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**Economic Development,  
Agriculture & Trade Committee**

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**HB 2767**

**Brief Description:** Concerning the relinquishment of water rights.

**Sponsors:** Representatives Ericksen, Holmquist, Sump, Newhouse, Dunn, Woods, Morrell, Condotta, Serben, Kristiansen, Kretz and Armstrong.

**Brief Summary of Bill**

- Using less water to grow crops used to produce ethanol or biodiesel is listed as a sufficient cause for not using one's entire water right, and prevents the relinquishment of the water right.

**Hearing Date:** 1/27/06

**Staff:** Jason Callahan (786-7117).

**Background:**

A person who has the right to use water will lose that right if he or she does not put the water to a beneficial use over a period of five consecutive years. This is commonly known as both "relinquishment" and the "use it or lose it" principle. The water right holder can lose, or relinquish, their entire right to use any water or a portion of their original water right depending on how much water was not put to beneficial use over the five years in question.

There are, however, instances when a water right holder cannot use the water for five years and still retain his or her rights to the water. This occurs when the water right holder can show a "sufficient cause" for not using the water. The qualifying sufficient causes have been identified in statute and include causes such as drought, military service, legal proceedings, and crop rotation practices. Water right holders that can show a sufficient cause do not relinquish their right to water even if they go more than five years without putting the water to a beneficial use.

**Summary of Bill:**

Water right holders that use less irrigation water than their water right allows for more than five consecutive years will not relinquish any of their water rights if the reduction in use resulted from growing crops used to produce ethanol or biodiesel. The production of these crops is considered a sufficient cause for not using one's entire water right.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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