

2 **SSB 5910 - H AMD ADOPTED 4/12/01**

3 By Representative

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5 Strike everything after the enacting clause and insert the
6 following:

7 "Sec. 1. RCW 90.14.140 and 1998 c 258 s 1 are each amended to read
8 as follows:

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

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

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

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

17 (d) The operation of legal proceedings;

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

21 (f) Federal laws imposing land or water use restrictions either
22 directly or through the voluntary enrollment of a landowner in a
23 federal program implementing those laws, or acreage limitations, or
24 production quotas;

25 (g) Temporarily reduced water need for irrigation use where such
26 reduction is due to varying weather conditions, including but not
27 limited to precipitation and temperature, that warranted the reduction
28 in water use, so long as the water user's diversion and delivery
29 facilities are maintained in good operating condition consistent with
30 beneficial use of the full amount of the water right;

31 (h) Temporarily reduced diversions or withdrawals of irrigation
32 water directly resulting from the provisions of a contract or similar
33 agreement in which a supplier of electricity buys back electricity from
34 the water right holder and the electricity is needed for the diversion
35 or withdrawal or for the use of the water diverted or withdrawn for
36 irrigation purposes;

1 (i) Water conservation measures implemented under the Yakima river
2 basin water enhancement project, so long as the conserved water is
3 reallocated in accordance with the provisions of P.L. 103-434;

4 (j) Reliance by an irrigation water user on the transitory presence
5 of return flows in lieu of diversion or withdrawal of water from the
6 primary source of supply, if such return flows are measured or reliably
7 estimated using a scientific methodology generally accepted as reliable
8 within the scientific community; or

9 (k) The reduced use of irrigation water resulting from crop
10 rotation. For purposes of this subsection, crop rotation means the
11 temporary change in the type of crops grown resulting from the exercise
12 of generally recognized sound farming practices. Unused water
13 resulting from crop rotation will not be relinquished if the remaining
14 portion of the water continues to be beneficially used.

15 (2) Notwithstanding any other provisions of RCW 90.14.130 through
16 90.14.180, there shall be no relinquishment of any water right:

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

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

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

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

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

31 (f) If such right or portion of the right is leased to another
32 person for use on land other than the land to which the right is
33 appurtenant as long as the lessee makes beneficial use of the right in
34 accordance with this chapter and a transfer or change of the right has
35 been approved by the department in accordance with RCW 90.03.380,
36 90.03.383, 90.03.390, or 90.44.100.

37 NEW SECTION. Sec. 2. This act is necessary for the immediate
38 preservation of the public peace, health, or safety, or support of the

1 state government and its existing public institutions, and takes effect
2 immediately."

3 Correct the title.

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