

# SENATE BILL REPORT

## HB 1381

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As of February 21, 2012

**Title:** An act relating to sufficient cause for the nonuse of water.

**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 History:** Passed House: 3/04/11, 97-0; 1/16/12, 89-2.

**Committee Activity:** Agriculture, Water & Rural Economic Development: 2/16/12.

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### SENATE COMMITTEE ON AGRICULTURE, WATER & RURAL ECONOMIC DEVELOPMENT

**Staff:** Bob Lee (786-7404)

**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.

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 (DOE) is responsible for processing water right applications, including permits, changes, transfers, or amendments to a water right.

**Summary of Bill:** For the purposes of relinquishment, waiting for a final determination from DOE on a change application for a temporary permit, change, transfer, or amendment to a water right is sufficient cause for nonuse of a water right.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

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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.*

**Effective Date:** Ninety days after adjournment of session in which bill is passed, except for section 2, which, because of prior amendments, takes effect June 30, 2019.

**Staff Summary of Public Testimony:** PRO: If DOE needs more time to process an application to transfer a water right, the water right holder shouldn't be penalized.

**Persons Testifying:** PRO: Jim Halstrom, WA State Horticultural Assn.; Maia Bellon, DOE; Dave Mastin, Muckleshoot Tribe; John Stuhmiller, Farm Bureau; Kathleen Collins, WA Water Policy Alliance.