

ANALYSIS OF HB 1730

House Agriculture & Ecology Committee
1997

February 19,

BACKGROUND:

Relinquishment of a Water Right for Nonuse. If a person abandons or voluntarily fails to use beneficially all or any part of the person's water right for five successive years without sufficient cause, the right or portion unused reverts to the state. (RCW 90.14.160 through 90.14.180.) A number of exemptions from this relinquishment requirement are listed by statute. Among the circumstances providing exemptions are: the water right is claimed for municipal water supply purposes, and the water right is claimed for power development purposes and annual license fees are paid. (RCW 90.14.140.) 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. (RCW 90.14.130.)

Permit Deadline. If a person applies for a water right and the Department issues a water use permit, the permit will contain a deadline by which construction required for the water use be completed and beneficial use of the water take place. This deadline may be extended by the Department under certain circumstances. (RCW 90.03.320.) If the water use is perfected under the terms of the permit, the Department issues the permit holder a water right certificate (RCW 90.03.330.)

SUMMARY:

A water right claimed for the water supply of an irrigation district is not subject to relinquishment for nonuse if the purpose of the use is authorized under the general irrigation district laws. (Section 2.) A new element is added to the things that must be considered by the Department when it determines whether to allow an extension of the deadline by which a project is to be constructed or completed under the terms of a water use permit. The Department must now consider a suspension of activity imposed under state or federal laws that prevent or restrict water use. If an extension is granted for this reason, it must be at least as long as the period of nonuse caused by the state or federal laws. (Section 1.)