

2 **SSB 5526** - H AMD TO H AMD (5526-S AMH CHAN H3208.2) **622**
3 By Representative Chandler

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5 Beginning on page 2, line 1 of the amendment, strike all of section
6 3 and insert the following:

7 "NEW SECTION. **Sec. 3.** A new section is added to chapter 90.03 RCW
8 to read as follows:

9 (1) The legislature finds that increased demand for water supplies
10 in the state requires the state to manage its water resources wisely
11 and that such wise management includes examining innovative policies
12 for maximizing use while minimizing the impact of that use. The
13 legislature declares that one such innovative policy is allowing the
14 withdrawal of freshwater from streams or lakes just before the water
15 would otherwise mix with marine water. To permit the state to evaluate
16 adequately such a policy, the legislature authorizes as an exemption
17 from the normal permitting process such uses for two pilot projects as
18 provided by this section.

19 (2)(a) A diversion of water for municipal purposes made as
20 authorized by this section from a river with an instantaneous minimum
21 flow of at least fifty cubic feet per second, measured at the point of
22 diversion is exempt from the application and permit requirements of RCW
23 90.03.250 through 90.03.320 if the diversion is made within one mile
24 upstream from the point at which the freshwater of the river begins to
25 mix with saltwater. Such a diversion is subject to all other
26 applicable state law.

27 (b) A diversion of water for municipal purposes made as authorized
28 by this section from the navigation locks at the outlet control
29 facility for the outflow of water to saltwater from Lake Washington and
30 Lake Union is exempt from the application and permit requirements of
31 RCW 90.03.250 through 90.03.320 but is subject to all other applicable
32 state law.

33 (c) A diversion is authorized under this subsection if prior
34 notification is provided to the department and confirmation is provided
35 by the department as required under subsection (5) of this section and
36 the water diverted is not in excess of the applicable limitations

1 established in subsections (3) and (4) of this section. The right for
2 the diversion established under this section is equal to that
3 established by a permit issued under the provisions of this chapter,
4 and is subject to minimum water flows or levels established by rule.

5 (3) For diversions made under subsection (2)(a) of this section, no
6 single diverter may divert more than ten percent of the instantaneous
7 flow of the river in the specific area of the diversion, as such a flow
8 would exist in the absence of diversions made under this section.

9 (4) The total amount of water diverted under subsection (2)(b) of
10 this section shall be not more than ninety percent of the amount
11 released by the operation of the navigation locks.

12 (5) Before a diversion of water is made under this section, the
13 person shall notify the department in writing of the intent to divert
14 water, the location of the point of diversion, and the annual and
15 instantaneous amount of water to be diverted. The first two project
16 notifications received shall be provided the exemption from water right
17 permit processing under subsection (2) of this section. Upon receipt
18 of the two notifications, the department shall provide a letter to the
19 person proposing the diversion confirming that the project is one of
20 the two pilot projects. No proposed diversion may begin until the
21 project applicant has received such a confirmation letter from the
22 department.

23 (6) No diversion under this section may impair any existing water
24 right downstream from the point of diversion unless compensation or
25 mitigation for such impairment is agreed to by the holder of the
26 affected water right. It is the duty of the potential diverter to
27 ensure that the conditions of this subsection are met.

28 (7) The department shall compile the information provided under
29 this section for diversions and shall make information available upon
30 request. The department shall evaluate the effects and effectiveness
31 of diversions made under this section and shall report its findings to
32 the appropriate committees of the legislature by January 1, 2002."

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