
ENGROSSED SUBSTITUTE HOUSE BILL 1110

State of Washington

55th Legislature

1997 Regular Session

By House Committee on Agriculture & Ecology (originally sponsored by Representatives Chandler, Mastin, McMorris, Koster, Delvin, Mulliken, Schoesler and Honeyford)

Read first time 02/12/97.

1 AN ACT Relating to water resources; and adding a new section to
2 chapter 90.03 RCW.

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

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

6 (1) No action taken by the department of ecology to withdraw the
7 unappropriated water of the main stem of the Columbia river from
8 further appropriation may apply to an application filed with the
9 department before September 1993 that is:

10 (a) For the use of less than seven hundred gallons of ground water
11 per minute or for the use of less than one and six-tenths cubic feet
12 per second of surface water;

13 (b) For the use of seven hundred gallons or more of ground water
14 per minute if the applicant chooses to amend the application to apply
15 to the use of less than seven hundred gallons of ground water per
16 minute; or

17 (c) For the use of one and six-tenths cubic feet per second or more
18 of surface water if the applicant chooses to amend the application to

1 apply to the use of less than one and six-tenths cubic feet per second
2 of surface water.

3 (2) This section applies to the surface water of the main stem of
4 the Columbia river upstream of the confluence of the Columbia river and
5 the Snake river. This section also applies to any ground water that,
6 based upon its being hydraulically continuous with the surface water of
7 the main stem of the Columbia river upstream of its confluence with the
8 Snake river, is governed by an action of the department of ecology
9 withdrawing the unappropriated water of the main stem of the Columbia
10 river from further appropriation.

11 (3) If an applicant chooses to amend an application filed before
12 September 1993 as described in subsection (1)(b) or (1)(c) of this
13 section, the original application shall be divided into two
14 applications, each carrying the application date and subsequent
15 priority date of the original application. One of the applications
16 shall be for the amount of water chosen under subsection (1)(b) or
17 (1)(c) of this section and the other shall be for the amount of water
18 listed in the original application less the amount chosen under
19 subsection (1)(b) or (1)(c) of this section.

20 (4) The legislature finds that WAC 173-563-015 as it exists on the
21 effective date of this section is in conflict with this section and is
22 void to the extent of the conflict. The department shall notify each
23 person who filed an application on or after December 20, 1991, and
24 before September 1993 for ground or surface water described in
25 subsection (2) of this section regarding the provisions of this
26 section. The notice shall include a copy of this section.

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