
**Agriculture & Natural Resources
Committee**

HB 1938

Brief Description: Concerning the relinquishment of a water right.

Sponsors: Representatives Hailey, Haler, Newhouse, Kretz, Warnick, Buri, Ahern, Grant, Kristiansen, Ericksen, Blake, Chandler, Walsh and Hinkle.

Brief Summary of Bill

- Allows the continuance of a water right if the owner uses at least a portion of the water right for the established purpose of use.

Hearing Date: 2/12/07

Staff: Jaclyn Ford (786-7339).

Background:

Washington water law is based on the prior appropriation doctrine. The doctrine known as "first in time is first in right" creates a priority system based on the date of use or intent to use water. In times of water shortage, more senior water rights may be exercised to the fullest extent while use of water under more junior rights may be reduced or prohibited.

If a person abandons or voluntarily fails to beneficially use all or any part of their water right for five successive years without sufficient cause, the right or portion unused reverts to the state [RCW 90.14.160]. The Department of Ecology (DOE) may determine when a water right has reverted to the state for nonuse. A person may appeal the DOE findings to the Pollution Control Hearings Board [RCW 90.14.130].

Summary of Bill:

An owner of a water right does not relinquish his or her claim on the water if he or she continues to use at least a portion of the water for the established purpose of use.

Appropriation: None.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.