
SUBSTITUTE SENATE BILL 5025

State of Washington

58th Legislature

2003 Regular Session

By Senate Committee on Natural Resources, Energy & Water (originally sponsored by Senators Honeyford, Mulliken and Hale)

READ FIRST TIME 02/07/03.

1 AN ACT Relating to water right relinquishment; amending RCW
2 90.14.010, 90.14.130, 90.14.160, 90.14.170, 90.14.180, and 90.14.210;
3 and declaring an emergency.

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

5 **Sec. 1.** RCW 90.14.010 and 1967 c 233 s 1 are each amended to read
6 as follows:

7 The future growth and development of the state is dependent upon
8 effective management and efficient use of the state's water resources.
9 The purpose of this chapter is to provide adequate records for
10 efficient administration of the state's waters(~~(, and to cause a return~~
11 ~~to the state of any water rights which are no longer exercised by~~
12 ~~putting said waters to beneficial use)~~).

13 **Sec. 2.** RCW 90.14.130 and 1987 c 109 s 13 are each amended to read
14 as follows:

15 (1) Until the effective date of this section, when it appears to
16 the department of ecology that a person entitled to the use of water
17 has not beneficially used his or her water right or some portion
18 thereof, and it appears that said right has or may have reverted to the

1 state because of such nonuse, as provided by RCW 90.14.160, 90.14.170,
2 or 90.14.180, the department of ecology shall notify such person by
3 order: PROVIDED, That where a company, association, district, or the
4 United States has filed a blanket claim under the provisions of RCW
5 90.14.060 for the total benefits of those served by it, the notice
6 shall be served on such company, association, district or the United
7 States and not upon any of its individual water users who may not have
8 used the water or some portion thereof which they were entitled to use.
9 The order shall contain: (~~(1)~~) (a) A description of the water right,
10 including the approximate location of the point of diversion, the
11 general description of the lands or places where such waters were used,
12 the water source, the amount involved, the purpose of use, and the
13 apparent authority upon which the right is based; (~~(2)~~) (b) a
14 statement that unless sufficient cause be shown on appeal the water
15 right will be declared relinquished; and (~~(3)~~) (c) a statement that
16 such order may be appealed to the pollution control hearings board.
17 Any person aggrieved by such an order may appeal it to the pollution
18 control hearings board pursuant to RCW 43.21B.310. The order shall be
19 served by registered or certified mail to the last known address of the
20 person and be posted at the point of division or withdrawal. The order
21 by itself shall not alter the recipient's right to use water, if any.

22 (2) After the effective date of this section, the department of
23 ecology has no authority to issue by order a notice of reversion or
24 otherwise limit a water right under this chapter.

25 **Sec. 3.** RCW 90.14.160 and 1981 c 291 s 1 are each amended to read
26 as follows:

27 (1) Any person entitled to divert or withdraw waters of the state
28 through any appropriation authorized by enactments of the legislature
29 prior to enactment of chapter 117, Laws of 1917, or by custom, or by
30 general adjudication, who abandons the same, or who voluntarily fails,
31 without sufficient cause, to beneficially use all or any part of said
32 right to divert or withdraw for any period of five successive years
33 after July 1, 1967, shall relinquish such right or portion thereof, and
34 said right or portion thereof shall revert to the state, and the waters
35 affected by said right shall become available for appropriation in
36 accordance with RCW 90.03.250.

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

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