

SHB 1453 - H AMD 982

By Representative Grant

ADOPTED 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) "Main stem of the Columbia and Snake rivers" means the main  
8 stem of the Columbia and Snake rivers from the Bonneville dam to the  
9 upper limits of the pool behind the Chief Joseph dam on the Columbia  
10 river, from the confluence of the Snake river and the Columbia river to  
11 the 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 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  
18 diversion,)) if the ownership, purpose of use, season of use, and place  
19 of use of the permit remain the same. The department shall not approve  
20 a change in the point of diversion prescribed in a permit if it will  
21 result in a negative impact on fish habitat or archaeological sites.

22 (3) In addition to the authority granted in subsection (2) of this  
23 section, the department may approve a change of the point of diversion  
24 prescribed in a permit to appropriate water for a beneficial use to a  
25 point of diversion that is located in the same pool of the main stem of  
26 the Columbia and Snake rivers, and is an approved intake structure, if  
27 the ownership, purpose of use, season of use, and place of use of the  
28 permit remain the same.

29 (a) Prior to approving the transfer of such a permit, the  
30 department must provide a thirty-day consultation with interested

1 government agencies, including tribal governments, regarding the  
2 requested transfer and its potential to affect instream resources in  
3 the Columbia river.

4 (b) The department shall report to the appropriate standing  
5 committees of the legislature regarding implementation of this  
6 authority by January 10, 2010.

7 (4) This section may not be construed as limiting in any manner  
8 whatsoever other authorities of the department under RCW 90.03.380 or  
9 other changes that may be approved under RCW 90.03.380 under  
10 authorities existing before July 25, 1999."

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