
SENATE BILL 5303

State of Washington

69th Legislature

2025 Regular Session

By Senators Warnick, Chapman, Dozier, Nobles, and Torres

Read first time 01/16/25. Referred to Committee on Agriculture & Natural Resources.

1 AN ACT Relating to extending the water supply milestone for the
2 Yakima river basin integrated plan to 2035; amending RCW 90.38.010,
3 90.38.110, and 90.38.130; providing an effective date; providing an
4 expiration date; and declaring an emergency.

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

6 **Sec. 1.** RCW 90.38.010 and 2013 2nd sp.s. c 11 s 2 are each
7 amended to read as follows:

8 The definitions in this section apply throughout this chapter
9 unless the context clearly requires otherwise.

10 (1) "Department" means the department of ecology.

11 (2) "Integrated plan" means the Yakima river basin integrated
12 water resource management plan developed through a consensus-based
13 approach by a diverse work group of representatives of the Yakama
14 Nation, federal, state, county, and city governments, environmental
15 organizations, and irrigation districts, which is to be implemented
16 consistent with congressional Yakima river basin water enhancement
17 project enactments and for which the final programmatic environmental
18 impact statement was made available for review through public notice
19 published in the federal register (77 FR 12076 (2012)).

20 (3) "Net water savings" means the amount of water that through
21 hydrological analysis is determined to be conserved and usable for

1 other purposes without impairing existing water rights, reducing the
2 ability to deliver water, or reducing the supply of water that
3 otherwise would have been available to other water users.

4 (4) "Trust water right" means that portion of an existing water
5 right, constituting net water savings, that is no longer required to
6 be diverted for beneficial use due to the installation of a water
7 conservation project that improves an existing system. The term
8 "trust water right" also applies to any other water right acquired by
9 the department under this chapter for management in the Yakima river
10 basin trust water rights program.

11 (5) "Water conservation project" means any project funded to
12 further the purposes of this chapter and that achieves physical or
13 operational improvements of efficiency in existing systems for
14 diversion, conveyance, or application of water under existing water
15 rights.

16 (6) "Water supply facility permit and funding milestone" means a
17 date prior to June 30, (~~(2025)~~) 2035, when required permits have been
18 approved, and funding has been secured to begin construction on one
19 or more water supply facilities designed to provide at least (~~two~~
20 ~~hundred fourteen thousand~~) 214,000 acre feet of water to be used for
21 instream and out-of-stream uses.

22 (7) "Yakima river basin water enhancement project" means a series
23 of congressional enactments, originally initiated by the United
24 States congress in 1979 under P.L. 96-162, with subsequent federal
25 implementing legislation being passed in 1984 under section 109 of
26 P.L. 98-381 to promote fish passage improvements, and in 1994 under
27 P.L. 103-434, as amended by P.L. 105-62 in 1997 and P.L. 106-372 in
28 2000, to promote water conservation, water supply, habitat, and
29 stream enhancement improvements in the Yakima river basin.

30 **Sec. 2.** RCW 90.38.110 and 2013 2nd sp.s. c 11 s 10 are each
31 amended to read as follows:

32 (1) Prior to the appropriation of funding for the construction of
33 a water supply project proposed in the integrated plan with a cost of
34 greater than (~~one hundred million dollars~~) \$100,000,000, the state
35 of Washington water research center shall review, evaluate, and
36 prepare comments on the cost-benefit analysis prepared for the
37 project by the department and the United States bureau of
38 reclamation.

1 (2) To the greatest extent possible, the center must use
2 information from existing studies, supplemented by primary research,
3 to measure and evaluate each project's benefits and costs.

4 (3) The center must measure and report the economic benefits of
5 each project subject to subsection (1) of this section, so that it is
6 clear the extent to which an individual project is expected to result
7 in increases in fish populations, increases in the reliability of
8 irrigation water during severe drought years, and improvements in
9 municipal and domestic water supply.

10 (4) The center may enter into agreements with other state
11 universities and with private consultants as needed to accomplish the
12 scope of work.

13 (5) The center may consult, as necessary, with the department of
14 ecology and the Yakima river basin water enhancement project work
15 group.

16 (6) No more than (~~twelve~~) 12 percent of any appropriations
17 provided for the implementation of this section may be retained for
18 administrative overhead expenses.

19 (7) This section expires July 1, (~~2025~~) 2035.

20 **Sec. 3.** RCW 90.38.130 and 2013 2nd sp.s. c 11 s 12 are each
21 amended to read as follows:

22 (1) Subject to the availability of amounts appropriated for this
23 specific purpose, the department of natural resources is authorized
24 to purchase land to be held in the community forest trust under RCW
25 79.155.040 to serve the purposes of the community forest trust
26 including the protection of Yakima river basin functioning, without
27 complying with the requirements of RCW 79.155.030(1), 79.155.060, or
28 79.155.070, relating to the identification, prioritization, local
29 commitment, and financial contribution normally prerequisite to
30 nominating and acquiring community forest trust lands. The purchase
31 must be reviewed and approved by the board of natural resources. In
32 its evaluation of this acquisition pursuant to RCW 79.155.040(3), the
33 board is relieved from considering the criteria for identifying and
34 prioritizing land set forth in RCW 79.155.050. Once purchased, the
35 land must be managed by the department of natural resources in
36 consultation with the department of fish and wildlife. Any investment
37 in the land purchase with funds belonging to the common school trust
38 constitutes a loan from the irreducible principal of the common
39 school trust and may only be made if first determined to be a prudent

1 investment by the board of natural resources. An annual interest
2 payment on the loan of nine percent must be paid, with six percent
3 deposited into the common school construction account and three
4 percent deposited into the real property replacement account.
5 Interest begins to accrue on the date the land purchase is completed
6 and is due and payable July 1st following the completion of the state
7 fiscal year. The principal of the loan must be repaid in accordance
8 with the provisions of subsection (3) of this section.

9 (2) The land purchased under this authority must be managed under
10 a transitional postacquisition management plan during the period
11 between the date of purchase and the water supply facility permit and
12 funding milestone or until June 30, (~~2025~~) 2035, whichever is
13 sooner. The plan must be consistent with RCW 79.155.080(1), provided
14 that the lands acquired as community forest trust lands are not
15 required to generate financial support for their management as would
16 otherwise be required by RCW 79.155.020(2), 79.155.030(2)(d), and
17 79.155.080(3), and provided further that the authority granted to the
18 department to divest of the property under RCW 79.155.080(4) does not
19 apply to these lands. The department of natural resources must
20 develop the transitional postacquisition management plan in
21 consultation with the department of fish and wildlife.

22 (a) The plan must ensure that the land is managed in a manner
23 that is consistent with the Yakima basin integrated plan principles
24 for forestland acquisitions, including the following:

25 (i) To protect and enhance the water supply and protect the
26 watershed;

27 (ii) To maintain working lands for forestry and grazing while
28 protecting key watershed functions and aquatic habitat;

29 (iii) To maintain and where possible expand recreational
30 opportunities consistent with watershed protection, for activities
31 such as hiking, fishing, hunting, horseback riding, camping, birding,
32 and snowmobiling;

33 (iv) To conserve and restore vital habitat for fish, including
34 steelhead, spring chinook, and bull trout, and wildlife, including
35 deer, elk, large predators, and spotted owls; and

36 (v) To support a strong community partnership, in which the
37 Yakama Nation, residents, business owners, local governments,
38 conservation groups, and others provide advice about ongoing land
39 management.

1 (b) The department of natural resources, in consultation with the
2 department of fish and wildlife, must establish the Teanaway
3 community forest advisory committee that includes representatives
4 from the department of ecology, the local community, land
5 conservation organizations, the Yakama Nation, the Kittitas county
6 commission, and local agricultural interests.

7 (c) By June 30, 2015, the department of natural resources must
8 complete the transitional postacquisition management plan with a
9 public process that involves interested stakeholders, particularly
10 residents from Kittitas county, friends of the Teanaway, back country
11 horsemen, off-road vehicle and snowmobile users, a representative
12 from Kittitas field and stream, hikers and wildlife watchers, and
13 ranchers who graze cattle.

14 (3) After the water supply facility permit and funding milestone
15 or June 30, (~~2025~~) 2035, whichever is sooner, the land must be
16 disposed of in the following manner:

17 (a) If the water supply facility permit and funding milestone
18 conditions have been met, the land remains in the community forest
19 trust and the transitional postacquisition management plan must be
20 converted to a permanent postacquisition management plan with
21 whatever updates and amendments are periodically adopted. Under these
22 conditions, the remaining principal of any investment in the land
23 purchased with funds belonging to the common school trust must be
24 repaid to the real property replacement account.

25 (b) If the water supply facility permit and funding milestone
26 conditions have not been met, the board of natural resources must
27 decide between the following dispositions of the land:

28 (i) Deposit of the entire amount of land purchased into the
29 ownership of the common school trust for management or disposition
30 for the benefit of the common schools; or

31 (ii) Disposition under the terms of (a) of this subsection.

32 NEW SECTION. **Sec. 4.** This act is necessary for the immediate
33 preservation of the public peace, health, or safety, or support of
34 the state government and its existing public institutions, and takes
35 effect June 30, 2025.

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