

Proposed by: Whatcom County Superior Court

Introduction Date: \_\_\_\_\_

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION APPROVING WHATCOM COUNTY SUPERIOR COURT TO PRESIDE OVER AND HOLD CERTAIN WATER ADJUDICATION HEARINGS OUTSIDE OF BELLINGHAM, WA PURSUANT TO CIVIL RULE (CR) 77**

**WHEREAS**, the Washington State Department of Ecology (“Department”) filed a petition in Whatcom County Superior Court on May 1, 2024, for a general water adjudication of surface and groundwater in Water Resource Inventory Area 1 (WRIA 1);

**WHEREAS**, the Department's Statement of Facts in its petition indicates that upwards of thirty-thousand summons being issued in this general adjudication, which will place substantial burden on the Whatcom County Superior Court;

**WHEREAS**, the Washington State Legislature has approved funding to alleviate some of this burden, including the provision of a fifth Superior Court judge and pass-through funding for County staff positions to help address the increased demands; and

**WHEREAS**, funding has also been allocated to assist with the construction of an additional courtroom in the Whatcom County Courthouse; however, the new courtroom will not be completed for approximately 12 to 18 months after the anticipated appointment of a new judge and hiring of staff;

**WHEREAS**, the expected demands of the general adjudication placed upon the Whatcom County Superior Court will require additional courtroom space that may not be available in the City of Bellingham;

**WHEREAS**, this adjudication will be of historic size, with those individuals disproportionately impacted residing outside Bellingham; and

**WHEREAS**, pursuant to CR 77(f), the Whatcom County Superior Court has requested that Council approve the hearing of certain water adjudication proceedings outside of the Whatcom County seat of Bellingham due to facility limitations (Exhibit A); and

**WHEREAS**, the Court and Council find that holding adjudication hearings in these communities will promote education and participation amongst potential respondents;

**NOW, THEREFORE, BE IT RESOLVED** by the Whatcom County Council that:

#### Section 1. Council Approval for Hearings Outside Bellingham

The Whatcom County Council hereby supports and approves Whatcom County Superior Court's request to preside over certain water adjudication hearings outside of Bellingham, Washington and at such places within Whatcom County as deemed necessary and appropriate by the Court.

#### Section 2. Selection of Hearing Locations

The Whatcom County Superior Court shall select hearing locations that are reasonably accessible to the communities directly impacted by the adjudication.

#### Section 3. Notification

The Court shall provide adequate notice to the public regarding hearing locations and times.

Section 4. Severability

If any provision of this resolution is held to be invalid or unenforceable, such provision shall be struck and the remaining provisions shall remain in full force and effect.

Section 5. Effective Date

This resolution shall take effect immediately upon its passage.

APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2024.

ATTEST

\_\_\_\_\_  
Dana Brown-Davis, Council Clerk

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY,  
WASHINGTON

Approved as to form:

  
\_\_\_\_\_  
George Roche  
Civil Deputy Prosecuting Attorney

\_\_\_\_\_  
Barry Buchanan, Council Chair

## Exhibit A

### Superior Court of the State of Washington

Hon. Robert E. Olson, Department 1  
Hon. Evan Jones, Department 2  
Hon. Lee Grochmal, Department 3  
Hon. David Freeman, Department 4



**Whatcom County  
Courthouse**  
311 Grand Avenue, Suite 501  
Bellingham, Washington  
98225

June 4, 2024

Whatcom County Council,

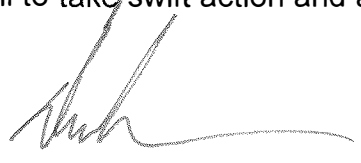
As you know, on May 1, 2024, the Department of Ecology (the Department) filed a petition in Whatcom County Superior Court for a general water adjudication of surface and groundwater in Water Resource Inventory Area 1 (WRIA 1). Based on the Department's Statement of Facts, we anticipate upwards of thirty-thousand summons being issued in this general adjudication.

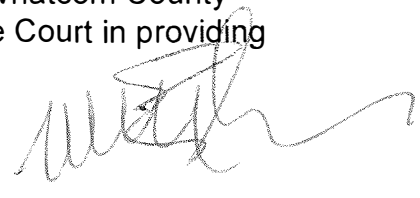
In anticipation of the substantial burden this will place on Whatcom County Superior Court, the legislature has approved certain funding for the adjudication. Whatcom County will receive a fifth Superior Court judge, and has been provided pass-through funding for a number of adjudication-related staff positions. Additionally, the County is set to receive funding to assist in the construction of an additional courtroom. Unfortunately, due to the timing of the funding the fifth judge and additional staffing will occur 12-18 months prior to the completion of additional courtroom space.


In light of our facility constraints and pursuant to CR 77(f), Whatcom County Superior Court is requesting the Council to pass a resolution approving the Whatcom County Superior Court to preside over certain water adjudication hearings outside of the County seat of Bellingham. In compliance with CR 77, a similar request is being made to the Chief Justice of the Washington State Supreme Court.

This adjudication will be historic in size. Moreover, the individuals impacted will disproportionately live outside of Bellingham. The Court believes that bringing certain hearings into the communities directly impacted could promote both education and participation amongst the potential respondents. Consequently, Whatcom County Superior Court urges the council to take swift action and assist the Court in providing this additional resource.

  
Judge Lee Grochmal  
Presiding Judge

  
Judge David Freeman  
Deputy Presiding Judge

  
Judge Robert Olson

  
Judge Evan Jones