
ENGROSSED SUBSTITUTE HOUSE BILL 1453

State of Washington

60th Legislature

2008 Regular Session

By House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Grant, Haler, Moeller, Hankins and Linville)

READ FIRST TIME 02/26/07.

1 AN ACT Relating to changes in the point of diversion under a water
2 right; and amending RCW 90.03.397.

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

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

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

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

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

15 (2) The department may approve a change of the point of diversion
16 prescribed in a permit to appropriate water for a beneficial use to a
17 point of diversion that is located downstream and is an ((existing))
18 approved intake structure ((with capacity to transport the additional
19 diversion,)) if the ownership, purpose of use, season of use, and place

1 of use of the permit remain the same. The department shall not approve
2 a change in the point of diversion prescribed in a permit if it will
3 result in a negative impact on fish habitat or archaeological sites.

4 (3) In addition to the authority granted in subsection (2) of this
5 section, the department may approve a change of the point of diversion
6 prescribed in a permit to appropriate water for a beneficial use to a
7 point of diversion that is located in the same pool of the main stem of
8 the Columbia and Snake rivers, and is an approved intake structure, if
9 the ownership, purpose of use, season of use, and place of use of the
10 permit remain the same.

11 (a) Prior to approving the transfer of such a permit, the
12 department must provide a thirty-day consultation with interested
13 government agencies, including tribal governments, regarding the
14 requested transfer and its potential to affect instream resources in
15 the Columbia river.

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

19 (4) This section may not be construed as limiting in any manner
20 whatsoever other authorities of the department under RCW 90.03.380 or
21 other changes that may be approved under RCW 90.03.380 under
22 authorities existing before July 25, 1999.

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