include services to both Whatcom County and the Whatcom County Flood Control Zone District. In consultation with County staff, Contractor will use best efforts to segregate billing between the County and the District for tracking and accounting purposes. This Amendment also modifies the Scope of Work, Exhibit A as follows:

Task 1:

The Contractor shall provide legal services to the County upon request regarding the County's water rights and the general adjudication of surface and ground waters of Water Resource Inventory Area 1 (WRIA 1) in Whatcom County Superior Court.

Task 2:

1. Identify and map County-owned properties where water use has occurred relevant to the WRIA adjudication.
2. For each County-owned property identified as having historical and/or current water use and which may require submittal of adjudication claims form:
  - a. Complete a preliminary review of water rights documents, including development of a map showing the County-owned property and, if available, place of use and point of diversion/withdrawal, as well as a tabular summary of the attributes of water rights overlapping the property.
  - b. Collect additional information about County-owned properties where adjudication claims appear to be needed, from other publicly available documents and County staff.
  - c. Review historical aerial imagery to assess land use history and potential irrigation/facility changes over time.
  - d. Conduct interviews with the appropriate County department staff to learn about the history of water use on the property.
3. Provide a summary of findings and proposed adjudication approach for each identified County-owned property. Summary to include standard water use rates likely to be used by the Superior Court for common water right purpose of use (e.g. irrigation, domestic, stockwater). This task will also include identification of potential data gaps and/or compliance issues and recommended next steps.
4. Complete adjudication claims forms for County review and submittal.



5. Regular meetings with County staff as directed.

Deliverables include:

1. Summary of findings for each identified County-owned property.
2. Identify and compile relevant copies of the primary authorizing document for each water right identified (e.g. certificate, claim, permit) based on Ecology records.
3. Identify and compile relevant copies of well logs, as available.
4. GIS data including places of use, points of diversion/withdrawal, and other information that may be obtained during research and interviews.
6. Aerial photos showing the extent of historic beneficial use.

This Amendment also confirms consent to Contractor's subcontracting with Geosyntec Consultants, Inc., hereinafter referred to as "subcontractor," and supplements the task budgets as detailed in Compensation, Exhibit B, to include the attached approved subcontractor rate schedule.

Unless specifically amended by this agreement, all other terms and conditions of the original contract shall remain in full force and effect.

This Amendment takes effect: May 28, 2025, regardless of the date of signature.

IN WITNESS WHEREOF, Whatcom County and Cascadia Law Group PLLC have executed this Amendment on the date and year below written.

DATED this 6/20/2025 day of \_\_\_\_\_, 20\_\_\_\_.

Each person signing this Contract represents and warrants that he or she is duly authorized and has legal capacity to execute and deliver this Contract.

**CONTRACTOR:**

Cascadia Law Group PLLC

Signed by:

Joseph A. Rehberger 6/17/2025

DF476A8FA7D34DC...  
Joseph A. Rehberger, Partner

**CONTRACTOR INFORMATION:**

Cascadia Law Group PLLC

Joseph A. Rehberger

Address:

606 Columbia Street NW, Suite 212

Olympia, Washington 98501

(360) 786-5062

Mailing Address:

same

**WHATCOM COUNTY:**

**Recommended for Approval:**

DocuSigned by:  
 6/17/2025  
D7CB7F601B8A4EE  
Elizabeth Kosa, Public Works Director Date

**Approved as to Form:**

Signed by:  
 6/20/2025  
EC466EF5C88B4FD  
Christopher Quinn, Chief Civil Deputy Prosecuting Attorney Date

**Approved:**

Accepted for Whatcom County Flood Control Zone District:

DocuSigned by:  
 6/20/2025  
By: 1192C7C18B864E3  
Satpal Singh Sidhu, Whatcom County Executive Date



## Exhibit B

**GEOSYNTEC CONSULTANTS  
2025 U.S. RATE SCHEDULE**

	<u><b>Rate/Hour</b></u>
Staff Professional	\$175
Senior Staff Professional	\$200
Professional	\$227
Project Professional	\$254
Senior Professional	\$285
Principal	\$310
Senior Principal	\$330
Technician I	\$ 96
Technician II	\$105
Senior Technician I	\$115
Senior Technician II	\$125
Site Manager I	\$135
Site Manager II	\$155
Construction Manager I	\$165
Construction Manager II	\$180
Senior Designer	\$215
Designer	\$180
Senior Drafter/Senior CADD Operator	\$165
Drafter/CADD Operator/Artist	\$150
Senior Technical Editor	\$170
Technical Editor	\$150
Project Analyst	\$130
Project Administrator	\$ 98
Clerical	\$ 80
Direct Expenses	Cost plus 12%
Subcontract Services	Cost plus 12%
Specialized Computer Applications (per hour)	\$ 15
Personal Automobile (per mile)	Current Gov't Rate
Photocopies (per page)	\$ .09

Rates are provided on a confidential basis and are client and project specific.

Unless otherwise agreed, rates will be adjusted annually based on a minimum of the Producer Price Index for Engineering Services.