

CHAPTER 127.

[S. B. 304.]

DIVERSION OF WATER.

AN ACT relating to the regulation and control of water within the State of Washington, providing for the filing of applications therefor, fixing fees, giving notice of hearing thereon and amending section 1 of chapter 161 of the Laws of 1925 (section 7381 of Remington's Revised Statutes) and section 4 of chapter 122 of the Laws of 1929 (section 7382 of Remington's Revised Statutes).

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

SECTION 1. That section 1 of chapter 161 of the Laws of 1925 (section 7381 of Remington's Revised Statutes) be amended to read as follows:

Amends
§ 7381 Rem.
Rev. Stat.

Section 7381. Upon filing an application which complies with the provisions of this act and the rules and regulations established hereunder, the Supervisor of Hydraulics shall instruct the applicant to publish notice thereof in a form and within a time prescribed by said Supervisor of Hydraulics, in one newspaper of general circulation published at the county seat of the county or counties in which the storage, diversion and use is to be made, and in such other newspapers as the Supervisor of Hydraulics may direct, once a week for two consecutive weeks: *Provided*, That upon receipt by the Supervisor of Hydraulics of any application for appropriation or storage of water, it shall be his duty to send notice thereof containing pertinent information to both the Director of Fisheries and Director of Game.

Notice
of proposed
storage,
diversion
or use.

SEC. 2. That section 4 of chapter 122 of the Laws of 1929 (section 7382 of Remington's Revised Statutes) be amended to read as follows:

Amends
§ 7382 Rem.
Rev. Stat.

Section 7382. When an application complying with the provisions of this chapter and with the rules and regulations of the State Supervisor of Hydraulics has been filed, the same shall be placed on record

Investigation
of
application.

in the office of the State Supervisor of Hydraulics, and it shall be his duty to investigate the application, and determine what water, if any, is available for appropriation, and find and determine to what beneficial use or uses it can be applied. If it is proposed to appropriate water for irrigation purposes, the State Supervisor of Hydraulics shall investigate, determine and find what lands are capable of irrigation by means of water found available for appropriation. If it is proposed to appropriate water for the purpose of power development, the Supervisor shall investigate, determine and find whether the proposed development is likely to prove detrimental to the public interest, having in mind the highest feasible use of the waters belonging to the public. If the application does not contain, and the applicant does not promptly furnish sufficient information on which to base such findings, the Supervisor may issue a preliminary permit, for a period of not to exceed three (3) years, requiring the applicant to make such surveys, investigations, studies, and progress reports, as in the opinion of the Supervisor may be necessary. If the applicant fails to comply with the conditions of the preliminary permit, it and the application or applications on which it is based shall be automatically cancelled and the applicant so notified. If the holder of a preliminary permit shall, before its expiration, file with the Supervisor a verified report of expenditures made and work done under the preliminary permit, which, in the opinion of the Supervisor, establishes the good faith, intent and ability of the applicant to carry on the proposed development, the preliminary permit may, with the approval of the Governor, be extended, but not to exceed a maximum period of five (5) years from the date of the issuance of the preliminary permit. The State Supervisor of Hydraulics shall make and file as part of the record

Preliminary
permit.

in the matter, written findings of fact concerning all things investigated, and if he shall find that there is water available for appropriation for a beneficial use, and the appropriation thereof as proposed in the application will not impair existing rights or be detrimental to the public welfare, he shall issue a permit stating the amount of water to which the applicant shall be entitled and the beneficial use or uses to which it may be applied: *Provided*, That where the water applied for is to be used for irrigation purposes, it shall become appurtenant only to such land as may be reclaimed thereby to the full extent of the soil for agricultural purposes. But where there is no unappropriated water in the proposed source of supply, or where the proposed use conflicts with existing rights, or threatens to prove detrimental to the public interest, having due regard to the highest feasible development of the use of the waters belonging to the public, it shall be the duty of the State Supervisor of Hydraulics to reject such application and to refuse to issue the permit asked for. If the permit is refused because of conflict with existing rights and such applicant shall acquire same by purchase or condemnation under section 7354 hereof, said Supervisor may thereupon grant such permit. Any application may be approved for a less amount of water than that applied for, if there exists substantial reason therefor, and in any event shall not be approved for more water than can be applied to beneficial use for the purposes named in the application. In determining whether or not a permit shall issue upon any application, it shall be the duty of the State Supervisor of Hydraulics to investigate all facts relevant and material to the application. After the State Supervisor of Hydraulics approves said application in whole or in part and before any permit shall be issued thereon to the applicant, such applicant

Report of
suspension.

Permit.

Irrigation
purposes.

Application
rejected.

Fee.

shall pay the fee provided in section 7399 of this Code: *Provided further*, That in the event a permit is issued by the Supervisor of Hydraulics upon any application, it shall be his duty to notify both the Director of Fisheries and the Director of Game of such issuance. All permits issued by the Supervisor of Hydraulics shall contain a provision that the holder thereof shall comply with all laws pertaining to appropriation, use and storage of water and all fisheries and game laws now in force or hereafter enacted.

Passed the Senate February 24, 1939.

Passed the House March 9, 1939.

Approved by the Governor March 15, 1939.

CHAPTER 128.

[S. B. 361.]

WATER DISTRICTS.

AN ACT relating to water and water supply districts; providing for the issuance and sale of water revenue bonds; providing for the payment thereof from revenues and from utility local improvement district assessments; creating a water revenue redemption fund; providing for the refunding of local improvement district bonds; and amending section 9 of chapter 114 of the Laws of 1929 (section 11587 of Remington's Revised Statutes) and section 1 of chapter 177 of the Laws of 1937 (section 11588 of Remington's Revised Statutes).

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

SECTION 1. Section 9 of chapter 114 of the Laws of 1929 (section 11587 of Remington's Revised Statutes) is hereby amended to read as follows:

Section 9. Said water district shall have the power to establish local improvement districts within its territory; to levy special assessments under the mode of annual installments extending over a period

Amends
§ 11587 Rem.
Rev. Stat.

Local
improvement
districts.