

---

SENATE BILL 5298

---

State of Washington

64th Legislature

2015 Regular Session

By Senators Ericksen, Hatfield, Honeyford, and Warnick

Read first time 01/19/15. Referred to Committee on Agriculture,  
Water & Rural Economic Development.

1 AN ACT Relating to the diversion of certain municipal waters; and  
2 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 2011 c 117 s 1 are each amended to  
5 read as follows:

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

14 (2)(a) A municipal owner of foreign water discharged to the  
15 Nooksack river between river miles seventeen and nineteen must be  
16 allowed to claim and divert up to an equal quantity of water annually  
17 from the Nooksack river without satisfying laws governing water  
18 appropriation if all of the following conditions are met:

19 (i) The diversion occurs at a municipally owned intake structure  
20 located on the Nooksack river not more than one mile upstream from  
21 the foreign water discharge identified in this subsection; and

1       (ii) The increased Nooksack river diversion authorized by this  
2 subsection is not, on a daily basis, greater than the amount of  
3 foreign water discharged by the municipal owner to the Nooksack river  
4 at the location identified in this subsection.

5       (b) For the purposes of this subsection, "foreign water" means  
6 water that, prior to the work of the developer of the water, was not  
7 part of a source of water supply that would reach the river, river  
8 basin, or groundwater associated with the location of the municipally  
9 owned intake structure.

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

--- END ---