

SENATE BILL REPORT

ESHB 1730

As Reported By Senate Committee On:
Agriculture & Environment, April 3, 1997

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

Brief Description: Changing provisions relating to sufficient cause for nonuse of water rights.

Sponsors: House Committee on Agriculture & Ecology (originally sponsored by Representatives Chandler, Schoesler and Grant).

Brief History:

Committee Activity: Agriculture & Environment: 4/2/97, 4/3/97 [DPA].

SENATE COMMITTEE ON AGRICULTURE & ENVIRONMENT

Majority Report: Do pass as amended.

Signed by Senators Morton, Chair; Swecker, Vice Chair; Fraser, Newhouse and Oke.

Staff: Bob Lee (786-7404)

Background: If a person applies for a water right and the department issues a water use permit, the permit will contain deadlines by which construction required for the water use be completed and beneficial use of the water take place. These deadlines may be extended by the department under certain circumstances. If the water use is perfected under the terms of the permit, the department issues the permit holder a water right certificate.

Summary of Amended Bill: If federal or state laws prevent or restrict water use otherwise authorized under a water use permit, the Department of Ecology must extend the deadlines set in the permit for commencing work, completing work, and applying water to beneficial use. The extension must be for a period that is not less than the period of nonuse or restricted use caused by the federal or state laws. This provision is limited to water permits used in federal reclamation projects.

Amended Bill Compared to Substitute Bill: Provisions were deleted that would exempt from water right relinquishment laws the following: leases by federal or state agencies that preclude the use of the right by the owner; any lease of a water right; and rights claimed by irrigation districts. Provisions to provide extensions to development schedules are limited to federal reclamation projects.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: The bill is needed to allow irrigation of deferred or by-passed lands within the Columbia River Basin Project that has been interrupted due to restrictions on the use of Columbia River waters. Adoption of the proposed amendments will resolve the concerns of the Department of Ecology.

Testimony Against: None.

Testified: Mike Schwisow, WA State Water Resources Association (pro).