

SENATE BILL REPORT

SB 5724

As of February 23, 1999

Title: An act relating to relinquishment of water rights.

Brief Description: Providing circumstances for the tolling of water rights relinquishment statutes.

Sponsors: Senators Swecker, Fraser, Bauer and Snyder.

Brief History:

Committee Activity: Environmental Quality & Water Resources: 2/23/99.

SENATE COMMITTEE ON ENVIRONMENTAL QUALITY & WATER RESOURCES

Staff: Genevieve Pisarski (786-7488)

Background: To be valid, the transfer of a water right must be approved by the Department of Ecology. Only the amount of water that has been beneficially used, which may be less than the amount stated on the water right certificate or permit, can be transferred. In evaluating a transfer application, the department may find all or part of a water right has been relinquished because of nonuse over five or more consecutive years. Relinquishment does not occur, however, if there is sufficient cause for nonuse. Sufficient cause includes drought, military service, legal proceedings, federal or state leases which preclude or reduce use, and restrictions placed by federal laws. It also includes holding water for power development, reserve water supply, determined future development within a specified time, municipal water supply, or because of pending federal reservation.

Summary of Bill: Under two circumstances, the filing of an application for change of place or purpose of use or point of diversion tolls the running of the five-year period for relinquishment. One circumstance is an application for transfer of ownership with affidavits of a binding written transfer or agreement of sale. The other is an application for change associated with a transfer of ownership to a municipal or public corporation for change to municipal use that is signed by the owner and the corporation. The period of tolling ends upon final approval and issuance of a superseding certificate or upon final denial. Approval or denial is final after completion of any appeal proceedings.

Appropriation: None.

Fiscal Note: Not requested.

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