
SUBSTITUTE HOUSE BILL 2099

State of Washington

56th Legislature

1999 Regular Session

By House Committee on Agriculture & Ecology (originally sponsored by Representatives G. Chandler and Linville)

Read first time 03/01/1999.

1 AN ACT Relating to an exemption from relinquishment of a water
2 right for nonuse resulting from the operation or pendency of legal
3 proceedings; amending RCW 90.14.140; and creating a new section.

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

5 **Sec. 1.** RCW 90.14.140 and 1998 c 258 s 1 are each amended to read
6 as follows:

7 (1) For the purposes of RCW 90.14.130 through 90.14.180,
8 "sufficient cause" shall be defined as the nonuse of all or a portion
9 of the water by the owner of a water right for a period of five or more
10 consecutive years where such nonuse occurs as a result of:

11 (a) Drought, or other unavailability of water;

12 (b) Active service in the armed forces of the United States during
13 military crisis;

14 (c) Nonvoluntary service in the armed forces of the United States;

15 (d) The operation or pendency of a proceeding initiated under RCW
16 90.03.110 through 90.03.240 or 90.44.220 and 90.44.230 or other legal
17 proceedings concerning the water right or appurtenant real property;

1 (e) Federal or state agency leases of or options to purchase lands
2 or water rights which preclude or reduce the use of the right by the
3 owner of the water right;

4 (f) Federal laws imposing land or water use restrictions either
5 directly or through the voluntary enrollment of a landowner in a
6 federal program implementing those laws, or acreage limitations, or
7 production quotas.

8 (2) Notwithstanding any other provisions of RCW 90.14.130 through
9 90.14.180, there shall be no relinquishment of any water right:

10 (a) If such right is claimed for power development purposes under
11 chapter 90.16 RCW and annual license fees are paid in accordance with
12 chapter 90.16 RCW;

13 (b) If such right is used for a standby or reserve water supply to
14 be used in time of drought or other low flow period so long as
15 withdrawal or diversion facilities are maintained in good operating
16 condition for the use of such reserve or standby water supply;

17 (c) If such right is claimed for a determined future development to
18 take place either within fifteen years of July 1, 1967, or the most
19 recent beneficial use of the water right, whichever date is later;

20 (d) If such right is claimed for municipal water supply purposes
21 under chapter 90.03 RCW;

22 (e) If such waters are not subject to appropriation under the
23 applicable provisions of RCW 90.40.030; or

24 (f) If such right or portion of the right is leased to another
25 person for use on land other than the land to which the right is
26 appurtenant as long as the lessee makes beneficial use of the right in
27 accordance with this chapter and a transfer or change of the right has
28 been approved by the department in accordance with RCW 90.03.380,
29 90.03.383, 90.03.390, or 90.44.100.

30 NEW SECTION. **Sec. 2.** Section 1(1)(d) of this act applies
31 retroactively to the commencement of general adjudication proceedings
32 under chapter 90.03 RCW in superior court for the Yakima river basin in
33 October 1977.

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