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**SUBSTITUTE SENATE BILL 5519**

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**State of Washington**

**60th Legislature**

**2007 Regular Session**

**By** Senate Committee on Water, Energy & Telecommunications (originally sponsored by Senators Delvin, Poulsen, Honeyford, McCaslin, Shin and Rasmussen)

READ FIRST TIME 02/28/07.

1 AN ACT Relating to changes in the point of diversion under a water  
2 right; and amending RCW 90.03.397.

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

4 **Sec. 1.** RCW 90.03.397 and 1999 c 232 s 2 are each amended to read  
5 as follows:

6 (1) For the purposes of this section, the following definitions  
7 shall be applicable:

8 (a) "Mainstem of the Columbia and Snake rivers" means the mainstem  
9 of the Columbia and Snake rivers from the Bonneville dam to the upper  
10 limits of the pool behind the Chief Joseph dam on the Columbia river,  
11 from the confluence of the Snake river and the Columbia river to the  
12 upper limits of the pool behind the Ice Harbor dam.

13 (b) "Pool" means any surface water reservoir where water is  
14 collected and stored for subsequent beneficial use.

15 (2) The department may approve a change of the point of diversion  
16 prescribed in a permit to appropriate water for a beneficial use to a  
17 point of diversion that is located downstream, or in the same pool of  
18 the mainstem of the Columbia and Snake rivers, and is an ((existing))  
19 approved intake structure ((with capacity to transport the additional

1 ~~diversion,~~) if the ownership, purpose of use, season of use, and place  
2 of use of the permit remain the same. The requirement in RCW 90.03.395  
3 that a change in point of diversion of a water right permit must  
4 provide environmental benefits shall not apply for a change of point of  
5 diversion that is located in the same pool of the mainstem of the  
6 Columbia and Snake rivers.

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

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