
SUBSTITUTE HOUSE BILL 2614

State of Washington

56th Legislature

2000 Regular Session

By House Committee on Agriculture & Ecology (originally sponsored by Representatives G. Chandler, Parlette, Linville, Sump, Schoesler and Ruderman)

Read first time 02/04/2000. Referred to Committee on .

1 AN ACT Relating to the effect on water rights of water use
2 restrictions in response to listing of species as threatened or
3 endangered under federal law; and amending RCW 90.14.140.

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

5 **Sec. 1.** RCW 90.14.140 and 1998 c 258 s 1 are each amended to read
6 as follows:

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

11 (a) Drought, or other unavailability of water;

12 (b) Active service in the armed forces of the United States during
13 military crisis;

14 (c) Nonvoluntary service in the armed forces of the United States;

15 (d) The operation of legal proceedings;

16 (e) Federal or state agency leases of or options to purchase lands
17 or water rights which preclude or reduce the use of the right by the
18 owner of the water right; or

1 (f) Federal laws imposing land or water use restrictions either
2 directly or through the voluntary enrollment of a landowner in a
3 federal program implementing those laws, or acreage limitations, or
4 production quotas. An example of such a directly imposed restriction
5 is any restriction on the diversion or use of water imposed by the
6 federal or state government or by a unit of local government in
7 response to the listing of a species as being threatened or endangered
8 under the federal endangered species act (16 U.S.C. Sec. 1531 et seq.)
9 during the time the species is listed under the federal act. This
10 example shall not be construed as limiting in any manner the remaining
11 provisions of this subsection (1)(f).

12 (2) Notwithstanding any other provisions of RCW 90.14.130 through
13 90.14.180, there shall be no relinquishment of any water right:

14 (a) If such right is claimed for power development purposes under
15 chapter 90.16 RCW and annual license fees are paid in accordance with
16 chapter 90.16 RCW;

17 (b) If such right is used for a standby or reserve water supply to
18 be used in time of drought or other low flow period so long as
19 withdrawal or diversion facilities are maintained in good operating
20 condition for the use of such reserve or standby water supply;

21 (c) If such right is claimed for a determined future development to
22 take place either within fifteen years of July 1, 1967, or the most
23 recent beneficial use of the water right, whichever date is later;

24 (d) If such right is claimed for municipal water supply purposes
25 under chapter 90.03 RCW;

26 (e) If such waters are not subject to appropriation under the
27 applicable provisions of RCW 90.40.030; or

28 (f) If such right or portion of the right is leased to another
29 person for use on land other than the land to which the right is
30 appurtenant as long as the lessee makes beneficial use of the right in
31 accordance with this chapter and a transfer or change of the right has
32 been approved by the department in accordance with RCW 90.03.380,
33 90.03.383, 90.03.390, or 90.44.100.

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