



## 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

---

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.