

Ag Water Board

Minutes of Regular Meeting September 20, 2023, 1 pm

Ag Water Board office, 204 Hawley Street, Lynden

<https://us02web.zoom.us/j/85386707545>

<u>AWB Board:</u>	<input type="checkbox"/> Andy Enfield	<input type="checkbox"/> Marty Maberry	<input checked="" type="checkbox"/> Brad Rader
	<input checked="" type="checkbox"/> Mike Boxx	<input type="checkbox"/> Jeff De Jong	<input type="checkbox"/> Greg Ebe
<u>Alternates:</u>	<input checked="" type="checkbox"/> Vern Vande Garde	<input type="checkbox"/> Terry Lenssen	<input type="checkbox"/> Scott Bedlington
	<input type="checkbox"/> Rich Appel	<input type="checkbox"/> Landon Van Dyk	<input checked="" type="checkbox"/> Rod Tjoelker
	<input type="checkbox"/> Jon Maberry	<input type="checkbox"/> Kevin Te Velde	<input type="checkbox"/> Keith Boon
	<input type="checkbox"/> Rod Vande Hoef	<input type="checkbox"/> Pablo Esquivel	<input type="checkbox"/> Larry Stap
	<input type="checkbox"/> Ed Blok	<input type="checkbox"/> Pete Vlas	<input type="checkbox"/> Harmon Brar
<u>Others:</u>	<input checked="" type="checkbox"/> Fred Likkel	<input checked="" type="checkbox"/> Gavin Willis	<input checked="" type="checkbox"/> Henry Bierlink
	<input type="checkbox"/> Bill Clarke	<input type="checkbox"/> David Haggith	<input type="checkbox"/> Steve Jilk
	<input type="checkbox"/> Gary Stoyka	<input type="checkbox"/> Paula Harris	<input type="checkbox"/> Dillon Honcoop
	<input type="checkbox"/> Jay Chennault	<input type="checkbox"/> Atul Deshmane	<input type="checkbox"/> Corina Cheever
	<input type="checkbox"/> Alex Jeffers	<input type="checkbox"/> Chris Elder	<input type="checkbox"/> Nichole Fink
	<input type="checkbox"/> Kelly Hamilton	<input type="checkbox"/> Ramsey Kroft	<input type="checkbox"/> Brandy Reed
	<input type="checkbox"/> Katie Faber	<input type="checkbox"/> Alan Chapman	<input type="checkbox"/> Kasey Cykler
	<input type="checkbox"/> Trevor Gearhart	<input type="checkbox"/> Zen Wilhelm	<input type="checkbox"/> Dakota Stranik
	<i>x = present</i>	<i>o = absent with notice</i>	<i>t = teleconference</i>

Brad called the meeting to order at 1:03.

- I. Minutes - Review & Approve – June 21, 2023 meeting – After a review Mike moved approval, Rod seconded, motion carried unanimously.
- II. Financial/Administrative
 - A. Financial Reports – the Balance Sheet, Profit and Loss for the year, and the actual expenses compared to the Budget were reviewed. Andy moved approval, Mike seconded, motion carried unanimously.
 - B. Administrator shift – adding FEMA coordination – Gavin and Henry reported that Gavin now administers all the WIDs and will assume the administrative duties for the AWB in January. Henry will assist in these areas and remain involved in the water supply issues and the Watershed Management Board and committees. Gavin noted the additional work brought on by the FEMA projects in Sumas and Bertrand. These hours will be reimbursed by FEMA once the projects are completed.
 - C. WID/AWB Loan program update – for SWID - \$155k available from the WIDs – Sumas borrowed \$115k – payback scheduled for end of year.
 - D. AESI Contracts - \$50k in budget – Jay outlined a potential budget which includes:
 - A task for the WID and AWB meetings. AESI will continue to come to the meetings (virtually or in person) when they can. They will bill 0.5 hours of time for each meeting.
 - “Water Right Appointments”. The budget is for Katie and Sarah to come up to Lynden once per quarter and take appointments (thinking 30 minutes) to go over their water right portfolio and answer questions for WID members who may choose to use this service. We would provide them information on their water right status. Any work to change that status would be borne by the individual. Bill suggested that we include the following disclaimer in notices of

this service - "These sessions are not legal advice, but assistance in accessing publicly available information about your water rights"

- Ag Water Exchange – this would be a gradual implementation of the concept discussed at the June AWB meeting where AWB would facilitate transfers of water rights between farmers in order to ensure no rights are lost in the adjudication process. Implementation of this project will not begin until the Board gives approval.

Cost Estimate - 2024 AWB Services	
Task H009 - Ag Water Exchange	
- Build Interactive Map	\$10,540
- Populate List (4 water rights)	\$12,200
- Monthly Maintenance	\$2,200
<i>Subtotal</i>	\$24,940
Task H010 - Meetings	
- Monthly WID Meetings	\$11,003
- Quarterly WID Meetings	\$1,120
<i>Subtotal</i>	\$12,123
Task H011 - Water Right Appointments	
- Quarterly Water Right Appointments (4)	\$12,720
<i>Subtotal</i>	\$12,720
Grand Total	\$49,783

Contracts for each of these projects will be developed and considered at the December AWB meeting.

- E. Draft 2024 AWB Budget – after reviewing the status of the 2023 budget and including the planned adjustments in budget for 2024 Mike moved to propose a \$460k budget in 2024 which keeps the same amount requested of each WID as in 2023, Rod seconded, motion carried unanimously. The hourly rate that the AWB will charge for the FEMA work is yet to be determined.

<u>WID</u>	Office/ Misc	Admin	FEMA	Clarke Legal	Somach Legal	AESI Projects	Water Supply	Quality/ Drainage	Public Affairs	TOTAL
Bertrand	\$8,692	\$23,902	\$12,000	\$15,645	\$13,038	\$10,865	\$6,519	\$8,148	\$12,494	\$111,303
North Lynden	\$3,478	\$9,565		\$6,261	\$5,217	\$4,348	\$2,609	\$3,261	\$5,000	\$39,737
South Lynden	\$7,370	\$20,268		\$13,266	\$11,055	\$9,213	\$5,528	\$6,909	\$10,594	\$84,203
Drayton	\$4,338	\$11,928		\$7,808	\$6,506	\$5,422	\$3,253	\$4,067	\$6,235	\$49,557
Laurel	\$4,894	\$13,459		\$8,809	\$7,341	\$6,118	\$3,671	\$4,588	\$7,035	\$55,915
Sumas	\$11,228	\$30,878	\$22,000	\$20,211	\$16,843	\$14,035	\$8,421	\$10,527	\$16,141	\$150,284
	\$40,000	\$110,000	\$34,000	\$72,000	\$60,000	\$50,000	\$30,000	\$37,500	\$57,500	\$491,000
<i>Reimbursable</i>			-\$9,000			-\$5,000		-\$17,000		-\$31,000
			\$25,000			\$45,000		\$20,500		\$460,000

AWB per acre cost to WIDs = **\$6.78**

III. Water Quantity/Supply

A. Bill Clarke report

- Somach Law update – Ramsey reviewed the current status of our encouragement of a settlement process. Her papers on how the federal

government has been involved in Water Rights Settlements on behalf of the tribes have generated some encouraging discussions.

- 2023 Legislature
 - Conditions that would make adjudication less damaging – HB 1792 established timelines that we hope will allow the settlement talks to get traction before the damaging effects of the adjudication damage ag.
 - Budget Proviso – application assistance and data collection are provide to the County. There is also some funding for Ecology to encourage settlement negotiations.
- Adjudication update – when, how to educate community – AWB helped sponsor a forum last week presented by several water consultants that drew 452 people. Many were private well owners. WFF plans to have an edited version of these presentations at their Farmer Rally November 8th. Bill noted he would be presenting to the Farm Bureau October 24th.

B. County

- Local govt caucus meeting – led by PUD
 - Project list for both WIDs and AWB to be presented
 - Building support for settlement option
 - Watershed Management Board presented with Ag request for formal membership – no word back at this point
- Drainage Based Management & Regional Water Supply Plan
 - Water Storage study task force exploring options – Gavin is serving on this committee. Only large storage option seems to be above the falls on the North Fork. The cost would be very large.
 - County study indicating potential of supplying water to all ag and fish needs – This study indicates that it is possible to provide irrigation water to all the currently irrigated 40,000 acres through a series of reclaimed water and pump exchanges.
- Planning Unit – connecting land use planning with water supply plan. The County’s Comprehensive Plan is being updated and there is a strong push from leaders in the Planning Unit to ensure zoning is consistent with the water supply plan.

C. Water Right acquisition candidates

- Establish a [Whatcom Ag Water Exchange](#) – this will be to facilitate farmer to farmer water right transfers to ensure no rights are lost to ag in the adjudication.
- WIDs may purchase water rights that don’t have a market from other farmers and seek to apply this water to acres in need.

- D. Stream Augmentation project in Dakota Creek – finish current Streamflow grant – Jay has provided more information requested by Ecology – Henry noted we have asked for more time to complete this and additional funds as the costs have increased dramatically since the grant was provided in 2019.

IV. Water Quality/Drainage/Flood/Habitat

- A. Update 5-year programmatic HPA permits – Frank is working through these. North and South Lynden are renewed, Laurel and Sumas are submitted but not yet approved, Bertrand and Drayton are set to be renewed in 2024.

- B. Fred and Gavin gave a brief summary of issues that were covered more extensively at the WID meetings:
- Update on Floodplains by Design discussions and potential projects
 - Riparian Buffers – Legislature – WCD work with WIDs – CREP complication
 - WRIA #1 Combined Review Team for Salmon Recovery grants
 - FEMA projects – Sumas and Bertrand
 - [CLASS](#) – west Lynden stormwater
 - Update on Pepin Creek Water Quality Issues

V. Communication/Education

- A. Media Relations report – The amount of press that was generated over the Pepin Creek water quality concerns was noted. It was very encouraging to have the farmer’s voice so prominently featured and respected.
- B. REAL campaign – ongoing – the interviews with farmers reflecting the issues that confront farmers are providing clear pictures of the challenges of farming in this time and place.

VI. Adjournment - Next Meetings

Brad adjourned the meeting at 2:37. The next meeting will be December 13.

Respectfully submitted by Henry Bierlink, Ag Water Board

Approved by _____