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**SUBSTITUTE HOUSE BILL 2735**

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**State of Washington**

**56th Legislature**

**2000 Regular Session**

**By** House Committee on Agriculture & Ecology (originally sponsored by Representatives B. Chandler, G. Chandler, Linville, Clements, Lisk and Sump)

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

1 AN ACT Relating to clarifying "voluntarily fails" for water rights  
2 relinquishment purposes; adding a new section to chapter 90.14 RCW;  
3 creating a new section; and declaring an emergency.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 90.14 RCW  
6 to read as follows:

7 For the purposes of RCW 90.14.140 through 90.14.180, unless the  
8 context clearly requires otherwise, "voluntarily fails" means the  
9 nonuse of all or a portion of the water by the owner of the water  
10 right, where the nonuse occurs as a result of factors within the  
11 control of the water user. A failure to use all or a portion of the  
12 full water right is involuntary when the nonuse of such right is in  
13 response to factors beyond the control of the water user, such as  
14 cyclical weather patterns, changes in cropping patterns, or the  
15 presence of water from a source not within the control of the water  
16 user as long as the diversion and delivery facilities are maintained in  
17 good operating condition consistent with the full amount of the water  
18 right.

1        NEW SECTION.    **Sec. 2.**    Section 1 of this act is remedial in nature  
2    and applies retroactively to October 12, 1977.

3        NEW SECTION.    **Sec. 3.**    If any provision of this act or its  
4    application to any person or circumstance is held invalid, the  
5    remainder of the act or the application of the provision to other  
6    persons or circumstances is not affected.

7        NEW SECTION.    **Sec. 4.**    This act is necessary for the immediate  
8    preservation of the public peace, health, or safety, or support of the  
9    state government and its existing public institutions, and takes effect  
10   immediately.

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