

5910-S

Sponsor(s): Senate Committee on Environment, Energy & Water
(originally sponsored by Senators Fraser and Honeyford)

Brief Description: Regarding temporary nonuse of a water right.

SB 5910-S - DIGEST

(DIGEST AS ENACTED)

Provides that sufficient cause for nonuse includes:

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

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right holder and the electricity is needed for the diversion or withdrawal or for the use of the water diverted or withdrawn for irrigation purposes;

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

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

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