

Bertrand Watershed Improvement District

Minutes for:

January 3, 2012 Meeting, 2 pm - 4 pm

Ag Central 1796 Front Street Lynden, WA 98264

Vern VandeGarde Steve Groen Marty Maberry
 Pete Vlas Greg Ebe

Henry Bierlink Dale Buys Doug Erickson
 Skip Richards Vince Buys Steve Seymour
 Doug Allen Sue Blake Tom Anderson
 Mary Dumas Joanne Greenberg Steve Jilk
 Jim Bucknell Heather McKay Karen Steensma

x = present

o = absent with notice

I. Consent Agenda *(all the following are approved in a single motion if there is a consensus to do so. If a board member cannot consent they can remove the questionable item(s) from the Consent Agenda and discuss it under Old Business).*

- a. Review and Approval of November 1, 2011 Minutes
- b. Financial Report
- c. Payment of Bills

		<u>Original Amount</u>	<u>This Month</u>	<u>Total</u>	<u>Balance Available</u>
2009 PUD Interlocal	FY 2011	\$53,569.00		\$52,855.19	\$0.00
2009 Capital Grant		\$283,570.00	\$5,029.57	\$41,160.09	\$242,409.91
Fund Balance @ 12-31				\$12,127.68	
Accounts Receivable					
Invoices Submitted for reimbursement				\$5,029.57	
	TOTAL Available				\$17,157.25
Outstanding bills:					\$2,613.79
	Vern Vande Garde		Nov - Dec	140.00	
	Whatcom Farm Friends		Nov - Dec	1,150.00	
	Reichhardt & Ebe		Augmentation	1,323.79	
Accounts Payable					
End of Month Balance					\$14,543.46

Greg moved to approve the Consent Agenda, Steve seconded, motion carried unanimously.

II. Old Business

A. Capital Budget – Augmentation Project

- Direction for Surface to ground conversion project
- Groen well field

Henry presented a suggested budget amendment based on several discussions and Chuck's Lindsay's estimated budget to prepare the Water Right Transfer documentation to facilitate surface to groundwater transfers. Greg moved to approve this request for

transferring \$36,500 from Component #2 to Component #1 and allowing us to pursue the Water Rights Guidance document, a pilot transfer project, and continue to explore the feasibility of locating a well near the Groen farm to be used for stream augmentation, Steve seconded, motion carried unanimously.

B. Natural Resources Marketplace

- Next steps, pilot program in Fishtrap
- Mitigation development

Heather reported that the Willamette Partnership was willing to commit \$10k in time and resources to develop the Pepin Creek reroute project as an illustration of how the NR Marketplace could be used to facilitate transactions. The City of Lynden is interested and considering what they can add to keep the project moving forward. The Bertrand will remain marginally involved because the property west of Double Ditch is part of the Bertrand WID.

Heather and Mary also reported that several recently awarded grants from the EPA Watershed Restoration Fund were awarded to projects that helped to develop market based approaches to resource protection and enhancement. Whatcom County is one of these participants and the work will be predominately focused in the north Lynden area. The grant is for over \$300k over three years.

C. Water Supply Planning for Economic Certainty

- Expansion of Coordinated Water System Plan
- Effect of Tribal requests for Declaratory Judgment

There was significant discussion over the appropriate nature of concern that we should have over the Nooksack and Lummi requests for federal declaratory judgment concerning their water right claims. It was recognized that some action to force progress on determining who has what water was desirable but there were great concerns that all water uses need to be factored into this discussion and decision. There was general consensus that keeping this within the State's authority was more desirable than leaving the decision solely in the federal hands.

III. New Business

- A. Annual Consumptive Quantity (ACQ) proposed legislation – Rep. Buys has been helping us draft the language we submitted on our ACQ suggestions in to legislation that could be considered in the 2012 Session. There was support for keeping dates out of the legislation and simply require proof that practices were implemented to conserve water and then calculating ACQ on the average of the highest 2 of the 5 years prior to making the conversion. The group will relook at the draft over this week and Rep. Buys will seek to advance it.
- B. TransBoundary – Mary reported that she had been in contact with a group out of the Himalayas who were interested in how we are able to keep momentum moving on international resource concerns even after funding for projects disappears.

IV. Adjournment/Next Meetings

February 7

Respectfully submitted by Henry Bierlink, Whatcom Farm Friends

Approved by _____

Bertrand Watershed Improvement District

Minutes for:

February 7, 2012 Meeting, 2 pm - 4 pm

Ag Central 1796 Front Street Lynden, WA 98264

<input checked="" type="checkbox"/> x Vern VandeGarde	<input type="checkbox"/> o Steve Groen	<input checked="" type="checkbox"/> x Marty Maberry
<input checked="" type="checkbox"/> x Pete Vlas	<input checked="" type="checkbox"/> x Greg Ebe	

<input checked="" type="checkbox"/> x Henry Bierlink	<input checked="" type="checkbox"/> x Dale Buys	<input type="checkbox"/> Larry De Haan
<input type="checkbox"/> Chris Benedict	<input type="checkbox"/> John Gillies	<input checked="" type="checkbox"/> x Steve Seymour
<input type="checkbox"/> Doug Allen	<input checked="" type="checkbox"/> x Bill Verwolf	<input type="checkbox"/> Tom Anderson
<input type="checkbox"/> Mary Dumas	<input checked="" type="checkbox"/> x Chuck Lindsay	<input type="checkbox"/> Steve Jilk
<input checked="" type="checkbox"/> x Jim Bucknell	<input type="checkbox"/> Heather McKay	<input checked="" type="checkbox"/> x Tom Buroker

x = present

o = absent with notice

I. Consent Agenda (*all the following are approved in a single motion if there is a consensus to do so. If a board member cannot consent they can remove the questionable item(s) from the Consent Agenda and discuss it under Old Business.*)

- a. Review and Approval of January 3, 2012 Minutes
- b. Financial Report - no report generated – balance on hand is \$9516.

Marty moved to approve the Consent Agenda, Greg seconded, motion carried unanimously.

II. Old Business

A. Capital Budget – Augmentation Project

- Surface to ground conversion project
 - Water Rights Guidance document – Chuck and Dale will begin preparing a draft. The report is due the end of April which may present challenges. But a good draft will be ready by the March meeting. Chuck noted he would need a strong working relationship with Ecology to advance this project.
 - Water Rights pilot - Who do we work with? - 3 candidates were discussed and each present some interesting opportunities. Marty's Axling Road surface right, Greg Ebe's McClellan surface right, and Greg Smit's upper Bertrand surface right. Marty will talk to Greg Smit to see if he is interested.
- Valley View well field
 - Letter to Valley View Water Association – Dale will draft a letter to introduce the purpose and direction of the project for us to use to begin discussions with the Valley View Water Association board concerning areas of potential partnership/opportunity.
 - Well location will depend in a large part on the discussion with Valley View. The location will seek to address 1) promising volumes of water, 2) proximity to power, 3) proximity to a discharge location, and 4) a cooperative property owner.
- De Haan well – The board wants to ensure that the well we drilled on the De Haan property remains a legitimate options for use as an augmentation or mitigation well in the future. Henry will recheck the agreement with Larry to ensure this is the case.

B. Natural Resources Marketplace

- Next steps, pilot program in Fishtrap – funded primarily through a \$350 grant received by the County.
- Mitigation development will occur in this project and help make it more clear how the County can focus required mitigation on areas that clearly advance the land and water goals of the County.
- Grant Application – WFF and WWT – “Resolving Water Related Risks for Bertrand Watershed Specialty Crop Growers” - would begin in October, finish May, 2014 if accepted.

C. Water Supply Planning for Economic Certainty

- Expansion of Coordinated Water System Plan to include ag uses will begin shortly. Henry provided a memo updating the Board on the elements anticipating in this effort.
- Effect of Tribal requests for Declaratory Judgment – Henry’s memo also addressed the local response to this request. There was some discussion about rising above the legal/political struggle and ask the Tribes directly what they would envision to be the preferred vision for land and water management in the future.

III. New Business

- A. Annual Consumptive Quantity (ACQ) legislation – HB 2415 – the bill is about to be voted on the floor of the House. There was concern for its fate in the Senate. Henry will talk with Vince about the best strategy to keep it moving forward. Steve Seymour offered to try to help address some of WDFW’s concerns which the board felt reflected a lack of full comprehension of what the bill was designed to do. Henry wondered if some funds might be made available to hire expert water law assistance if it proves to be necessary to move this bill to approval. The board suggested this was a possibility and could be approved with some calls to the board.
- B. County-wide Irrigation District – Marty recalled the 1995 effort to organize an Irrigation District in the County which failed by the slimmest of margins (66% approval when 66.6% was needed). He wondered if the time for this might be approaching once again. Greg noted that an expansion of the Bertrand and North Lynden district boundaries might be an easier option. Or considering Local Improvement Districts, etc.

IV. Adjournment/Next Meetings

March 6 – may be postponed until April 3 or May 1

Respectfully submitted by Henry Bierlink, Whatcom Farm Friends

Approved by _____

Bertrand Watershed Improvement District

Minutes for:

March 6, 2012 Meeting, 2 pm - 4 pm

Ag Central 1796 Front Street Lynden, WA 98264

Vern VandeGarde Steve Groen Marty Maberry
 Pete Vlas Greg Ebe

Henry Bierlink Dale Buys Larry De Haan
 Chris Benedict John Gillies Steve Seymour
 Doug Allen Chuck Lindsay Tom Buroker
 Mary Dumas Joanne Greenberg Steve Jilk
 Jim Bucknell Heather McKay Karen Steensma

x = present

o = absent with notice

I. Consent Agenda *(all the following are approved in a single motion if there is a consensus to do so. If a board member cannot consent they can remove the questionable item(s) from the Consent Agenda and discuss it under Old Business).*

- a. Review and Approval of February 7, 2012 Minutes
- b. Financial Report
- c. Payment of Bills

	<u>Original Amount</u>	<u>This Month</u>	<u>Total</u>	<u>Balance Available</u>
2009 Capital Grant	\$283,570.00		\$41,160.09	\$242,409.91
Fund Balance @ 2/29/12		\$9,585.49		
Accounts Receivable		5,029.57		
Invoices Submitted for reimbursement		\$0.00		
TOTAL Available				\$14,615.06
Outstanding bills:				\$2,557.92
Vern Vande Garde		Jan - Feb	140.00	
Whatcom Farm Friends		Jan - Feb	1,300.00	
Reichhardt & Ebe		Augmentation	1,117.92	
Accounts Payable				
End of Month Balance				\$12,057.14

Pete moved to approve the Consent Agenda, Greg seconded, motion carried unanimously.

II. Old Business

A. Capital Budget – Augmentation Project

- Surface to ground conversion project
 - Water Rights Guidance document – Chuck reviewed a draft outline of what would be included in the document. The document will be primarily aimed at landowners who may be considering moving surface diversions to groundwater. A secondary purpose will be to illustrate hurdles in the process that we can use to help compel some changes in water laws and policies to improve this process. Much of these details will be included in appendices.

The board and others were asked to funnel most of their comments through Henry so that Chuck can get clear feedback. He offered to answer any direct questions from the group but we want to keep the project focused on the task.

Steve S. wondered what the true incentives are for anyone to go through this rather daunting process. Greg felt that there was less risk in making use of groundwater as we know that the pressure to increase streamflows will not diminish. The possibility of using the process to provide more water to landowners also exists. A question we hope to resolve is “is the additional water in the stream from abandoning the surface diversion considered mitigation for a new water use?”

Ecology offered to provide flow charts illustrating the steps in a new water right or a change application. This may help illustrate the steps more clearly and serve as a quick summary of the elements provided in the guidance document.

- Water Rights pilot – Marty and Vern are still planning to talk to Greg Smit to determine his interest in using the guidance document.
- Valley View well field – We have not formally approached the Valley View board yet and have intentions of beginning a informal conversation on potential new well sites. Steve Groen will assist us in this.
- De Haan well – Henry noted we do not have a current easement but we do have a understanding on what would happen if we determined we’d like to go back to this source as an augmentation option. Larry owns the well but cannot use it for anything but a monitoring well which was part of the decommissioning agreement. If the WID wants to make use of the well a new easement would have to be renegotiated and Larry is amenable to this as he knows that the amount of water available there could be a true asset for his farm and others by positively contributing to the stream flows.

B. Water Supply Planning for Economic Certainty

- Expansion of Coordinated Water System Plan – Henry participated in a Monday afternoon teleconference where next steps in the process of starting the out-of-stream water user discussions were discussed. Expect the County Public Works and Public Health departments to co-lead this process. County Planning and the PUD will also be involved in managing the process with the Cities, water associations, and Farm Friends as participants.

III. New Business

- A. Annual Consumptive Quantity (ACQ) legislation – HB 2415 – Failed to get through the House primarily due to a lack of time in the short session. We’ll try again next year. Ecology is supportive of the bill and is willing to work with us to address any of the concerns that were raised by the environmental community.
- B. Bertrand restoration support request – in Aldergrove – LEPS. Trinity Western, and Arocha NW are planning to restore a bad stretch of the mainstem of Bertrand in Aldergrove. It runs alongside a townhouse complex housing mainly senior citizens, one of whom is helping spearhead the project. They need to replant, beaver fence, vole guard, and mulch at least 150 - 200 feet of bank. The site prep, planting design, and planting will all be carried out by students and other volunteers. Planting day is March 21. All labor is volunteer.

The Board declined to help with dollars as this is well outside our district boundaries but is willing to help with sourcing plants, etc. Steve S. offered to help facilitate this.

- C. Ag Water Strategy – An Ad hoc committee hosted by Farm Friends is reviewing the nature of the threats to ag water use and considering revised and new strategies to address them. They intend to keep the Bertrand board informed about the discussions and welcome more Bertrand board involvement. They have noted that there has been a community education strategy and a political strategy but not a legal one. That may need to change in order to confront the water issue more successfully.
- D. Water Banking – Chuck presented a report from the Dungeness concerning the water exchange program they are operating there. He encouraged the board to explore and develop this concept as it provides some opportunities for water debits and credits that would help landowners. The Natural Resource Market is a larger concept that incorporates this idea. We should not miss an opportunity to create a small piece of the market (water bank) while continuing to develop the NRM concept.

IV. Adjournment/Next Meeting

April 10

Respectfully submitted by Henry Bierlink, Whatcom Farm Friends

Approved by _____

Bertrand Watershed Improvement District

Minutes for:

May 29, 2012 Meeting, 2 pm - 4 pm

Ag Central 1796 Front Street Lynden, WA 98264

Vern VandeGarde Steve Groen Marty Maberry
 Pete Vlas Greg Ebe

Henry Bierlink Dale Buys Larry De Haan
 Chris Benedict John Gillies Steve Seymour
 Doug Allen Bill Verwolff Tom Buroker
 Mary Dumas Joanne Greenberg Steve Jilk
 Jim Bucknell Heather McKay Karen Steensma

x = present

o = absent with notice

I. Consent Agenda *(all the following are approved in a single motion if there is a consensus to do so. If a board member cannot consent they can remove the questionable item(s) from the Consent Agenda and discuss it under Old Business).*

- a. Review and Approval of March 6, 2012 Minutes
- b. Financial Report
- c. Payment of Bills

Monthly Financial Report for	May , 2012		
	Original Amount	This Month	Total
2009 Capital Grant	\$283,570.00	\$5,225.46	\$46,385.55
Fund Balance @ 4/30/12	\$14,115.00		
Accounts Receivable			
Invoices Submitted for reimbursement	\$5,225.46		
TOTAL Available	\$19,340.46		
Outstanding bills:	\$2,947.54		
Vern Vande Garde	Mar - May	\$140.00	
Whatcom Farm Friends	Mar - May	\$2,025.00	
Reichhardt & Ebe	Augmentation	\$782.54	
Accounts Payable			
End of Month Balance	\$16,392.92		

No quorum present.

II. Old Business

A. Capital Budget – Augmentation Project

- Surface to ground conversion project
 - Water Rights Guidance document
 - Water Rights pilot

Chuck presented the latest draft of the first section of the Guidance Document. This contains and introduction to the issue, definitions of water right terms, and an outline of the issues in a change process. The next sections will 2) walk through the change application process, and 3) present options for having the transfer processed. Chuck expects to have the remaining two

sections completed by late June. He has tried to keep the text as simple as possible and include the detailed information in appendices, many of them Ecology background papers.

There was discussion concerning the difference between the Extent and Validity test and the Annual Consumptive Quantity test. The E & V test examines how the water has been used and the ACQ test examines how much water has been used.

It was noted that there would be some wisdom in applying the example to an actual potential transfer rather than developing a hypothetical application. Greg Smit and Marty are the two most likely to make use of this document in the Bertrand. Vern and Marty will talk with Greg about his interest. They will determine who is best placed to work with Chuck in developing the example.

- Valley View well field
 - Areas of potential partnership/opportunity
 - Well location

Marty mentioned that new treatment technology for iron was available. Initial cost estimates were \$17k for treating 150 gpm down to 2 ppm. The potential of returning our focus to Larry De Haan's wells was discussed. The uncertainty of water volumes and the cost of obtaining electricity in the Valley View area have cooled our enthusiasm for that area. Dale will talk with Larry again about how we might package a proposal to make use of the current wells and possibly add a few more in the future with some treatment and a flocculating area in the ditch north of Wayne Groens.

III. New Business

- A. Annual Consumptive Quantity (ACQ) legislation – HB 2415 – discussion with John Stuhlmiller of WA State Farm Bureau. John indicated that HB 2415 did not accomplish what we had intended it to accomplish and because of that the Water Policy Alliance was neutral at best about the bill. He stated that section 4, subsection 4 did not require Ecology to do anything more than consider the amount of water used before conversion to more efficient means of irrigation. We will check further on this and see if any deficiency in the bill can be addressed prior to encouraging Rep. Buys to reintroduce it.
- B. Ag Water Strategy Recommendations – An Ad hoc committee hosted by Farm Friends considered our evolving water concerns and has made recommendations for other ag groups to consider supporting. The recommendations, in priority order, are:
 1. Identify legal counsel – not needed for every decision but a necessary part of the team
 2. Participate actively in Out of Stream Users Group – regular and consistent ag voice to inform the Water Supply Plan. Examine wheeling of water, potential of future negotiations, and timing for adjudication. Expect the County to take a leadership role in this.
 3. Explore an Ag District making use of Irrigation District law. Might be an expansion of existing districts.
 4. Keep exploring and advancing legislative improvements and agency policy decisions – build coalitions to help achieve them. Push Ecology to advance water spreading and revising minimum stream flows.
 5. Advance the Natural Resources Marketplace and Water Bank as incentive based approaches to help farmers voluntarily achieve both landowner and community goals. These ideas provide a positive, incentive-based alternative to regulation as a means of implementing the agreements and/or orders produced in adjudication or negotiation.

- C. Bill Verwolf updated the board on Lynden's progress in water conservation. They used only 8 acre feet more than their water right in 2011. He also noted that DOH is stepping up their efforts to address nitrate concerns in the water associations surrounding Lynden. Lynden is willing to be part of a solution but has to have some of their water right needs addressed to do so.

IV. Adjournment/Next Meetings

July 3 or August 7

Respectfully submitted by Henry Bierlink, Whatcom Farm Friends

Approved by _____

Bertrand Watershed Improvement District

Minutes for:

September 4, 2012 Meeting, 2 pm - 4 pm

Ag Central 1796 Front Street Lynden, WA 98264

Vern VandeGarde Steve Groen Marty Maberry
 Pete Vlas Greg Ebe

Henry Bierlink Dale Buys Larry De Haan
 Chris Benedict John Gillies Steve Seymour
 Doug Allen Bill Verwolff Tom Buroker
 Mary Dumas Joanne Greenberg Steve Jilk
 Jim Bucknell Heather McKay Chuck Lindsay

x = present

o = absent with notice

I. Consent Agenda *(all the following are approved in a single motion if there is a consensus to do so. If a board member cannot consent they can remove the questionable item(s) from the Consent Agenda and discuss it under Old Business.)*

- a. Review and Approval of May 29, 2012 Minutes - Marty moved to approve the minutes, Steve seconded, motion carried unanimously.
- b. Financial Report & Payment of Bills - Steve moved to approve the minutes, Marty seconded, motion carried unanimously.

	<u>Original Amount</u>	<u>This Month</u>	<u>Total</u>	<u>Balance Available</u>
2009 Capital Grant	\$283,570.00	\$30,352.43	\$76,737.98	\$206,832.02
Fund Balance @ 8/30/12		\$17,696.85		
Accounts Receivable				
Invoices Submitted for reimbursement		\$30,352.43		
TOTAL Available				\$48,049.28
Outstanding bills:				\$32,062.43
Vern Vande Garde		June - Aug	\$210.00	
Whatcom Farm Friends		June - Aug	\$900.00	
Enduris		Insurance	\$1,500.00	
Reichhardt & Ebe		Augmentation	\$29,452.43	
Accounts Payable				
End of Month Balance				\$15,986.85

II. Old Business

A. Capital Budget – Augmentation Project

- Surface to ground conversion project
 - Water Rights Guidance document
 - Water Rights pilot

Chuck presented the final draft of the Guidance Manual. He noted there were a few comments from Ecology that he would incorporate into the final. The board felt that it had achieved the purpose intended.

The application of the manual has explored working with Greg Smit, Stan Van Diest, and Marty Maberry. The board determined that working with Marty would be the best option and Chuck was directed to apply the remaining \$3500 in the budget to developing an application based on the work in the Guidance Manual.

- Valley View well field
 - Areas of potential partnership/opportunity
 - Well location

Concerns about efficient and effective use of money in the Valley View area and the improved technology for filtering iron points the board back to the De Haan area as the best option for stream augmentation. Dale will discuss some options with Larry. Henry will discuss another grant amendment with Ecology to apply the \$30,000 in the aquifer determination line item back to filtering out iron.

B. Natural Resources Marketplace

- Next steps, pilot program in Fishtrap
- Mitigation development.
- Guide Meridian drainage changes

Henry and Vern met with DOT and landowners regarding the planned construction of a third lane from H Street to the border in 2013-14. Here's what we learned. Much of this is relevant to projects we are engaged in. How they might dovetail is not clear and maybe not possible.

Water issues include:

- Filtration and flow control for stormwater
- Impact on wetlands
- Coordination with existing drainage

Current plans are to construct a filter system on the east side that will collect and pipe stormwater to the H Street corner. Plans are to purchase at least 2 acres on the southwest corner and construct a 2 acre retention pond to provide filtration and flow control. Discharge is planned to either the Guide ditch or to the H Street ditch north of the road headed to the Jackman Ditch. Delta's waterline would be impacted on this parcel.

Wetlands east of the project would be impacted and plans are to purchase mitigation credits from the Lummi Mitigation bank to the tune of \$200 - \$400k.

Property owners and WID commissioners from both Bertrand and North Lynden have concerns about the design and frustration that the project is complete isolated from all other water management concerns in the area. Ideally we'd like to see the project integrated into the following projects. But the timeline may prove to be too much of a challenge. DOT is open to entertaining new proposals and tweaks to their existing proposal and in some ways are anxious to have their project have a positive impact on larger issues. They await a counter proposal.

The board debated if we could muster one. Dale and Henry will explore some options in the next weeks and determine if a formal proposal to DOT is justified.

Concerns/Projects in this area:

- Bertrand flow enhancement
- Channeling overflow from the Fishtrap system to the Bertrand during flood events
- Taking storm water pressure off Lynden
- Development of the County's land and water integration project
- Preserving farmland – retention pond will take over 2 acres
- Another unsightly retention pond

C. Water Supply Planning for Economic Certainty

- Expansion of Coordinated Water System Plan
- Dept of Health concerns over nitrates

Bill Verwolf and Henry reported that the County is anticipating a meeting with Ecology and State Health to determine the State's role in helping to develop the Coordinated Water System Plan and the development of an 'out-of-stream users' water plan. It is clear that is effort needs to be initiated and there was significant frustration with the County's inability to get it started.

III. New Business

- A. Annual Consumptive Quantity (ACQ) legislation – HB 2415 – plans are to have this bill reintroduced. Bellingham also has interest in making changes to the ACQ code to facilitate movement of its water rights downstream. We may determine to combine these proposals or we may jointly support each other's proposals. Farm Friends expects to have legal counsel available to help make the determination as to the best approach.

IV. Adjournment/Next Meetings

October 2

Respectfully submitted by Henry Bierlink, Whatcom Farm Friends

Approved by _____

Bertrand Watershed Improvement District

Minutes for:

November 6, 2012 Meeting, 2 pm - 4 pm

Ag Central 1796 Front Street Lynden, WA 98264

Board of Equalization public meeting

Vern opened the Public Hearing at 2:20. No one was present to comment. Greg moved to close the Public Hearing at 2:21, Peter seconded, motion carried unanimously.

Vern VandeGarde Steve Groen Marty Maberry
 Pete Vlas Greg Ebe

Henry Bierlink Dale Buys Larry De Haan
 Chris Benedict John Gillies Steve Seymour
 Doug Allen Bill Verwolf Tom Buroker
 Mary Dumas Joanne Greenberg Steve Jilk
 Jim Bucknell Heather McKay Chuck Lindsay

x = present

o = absent with notice

I. Consent Agenda (*all the following are approved in a single motion if there is a consensus to do so. If a board member cannot consent they can remove the questionable item(s) from the Consent Agenda and discuss it under Old Business*).

- a. Review and Approval of September 4, 2012 Minutes
- b. Financial Report
- c. Payment of Bills

	<u>Original Amount</u>	<u>This Month</u>	<u>Total</u>	<u>Balance Available</u>
2009 Capital Grant	\$283,570.00		\$76,737.98	\$206,832.02
Fund Balance @ 11/5/12		\$17,965.62		
Accounts Receivable				
Invoices Submitted for reimbursement				
TOTAL Available				\$17,965.62
Outstanding bills:				\$3,513.46
Vern Vande Garde		Sept. – Oct.	\$280.00	
Whatcom Farm Friends		Sept. – Oct.	\$850.00	
Lynden Tribune		public notice	\$115.60	
Reichhardt & Ebe		Augmentation	\$2,267.86	
Accounts Payable				
End of Month Balance				\$14,452.16

Peter moved to approve the Consent Agenda, Greg seconded, motion carried unanimously.

1796.

Old Business

A. Board nominations, appointments – terms ending for Steve, Greg

PUBLIC NOTICE – Bertrand and North Lynden Watershed Improvement Districts

Residents within the Bertrand and North Lynden Watershed Improvement Districts have an opportunity to:

Nominate candidates for election to the Board of the District – two positions in Bertrand, two in North Lynden – candidates must file with the secretary of the district a declaration in writing of their candidacy, or a petition of nomination signed by at least ten qualified electors of the district, not later than five o'clock p.m. on the first Monday in November.

Inspect the 2013 Assessment Role and represent your interests to the District Board which will serve as a Board of Equalization. Equalization issues in the Bertrand will be heard at 2 pm, November 6, 2012, for North Lynden at 10 am, November 20, 2012, both at the District's office. The Assessment Roles for both Districts are available for inspection from October 10 to November 20.

*Nomination forms and the assessment roles are available at the Districts' offices located at:
Bertrand Watershed Improvement District
North Lynden Watershed Improvement District
1796 Front Street, Lynden*

Pete moved to appoint Steve and Greg to another 3 year term. Greg seconded the motion after noting that we should be looking for some new members to ensure we maintain the attendance needed to function with a quorum. Potential nominees mentioned included Matt Maberry and one of the Bedlingtons. Motion carried unanimously.

B. 2012 Resolutions

RESOLUTION NO. 2012-1

2013 APPROVED BUDGET AND SETTING THE SPECIAL ASSESSMENT RATE

WHEREAS, the Board of Commissioners of the Bertrand Watershed Improvement District (WID) have approved the attached budget for the succeeding year, and

WHEREAS, the Bertrand WID may incur indebtedness prior to a levy, not to exceed fifty cents/acre, and which shall be assessable against the lands in the WID. (RCW 87.03.475) This indebtedness may be used for necessary costs and expenses of organizing, surveys, engineering work, feasibility of a proposed irrigation project, ordinary administrative affairs, and ordinary expenses of operation and maintenance of an irrigation system. The board may issue warrants for the payment of any indebtedness incurred under this section, and amount of all warrants shall be included in the next annual levy for payment of expenses of operation and maintenance

WHEREAS, according to RCW 87.03.475 the board may issue warrants for the payment of any indebtedness incurred under this section, which shall bear interest at a rate or rates determined by the board, and it shall include in its next annual levy for the payment of the expenses of operation and maintenance, the amount of all warrants issued by virtue hereof

WHEREAS, RCW 87.03.475 specifies that the maximum indebtedness hereby authorized by the WID not exceed one dollar per acre of the total irrigable area within the district

WHEREAS, the Bertrand WID has incurred expenses used for necessary costs and expenses of organizing, surveys, engineering work, feasibility of a proposed irrigation project, ordinary administrative affairs, and ordinary expenses of operation and maintenance of an irrigation system.

NOW THEREFORE, BE IT RESOLVED, that the governing body of the Bertrand Watershed Improvement District direct a special assessment for 2013 in the amount of **\$.50** per acre for all parcels exceeding 3 acres within the boundaries of the District, and that said assessment, shall be imposed pursuant to the system of assessment established by the County.

ADOPTED this _____ day of _____, 2012

2013 Budget

Income

2013 Assessments	\$ 5,760
Project Grants, Interlocals	\$ 5,000
	\$ 10,760

Expenses

Directors Insurance	\$ 1,500
Board Meetings & Education	\$ 2,400
Projects	\$ 5,000
Administration	\$ 1,860
	\$ 10,760

Greg moved to approve Resolution #2012-1, Peter seconded, motion carried unanimously.

RESOLUTION NO. 2012-2
ESTABLISH 2013 ASSESSMENT ROLE

WHEREAS, the Board of Commissioners of the Bertrand Watershed Improvement District (WID) has approved the attached assessment role for the succeeding year, and

WHEREAS, the Bertrand WID has prepared an Assessment Role according to RCW 87.03.260 and RCW 87.03.270

WHEREAS, the Bertrand WID has maintained a parcel list and reviewed and edited the list according to the criteria and boundaries established in the organization of the Irrigation District

NOW THEREFORE, BE IT RESOLVED, that the governing body of the Bertrand Watershed Improvement District submit the attached list of parcels as the 2013 Assessment Role

ADOPTED this _____ day of _____, 2012

Peter moved to approve Resolution #2012-2, Greg seconded, motion carried unanimously.

C. Capital Budget – Augmentation Project

- Surface to ground conversion project
 - Water Rights Guidance document
 - Water Rights pilot

Chuck noted the work was 95% complete. He had to check on a few lingering questions to finish it. He reviewed the product to date which also includes a sample water right application illustrating how a surface to groundwater transfer might be best outlined. The question that lingers is “why would anyone want to do this?” It seems there should be some benefit provided to the farmer that chooses to keep more water in the stream. Could we provide more water to increase acreage covered? Could we demonstrate irrigation efficiencies that would allow more water to be irrigated elsewhere? The Annual Consumptive Quantity test proves to be a big obstacle to overcome.

D. Natural Resources Marketplace

- Next steps, pilot program in Fishtrap – Vern reviewed the recent meetings of the review team guiding this project. The last meeting had a lot to do with establishing clear metrics to measure what is important to farmers as well as watershed health.
- Guide Meridian drainage changes – Dale had meet with DOT. There seems to be potentials for considering trades but the timeframe for making them is nearly gone.

E. Ditch Cleaning

NLWID Spray Program is questioning why isn't the west side of Double Ditch being maintained? The Bertrand board is content with watching both sides of Double Ditch to see if there efficacy in spraying.

III. New Business

- A. Annual Consumptive Quantity (ACQ) legislation – HB 2415 – Farm Friends has contracted with attorney Bill Clarke in Olympia. He will provide us some guidance on the matter as soon as he consults with other water users
- B. Ag Water Legal Strategy Recommendations – Ad hoc committee hosted by Farm Friends – Farm Friends is putting together partnerships to help fund the legal work needed. The WID was asked to consider being a sponsor. Consensus was that specific work items would be considered within a sustainable budget of about \$5k per year.

IV. In-Stream Flow Negotiations

Discussion regarding negotiations (*May be held in Executive Session*)

V. Adjournment/Next Meetings

December 4 or
January 8

Respectfully submitted by Henry Bierlink, Whatcom Farm Friends

Approved by _____