

**E2SSB 6874** - H COMM AMD  
By Committee on Appropriations

ADOPTED 03/05/2008

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 90.90 RCW  
4 to read as follows:

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

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

19 (3) These new releases of Lake Roosevelt water of approximately  
20 eighty-two thousand five hundred acre feet of water, increasing to no  
21 more than one hundred thirty-two thousand five hundred acre feet of  
22 water in drought years, will bolster the state economy and will meet  
23 the following critical needs: New surface water supplies for farmers  
24 to replace the use of diminishing groundwater in the Odessa aquifer;  
25 new water supplies for municipalities with pending water right  
26 applications; enhanced certainty for agricultural water users with  
27 water rights that are interruptible during times of drought; and water  
28 to increase flows in the river when salmon need it most.

29 (4) Nothing in chapter . . . , Laws of 2008 (this act) expands,

1 impairs, or otherwise affects the existing status and sovereignty of  
2 the tribal governments involved in Lake Roosevelt water releases  
3 pursuant to this section and section 2 of this act.

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

6 (1) The Columbia river water delivery account is created in the  
7 state treasury. Moneys in the account may be spent only after  
8 appropriation. The account consists of all moneys transferred or  
9 appropriated to the account by law. The legislature may appropriate  
10 moneys in the account:

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

13 (b) To the department of ecology for other purposes relating to  
14 implementation of sections 1 and 3 of this act.

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

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

23 (a) To the Confederated Tribes of the Colville Reservation, on July  
24 1, 2008, the sum of three million seven hundred seventy-five thousand  
25 dollars; and on July 1, 2009, the sum of three million six hundred  
26 twenty-five thousand dollars. Each July 1st thereafter for the  
27 duration of the agreement, the treasurer shall distribute an amount  
28 equal to the previous year's distribution adjusted for inflation. The  
29 inflation adjustment shall be computed using the percentage change on  
30 the implicit price deflator for personal consumption expenditures for  
31 the United States for the previous calendar year, as compiled by the  
32 bureau of economic analysis of the United States department of commerce  
33 and reported in the most recent quarterly publication of the economic  
34 and revenue forecast council or successor agency.

35 (b) To the Spokane Tribe of Indians, on July 1, 2008, the sum of  
36 two million two hundred fifty thousand dollars. Each July 1st  
37 thereafter for the duration of the agreement, the treasurer shall

1 distribute an amount equal to the previous year's distribution adjusted  
2 for inflation. The inflation adjustment shall be computed using the  
3 percentage change in the consumer price index for the Washington state  
4 Seattle-Tacoma-Bremerton consolidated metropolitan statistical area for  
5 the previous calendar year as compiled by the bureau of labor  
6 statistics, United States department of labor, and reported in the most  
7 recent quarterly publication of the economic and revenue forecast  
8 council or successor agency.

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

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

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

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

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

25 (2) Within the framework of Columbia river basin water resources  
26 management under this chapter, the department of ecology shall:

27 (a) Provide technical assistance to help affected counties identify  
28 and develop competitive project applications to benefit both instream  
29 and out-of-stream uses;

30 (b) Assist affected counties in exploring all feasible options,  
31 including policy options, to protect and preserve local access to water  
32 resources, including pursuing a memorandum of understanding with the  
33 affected counties that is consistent with RCW 90.90.005 to effectuate  
34 the purposes of this section. The memorandum of understanding shall be  
35 available for public comment for a period of thirty days before being  
36 signed by the department; and

1 (c) Consider regional equity when making funding decisions on water  
2 supply applications.

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

8 NEW SECTION. **Sec. 4.** This act takes effect July 1, 2008.

9 NEW SECTION. **Sec. 5.** If specific funding for the purposes of this  
10 act, referencing this act by bill or chapter number, is not provided by  
11 June 30, 2008, in the omnibus appropriations act, this act is null and  
12 void."

13 Correct the title.

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