

2 **ESHB 1730** - S AMD TO AE COMM AMD (1730-S.E AAS 4/14/97 S2783.1) - 515
3 By Senator Morton

4 PULLED 4/26/97

5 On page 1, after line 34 of the amendment, insert the following:

6 "Sec. 2. RCW 90.14.140 and 1987 c 125 s 1 are each amended to read
7 as follows:

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

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

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

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

16 (d) The operation of legal proceedings;

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

20 (f) Federal laws imposing land or water use restrictions either
21 directly or through the voluntary enrollment of a landowner in a
22 federal program implementing those laws, or acreage limitations, or
23 production quotas.

24 (2) Notwithstanding any other provisions of RCW 90.14.130 through
25 90.14.180, there shall be no relinquishment of any water right:

26 (a) If such right is claimed for power development purposes under
27 chapter 90.16 RCW and annual license fees are paid in accordance with
28 chapter 90.16 RCW(~~or~~);

29 (b) If such right is used for a standby or reserve water supply to
30 be used in time of drought or other low flow period so long as
31 withdrawal or diversion facilities are maintained in good operating
32 condition for the use of such reserve or standby water supply(~~or~~);

33 (c) If such right is claimed for a determined future development to
34 take place either within fifteen years of July 1, 1967, or the most
35 recent beneficial use of the water right, whichever date is later(~~or~~);
36

1 (d) If such right is claimed for municipal water supply purposes
2 under chapter 90.03 RCW(~~(, or)~~);

3 (e) If such waters are not subject to appropriation under the
4 applicable provisions of RCW 90.40.030 (~~(as now or hereafter amended)~~);
5 or

6 (f) If such right or portion of the right is leased to another in
7 accordance with a transfer of or change in the right, with regard to
8 the portion leased."

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12 On page 2, beginning on line 1 of the amendment, strike the
13 remainder of the amendment

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