
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)

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

18 (3)(a) The legislature finds that it will clearly serve
19 overriding considerations of the public interest for the department
20 to make uninterruptible supplies of water available for appropriation
21 for a municipal water supplier, notwithstanding when minimum instream

1 flows or levels have been established under chapter 90.22 or 90.54
2 RCW, when all of the following are met:

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

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

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

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

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

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

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