

# ***ANALYSIS OF HB 2712***

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***House Agriculture & Ecology Committee***

***January 26, 1998***

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## **BACKGROUND:**

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

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, or 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 DOE 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.)

## **SUMMARY:**

If federal or state laws prevent or restrict water use otherwise authorized under a water use permit, the DOE 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. (Section 1.)

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.)