

KITTITAS RECLAMATION DISTRICT RESOLUTION NO. 2014- 3

WHEREAS, the Kittitas Reclamation District (“KRD”) is a lawfully formed and validly existing Irrigation District formed, governed and operated pursuant to Title 87 of the Revised Code of the State of Washington; and

WHEREAS, the KRD has entered into an amendatory contract with the United States of America Bureau of Reclamation (“USBR”), dated January 20, 1949, and recorded in Book 82 of Deeds, Page 69, under Kittitas County Auditor's File No. 208267 (the “Amendatory Contract”), as thereafter amended, through which the KRD receives water from USBR for delivery to landowners within the KRD service area who are entitled to receive said water; and

WHEREAS, the KRD, in delivering water to its patrons, relies on delivery facilities constructed by USBR and in some cases still owned by USBR; and

WHEREAS, the Amendatory Contract requires the KRD, in its water delivery practices, to adhere to USBR rules and regulations regarding the distribution of irrigation water; and

WHEREAS, the voters in the State of Washington have passed I-502, which allows the cultivation, manufacture, distribution and retail sales of marijuana and marijuana-related products; and

WHEREAS, the United States Controlled Substances Act of 1970 (“CSA”) and its implementing regulations prohibit the cultivation and sale of marijuana; and

WHEREAS, USBR has adopted PEC TRMR-63, a copy of which is attached hereto and incorporated herein by reference as though fully set forth herein, which has a purpose to provide a clear statement of USBR’s intent to operate consistent with the CSA with respect to the potential use of USBR water or facilities for the cultivation of marijuana (“USBR Marijuana Policy”); and

WHEREAS, USBR’s Marijuana Policy relies upon definitions from USBR Manual PEC P05 and, based upon those definitions, the water the KRD delivers to its patrons is “contract water” for purposes of USBR laws and rules and the Amendatory Contract is a “water-related” contract as that term is defined in PEC P05; and

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of Directors of the Kittitas Reclamation District, after due deliberation, consistent with USBR PEC TRMR-63, the KRD establishes the following policy:

1. The KRD will not approve the use of KRD facilities and KRD water in the cultivation of marijuana.
2. Should KRD employees become aware of KRD facilities or water supplied by KRD being used to facilitate cultivation of marijuana, they will, through the Manager of the KRD, bring this to the attention of USBR in a manner consistent with USBR PEC TRMR-63.

3. The KRD does not have a responsibility or designated role in actively seeking enforcement of the CSA.
4. This resolution shall remain in effect so long as PEC TRMR-63 is in effect.

ADOPTED this 8th day of July, 2014.

BOARD OF DIRECTORS
KITITITAS RECLAMATION DISTRICT




Larry Bland, Chairman



Paul Weaver



Urban Eberhart



Ed Wakkuri



Fred Schnebly

ATTEST:

SECRETARY OF THE BOARD



Ken Hasbrouck

APPROVED AS TO FORM:



Jeff Slotower, WSBA #14526