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ENGROSSED SUBSTITUTE HOUSE BILL 2735

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State of Washington   56th Legislature   2000 Regular Session

By House Committee on Agriculture & Ecology (originally sponsored by Representatives B. Chandler, G. Chandler, Linville, Clements, Lisk and Sump)

Read first time 02/04/2000. Referred to Committee on .

1   AN ACT Relating to clarifying "voluntarily fails" for water rights
2 relinquishment purposes; adding a new section to chapter 90.14 RCW;
3 creating a new section; and declaring an emergency.

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

5   NEW SECTION. **Sec. 1.** A new section is added to chapter 90.14 RCW
6 to read as follows:
7   For the purposes of RCW 90.14.140 through 90.14.180, unless the
8 context clearly requires otherwise, "voluntarily fails" means the
9 nonuse of all or a portion of the water by the owner of the water
10 right, where the nonuse occurs as a result of factors within the
11 control of the water user. A failure to use all or a portion of the
12 full water right is involuntary when the nonuse of such right is in
13 response to factors beyond the control of the water user, such as
14 cyclical weather patterns or the presence of water from a source not
15 within the control of the water user as long as the diversion and
16 delivery facilities are maintained in good operating condition
17 consistent with the full amount of the water right.

1   NEW SECTION. **Sec. 2.** Section 1 of this act is remedial in nature
 2   and applies retroactively to October 12, 1977.

 3   NEW SECTION. **Sec. 3.** If any provision of this act or its
 4   application to any person or circumstance is held invalid, the
 5   remainder of the act or the application of the provision to other
 6   persons or circumstances is not affected.

 7   NEW SECTION. **Sec. 4.** This act is necessary for the immediate
 8   preservation of the public peace, health, or safety, or support of the
 9   state government and its existing public institutions, and takes effect
10   immediately.

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