

SHB 1453 - H AMD 214
By Representative Grant

WITHDRAWN 02/01/2008

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 90.03.397 and 1999 c 232 s 2 are each amended to read
4 as follows:

5 (1) The definitions in this subsection apply throughout this
6 section unless the context clearly requires otherwise.

7 (a) "Mainstem of the Columbia and Snake rivers" means the mainstem
8 of the Columbia and Snake rivers from the Bonneville dam to the upper
9 limits of the pool behind the Chief Joseph dam on the Columbia river,
10 from the confluence of the Snake river and the Columbia river to the
11 upper limits of the pool behind the Ice Harbor dam.

12 (b) "Pool" means any surface water reservoir where water is
13 collected and stored for subsequent beneficial use.

14 (2) The department may approve a change of the point of diversion
15 prescribed in a permit or certificate to appropriate water for a
16 beneficial use to a point of diversion that is located downstream, or
17 in the same pool of the mainstem of the Columbia and Snake rivers, and
18 is an ((existing)) approved intake structure ((with capacity to
19 transport the additional diversion,)) if the ownership, purpose of use,
20 season of use, and place of use of the permit remain the same. A
21 change of point of diversion that is located in the same pool of the
22 mainstem of the Columbia and Snake rivers does not need to provide
23 environmental benefits as provided in RCW 90.03.395.

24 (3) This section may not be construed as limiting in any manner
25 whatsoever other authorities of the department under RCW 90.03.380 or
26 other changes that may be approved under RCW 90.03.380 under
27 authorities existing before July 25, 1999.

28 **Sec. 2.** RCW 90.03.395 and 1999 c 232 s 1 are each amended to read
29 as follows:

1 (1) The definitions in this subsection apply throughout this
2 section unless the context clearly requires otherwise.

3 (a) "Mainstem of the Columbia and Snake rivers" means the mainstem
4 of the Columbia and Snake rivers from the Bonneville dam to the upper
5 limits of the pool behind the Chief Joseph dam on the Columbia river,
6 from the confluence of the Snake river and the Columbia river to the
7 upper limits of the pool behind the Ice Harbor dam.

8 (b) "Pool" means any surface water reservoir where water is
9 collected and stored for subsequent beneficial use.

10 (2) Except for a change of point of diversion that is located in
11 the same pool of the mainstem of the Columbia and Snake rivers as
12 authorized in RCW 90.03.397, the legislature intends to allow
13 modification of the point of diversion in a water right permit when
14 such a modification will provide both environmental benefits and water
15 supply benefits and nothing in RCW 90.03.397 is to be construed as
16 allowing any other change or transfer of a right to the use of surface
17 water which has not been applied to a beneficial use."

18 Correct the title.

EFFECT: Incorporates the environmental benefits exemption into the relevant section of the code.

--- END ---