
**Economic Development,
Agriculture & Trade Committee**

HB 2159

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

Sponsors: Representatives Grant, Newhouse, Hankins, Linville, Holmquist and Haler.

Brief Summary of Bill

- Amends the "crop rotation" definition in the sufficient cause provisions of the relinquishment statutes to include perennial crop cultivation.

Hearing Date: 3/1/05

Staff: Caroleen Dineen (786-7156).

Background:

A water right has several elements or conditions that identify limitations on the use of water under the right. One is its priority. Other elements of the water right include: the amount of water that may be withdrawn from a particular water source under the right, the time of year and point from which the water may be withdrawn, the type of water use authorized under the right (such as an agricultural or municipal use), and the place that the water may be used.

Once it is properly established, a water right is perpetual as long as it is used. However, a water right may be forfeited for non-use through either abandonment or relinquishment. Generally, if a water right holder voluntarily fails – without sufficient cause – to put water to beneficial use for five successive years, the water right holder relinquishes the right or the portion of the right not used.

Numerous circumstances demonstrating "sufficient cause" for failing to beneficially use water for five successive years are specified in statute. One is for reduced irrigation water uses resulting from crop rotation. "Crop rotation" is defined for purposes of this provision to mean a temporary change in the type of crops grown resulting from the exercise of generally sound farming practices. Unused water resulting from crop rotation meeting this definition is not relinquished if the remaining portion of the water continues to be beneficially used.

Summary of Bill:

The crop rotation definition in the sufficient cause provisions of the relinquishment statutes is amended to remove the reference to temporary changes and to include consideration of perennial

crops. "Crop rotation" for these purposes means a change in the type of crops grown resulting from the exercise of generally recognized sound farming practices to cultivate specific crops for periods of time, including periods of time the water user requires for a perennial crop.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.