
HOUSE BILL 1757

State of Washington

58th Legislature

2003 Regular Session

By Representatives Holmquist, Grant, Hinkle, Clements, Chandler, Sump, Schoesler, Kristiansen, Newhouse, Delvin, Quall, Condotta, Mastin, Buck, Orcutt, Armstrong and Benson

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1 AN ACT Relating to the relinquishment of water rights; amending RCW
2 90.14.130, 90.14.160, 90.14.170, and 90.14.180; and adding a new
3 section to chapter 90.14 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 90.14.130 and 1987 c 109 s 13 are each amended to read
6 as follows:

7 (1) When it appears to the department of ecology that a person
8 entitled to the use of water has not beneficially used his or her water
9 right or some portion thereof within the preceding fifteen years, and
10 it appears that said right has or may have reverted to the state
11 because of such nonuse, as provided by RCW 90.14.160, 90.14.170, or
12 90.14.180, the department of ecology shall notify such person by order:
13 PROVIDED, That where a company, association, district, or the United
14 States has filed a blanket claim under the provisions of ((RCW
15 90.14.060)) this chapter for the total benefits of those served by it,
16 the notice shall be served on such company, association, district, or
17 the United States and not upon any of its individual water users who
18 may not have used the water or some portion thereof which they were
19 entitled to use. The order shall contain: ((+1)) (a) A description

1 of the water right, including the approximate location of the point of
2 diversion, the general description of the lands or places where such
3 waters were used, the water source, the amount involved, the purpose of
4 use, and the apparent authority upon which the right is based; ~~((+2+))~~
5 (b) a statement that unless sufficient cause be shown on appeal the
6 water right will be declared relinquished; and ~~((+3+))~~ (c) a statement
7 that such order may be appealed to the pollution control hearings
8 board. Any person aggrieved by such an order may appeal it to the
9 pollution control hearings board pursuant to RCW 43.21B.310. The order
10 shall be served by registered or certified mail to the last known
11 address of the person and be posted at the point of division or
12 withdrawal. The order by itself shall not alter the recipient's right
13 to use water, if any.

14 (2) Relinquishment under this chapter may not occur except in
15 accordance with the procedure set forth in this section or in a
16 proceeding to determine water rights under RCW 90.03.105 through
17 90.03.245 or 90.44.220.

18 (3) For the purposes of this chapter, there is no relinquishment of
19 any water right or any portion of a water right for full or partial
20 nonuse of such a right that occurred more than fifteen years before the
21 date upon which relinquishment proceedings are commenced under this
22 section or the date upon which adjudication proceedings are commenced
23 under RCW 90.03.105 through 90.03.245 or 90.44.220.

24 **Sec. 2.** RCW 90.14.160 and 1981 c 291 s 1 are each amended to read
25 as follows:

26 Any person entitled to divert or withdraw waters of the state
27 through any appropriation authorized by enactments of the legislature
28 prior to enactment of chapter 117, Laws of 1917, or by custom, or by
29 general adjudication, who abandons the same, or who voluntarily fails,
30 without sufficient cause, to beneficially use all or any part of said
31 right to divert or withdraw for any period of ~~((five))~~ fifteen
32 successive years after July 1, 1967, shall relinquish such right or
33 portion thereof in accordance with the procedure set forth in RCW
34 90.14.130 or as part of adjudication proceedings commenced under RCW
35 90.03.105 through 90.03.245 or 90.44.220, and said right or portion
36 thereof shall revert to the state, and the waters affected by said

1 right shall become available for appropriation in accordance with RCW
2 90.03.250.

3 **Sec. 3.** RCW 90.14.170 and 1967 c 233 s 17 are each amended to read
4 as follows:

5 Any person entitled to divert or withdraw waters of the state by
6 virtue of his or her ownership of land abutting a stream, lake, or
7 watercourse, who abandons the same, or who voluntarily fails, without
8 sufficient cause, to beneficially use all or any part of said right to
9 withdraw or divert said water for any period of (~~five~~) fifteen
10 successive years after July 1, 1967, shall relinquish such right or
11 portion thereof in accordance with the procedure set forth in RCW
12 90.14.130 or as part of adjudication proceedings commenced under RCW
13 90.03.105 through 90.03.245 or 90.44.220, and such right or portion
14 thereof shall revert to the state, and the waters affected by said
15 right shall become available for appropriation in accordance with the
16 provisions of RCW 90.03.250.

17 **Sec. 4.** RCW 90.14.180 and 1987 c 109 s 101 are each amended to
18 read as follows:

19 Any person hereafter entitled to divert or withdraw waters of the
20 state through an appropriation authorized under RCW 90.03.330,
21 90.44.080, or 90.44.090 who abandons the same, or who voluntarily
22 fails, without sufficient cause, to beneficially use all or any part of
23 said right to withdraw for any period of (~~five~~) fifteen successive
24 years shall relinquish such right or portion thereof in accordance with
25 the procedure set forth in RCW 90.14.130 or as part of adjudication
26 proceedings commenced under RCW 90.03.105 through 90.03.245 or
27 90.44.220, and such right or portion thereof shall revert to the state,
28 and the waters affected by said right shall become available for
29 appropriation in accordance with RCW 90.03.250. All certificates
30 hereafter issued by the department of ecology pursuant to RCW 90.03.330
31 shall expressly incorporate this section by reference.

32 NEW SECTION. **Sec. 5.** A new section is added to chapter 90.14 RCW
33 to read as follows:

34 For the purpose of determining relinquishment, the following must
35 be used to determine the amount of water that has been beneficially

1 used under a water right on an annual basis: The amount beneficially
2 used is the amount of water used within the limits of the right during
3 the year in which the greatest volume of water was used under the right
4 during the most current fifteen-year period.

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