

VETO MESSAGE ON HB 1272-S

May 20, 1997

To the Honorable Speaker and Members,

The House of Representatives of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval sections 8, 10, and 14 of Substitute House Bill No. 1272 entitled:

"AN ACT Relating to water transfers;"

I have approved most sections of Substitute House Bill No. 1272 because it provides new ways to better use our existing water supplies. A water conservancy board will provide a county-wide mechanism for changing and exchanging water rights.

The Legislature authorized the Department of Ecology to adopt rules necessary to carry out this newly created chapter in the water code, including minimum requirements for the training and continuing education of board commissioners. This will be crucial for effective utilization of this new tool, and necessary before the Department can accept and approve the creation of any water conservancy board. Accordingly, I direct the Department of Ecology to initiate rule-making as soon as possible.

Subsections (1) and (3) of section 8 contain conflicting directions to a water conservancy board relating to its authority in approving water transfers.

Section 10 of SHB 1272 conflicts with RCW 90.03.380, which it was intended to mirror, and would likely create confusion in interpretation of the statutes and disagreement in the management of the resource.

Section 14 establishes a subjective standard for protection against relinquishment, requiring the Department of Ecology to prove that a person intended to circumvent the relinquishment statute in order to relinquish a leased water right. Because it is particularly difficult to prove a person's intent in this context, section 14 could lead to questionable leases to preserve unused water rights from relinquishment for non-use.

For these reasons, I have vetoed sections 8, 10, and 14 of Substitute House Bill No. 1272.

With the exception of sections 8, 10, and 14, Substitute House Bill No. 1272 is approved.

Respectfully submitted,
Gary Locke
Governor