

NEW SECTION. Sec. 27. Section 22 of this 1979 act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House May 2, 1979.

Passed the Senate April 28, 1979.

Approved by the Governor May 11, 1979.

Filed in Office of Secretary of State May 11, 1979.

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## CHAPTER 166

[Substitute House Bill No. 446]

### WATER USE PERMITS—STREAM FLOW AND LEVEL PROTECTION

AN ACT Relating to water rights; and adding a new section to chapter 90.03 RCW.

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

NEW SECTION. Section 1. There is added to chapter 90.03 RCW a new section to read as follows:

Whenever an application for a permit to make beneficial use of public waters is approved relating to a stream or other water body for which minimum flows or levels have been adopted and are in effect at the time of approval, the permit shall be conditioned to protect the levels or flows. No agency may establish minimum flows and levels or similar water flow or level restrictions for any stream or lake of the state other than the department of ecology whose authority to establish is exclusive, as provided in chapter 90.03 RCW and RCW 90.22.010 and 90.54.040. The provisions of other statutes, including but not limited to RCW 75.20.100 and chapter 43.21C RCW, may not be interpreted in a manner that is inconsistent with this section. In establishing such minimum flows, levels, or similar restrictions, the department shall, during all stages of development by the department of ecology of minimum flow proposals, consult with, and carefully consider the recommendations of, the department of fisheries, the state game commission, the state energy office, the department of agriculture, and representatives of the affected Indian tribes. Nothing herein shall preclude the department of fisheries, the game commission, the energy office, or the department of agriculture from presenting its views on minimum flow needs at any public hearing or to any person or agency, and the department of fisheries, the game commission, the energy office, and the department of agriculture are each empowered to participate in proceedings of the federal energy regulatory commission and other agencies to present its views on minimum flow needs. The department of ecology shall file with the speaker of the house of representatives and the president of the senate on the first

day of each regular session of the legislature a report as to the implementation of its minimum flow setting program.

Passed the House April 27, 1979.

Passed the Senate April 24, 1979.

Approved by the Governor May 11, 1979.

Filed in Office of Secretary of State May 11, 1979.

## CHAPTER 167

[Substitute House Bill No. 706]

### CLAIMS AGAINST THE STATE—SETTLEMENT OF SMALL CLAIMS

AN ACT Relating to claims against the state; amending section 4, chapter 95, Laws of 1895 as last amended by section 2, chapter ... (House Bill No. 848), Laws of 1979 and RCW 4.92.040; and making an appropriation.

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

Section 1. Section 4, chapter 95, Laws of 1895 as last amended by section 2, chapter ... (House Bill No. 848), Laws of 1979 and RCW 4.92.040 are each amended to read as follows:

- (1) No execution shall issue against the state on any judgment.
- (2) Whenever a final judgment against the state shall have been obtained in an action on a claim arising out of tortious conduct, the clerk shall make and furnish to the director of financial management a duly certified copy of said judgment and the same shall be paid out of the tort claims revolving fund.
- (3) Whenever a final judgment against the state shall have been obtained in any other action, the clerk of the court shall make and furnish to the director of financial management a duly certified copy of such judgment; the director of financial management shall thereupon audit the amount of damages and costs therein awarded, and the same shall be paid from appropriations specifically provided for such purposes by law.
- (4) On and after September 21, 1977, all claims made to the legislature against the state of Washington for money or property, shall be accompanied by a statement of the facts on which such claim is based and such evidence as the claimant intends to offer in support of the claim and shall be filed with the director of financial management who shall retain the same as a record. All claims of five hundred dollars or less shall be approved or rejected by the director of financial management and if approved shall be paid from appropriations specifically provided for such purpose by law. Such decision, if adverse to the claimant in whole or part, shall not preclude claimant from seeking relief from the legislature: PROVIDED, That if the claimant accepts any part of his or her claim which is approved for payment by the director, such acceptance shall constitute a waiver and release of the state from any further claims relating to the damage or injury asserted in the claim so accepted. The director shall submit to the Senate Committee