
**Agriculture & Natural
Resources Committee**

HB 1999

Brief Description: Concerning nonuse of water for water conservation measures.

Sponsors: Representatives Grant, Schoesler, Linville, Chandler, Morris, Hunt and Holmquist.

Brief Summary of Bill

- Exempts water resulting from conservation measures from relinquishment and allows the use of the conserved water under the water transfer laws under certain circumstances

Hearing Date: 2/25/03

Staff: Kenneth Hirst (786-7105).

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 is the result of certain statutorily listed "sufficient causes." (RCW 90.14.160 - .180.) Among the sufficient causes is non-use resulting from conservation measures implemented under the federal Yakima River Basin Water Enhancement (YRBWE) Project. However, the conserved water must be reallocated in accordance with the requirements of the YRBWE Project. (RCW 90.14.140(1)(i).)

Summary of Bill:

Exempted from relinquishment is the non-use of water resulting from any conservation measure. If the conservation measure is implemented under the YRBWE Project, the water must still be reallocated as required under the project. Water resulting from any other water conservation measure may be used under the water transfer laws if:

- The water source is in a watershed for which a watershed plan has been approved

under the state's watershed planning laws or for which a comprehensive watershed plan has been adopted under the state's Water Resources Act;

- Instream flows have been established by rule for the watershed; and
- Other water rights will not be impaired.

Appropriation: None.

Fiscal Note: Not Requested.

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