S-1827.1

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**SUBSTITUTE SENATE BILL 5298**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**State of Washington 64th Legislature 2015 Regular Session**

**By** Senate Agriculture, Water & Rural Economic Development (originally sponsored by Senators Ericksen, Hatfield, Honeyford, and Warnick)

AN ACT Relating to the diversion of certain municipal waters; and amending RCW 90.03.397.

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

**Sec.**  RCW 90.03.397 and 2011 c 117 s 1 are each amended to read as follows:

(1) The department may approve a change of the point of diversion prescribed in a permit to appropriate surface water for a beneficial use if the ownership, purpose of use, season of use, and place of use of the permit remain the same to an approved intake structure with capacity to transport the additional diversion to either: (a) A point of diversion that is located downstream; or (b) a point of diversion located between Columbia river miles 215.6 and 292, if the existing point of diversion is contained therein.

(2) This section may not be construed as limiting in any manner whatsoever other authorities of the department under RCW 90.03.380 or other changes that may be approved under RCW 90.03.380 under authorities existing before July 25, 1999.

(3)(a) The legislature finds that it will clearly serve overriding considerations of the public interest for the department to make uninterruptible supplies of water available for appropriation for a municipal water supplier, notwithstanding when minimum instream flows or levels have been established under chapter 90.22 or 90.54 RCW, when all of the following are met:

(i) For both instantaneous rate of the diversion, as measured on a daily basis, and annual volume of the diversion, a quantity of foreign water that is equivalent to or greater than the quantity of water diverted by the municipal water supplier is introduced into the same body of water from which the diversion is made. The point of introduction of the foreign water must be located less than one mile downstream from the point of diversion;

(ii) The instantaneous diversion represents no more than 0.1 percent of adopted minimum instream flows or levels;

(iii) The total volume diverted and the total volume of foreign water introduced are measured and reported to the department no less than four times per year; and

(iv) The introduction of foreign water complies with all applicable water quality regulations for receiving water and complies with all local, state, and federal permitting requirements.

(b) For the purposes of this subsection, "foreign water" means water that does not naturally contribute as a source of water supply that would reach the river, river basin, or groundwater associated with the location of the diversion.

(c) Nothing in this section may be construed to affect, constrain, or otherwise limit the authority of the department to determine that overriding considerations of the public interest have been met in approving new withdrawals under RCW 90.54.020(3).

**--- END ---**