
**Agriculture & Natural Resources
Committee**

HB 1266

Brief Description: Regarding sufficient cause for the nonuse of water.

Sponsors: Representatives Warnick, Chandler, Hinkle, Newhouse, Blake, Ross, Johnson, Kretz, McCune and Condotta.

Brief Summary of Bill

- Allows an application to the Department of Ecology for a change in a water right to be sufficient cause for nonuse.

Hearing Date: 1/29/09

Staff: Jaclyn Ford (786-7339)

Background:

Water rights may be relinquished when a person, for five or more consecutive years, abandons or voluntarily fails without sufficient cause to beneficially use water in accordance with their recorded right's terms. The water code provides a "sufficient cause" list of statutory excuses that protect a water right from relinquishment.

Summary of Bill:

A water right change application is sufficient cause for nonuse of a water right. The DOE must not consider the time when a water right was pending a final determination on a change application when ascertaining whether relinquishment has occurred.

Appropriation: None.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Fiscal Note: Requested on 1/19/09.

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