

CERTIFICATION OF ENROLLMENT  
**ENGROSSED SECOND SUBSTITUTE SENATE BILL 6874**

60th Legislature  
2008 Regular Session

Passed by the Senate March 10, 2008  
YEAS 49 NAYS 0

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**President of the Senate**

Passed by the House March 5, 2008  
YEAS 95 NAYS 1

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**Speaker of the House of Representatives**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SECOND SUBSTITUTE SENATE BILL 6874** as passed by the Senate and the House of Representatives on the dates hereon set forth.

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**Secretary**

FILED

**Secretary of State  
State of Washington**

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ENGROSSED SECOND SUBSTITUTE SENATE BILL 6874

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AS AMENDED BY THE HOUSE

Passed Legislature - 2008 Regular Session

State of Washington                      60th Legislature                      2008 Regular Session

By Senate Ways & Means (originally sponsored by Senators Brown, Rockefeller, Kauffman, and Rasmussen; by request of Governor Gregoire)

READ FIRST TIME 02/12/08.

1            AN ACT Relating to Columbia river water delivery; adding new  
2 sections to chapter 90.90 RCW; creating a new section; and providing an  
3 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 of approximately  
4 eighty-two thousand five hundred acre feet of water, increasing to no  
5 more than one hundred thirty-two thousand five hundred acre feet of  
6 water in drought years, will bolster the state economy and will meet  
7 the following critical needs: New surface water supplies for farmers  
8 to replace the use of diminishing groundwater in the Odessa aquifer;  
9 new water supplies for municipalities with pending water right  
10 applications; enhanced certainty for agricultural water users with  
11 water rights that are interruptible during times of drought; and water  
12 to increase flows in the river when salmon need it most.

13 (4) Nothing in chapter . . . , Laws of 2008 (this act) expands,  
14 impairs, or otherwise affects the existing status and sovereignty of  
15 the tribal governments involved in Lake Roosevelt water releases  
16 pursuant to this section and section 2 of this act.

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

19 (1) The Columbia river water delivery account is created in the  
20 state treasury. Moneys in the account may be spent only after  
21 appropriation. The account consists of all moneys transferred or  
22 appropriated to the account by law. The legislature may appropriate  
23 moneys in the account:

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

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

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

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

36 (a) To the Confederated Tribes of the Colville Reservation, on July  
37 1, 2008, the sum of three million seven hundred seventy-five thousand

1 dollars; and on July 1, 2009, the sum of three million six hundred  
2 twenty-five thousand dollars. Each July 1st thereafter for the  
3 duration of the agreement, the treasurer shall distribute an amount  
4 equal to the previous year's distribution adjusted for inflation. The  
5 inflation adjustment shall be computed using the percentage change on  
6 the implicit price deflator for personal consumption expenditures for  
7 the United States for the previous calendar year, as compiled by the  
8 bureau of economic analysis of the United States department of commerce  
9 and reported in the most recent quarterly publication of the economic  
10 and revenue forecast council or successor agency.

11 (b) To the Spokane Tribe of Indians, on July 1, 2008, the sum of  
12 two million two hundred fifty thousand dollars. Each July 1st  
13 thereafter for the duration of the agreement, the treasurer shall  
14 distribute an amount equal to the previous year's distribution adjusted  
15 for inflation. The inflation adjustment shall be computed using the  
16 percentage change in the consumer price index for the Washington state  
17 Seattle-Tacoma-Bremerton consolidated metropolitan statistical area for  
18 the previous calendar year as compiled by the bureau of labor  
19 statistics, United States department of labor, and reported in the most  
20 recent quarterly publication of the economic and revenue forecast  
21 council or successor agency.

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

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

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

32 (a) Conduct an assessment of the potential impacts, including  
33 recommendations for mitigation, and report to appropriate committees of  
34 the legislature; and

35 (b) Establish a process for identifying and reporting on future  
36 impacts on the affected counties, and for making recommendations for  
37 mitigation.

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

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

6 (b) Assist affected counties in exploring options to ensure water  
7 resources are available for their current and future needs. Such  
8 options include pursuing a memorandum of understanding with the  
9 affected counties that is consistent with RCW 90.90.005 to effectuate  
10 the purposes of this section. The memorandum of understanding shall be  
11 available for public comment for a period of thirty days before being  
12 signed by the department; and

13 (c) Consider regional equity when making funding decisions on water  
14 supply applications.

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

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

21 NEW SECTION. **Sec. 5.** If specific funding for the purposes of this  
22 act, referencing this act by bill or chapter number, is not provided by  
23 June 30, 2008, in the omnibus appropriations act, this act is null and  
24 void.

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