

2 **SSB 5526** - H COMM AMD

3 By Committee on Agriculture & Ecology

4

5 Strike everything after the enacting clause and insert the  
6 following:

7 "**Sec. 1.** RCW 90.03.250 and 1987 c 109 s 83 are each amended to  
8 read as follows:

9 Any person, municipal corporation, firm, irrigation district,  
10 association, corporation, or water users' association hereafter  
11 desiring to appropriate water for a beneficial use shall make an  
12 application to the department for a permit to make such appropriation,  
13 and shall not use or divert such waters until ((he)) the entity has  
14 received a permit from the department as provided in this chapter  
15 ((provided)), except for diversions authorized under section 3 of this  
16 act. The construction of any ditch, canal, or works, or performing any  
17 work in connection with ((said)) the construction or appropriation, or  
18 the use of any waters, shall not be an appropriation of such water nor  
19 an act for the purpose of appropriating water unless a permit to make  
20 ((said)) the appropriation has first been granted by the department((  
21 ~~PROVIDED, That~~)). However, a temporary permit may be granted upon a  
22 proper showing made to the department to be valid only during the  
23 pendency of such application for a permit unless sooner revoked by the  
24 department((~~PROVIDED~~)). Further, ((That)) nothing in this chapter  
25 ((contained)) shall be deemed to affect RCW 90.40.010 through 90.40.080  
26 except that the notice and certificate therein provided for in RCW  
27 90.40.030 shall be addressed to the department, and the department  
28 shall exercise the powers and perform the duties prescribed by RCW  
29 90.40.030.

30 **Sec. 2.** RCW 90.03.340 and 1987 c 109 s 90 are each amended to read  
31 as follows:

32 The right acquired by appropriation shall relate back to the date  
33 of filing of the original application with the department, or to the  
34 date construction of the diversion works is begun for a municipal use  
35 under section 3 of this act.

1        NEW SECTION.    **Sec. 3.**    A new section is added to chapter 90.03 RCW  
2 to read as follows:

3        (1) Any diversion of water for municipal purposes made under the  
4 authority of this section is exempt from the application and permit  
5 requirements of RCW 90.03.250 if the diversion is from a river with an  
6 instantaneous minimum flow of at least fifty cubic feet per second,  
7 measured at the point of diversion, and is made within one mile  
8 upstream from the point at which the river begins to mix with  
9 saltwater.    The diversion is entitled to a right equal to that  
10 established by a permit issued under the provisions of this chapter,  
11 and is subject to minimum water flows or levels established by rule.

12        (2) For diversions from a river under this section, no single  
13 diverter may put to beneficial use more than ten percent of the  
14 instantaneous flow of the river in the specific area of the diversion,  
15 and in no event may the combined diversions exceed thirty percent of  
16 the instantaneous flow of the river in the specific area of the  
17 diversion.

18        (3) For diversions from a freshwater body under this section, no  
19 single diverter may put to beneficial use more than ten percent of the  
20 annual average inflow to the impounded body, and in no event may the  
21 combined diversions exceed thirty percent of the annual average inflow  
22 to the impounded body.

23        (4) A person seeking to divert water under the provisions of this  
24 section must notify the department in writing of the intent to divert  
25 water, the location of the point of diversion, and the amount of water  
26 to be diverted."

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