

2 **ESHB 2303** - S AMD TO AE COMM AMD (S5254.1) - 925
3 By Senators Loveland, Rasmussen and Morton

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5 On page 6, after line 32 of the amendment, insert the following:

6 "NEW SECTION. **Sec. 3.** A new section is added to chapter 90.03 RCW
7 to read as follows:

8 The department may approve under RCW 90.03.380 a change of the
9 point of diversion for an undeveloped portion of an existing water
10 right permit from an existing authorized point of diversion downstream
11 to an existing intake structure with the available capacity to
12 transport the additional diversion, if there is no change in ownership
13 of the permit and the original purpose and place of use of the water
14 under the permit are not changed.

15 This section may not be construed as limiting in any manner
16 whatsoever other authorities of the department under RCW 90.03.380 or
17 other changes that may be approved under RCW 90.03.380 under
18 authorities existing before the effective date of this section.

19 **Sec. 4.** RCW 90.03.030 and 1987 c 109 s 68 are each amended to read
20 as follows:

21 Any person may convey any water which he or she may have a right to
22 use along any of the natural streams or lakes of this state, but not so
23 as to raise the water thereof above the ordinary highwater mark,
24 without making just compensation to persons injured thereby; but due
25 allowance shall be made for evaporation and seepage, the amount of such
26 seepage, if any, to be determined by the department, upon the
27 application of any person interested. The same authority is granted
28 both for conveyance of water in, and for subsequent conveyance of water
29 from, a watercourse located in a neighboring state, if the neighboring
30 state's approval of the conveyance is documented to the satisfaction of
31 the department and the right to use the water conveyed is by authority
32 of an existing permit or certificate of water right."

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4 On page 7, beginning on line 5 of the title amendment, after
5 "insert" strike "and" and after "90.03.383" strike "and 90.03.290" and
6 insert ", 90.03.290, and 90.03.030; and adding a new section to chapter
7 90.03 RCW"

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