
HOUSE BILL 3072

State of Washington

60th Legislature

2008 Regular Session

By Representatives Grant, Hailey, Blake, Kretz, Linville, Hinkle, Schindler, Warnick, Walsh, Newhouse, Schmick, Ross, Skinner, Haler, Kristiansen, Ahern, Sump, Chandler, Condotta, Armstrong, and McCune

Read first time 01/22/08. Referred to Committee on Agriculture & Natural Resources.

1 AN ACT Relating to encouraging efficient use of water by
2 eliminating the partial relinquishment of water rights; amending RCW
3 90.14.130, 90.14.160, 90.14.170, and 90.14.180; and creating a new
4 section.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that the efficient use
7 of water is beneficial to the environment and helps ease pressure for
8 a scarce resource. Therefore, the legislature declares that
9 eliminating disincentives to the efficient use of water is critical to
10 the future of Washington to deal with issues such as the potential
11 impacts of climate change and to help make currently allocated water
12 supplies go further.

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

15 When it appears to the department of ecology that a person entitled
16 to the use of water has not beneficially used his or her water right
17 (~~(or some portion thereof,)~~) and it appears that said right has or may
18 have reverted to the state because of such nonuse, as provided by RCW

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

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

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

33 (2) For purposes of this section, a person shall not be deemed to
34 have voluntarily failed to beneficially use said water right if the
35 person has continued to use at least a portion of said right for the
36 established purpose of use.

1 **Sec. 4.** RCW 90.14.170 and 1967 c 233 s 17 are each amended to read
2 as follows:

3 (1) Any person entitled to divert or withdraw waters of the state
4 by virtue of his or her ownership of land abutting a stream, lake, or
5 watercourse, who abandons the same, or who voluntarily fails, without
6 sufficient cause, to beneficially use (~~(all or any part of)~~) said right
7 to withdraw or divert said water for any period of five successive
8 years after July 1, 1967, shall relinquish such right (~~(or portion~~
9 ~~thereof,)~~) and such right (~~(or portion thereof)~~) shall revert to the
10 state, and the waters affected by said right shall become available for
11 appropriation in accordance with the provisions of RCW 90.03.250.

12 (2) For purposes of this section, a person shall not be deemed to
13 have voluntarily failed to beneficially use said water right if the
14 person has continued to use at least a portion of said right for the
15 established purpose of use.

16 **Sec. 5.** RCW 90.14.180 and 1987 c 109 s 101 are each amended to
17 read as follows:

18 (1) Any person hereafter entitled to divert or withdraw waters of
19 the state through an appropriation authorized under RCW 90.03.330,
20 90.44.080, or 90.44.090 who abandons the same, or who voluntarily
21 fails, without sufficient cause, to beneficially use (~~(all or any part~~
22 ~~of)~~) said right to withdraw for any period of five successive years
23 shall relinquish such right (~~(or portion thereof,)~~) and such right (~~(or~~
24 ~~portion thereof)~~) shall revert to the state, and the waters affected by
25 said right shall become available for appropriation in accordance with
26 RCW 90.03.250. All certificates hereafter issued by the department of
27 ecology pursuant to RCW 90.03.330 shall expressly incorporate this
28 section by reference.

29 (2) For purposes of this section, a person shall not be deemed to
30 have voluntarily failed to beneficially use said water right if the
31 person has continued to use at least a portion of said right for the
32 established purpose of use.

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