

**RESOLUTION IN SUPPORT OF ADJUDICATION FUNDING IN THE WASHINGTON  
STATE 2023 TO 2024 BIENNIUM**

WHEREAS, there is long-running concern in Whatcom County regarding the legal use of diminishing water resources vital to domestic, commercial, agricultural and industrial users; and

WHEREAS, greater certainty is needed regarding who holds both senior and junior water rights and to what quantity each holder is entitled to; and

WHEREAS, climate change impacts are reducing summer instream flows and recent scientific reports from the Intergovernmental Panel on Climate Change point out that time is running short for communities everywhere to mitigate and adapt to the worst effects of climate change; and

WHEREAS, allocation of legal water use during summer low flow periods is critical to a flourishing agricultural economy and essential for the recovery of the Nooksack River watershed's salmon populations; and

WHEREAS, healthy salmon runs are an integral to Whatcom County's culture, economy, and ecosystems, and diminished summer low flows in our streams and rivers adversely impact fish species listed on the Endangered Species Act; and

WHEREAS, the Nooksack Indian Tribe and Lummi Nation have treaty-protected water rights for instream flows that have not yet been quantified; and

WHEREAS, 25 years of stakeholder negotiations under the Washington State Watershed Planning Act and associated local efforts have not resulted in sufficient progress towards a collaborative solution to water quantity allocation; and

WHEREAS the County Executive's efforts at a Collaborative Solutions Table involving stakeholders is a positive step, the quantification of water legal rights requires adjudication; and

WHEREAS, the adjudication process will take many years, delaying in this process will further delay resolution to long-running concern in Whatcom County regarding the legal use of diminishing water resources; and

WHEREAS, the adjudication process will honor Tribal Treaty Rights, determine the seniority order of water rights and water quantity for all water rights holders, however, increasing the summer instream flows in Nooksack and its tributaries, restoration and expansion of the salmon habitat, ensuring adequate water security for a thriving agricultural base of local economy, improving the water quality and safety of aquaculture, climate mitigation challenges will require all parties to participate in a collaborative Solutions Table discussion.

WHEREAS, the Tribes have petitioned the State of Washington to advance a water rights adjudication in WRIA 1, and the Washington State Department of Ecology has requested \$2.7 million in their 2023-2024 operating budget to initiate the adjudication process in 2023; and

WHEREAS, the adjudication proceedings will encourage collaborative processes under the direction of the adjudication court to proactively increase summer streamflow's, improve water quality, restore salmon habitat, and address the Nooksack basin's other water resources challenges; and

WHEREAS, the adjudication process and the Solutions Table process are complementary of each other;

NOW, THEREFORE, BE IT RESOLVED,

- a) Whatcom County Council supports the adjudication process and strongly encourages the state legislature full funding the WRIA 1 adjudication process in the 2023-2024 Biennium Washington State Budget;
- b) Whatcom County Council requests the legislature provide funding to the County to provide filing assistance for all participants in the adjudication process;
- c) Whatcom County Council also supports a parallel collaborative Solutions Table process and strongly encourages the legislature to fund this in the 2023-24 Biennium Washington State Budget.