
HOUSE BILL 2627

State of Washington

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By Representatives R. King, Horn, Rust, Nealey, G. Cole, Orr, May, Spanel, Hochstatter, Fraser, Belcher, Rayburn, Morris, R. Meyers, Basich, Leonard, Bray, Kremen and Jacobsen

Read first time 01/22/92. Referred to Committee on Fisheries & Wildlife.

1 AN ACT Relating to water diversions from fish-bearing waters;
2 amending RCW 77.16.220; adding a new section to chapter 77.16 RCW;
3 adding a new section to chapter 75.20 RCW; and adding a new section to
4 chapter 90.03 RCW.

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

6 **Sec. 1.** RCW 77.16.220 and 1980 c 78 s 89 are each amended to read
7 as follows:

8 It is unlawful to divert water from a lake, river, or stream
9 containing game fish unless the water diversion device is equipped at
10 or near its intake with a fish guard or screen to prevent the passage
11 of game fish into the device and, if necessary, with a means of
12 returning game fish from immediately in front of the fish guard or
13 screen to the waters of origin. (~~A person who is now otherwise~~

1 ~~lawfully diverting water from a lake, river or stream shall not be~~
2 ~~deemed guilty of a violation of this section.))~~

3 Plans for the fish guard, screen, and bypass shall be approved by
4 the director prior to construction. The installation shall be approved
5 by the director prior to the diversion of water.

6 The director may close a water diversion device operated in
7 violation of this section and keep it closed until it is properly
8 equipped with a fish guard, screen, or bypass.

9 NEW SECTION. **Sec. 2.** A new section is added to chapter 77.16 RCW
10 to read as follows:

11 Persons or agencies that operate diversions that existed before
12 1947 and that are unscreened as of the effective date of this section
13 shall screen their diversions according to RCW 77.16.220 within four
14 years of the effective date of this section. These persons or agencies
15 shall register their diversion with the department of ecology within
16 ninety days of the effective date of this section.

17 The department of ecology shall issue notice advising the public of
18 the requirements of this section specifying registration procedures.

19 Upon receipt of these registrations, the department of ecology
20 shall provide registrants with screening criteria approved by the
21 department of wildlife.

22 NEW SECTION. **Sec. 3.** A new section is added to chapter 75.20 RCW
23 to read as follows:

24 The department shall conduct an inventory within four years of the
25 effective date of this section of water diversions existing outside of
26 the Columbia river basin, and shall determine whether fish screen
27 standards comply with RCW 75.20.040. The department shall enforce the
28 provisions of RCW 75.20.040 as necessary.

1 NEW SECTION. **Sec. 4.** A new section is added to chapter 90.03 RCW
2 to read as follows:

3 All water diversions from the portions of the Columbia or Snake
4 rivers or their tributaries that contain salmon and steelhead shall be
5 equipped with devices to measure instantaneous and seasonal water
6 flows. The director shall ensure that such water diversions existing
7 on the effective date of this section are in compliance with this
8 section by December 31, 1993. The director shall place conditions on
9 such diversions created after the effective date of this section to
10 comply with this section. The director shall monitor these flow
11 devices to ensure compliance with these conditions.