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Agriculture & Natural  
Resources Committee

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SSB 5025

**Brief Description:** Concerning the reversion of water rights to the state.

**Sponsors:** Senate Committee on Natural Resources, Energy & Water (originally sponsored by Senators Honeyford, Mulliken and Hale).

**Brief Summary of Substitute Bill**

- No longer apply to any person the statutes that require the relinquishment of a water right for certain non-use.

**Hearing Date:** 4/2/03

**Staff:** Kenneth Hirst (786-7105).

**Background:**

In general, if a person abandons his or her water right or voluntarily fails to use the right for five successive years, the person relinquishes the right or the portion of the right abandoned or not used. The relinquished right reverts to the state. (RCW 90.14.160 - 90.14.180.) However, exemptions from this requirement are provided in two forms: (1) outright exemptions from these statutory relinquishment provisions, and (2) a list of "sufficient causes" for the voluntary non-use. These "sufficient causes" provide exemptions from relinquishment. (RCW 90.14.140.)

Abandonment of a water right is the *intentional* relinquishment of the right. In its *Okanogan v. Town of Twisp* decision, the state's Supreme Court adopted the general rule that, under the common law theory of abandonment of water rights, long periods of nonuse raise a rebuttable presumption of intent to abandon a water right. (133 Wn. 2d 769 (1997) at page 783.)

**Summary of Bill:**

The statutes requiring a water right to be relinquished for non-use, with certain exceptions, do not apply to any person after the effective date of this act.

**Appropriation:** None.

**Fiscal Note:** Not Requested.

**Effective Date:** The bill contains an emergency clause and takes effect immediately.