



Washington State Senate

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Senator Doug Ericksen
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September 1, 2021

Governor Jay Inslee
Office of the Governor
P.O. Box 40002
Olympia, WA 98504

Laura Watson, Director
Department of Ecology
P. O. Box 47775
Olympia, WA 98504

Dear Governor Inslee and Director Watson,

Water and water rights are crucial for the economic and cultural future of Whatcom County. I am sure that is a statement we can all agree upon.

There is another longtime truism that hopefully we can move past - "Whisky is for drinking and water is for fighting".

We have been fighting over water for far too long in WRIA 1 in Whatcom County, and it is my hope that we can move forward on solid solutions that will benefit farmers, fish, homeowners, and businesses for the next 100 years.

It is my goal to avoid a lengthy and expensive court battle through an adjudication process. An adjudication will take decades to complete while leaving groups in limbo, could potentially cost over \$100 million, and saddle us with a court mandate that is inefficient and ineffective.

There are solutions we can advance today that will not require an adjudication. These solutions will provide certainty that we need as a community to move forward in a responsible fashion. These solutions take into account the unique nature of the Whatcom County watershed, and balance the needs of farms, fish, people and businesses.

Page two

I urge you to work with me and our communities to use these five fundamental policy solutions as the basis for a long-term pathway on water in Whatcom County, in lieu of a basin wide adjudication.

I hope that you will join me in leading the way to promote water solutions today and not delegate responsibility to a court system that is not geared to handle this situation and could prevent real solutions from being implemented for decades.

The five policy solutions that that provide a fundamental base on which to move forward are:

1. A fix to the Foster Case: The Foster case affirmed that instream flows adopted in a rule must be protected from impairment. One legislative fix that would address the problems created by this case would be to require an actual showing of impairment instead of using a model to show that impairment is likely. The conservation district or possibly the diking and drainage districts could show impairment through stream monitoring.

2. Water storage and the funding of the North Water County Water Pipeline with water from deep wells in the Blaine area that utilizes "foreign water":

This policy option would have a funding aspect for North Water Pipeline deep wells to transfer water into the valley to make up for a lack of available water. The water transfers would be patterned after the Columbia River mitigation plan. The Department of Ecology could use a similar expedited analysis to transfer water in, particularly for the farmers who have been operating under the Husseman promise and housing which does not have guaranteed legal water.

3. Implementation of "use it or lose it" reform to allow farmers to store their water in the river systems and allow for a different look back period.

This reform would allow a 15-year look back for relinquishment as well as create a water bank for farmers to "store" their water in order to preserve their rights and incentivize water remaining instream.

4. Allocation of funds and a regulatory process to expedite issuance of permits to currently unpermitted agricultural water use.

This fix follows the Husseman promise. It makes more sense to put money into ensuring that the Husseman promise is fulfilled. There are farmers who have been promised water. Let's put those promises into statute.

Page three

5. Expedited permitting and funding for the Whatcom County Salmon Hatchery Pilot Project as laid out in my, or Senator Rivers', legislation.

I greatly appreciate your consideration of this proposal.

I look forward to your response and to working with the Executive Branch on real water solutions that will benefit our communities and improve our quality of life.

Sincerely,

A handwritten signature in black ink that reads "Doug Ericksen". The first letter "D" is large and stylized, with a vertical line through it. The rest of the name is written in a cursive, flowing script.

Senator Doug Ericksen
42nd Legislative District