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**SUBSTITUTE SENATE BILL 5635**

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**State of Washington**

**62nd Legislature**

**2011 Regular Session**

**By** Senate Environment, Water & Energy (originally sponsored by Senators Honeyford and Rockefeller; by request of Department of Natural Resources)

READ FIRST TIME 02/16/11.

1       AN ACT Relating to changes in the point of diversion under a  
2 surface water right permit located between Columbia river miles 215.6  
3 and 292; and amending RCW 90.03.397.

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

5       **Sec. 1.** RCW 90.03.397 and 1999 c 232 s 2 are each amended to read  
6 as follows:

7       (1) The department may approve a change of the point of diversion  
8 prescribed in a permit to appropriate surface water for a beneficial  
9 use if the ownership, purpose of use, season of use, and place of use  
10 of the permit remain the same to an approved intake structure with  
11 capacity to transport the additional diversion to either: (a) A point  
12 of diversion that is located downstream ((and is an existing approved  
13 intake structure with capacity to transport the additional diversion,  
14 if the ownership, purpose of use, season of use, and place of use of  
15 the permit remain the same)); or (b) a point of diversion located  
16 between Columbia river miles 215.6 and 292, if the existing point of  
17 diversion is contained therein.

18       (2) This section may not be construed as limiting in any manner

1 whatsoever other authorities of the department under RCW 90.03.380 or  
2 other changes that may be approved under RCW 90.03.380 under  
3 authorities existing before July 25, 1999.

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