

2 **SSB 5526 - H AMD 572**

3 By Representative Chandler

4

5 Strike everything after the enacting clause and insert the
6 following:

7 "Sec. 1. RCW 90.03.250 and 1987 c 109 s 83 are each amended to
8 read as follows:

9 Any person, municipal corporation, firm, irrigation district,
10 association, corporation, or water users' association hereafter
11 desiring to appropriate water for a beneficial use shall make an
12 application to the department for a permit to make such appropriation,
13 and shall not use or divert such waters until ((he)) the entity has
14 received a permit from the department as provided in this chapter
15 ((provided)), except for diversions authorized under section 3 of this
16 act. The construction of any ditch, canal, or works, or performing any
17 work in connection with ((said)) the construction or appropriation, or
18 the use of any waters, shall not be an appropriation of such water nor
19 an act for the purpose of appropriating water unless a permit to make
20 ((said)) the appropriation has first been granted by the department((
21 ~~PROVIDED, That~~)). However, a temporary permit may be granted upon a
22 proper showing made to the department to be valid only during the
23 pendency of such application for a permit unless sooner revoked by the
24 department((~~PROVIDED~~)). Further, ((That)) nothing in this chapter
25 ((contained)) shall be deemed to affect RCW 90.40.010 through 90.40.080
26 except that the notice and certificate therein provided for in RCW
27 90.40.030 shall be addressed to the department, and the department
28 shall exercise the powers and perform the duties prescribed by RCW
29 90.40.030.

30 **Sec. 2.** RCW 90.03.340 and 1987 c 109 s 90 are each amended to read
31 as follows:

32 The right acquired by appropriation shall relate back to the date
33 of filing of the original application with the department, or to the
34 date construction of the diversion works is begun for beneficial use
35 under section 3 of this act.

1 NEW SECTION. **Sec. 3.** A new section is added to chapter 90.03 RCW
2 to read as follows:

3 (1) The legislature finds that increased demand for water supplies
4 in the state requires the state to manage its water resources wisely
5 and that such wise management includes examining innovative policies
6 for maximizing use while minimizing the impact of that use. The
7 legislature declares that one such innovative policy is allowing the
8 withdrawal of freshwater from streams or lakes just before the water
9 would otherwise mix with marine water. To permit the state to evaluate
10 adequately such a policy, the legislature authorizes as an exemption
11 from the normal permitting process such uses in two pilot study areas
12 as provided by this section.

13 (2) A diversion of water for beneficial use made as authorized by
14 this section from the Snohomish river is exempt from the application
15 and permit requirements of RCW 90.03.250 through 90.03.320 if the
16 diversion is made within one mile upstream from the point at which the
17 freshwater of the river begins to mix with saltwater. A diversion of
18 water for beneficial use made as authorized by this section from the
19 navigation locks at the outlet control facility for the outflow of
20 water to saltwater from Lake Washington and Lake Union is exempt from
21 the application and permit requirements of RCW 90.03.250 through
22 90.03.320. A diversion is authorized under this subsection if prior
23 notification is provided to the department as required under subsection
24 (5) of this section and the water diverted is not in excess of the
25 applicable limitations established in subsections (3) and (4) of this
26 section. The right for the diversion established under this section is
27 equal to that established by a permit issued under the provisions of
28 this chapter, and is subject to minimum water flows or levels
29 established by rule.

30 (3) For diversions from the Snohomish river under this section, no
31 single diverter may divert more than ten percent of the instantaneous
32 flow of the river in the specific area of the diversion, as such a flow
33 would exist in the absence of diversions made under this section. In
34 no event may the combined diversions of all persons diverting water
35 from the river under this section exceed thirty percent of the
36 instantaneous flow of the river in the specific area of the diversion,
37 as such a flow would exist in the absence of diversions made under this
38 section. Up to this thirty percent limit, the authority to divert
39 water is on a first-come, first-served basis as determined by the date

1 construction of the diversion works is begun and by the volume of water
2 the works being constructed are designed to divert.

3 (4) In no event may the combined diversions of all persons
4 diverting water from the navigation locks under this section exceed
5 thirty percent of the annual average inflow to Lake Washington. Up to
6 this thirty percent limit, the authority granted by this section to
7 divert water is on a first-come, first-served basis as determined by
8 the date construction of the diversion works is begun and by the volume
9 of water the works being constructed are designed to divert.

10 (5) Before a person diverts water under this section, the person
11 shall notify the department in writing of the intent to divert water,
12 the location of the point of diversion, and the annual and
13 instantaneous amount of water to be diverted. The department shall
14 compile the information provided under this section for diversions from
15 the Snohomish river and shall compile the information provided under
16 this section for diversions from the locks and shall make this
17 information readily available upon request.

18 (6) The department shall evaluate the effects and effectiveness of
19 diversions made under this section and shall report its findings to the
20 appropriate committees of the legislature by January 1, 2002."

21 Correct the title.

--- END ---