

CERTIFICATION OF ENROLLMENT

ENGROSSED SECOND SUBSTITUTE SENATE BILL 6874

Chapter 82, Laws of 2008

60th Legislature
2008 Regular Session

COLUMBIA RIVER WATER DELIVERY

EFFECTIVE DATE: 07/01/08

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

BRAD OWEN

President of the Senate

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

FRANK CHOPP

Speaker of the House of Representatives

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.

THOMAS HOEMANN

Secretary

Approved March 20, 2008, 11:12 a.m.

FILED

March 21, 2008

CHRISTINE GREGOIRE

Governor of the State of Washington

**Secretary of State
State of Washington**

ENGROSSED SECOND SUBSTITUTE SENATE BILL 6874

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.

Passed by the Senate March 10, 2008.

Passed by the House March 5, 2008.

Approved by the Governor March 20, 2008.

Filed in Office of Secretary of State March 21, 2008.