

Washington State Judicial Branch

2025-27 Biennial Budget

Fulfill Water Rights Adjudication State Funding Obligation

Agency: Administrative Office of the Courts

Decision Package Code/Title: BC – Fund Water Rights Obligation

Agency Recommendation Summary Text:

The Administrative Office of the Courts (AOC) requests 1.0 FTE and \$2.2 million to support activities related to the adjudication filed by the Department of Ecology on May 1, 2024, to resolve groundwater and surface water rights in the Nooksack Basin Water Resource Inventory Area (WRIA) I. This will fund: 1) rural traveling court, 2) facilities and technology infrastructure, 3) ongoing costs of the dedicated Superior Court judge, and 4) additional, dedicated staff both at AOC and in the county to support records requests, reporting, and evidence management for thousands of water rights claim filings. (General Fund-State)

Fiscal Summary:

	FY 2026	FY 2027	Biennial	FY 2028	FY 2029	Biennial
Staffing						
FTEs	1.0	1.0	1.0	1.0	1.0	1.0
Operating Expenditures						
Fund 001-1	\$1,176,000	\$1,011,000	\$2,187,000	\$1,035,000	\$1,054,000	\$2,089,000
Total Expenditures						
	\$1,176,000	\$1,011,000	\$2,187,000	\$1,035,000	\$1,054,000	\$2,089,000

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.”

To fulfill the state’s financial obligation under RCW 90.03.243, the Legislature has funded:

- Staffing at both AOC and in Whatcom County Superior Court and the clerk’s office to prepare for the Nooksack adjudication (2023-25 biennial budget).
- Additional Whatcom County Superior judicial officers and court staff, as well as facility investments commensurate with the stage of the case (2024 supplemental budget).

This request builds on that existing funding by:

- Adding Whatcom County Superior Court and clerk’s office staff to manage claim filings and evidence.
- Instituting a traveling court and rural outreach to inform and serve unrepresented litigants.
- Dedicating AOC information technology staff to offer technology solutions supporting records requests and reporting.
- Investing in facilities and technology infrastructure.
- Supporting the local, ongoing costs of the Superior Court judge dedicated to the adjudication.

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 court staff and infrastructure, Whatcom County cannot absorb a doubling (at best) to a quadrupling (at worst) of its caseload without additional resources. Investment by the state is important so other litigants do not suffer delays.

Explain what alternatives were explored by the agency and why this was the best option chosen.

Currently, existing court administration and information technology positions at both the county and AOC are absorbing work related to the adjudication. As the case progresses and the volume of work grows, resources solely focused on water adjudication are needed.

What are the consequences of not funding this request?

Ecology predicts the WRIA 1 adjudication will take 20 years to complete assuming adequate staff, technology, and facility resources. While the parties have a right to access the courts, Whatcom County Superior Court could not proceed without additional funding and the adjudication could stretch by years. Without additional technology resources, participant's access to records would be significantly delayed. Unique to water adjudication, the law allows each claimant to object to other claimants' water claims (RCW 90.03.160). This provision requires specialized notice and service rules and presents unique data and records access challenges related to individual claims. Finally, the Whatcom County staff dedicated to water adjudication, are located within the courthouse which has limited space and occupancy. Without support for facilities costs, the court will be unable to create or maintain physical space for the staff and judge allocated to the adjudication.

Is this an expansion or alteration of a current program or service?

Yes.

Decision Package expenditure, FTE and revenue assumptions:

AOC Staffing Assumptions

Application Administrator. Beginning July 1, 2025 and ongoing, AOC requires salary, benefits, and associated standard costs for 1.0 FTE to facilitate access to water adjudication case information to case participants through the Odyssey Portal. New users of the portal could number in the tens of thousands and managing portal accounts and user support requires support staff above the current staffing levels.

Other Non-Standard Costs (Object N)

This request also includes pass through funding to Whatcom County for its costs, including staffing and equipment.

- Deputy Court Administrator will support the existing clerk staff with records access and evidence management (\$182,000 in FY 2026 and ongoing with COLA).
- Court Project and Technology Coordinator will support the water adjudication and offer technical support (\$134,000 in FY 2026 and ongoing with COLA).
- Court facility/construction and equipment costs (\$360,000 in FY 2026 ongoing and one-time).
- Adjustments for previously funded staff COLAs and wage disparity reclasses (\$105,000 in FY 2026 and ongoing).
- Traveling court and security expenses to conduct court in rural areas (\$29,000 in FY 2026 and ongoing).
- Technology and evidence management (\$59,000 in FY 2026 ongoing and one-time).
- One-half of the Superior Court judge's salary (\$114,000 per year ongoing).

Expenditures by Object	<u>FY 2026</u>	<u>FY 2027</u>	<u>FY 2028</u>	<u>FY 2029</u>	<u>FY 2030</u>	<u>FY 2031</u>
A Salaries and Wages	108,000	108,000	108,000	108,000	108,000	108,000
B Employee Benefits	34,000	34,000	34,000	34,000	34,000	34,000
E Goods and Services	6,000	6,000	6,000	6,000	6,000	6,000
G Travel	2,000	2,000	2,000	2,000	2,000	2,000
J Capital Outlays	8,000	2,000	2,000	2,000	2,000	2,000
N Grants, Benefits & Client Services	983,000	824,000	848,000	867,000	867,000	867,000
T Intra-Agency Reimbursements	35,000	35,000	35,000	35,000	35,000	35,000
Total Objects	1,176,000	1,011,000	1,035,000	1,054,000	1,054,000	1,054,000

Staffing

Job Class	Salary	<u>FY 2026</u>	<u>FY 2027</u>	<u>FY 2028</u>	<u>FY 2029</u>	<u>FY 2030</u>	<u>FY 2031</u>
APPLICATION ADMINISTRATOR	108,000	1.0	1.0	1.0	1.0	1.0	1.0
Total FTEs		1.0	1.0	1.0	1.0	1.0	1.0

Explanation of standard costs by object:

A - Salary estimates are current biennium actual rates at Step L.

B - Benefits are the agency average of 31.10% of salaries.

E - Goods and Services are the agency average of \$5,800 per direct program FTE.

G - Travel is the agency average of \$2,000 per direct program FTE.

J – Ongoing Equipment is the agency average of \$1,900 per direct program FTE.

J – One-time IT Equipment is \$5,900 for the first fiscal year per direct program FTE.

Agency Indirect is calculated at a rate of 24.98% of direct program salaries and benefits.

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

Fair and Effective Administration of Justice

When adjudicating water claims, fair and effective administration of justice depends on access to the court, clerk's office employees, and court records. This request will add positions and technology to answer claimant questions, process claims, provide records access, and administer claim filing along with supporting evidence.

Accessibility

The Nooksack Basin includes several rural areas, and the case will include a significant number of unrepresented litigants. This request funds court travel to rural communities offering access the court. It will also support remote access to claim information by digitizing court records.

Access to Necessary Representation

Water rights are important interests and each individual right within the case will be adjudicated. This package anticipates the needs of individuals to access information and representation. The court and AOC staff have collaborated with the local bar association to create opportunities and resources for access to representation.

Commitment to Effective Court Management

The funding already provided by the Legislature invested in judicial officers, chambers staff, and clerk's office positions. They are working directly on the adjudication and case filing and management processes. This package further supports effective court management by adding court, clerk, and AOC staff dedicated to the water adjudication's court record access and evidence management. The additions will allow the court to

effectively manage its regular criminal and civil workload and not divert existing staff resources to water adjudication.

Sufficient Staffing and Support

To support a water adjudication that will serve approximately 30,000 potential claimants and process 5,000-25,000 claims and make all information electronically available to all water claimants, this request for additional staff will support the court, clerk's office and AOC.

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 whether the claimant is a large, represented organization or a self-represented litigant with limited access to technology. The rural communities of Whatcom County include a substantial population who are Punjabi, Russian, and other non-English speakers and may not have representation. Funds in this package support court outreach to rural communities and greater capacity in the court and clerk's office to facilitate claims and requests for information and technology that will assist in interpreting large basin-wide hearings.

Describe the how the agency conducted community outreach and engagement.

AOC staff has held discussions about community needs and concerns with Whatcom County Superior Court, Whatcom County Clerk's Office, the Whatcom County Bar Association, Whatcom County Law Advocates, and facilitated a case management committee that included more than 20 local attorneys.

Consider which target populations or communities would be disproportionately impacted by this proposal.

Explain why and how these equity impacts will be mitigated.

Communities that will be disproportionately impacted include rural, non-English speaking, unrepresented claimants. This proposal helps mitigate those impacts by providing outreach, opportunities to access hearings in their communities, and access to necessary records to proceed through the adjudication.

Are there impacts to other governmental entities?

This package impacts Ecology's ability to efficiently process an adjudication. It is expected that Ecology and local government will support this request.

Stakeholder response:

This package is in response to requests made by attorneys and community members to ensure all claimants have access to the courts and information related to their claim and the adjudication process.

Are there legal or administrative mandates that require this package to be funded?

Yes. State law requires, "The expenses incurred by the state in a proceeding to determine rights to water initiated under RCW 30.03.110 or 90.44.22 or upon appeal of such a determination shall be borne by the state. 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?

See decision packages from 2023-2025 biennium, 2024 supplemental, and Ecology's budget requests for the Nooksack Adjudication.

Are there information technology impacts?

Yes. AOC continues to assess the impacts but information technology solutions supported by this package includes support for data exchanges and records access to water adjudication claimants and an evidence management and storage system.

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