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**SUBSTITUTE HOUSE BILL 2712**

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**State of Washington**

**55th Legislature**

**1998 Regular Session**

**By** House Committee on Agriculture & Ecology (originally sponsored by Representatives Chandler and Sump)

Read first time 02/05/98. Referred to Committee on .

1 AN ACT Relating to sufficient cause for nonuse of water rights; and  
2 amending RCW 90.03.320.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 90.03.320 and 1997 c 445 s 3 are each amended to read  
5 as follows:

6 Actual construction work shall be commenced on any project for  
7 which permit has been granted within such reasonable time as shall be  
8 prescribed by the department, and shall thereafter be prosecuted with  
9 diligence and completed within the time prescribed by the department.  
10 The department, in fixing the time for the commencement of the work, or  
11 for the completion thereof and the application of the water to the  
12 beneficial use prescribed in the permit, shall take into consideration  
13 the cost and magnitude of the project and the engineering and physical  
14 features to be encountered, and shall allow such time as shall be  
15 reasonable and just under the conditions then existing, having due  
16 regard for the public welfare and public interests affected(~~(and,~~  
17 ~~for good cause shown, it)~~). For good cause shown, the department shall  
18 extend the time or times fixed as aforesaid, and shall grant such  
19 further period or periods as may be reasonably necessary, having due

1 regard to the good faith of the applicant and the public interests  
2 affected. If federal or state laws prevent or restrict water use  
3 otherwise authorized under a permit issued for a federal reclamation  
4 project, the department shall extend the time or times fixed for  
5 commencing work, completing work, and applying water to beneficial use  
6 and the extension shall be for a period that is not less than the  
7 period of nonuse or restricted use caused by the federal or state laws.  
8 In fixing construction schedules and the time, or extension of time,  
9 for application of water to beneficial use for municipal water supply  
10 purposes, the department shall also take into consideration the term  
11 and amount of financing required to complete the project, delays that  
12 may result from planned and existing conservation and water use  
13 efficiency measures implemented by the public water system, and the  
14 supply needs of the public water system's service area, consistent with  
15 an approved comprehensive plan under chapter 36.70A RCW, or in the  
16 absence of such a plan, a county-approved comprehensive plan under  
17 chapter 36.70 RCW or a plan approved under chapter 35.63 RCW, and  
18 related water demand projections prepared by public water systems in  
19 accordance with state law. An existing comprehensive plan under  
20 chapter 36.70A or 36.70 RCW, plan under chapter 35.63 RCW, or demand  
21 projection may be used. If the terms of the permit or extension  
22 thereof, are not complied with the department shall give notice by  
23 registered mail that such permit will be canceled unless the holders  
24 thereof shall show cause within sixty days why the same should not be  
25 so canceled. If cause is not shown, the permit shall be canceled.

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