

HOUSE BILL REPORT

HB 1999

As Reported by House Committee On:
Agriculture & Natural Resources

Title: An act relating to nonuse of water for water conservation measures.

Brief Description: Concerning nonuse of water for water conservation measures.

Sponsors: Representatives Grant, Schoesler, Linville, Chandler, Morris, Hunt and Holmquist.

Brief History:

Committee Activity:

Agriculture & Natural Resources: 2/25/03, 2/28/03 [DPS].

Brief Summary of Substitute Bill

- Expands the exemption from relinquishment provided for water conservation in the Yakima basin by exempting water resulting from other irrigation and agricultural water conservation measures. Allows this newly exempted conserved water to be transferred under certain circumstances.

HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Linville, Chair; Rockefeller, Vice Chair; Chandler, Eickmeyer, Grant, Hunt, McDermott and Quall.

Minority Report: Do not pass. Signed by 5 members: Representatives Schoesler, Ranking Minority Member; Holmquist, Assistant Ranking Minority Member; Kristiansen, Assistant Ranking Minority Member; Orcutt and Sump.

Staff: Kenneth Hirst (786-7105).

Background:

With certain exceptions, the state's water laws require a water right to be used or be relinquished. A person who abandons the right or voluntarily fails to beneficially use it or a part of it for any period of five successive years is to relinquish the right or portion

not used unless the nonuse is exempted from relinquishment or is the result of certain statutorily listed "sufficient causes." Among the sufficient causes is nonuse resulting from conservation measures implemented under the federal Yakima River Basin Water Enhancement (YRBWE) Project. This conserved water must be reallocated in accordance with the requirements of the YRBWE Project.

Summary of Substitute Bill:

In addition to water rights or parts of rights not used as a result of water conservation measures implemented under the YRBWE Project, such rights not used as a result of any other irrigation or agricultural water conservation measures are exempted from relinquishment. The use of water resulting from these other conservation measures may be transferred, changed, or amended if:

- The water source is in a watershed for which a watershed plan has been approved under the state's watershed planning laws or for which a comprehensive watershed plan has been adopted under the state's Water Resources Act;
- Instream flows have been established by rule for the watershed; and
- Other water rights will not be impaired.

Substitute Bill Compared to Original Bill:

The substitute bill limits the new exemption for conserved water to water not used as the result of irrigation and other agricultural water conservation measures; and states that the criteria provided by the original bill for using water under this exemption apply to using the water through a transfer, change, or amendment to the right.

Appropriation: None.

Fiscal Note: Not Requested.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: The bill removes a major disincentive to conserving water.

(Comments) 1) If the bill is intended to be applied retroactively, it should say so. 2) If the use of the conserved water would not be consistent with a watershed plan, could it still be transferred under the current authority of transfer laws?

Testimony Against: 1) The exemption should not be intertwined with new limitations on the use of the conserved water. Doing so will not improve the line-up of applications for

transfers. 2) The limitations should be placed in the transfer laws.

Testified: (In support) Dick Wallace, Department of Ecology.

(Commented) Josh Baldi, Washington Environmental Council.

(Opposed) Tim Boyd, Columbia-Snake River Irrigators Association.