

2 **SSB 5713** - S AMD 126

3 By Senators Fraser and Honeyford

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

7 "Sec. 1. RCW 90.03.390 and 1991 c 350 s 3 are each amended to read
8 as follows:

9 (1) RCW 90.03.380 shall not be construed to prevent water users
10 from making a seasonal or temporary change of point of diversion or
11 place of use of water ((when)) following consultation with the
12 department and a written determination by the department within ten
13 calendar days that such change can be made without detriment to
14 existing rights((, but in no case shall such change be made without the
15 permission of the water master of the district in which such proposed
16 change is located, or of the department. Nor shall RCW 90.03.380 be
17 construed to prevent construction of emergency interties between public
18 water systems to permit exchange of water during short term emergency
19 situations, or rotation in the use of water for bringing about a more
20 economical use of the available supply, provided however, that the
21 department of health in consultation with the department of ecology
22 shall adopt rules or develop written guidelines setting forth standards
23 for determining when a short term emergency exists and the
24 circumstances in which emergency interties are permitted. The rules or
25 guidelines shall be consistent with the procedures established in RCW
26 43.83B.400 through 43.83B.420)) and the public interest. The
27 department shall send notice of the determination to the director of
28 fish and wildlife and to affected tribes and publish the notice of the
29 determination on the internet for the duration of the seasonal or
30 temporary change. Water users owning lands to which water rights are
31 attached may rotate in the use of water to which they are collectively
32 entitled, or an individual water user having lands to which are
33 attached water rights of a different priority, may in like manner
34 rotate in use ((when such rotation can be made without detriment to
35 other existing water rights, and has the approval of the water master
36 or department)).

1 (2) In accordance with subsection (1) of this section, a person may
2 change the place of use of a water right if the water is used on land
3 contiguous to the place of use of the water right, the land is owned or
4 leased by the holder of the water right, and the total amount of land
5 to which the water is applied is not increased. Before making the
6 change, the water right holder shall consult with the department. This
7 subsection does not apply to the use of water within an irrigation
8 district or to changes in use that increase the total amount of acreage
9 irrigated under a water right.

10 (3) RCW 90.03.380 shall not be construed to prevent construction of
11 emergency interties between public water systems to permit exchange of
12 water during short-term emergency situations, or rotation in the use of
13 water for bringing about a more economical use of the available supply,
14 however, the department of health in consultation with the department
15 of ecology shall adopt rules or develop written guidelines setting
16 forth standards for determining when a short-term emergency exists and
17 the circumstances in which emergency interties are permitted. The
18 rules or guidelines shall be consistent with the procedures established
19 in RCW 43.83B.400 through 43.83B.420."

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23 On page 1, line 2 of the title, after "users;" strike the remainder
24 of the title and insert "and amending RCW 90.03.390."

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