

2038

Sponsor(s): Representatives Linville and G. Chandler

Brief Description: Clarifying "voluntarily fails" for water rights relinquishment purposes.

HB 2038 - DIGEST

(SEE ALSO PROPOSED 1ST SUB)

Declares that, for the purposes of RCW 90.14.140 through 90.14.180, unless the context clearly requires otherwise, "voluntarily fails" means the nonuse of all or a portion of the water by the owner of the water right, where the nonuse occurs as a result of factors within the control of the water user.

Declares that a failure to use all or a portion of the full water right is involuntary when the nonuse of such right is in response to factors beyond the control of the water user, such as cyclical weather patterns or the presence of water from a source not within the control of the water user as long as the diversion and delivery facilities are maintained in good operating condition consistent with the full amount of the water right.