

# FINAL BILL REPORT

## ESHB 1730

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### FULL VETO

**Brief Description:** Changing provisions relating to sufficient cause for nonuse of water rights.

**Sponsors:** By House Committee on Agriculture & Ecology (originally sponsored by Representatives Chandler, Schoesler and Grant).

**House Committee on Agriculture & Ecology**  
**Senate Committee on Agriculture & Environment**

**Background:** Relinquishment of a Water Right for Nonuse. If a person abandons or voluntarily fails to use beneficially all or any part of a water right for five successive years without sufficient cause, the right or the portion unused reverts to the state. A number of exemptions from this relinquishment requirement are listed by statute. A procedure has been established under which the Department of Ecology may determine and the Pollution Control Hearings Board may confirm that a water right has reverted to the state for nonuse.

Permit Deadline. When a person applies for a water right and the department issues a water use permit, the permit contains deadlines by which construction required for the water use must be completed and beneficial use of the water must take place. These deadlines may be extended by the department under certain circumstances. If the water use is perfected under the terms of the permit, the department issues the permit holder a water right certificate.

**Summary:** A water right is not subject to relinquishment for nonuse if the right is leased to another person under a transfer or change of the right or if federal or state agency leases of or options to purchase lands or water rights preclude or reduce the use of the right by the water right owner.

If federal or state laws prevent or restrict water use otherwise authorized under a water use permit, the Department of Ecology must extend the deadlines set in the permit for commencing work, completing work, and applying water to beneficial use. The extension must be for a period that is not less than the period of nonuse or restricted use caused by the federal or state laws.

**Votes on Final Passage:**

House 63 35

Senate 46 0 (Senate amended)  
House (House refused to concur)  
Senate 30 16 (Senate amended)  
House 98 0 (House concurred)