

# SENATE BILL REPORT

## SHB 2712

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As Reported By Senate Committee On:  
Agriculture & Environment, February 24, 1998

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

**Brief Description:** Requiring the department of ecology to extend the time for work under a permit if water use has been prevented or restricted use due to federal or state laws.

**Sponsors:** House Committee on Agriculture & Ecology (originally sponsored by Representatives Chandler and Sump).

**Brief History:**

**Committee Activity:** Agriculture & Environment: 2/18/98, 2/24/98 [DP].

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### SENATE COMMITTEE ON AGRICULTURE & ENVIRONMENT

**Majority Report:** Do pass.

Signed by Senators Morton, Chair; Swecker, Vice Chair; McAuliffe, Newhouse, Oke and Rasmussen.

**Staff:** Bob Lee (786-7404)

**Background:** If a person applies for a water right and the Department of Ecology (DOE) issues a water use permit, the permit will contain a schedule by which construction required for the water use is to be completed and beneficial use of the water is to take place. This deadline may be extended by DOE under certain circumstances. If the water use is perfected under the terms of the permit, DOE issues the permit holder a water right certificate.

**Summary of Bill:** If federal or state laws prevent or restrict water use otherwise authorized under a water use permit issued for a federal reclamation project, DOE must extend the deadlines set in the permit for commencing work, completing work, and applying water to beneficial use. The extension must be for a period that is not less than the period of nonuse or restricted use caused by the federal or state laws.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Testimony For:** If there is a time table set by a state agency for the entity to put water to beneficial use, and the entity is prevented from performing due to constraint of a state or federal law, then as a matter of equity the time table should be extended.

**Testimony Against:** This provision should not be limited only to federal reclamation projects.

**Testified:** Mike Schwisow, Washington State Water Resources Association (pro); Mary Burke, Washington Cattlemen's Association (con).