

CERTIFICATION OF ENROLLMENT

HOUSE BILL 1642

56th Legislature
1999 Regular Session

Passed by the House April 20, 1999
Yeas 94 Nays 0

Speaker of the House of Representatives

Speaker of the House of Representatives

Passed by the Senate April 13, 1999
Yeas 49 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

We, Dean R. Foster and Timothy A. Martin, Co-Chief Clerks of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1642** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

Chief Clerk

FILED

**Secretary of State
State of Washington**

HOUSE BILL 1642

AS AMENDED BY THE SENATE

Passed Legislature - 1999 Regular Session

State of Washington 56th Legislature 1999 Regular Session

By Representatives Grant and Mastin

Read first time 02/01/1999. Referred to Committee on Agriculture & Ecology.

1 AN ACT Relating to surface water permits and rights; amending RCW
2 90.03.030; and adding new sections to 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 The legislature intends to allow modification of the point of
7 diversion in a water right permit when such a modification will provide
8 both environmental benefits and water supply benefits and nothing in
9 section 2 of this act is to be construed as allowing any other change
10 or transfer of a right to the use of surface water which has not been
11 applied to a beneficial use.

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

14 The department may approve a change of the point of diversion
15 prescribed in a permit to appropriate water for a beneficial use to a
16 point of diversion that is located downstream and is an existing
17 approved intake structure with capacity to transport the additional

1 diversion, if the ownership, purpose of use, season of use, and place
2 of use of the permit remain the same.

3 This section may not be construed as limiting in any manner
4 whatsoever other authorities of the department under RCW 90.03.380 or
5 other changes that may be approved under RCW 90.03.380 under
6 authorities existing before the effective date of this section.

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

9 Any person may convey any water which he or she may have a right to
10 use along any of the natural streams or lakes of this state, but not so
11 as to raise the water thereof above ordinary highwater mark, without
12 making just compensation to persons injured thereby; but due allowance
13 shall be made for evaporation and seepage, the amount of such seepage
14 to be determined by the department, upon the application of any person
15 interested. Water conveyed under this section may be conveyed to an
16 approved intake structure located in a neighboring state in order to
17 accomplish an approved modification of the point of diversion in a
18 permit to appropriate water for a beneficial use, if approval of the
19 neighboring state is documented to the satisfaction of the department.

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