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**SUBSTITUTE HOUSE BILL 3309**

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**State of Washington**

**60th Legislature**

**2008 Regular Session**

**By** House Agriculture & Natural Resources (originally sponsored by Representatives Ormsby, Kretz, Blake, Linville, and Kenney; by request of Governor Gregoire)

READ FIRST TIME 02/05/08.

1       AN ACT Relating to the Columbia river water delivery account;  
2 adding new sections to chapter 90.90 RCW; making appropriations; and  
3 providing an effective date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5       NEW SECTION. **Sec. 1.** A new section is added to chapter 90.90 RCW  
6 to read as follows:

7       (1) In 2006, the legislature enacted chapter 6, Laws of 2006, an  
8 act relating to water resource management in the Columbia river basin.  
9 In its enactment, the legislature established that a key priority of  
10 water resource management in the Columbia river basin is the  
11 development of new water supplies to meet economic and community  
12 development needs concurrent with instream flow needs.

13       (2) Consistent with this intent, the governor and the legislature  
14 are in agreement with the Confederated Tribes of the Colville  
15 Reservation and the Spokane Tribe of Indians to support additional  
16 releases of water from Lake Roosevelt. Because the sovereign and  
17 proprietary interests of these tribal governments are directly affected  
18 by water levels in Lake Roosevelt, the state intends to share a portion

1 of the benefits derived from Lake Roosevelt water releases and to  
2 mitigate for any impacts such releases may have upon the tribes.

3 (3) These new releases of Lake Roosevelt water will bolster the  
4 state economy and will meet the following critical needs: New surface  
5 water supplies for farmers to replace the use of diminishing  
6 groundwater in the Odessa aquifer; new water supplies for  
7 municipalities with pending water right applications; enhanced  
8 certainty for agricultural water users with water rights that are  
9 interruptible during times of drought; and water to increase flows in  
10 the river when salmon need it most.

11 (4) Nothing in chapter . . . , Laws of 2008 (this act) expands,  
12 impairs, or otherwise affects the existing status and sovereignty of  
13 the tribal governments involved in Lake Roosevelt water releases  
14 pursuant to this section and section 3 of this act.

15 NEW SECTION. **Sec. 2.** A new section is added to chapter 90.90 RCW  
16 to read as follows:

17 (1) Because the potential impacts of water releases under  
18 agreements reached under this chapter on affected counties are unknown,  
19 the department of ecology shall, by November 15, 2009:

20 (a) Conduct an assessment of the potential impacts, including  
21 recommendations for mitigation, and report to appropriate committees of  
22 the legislature; and

23 (b) Establish a process for identifying and reporting on future  
24 impacts on the affected counties, and for making recommendations for  
25 mitigation.

26 (2) The department of ecology shall aggressively pursue the  
27 development of new water supplies in affected counties to benefit both  
28 instream and out-of-stream uses.

29 (3) As used in this section, "affected counties" means those  
30 counties east of the crest of the Cascade mountains with an  
31 international border, or those counties east of the crest of the  
32 Cascade mountains that border both a county with an international  
33 border and a county with four hundred thousand or more residents.

34 NEW SECTION. **Sec. 3.** A new section is added to chapter 90.90 RCW  
35 to read as follows:

36 (1) The Columbia river water delivery account is created in the

1 state treasury. Moneys in the account may be spent only after  
2 appropriation. Revenues to the account consist of all moneys  
3 transferred or appropriated to the account by law. The legislature may  
4 appropriate moneys in the account:

5 (a) For distributions for purposes of section 1 of this act as  
6 provided in this section; and

7 (b) To the department of ecology for other purposes relating to  
8 implementation of sections 1 and 2 of this act.

9 (2) On July 1, 2008, and each July 1st thereafter for the duration  
10 of the agreements described in section 1 of this act, the state  
11 treasurer shall transfer moneys from the general fund into the Columbia  
12 river water delivery account in the amounts described in subsection (3)  
13 of this section.

14 (3) Subject to appropriations, on July 1, 2008, and each July 1st  
15 thereafter, the state treasurer shall distribute moneys from the  
16 Columbia river water delivery account as follows:

17 (a) To the Confederated Tribes of the Colville Reservation, on July  
18 1, 2008, the sum of three million seven hundred seventy-five thousand  
19 dollars; and on July 1, 2009, the sum of three million six hundred  
20 twenty-five thousand dollars. Each July 1st thereafter for the  
21 duration of the agreement, the treasurer shall distribute an amount  
22 equal to the previous year's distribution adjusted for inflation based  
23 upon the implicit price deflator provided by the economic and revenue  
24 forecast council or successor agency.

25 (b) To the Spokane Tribe of Indians, on July 1, 2008, the sum of  
26 two million two hundred fifty thousand dollars. Each July 1st  
27 thereafter for the duration of the agreement, the treasurer shall  
28 distribute an amount equal to the previous year's distribution adjusted  
29 for inflation based upon the federal consumer price index, using the  
30 official current base, compiled by the bureau of labor statistics,  
31 United States department of labor, for Washington state using the  
32 Seattle-Tacoma-Bremerton consolidated metropolitan statistical area.

33 (4) The state treasurer may not distribute moneys from the Columbia  
34 river water delivery account to a tribe pursuant to this section unless  
35 the director of ecology has certified in writing to the state treasurer  
36 and the legislature that the agreement with the tribes is still in  
37 effect.

1        NEW SECTION.    **Sec. 4.**    The sum of six million twenty-five thousand  
2 dollars, or as much thereof as may be necessary, is appropriated for  
3 the fiscal year ending June 30, 2009, from the Columbia river water  
4 delivery account to the state treasurer solely for distribution as  
5 provided in section 3 of this act.

6        NEW SECTION.    **Sec. 5.**    On July 1, 2008, the state treasurer shall  
7 transfer from the general fund to the Columbia river water delivery  
8 account the sum of two million one hundred fifty thousand dollars, or  
9 as much thereof as may be necessary, for the purposes established in  
10 section 6 of this act.

11        NEW SECTION.    **Sec. 6.**    (1) The sum of two million dollars is  
12 appropriated for the fiscal year ending June 30, 2009, from the  
13 Columbia river water delivery account to the department of ecology, for  
14 distribution to affected counties as defined in section 2 of this act  
15 to mitigate for negative impacts caused by releases of Lake Roosevelt  
16 water for the purposes described in section 1 of this act.    The  
17 criteria for allocating these funds shall be developed by the  
18 department in consultation with affected local governments.

19        (2) The sum of one hundred fifty thousand dollars is appropriated  
20 for the fiscal year ending June 30, 2009, from the Columbia river water  
21 delivery account to the department of ecology, to retain a contractor  
22 to perform an independent analysis of legislative options to protect  
23 rural communities in northeast Washington from disproportionate  
24 economic, agricultural, and environmental impacts when upstream water  
25 rights are purchased and transferred for use, or idled and used as  
26 mitigation, in a downstream watershed or county.    Before retaining a  
27 contractor, the department shall consult with affected counties as  
28 defined in section 2 of this act.    The contractor selected shall  
29 conduct the independent analysis and develop a report describing  
30 options and recommended actions.    The department of ecology shall  
31 provide the report to the appropriate committees of the legislature by  
32 December 1, 2008.

33        NEW SECTION.    **Sec. 7.**    This act takes effect July 1, 2008.

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