

RCW 77.57.070 Diversion of water—Screen, bypass required. (1)

A person shall not divert water from a lake, river, or stream containing game fish unless the water diversion device is equipped at or near its intake with a fish guard or screen to prevent the passage of game fish into the device and, if necessary, with a means of returning game fish from immediately in front of the fish guard or screen to the waters of origin. A person who was, on June 11, 1947, otherwise lawfully diverting water from a lake, river, or stream shall not be deemed guilty of a violation of this section.

(2) Plans for the fish guard, screen, and bypass shall be approved by the director prior to construction. The installation shall be approved by the director prior to the diversion of water.

(3) The director or the director's designee may close a water diversion device operated in violation of this section and keep it closed until it is properly equipped with a fish guard, screen, or bypass. [2005 c 146 s 904; 2001 c 253 s 48; 1998 c 190 s 122; 1980 c 78 s 89; 1955 c 36 s 77.16.220. Prior: 1947 c 275 s 61; Rem. Supp. 1947 s 5992-70. Formerly RCW 77.55.320, 77.16.220.]

Part headings not law—2005 c 146: See note following RCW 77.55.011.

Effective date—Intent, construction—Savings—Severability—1980 c 78: See notes following RCW 77.04.010.