
SUBSTITUTE HOUSE BILL 2564

State of Washington

58th Legislature

2004 Regular Session

By House Committee on Agriculture & Natural Resources (originally sponsored by Representatives McCoy, Linville, Conway, Rockefeller, Sullivan, McDermott, Ormsby, Hunt, Lovick, Moeller, Kenney, McIntire, Kagi and Clibborn)

READ FIRST TIME 02/06/04.

1 AN ACT Relating to participation by the state of Washington in a
2 pilot negotiation and settlement of water rights involving Washington
3 Indian tribes and the federal government; adding a new chapter to Title
4 43 RCW; and making an appropriation.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that state water law
7 must take into account rights to water based in both state and federal
8 law, including treaties between the federal government and Indian
9 tribes located within the state of Washington. The legislature also
10 finds that it is in the interest of the people of the state, the
11 nation, and Indian tribes located within the state to achieve greater
12 certainty and security regarding the respective water rights based on
13 state and federal law. The legislature further finds that the federal
14 government is actively pursuing resolution of federal and tribal water
15 rights, and has initiated and proposed both informal and formal
16 proceedings to determine federal and tribal rights to water in
17 Washington state. It is therefore the intent of the legislature to
18 direct the state to actively participate in these federal proceedings

1 to represent the interests of the state, to protect rights of water
2 users that rely on state-based water rights, and to ensure that these
3 processes are conducted in a fair and respectful manner.

4 NEW SECTION. **Sec. 2.** (1) The legislature directs the state of
5 Washington to proceed under the provisions of this chapter to
6 participate in a federal pilot process to determine and quantify water
7 rights claimed by the United States and the tribal governments that
8 agree to participate.

9 (a) The state shall establish a negotiating team within the office
10 of the governor to participate in this pilot process.

11 (b) The federal pilot process is expected to include a scoping
12 process, development of alternatives, timelines, collaborative decision
13 making, public review, development of funding alternatives, and
14 mediation.

15 (2) In addition to the federal pilot process described in
16 subsection (1) of this section, with the consent of the parties, the
17 state negotiating team may participate in resolving disputes that arise
18 between state-based water rights and water rights based on federal law
19 through collaborative negotiations, mediation, and voluntary
20 settlements among affected parties. Resolution may include, but is not
21 limited to, contracts and intergovernmental agreements that provide
22 increased certainty without quantifying the existing water rights.

23 (3) The state negotiating team shall report its findings and
24 recommendations to the governor and appropriate legislative committees
25 by January 1, 2006.

26 NEW SECTION. **Sec. 3.** The sum of two hundred thousand dollars, or
27 as much thereof as may be necessary, is appropriated from the general
28 fund for the fiscal year ending July 1, 2005, to the governor's office
29 to defray the costs of forming and operating the negotiating team
30 established in section 2(1)(a) of this act and to pay an equitable
31 share of the costs of facilitation by the United States Institute for
32 Environmental Conflict Resolution.

33 NEW SECTION. **Sec. 4.** Sections 1 and 2 of this act constitute a

1 new chapter in Title 43 RCW.

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