

HOUSE BILL REPORT

HB 2712

As Reported By House Committee On:
Agriculture & Ecology

Title: An act relating to sufficient cause for nonuse of water rights.

Brief Description: Requiring the department of ecology to extend the time for work under a permit if water use has been prevented or restricted use due to federal or state laws.

Sponsors: Representatives Chandler and Sump.

Brief History:

Committee Activity:

Agriculture & Ecology: 1/26/98, 2/5/98 [DPS].

HOUSE COMMITTEE ON AGRICULTURE & ECOLOGY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Chandler, Chairman; Parlette, Vice Chairman; Schoesler, Vice Chairman; Linville, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Cooper; Delvin; Koster; Mastin; Regala and Sump.

Staff: Bill Lynch (786-7092).

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.)

Summary of Substitute Bill: If federal or state laws prevent or restrict water use otherwise authorized under a water use permit issued for a federal reclamation project, 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.)

Substitute Bill Compared to Original Bill: A provision pertaining to relinquishment is deleted. Language is added to restrict the permit extension to a permit issued to a federal reclamation project.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Substitute Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: This permit extension time should be allowed, because the delay is outside the control of the water permit holder.

Testimony Against: The relinquishment language carves out a special exemption for irrigation districts.

Testified: Mike Schwisow, WA State Water Resource Agencies (pro); Frederic Blauert, WA Wool Growers (pro); and Ken Slattery, Department of Ecology (con).