
**Economic Development,
Agriculture & Trade Committee**

HB 2168

Brief Description: Concerning the relinquishment of a water right.

Sponsors: Representatives Newhouse, Kristiansen, Hankins, Holmquist and Haler.

Brief Summary of Bill

- Specifies a person has not voluntarily failed to use a water right if the person has continued to use a portion of the right for the established purpose of use.

Hearing Date: 3/11/05

Staff: Caroleen Dineen (786-7156).

Background:

A water right has several elements or conditions that identify limitations on the use of water under the right. One is its priority. Other elements of the water right include: the amount of water that may be withdrawn from a particular water source under the right, the time of year and point from which the water may be withdrawn, the type of water use authorized under the right (such as an agricultural or municipal use), and the place that the water may be used.

Once it is properly established, a water right is perpetual as long as it is used. However, a water right may be forfeited for non-use through either abandonment or relinquishment. Generally, if a water right holder voluntarily fails without sufficient cause to put water to beneficial use for five successive years, the water right holder relinquishes the right or the portion of the right not used.

Summary of Bill:

For purposes of the relinquishment statutes, a person is not deemed to have voluntarily failed to beneficially use his or her water right if the person has continued to use at least a portion of the right for the established purpose of use.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.