

SENATE BILL REPORT

SB 5978

As of March 3, 2005

Title: An act relating to eliminating the partial relinquishment of water rights.

Brief Description: Concerning the relinquishment of a water right.

Sponsors: Senator Morton.

Brief History:

Committee Activity: Water, Energy & Environment: 3/1/05.

SENATE COMMITTEE ON WATER, ENERGY & ENVIRONMENT

Staff: Margaret King (786-7416)

Background: Generally the state's water laws require a water right to be used or be relinquished. A person who voluntarily fails to beneficially use a water right or a part of a water right for any period of five successive years is to relinquish the right or portion not used unless the nonuse is exempted from relinquishment or the non-use is the result of certain statutorily listed "sufficient causes."

Summary of Bill: Amends the relinquishment provisions to provide that as long as a portion of a water right is put to beneficial use no portion of the water right will be deemed to have been relinquished.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: This bill is important for the required changes for industrial uses as well as agricultural uses. The concept of abandonment is still available for individuals not using any of their water rights. The current system does not really allow crop rotation. The Trust program is not a viable alternative because it requires an extent and validity review that is too onerous.

Testimony Against: While this bill provides certainty for diversion rights it does not provide any certainty for junior users, instream flows, or fish. The purpose of relinquishment is to avoid hoarding of water. Adequate protections exist in the nineteen exemptions to relinquishment for non-use of water. It appears to have a retroactive effect and not just apply to certificated water rights. The Trust Water program is a better vehicle.

Who Testified: PRO: John Stuhlmiller, WA Farm Bureau; Robyn Meenach, WA Farm Bureau; Kristen Sawin, AWB; Kathleen Collins, WA Water Policy Alliance.

CON: Josh Baldi, WA Environmental Council, Craig Engelking, Sierra Club; Carl Samuelson, WDFW; Ken Slattery, DOE.