

SENATE BILL REPORT

HB 3060

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: Changing provisions relating to sufficient cause for nonuse of water rights.

Sponsors: Representative Chandler.

Brief History:

Committee Activity: Agriculture & Environment: 2/19/98, 2/24/98 [DPA].

SENATE COMMITTEE ON AGRICULTURE & ENVIRONMENT

Majority Report: Do pass as amended.

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

Staff: Bob Lee (786-7404)

Background: If a person abandons or voluntarily fails to use beneficially all or any part of the person's water right for five successive years, the right or portion unused is relinquished and reverts to the state. A number of exemptions from this relinquishment requirement are listed by statute. A procedure has been established under which the Department of Ecology may determine and the Pollution Control Hearings Board may confirm that a water right has reverted to the state for nonuse.

Summary of Amended Bill: A water right is not relinquished for five successive years of nonuse if: the use of the right is precluded or reduced by federal or state agency leases of or options to purchase lands or water rights; or the right or portion of the right is leased to another in accordance with a transfer of or change in the right.

The lessee must make beneficial use of the water right in order for the right to be exempt from relinquishment.

Amended Bill Compared to Original Bill: The provision that the lessee must make beneficial use of the water right in order for the right to be exempt from relinquishment is added.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: None.

Testimony Against: The bill as originally written could be misused and allow a water right to be leased and retained for extended periods of time without beneficial use being maintained.

Testified: Ken Slattery, Department of Ecology (con).