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HOUSE BILL 2614

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State of Washington

56th Legislature

2000 Regular Session

By Representatives G. Chandler, Parlette, Linville, Sump, Schoesler and Ruderman

Read first time 01/18/2000. Referred to Committee on Agriculture & Ecology.

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 or  
6 threatened to be imposed by the federal or state government or by a  
7 unit of local government in response to the listing of a species as  
8 being threatened or endangered under the federal endangered species act  
9 (16 U.S.C. Sec. 1531 et seq.) during the time the species is listed  
10 under the federal act. This example shall not be construed as limiting  
11 in any manner the remaining 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 in  
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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