

CERTIFICATION OF ENROLLMENT

HOUSE BILL 3060

Chapter 258, Laws of 1998

55th Legislature
1998 Regular Session

SUFFICIENT CAUSE FOR NONUSE OF WATER RIGHTS--REVISIONS

EFFECTIVE DATE: 6/11/98

Passed by the House March 12, 1998
Yeas 98 Nays 0

CLYDE BALLARD
**Speaker of the
House of Representatives**

Passed by the Senate March 12, 1998
Yeas 41 Nays 2

BRAD OWEN
President of the Senate

Approved April 1, 1998

GARY LOCKE
Governor of the State of Washington

CERTIFICATE

I, Timothy A. Martin, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 3060** as passed by the House of Representatives and the Senate on the dates hereon set forth.

TIMOTHY A. MARTIN
Chief Clerk

FILED

April 1, 1998 - 3:01 p.m.

**Secretary of State
State of Washington**

HOUSE BILL 3060

AS AMENDED BY THE SENATE

Passed Legislature - 1998 Regular Session

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)~~);

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)~~);

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(~~(7-07)~~);

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

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~~);
20 or

21 (f) If such right or portion of the right is leased to another
22 person for use on land other than the land to which the right is
23 appurtenant as long as the lessee makes beneficial use of the right in
24 accordance with this chapter and a transfer or change of the right has
25 been approved by the department in accordance with RCW 90.03.380,
26 90.03.383, 90.03.390, or 90.44.100.

Passed the House March 12, 1998.

Passed the Senate March 12, 1998.

Approved by the Governor April 1, 1998.

Filed in Office of Secretary of State April 1, 1998.