

Ag Water Board

Minutes of Regular Meeting September 21, 2022, 1 pm

Ag Water Board office, 204 Hawley Street, Lynden

<https://us02web.zoom.us/j/86925655965?pwd=bkppWWoybGl6ZmNENTE3L244aVNNZz09>

Meeting ID: 869 2565 5965 Passcode: 525966

<u>AWB Board:</u>	<input checked="" type="checkbox"/> Andy Enfield	<input checked="" 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 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 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 checked="" type="checkbox"/> Ed Blok	<input type="checkbox"/> Pete Vlas	<input type="checkbox"/> Harmon Brar
<u>Others:</u>	<input checked="" type="checkbox"/> Fred Likkel	<input type="checkbox"/> Chris Elder	<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 checked="" 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"/> Megan Evans	<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"/>	<input type="checkbox"/>	<input type="checkbox"/>

x = present
 o = absent with notice
 t = teleconference

Brad called the meeting to order at 1:04.

- I. Minutes - Review & Approve – [June 15, 2022](#) meeting minutes were reviewed. Mike moved to approve both the minutes and the financial reports, Marty seconded, motion carried unanimously.

- II. Financial/Administrative
 - A. Financial Reports - reviewed
 - B. Financial Review – Larson, Gross CPA’s presented a few options for the board to consider to ensure proper financial management. Bill mentioned that organizations like our may opt to ask the State Auditor’s office to provide a voluntary audit also. Marty moved to set aside \$5k to be applied to the financial review with Brad and Henry working through the details on how best to provide it.
 - C. Develop [2023 AWB budget](#) to present to WIDs. A review of the 2022 budget and the suggested changes for 2023 was conducted. Changes were a bump in Office due to rent and office expense increases, the addition of a column for Somach Law and AESI, and an increase in water supply with the added \$30k directed to WFF. The Somach Law column is based on an estimate of \$15k per quarter and the AESI column is anticipated to cover current and future contracts for water supply assistance. Fred noted there may be an increase in the County Flood tax in 2023. Marty moved to adopt a \$460k AWB budget to be presented to the WIDs in October, Mike seconded, motion carried unanimously.

<u>WID</u>	Office/ Misc	Admin	Clarke Legal	Somach Legal	AESI Projects	Water Supply	Quality/ Drainage	Public Affairs	TOTAL
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Bertrand	\$7,178	\$15,227	\$15,662	\$13,052	\$10,876	\$17,402	\$8,157	\$12,508	\$100,062
North Lynden	\$2,862	\$6,071	\$6,244	\$5,204	\$4,336	\$6,938	\$3,252	\$4,987	\$39,894
South Lynden	\$6,080	\$12,896	\$13,264	\$11,054	\$9,211	\$14,738	\$6,909	\$10,593	\$84,745
Drayton	\$3,578	\$7,590	\$7,807	\$6,505	\$5,421	\$8,674	\$4,066	\$6,234	\$49,875
Laurel	\$4,037	\$8,564	\$8,808	\$7,340	\$6,117	\$9,787	\$4,588	\$7,034	\$56,275
Sumas	\$9,265	\$19,653	\$20,215	\$16,845	\$14,038	\$22,461	\$10,528	\$16,144	\$129,149
	\$33,000	\$70,000	\$72,000	\$60,000	\$50,000	\$80,000	\$37,500	\$57,500	\$460,000

III. Water Quantity/Supply

A. Bill Clarke report

- i. Legislature strategy for 2023 – Bill noted that he was discussing several potential sideboards to any Legislative funding packages for adjudication in the Nooksack, We would try to mitigate the damage to ag in discussing these ideas.
- ii. Somach Law – Ramsey prepared both a memo outlining the potential funding opportunities under a settlement and an [alternative to adjudication](#) paper – describing a federal settlement option that is being circulated among legislators and local partners. Some interest has been expressed. She also reported on discussions with the Dept. of Interior and suspects a federal settlement team will be announced in October.

B. Ecology

- i. Correspondence – [from Ecology July 7](#) - [AWB response July 15](#) - no response from Ecology but it seems they are devoting more energy to seeking settlement solutions rather than solely focusing on adjudication. Kasey confirmed this in her overview of current Ecology direction.
- ii. Solutions Showcase - learning from the [Yakima example](#) @ October 21st WMB mtg
 - This is being organized by Ecology and will include a range of representatives including ag interests. We need to connect with these representatives to help them understand the context of a Nooksack adjudication. Unlike Yakima where there is no threat to a critical mass of ag production and the farmers have significant water rights, the Nooksack has fierce pressures on maintain the needed amount of ag production in a geographic area in order to sustain an ag economy and we are short of adequate water rights to irrigate our crops.
 - WMB Board members and AWB are invited to submit specific questions that you would like one of the presenters to respond to related to the Yakima Basin Integrated Plan and how that came about? We will provide those questions to Kasey Cykler (kign461@ecy.wa.gov) by September 29th

C. County

- i. Relook at Watershed Management [structure](#) – need for local govt caucus organization – Henry highlighted an issue he senses is hindering effective movement at the WMB. The in-stream caucus is organized, meeting regularly, and proposing projects to the Board. The local govt caucus (out of stream users) have not met or proposed anything. We wondered where the

- appropriate leadership for this group should be and what the AWB could do to energize it. A letter outlining the concern will be sent to the County.
- ii. Project list for both WIDs and AWB to be presented at some venue
 - Once the Local Govt Caucus is organized our Project list, and the lists from other local governments, should be prioritized and advanced.
 - Drainage Based Management – [final Bertrand report – South Fork actions in process](#) – the DBM process is now on hold pending a better understanding of how the recommendations developed are actually advanced toward action.
 - Discussion with Tribes – there are informal personal relationships between farmers and tribal members but no current formal discussions in the past 18 months. It was suggested we try to initiate a meeting of ag and Tribal leadership once again for discuss areas of collaboration.
- D. Water Right acquisition candidates
- i. Establish an AWB Water Bank – [Whatcom Ag Water Exchange](#) – Bill introduced the idea and the board discussed submitting pre-application documents and meeting with Ecology to create the Exchange in the near future.
 - ii. Exchange would:
 - Publicize creation of exchange to solicit interested sellers/lessor-buyers/lessees
 - Identify rights with potential of transfer or sale.
 - Provide initial review of water rights to estimate available quantity and potential transfer area; Exchange/AWB would cover cost of initial screening, water users (not AWB) would cover cost of processing which is estimated to be \$15-20k overall
 - iii. [Mailing to all WID members](#) - it is anticipated that each WID would send information to its members regarding how to make deposits and withdrawals from the Exchange/Bank. This would be followed up by strategic contacts with the list of water right holders that we identified as likely to not be filing in the adjudication
 - iv. Andy moved to request Ecology to create the Ag Water Exchange, Marty seconded, motion carried unanimously.
- E. Streamflow Restoration Grant application – surface to ground conversions, gw model testing – Jay noted the application was being considered and that we would have a decision on potential funding in early October.
- F. Stream Augmentation project in Dakota Creek – finish current Streamflow grant which is focused on an augmentation project next fall. A QAPP was developed and approved and the water right permit is working through some technical issues.
- IV. Water Quality/Drainage/Flood
- A. Update 5-year programmatic HPA permits – Frank is working on these. Some new requirements have been imposed by WDFW he needs to adjust to.
 - B. Update on Floodplains by Design discussions and potential projects – Fred noted slow progress on some projects with an October meeting being planned.

- C. FEMA projects – Sumas and Bertrand – a short update from Fred, Andy, and Henry. This is a valuable project for our landowners but not without significant hurdles. We are moving through them one by one.
- D. [CLASS](#) – west Lynden stormwater – [Sept. 15th landowner meeting](#)- Fred reported on a useful discussion with larger landowners but we were missing many of the small acreages along the ditch where the project is focused. A modeling effort is being done that will inform the next steps. A win/win/win for ag/Lynden/fish seems a possibility.

V. Communication/Education

- A. Media Relations report – Fred distributed a written report. Andy thanked WFF for their effectiveness.

VI. Adjournment - Next Meetings

Brad adjourned the meeting at 2:59. The next scheduled meeting is December 21 but as that is so close to Christmas moving it up a week or two will be explored. MOVED to DECEMBER 14TH.

Respectfully submitted by Henry Bierlink, Ag Water Board

Approved by _____