

CLEARANCES	Initial	Date	Date Received in Council Office:	Agenda date	Assigned to:
Generator: Citizens				6/28/94	Council/Hearing
Division Head:				7/5/94	Council/Hearing
Dept. Head:					
Prosecutor:	DG	6/23/94			
Purchasing/Budget:					
Executive:					

SUBJECT:

Petition for formation of an irrigation district, to be known as the Whatcom County Agricultural Water District

ATTACHMENTS:

Petition and related paperwork

SUMMARY STATEMENT:

Please complete sections of box as appropriate & explain the item below.

Related County contract #:	Should Clerk schedule a hearing? NO / / YES <input checked="" type="checkbox"/> / Requested date: 6/28
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According to RCW 87.03.020 (6) states that:

- The petition must be accompanied by a "good and sufficient bond" in double the amount of the probable cost of organizing the district;
- At the hearing the Council will receive evidence and may adjourn the hearing from time to time, exceeding four weeks in all.
- After the hearing the Council will establish and define the boundaries of the district in order to "best reclaim the lands involved". Civil Deputy Prosecutor Dan Gibson says that this is the Council's main function in the process. The Council must leave it to the voters to decide whether the district will be formed, he said. The Council can't modify the boundaries to exempt any territory already included in the boundaries if that territory is "susceptible of irrigation by the same system of works applicable to other lands in such proposed district and for which a water supply is available." Lands that will not benefit from inclusion in the district may be exempted. Property may be added to the district boundaries if it is shown that it will benefit from being included in the district.
- After the hearing the Council could enter an order (in this case, by resolution) setting the boundaries, naming the district, and calling for an election. A sample resolution which could be passed by the Council is attached.

CLERK'S RECOMMENDED MOTION (for final action):

The Clerk recommends that the Council ask staff to prepare a resolution including the terms necessary to establish boundaries, officially name the district, and call for the election. The resolution could be considered by the Council at its ~~June 28 July 12~~ meeting or at a later date.

COUNCIL ACTION TAKEN:

- 6/28/94: Hearing held open for one week
- 5/94: Council approved the resolution, with amendments

RESOLUTION NO. 94-037

ORDERING AN ELECTION TO DETERMINE FORMATION OF
AN IRRIGATION DISTRICT TO BE KNOWN AS
THE WHATCOM AGRICULTURAL WATER DISTRICT

WHEREAS, the Whatcom County Council received a petition to form an irrigation district in Whatcom County; and

WHEREAS, said petition met the requirements for a petition as outlined in Chapter 87 of the Revised Code of Washington; and

WHEREAS, on June 28, 1994 the County Council accepted the petitioner's bond in the amount of \$20,000, a sum double the amount of the estimated costs of forming the district, as required by RCW 87; and

WHEREAS, the Council held a public hearing on the petition as required under RCW 87; and

WHEREAS, the Council's role in the petition process is to establish boundaries of the proposed irrigation district, establish its name, and call for an election of the property owners residing within district boundaries to determine whether the district shall be formed;

NOW, THEREFORE, BE IT RESOLVED by the Whatcom County Council that this irrigation district shall be known as the Whatcom Agricultural Water District; and

1 BE IT FURTHER RESOLVED that the boundaries of this proposed district shall
2 be as set forth in Exhibit "A" to this resolution; and

3 BE IT FURTHER RESOLVED that an election shall be set and carried out in
4 the manner detailed in Exhibit "B" to this resolution; and

5 BE IT FINALLY RESOLVED that the election date shall be Ocotber 5, 1994.

6 APPROVED this 5th day of July, 1994.

7 WHATCOM COUNTY COUNCIL
8 ATTEST: WHATCOM COUNTY, WASHINGTON

9 Marina Miller, Acting Clerk Robert Imhof
10 Ramona Reeves, Council Clerk Robert Imhof, Chair

11 APPROVED as to form:

12 Daniel L. Gibson
13 Civil Deputy Pros. Atty.

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EXHIBIT A

WHATCOM AGRICULTURAL WATER DISTRICT
Legal Description of Boundary

A tract of land situated in Townships 37, 38, 39, 40, and 41 North, Ranges 1, 2, 3, 4, and 5 East, W. M., Whatcom County, Washington, exclusive of all parcels meeting one or all of the following criteria: 1) within city limits, 2) tax-exempt parcels, or 3) total acreage under five acres, of which the boundary is more particularly described as follows:

Beginning at the Northwest corner of Section 34, Township 41 North, Range 2 East, W. M. (being the True Point of Beginning) Thence Southerly along the West line of said Section 34 to the Southwest corner thereof; Thence Westerly along the North line of Sections 4 and 5, Township 40 North, Range 2 East, W. M., to the Northwest corner of Section 5, Township 40 North, Range 2 East, W. M.; Thence Southerly along the West line of said Section 5 to the Southwest corner thereof; Thence Westerly along the North line of Section 7, Township 40 North, Range 2 East, W. M., continuing Westerly along the North line of Sections 12, 11, 10, and 9, Township 40 North, Range 1 East, W. M., to the Northwest corner of Section 9, Township 40 North, Range 1 East, W. M.; Thence Southerly along the West line of said Section 9 to the Southwest corner thereof; Thence Westerly along the North line of Section 17, Township 40 North, Range 1 East, W. M., to the Northwest corner thereof; Thence Southerly along the West line of Sections 17 and 20, Township 40 North, Range 1 East, W. M., to the Southwest corner of Section 20, Township 40 North, Range 1 East, W. M.; Thence Easterly along the South line of said Section 20 to the Southeast corner thereof; Thence Southerly along the West line of Sections 28 and 33, Township 40 North, Range 1 East, W. M., continuing Southerly along the West line of Sections 4 and 9, Township 39, Range 1 East, W. M., to the Southwest corner of Section 9, Township 39 North, Range 1 East, W. M.; Thence Easterly along the South line of said Section 9 to the Southeast corner thereof; Thence Southerly along the West line of Section 15, Township 39 North, Range 1 East, W. M., to the Southwest corner thereof; Thence Easterly along the South line of said Section 15 to the Southeast corner thereof; Thence Southerly along the West line of Section 23, Township 39 North, Range 1 East, W. M., to the Southwest corner thereof; Thence Westerly along the North line of Section 27, Township 39 North, Range 1 East, W. M., to the Northwest corner thereof; Thence Southerly along the West line of Sections 27, and 34, Township 39 North, Range 1 East, W. M., to the Southwest corner of said Section 34; Thence Easterly along the South line of Sections 34, 35, and 36 Township 39 North, Range 1 East, W. M., continuing Easterly along the South line of Section 31, Township 39 North, Range 2 East, W. M., to the Southeast corner

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thereof; Thence Southerly along the West line of Sections 5 and 8, Township 38 North, Range 2 East, W. M., to the Southwest corner of said Section 8; Thence Easterly along the South line of Sections 8, 9, 10, 11, and 12, Township 38 North, Range 2 East, W. M., continuing Easterly along the South line of Township 38 North, Range 3 East, W. M., continuing Easterly along the South line of Section 7, Township 38 North, Range 4 East, W. M., to the Southeast corner of Section 7, Township 38 North, Range 4 East, W. M.; Thence Northerly along the East line of Sections 7 and 6, Township 38 North, Range 4 East, W. M., to the Northeast corner of Section 6, Township 38 North, Range 4 East, W. M.; Thence Easterly along the North line of Sections 5, 4, 3, 2, and 1, Township 38 North, Range 4 East, W. M., to the Northeast corner of said Section 1; Thence Southerly along the West line of Township 38 North, Range 5 East, W. M., continuing Southerly along the West line of Section 6, Township 37 North, Range 5 East, W. M., to the Southwest corner thereof; Thence Easterly along the South line of Section 6, Township 37 North, Range 5 East, W. M., to the Southeast corner thereof; Thence Southerly along the West line of Sections 8, 17, and 20, Township 37 North, Range 5 East, W. M., to the Southwest corner of said Section 20; Thence Westerly along the North line of Section 30, Township 37 North, Range 4 East, W. M., to the Northwest corner thereof; Thence Southerly along the West line of Sections 30, and 31, Township 37 North, Range 5 East, W. M., to the Southwest corner of said Section 31; Thence Easterly along the South line of Sections 31 and 32, Township 37 North, Range 5 East, W. M., to the Southeast corner of said Section 32; Thence Northerly along the East line of Sections 32, and 29, Township 37 North, Range 5 East, W. M., to the Northeast corner of said Section 29; Thence Easterly along the South line of Sections 21 and 22, Township 37 North, Range 5 East, W. M., to the Southeast corner of said Section 22; Thence Northerly along the East line of Section 22, Township 37 North, Range 5 East, W. M., to the Northeast corner thereof; Thence Westerly along the North line of Section 22, Township 37 North, Range 5 East, W. M., to the Northwest corner thereof; Thence Northerly along the East line of Sections 16 and 9, Township 37 North, Range 5 East, W. M., to the Northeast corner of said Section 9; Thence Westerly along the North line of Section 9, Township 37 North, Range 5 East, W. M., to the Northwest corner thereof; Thence Northerly along the East line of Section 5, Township 37 North, Range 5 East, W. M., continuing Northerly along the East line of Sections 32, 29, 20, 17, 8 and 5, Township 38 North, Range 5 East, W. M., continuing Northerly along the East line of Section 32, Township 39 North, Range 5 East, W. M., to the Northeast corner thereof; Thence Westerly along the North line of Sections 32 and 31, Township 39 North, Range 5 East, W. M., continuing Westerly along the North line of Section 36, Township 39 North, Range 4 East, W. M., to the Northwest corner of said Section 36; Thence Northerly along the East line of Section 26, Township 39 North, Range 4 East, W. M., to the Northeast corner thereof; Thence

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Westerly along the North line of Section 26, Township 39 North, Range 4 East, W. M., to the Northwest corner thereof; Thence Northerly along the East line of Sections 22, 15, 10, and 3, Township 39 North, Range 4 East, W. M., continuing Northerly along the East line of Sections 34 and 27, Township 40 North, Range 4 East, W. M., to the Northeast corner of said Section 27; Thence Easterly along the South line of Sections 23 and 24, Township 40 North, Range 4 East, W. M., to the Southeast corner of said Section 24; Thence Northerly along the East line of Sections 24 and 13, Township 40 North, Range 4 East, W. M., to the Northeast corner of said Section 13; Thence Easterly along the South line of Section 7, Township 40 North, Range 5 East, W. M., to the Southeast corner thereof; Thence Northerly along the East line of Section 7, Township 40 North, Range 5 East, W. M., to the Northeast corner thereof; Thence Easterly along the South line of Section 5, Township 40 North, Range 5 East, W. M., to the Southeast corner thereof; Thence Northerly along the East line of Section 5, Township 40 North, Range 5 East, W. M., to the Northeast corner thereof; Thence Easterly along the North line of Section 4, Township 40 North, Range 5 East, W. M. and the South line of Section 33, Township 41 North, Range 5 East, W. M., to the Southeast corner of said Section 33; Thence Northerly along the East line of Section 33, Township 41 North, Range 5 East, W. M., to the Northeast corner thereof; Thence Westerly along the North line of Sections 33, 32, and 31, Township 41 North, Range 5 East, W. M., continuing Westerly along the North line of Township 41 North, Range 4 East, W. M., continuing Westerly along the North line of Township 41 North, Range 3 East, W. M., continuing Westerly along the North line of Sections 36, 35, and 34, Township 41 North, Range 2 East, W. M., to the Northwest corner of said Section 34; and the True Point of Beginning.

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TO: The Whatcom County Council
FROM: Lesa R. Starkenburg for
Whatcom County Agricultural Preservation Committee
DATE: June 23, 1994
RE: Formation Election for the Irrigation District

The following information is provided with regard to the formation election for the irrigation district requested by the Whatcom County Agricultural Preservation Committee (WCAPC). At this time, it is necessary to assess the probable cost of an election for the formation of the irrigation district in order that a bond can be established in a proper amount.

The Whatcom County Council is the entity who is responsible for the initial election for the formation of the irrigation district, RCW 87.03.035. The use of the Auditor's Office to assist with the election is optional. In addition, as voting is based on property ownership, the election can be held at any time and is not limited by election laws to specific days.

A meeting was held Friday, June 17, 1994 between Dan Gibson, Whatcom County Deputy Prosecuting Attorney; Pete Griffin, Whatcom County Auditor's Office, Elections Department; Ramona Reeves, Whatcom County Clerk; Henry Bierlink, Whatcom County Agricultural Preservation Committee and Lesa Starkenburg, Attorney for the Committee. At that time, the Auditor's Office indicated there would be a potential problem with time and resources should they be required to hold the election. As a result, other alternatives were considered.

The following suggested procedure has been formulated by WCAPC and has been reviewed by the Whatcom County Auditor's Office, Elections Department.

1. The "Poll Book" that is required to determine the eligible voters will be established by using a print out received from the Assessor's Office. The Assessor can certify that the records are a true and correct reflection of their records. The records will give the parcel number, the parcel size and the name and address of

the tax paying entity. The raw data received from the Assessor's Office will then be formatted by a joint effort between the Auditor's Office, Information Services and any outside consultants necessary.

Essentially, the Auditor's Office will be providing consulting services to insure that the poll book is adequate for an election. Information Services will be providing consulting services with regard to the format of the information downloaded from the Assessor's Office. An outside consultant, most likely a data processing firm, can be used to correlate the information. However, based on the assessment by the Auditor's Office of this approach, a data processing firm may not be required if a neutral third party with computer skills provided some formatting assistance. The WCAPC is checking into this possibility.

++ The Whatcom County Council is responsible to conduct the district's formation election in a manner that is similar to the way in which future elections for directors of the irrigation district will be conducted. The information from the Assessor's Office will be used for future elections, therefore it appears appropriate to use it for this election.

The Assessor's Office will provide the required information for less than \$100.00 which includes the cost of the computer time as well as computer disks for downloading. Costs for a data processing service are estimated at \$100.00 for a set up charge and \$10.00 per hour charged locally up to \$25.00 per hour for a Seattle firms.

2. Ballots will be printed locally by a printing company. Ballots will contain instructions indicating how joint ownership votes are cast as well as a request to forward the ballot to the property owner if different from the person who received it. There will be two (2) votes given for each five (5) acres of property owned. Different colored ballots can be used to provide different numbers of votes. Because the votes are cast by the number of acres owned, several individuals will be eligible for a significant number of votes. This could reduce the mailing cost and the time required to count the ballots.

Ballots will contain a statement required to be signed by the person submitting the ballot. This statement shall indicate that the person is at least 18 years of age, a citizen of the United States, and that they hold title to the land the ballots have been issued for. Additional

language will be included to address the rights of corporations and partnerships.

3. Voting will take place by mail. For cost calculation purposes first class postage was used. Return mailing postage was not calculated as it is not required by election laws. An election day will be set and ballots postmarked or delivered as of that day will be counted toward the election.
4. Mailing labels can be formulated using the information received from the Assessor's Office.
5. The Council will appoint election officers who will be responsible to count the ballots upon their return. It is anticipated that it will take five (5) individuals approximately a half of a day to do this. The Auditor's Office has indicated that it is not necessary to use individuals who are paid to count the ballots. However, for purposes for assessing the cost of the election we will assume that the County Council will compensate these individuals. These same individuals may be used to mail the proper number of ballots to the potential voters. It is anticipated that five (5) individuals can complete this task in one and a half days.

The Council can select individuals who work as inspectors or judges for the Auditor's Office during other elections. These individuals are normally paid \$74.00 to \$91.00 for a 15 hour day.

6. The Whatcom County Council is responsible to canvas the vote.

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The predicted cost of conducting the election in this manner is detailed below. The WCAPC is required to post a bond in an amount that is double the County's anticipated cost. The bond presented for your approval is in the amount of Twenty Thousand Dollars (\$20,000). This is significantly greater than the anticipated cost for the irrigation district formation election. The additional funds will be available as a protective measure to the Whatcom County Council should unforeseen costs be encountered.

If you have any questions, or would like further information with regard to the proposed bond, the WCAPC would be happy to provide assistance.

NOTICE OF PETITION

(Presentation of Petition for Formation of Whatcom Agricultural Water District, an irrigation district)

Notice is hereby given by the Clerk of the County Council that a petition for the formation of the Whatcom Agricultural Water District shall be presented to the County Council on June 28, 1994 at 7:00 p.m. and the first hearing shall be conducted.

Ramona Reeves
Clerk of the Council of Whatcom County, Washington

**PETITION FOR FORMATION OF
WHATCOM AGRICULTURAL WATER DISTRICT**

TO: COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

THE UNDERSIGNED, who constitute not less than fifty of the holders of title, or have evidence of title, to land susceptible to irrigation within the boundaries of the hereinafter described land, hereby respectfully petition the County Council of Whatcom County, Washington for the formation of an irrigation district, upon the following showing:

ARTICLE I.

DESCRIPTION OF REAL PROPERTY

The real property to be included in the operation of the district, in legal subdivisions or tractions thereof, and the county in which said real property is situated, is as follows:

SEE ATTACHMENT

ARTICLE II.

SOURCE OF SUPPLY/PLAN OF IMPROVEMENT

There are no plans for supplying water, because there are no plans to supply water, the Department of Ecology retains its statutory authority to administer and regulate all water use within the District boundaries pursuant to chapters 90.03 and 90.44 RCW (the surface and ground water codes).

ARTICLE III.

NAME OF DISTRICT

The district shall be known and designated as Whatcom County Agricultural Water District.

ARTICLE IV.

DIRECTORS

The number of directors who shall administer the affairs of the district shall be five (5).

ARTICLE VII.

PURPOSE OF DISTRICT

The primary purpose of the district is to provide an organization for representing the interests of Whatcom County Agricultural Water District users.

KB

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