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**Agriculture & Natural Resources  
Committee**

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**HB 1381**

**Brief Description:** Regarding sufficient cause for the nonuse of water.

**Sponsors:** Representatives Warnick, Blake, Hinkle, Taylor, Haler, McCune, Armstrong, Condotta, Johnson, Parker and Shea.

**Brief Summary of Bill**

- Allows an application for a permit, change, transfer, or amendment to a water right to be sufficient cause for nonuse as it applies to water rights relinquishment.

**Hearing Date:** 2/2/11

**Staff:** Courtney Barnes (786-7194).

**Background:**

Water rights may be relinquished when a person, for five or more consecutive years, abandons or voluntarily fails without sufficient cause to beneficially use water in accordance with their recorded right's terms. The water code provides a list of "sufficient causes" for voluntary nonuse that protect a water right from relinquishment. Examples of sufficient causes include: drought or unavailability of water, certain military service, and the operation of legal proceedings [RCW 94.14.140].

State law permits water rights or portions of water rights to be changed to other uses or places if the change can be made without detriment or injury to existing rights. The Department of Ecology (Department) is responsible for processing water right applications.

**Summary of Bill:**

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

Waiting for a final determination from the Department on an application for a temporary permit, water right change, transfer, or amendment is sufficient cause for nonuse of a water right.

**Appropriation:** None.

**Fiscal Note:** Requested on 1/28/11.

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