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SENATE BILL 5113

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State of Washington

59th Legislature

2005 Regular Session

By Senators Shin, Rockefeller, Kline, Keiser, Rasmussen and Berkey

Read first time 01/13/2005. Referred to Committee on Water, Energy & Environment.

1 AN ACT Relating to allowing the department of ecology to permit by  
2 rule certain water storage facilities; and amending RCW 90.03.250.

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

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

6 (1) Any person, municipal corporation, firm, irrigation district,  
7 association, corporation or water users' association hereafter desiring  
8 to appropriate water for a beneficial use shall make an application to  
9 the department for a permit to make such appropriation, and shall not  
10 use or divert such waters until he has received a permit from the  
11 department as in this chapter provided. The construction of any ditch,  
12 canal or works, or performing any work in connection with said  
13 construction or appropriation, or the use of any waters, shall not be  
14 an appropriation of such water nor an act for the purpose of  
15 appropriating water unless a permit to make said appropriation has  
16 first been granted by the department(~~(+PROVIDED, That)~~).

17 (2) A temporary permit may be granted upon a proper showing made to  
18 the department to be valid only during the pendency of such application

1 for a permit unless sooner revoked by the department(~~(~~PROVIDED,~~~~  
2 ~~FURTHER, That~~)).

3 (3) Nothing in this chapter ((~~contained~~)) shall be deemed to affect  
4 RCW 90.40.010 through 90.40.080 except that the notice and certificate  
5 therein provided for in RCW 90.40.030 shall be addressed to the  
6 department, and the department shall exercise the powers and perform  
7 the duties prescribed by RCW 90.40.030.

8 (4) The department may permit by rule, under conditions appropriate  
9 to the water resources inventory area, the use of rain barrels and  
10 cisterns to collect rainwater intended to be put to a beneficial use on  
11 the same property where the rainwater is captured.

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