
ENGROSSED SUBSTITUTE HOUSE BILL 1730

State of Washington

55th Legislature

1997 Regular Session

By House Committee on Agriculture & Ecology (originally sponsored by Representatives Chandler, Schoesler and Grant)

Read first time 03/03/97.

1 AN ACT Relating to sufficient cause for nonuse of water rights; and
2 amending RCW 90.03.320 and 90.14.140.

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

4 **Sec. 1.** RCW 90.03.320 and 1987 c 109 s 67 are each amended to read
5 as follows:

6 Actual construction work shall be commenced on any project for
7 which permit has been granted within such reasonable time as shall be
8 prescribed by the department, and shall thereafter be prosecuted with
9 diligence and completed within the time prescribed by the department.
10 The department, in fixing the time for the commencement of the work, or
11 for the completion thereof and the application of the water to the
12 beneficial use prescribed in the permit, shall take into consideration
13 the cost and magnitude of the project and the engineering and physical
14 features to be encountered, and shall allow such time as shall be
15 reasonable and just under the conditions then existing, having due
16 regard for the public welfare and public interests affected(~~(and,~~
17 ~~for good cause shown, it)~~). For good cause shown, the department shall
18 extend the time or times fixed as aforesaid, and shall grant such
19 further period or periods as may be reasonably necessary, having due

1 regard to the good faith of the applicant and the public interests
2 affected. If federal or state laws prevent or restrict water use
3 otherwise authorized under the permit, the department shall extend the
4 time or times fixed for commencing work, completing work, and applying
5 water to beneficial use and the extension shall be for a period that is
6 not less than the period of nonuse or restricted use caused by the
7 federal or state laws. If the terms of the permit or extension
8 thereof, are not complied with the department shall give notice by
9 registered mail that such permit will be canceled unless the holders
10 thereof shall show cause within sixty days why the same should not be
11 so canceled. If cause be not shown, said permit shall be canceled.

12 **Sec. 2.** RCW 90.14.140 and 1987 c 125 s 1 are each amended to read
13 as follows:

14 (1) For the purposes of RCW 90.14.130 through 90.14.180,
15 "sufficient cause" shall be defined as the nonuse of all or a portion
16 of the water by the owner of a water right for a period of five or more
17 consecutive years where such nonuse occurs as a result of:

- 18 (a) Drought, or other unavailability of water;
19 (b) Active service in the armed forces of the United States during
20 military crisis;
21 (c) Nonvoluntary service in the armed forces of the United States;
22 (d) The operation of legal proceedings;
23 (e) Federal or state agency leases of or options to purchase lands
24 or water rights which preclude or reduce the use of the right by the
25 owner of the water right;
26 (f) Federal laws imposing land or water use restrictions either
27 directly or through the voluntary enrollment of a landowner in a
28 federal program implementing those laws, or acreage limitations, or
29 production quotas.

30 (2) Notwithstanding any other provisions of RCW 90.14.130 through
31 90.14.180, there shall be no relinquishment of any water right:

32 (a) If such right is claimed for power development purposes under
33 chapter 90.16 RCW and annual license fees are paid in accordance with
34 chapter 90.16 RCW(~~(7-07)~~);

35 (b) If such right is used for a standby or reserve water supply to
36 be used in time of drought or other low flow period so long as
37 withdrawal or diversion facilities are maintained in good operating
38 condition for the use of such reserve or standby water supply(~~(7-07)~~);

1 (c) If such right is claimed for a determined future development to
2 take place either within fifteen years of July 1, 1967, or the most
3 recent beneficial use of the water right, whichever date is later(~~(
4 or~~))i

5 (d) If such right is claimed for municipal water supply purposes
6 under chapter 90.03 RCW(~~(
7 or~~))i

7 (e) If such waters are not subject to appropriation under the
8 applicable provisions of RCW 90.40.030 (~~as now or hereafter amended~~))i

9 (f) If such right or portion of the right is leased to another in
10 accordance with a transfer of or change in the right, with regard to
11 the portion leased; or

12 (g) If such right is claimed for the water supply of an irrigation
13 district organized under chapter 87.03 RCW and the purpose of use is
14 authorized by that chapter.

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