

2 **HB 1642** - S COMM AMD

3 By Committee on Environmental Quality & Water Resources

4 ADOPTED 4/13/99

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

7 "NEW SECTION. **Sec. 1.** A new section is added to chapter 90.03 RCW
8 to read as follows:

9 The legislature intends to allow modification of the point of
10 diversion in a water right permit when such a modification will provide
11 both environmental benefits and water supply benefits and nothing in
12 section 2 of this act is to be construed as allowing any other change
13 or transfer of a right to the use of surface water which has not been
14 applied to a beneficial use.

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

17 The department may approve a change of the point of diversion
18 prescribed in a permit to appropriate water for a beneficial use to a
19 point of diversion that is located downstream and is an existing
20 approved intake structure with capacity to transport the additional
21 diversion, if the ownership, purpose of use, season of use, and place
22 of use of the permit remain the same.

23 This section may not be construed as limiting in any manner
24 whatsoever other authorities of the department under RCW 90.03.380 or
25 other changes that may be approved under RCW 90.03.380 under
26 authorities existing before the effective date of this section.

27 **Sec. 3.** RCW 90.03.030 and 1987 c 109 s 68 are each amended to read
28 as follows:

29 Any person may convey any water which he or she may have a right to
30 use along any of the natural streams or lakes of this state, but not so
31 as to raise the water thereof above ordinary highwater mark, without
32 making just compensation to persons injured thereby; but due allowance
33 shall be made for evaporation and seepage, the amount of such seepage
34 to be determined by the department, upon the application of any person

1 interested. Water conveyed under this section may be conveyed to an
2 approved intake structure located in a neighboring state in order to
3 accomplish an approved modification of the point of diversion in a
4 permit to appropriate water for a beneficial use, if approval of the
5 neighboring state is documented to the satisfaction of the department."

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9 On page 1, line 1 of the title, after "rights;" strike the
10 remainder of the title and insert "amending RCW 90.03.030; and adding
11 new sections to chapter 90.03 RCW."

EFFECT: Narrows the applicability of the bill.

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