
HOUSE BILL 3060

State of Washington

55th Legislature

1998 Regular Session

By Representative Chandler

Read first time 01/28/98. Referred to Committee on Agriculture & Ecology.

1 AN ACT Relating to sufficient cause for nonuse of water rights; and
2 amending RCW 90.14.140.

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

4 **Sec. 1.** RCW 90.14.140 and 1987 c 125 s 1 are each amended to read
5 as follows:

6 (1) For the purposes of RCW 90.14.130 through 90.14.180,
7 "sufficient cause" shall be defined as the nonuse of all or a portion
8 of the water by the owner of a water right for a period of five or more
9 consecutive years where such nonuse occurs as a result of:

10 (a) Drought, or other unavailability of water;

11 (b) Active service in the armed forces of the United States during
12 military crisis;

13 (c) Nonvoluntary service in the armed forces of the United States;

14 (d) The operation of legal proceedings;

15 (e) Federal or state agency leases of or options to purchase lands
16 or water rights which preclude or reduce the use of the right by the
17 owner of the water right;

18 (f) Federal laws imposing land or water use restrictions either
19 directly or through the voluntary enrollment of a landowner in a

1 federal program implementing those laws, or acreage limitations, or
2 production quotas.

3 (2) Notwithstanding any other provisions of RCW 90.14.130 through
4 90.14.180, there shall be no relinquishment of any water right:

5 (a) If such right is claimed for power development purposes under
6 chapter 90.16 RCW and annual license fees are paid in accordance with
7 chapter 90.16 RCW(~~(7-07)~~);i

8 (b) If such right is used for a standby or reserve water supply to
9 be used in time of drought or other low flow period so long as
10 withdrawal or diversion facilities are maintained in good operating
11 condition for the use of such reserve or standby water supply(~~(7-07)~~);i

12 (c) If such right is claimed for a determined future development to
13 take place either within fifteen years of July 1, 1967, or the most
14 recent beneficial use of the water right, whichever date is later(~~(7-
15 07)~~);i

16 (d) If such right is claimed for municipal water supply purposes
17 under chapter 90.03 RCW(~~(7-07)~~);i

18 (e) If such waters are not subject to appropriation under the
19 applicable provisions of RCW 90.40.030 (~~as now or hereafter amended~~);i
20 or

21 (f) If such right or portion of the right is leased to another in
22 accordance with a transfer of or change in the right, with regard to
23 the portion leased.

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