
HOUSE BILL 2604

State of Washington

61st Legislature

2010 Regular Session

By Representatives Smith, Morris, Bailey, Quall, Blake, Chandler, and Pearson

Prefiled 01/08/10. Read first time 01/11/10. Referred to Committee on Agriculture & Natural Resources.

1 AN ACT Relating to exempting certain diversions of surface waters
2 for agricultural purposes from the permit process; and adding a new
3 section to chapter 90.03 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 90.03 RCW
6 to read as follows:

7 (1) The legislature finds that increased demand for water supplies
8 in the state requires the state to manage its water resources wisely
9 and that wise management includes examining innovative policies for
10 maximizing use while minimizing the impact of that use. The
11 legislature declares that one such innovative policy is allowing the
12 withdrawal of freshwater from larger rivers just before the water would
13 otherwise mix with marine water and become salty. The Skagit river
14 watershed is designated by the legislature as a pilot project area to
15 implement and evaluate this new policy approach. To permit the state
16 to adequately implement such a policy, the legislature authorizes as an
17 exemption from the normal permitting process such uses for agricultural
18 purposes as provided in this section.

1 (2) A diversion of water from the Skagit river for agricultural
2 purposes made as authorized by this section is exempt from the
3 application and permit requirements of RCW 90.03.250 through 90.03.320
4 if the diversion is made within the tidally influenced portion of the
5 river, which for the purposes of this section shall be from the
6 confluence point of the river with marine water upstream to the first
7 available presently existing permanent United States geological survey
8 real-time stream flow measurement station (Station No. 12-2005-00) that
9 is located at river mile 15.7 near Mt. Vernon. Such a diversion is
10 subject to all other applicable state law.

11 (3) Before a diversion of water for agricultural purposes is made
12 under this section, the person requesting the diversion shall notify
13 the department in writing of the intent to divert water, the location
14 of the point of diversion, and the annual and instantaneous amount of
15 water to be diverted. Upon receipt of the notification, the department
16 shall provide a letter to the person proposing the diversion within
17 seven working days confirming that the diversion is in conformance with
18 the provisions of this section. If a response has not been provided by
19 the department, the diversion is deemed authorized and may begin once
20 the department response period has expired.

21 (4) The total amount of water diverted for agricultural purposes
22 under this section shall be not more than one-tenth of one percent of
23 the minimum instantaneous flow or river level established by
24 preexisting rule.

25 (5) The right for the diversion established under this section is
26 equal to that established by a permit issued under this chapter, and is
27 subject to restriction necessary to protect minimum instream flows or
28 water levels as established by preexisting rule.

29 (6) The department shall compile the information provided under
30 this section for diversions and make information available upon
31 request. The department shall evaluate the effects and effectiveness
32 of diversions made under this section and report its findings to the
33 appropriate committees of the legislature by January 1, 2014.

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