

RESOLUTION NO. 675

A RESOLUTION OF THE BOARD OF COMMISSIONERS
OF BIRCH BAY WATER AND SEWER DISTRICT, WHATCOM COUNTY,
WASHINGTON, TO PROCEED WITH AN APPLICATION FOR NEW GROUNDWATER
RIGHTS AND TO PUBLISH SEPA NOTICE OF ACTION

WHEREAS, the Birch Bay Water & Sewer District ("District") previously filed Water Right Application No. G128046, which has a priority date of 08.99; and

WHEREAS, on May 27, 2008 the District and the City of Blaine ("City") strengthened their commitment to coordinate efforts in seeking additional water supplies and groundwater rights by entering into a First Amendment To Agreement For Wholesale Water Supply; and

WHEREAS, thereafter the District and the City laid further groundwork for joint pursuit of additional water rights by entering into a comprehensive interlocal agreement intended to provide an umbrella under which subsequent joint tasks could be ordered and accomplished; and

WHEREAS, on September 12, 2008 the City and the District filed a Joint Application for Cost Reimbursement Program to Department of Ecology for purposes of facilitating processing of City and District water right applications; and

WHEREAS, on February 11, 2009, the City and the District entered Task Order No. 12: Phase 1 Cost Reimbursement Agreement, authorizing payment for a Cost Reimbursement Program; and

WHEREAS, pursuant to and as supported by all of the foregoing, the Board of Commissioners of the Birch Bay Water and Sewer District have now made a final decision to proceed with Application No. G128046 for new groundwater rights under SEPA categorical exemption;

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners of Birch Bay Water and Sewer District, Whatcom County, Washington as follows:

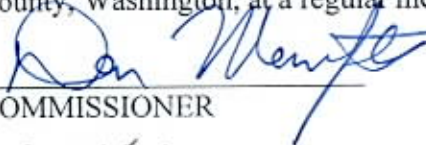
Section 1: The District shall proceed to seek new ground water rights pursuant to Water Right Application No. G128046, in cooperation with the City's efforts to seek new ground water rights pursuant to its separately filed applications. This final decision of the District is supported by and made pursuant to all prior activities identified in the recitals of this Resolution. The District General Manager is hereby authorized to proceed with a SEPA Notice of Action pursuant to RCW 43.21C.080 to provide notice of this final decision.

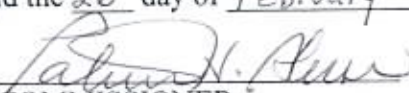
Section 2: BE IT FURTHER RESOLVED that any resolutions or parts of resolutions in conflict herewith are hereby repealed insofar as they conflict with the provisions of this resolution.

Section 3: If any section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Resolution. The Board hereby declares that it would have passed this code and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases has been declared invalid or unconstitutional, and if, for any reason, this Resolution should be declared invalid, or unconstitutional, then the original Resolution shall be in full force and effect.

Section 4: This Resolution shall be effective immediately.


PASSED by the Board of Commissioners of Birch Bay Water & Sewer District, Whatcom County, Washington, at a regular meeting held the 26th day of February, 2009.


COMMISSIONER


COMMISSIONER


COMMISSIONER

THIS IS TO CERTIFY that the above is a true and correct copy of Resolution No. 675 of Birch Bay Water & Sewer District, Whatcom County, Washington, adopted at the regular meeting of the Board of Commissioners on February 26th, 2009.


SECRETARY