

SENATE BILL REPORT

HB 1549

As Reported By Senate Committee On:
Environmental Quality & Water Resources, April 2, 1999

Title: An act relating to extending deadlines prescribed as conditions in water rights permits.

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

Sponsors: Representatives G. Chandler, Linville, Mastin, Schoesler, Koster and Fortunato.

Brief History:

Committee Activity: Environmental Quality & Water Resources: 3/30/99, 4/2/99 [DPA].

SENATE COMMITTEE ON ENVIRONMENTAL QUALITY & WATER RESOURCES

Majority Report: Do pass as amended.

Signed by Senators Fraser, Chair; Eide, Vice Chair; Honeyford, Jacobsen, Morton and Swecker.

Staff: Genevieve Pisarski (786-7488)

Background: Western water law and the Washington water code require due diligence for the perfection of a water right. When a permit to appropriate water for a beneficial use is issued, it includes a reasonable schedule for beginning and ending construction and a time by which proof of appropriation is to be made. Factors to be considered in fixing a schedule and granting any extensions include size and cost of the project and the engineering and physical features encountered, with due regard to the good faith of the applicant and the public interest.

The state has reserved water for federal irrigation projects and has authorized appropriation of water in the same manner as by any person. A requirement for periodic renewal of the reservation of water has been removed for the Columbia Basin Project until the project is declared completed or abandoned by the federal government.

Summary of Amended Bill: The Department of Ecology is required to extend a water right permit for good cause. Good cause includes the operation of federal laws that prevent or restrict water use during the time fixed for putting water to use by a water right permit issued for a federal reclamation project.

Amended Bill Compared to Original Bill: State laws are not included. The Department of Ecology reviews a request for extension and determines it will be granted for good cause due to the operation of federal laws.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: The Bureau of Reclamation has suspended contracts with irrigation districts because of the Endangered Species Act. Water rights should not be lost, if water cannot be used. This bill should only include laws that directly affect the use of water.

Testimony Against: None.

Testified: Mike Schwisow, WA State Water Resources Assn. (pro); Judy Turpin, WEC (concerns).