

SENATE BILL REPORT

SB 5950

As of March 3, 2005

Title: An act relating to sufficient cause for nonuse of water.

Brief Description: Concerning sufficient cause for nonuse of a water right.

Sponsors: Senators Hewitt, Honeyford, Schoesler and Rasmussen.

Brief History:

Committee Activity: Water, Energy & Environment: 3/1/05.

SENATE COMMITTEE ON WATER, ENERGY & ENVIRONMENT

Staff: Margaret King (786-7416)

Background: With certain exceptions, the state's water laws require a water right to be used or be relinquished. A person who abandons the right or voluntarily fails to beneficially use it, or a part of it, for any period of five successive years is to relinquish the right, or portion not used, unless the non-use is exempted from relinquishment or the non-use is the result of certain statutorily listed "sufficient causes." One of the "sufficient causes" is reduction of irrigation use of water due to crop rotation, defined as "the temporary change in the type of crops grown resulting from the exercise of generally recognized sound farming practices."

Summary of Bill: Changes the definition of crop rotation by removing the term "temporary" and including within the definition the amount of time necessary for specific crops, including perennial crops.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: Farmers should not have to decide between growing more economic crops or keeping his water right. This bill recognizes the importance of agriculture in Washington's economy and economic cycles. This bill allows for conservation and is fish friendly. It only applies to irrigated land.

Testimony Against: This bill is contrary to the purpose of the relinquishment provisions which is to avoid hoarding of water. It provides indefinite claim on unused water. While not perfect, the Trust Water Right program addresses the concern that this bill is meant to address. Junior appropriators or users would be injured when a water user decided to start using water again.

Who Testified: PRO: Senator Hewitt, prime sponsor; Jim Halstrom, WA State Horticultural Assn; Kristen Sawin, AWB, Kathleen Collins, WA Water Policy Alliance.

CON: Josh Baldi, WA Environmental Council; Craig Engelking, Sierra Club.

Signed in, Unable to Testify & Submitted Written Testimony: Steve Wehrly, Mukelshoot Tribe.