

CHAPTER 4.

[INITIATIVE MEASURE NO. 25 TO THE LEGISLATURE.]

DAM CONSTRUCTION AND WATER DIVERSION.

AN ACT prohibiting the construction or operation of any dam or other obstruction over 25 feet high on any tributary stream of the Columbia River downstream from McNary Dam within the migration range of anadromous fish, except on the North Fork of the Lewis River and White Salmon River, and prohibiting diversion of water from such stream in such quantities as will reduce the flow below the annual average low flow without concurrent approval of the Directors of Fisheries and Game.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. For the purpose of conserving the State's fishery resources the powers of any person authorized to construct or operate dams or to appropriate water in the state are hereby limited in that no such person shall construct, complete or operate, either for himself or as an agent or independent contractor for another, any dam or other obstruction over 25 feet high on any tributary stream of the Columbia River downstream from McNary Dam, including the Cowlitz River and its tributaries, within the migration range of anadromous fish as jointly determined by the Directors of Fisheries and Game, except the north fork of the Lewis River and the White Salmon River (Big White Salmon River), nor shall any such person obtain or use a federal license for such purpose; nor shall any such person divert any water from any such stream in such quantities that will reduce the respective stream flows below the annual average low flow as set forth in existing or future United States Geological reports; *Provided*, That when the flow is below such annual average low flow, then such person may divert water, subject to legal appropriation, only upon the concurrent order of the Directors of Fisheries and Game.

Limitation on construction, operation of dams.

Limitation on diversion of water.

"Person" as used in section 1 defined.

SEC. 2. The term "person" as used in Section 1 herein shall include any municipal corporation or other political subdivision of this state or another state, any other public or quasi-public corporation, any private corporation or other organization organized under the laws of this state or another state, and any individual or group of individuals.

Severability.

SEC. 3. If any section or provision or part thereof of this act shall be held unconstitutional or for any other reason invalid, the invalidity of such section, provision or part thereof shall not affect the validity of the remaining sections, provisions or parts thereof which are not judged to be invalid or unconstitutional.

Filed in the office of the Secretary of State April 3, 1958.

Certified to the 1959 Legislature as of February 24, 1959.

(Legislature failed to take final action and as provided by the State Constitution, the measure was submitted to the voters at the next succeeding state general election.)

Approved by the voters at the November 8, 1960 state general election.

Proclamation declaring measure effective law signed by the Governor as of December 8, 1960.