Washington State Judicial Branch
2025 Supplemental Budget
Fund Water Rights Adjudication Superior Court Judge

Agency: Administrative Office of the Courts

Decision Package Code/Title: SA – Fund Water Rights Judge

Agency Recommendation Summary Text:
The Administrative Office of the Courts requests $114,000 in ongoing funding to support Whatcom County Superior Court's costs for a superior court judge dedicated to the adjudication filed by the Department of Ecology to resolve water rights in the Nooksack Basin Water Resource Inventory Area (WRIA) I. (General Fund-State)

Fiscal Summary:

	FY 2024	FY 2025	Biennial	FY 2026	FY 2027	Biennial
Staffing						
FTEs	0.0	0.0	**0.0**	0.0*	0.0*	**0.0***
Operating Expenditures						
Fund 001-1	$0	$114,000	**$114,000**	$0*	$0*	**$0***
Total Expenditures						
	$0	**$114,000**	**$114,000**	**$0***	**$0***	**$0***

**NOTE: The ongoing costs for the Whatcom County Water Rights Superior Court Judges is included in the AOC's 2025-27 biennial budget request.*

Package Description:
The Department of Ecology (Ecology) started the Nooksack Basin water adjudication when they filed a statement of facts, proposed map, and request for issuance of summons on May 1, 2024.

Ecology plans on serving summons by certified mail and publication on approximately 30,000 potential claimants in Fall 2024. RCW 90.03.110(2)(a) requires Ecology to "consult with the Administrative Office of the Courts to determine whether sufficient judicial resources are available to commence and prosecute the adjudication in a timely manner."

In the 2024 supplemental budget, AOC requested per the RCW cited above, but the Legislature did not fund, Whatcom County's cost for a judicial officer necessary to efficiently process the water adjudication in Whatcom County Superior Court.

Fully describe and quantify expected impacts on state residents.
Of the 30,000 potential claimants who were served notice, Ecology estimates there could be between 5,000-25,000 claim filings. To illustrate the magnitude of impact, a total of 6,366 cases in total were filed in Whatcom County Superior Court in 2023. Without adequate funding for the judicial officer, Whatcom County cannot absorb a doubling (at best) to a quadrupling (at worst) of its caseload. Investment by the state for their portion of the judge will fulfill the state's funding obligation to the county.

Explain what alternatives were explored by the agency and why this was the best option chosen.
No alternatives were explored. Ecology and claimants have a right to access the courts and the Legislature has emphasized the need for efficiency in the proceedings in Chapter 90.03 RCW.

What are the consequences of not funding this request?
A new judge has been appointed by the Governor without the Legislature funding the entire cost of the new judgeship. Without this funding, the state will not be able to fulfill its funding obligation to Whatcom County. AOC has provided stop-gap funding, but needs this funding so that other Whatcom County needs (facilities infrastructure, technology, and support staff) do not have to be reduced to fully fund the judge.

Is this an expansion or alteration of a current program or service?
No.

Decision Package expenditure, FTE and revenue assumptions:

Grants (Object N)
The AOC pays 50 percent of the salary and 100 percent of the benefits for a superior court judge position. This was funded in the 2024 supplemental budget. Normally, the county pays the other 50 percent of the salary cost. However, this request will pay the local share of the judge position beginning July 1, 2024 so that the state's funding obligation to the water rights adjudication is fulfilled.

	Expenditures by Object	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
N	Grants, Benefits, and Client Services	0	114,000	0	0	0	0
	Total Objects	**0**	**114,000**	**0**	**0**	**0**	**0**

How does the package relate to the Judicial Branch principal policy objectives?

Fair and Effective Administration of Justice
This package is necessary for Ecology to efficiently pursue a water adjudication and for the court to resolve water rights for individuals, governments, and tribal governments.

Sufficient Staffing and Support
In order to efficiently manage a complex water adjudication in a timely manner, full funding for the additional judge is needed.

How does the package impact equity in the state?

Address any target populations or communities that will benefit from this proposal.
It is important that all claimants are treated fairly and efficiently. Funds in this package ensure there is capacity for Whatcom County to support the adjudication.

Describe the how the agency conducted community outreach and engagement.
AOC has worked closely to meet the needs and concerns of Whatcom County Superior Court – in this case the need for funding the new judge.

Consider which target populations or communities would be disproportionately impacted by this proposal. Explain why and how these equity impacts will be mitigated.
No populations will be disproportionately impacted in a negative way by this proposal. Full funding for the judge will help manage the adjudication without affecting other, important investments in the adjudication.

Are there impacts to other governmental entities?
Yes, there are impacts to Ecology, local governments, the Lummi Nation and Nooksack Tribe.

Stakeholder response:

Ecology reports that adjudication has widespread support from fisheries, development and real estate, and environmental groups, but is opposed by agricultural interests, and some parties have taken a neutral position. The Lummi Nation and Nooksack Tribe have petitioned for adjudication. While not everyone is unanimously in favor of the filing of the adjudication by Ecology, it is not expected there would be opposition to providing adequate resources for the judiciary to fairly and efficiently resolve the claims. Ecology has been adequately funded to file the petition and they would support adequately funding the courts to hear the case.

Are there legal or administrative mandates that require this package to be funded?
RCW 90.03.243 reads as follows, "Subject to funding provided either by direct appropriation or funded through the Administrative Office of the Courts for this specific purpose, the county in which an adjudication is held must be provided the extraordinary costs imposed on the superior court of that county due to the adjudication."

Does current law need to be changed to successfully implement this package?
No.

Are there impacts to state facilities?
No.

Are there other supporting materials that strengthen the case for this request?
Yes.

- 2023-25 AOC Decision Package – S7 Fund Water Rights Adjudication (Attachment A)
- 2024 AOC Decision Package – 1S Fund Water Rights Adjudication (Attachment B)
- 2025-27 AOC Decision Package – BC Fulfill Water Rights Adjudication State Funding Obligation (See biennial budget request)

Are there information technology impacts?
No.

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