

SSB 5583 - S AMD 217
By Senator Kauffman

ADOPTED 03/12/2009

1 On page 1, line 7, after "to" strike "many"

2 On page 1, line 9, after "considered" strike "the establishment of
3 water banks" and insert "using the state trust water rights program for
4 water banking purposes"

5 On page 1, line 11, after "water" strike "banks and exchanges" and
6 insert "banking"

7 On page 1, line 16, after "provide" strike "banked"

8 On page 2, line 2, after "water" strike "banks" and insert
9 "banking"

10 On page 2, beginning on line 3, after "throughout the" strike all
11 material through "purposes." on line 5, and insert "state and to
12 improve the effectiveness of the state trust water rights program."

13 On page 5, line 33, after "provided in" strike "subsection (10)"
14 and insert "subsections (10) and (11)"

15 On page 6, line 32, after "provided in" strike "subsection (10)"
16 and insert "subsections (10) and (11)"

17 On page 7, beginning on line 25, strike all of subsection (10) and
18 insert the following:

19 "(10) For water rights donated or leased under subsection (4) or
20 (8) of this section where nonuse of the water right is excused under
21 RCW 90.14.140(1):

22 (a) The department shall calculate the amount of water eligible to

1 be acquired by looking at the extent to which the right was exercised
2 during the most recent five-year period preceding the date where nonuse
3 of the water right was excused under RCW 90.14.140(1); and
4 (b) The total of the donated or leased portion of the water right
5 and the portion of the water right remaining with the water right
6 holder shall not exceed the extent to which the water right was
7 exercised during the most recent five-year period preceding the date
8 nonuse of the water right was excused under RCW 90.14.140(1).
9 (11) For water rights donated or leased under subsection (4) or (8)
10 of this section where nonuse of the water right is exempt under RCW
11 90.14.140(2) (a) or (d):
12 (a) The amount of water eligible to be acquired shall be based on
13 historical beneficial use; and
14 (b) The total of the donated or leased portion of the water right
15 and the portion of the water right the water right holder continues to
16 use shall not exceed the historical beneficial use of that right during
17 the duration of the trust."

EFFECT: Updates section 1 of the bill to reflect that it is the intent of the legislature to provide clear authority for water banking and to improve the effectiveness of the state trust water rights program.

Provides that, for water rights put into the trust water rights program, the department of ecology will look at the amount of water eligible to be acquired based on historical beneficial use if nonuse is exempt from relinquishment because the water is claimed for power development purposes or municipal water supply purposes.

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